

**Implementation of Peace Agreements in Africa: A
Comparative Study of Mozambique and Angola**

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**A thesis submitted in fulfillment of the requirements
for the Degree of Doctor of Philosophy (PhD) in
International Studies, at the Institute of Diplomacy
and International Studies (IDIS), in the University of
Nairobi.**

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Author's Declaration

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Abstract

There is normally a cause for celebration when parties to a protracted conflict enter into negotiations. When the adversaries complete the negotiations and append their signatures to a peace agreement, there is even more euphoria. As much as a successful negotiation process is vital, it is the implementation of the agreements that really determines whether the conflict will discontinue or not. While a peace agreement that is fully implemented will ascertain lasting peace, one that is not fully implemented will most likely lead the parties in conflict back to war. Recognising the nexus between the implementation of peace agreements and the stoppage of civil wars, this study sets out to explore the essential underlying conditions that will guarantee implementation success.

To achieve this, the study begins by examining the pre-negotiation process (to determine how and why parties decide to enter into agreements), the negotiation process (to determine why parties agree to continue to negotiate until they reach an agreement), and the implementation process (to establish how the parties behave after a peace agreement has been signed and why). When these three processes have been scrutinised in their proper contexts, elements that can be used to explain implementation behaviour will be picked out. This study examines the peace agreements of Mozambique and Angola to determine the factor(s) that led to successful implementation in Mozambique and failure in Angola. This is done in the light of William Zartman's theory of ripe moments.

The methodology of this study is case study-based where comparisons of phenomena in one country are done relative to the other. The cross-case comparisons were achieved by a mixture of field research and analysis of secondary data. To collect primary data, visits to the case study countries were done and interviews carried out with a number of relevant respondents. The data gathered was then subjected to an intense content analysis. The resulting data was also analysed with regards to available recorded books and journals.

This study argues that when a peace agreement is negotiated at a ripe moment, it will be fully implemented. This means that the decision-making environment before negotiations begin determines whether the signed agreements will be adhered to or not. However, the study's findings established that concentrating on the pre-negotiation decision-making environment alone may not sufficiently explain implementation failure or success. In this regard, an expansion

of the theory of ripeness was done when it became apparent that the conditions that make the parties to a conflict to enter into negotiations can change after some time. When this happens, the parties to the conflict may essentially forget the pain that had initially pushed them to negotiate. If this happens, something else needs to come in to fill the vacuum. The study found out that the factor of a mutually enticing opportunity came into play in the negotiation and implementation phase in Mozambique. Taking over from the concept of a mutually hurting stalemate (that is more effective at the pre-negotiation stage); the mutually enticing opportunity was able to keep the parties to the conflict on the course of peace when the effects of the pain had waned. For Angola, in addition to the fact that the negotiations took place at moments that were not ripe, the mutually enticing opportunity factor was conspicuously missing. This was the reason for implementation failure. As a result, the study concluded that a combination of a mutually hurting stalemate and a mutually enticing opportunity can best explain implementation success or failure.

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List of Abbreviations

ANC	African National Congress
CCF	Cease-fire Commission
CCFADM	Joint Commission for the Formation of the Mozambican Defence Forces
COMINFO	National Information Commission
COMPOL	National Police Affairs Commission
CORE	Reintegration Commission
CSC	Supervisory and Monitoring Commission
FAA	Angolan Armed Forces
FADM	Armed Forces for the Defence of Mozambique
FALA	Armed Forces of the Liberation of Angola
FAPLA	People's Armed Forces for the Liberation of Angola
FRELIMO	Front for the Liberation of Mozambique
FNLA	National Front for the Liberation of Angola
GPA	General Peace Agreement
GURN	Government of National Unity and Reconciliation
ICG	International Crisis Group
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
MANU	Mozambican African National Union
MDM	Democratic Movement of Mozambique
MONUA	United Nations Observer Mission in Angola
M.o.U	Memorandum of Understanding
MPLA	People's Movement for the Liberation of Angola
NEC	National Electoral Council
OAU	Organisation of African Unity
ONUMOZ	United Nations Operations in Mozambique
PKO	Peacekeeping Operation
QAs	Quartering Areas
RENAMO	Mozambican National Resistance

SRGS	Special Representative to the Secretary General
SWAPO	South West Africa People's Organization
UDENAMO	National Democratic Union of Mozambique
UN	United Nations
UNAMI	National Union of Independent Mozambique
UNAVEM (I, II, III)	United Nations Angola Verification Mission
UNITA	Union for the Total Independence of Angola
UNSCR	United Nations Security Council Resolution
USA	United States of America
USSR	Union of Soviet Socialist Republics

Chapter One

Introduction to the Study

1.1 Background

Peace agreements have increasingly become vital outcomes of several mediated conflicts in the Post-Cold War period. Consequently, many conflicts around the world have ended in signed peace agreements.¹ These agreements signal a formal termination of active violence and consent by incompatible parties to a restorative peace. Ultimately, peace agreements intend to mend relationships that have been affected by violence.² While a third party deems the conclusion and signing of a peace agreement as an indicator of successful mediation, the implementation phase of the various provisions of the agreement is the beginning of actual peace-building.³ Appreciating the crucial role that peace agreements play in peace-building, several conflict-prone countries in Africa have brokered agreements in the attempt to end hostilities between and among warring parties.

Whereas some of these agreements have significantly curtailed violence and transformed conflicts into more constructive relationships, a considerable number of others have inconceivably registered no positive transformation of the conflicts. Thus, failure to implement peace agreements is an important explanation for the recurrence of war. This thought has been voiced by several scholars such as Stedman⁴ who believes that the worst outbreaks of massive violence in Africa in the 1990s (Angola in 1993 and Rwanda in 1994) were a result of the failure to implement signed peace agreements. In other words, if the Angolan parties in conflict had fully implemented the Bicesse Accords of 1991 and the Lusaka Protocol of 1994, then the war would have ceased for good. Similarly, had the Rwandan parties implemented the Arusha Accords, the genocide would not have occurred. This implies that when violence recurs, peace agreements become but pieces of paper that

¹ Peter Wallensteen, *Understanding Conflict Resolution: War, Peace and the Global System*, (London, Sage, 2002), p.3. See also Carrie L. Manning, *The Politics of Peace in Mozambique: Post-conflict Democratization, 1992-2000* (Praeger: Connecticut, 2002), p.15

² David Mitrany, *A Working Peace System* (London : Oxford University Press, 1994), p.51

³ Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, UN Doc. A/47/277-S/24111, at 22 (1992). See also Geoff T. Harris, *Recovery from Armed Conflict in Developing Countries* (London: Routledge, 1999), p.33

⁴ Stephen John Stedman, "Implementing Peace Agreements in Civil War: Lessons and Recommendations for Policymakers", IPA Policy Paper Series on Peace Implementation, May 2001: New York, International Peace Academy, Center for International Security and Cooperation Stanford University, pp 1. See also Charles T. Call and Elizabeth M. Cousens, "Ending Wars and Building Peace: International Responses to War-Torn Societies", *International Studies Perspective* (2008) , pp 1-21:9

merely mark a period of tactical interlude⁵ for the warring parties to regroup and rearm. Mediation, the process that brings forth peace agreements, helps parties to a conflict find a solution which they cannot find by themselves. In Africa, mediated agreements have been realised in many internal conflicts. Some of the quite recent cases are such as the election-related conflicts in Kenya (2007/2008) and Zimbabwe⁶ (2009). The tendency to urge parties in conflict to enter into negotiations whenever a conflict occurs, is a clear indicator that mediation is the most favoured (and continues to be the most favoured) approach to conflict resolution⁷ in Africa. The fact that mediation is Africa's most popular method of conflict resolution does not mean that the peace agreements that result from mediation efforts always succeed in ending conflicts. Every now and then, parties to a given conflict implement a peace agreement correctly and war stops. However, sometimes parties in conflict sign peace agreements but do not implement them and war continues unabated. This is why this study queries the entire process of making agreements so as to uncover why peace agreements, viewed as *sine quo non* to successful mediation, have not succeeded in ensuring durable peace for all countries. The goal of such an investigation is to judge the efficacy of agreements in sufficiently restraining and constraining the behaviour of warring factions.⁸ In sum, this study intends to explain why the implementation process of some peace agreements is followed through making the agreements (and peace) to endure, while other agreements are either completely not implemented or partially implemented and therefore leading to recurrence of violence.

1.2 Statement of the Research Problem

Angola and Mozambique have both experienced protracted violence over several decades. In the quest for peace, the two countries have had their conflicts mediated and peace agreements reached.⁹ After the conclusion of the peace agreements, the implementation

⁵Louis Kriesberg, Constructive Conflicts: from Escalation to Resolution, (Rowman & Littlefield: Oxford, 2007), p.294. See also I.W Zartman, 'Ripeness: The Hurting Stalemate and Beyond' in Paul C. Stern and Daniel Druckman (eds), International Conflict Resolution After the Cold War, (Washington D.C.: National Academy of Press, 2000), p.227

⁶ A Kofi Annan led team mediated in the post-election crisis in Kenya. The result was the signing of the National Peace and Reconciliation Accord between the ODM and PNU conflict Parties. In Zimbabwe, after electoral disputes that threatened to throw the country into acute violence, negotiations by an AU team are currently working hard to encourage Morgan Tsvangirai and Robert Mugabe to sign a power-sharing agreement that will end the political stand-off in Zimbabwe.

⁷ Jacob Bercovitch and Allison Houston, 'The Study of International Mediation: Theoretical Issues and Empirical Evidence' in Jacob Bercovitch (ed), Conflicts: The Theory and Practice of Mediation, (Boulder, CO.: Lynne Rienner, 1996), p.12

⁸ Virginia Page Fortna, "Scraps of Paper? Agreements and the Durability of Peace" in International Organization 57, Spring 2003, p.337-372: 337

⁹ This study focused on Mozambique and Angola instead of any other countries in Africa on the basis of 'most similar case' analysis. The Mozambique and Angola conflicts are indeed different yet they also have many

process was completely different in Mozambique and Angola. Whereas Mozambique's General Peace Agreement (GPA) of 1992 was fully implemented with no return to violence,¹⁰ Angola's Bicesse Accords (1991) and Lusaka Protocol (1994) failed to be implemented leading to resumption of violence.¹¹ Why mediation at times produces durable peace (with no return to war) and at times fails to produce durable peace (hence a return to war) is what this study intends to unearth.

1.3 Objectives of the Study

The objectives of this study are:

- 1) To investigate how the mediation process and resulting peace agreements influence the implementation or non-implementation of peace agreements
- 2) To determine the conditions in the mediation process that contribute to the success or failure of peace implementation.
- 3) To investigate the extent to which ripe moments determine the success or failure of peace implementation

1.4 Literature Review

There are a number of scholarly publications on mediation and peace agreements in Africa. These publications are inter-disciplinary in nature and they focus on different angles of African conflicts and the specific ones of Mozambique and Angola. To comprehensively reveal this, literature in this study will be divided into five categories. The first will focus on the general debates on peace agreements. The second will examine literature on peace agreements in internal wars. Next, literature on the general debates on the implementation of peace agreements will be examined and the terms 'success' and 'failure' codified. Fourthly, this study will look at specific literature on Mozambican peace agreements and how they were implemented. Lastly, the study will analyse literature on Angolan peace agreements and how they were implemented.

1.4.1 Peace Agreements

Cassese proposes that the definition of a 'peace agreement' is not so different from that of a 'treaty'. He posits that the substance of a treaty and an agreement is the same and

similarities: the two countries share same geographical positioning, Portuguese colonization, independence in 1975, both spent the first two years of independence in bitter civil wars, Cold War geo-politics, similar economic bearings, both have experienced protracted civil wars that lasted for more than 16 years and both ended violence through the signing of peace agreements.

¹⁰Carrie L. Manning, The Politics of Peace in Mozambique: Post-Conflict Democratisation, 1992-2000, (Connecticut: Praeger, 2002) p. ix.

¹¹Stephen John Stedman, "Introduction" in Ending Civil Wars: The Implementation of Peace Agreements, Stephen J. Stedman, Elizabeth Cousens, Donald S. Rothchild (eds), (Boulder, CO.: Lynne Rienner, 2002) , p.1

that a “treaty” and a (peace) “agreement” both denote a merger of the wills of two or more subjects in order to regulate their interests according to certain set rules.¹² On the surface, this approach assumes that parties in conflict voluntarily agree to be constrained and restrained by the rules set at the negotiating table. This is why scholars such as Shaw assert that the principle of *pacta sunt servanda* is the bedrock of peace treaties.¹³ This principle’s main contention is that for agreements to work, the parties to them must accept to implement the provisions of the treaties in good faith. For this to take place, the parties to the agreements must consent¹⁴ to be bound by the provisions of a treaty. If the agreements are imposed on the parties, adherence to the provisions of the said agreement will not be carried out in good faith. Beyond this, there is a need to expand the parameters of the principle of good faith to not only focus on the implementation of provisions of an agreement but to also include the negotiation process itself. This means that it would be more desirable if at a ripe moment, parties to conflicts consent to enter into negotiations in good faith and to apply this principle throughout the process. If this becomes the case, it will then be logical to expect the provisions of the agreement to be implemented in good faith. The practise of using peace agreements to resolve wars dates back to centuries before the state system as it is known today. One of the earliest recorded peace treaties and one of the most important in international relations is the Treaty of Kadesh. This treaty was signed between Ramesses II of Egypt and Hattusili III of the Hittite Empire in 1274/5 BC.¹⁵ This treaty followed the Battle of Kadesh. In this battle, neither side gained substantial advantage over the other. They had therefore reached a stalemate: a mutually hurting one. Since none of the parties was significantly winning, they decided to enter into negotiations to try and resolve the war peacefully. These negotiations ended in the signing of the Treaty of Kadesh.¹⁶ Other significant peace agreements are the 1648 Peace Treaties of Westphalia that ended the Thirty Years’ War and ordered the modern system of nation-states. Philpott regards Westphalia as a successful political prescription to war because of the fact that some of its provisions (such as

¹² Antonio Cassese, *International Law, 2nd Edition*, (Oxford: Oxford University Press, 2005), p.171.

¹³ Malcolm N. Shaw, *International Law, Fourth Edition*, (Cambridge: Cambridge University Press, 2007), p.633

¹⁴ Malcolm N. Shaw, *Ibid.* p. 638

¹⁵ G. Schwarzenberger, “Historical Models of International Law: Towards a Comparative History of International Law”, in William Elliot Butler (ed.), *International Law in Comparative Perspective*, Sijthoff and Noordhoff: Alphen aan den Rijn, 1980, pp.235. The Treaty of Kadesh as it is commonly known was concluded between Ramesses II and Hattusiliš III, the Hittite and Egyptian emperors after the 1274 BC Battle of Kadesh. The United Nations considers this treaty of such importance in the history of peace agreements and has a copy of it deposited at its headquarters in New York.

¹⁶ I.W Zartman, “The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments”, *The Global Review of Ethnopolitics*, Vol.1, no.1, September 2001, 8-18

political entities being divided into sovereign states with all states respecting each other's sovereignty) have lasted more than 350 years without being severely compromised.¹⁷

Scholars such as Lesaffer¹⁸ describe the Peace Treaties of Westphalia as a benchmark in the history of peace agreements. This is because they not only put an end to the bitter religious wars in Europe but they also pacified the Holy Roman Empire. The success of the Treaty of Kadesh and the Peace Treaties of Westphalia greatly impacts this study's central concerns. These treaties epitomise proper and effective management of peace after the signing of agreements. The two treaties are examples of successful agreements that curtailed recurrence of war. In more recent times, examples include the Treaty of Paris of 9 June 1815, signed after Napoleon's defeat at the Battle of Waterloo,¹⁹ and the Treaty of Versailles, formally ending the First World War.²⁰ The Versailles Treaty is important to this analysis because though it ended the costly First World War, it did not curb the recurrence of such a war. Also, the heavy penalties the treaty imposed on Germany precipitated the Second World War of 1945. This is because there is indication that the treaty was signed by Germany under duress as it disagreed with some of its provisions.²¹ The Versailles Treaty's failure to sustain peace is a historical indicator that peace agreements do not and have not always succeeded in ending war. The scholars above have demonstrated two contrasting ideas that appertain to peace agreements; firstly, properly arrived at peace treaties that are well implemented will endure. Secondly, not all peace treaties successfully end war. However, these scholars have failed to concentrate on the details of the implementation of peace agreements. This missing part is what concerns this study.

1.4.2 Civil War Peace Agreements and their Implementation

Civil war peace agreements are mostly arrived at after a rigorous process of mediation. Mediation refers to negotiations facilitated by a third party. In mediation, the main goal is to end a deadlock often created by attempts at direct negotiations between parties in conflict. The reason why a third party enters a conflict as a mediator is to assist the parties in conflict to conclude and sign an agreement that is favourable for both of them. This is often

¹⁷ Daniel Philpott, "Westphalia, Authority and International Society", *Political Studies* (1999), XLVII, Issue 3, pp. 566-589. See also Benno Teschke (ed.), *The Myth of 1648: Class, Geopolitics and the Making of Modern International Relations*, Verso: London, 2003, p.2

¹⁸ Randall Lesaffer, "Introduction", in Randall Lesaffer (ed), *Peace Treaties and International Law in European History: From the Late Middle Ages to World War One* (Cambridge University Press: Cambridge, 2004), p.3

¹⁹ Tim Chapman, *The Congress of Vienna: Origins, Processes and Results* (London: Routledge, 1998), p.39

²⁰ Ibid.

²¹ Norman A. Graebner and Edward M. Bennet, *The Versailles Treaty and its Legacy : the Failure of the Wilsonian Vision* (Cambridge: Cambridge University Press, 2011), p.x

because the parties have been unable to reach such an agreement on their own.²² Several scholars have broached the topic of civil war peace agreements and their implementation in different ways. For instance, Walter clarifies that civil war agreements are generally some of the hardest to implement even though they were voluntarily arrived at. She also posits that the implementation phase is the most difficult period in civil war peace negotiations and the actual reason why peace negotiations fail.²³ The reason for these sentiments lies in the fact that civil wars are extremely complex conflicts in themselves. The complexity makes any negotiated peace agreement incapable of resolving this type of conflict. Agreements merely provide a framework for accommodating irreconcilable goals by allowing pursuit of interests through non-violent means.²⁴ In other words, they are hardly in themselves a 'quick fix' to the war problem. This line of thought leads to some critical questions such as the reasons why the implementation phase is the most difficult. Walter fails to go beyond the merely descriptive in making this statement. Her study clearly fails to fill this gap and provide working assumptions that could explain some of the difficulties encountered in the implementation phase and their causes. Although civil war peace agreements are indeed hard to implement by their very nature, Bell contends that these agreements are basically alike and follow a common blueprint.²⁵ This therefore means that if they are successful in ending violence in one case, then they should work for all cases. However, Stedman believes that using terms such as 'alike' would be too simplistic. He hypothesizes that even if most civil war agreements have the same provisions such as power-sharing, democratic elections, cease-fire, post-war construction and reconciliation, the reality is that they are not all alike. The only obvious similarity is that all peace agreements have the same purpose: to end war and restore peace. However, there are some features that are context-specific and it is these that make the agreements differ.²⁶ Joining in the debate, Fortna contends that the contents of agreements also affect the durability of peace. This means that specific provisions and how they have been worded to address conflicting parties' concerns determines whether the parties will adhere to the stipulations in the peace treaty or not. If they view the agreement's contents as fair in addressing most of their problems, they will have a greater reason to desire

²² Makumi Mwagiru, Conflict in Africa: Theory, Processes and Institutions of Management (Nairobi: Centre for Conflict Research, 2000), p.115

²³ Barbara F. Walter, Committing to Peace: The Successful Settlement of Civil Wars, (Princeton: Princeton University Press, 2002), p.3

²⁴ Stefan Wolff, Ethnic Conflict: A Global Perspective, (New York: Oxford University Press, 2006), p.155

²⁵ Christine Bell, Peace Agreements and Human Rights, (Oxford University Press: New York, 2000), p.1

²⁶ Stephen John Stedman, "Introduction" in Ending Civil Wars: The Implementation of Peace Agreements, Stephen J. Stedman, Elizabeth Cousens, Donald S. Rothchild (eds), (Lynne Rienner: Colorado, 2002), p.9

its full implementation than if they consider the agreement's contents biased and vague.²⁷ Apart from content, context and conflict-specific details, Wallensteen argues that peace agreements differ from one another because of the way the agreements are derived. This means that actors involved in negotiating the agreement, the timing of the agreement, implementers, strategies of implementation and the circumstances surrounding the agreement's signing will influence conflicting parties' attitudes to the agreement and therefore ultimately determine whether they will proceed with its full implementation or not.²⁸

These views question whether implementation failure is directly linked to a flawed peace agreement, a flawed mediation process, or how implementation is carried out. Reacting to this, Bekoe insists that implementation failure or success depends on the presence or absence of the feeling of mutual vulnerability by the warring factions. She argues that "factions and their leaders continually evaluate their military or political position with respect to the other faction and will only advance the implementation process if the level of military or political vulnerability is balanced".²⁹ This means that implementation will only take place if the parties in conflict do not feel unequally vulnerable. Differing with these views, the Brahimi report, offers that the variables affecting peace implementation include: sources of conflict, number of local parties and the divergence of their goals, number of casualties, and the cost and complexity of reconstruction.³⁰ These views are contested by Walter who insists that it all depends on whether or not a third party assisted with implementation. She argues that when an implementation process is assisted by a third party, success is almost always registered, regardless of the initial goals, ideology, or ethnicity of participants. However, if a third party did not participate actively in the implementation process, then failure is registered.³¹ Walter's prescription fails to reflect the reality that there have been conflicts with intense third party involvement that have failed to be implemented. There are times when third party involvement has not done much for implementation. This was the case in Angola and Rwanda in 1994. Some studies view peace agreements' effectiveness as solely

²⁷ Virginia Page Fortna, *Peace Time: Cease-fire Agreements and the Durability of Peace*, (Princeton: Princeton University Press, 2004), p.10

²⁸ Peter Wallensteen, *Understanding Conflict Resolution: War, Peace and the Global System*, (London: Sage, 2002), p.8

²⁹ Dorina A. Bekoe, *Implementing Peace Agreements : Lessons from Mozambique, Angola and Liberia* (New York: Palgrave Macmillan, 2008), p.2

³⁰ The Report of the Panel on United Nations Peace Operations (Brahimi Report), A/55/305/ S/2000/809, para. 21-24

³¹ Barbara F. Walter, *Committing to Peace : The Successful Settlement of Civil Wars*, (Princeton: Princeton University Press, 2002), p.3

vested in how efficient the agreement is able to infuse the short term function of ending the war and the long term function of laying the groundwork for sustainable peace.³² The proponents of this view believe in a departure from the traditional emphasis on ending war and preventing relapse. They emphasise a move towards how agreements can provide inducements for peace-building. Following the discussions raised by the scholars above, it is apparent that they all omit deliberate cross-case examinations of successfully implemented processes and failed ones in order to find out why sometimes mediated peace agreements work and in other cases they fail to prevent recurrence of war. This gap is what this study wishes to address.

4.3 The Element of 'Ripe Moment'

Although finding an acceptable agreement is the basic ingredient of a successful peace process, translating the peace agreement into a working peace during the implementation phase is the real indicator of the success of a peace process.³³ In this regard, Zartman emphasises that success or failure of peace implementation depends on 'when' peace agreements are derived. He posits that a peace agreement will only be successfully implemented if it was derived at a "ripe moment".³⁴ The ripe moment for negotiation must be seized either directly by the parties or, if not, through the persuasion of a mediator.³⁵ Zartman argues that if any of the parties in conflict felt that the moment was not ripe, even if a peace agreement is negotiated and signed, it will not be implemented. As such, the timing of resolution determines whether implementation will take place or not. He emphasises that parties resolve their conflict only when they are ready to do so.³⁶ That exact point when parties are ready to negotiate is referred to as a "ripe moment". It is only when the moment is right that the search for an agreed outcome can become a possibility. Concurring with these views, Hancock points out that intervention into violent situations, or negotiation of violent conflicts, is more likely to succeed at some times than at others. In other words, timing is a major determinant of an outcome of a peace process and whether the outcome will ultimately

³² Astri Suhrke, Torunn Wimpelmann and Marcia Dawes, Peace Processes and Statebuilding: Economic and Institutional Provisions of Peace Agreements, Report of the UNDP/World Bank Joint Programme on Statebuilding (for 2006-2007), p.11

³³ Dorina A. Bekoe, Implementing Peace Agreements: Lessons from Mozambique, Angola and Liberia (New York: Palgrave Macmillan, 2008), p.2

³⁴ I.W Zartman, "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments", The Global Review of Ethnopolitics, Vol.1, no.1, September 2001, 8-18. See also I.W Zartman, "Dynamics and Constraints in Negotiations in Internal Conflicts", in I.W. Zartman (ed.), Elusive Peace: Negotiating an End to Civil War (Washington D.C.: The Brookings Institution, 1995), p.8

³⁵ Ibid.

³⁶ I.W Zartman, "Ripeness: The Hurting Stalemate and Beyond", in Paul C. Stern and Daniel Druckman (eds), International Conflict Resolution After the Cold War. (Washington D.C.: National Academy Press, 2000), p.225

be taken seriously by the contending parties.³⁷ In explaining implementation failure or success, Zartman asserts that the moment has to be ripe for substantive resolution to take place. He insinuates that even if one finds the right solution to a conflict, if the moment is not right, then the signed agreement that results from such an “untimely” moment is bound to encounter difficulties during the practical implementation process.³⁸ This therefore means that the determination of a ripe moment encompasses several psychological elements. Firstly, the state of mind of the parties must reflect mutually vulnerable.³⁹ This means that none of the parties is sure of outright victory in continued violence. This vulnerability is arrived at after careful cost-benefit analysis by the relevant conflict parties. This phenomenon is referred to as a mutually hurting stalemate. Zartman describes the mutually hurting stalemate as the primary element leading to a “ripe moment” for negotiation. When parties to a conflict find themselves locked in a conflict from which they cannot escalate to victory and this deadlock is painful to both of them (though not necessarily in equal degrees or for the same reasons), they are bound to seek a way out through negotiations.⁴⁰ The perception of a way out is another important element in the determination of a ripe moment for negotiations. In this case, the parties to a conflict must sense that a negotiated solution is within reach and perceive the other party as willing to search for this solution too. The determination of a ripe moment is a psychological process signalled by the point in time when the conflicting parties realise that unilateral action would be more costly than conciliation.⁴¹ When the parties have reached such a conclusion, they will enter into negotiations and reach an agreement.

This means that perception plays a key role in determining whether the conflicting parties are in the correct state of mind to negotiate a favourable outcome or not. In addition, for a peace agreement to lead to successful transition from war to peace, the implementation phase must of necessity aim for real changes in parties’ interests, goals and self-definitions. This will only be achieved if the negotiation process satisfied the conditions of “ripeness”. Byrne posits that when the moment is “ripe”, it means that conflicting parties are ready for a

³⁷ Landon E. Hancock, “To Act or Wait: A Two-Stage View of Ripeness”, *International Studies Perspectives* (2001) 2, 195–205

³⁸ I.W Zartman, “Ripeness: The Hurting Stalemate and Beyond”, in Paul C. Stern and Daniel Druckman (eds), *International Conflict Resolution After the Cold War*, Washington D.C.: (National Academy Press, 2000), p.228

³⁹ I.W Zartman, “The Timing of Peace Initiatives : Hurting Stalemates and Ripe Moments”, *The Global Review of Ethnopolitics*, Vol.1 no. 1, September 2001, 8-18

⁴⁰ I.W Zartman, “The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments”, *The Global Review of Ethnopolitics*, Vol.1 no. 1, September 2001, 8-18. See also See Barbara F. Walter, *Committing to Peace : The Successful Settlement of Civil Wars*, (Princeton s: Princeton University Press, 2002), p.8

⁴¹ Landon E. Hancock, “To Act or Wait: A Two-Stage View of Ripeness”, *International Studies Perspectives* (2001) 2, 195–205

peace deal.⁴² The assumption made in this case is that when the parties are 'ready', they will therefore be committed to implementing any peace agreement(s) that will be reached. The concept of 'ripe moment' connotes a desire by the warring parties to end violence and to work together to ensure that war does not recur. When negotiations take place at the right time (ripe moment), it is easy for conflicting parties who have encountered a mutually hurting stalemate to adhere to the principle of *pacta sunt servanda* which agreements (and treaties) solely rely on when it comes to implementation.⁴³

The Vienna Convention on the Law of Treaties of 1969 expressly cautions that every treaty (agreement) in force is binding upon the parties to it and it must be performed by them in good faith.⁴⁴ To implement an agreement, the parties to a conflict need to commit to meet concessions with concessions. The debate on 'ripe moment' could explain Wallensteen's insistence that peace agreements can differ in quality.⁴⁵ This means that one can have a bad (flawed) agreement or a strong (inclusive) agreement. A bad agreement would in this case be one derived at a moment considered "unripe" where the parties to a conflict do not feel vulnerable enough to seek a negotiated outcome and therefore are not committed to the peace implementation process.

1.4.4 Implementation of Peace Agreements

There are several writings on the mediation process and peace agreements in general but there are not as many scholarly works on peace agreement implementation. There have been attempts at defining implementation for starters. For instance, Preston advises those interested in defining peace implementation to bear in mind the fact that it is much narrower than peace-building. He argues that peace implementation involves the carrying out of a specific peace agreement over a period of a few months to a few years. He continues that this is different from peace-building that involves the actual amelioration of the root causes of war, the promotion of justice and positive peace, and the reconciliation of former enemies.⁴⁶ Recognizing the veracity of Preston's sentiments, Stedman defines implementation as the process of carrying out a specific peace agreement. He continues that implementation mainly focuses on the narrow, relatively short-term efforts to get warring parties to comply with their written commitments to peace. The period he is talking about is from three months to five

⁴² J. Byrne, "The Roles of External Ethnoguarantors and Primary Mediators in Cyprus and Northern Ireland", *Conflict Resolution Quarterly*, vol. 24, no. 2, Winter 2006 (149-172)

⁴³ The Vienna Convention on the Law of Treaties of 1969, Part III, Article 26

⁴⁴ *Ibid.*

⁴⁵ Peter Wallensteen, *op. cit.*, p.10

⁴⁶ Matthew Preston, *Ending Civil War : Rhodesia and Lebanon in Perspective* (New York: Tauris Academic Studies, 2004), p. 189

years depending on the conflict.⁴⁷ Most peace agreements try to prescribe in detail the modalities of implementation. Most times they give the timetable for implementation and third parties that are to help in the implementation process. The role of third parties in the implementation process is very crucial. They provide the resources for the implementation process, for instance. They also participate actively through peacekeeping, monitoring, verification and evaluation of the process.⁴⁸ The issue of success or failure of implementation is still relatively new and in its formative stages. This is why defining the success and failure of peace agreements is quite problematic. The difficulties are caused by the fact that the benchmarks to be applied in testing "success" and "failure" are not clear. Fen Osler Hampson contends that the measuring of 'success' or 'failure' must first consider whether the signatories abided by the terms of the agreements especially the laying down of arms. After the stoppage of violence, institutions and support structures must be put down to help the parties find an alternative forum to address any future incompatibilities.⁴⁹ This idea seems to lean towards Johan Galtung's theory of structural violence that supposes that lasting peace must mean 'positive peace'. By positive peace, Galtung refers not only to the mere absence of physical violence but also to institutional reforms and social justice.⁵⁰ Ideally positive peace should be this study's parameter of choice to measure success or failure of peace implementation. However the fact is that positive peace is (of necessity) a long term variable. In essence, is a continuously observable variable and there is not a time when it can be said that true and complete positive peace has been achieved.⁵¹ This therefore means that this study will have to be concerned with outcomes that are observable shortly after an agreement has been concluded. This stance is in line with Stedman's insistence that success must be measured in relation to the conclusion of the war on a self-enforcing basis. By 'self-enforcing', Stedman is referring to a situation when the outsiders leave and the former warring parties refrain from returning to war.⁵²

For this study, 'shortly' after the signing of the agreement will refer to the period between the signing and the first five years of the agreement. This is because a five-year time

⁴⁷ Stephen John Stedman, "Implementing Peace Agreements in Civil Wars: Lessons and Recommendations for Policymakers", IPA Policy Paper Series on Peace Implementation May 2001, New York, pp.1-25

⁴⁸ Stephen John Stedman, "Introduction" in *Ending Civil Wars: The Implementation of Peace Agreements*, Stephen J. Stedman, Elizabeth Cousens, Donald S. Rothchild (eds), (Lynne Rienner: Colorado, 2002), p.3

⁴⁹ Fen Osler Hampson, *Nurturing Peace: Why Peace Settlements Succeed or Fail* (Washington D.C.: United States Institute of Peace Press, 1996), pp.10-11

⁵⁰ Johan Galtung, "Violence, Peace, and Peace Research", *Journal of Peace Research*, Vol. 6, No. 3 (1969), pp. 167-191: 183

⁵¹ *Ibid.*

⁵² Stephen John Stedman, "Implementing Peace Agreements in Civil Wars: Lessons and Recommendations for Policymakers", IPA Policy Paper Series on Peace Implementation, May 2001, New York, pp.1-25

frame is the standard measure that can be found in many of the literature on this subject. Also, the five year time-frame gives what Walters calls a 'reasonable' grace period for the parties to the conflict to try and implement the terms of the peace agreement.⁵³ The choice of five years delimits the study to the period immediately following the conclusion of an agreement. Concentrating on the rather short period in which an agreement will be considered to have held will avoid the problem of dealing with long term implementation which often runs for several years. Generally, peace agreements that end civil wars often include cease-fires, demobilization programs, unification of armies and abolition of the rebel army, and elections. For the purposes of this study, implementation success will therefore be linked to these four key provisions. This therefore means that how these key four elements are implemented will form the basis of the 'success' or 'failure' of peace implementation. To make it even clearer, implementation outcomes will be ordered based on the four key areas identified. These outcomes will range from "partially implemented", "not implemented" and "fully implemented". In this study, "partially implemented" refers to the case where a peace agreement provision has been implemented but not in its entirety. "Not implemented" refers to where a provision of a peace agreement has totally not been carried out by the parties in conflict. "Fully implemented" refers to where the fundamental requirements of an agreement have been wholly carried out by the parties in conflict.

1.4.5 Peace Agreements in Mozambique

The conflict in Mozambique can be traced to the period immediately following the country's independence. The main parties in conflict are the Front for the Liberation of Mozambique (FRELIMO) and the Mozambican National Resistance (MNR) which later became *Resistência Nacional Moçambicana* (RENAMO). The conflict initially had a strong Cold War ideological difference angle with FRELIMO inclined towards the Eastern bloc and RENAMO to the Western bloc.⁵⁴ The General Peace Agreement on Mozambique conflict signed on 4th October 1992 restored peace in the country. After the signing the General Peace Agreement, Mozambique has stood out to be one of the stable and peaceable countries in the region, and the United Nations' only post-conflict success story in Africa.⁵⁵ There has been no return to armed conflict, virtually no significant political violence, and neither of the two

⁵³ Barbara F. Walter, Committing to Peace: The Successful Settlement of Civil Wars (Princeton: Princeton University Press, 2002), p. 53

⁵⁴ B. Posthumus, "An End to an Imported War" in M. Mekenkamp et al (eds), Searching for Peace in Africa: An Overview of Conflict Prevention and Management activities, (Utrecht: European Centre for Conflict Prevention, 1999), p. 413-420

⁵⁵ C. L. Manning, The Politics of Peace in Mozambique: Post-Conflict Democratization, 1992-2000, op. cit., pp. 4-6.

major parties have questioned the essential terms of the political settlement. The Mozambique conflict ended without formal power-sharing arrangements at the cabinet level, and with only rather limited concessions to proportionality in the allocation of political power.⁵⁶ Some of the reasons behind the success of the peace implementation process in Mozambique are heavily pegged on the fact that the process was an all-inclusive one. It bore in mind all relevant actors both state and non-state. Also, there was sufficient backing from United Nations.⁵⁷ The UN's support helped keep the parties determined to move forward with the implementation process without much opposition. Also, the UN provided sufficient funding for the implementation of the peace agreement. Posthumus believes that the peace in Mozambique was bought by the UN to restore its credibility in Africa after its failure in Somalia.⁵⁸ While peace management without doubt needs funding and humanitarian aid in order to support strategies stipulated in a peace agreement, Mwagiru contradicts Posthumus' emphasis on funding by cautioning that the sure way of ensuring that a peace agreement is implemented successfully would be by designing structures and programmes that will help in building peace. He emphasises that these programmes must however not be superimposed on the parties in conflict.⁵⁹ Armon et al link the conclusion of the Mozambican peace agreement to the Cold War politics and conflicts within and among neighbouring states. These authors believe that the end of Cold War and conflicts in the region significantly precipitated to the end of the conflict in Mozambique. They argue that the negotiations between FRELIMO and RENAMO were inevitable as outside military support was withdrawn and both the Cold War and apartheid ended.⁶⁰ With the withdrawal of military support, the fact that the General Peace Agreement received international backing in the form of financial incentives (largely provided by the Italian Government and Lonrho) encouraged the parties into a final settlement and compliance to the accord afterwards.⁶¹ Some scholars attribute Mozambique's success at sustainable peace not as much to the peace agreement but to an inherent resilient culture of peace among Mozambicans.⁶² The culture of peace is home-grown, informal, based on age-old practices of welcoming healing, counselling and reintegration. These views are in

⁵⁶ Ibid.

⁵⁷ Raymond W. Copson, *Africa's Wars and Prospects for Peace*, (M.E Sharpe: New York, 1994) p.42

⁵⁸ B. Posthumus, "An End to an Imported War" in M. Mekenkamp et al (eds), *Searching for Peace in Africa: An Overview of Conflict Prevention and Management activities*, op. cit., p. 416.

⁵⁹ Makumi Mwagiru, "Linkages of the Conflicts in East Africa: An Overview", *African Review of Foreign Policy*, Vol.3 December 2001, No.2, pp.36-50

⁶⁰ Armon J. et al, "The Mozambican Peace Process in Perspective" in *Accord: An International Review of Peace Initiatives*, Issue 3, (London: Conciliation Resources, 1998)

⁶¹ Ibid.

⁶² B. Posthumus, "An End to an Imported War" in M. Mekenkamp et al (eds), *Searching for Peace in Africa: An Overview of Conflict Prevention and Management activities*, op. cit., p. 417.

line with Mpangala and Mwagiru who confirm that traditional cultural methods have successfully contributed immensely in the management of conflicts and peace in Africa.⁶³ These cultural methods involve the use of traditional customs and practices that were earlier on used in the pre-colonial primitive society to resolve conflicts and restore relations among disenchanting groups. Although Posthumas posits that the Mozambican conflict's successful resolution was a result of external actors and factors, Vines, Armon and his colleagues, and Manning recognize the significance of the internal actors and factors on the Mozambique conflict and its resolution. In sum, both internal and external factors led to the success of Mozambique's 1992 General Peace Agreement (GPA).⁶⁴ The overwhelming international support of the peace process and the implementation of the peace agreement also played a part in ensuring implementation success. To achieve success in post-agreement peace, Mozambique consolidated the political will of most of the relevant actors from within Mozambique and from without.⁶⁵ In this way, the concerned actors obtain and continue to draw sufficient political support and resources both from within Mozambique and from the international community to undertake the time sensitive peace implementation.

1.4.6 Peace Agreements in Angola

The Angolan conflict has had three phases: liberation war (1961-1974), Cold War proxy war (1975-1991), and the resource-based civil war (1992-2002). Currently, Angola is experiencing the secessionist war in the enclave of Cabinda.⁶⁶ During the liberation war, Angola signed two peace agreements. The first agreement was purely internal involving the rival factions. Jonas Savimbi, Holden Roberto and Augustino Neto signed the Mombasa Agreements. By doing this, they pledged to co-operate in peace, to preserve Angola's territorial integrity, and to facilitate national reconciliation.⁶⁷ The peace agreements signed in Mombasa served as a reminder to the factions that to defeat the Portuguese during the liberation struggle, they needed a common front and a cessation of all mutually hostile propaganda. The second were the Alvor Accords signed on 15 January 1975 between the

⁶³ G. P. Mpangala, Conflict resolution and Peace Building in Africa as a Process: Case Studies of Burundi and The Democratic Republic of Congo, op. cit. See also M. Mwagiru, Conflict Management in Africa: Lessons Learnt and Future Strategies, op. cit., p. 14.

⁶⁴ Ibid, p. 40.

⁶⁵ M. S. Lund, "Conflict Prevention is Happening: Learning From "Successes" as Well as "Failures"" in A. Schnabel and D. Carment (eds), Conflict Prevention from Rhetoric to Reality (New York: Lexington Books, 2004), p. 292.

⁶⁶ Charles Cater, "The Political Economy of Conflict and the UN Intervention: Rethinking the Critical Cases of Africa" in K. Ballentine and J. Sherman, Political Economy of Armed Conflict: Beyond Greed and Grievance (Viva: New Delhi, 2005), p.261

⁶⁷ Bruce D. Porter, The USSR in Third World Conflicts: Soviet Arms and Diplomacy in Local Wars 1945-1980, (New York: Cambridge University Press, 1984), p.149

Portuguese government and the MPLA, FNLA and UNITA. The agreement's main agenda was the modalities of granting independence to the country.⁶⁸ The agreement installed a transitional coalition government, set provisions for democratic general elections, and the provision of a national constitution for Angola. The agreement, signed in the uncertainty of the situation unfolding both in Angola and Portugal, was intended to mark the end of the bitter internecine rivalries within the liberation movement. Thus the Alvor Accords represent the first attempt to stop both the civil violence and the liberation war and establish peace in Angola. Furthermore, there have been three other agreements signed by the warring parties in Angola in the attempt to resolve the civil conflict. These are the Bicesse Accords of 31 May 1991, the Lusaka Protocol of 31 October 1994, and the Luena Memorandum of 2002.⁶⁹ Of the three agreements, the Bicesse Accords and the Lusaka Protocol failed to totally resolve the Angola civil conflict. The Luena Memorandum of Understanding of 2002 was fully implemented and the country is currently enjoying slightly over ten years of peace. This agreement was successfully implemented because of its unique nature as an agreement following a military victory. The government (MPLA) defeated UNITA in 2002, killed its leader and totally crippled UNITA's fighting power. This is why UNITA was unable to recommence war after the Luena Memorandum. Tremendously weakened, the rebel movement had no choice but to carry out all the provisions of the agreement that included the disbanding of its military wing. This is why the Luena Memorandum was implemented successfully.⁷⁰ According to Call and Cousens, violence in Angola escalated more after the signing of the Bicesse Accords and the Lusaka Protocol than before.⁷¹

The failure of Angola's peace agreements has sparked several scholarly explorations into the possible reasons why there was no successfully end to the wars in the country. In an

⁶⁸ Richard Cornwell, "The War of Independence", in Jakkie Cilliers and Christine Dietrich (eds), *Angola's War Economy: The Role of Oil and Diamonds*, (Institute of Security Studies : Pretoria, 2000), p. 59-60

⁶⁹ United Nations, *Yearbook of the United Nation 1991*, (Martinus Nijhoff: Dordrecht, 1992) p.127. The yearbook defines the Bicesse Accords as one of the three Major agreements by conflicting parties in Angola in their attempt to find peace. See also Patrick Chabal et al, *A History of Postcolonial Lusophone Africa*, (C.Hurst & Co.: London, 2002), p.104. According to Chabal, the Lusaka Protocol was signed in 1994 and Collapsed in 1998. Jill Shankleman, *Oil, Profits and Peace: Does Business have a Role in Peacemaking?* (United States Institute of Peace: Washington, DC, 2006), p. 97 discusses the Luena Memorandum as the third most significant peace agreement in Angola peace process. The Luena Memorandum restored the Lusaka Protocol that collapsed in 1998.

⁷⁰ Paul Hare, "Angola: The End of an Intractable Conflict" in Chester A. Crocker, Fen Osler Hampson, and Pamela Aall, *Grasping the Nettle : Analyzing Cases of Intractable Conflict* (Washington, D.C. : United States Institute of Peace, 2005) ,p209-230: 224

⁷¹ Charles T. Call and Elizabeth M. Cousens, "Ending Wars and Building Peace: International Responses to War-Torn Societies", *International Studies Perspectives* (2008) 9, 1-21 See also Stephen John Stedman and Terrence Lyons "Conflict in Africa" in Emmanuel Gyimah-Boadi,(ed) *Democratic Reform in Africa: The Quality of Progress*, (Lynne Rienner: Boulder., Colorado, 2004) p.148

attempt to explain the oscillation of periods of peace and violence, Hodges posits that Bicesse and Lusaka agreements failed to end the violence in Angola because of distrust between the conflicting parties rather than flaws in the provisions of the agreements.⁷² What this statement insinuates is that the implementation of the provisions of peace agreements also depends upon other factors such as confidence-building between warring groups, a factor that should be attempted during the negotiation period of the said agreement. Messiant departs from this line of thought by insisting that Angola's failure to implement peace lies squarely on biased peace agreements whose provisions clearly favoured particular groups at the expense of others.⁷³ This means that if the agreement is perceived as unjust, a relapse of violence and confrontation is inevitable. She however asserts that other than the nature of the Angolan peace agreements, the reason why the Bicesse Accords and Lusaka Protocol failed while the Luena Memorandum of Understanding was implemented successfully lies in the level of international community involvement. She contends that the first two agreements were reached under the auspices of the international community while the Luena Memorandum of 2002 saw minimal and largely symbolic participation by external forces.⁷⁴ This meant that Angola owned the process therefore effectively ending the cycle of violence. Contrary to these views, Vines asserts that peace in Angola has been undermined solely by the pace of implementation of vital processes such as demobilization and reintegration.⁷⁵

1.5 Justification of the Study

As is evident from the previous sub-section, literature explaining and closely dissecting the concept of implementation of civil war peace agreements is scanty. Moreover, literature specifically emphasising why peace agreements have worked or failed in African conflicts is virtually non-existent. Where explanations have been attempted, they have been few and far-fetched, not closely examining the peace processes in Angola and Mozambique from the pre-negotiation, negotiation and post-agreement phases. Additionally, there is even less literature that compares cases of implementation of peace agreements in Africa trying to understand and extrapolate factors that bring success in one case to the factors that hinder the same success indicators on another case. Therefore, the matter of the implementation of

⁷² Tony Hodges, *Angola : Anatomy of an Oil State*, (Fridtjof Nansen: Lysaker, 2004) p.18

⁷³ Christine Messiant "Angola: Woe to the Vanquished" in Fabrice Weissman (ed), *In the Shadow of "Just" Wars: Violence, Politics and Humanitarian Action*, (Medecins Sans Frontieres: London, 2004), p.20

⁷⁴ Christine Messiant, "Why did Bicesse and Lusaka Fail? A Critical Analysis" in *From Military Peace to Social Justice? The Angolan Peace Process*, Conciliation Resources, ACCORD, an International Review of Peace Initiatives, London

⁷⁵ Alex Vines , *Angola Unravels: The Rise and Fall of the Lusaka Peace Process*, (New York: Human Rights Watch, 1999), p.30

peace agreements in Africa is not yet fully exploited yet it appears to be top on the international agenda. This study therefore seeks to fill this academic gap. Also, the study's findings can be useful for those who are directly involved in practical conflict resolution efforts such as in the on-going peace-building processes in Rwanda, Burundi, Liberia, Sierra Leone, Kenya, Zimbabwe, Cote D'Ivoire, Somalia, and Sudan among others. When there is no proper reference to lessons from past attempts at implementing peace agreements in Africa, the current efforts at mediation and peace-building may be at stake and this may end up hampering prospects of sustainable peace in Africa.

1.6 Theoretical Framework: Zartman's Theory of Ripeness

The analysis of issues in this study will be based on the theory of ripeness propounded by Ira William Zartman.⁷⁶ As discussed in this study's literature review, mediation must take place at an optimal or ripe moment. Early mediation may be premature and late mediation may face too many obstacles. A ripe moment describes a phase in the life cycle of the conflict where the parties feel exhausted and hurt, or where they may not wish to countenance any further losses and are prepared to commit to a settlement, or at least believe one to be possible. In destructive and escalating conflicts, mediation can have chances of success only if it can capture a particular moment when the adversaries, for a variety of reasons, appear most amenable to change. Timing of intervention in an intractable conflict is an issue of crucial importance, and one that must be properly assessed by any would be mediator.⁷⁷ This study will therefore situate the Angola and Mozambique mediation efforts within parameters detailing whether the agreements reached in these two conflicts were a result of a ripe moment or not. Bearing in mind that the parties to a conflict present are the eventual consumers of any peace reached, the study will use the theory of ripeness to analyse issues arising during the phases of pre-negotiation, negotiation, and the signing of peace agreements. The ultimate aim is to uncover if the theory was applied in these crucial stages of the peace process or not. At the implementation stage, this study will also attempt to find out if certain problems such as re-entry are linked to ripe moments during negotiations or not.

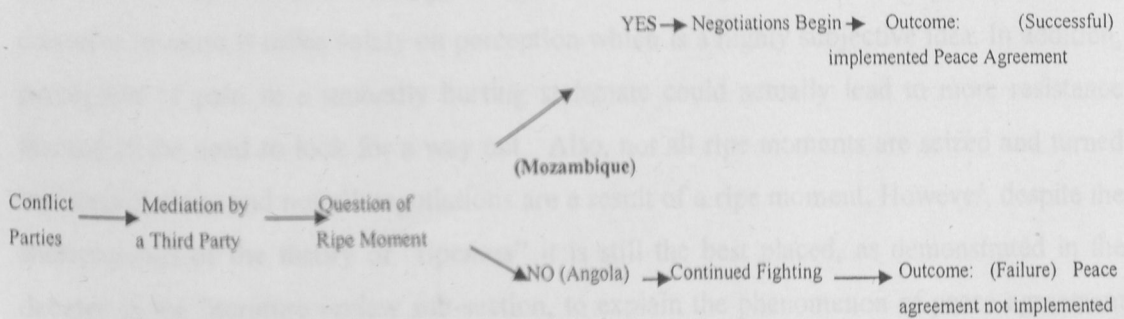
The general application of the theory of ripeness in the analysis of key issues in different stages of the conflicts in Angola and Mozambique is outlined in the diagram below:

⁷⁶ Chapter One pp.10-12

⁷⁷ Ibid.

Figure 1.1

Ripeness and the different stages of the conflict in Angola



In figure 1.1, negotiations between the Mozambican parties in conflict were facilitated by a third party at a moment considered ripe where both parties had perceived a mutually hurting stalemate. Given that the negotiations begun at a moment considered right, the discussions led to an agreement in 1992 that has been implemented for the last 21 years without major contest of its provisions or return to war. Conversely, the figure depicts Angola's peace processes as ill-timed, negotiated at moments that were not ripe therefore leading to peace agreements that collapsed soon after being signed. Zartman and other theorists caution that the application of the basic tenets of ripeness theory is not as simple and straightforward as it appears. When measuring negotiations to gauge whether they were ripe or not, it is important to bear in mind that successful implementation of an agreed outcome relies heavily on the principle of good faith.⁷⁸ While "ripeness" appears successful in explaining issues surrounding peace implementation, it has a few shortcomings. Carment and Rowlands caution against taking the idea of 'ripe moments' too literally because there are other factors that need to be considered such as the reality that ripe moments can be created (by third-parties), or when they exist as a result of mutual perception of a hurting stalemate (by the parties to a conflict), they sometimes need to be seized (by a third-party).⁷⁹ Also, if a ripe moment is not properly detected, it can pass without having been seized.⁸⁰ This implies that a combination of the correct identification of ripe moments and moving the time with skills is crucial to the effectiveness of "a ripe moment". When a third party creates a mutually hurting stalemate that will finally lead to a "ripe moment", there are obvious dangers. For instance, the entire process could be considered imposed and therefore the outcomes will not be taken seriously hence implementation failure. In sum, defining a ripe moment is not easy.

⁷⁸ Chapter One, p.12

⁷⁹ David Carment and Dane Rowlands, "Evolutionary Models, Third-Party Intervention, and Ethnic Conflict: Does Tough Love Really Work?" in Patrick James and David Goetze (eds.), *Evolutionary Theory and Ethnic Conflict* (Westport, Connecticut: Praeger, 2001), p. 197

⁸⁰ Richard Syngé, *Mozambique: UN Peacekeeping in Action, 1992-1994*, (Washington D.C.: United States Institute of Peace, 1997), p. vii

Secondly, there are peace agreements that were negotiated at ripe moments but have still failed to be implemented. Thirdly, the idea of a mutually hurting stalemate is difficult to conceive because it relies solely on perception which is a highly subjective idea. In addition, perception of pain in a mutually hurting stalemate could actually lead to more resistance instead of the need to look for a way out. Also, not all ripe moments are seized and turned into negotiations and not all negotiations are a result of a ripe moment. However, despite the shortcomings of the theory of "ripeness" it is still the best placed, as demonstrated in the debates in the literature review sub-section, to explain the phenomenon of peace agreement and its implementation. In locating the implementation of peace agreements in the mediation process (pre-, during, and post-), this theory will enhance the quality of the analysis of study by capturing the key steps that eventually lead to agreements and possible outcome after the peace agreement has been signed.

1.7 Hypotheses

The following hypotheses will be tested in this study:

- 1) A civil war peace agreement will most likely be implemented successfully if it is negotiated at a ripe moment
- 2) A civil war peace agreement will most likely not be implemented successfully if it is negotiated at a moment that is not ripe
- 3) The success or failure of peace implementation depends on factors other than ripe moments

1.8 Methodology

The study was mainly informed by primary and secondary data sources. The primary data was essentially collected through interviews and focus group discussions. In conducting the interviews, the study was informed by one-on-one or group question and answer sessions with informed people in the case study countries. In Mozambique, data collection revolved around three main factors: the identification of respondents, the sample of places in the country where the respondents were likely to be found, and the preferred mode of interviewing. The respondents in Mozambique constituted members of the national government, international development agencies, non-governmental organizations (that have worked in Mozambique during and after the war), respondents who work with religious organizations and the United Nations, and FRELIMO and RENAMO ex-combatants. To have a well-balanced view, other than the groups mentioned above, the interviews and focus group discussions also targeted the grassroots level Mozambicans who have been affected by the war, experienced the peace processes, and observed the implementation of agreements. This

group's opinion on what makes the implementation phase a success in Mozambique provides invaluable insights that greatly inform this study. In Mozambique, the civil war affected all parts of the country. However, since it was not possible to cover all the towns and cities in the country, the study mainly carried out fieldwork in Maputo, the capital city (considered a FRELIMO stronghold during and after the war) and Beira and Nampula (considered RENAMO strongholds during and after the war). Information was obtained through oral interviews with open-ended questions, carried out with relevant individuals and/or in focus group discussions. Open-ended questions were preferred as the primary mode of data collection because this study aimed at encouraging the respondents to give their own experiences and interpretations of the events of the war. However, in some specific cases where respondents were unreachable because they were no longer in Mozambique, questions were administered over the internet by e-mail. Focus group discussions consisted of group interviews of between 8 and 10 people. The group discussions were guided by mostly unstructured questions aimed at permitting a free exchange of ideas, feelings and experiences. In Angola, in-depth interviews were conducted with individual respondents or groups who had experienced the war and witnessed the implementation of the Bicesse Accords of 1991, the Lusaka Protocol of 1994, and the Luena Memorandum of Understanding of 2002. Other than interviews, the observation method was also employed given that some of the elements of peace implementation were ongoing in Angola at the time the study was conducted. The respondents were drawn from the different political divides of the Angolan conflict. The supporters/members of the *Movimento Popular de Libertação de Angola* (MPLA), a party that fought both the war of independence (1961-1975) and the civil war (1975-2002) were interviewed to find out their opinions on why the Angolan conflict had several peace processes. The study also interviewed individuals loyal to the *Frente Nacional de Libertação de Angola* (FNLA), which constituted strong opposition of the MPLA rule of Angola. Individual interviews as well as focus group discussions were carried out. Another group of respondents constituted supporters of the *União Nacional para a Independência Total de Angola* (UNITA), one of the main parties in conflict in Angola. Due to the fact that Cabinda and its rebel movement (FLEC) did not participate in the mainstream civil war in the country, FLEC members/supporters were omitted. The interviews in Angola were conducted in Luanda, the capital city, regarded as the MPLA's stronghold. Some interviews were carried out in Huambo and Bie, considered as UNITA strongholds. Other respondents were people working for NGOs, and civilians who witnessed and were affected by the more than thirty years of war in Angola.

Other than primary data, this study extensively collected, reviewed and analysed published and unpublished sources of secondary data. The published sources consisted of academic books, scholarly journals (print and electronic), periodicals, bulletins, abstracts, research and technical reports, official statistics, conference papers, articles and internal records of organisations such as NGOs and international agencies working in Angola and Mozambique. Official government releases in both Mozambique and Angola also informed this study in one way or another. Moreover, full texts of the General Peace Agreement of Mozambique (1992), Angola's Bicesse Accords of 1991, the Lusaka Protocol of 1994, and Luena Memorandum of 2002 formed a crucial part of the study's secondary data. The bulk of these sources were published materials concentrating on the themes of conflict, peace agreements and implementation in Angola and Mozambique. Works centring on these themes in conflicts in other parts of the world were also itemised and used for comparative purposes. Cognisant of the fact that not all statistical material are published, there was use of unpublished data such as working papers, dissertations, speeches, records maintained by government and some private offices, studies made by research institutions and scholars, letters, diaries, unpublished biographies and autobiographies, and institutional reports (in Angola and Mozambique) to complement the published sources. This study also used internet sources especially the International Crisis Group (ICG) websites, the United Nations website, Angola government website, Mozambique Government website, the International Committee of the Red Cross (ICRC) website and other reliable sites by non-governmental organisations (NGOs) and international organisations that have worked in Angola and Mozambique. Regarding data analysis, the interviews and focus group discussions were first clustered into themes. The prevalent themes were then identified, grouped and analysed *vis à vis* findings from other seminal works on this topic. The discussion centred on similarities and differences in the findings as compared and contrasted to the findings of other scholars in this field. The results were then analysed *vis à vis* the study's hypotheses to find out how the thematic clusters matched or differed from the proposed suppositions. Referring back to the research question, this study sought to relate the findings to those in similar published studies outlined in the literature review. Where the findings differed the study attempted to offer a possible explanation.

1.9 Chapter Outline

The introductory chapter constitutes the background, the statement of the research problem, the hypotheses, the objectives, the justification, the literature review, the conceptual framework, and the methodology of the study. Chapter Two adopts a historical and cross-

continental study of peace agreements and their application in internal, internationalised, and international conflicts. This chapter also discusses the general content of peace agreements. Chapter Three handles issues related to conflict and mediation in Mozambique. In this analysis, the study explores the causes of conflict in Mozambique, and the mediation processes that the country has been through in its quest for peace. The chapter also examines the main peace agreements reached by the conflicting parties, the content of the agreements, and the actors involved in one way or another in the process of peace implementation. Chapter Four analyses conflict and mediation in Angola. It traces the origin of conflict in the country, discusses the country's peace processes, and the major peace agreements reached by the parties in conflict. It also analyses actors in the peace process and their roles. Chapter Five analyses the implementation of peace Agreements in Mozambique. The focus is on how the parties to the conflict implemented the provisions of the 1992 General Peace Agreement. Chapter Six deals with the implementation of Angola's Bicesse Accords (1991), the Lusaka Protocol (1994), and the Luena Memorandum of Understanding of 2002. Chapter Seven compares the implementation of peace agreements in Mozambique to that of Angola. Here, the two countries' conflicts, mediation, and implementation processes are analysed in the light of Zartman's ripeness theory. Lastly, Chapter Eight outlines the summary of the study's findings, presents the conclusions and recommendations. It also gives some proposals for further research.

Chapter Two

Peace Agreements

2.1 Introduction

The first part of Chapter Two of this study describes and analyses the general features of peace agreements. This includes the definition of the term 'peace agreement', types, structure, content, methodology, legal aspects, and historical evolution and development. After a general analysis, the chapter focuses on the peculiarity of the civil war peace agreement. This is informed by various examples from mediated conflicts around the world. The main objective of the chapter is to highlight key theoretical aspects surrounding the practice and use of peace agreements in conflict resolution.

2.2 The Term 'Peace Agreement'

In the definition of a peace agreement, there are two divergent schools of thought. The first comprises scholars such as Cassese whose approach can be termed derivative. Proponents of this approach advise that the definition of a 'peace agreement' needs to be derived from that of the not-so-new concept of 'peace treaty'.¹ This is why Shaw posits that 'agreement' is but one of the many names that a treaty is known by. He argues that the two terms ('agreement' and 'treaty') refer to a similar transaction of creating written documents that bind the participating parties to act in a particular way or to set up particular relations between themselves.² From this reasoning, two key points can be deduced. The first is that agreements are preferably in written form as opposed to verbal. The second is that agreements comprise certain obligations that the contracting parties have agreed to adhere to: These commitments will define actions that will affect the contracting parties' relationship in the future. Although popular usage could demonstrate that the terms 'agreement' and 'treaty' are used interchangeably, Shaw's and Cassese's arguments are still too simplistic. There are several reasons why it would be fallacious to regard the two terms as synonymous. The first reason can be drawn from the international law definition of 'treaty' as 'an agreement governed by international law and concluded in written form between one or more parties (who must be subjects of international law), whether that agreement is embodied in a single instrument or in two or more related instruments and whatever its particular designation'.³

¹ Antonio Cassese, *International Law, Second Edition* (Oxford: Oxford University Press, 2005), p.171

² Malcolm Shaw, *International Law, Fifth Edition* (Cambridge: Cambridge University Press, 2003) p.88

³ The Vienna Convention on the Law of Treaties (1969), Article 2, 1(a). However, because of the ambiguities and new realities wrought by the emergence of new actors in international law that were non-state in nature, the definition of treaty was expounded by the Vienna Convention on the Law of Treaties between States and

This description highlights two closely related criteria that an agreement must fulfil in order to qualify as a treaty. The first is that it must be governed by international law. The second is that the parties to a conflict must be subjects of international law. For an entity to be governed by international law, it must be party to the law in question. Where the conflict is between two or more states, it is easy to equate an agreement of peace to a treaty of peace given that states are the primary subjects of international law. The problem arises when the peace agreement is between states and belligerents whose international personality is not clearly defined or known. In this case, it will be hard to strictly equate a treaty to an agreement. The second school of thought steers clear of the conceptual blurriness arising from directly equating peace agreements to peace treaties. Scholars subscribing to this school such as de Vattel posit that when the belligerents have agreed to lay down their arms, they contract a document in which they stipulate the conditions of peace, and regulate the manner in which it is to be restored and supported. This document is what can be termed a 'peace agreement'.⁴ This definition illuminates three important concepts that directly affect the understanding of what a peace agreement is. First, parties to the conflict have to agree to end violence (cease-fire). Second, they have to come up with a written document (contract) that details how peace is to be maintained. Third, there has to be a set of rules (mechanisms) that will determine peace restoration and support (implementation). De Vattel's, three-pronged explanation nears Bell's definition of a peace agreement as a written document between parties to a violent internal conflict to establish a cease-fire together with new political and legal structures.⁵ Other than parties agreeing to the mere stoppage of violence, Bell has introduced two very important concepts: the idea of incorporating political and legal structural change. This means that a peace agreement is complete if it bears in mind that certain areas have to change (such as the way politics is conducted and how the rule of law is handled). However, Bell's explanation runs into conceptual problems relating to the stricture of peace agreements to intrastate conflicts only. This is because custom indicates that peace agreements have also been signed and applied in other types of conflicts such as interstate conflicts and world wars. In all these attempts at defining what a peace agreement is or is not,

International Organizations or between International Organizations of 1986. The 1986 convention still did not capture other subjects of international law such as belligerents. Belligerents as subjects of International law are discussed in detail by Malcolm Shaw, *International Law, Fifth Edition* (Cambridge: Cambridge University Press, 2003), p. 219-220

⁴ Emer de Vattel, *The Law of Nations; or Principles of the Law of Nature, applied to the Conduct and affairs of Nations and Sovereigns* (T. & J. W. Johnson: Philadelphia, 1852), p. 432

⁵ Christine Bell, "Peace Agreements: Their Nature and Legal Status", *The American Journal of International Law*, Vol. 100, No. 2 (April, 2006), pp. 373-412:374

there are four key recurrent components that emerge. The first one concerns how a peace agreement should look like (its physical form/format). The second component demarcates parameters relating to where a peace agreement is applicable and under which circumstances, while the third component involves the actors that participate in the negotiation process that produces a peace agreement. Last, is the component that deals with what purpose the agreement wishes to serve. Bearing these four important points in mind therefore, this study will define a peace agreement as, a formal, written contract-like document negotiated (mostly by the help of a third party) and signed by two or more parties in conflict with the dual aim of terminating active violence and establishing structures that will address future incompatibilities among the disagreeing parties.

2.3 Taxonomy of Peace Agreements

It is therefore apparent that peace agreements are not just one off, quickly assembled documents aimed at putting an end to wars. Rather, they are a result of an often long and rigorous process of negotiation. The process of negotiation is divided into three distinct stages. These stages include pre-negotiation, negotiation, and implementation.⁶ At each of these stages, there are agreements or sets of agreements that are often negotiated. The agreements realized at each of these phases provide the basic way in which peace agreements can be classified. In this regard, there are pre-negotiation agreements, framework/substantive agreements and implementation/re-negotiation agreements.⁷ In negotiation theory, the pre-negotiation stage is one of negotiations about negotiations.⁸ Any agreements reached at this stage are about a willingness by the parties in conflict to enter into negotiations with each other. The readiness to begin negotiations must settle (to the smallest detail possible) issues relating to the 'how' to proceed part of the negotiations. This is because of the fragility and mistrust that is often between the adversaries. This means that pre-negotiation agreements generally need to detail matters of procedure. Procedural matters will define the 'how to proceed' and the rules that will apply throughout the particular peace process.⁹ If understood from this perspective, pre-negotiation agreements are therefore crucial in ordering and shaping the mediation process. To effectively do this, pre-negotiation agreements must generally specify seven key points. The first is the issue of negotiation schedules and

⁶ Donald Rothchild, "On Implementing Africa's Peace Accords: From Defection to Co-operation" in *Africa Today*, Vol. 42, No. 1/2, The Military and Democratic Transitions (1st Qtr. - 2nd Qtr., 1995), pp. 8-38:9

⁷ Christine Bell, *On the Law of Peace: Peace Agreements and the Lex Pacificatoria* (Oxford University Press: New York, 2008) p.56

⁸ Makumi Mwagiru, *Water's Edge: Mediation of Violent Electoral Conflict in Kenya*, (IDIS Publications: Nairobi, 2008), p.95

⁹ Makumi Mwagiru, *Diplomacy: Documents, Methods and Practice* (Nairobi: IDIS Publications, 2004), p.123

timetables. In this case, the pre-negotiation agreement must indicate the necessary timelines for the negotiations such as when they will begin and end. Secondly, the pre-negotiation agreement must also tackle the issue of agenda-setting. This involves the establishment of the domain of issues over which bargaining will take place. Thirdly, the pre-negotiation agreements must clearly spell out who the participants in the negotiations will be. In this case, the parties to the conflict will choose and agree on who will represent them during the period of the negotiations. Fourthly, the pre-negotiation agreements must define the location of the negotiations. Also, pre-negotiation agreements must define who the mediator/mediators is/are. The identity of the mediator/mediators and his/their roles must be clearly defined. Lastly, pre-negotiation agreements must also describe the procedure for drafting any final framework/comprehensive agreements.¹⁰ In the case of the Kenyan post-election conflict for example, the pre-negotiation agreement tackled the neutral location for the mediation, list of negotiators from both sides (Orange Democratic Movement and Party of National Unity), end to police killings, commitment to include witnesses among other issues.¹¹ Despite the fact that the Kenyan pre-negotiation text was a single document, some peace processes produce many texts that fit into the pre-negotiation agreement category. The pre-negotiation phase of the Arusha Peace Process produced several documents such as the Mwanza Communiqué, Gbadolite Communiqué, the Zanzibar Communiqué and the Dar-es-Salaam Declaration on Rwandese Refugees Problem.¹²

During the stage of negotiations proper, the various parties in conflict set out to resolve substantive issues. These constitute the totality of issues that are directly linked to the outbreak of violence. The peace agreements that result from this stage are known as substantive agreements/framework/comprehensive agreements. They attempt to resolve violent conflicts by making specific provisions designed to solve specific problems. The substantive aspects of peace agreements house the deep-seated and permanent changes that are needed to address or redress major grievances or complaints in different spheres, which may have contributed to the outbreak of conflict. These may have to do with the distribution of power, equitable representation, the exercise of justice or how mineral or other resources

¹⁰ Christine Bell, "Peace Agreements: Their Nature and Legal Status", *The American Journal of International Law*, Vol. 100, No.2 (Apr., 2006) pp.373-412:376. See also International Council on Human Rights Policy, Negotiating Justice? Human Rights and Peace Agreements, (Geneva: International Council on Human Rights Policy, 2006), p.17

¹¹ Makumi Mwangi, The Water's Edge: Mediation of Violent Electoral Conflict in Kenya (IDIS Publications: Nairobi, 2008), p.109

¹² Bruce D. Jones, "The Arusha Peace Process" in Howard Adelman and Astri Suhrke (eds), The Path of a Genocide: The Rwanda Crisis from Uganda to Zaire (New Brunswick: Transaction Publishers, 1999), pp.132-133

have been used.¹³ The Dayton Agreement, for instance, addresses among other issues constitutionalism, elections, human rights, refugees and displaced persons and inter-entity border issues.¹⁴ On their part, implementation agreements constitute an elaborate plan outlining how the various issues tackled by the substantive agreements are going to be executed. They outline issues such as the actors that will take part in monitoring the implementation and verification of the substantive issues. These agreements also attempt to monitor that proper implementation has been done according to the agreed upon timetable. They also ensure that the terms of the peace agreements have not been fundamentally broken by any of the parties in conflict. In sum, implementation agreements fine-tune substantive details and give them specificity in terms of how they are going to be worked out. The Israeli/Palestinian Interim Agreement (Oslo II) is an example of an implementation agreement because it sets out to implement Oslo I.¹⁵ As elaborate as this classification of peace agreements appears in a number of scholarly works, there are some fundamental elements that have been left out. To begin with, the position and place of ceasefire agreements¹⁶ in the three-dimensional division of agreements into pre-negotiation, substantive and implementation is blurred. The centrality of ceasefire agreements in any peace agreements discourse is drawn from the fact that in most cases ceasefire agreements temporarily suspend aggressive actions for an agreed-upon timeframe or within a limited area in order to give political negotiations a chance. Given the important role that these agreements play, the classification of peace agreements that has no place for ceasefire is incomplete. Secondly, the three stages of pre-negotiation, negotiation and implementation at times overlap such that a pre-negotiation agreement that is meant to deal with issues of procedure can tackle critical issues that are supposed to be substantive according to the definitions discussed above. Such is the case with the Dar-es-Salaam Declaration on Rwandese Refugees Problem. Inasmuch as pre-negotiation texts deal with procedural matters,

¹³Christine Bell, "Human Rights and Minority Protection", in John P. Darby and Roger MacGinty (eds), Contemporary Peacemaking: Conflict, Violence and Peace Processes (New York: Palgrave Macmillan, 2003), p.163. In this discourse, Bell asserts that the framework/substantive/comprehensive agreements reaffirm parties' commitment to non-violent resolution of the conflict. Substantive agreements also begin to address some of the consequences of the conflict such as prisoners and human rights violations, provide for interim arrangements on how power is to be held and exercised. Substantive agreements will also set a way forward as far as a permanent resolution of the conflict's substantive is concerned. This means that the agreement will set a way forward for issues such as self-determination, democratization, armed forces/policing, rights protection and reconstruction.

¹⁴ Elizabeth M. Cousens, "From Missed Opportunities to Overcompensation: Implementing the Dayton Agreement on Bosnia" in Stephen John Stedman et al., Ending Civil Wars: The Implementation of Peace Agreements (Boulder: Lynne Rienner, 2002), pp. 531-566:539

¹⁵ Christine Bell, On the Law of Peace: Peace Agreements and the Lex Pacificatoria (New York: Oxford University Press, 2008), p.62

¹⁶ Virginia Page Fortna, Peace Time: Cease-fire Agreements and the Durability of Peace (Princeton: Princeton University, 2004), p.4

the Dar-es-Salaam Declaration is an exception to the norm given that it details key issues relating to refugees that are normally elaborated in substantive agreements.¹⁷ The Kenyan pre-negotiation text also elaborates some substantive issues such as police killings. There is therefore a thin line dividing the three types of peace agreements.¹⁸ Another important consideration that should feature in discourses relating to taxonomical aspects of peace agreements should be the place of thematically classified peace agreements. Other than the classification relating to the various stages of negotiation, there are some agreements that are classified according to the key issues that they address. Giving prominence to the root causes of conflict, some scholars have also classified peace agreements as power-sharing agreements, self-determination agreements, decolonization agreements prominent in anti-colonial wars and other such categories.¹⁹

2.4 The Legal Status of a Peace Agreement

Other than the signing of the document by the parties in conflict, there is no question that the most important aspect of a peace agreement is its ability to be implemented. There is an important nexus between the implementability of an agreement and its legality. An agreement can be implemented fully if its obligations are viewed as binding to the parties to the conflict. If the parties view the agreement as binding, they will be more willing to execute their provisions. This is why it is important for this section to determine and examine the extent of the legality of a peace agreement because the parties' intent to be bound will depend on the question of the agreements' legality. There is no contest that peace agreements between states (subjects of international law) are considered legally binding. The problem arises when dealing with peace agreements relating to intrastate conflicts such as civil wars whose parties in conflict are a complex mix of both state, non-state (rebel groups, insurgents) and even international actors. Bell argues that Article 3 of the Vienna Convention of 1986's inclusion and recognition of agreements between state and non-state actors or between non-state parties alone as legally binding significantly leaves room for the interpretation of peace agreements as legal documents.²⁰ This is supported by the fact that most signatories of peace agreements (such as armed opposition groups, indigenous peoples, political and military

¹⁷ Mohammed O. Maundi et al, *Getting In: Mediators' Entry into the Settlement of African Conflicts* (Washington D.C.: United States Institute of Peace, 2006), p.44

¹⁸ Makumi Mwangi, *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya* (Nairobi: IDIS Publications, 2008), pp.63-64

¹⁹ Christine Bell, *op. cit.* pp.95-100

²⁰ Christine Bell, *Peace Agreements and Human Rights*, (Oxford University Press: New York, 2000), p.304. See also Christine Bell, "Peace Agreements: Their Nature and Legal Status", *The American Journal of International Law*, Vol.100, No.2 (Apr., 2006), p.373-412

leaders of minority groups with secessionist claims) in contemporary practice have some basis for claiming the status of subjects of international law.²¹ This claim gives these actors legal personality. With this acquired outlook (as legal personalities), the actors involved in the negotiation and eventual signing of peace agreements are assumed to have agreed to be bound by the agreement. Regarding the structure of peace agreements, there is significant evidence that peace agreements have a 'legal-looking' format. Just as treaties, which are an important source of international law, the structure of peace agreements uses a 'legal-type' language. Examples of such a language is in the use of words such as 'parties', 'signatories', and 'binding obligations'.²² Other than the legal register, the format of peace agreements is legal-like comprising of preambles, sections, articles, and annexes. This type of formatting is also prevalent in other legal documents such as treaties. According to Suntharalingham, international practice has bestowed treaty status to some peace agreements such as the Cambodian Settlement Agreements. Of the four documents that make up this Agreement, the Agreement on a Comprehensive Political Settlement of the Cambodian Conflict and the Agreement concerning Sovereignty, Independence, Territorial Integrity, Inviolability and Neutrality and National Unity of Cambodia have treaty status, and therefore impose legally binding obligations on the parties to the agreements and are enforceable under international law.²³ In determining the legality of peace agreements, it is vital to understand that the current international law allows states and non-state actors that wish to sign legally binding agreements (including peace agreements) to make the terms of their agreements sound legal, refer to international law as a basis for their commitments, and delegate enforcement tasks to a range of international actors of their choice.²⁴ This means that a peace agreement can be made as legally binding as the parties desire although there is the overarching notion that parties will only agree to be bound by certain elements in the agreements to the extent that their interests in the conflict are protected.

However, just as other international treaties, there are often no efficient enforcement mechanisms for parties who fail to adhere to obligations specified in peace agreements. Unlike domestic law that has courts that prosecute criminals, enforcing agreements is not an

²¹ Christine Bell, "Peace Agreements: Their Nature and Legal Status", *The American Journal of International Law*, Vol.100.No.2 (Apr.,2006),pp.373-412:380

²² Ibid.

²³ Nishkala Suntharalingham, "The Cambodian Settlement Agreements", in Michael W. Doyle, Ian Johnstone, Robert Cameron Orr (eds), *Keeping the Peace: Multidimensional UN Operations in Cambodia and El Salvador* (Cambridge University Press: Cambridge, 1997) p.84

²⁴ Christine Bell, "Peace Agreements: Their Nature and Legal Status", *The American Journal of International Law*, Vol.100, No.2(Apr.,2006), pp.373-412:386

easy task. Take the example of Somalia. There is virtually no easy way to deal with a warlord or a clan that goes against stipulations of negotiated peace agreements. Such an example punches holes into the whole question of the legality of peace agreements. The case of Somalia would demonstrate that it is hard to classify peace agreements as legal documents given the anarchical environment that some of them thrive in. A peace agreement does not have to fully satisfy the prescribed international and even domestic legal criteria relating to legality in order for the agreement to be adhered to and to be implemented. The one international law principle that should ideally guide and direct the practice of peace agreements should be that of '*pacta sunt servanda*'.²⁵ This principle stipulates that peace agreement obligations should be observed in good faith by the parties in conflict. There has to be a certain minimum belief by the contracting parties that each signatory will perform their obligations in good faith or the agreement would not have been entered into and signed in the first place. In most mediated cases, civil war parties cannot be forced by international law to respect and follow stipulated obligations of a peace agreement. They have to do so of their own free will in good faith.

2.5 Historical Evolution and Development of Peace Agreements

Peace agreements as outcomes of mediation are neither new nor a rare phenomena. They were a common practice in medieval societies. They have also been applied in several situations of conflict in vast civilisations of the world.²⁶ Although historical evidence points to the fact that peace agreements have been in existence since antiquity, this study will limit the historical examination of the evolution and development of peace agreements to three main factors. The first aspect is the Egyptian-Hittite relations (1274/5 B.C) that gave birth to the Treaty of Kadesh. The second element relates to the 1648 evolution of the Westphalian state system and the third important factor relates to the three great wars in history (the First World War, the Second World War and the Cold War). This sub-section will also bear in mind that the peace agreements that have been witnessed throughout history have been negotiated as a response to conflicts that are as diverse in terms of scale as they are in terms of methods of resolution. The conflicts at the fore of the ensuing discussion range from small-scale wars between simply organised polities to large scale wars of the magnitude of world

²⁵ Malcolm Shaw, *International Law, Fifth Edition* (Cambridge: Cambridge University Press, 2003), pp.811-812. Shaw explains that the oldest fundamental principle of international law relating to treaties (and by extension therefore to peace agreements) is the proposition that treaties are binding upon the parties to them and must be performed in good faith. This rule is termed *pacta sunt servanda*.

²⁶ Randall Lesaffer, "Introduction" in Randall Lesaffer (ed), *Peace Treaties and International Law in European History: From the Late Middle Ages to World War One* (Cambridge: Cambridge University Press, 2004), pp.1-6: 4

wars and genocides. In addition, the patterns of peace agreements that have emerged throughout critical points in history have also been congruent with the causes and dynamics of the conflicts they purpose to address.

2.5.1 The Egyptian-Hittite Peace Treaty

Also known as the Treaty of Kadesh, this peace agreement was signed between two parties in conflict, Egypt and Hatti, in 1274/5 B.C.²⁷ Considered the earliest written peace agreement, the United Nations regards this peace treaty as an important point of reference for modern-day peace treaty making.²⁸ Before arriving at the Treaty of Kadesh, the parties to the conflict underwent oral negotiations under the auspices of multiple mediators (the Sea Peoples and Assyria) and at the end of the negotiations, the two sides exchanged written records of what had been agreed upon.²⁹ The ensuing final written inter-state document appears in the form of a single instrument comprising of 19 articles. The structure and format of the Egyptian-Hittite peace treaty was as simple in nature as it was in content and methodology. The treaty was drawn in two versions: Akkadian and Egyptian. Contrary to the expectation that both versions would be exact copies of the each other (save for the language); there was one clause that was different in both versions. This clause relates to who made the first move to demand for peace. The Egyptian version states that it was the Hittite King who demanded peace, whereas the Akkadian one maintains that it was the Egyptian King who requested the peace.³⁰ This ambiguity could be explained by the fact that during the battle of Kadesh, neither side won. As far as its physical form is concerned, the Treaty of Kadesh outlines in Article 19 that the treaty is written on a tablet of silver with a seal at the end of the text. The seals have images gods.³¹ The Treaty of Kadesh is divided into a preamble, historical introduction, declaration of the new treaty, specific provision or stipulations (substantive issues), details of deposition of copies, list of divine witnesses, curses and blessings,³² and a description of the material on which the treaty is written.

The preamble of the Treaty of Kadesh identifies the parties in conflict as Prince Hattusili of Hatti and Ramasses (II) of Egypt. The preamble also gives a joint declaration by

²⁷ Trevor Bryce, *The Kingdom of the Hittites*, (New York: Oxford University Press, 2005), p.282

²⁸ Christine Bell, *On the Law of Peace: Peace Agreements and Lex Pacificatoria* (New York: Oxford University Press, 2008), p.81

²⁹ Lanny Bell, "Conflict and Reconciliation in the Ancient Middle East: The Clash of Egyptian and Hittite Chariots in Syria, and the World's First Peace Treaty between 'Superpowers'" in Kurt A. Raaflaub (ed), *War and Peace in the ancient World* (Oxford: Blackwell, 2007), p.109

³⁰ Christine Bell, op. cit., p.81

³¹ S. Langdon and Alan H. Gardiner, The Treaty of Alliance between Hattusili, King of the Hittites, and Pharaoh Ramesses II of Egypt, *The Journal of Egyptian Archaeology*, Vol. 6, No.3 (Jul.,1920), pp.179-205:198

³² Lanny Bell, op.cit., p.109

the parties in conflict to commit to the establishment of friendly relations (termed as 'good peace') between them. In fact, the peace agreement stipulates that the relationship of the former antagonists (Egypt and Hatti) is to be transformed from mere friendship to brotherhood. This means that the Treaty of Kadesh views peace as more than the mere absence of war. It includes the transformation of relationships between the former antagonists into more positive association. The preamble of the Treaty of Kadesh also mentions the duration of the peace treaty as 'forever'. Much as it appeared to be a bit ambitious, the term 'forever' more or less referred to a commitment to lasting peace between the two polities. The parties were vowing to abide by the provisions of the peace treaty for as long as the two kingdoms existed. In sum, the parties in conflict left no room for the treaty obligations to be broken. In Article 2 of the treaty (Egyptian version), a historical background of the origin of hostilities between two political entities is given. Also, the peace treaty gives a short history of earlier peace treaties between Egypt and Hatti. The substantive issues that the treaty brings to the fore include assurances with regard to mutual invasions, formal renewal of the former treaty, common action regarding rebellious subjects, mutual defence alliance, issue of succession upon the death of one of the rulers of the two countries and extradition of refugees (important fugitives and those of humble birth).³³

Pre-empting the possibility of either party breaking part or the whole of the treaty, the curses and blessings section of the Treaty of Kadesh highlights the penalties and rewards that the parties in conflict will suffer or enjoy should they commit or not commit to the provisions of the treaty as agreed by the parties during negotiations. Some of the consequences of non-compliance include the destruction of the property the offender by the gods of Hatti and Egypt.³⁴ Due to the overriding religious nature of the peace treaty, instead of human punishments such as fines, jail terms or any such penalties, the Treaty of Kadesh emphasises divine retribution for defaulters. By leaving punishment to the 'gods', the treaty makes an important contribution: that the obligations of peace outlined in the treaty were supposed to be adhered to in good faith by the treaty parties. Since there was no provision for enforcement by human law, consciously or unconsciously, the Treaty of Kadesh is acknowledging that the obedience of the provisions of the treaty required the parties to adhere to the principle of good faith. In line with the strong role of religion in the Treaty of Kadesh, the blessings that come with keeping the provisions of the treaty have a strong religious

³³ Text of the Treaty of Kadesh, Article 12 as published in S. Langdon and Alan H. Gardiner, "The Treaty of Alliance between Hattusili, King of the Hittites, and the Pharaoh Ramesses II of Egypt", *The Journal of Egyptian Archaeology*, Vol.6, No.3 (Jul., 1920), pp.179-205: 192 & 193

³⁴ *Ibid.* p.197

angle. They are outlined thus: "...for him who shall keep these words ..., whether they are Hatti or whether they are Egyptians, and they are not neglectful of them, a thousand gods of the land of Hatti, together with a thousand gods of the land of Egypt, shall cause that he be well, shall cause that he live, together with his houses and his (land) and his servants..." The blessings comprise good health, (long) life to the parties as well as their kin and servants. Again, these are not tangible goods; rather they are spiritual fruits that follow the adherence of the Treaty. The issue of witnesses and guarantors is central to the fabric that peace agreements/treaties are made of and the treaty of Kadesh is not an exception. In harmony with the overarching religious theme in the treaty, the witnesses to the treaty are not human. In modern peace agreements, witnesses usually include mediators and members of the international community. For the Treaty of Kadesh, the witnesses comprised "a thousand male and female gods of Hatti, together with a thousand male and female gods of Egypt".³⁵ The inclusion of the 'divine' elements further points to the strong religious dimension that characterizes the Treaty of Kadesh. Given the fear that both parties had for their respective gods, the strong reference to the divine was important as it served as a guarantee that the agreement would be implemented fully. However, main text of the Treaty of Kadesh fails to tackle in detail the territorial dispute which is the underlying cause of the conflict. Therefore issues of border demarcation which should perhaps have formed the core of the treaty are conspicuously missing in the text of this treaty. The only way the treaty mentions the territorial conflict is by the providing that no party to the conflict "shall trespass against the land" of the other.³⁶ There is no clear-cut specificity on how the boundaries are to be observed or whether the boundaries needed redefining or any such measure that could serve to end the conflict in a more decisive way. Another element that is contrary to modern peace agreement-making is inclusion of substantive matters that are not contentious in the negotiation agenda. By this, reference is made to issues of succession, for example that are discussed in detail in the treaty yet the two conflict parties were fighting mainly due to territorial disputes. Yet another distinctive feature of the Treaty of Kadesh is the fact that the actors' names are put down as the ones who entered the treaties and therefore the ones directly bound by the treaties rather than the political entity being the one bound by the treaty. Because of this practice, the treaty is between Hattusili and Ramasses II more than it is between Egypt and Hatti. By acting in their own names, a kind of personalization of the

³⁵Christine Bell, *On the Law of Peace: Peace Agreements and the Lex Pacificatoria* (New York: Oxford University Press, 2008), p.81

³⁶ S. Langdon and Alan H. Gardiner, "The Treaty of Alliance between Hattusili, King of the Hittites, and the Pharaoh Ramasses II of Egypt", *The Journal of Egyptian Archaeology*, Vol.6, No.3(Jul., 1920), pp.179-205: 180

peace treaties is implied. Given this reality, the 'forever' aspect of the treaty is therefore a vague term that can be taken to mean that the treaty shall be in existence for the length of the ruler's life.

2.5.2 The Peace of Westphalia

Coming into existence 364 years after the Egyptian-Hittite treaty, the peace of Westphalia³⁷ is vastly significant in the analysis of the historicity of peace agreements. In form, the Treaty of Westphalia contains more than one hundred specific articles³⁸ that lay out the terms and conditions under which the Thirty Years' War ended. A distinctive feature of the Peace of Westphalia is its duality. Unlike the Egyptian-Hittite treaty that is simple in nature and form (single instrument addressing a territorial dispute between two conflict parties), the Peace of Westphalia is a compound document that comprises two distinct treaties: the Treaty of Osnabruck between the Roman Empire and Sweden, and the Treaty of Munster between the Roman Empire and France and their respective confederates and allies.³⁹ It is the combination of the two documents that makes the peace treaty of Westphalia. A strong religious register runs throughout the Treaty of Munster between the Holy Roman Empire and the King of France and their respective allies as is also the case with the Treaty of Osnabruck. The Treaty of Munster consists of a preamble and one hundred and twenty eight other articles that enumerate key substantive issues that affect in one way or another the Holy Roman Empire-Kingdom of France/Sweden relationships. The preamble pays homage to the 'most high and individual trinity'. This is to be expected given the deep religious angle to the conflict (Catholicism versus Protestantism). The preamble also lists down the two main antagonists and their allies. The preamble also gives the name of the chief mediator as Venice who is described as the entity that instigated talks of peace among the warring entities. Discussions between the two parties to the conflict were done through conference diplomacy where a meeting was held between 'plenipotentiary ambassadors' (complete with letters of commission and full powers) representing the two conflict parties under the 'impartial'

³⁷Heinz Duchhardt, "Peace Treaties from Westphalia to the Revolutionary Era" in Randall Lesaffer (ed), *Peace Treaties and International Law in European History: From the Late Middle Ages to World War One* (Cambridge: Cambridge University Press, 2004), pp.45-58: 45. The Peace of Westphalia denotes the two French language treaties of Osnabruck (15 May 1648) and Munster (24 October 1648) that were negotiated and signed to end the Thirty Years' War (1618-1648) in the Holy Roman Empire and the Eight Years' War (1567-1609) between Spain and the Republic of the Seven United Netherlands. The peace of Westphalia treaties involved the Holy Roman Emperor, Ferdinand III (Habsburg), the Kingdoms of Spain, France, Sweden, the Dutch Republic and their allies, the Princes of the Holy Roman Empire and sovereigns of the Free imperial cities.

³⁸ Bruce Bueno de Mesquitas, "Popes, Kings and Endogenous Institutions: The Concordat of Worms and the Origins of Sovereignty" in James A. Caporaso (ed), *Continuity and Change in the Westphalian Order* (Oxford: Blackwell, 2000), p.94

³⁹ Leo Gross, "The Peace of Westphalia, (1648-1948)" in *Essays on International Law and Organization, Vol.1* (New York: Transnational, 1984), p.4

mediatorship of the ambassador and senator of Venice. The Treaty of Osnabruck on the other hand consists of the preamble and seventeen other articles. The preamble of this treaty gives a summary of the pre-existing conflict between the Roman Empire (and its allies) and Sweden (and its allies and supporters). It also enumerates the list of ambassadors from both conflict sides that participated in negotiations that led to the agreed clauses included in the final text of the treaty. The two treaties that comprise the Peace of Westphalia aim for peace between belligerents who comprise of a complex blend of state-like political entities, other political entities and private armies. The complexity is partly created by the fact that the Treaty substance deals simultaneously with the internal conflict within jurisdictions, and the interstate relationships that underwrite and are affected by these relationships. This means that the key players in these treaties are multiple in nature and the multiplicity of actors is mainly due to the fact that the nature of conflicts at this time were a complex mix of internal wars happening within smaller polities and wars that these smaller polities were waging with the Holy Roman Empire and its constituent parts. The Treaties of Westphalia therefore address both internal conflicts and the interstate ones.⁴⁰ The peace of Westphalia bears characteristics of a comprehensive peace treaty because it is a longer and more detailed document that seeks to not only merely declare the end of war and the beginning of peace but one that seeks to provide solutions to the root causes of the wars it seeks to end.⁴¹ For example, given that the Thirty Years' War had its origin in religious intolerance, the Peace of Westphalia addressed this issue by consecrating what Gross terms as the principle of toleration that established equality between Protestants and Catholics and other religious minorities.⁴² Other substantive issues that the treaties address are territorial boundaries, amnesty, neutralization of territories, restitution and restoration of property, renouncement of debts, and re-establishment of commerce and trade relations among former warring states.

2.5.3 The Treaty of Versailles

Another peace treaty leaving a mark on twentieth-century historiography is the 1919 Treaty of Versailles, formally marking the end of the First World War. Following in the trend of the Peace of Westphalia, the treaty of Versailles was a comprehensive detailed treaty negotiated in a conference. According to Brezina, victorious nations gathered in 1919 for a period of 6 months to draft a peace agreement intended to bring peace to Europe and end the

⁴⁰The full text of the Treaty of Westphalia can be found at <http://www.tufts.edu/departments/Fletcher/multi/texts/historica/Westphalia.txt>

⁴¹ Leo Gross, *op.cit.* p.5

⁴² *Ibid.*

recurrence of war.⁴³ The treaty's structure, content and methodology have two unique features relevant to the examination of the evolution and development of peace treaties. Firstly, the peace negotiations were one sided as the actors comprised only of the victors of the First World War. The defeated Germany, Austria, and Hungary were excluded from the negotiations.⁴⁴ Russia was also left out because it had negotiated a separate peace with Germany in 1918. The fact that the negotiation of this treaty failed to involve all the major players leads to the conclusion that the entire process was biased. Instead of sitting both sides of the conflict in a round table to work out the terms of peace, the negotiations leading to the Versailles Treaty only incorporated the victors and left out the losers. In the end, the treaty was merely an imposition of the will of the victor on the loser. As such, the treaty content formulated in such a manner appears normative in nature rather than conciliatory. Germany, one of the parties in conflict, was merely furnished with a list of do's and don'ts without consideration of its interests. Sensitive matters such as reparation, ceding of territorial rights, and demilitarization were discussed and decisions taken without involving Germany, the main antagonist. This is believed to be the reason for the start of the Second World War.

2.6 Peace Agreements during the Cold War Period (1945-1989)

The end of the Second World War and the formation of the United Nations mark a turning point in the evolution and development of peace agreements. The UN Charter affirmed the use of peaceful means to resolve conflicts.⁴⁵ Other than the Charter of the United Nations, the Universal Declaration of Human rights also presented important contributions to the form and content of peace agreements in the post-Second World War period. Although scholars such as Stedman posit that negotiated settlement of (civil) wars in the Cold War period was a relatively rare phenomenon,⁴⁶ there were a number of peace agreements that were arrived at and signed during this period. The Peace treaties/agreements of the Cold War era were mostly between states given that the conflicts that culminated into actual violence in this period were either proxy inter-state wars fuelled by the two super-powers (the US and the USSR) or wars of liberation (self-determination). Of the two categories, Bell posits that the

⁴³ Corona Brezina, The Treaty of Versailles, 1919: A Primary Source Examination of the Treaty that Ended World War I (New York: The Rosen Publishing Group, 2006), p.5

⁴⁴ Niall Ferguson, "The Balance of Payments Question: Versailles and After" in Boemeke et al (eds), The Treaty of Versailles: A Re-assessment after 75 Years (Cambridge: Cambridge University Press, 1998), p.402

⁴⁵ Article 33(1) of the Charter of the United Nations. This article stipulates that parties to any dispute shall first of all seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means.

⁴⁶ Stephen John Stedman, "Introduction", in Stephen John Stedman, Donald Rothchild, and Elizabeth Cousens (eds), Ending Civil Wars: The Implementation of Peace Agreements (Boulder: Lynne Rienner, 2002), p.1

most visible agreements during the Cold war period were related to decolonization.⁴⁷ The United Nations Declaration 1514 (XV) of 1960 defines decolonisation as the granting of independence to colonial countries and peoples. This was to be done while upholding the rights of all peoples to self-determination. Before most colonised countries gained independence, they engaged in several wars of with the colonisers. The liberation wars ended with signed agreements between the parties in conflict (the colonised state and the colonizer). The example of an agreement signed between the colonised and the coloniser is the Evian Accords of 1962 between Algeria and France.⁴⁸ Another example is the Alvor Agreement between Angola and Portugal.⁴⁹ Most agreements in the Cold War period were mediated by either one of the two super-powers. The super-power negotiated peace agreements intended, in addition to ending conflict between the parties, to uphold the supremacy of the two superpowers. This meant that superpower interests had to be included in the overall agenda of the negotiations as was manifest in the super-power play-out in the Middle East Conflict in the seventies.⁵⁰

2.7 Post-Cold War Peace Agreements

Unlike the pre-Cold War and the Cold War periods which were characterized more by interstate conflicts and internationalized proxy wars, the end of the Cold War brought with it a proliferation of civil wars.⁵¹ Termed the most intractable of all internal wars, civil wars are characterised by extremely deep cleavages. This is the reason why they are hard to bring to an end.⁵² Civil wars can be distinguished from the other types of conflicts by four important characteristics: First, a civil war must take place within the territory of a state. Second, parties to the conflict must be organized militarily with defined political objectives. Third, the

⁴⁷ Christine Bell, On the Law of Peace: Peace Agreements and the Lex Pacificatoria (New York: Oxford University Press, 2008), p.95. Security Council Resolutions became part and parcel of the negotiation process both in internal wars and interstate wars. Security Council Resolutions set out proposals for resolving conflicts in Namibia and India/Pakistan.

⁴⁸ Alexander Cooley and Hendrik Spruyt, Contracting States: Sovereign Transfers in International Relations (Princeton: Princeton University Press, 2009), pp.59-60. In this agreement, France agrees to grant Algeria independence after eight years of bloody war between the two parties. In exchange, France seeks technical role in the use of Algerian resources especially gas and oil.

⁴⁹ Thomas Ohlson, Stephen John Stedman and Robert H. Davies, The new is not yet born: Conflict Resolution in Southern Africa, (Washington D.C.: The Brookings Institution, 1994), p.80

⁵⁰ Jerome Slater, "The Super-powers and an Arab-Israeli Political Settlement: The Cold War Years", *Political Science Quarterly*, Vol.105, No.4, (Winter, 1990-1991), pp.557-577:568. See also Peter Wallensteen, Understanding Conflict Resolution: War Peace and the Global System, Second Edition (London: Sage, 2007), p.83 about the Camp David Accord between Israel and Egypt negotiated in 1978 and 1979.

⁵¹ Kumar Rupensinghe, "Mediation in Internal Conflicts: Lessons from Sri Lanka" in Jacob Bercovitch (ed) Resolving International Conflicts: The Theory and Practice of Mediation, (Boulder, CO.: Lynne Rienner, 1996), p.153.

⁵² Julius Mutwol, Peace Agreements and Civil Wars in Africa: Insurgent Motivations, State Responses, and Third-Party Peacemaking in Liberia, Rwanda, and Sierra Leone (New York, Cambria Press, 2009), pp.12-13

government must be a principal combatant. Fourth, the main insurgents must be locally represented and must recruit locally.⁵³ In line with these four characteristics, Wallensteen summarises civil wars as intrastate conflicts (the parties are rooted within the same state) concerning the control over a particular government and its state machinery.⁵⁴ Although, they are complex and often characterised by multiple contentious issues, the most common ending to post-1989 civil conflicts has been settlement rather than military victory or defeat. It is estimated that two out of every five internal armed conflicts ended in peace agreements.⁵⁵ The two to three ratio is the reason why some studies dubbed the post-Cold War period as 'the decades of the peace agreement'.⁵⁶ This accolade has been occasioned by the high frequency of the outcome of peace agreements in civil wars achieved mostly through mediation.⁵⁷ Mediation involves entry into a conflict by a third party (individual, group, organization), to change the behaviour of the parties in conflict, settle their conflict, or resolve their problem without resorting to physical violence.⁵⁸ The ultimate goal of mediation is to turn the existing zero-sum game positive. Just as is the practice in inter-state and international wars, peace agreements, have been an important and frequent outcome of mediation in civil war situations.⁵⁹ Although Bell suggests that civil war agreements are alike,⁶⁰ reality reflects that peace agreements in civil wars (and other types of conflict) vary in complexity, number of actors, and detail. For example, the peace accord in El Salvador was very remarkable for its level of detail and specific timelines. The final accord fills 100 pages in book form, including nine chapters and two series of annexes.⁶¹ The variation in intricacy ostensibly leads to two distinctive ways of arriving at and formatting peace agreements. First,

⁵³ Nicholas Sambanis, "What Is Civil War? Conceptual and Empirical Complexities of an Operational Definition", *The Journal of Conflict Resolution*, Vol. 48, No. 6 (Dec., 2004), pp. 814-858:829-830

⁵⁴ Peter Wallensteen, op.cit., p.123

⁵⁵ Ibid., p.124

⁵⁶ International Council on Human Rights Policy, Negotiating Justice? Human Rights and Peace Agreements, (Geneva : International Council on Human Rights Policy, 2006) , p.1

⁵⁷ James A. Wall, Jr., John B. Stark, and Rhett L. Standifer, "Mediation: A Current Review and Theory Development", *The Journal of Conflict Resolution*, Vol. 45, No. 3 (Jun., 2001), pp. 370-391:370. See also Jacob Bercovitch, "Mediation in International Conflicts: Theory, Practice and Developments" in I.W. Zartman (ed), Peacemaking in International Conflict: Methods and Techniques (Washington D.C.: United States Institute of Peace, 2007), p.170. See also Christine Bell, On the Law of Peace: Peace Agreements and Lex Pacificatoria, (New York: Oxford University Press, 2008), p.66

⁵⁸ Jacob Bercovitch and Allison Houston, "The Study of International Mediation: Theoretical Issues and Empirical Evidence" in Jacob Bercovitch (ed) Resolving International Conflicts: The Theory and Practice of Mediation, (Boulder CO.: Lynne Rienner, 1996), p.13

⁵⁹ Barbara F. Walter, Committing to Peace: The Successful Settlement of Civil Wars (Princeton: Princeton University Press,2002),p.3

⁶⁰ Christine Bell, Peace Agreements and Human Rights, (Oxford University Press: New York,2000) , p.1

⁶¹ Charles T. Call, "Assessing El Salvador's Transition from Civil War to Peace" in Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (eds), Ending Civil Wars: The Implementation of Peace Agreements, (Boulder, CO.: Lynne Rienner ,2002), p.389

a peace agreement can be realised as a single instrument, consisting of one document. Second, a peace agreement can embody more than one instrument. Evidence has shown that often civil wars are not terminated by a single agreement or central accord signed by the parties to the conflict (single instrument) but rather many agreements negotiated through several stages in a peace process (multiple instruments).⁶² Supporting this line of thought, Bell posits that even a comprehensive, agreed framework may not appear in a single agreement format.⁶³ For example, in Nicaragua three major types of agreements were reached⁶⁴ while in Liberia 14 agreements in total were reached.⁶⁵ This clearly shows that the more complex a civil war and the more contentious issues there are, the more difficult it is to reach consensus on the ways to eliminate points of incompatibility.

Whereas some processes emphasise one framework agreement with lengthy and detailed provisions aimed at dealing holistically with the issues, others have built up agreements issue by issue in a set of agreements that are ultimately brought together to form a comprehensive final agreement.⁶⁶ The Guatemalan peace process is a good example of issue by issue approach to negotiating peace agreements. There was an agreement at the pre-negotiation phase for timetables and other procedural matters, then an issue by issue agreement signing approach where the discussions focused on one issue, dispensed with it and signed an agreement on the issue before proceeding to the next issue of contention.⁶⁷ As

⁶² Caroline A. Hartzell 'Peace in Stages: The Role of an Implementation Regime in Nicaragua' in Stephen John Stedman, Donald Rothchild and Elizabeth M. Cousens (eds), Ending Civil Wars: The Implementation of Peace Agreements, (Boulder, CO.: Lynne Rienner, 2002), p.353

⁶³ Christine Bell, On the Law of Peace: Peace Agreements and Lex Pacificatoria, (New York: Oxford University Press, 2008), p.61

⁶⁴ Caroline A. Hartzell, *op.cit.*, pp.353-382

⁶⁵ Adekeye Adebajo, Building Peace in West Africa: Liberia, Sierra Leone and Guinea-Bissau (Boulder: Lynne Rienner, 2002), pp 43-66

⁶⁶ Gilbert M. Khadiagala, "Implementing the Arusha Peace Agreement" in Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (eds), Ending Civil Wars: The Implementation of Peace Agreements (Boulder: Lynne Rienner, 2002), p.476. Khadiagala demonstrates in detail the step by step, issue by issue approach that was used in brokering the totality of agreements that are known as the Arusha Accords. It took up to twelve months to negotiate the N'sele Agreement, the power-sharing agreement, repatriation of refugees agreement and other procedural and substantive accords before the final Arusha Accords document. Other agreements that have adopted the issue by issue approach are those of Guatemala, El Salvador and Burundi. Christine Bell, On the Law of Peace: Peace Agreements and Lex Pacificatoria (New York: Oxford University Press, 2008), p.61. She gives the example of the Belfast Agreement and the South African Interim Constitution as single agreements, lengthy in detail aimed at dealing holistically with the issues of the conflicts.

⁶⁷ 1. The Agreement on a Timetable for Negotiations of a Firm and Lasting Peace in Guatemala. 2. Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict 3. Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer, 4. Comprehensive Agreement on Human Rights, 5. Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the UNIDAD Revolucionaria Nacional Guatemalteca, 6. Agreement on rights of indigenous peoples, 6. Agreement on a firm and lasting peace, 7. Agreement on Legal Reforms, 8. Agreement on Social and Economic Aspects and Agrarian Situation concluded on 6 May 1996 8., Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca, 9. Agreement on the Definitive Ceasefire, 10. Agreement on the

far as the structure of peace agreements is concerned, Bell posits that peace agreements have a legal-looking structure with the basic skeleton consisting of a preamble, sections, articles and annexes.⁶⁸ At the end of the peace agreement, there is a place witnesses, guarantors or observers append their signatures. The preamble is essential because it outlines the principles that serve as the basis of mediation. It often contains a brief history of the conflict and the objectives of the parties to the conflict.⁶⁹ Also contained in the preamble is an indication by the parties to the conflict that they recognize the importance of the context under which the agreement is being drafted, they are committed to ending the conflict, and they wish to protect and promote the rights of the state's citizens.⁷⁰ In sum, the core elements found in peace agreement preambles often include: reaffirmation of the state's sovereignty, territorial integrity and self-determination of its peoples; the desire of the parties to find an end to the conflict; acknowledgement of the cooperation given by the international community; and recognition of any past attempts to seek a negotiated settlement.

The issues discussed in a peace agreement can be categorised into three main parts: procedural, substantive and implementation mechanisms. Procedural components delineate the 'how' of a peace process by establishing the processes and measures that help build the peace. These include the establishment of schedules and institutions that facilitate the implementation of substantive issues such as elections, justice, human rights, and disarmament. Procedural issues, by their very nature appear, at face value, non-controversial. However, Fahmy cautions that in some peace processes such as the Israeli-Palestine case, issues of procedural nature have in more than one occasion been difficult to enumerate and quickly dispense with.⁷¹ Procedural issues include schedules, agendas, participants and location, mediator's identity and role, and the procedure for drafting the agreement.⁷² Procedural concerns are routine issues and should ideally be dealt with without going through the trouble and rigor of intense negotiation. However, given that these concerns will ultimately form a large part of the pre-negotiation agreements, they have to be dispensed with

Implementation, Compliance and Verification Timetable for the Peace Agreements, 11. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society.

⁶⁸ Christine Bell, "Peace Agreements: Their Nature and Legal Status", *The American Journal of International Law*, Vol.100, No.2 (Apr., 2006), pp.373-412:378

⁶⁹ Makumi Mwangi, op.cit., p.149

⁷⁰ Abdulkawi A. Yusuf (ed), *African Yearbook of International Law Vol.5 1997* (The Hague: Kluwer, 1998), p.373. Yusuf gives the preamble of the Sudan Peace Agreement.

⁷¹ Ismail Fahmy, *Negotiating for Peace in the Middle East* (Kent: Croom Helm, 1983), p.262

⁷² Makumi Mwangi, op. cit., pp.119-120. Arguments for or against one or the other type of mediator in a peace process are enumerated. The single mediator carries the burden of the negotiations alone, runs risks of becoming too attached to the issues and parties hence keeping some distance with the process becomes a hard task for this mediator. Multiple ones, on the other hand share the burdens of the process via consultation.

by consensus of the parties in conflict. For example, the physical venue of the peace negotiations will have to be one that is not identifiable in any way with either of the parties in conflict.⁷³ In contrast to the procedural aspects, substantive issues in a peace agreement constitute the core matters directly related to the outbreak of violence. Merrills notes that substantive issues are the issues at the heart of a dispute and must be addressed in order to get to the root cause of the conflict.⁷⁴ These are the issues that played (or continue to play) a central role in the prolongation of the conflict.⁷⁵ It is assumed that if these issues are discussed and resolved, the conflict will de-escalate. However, if they remain unresolved, there is a possibility that the conflict will continue to escalate. Though universally understood as the elements that play a key role in the break out of violence, all civil war peace agreements do not have the exact same substantive issues. This is because the substance of an agreement differs from conflict to conflict. What creates this discrepancy is the differences manifest from civil war to civil war such as the type of civil war (some are ethnic-based, others resource-based, religious, or any other such categories). Also, the issues in dispute and the question of how the war is brought to an end are all factors that will also alter the structure and substance of a peace agreement. As Wallensteen has earlier noted, civil wars are usually caused by a failure of governance. Therefore peace agreements that bring these conflicts to an end often focus on rebuilding governance mechanisms.⁷⁶

Nevertheless, each civil war has its own unique elements and mechanisms that it wishes to address in a specific peace agreement that could be significantly different from another civil war. For example in the Kenyan electoral conflict of 2007/2008, power and how it is to be shared was a key part of the peace negotiations⁷⁷ while in the Sudan peace negotiations, self-rule and possibility of secession was a factor that deeply informed South Sudan's overall involvement and interest in the peace process. Although both conflicts touch on governance, the priorities of each conflict are clearly different.⁷⁸ Borrowing Vasquez's

⁷³ Connie Peck, "United Nations Mediation Experience : Practical Lessons for Conflict Resolution" in Jacob Bercovitch, Victor Kremenyuk and I. W. Zartman (eds), The Sage Handbook of Conflict Resolution (London : SAGE, 2009), p.420

⁷⁴ J.G Merrills, International Dispute Settlement, Fourth Edition (Cambridge: Cambridge University Press, 2005) , p.13

⁷⁵ Howard Adelman, "Refugee Repatriation" in Stephen John Stedman et al(eds), Ending Civil Wars: The Implementation of Peace Agreements (Boulder: Lynne Rienner,2002) , p.283

⁷⁶ Peter Wallensteen, op.cit.

⁷⁷ Makumi Mwangi, The Water's Edge: Mediation of Violent Electoral Conflict in Kenya (Nairobi: IDIS Publications,2008), p.152

⁷⁸ Francis K. Mulu, The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War (Nairobi : CUEA,2008).p.49

definition of substantive components as the issues at the fore of a conflict,⁷⁹ it becomes clear that certain things are going to change in the violent society that the peace agreement is intended for. What this means therefore is that substantive issues are actually concerned with the 'what is going to change' aspect of the peace agreement. Institutional/implementation components are the organizational arrangements or mechanisms intended to promote the peace consolidation effort after the agreement. They address the 'who' element of the agreement. These mechanisms are either directly responsible or provide oversight and guidance to other actors to carry out the activities intended to consolidate the fragile peace and lay the foundation for sustainable peace and development.⁸⁰ Depending on the issues unique to each conflict and war-torn country, peace agreements will vary in size and content. This means that not all agreements will necessarily address the same issue the same way. In other words, there really is no blue-print that points to uniformity. For example, some conflicts such as the ones for Northern Ireland and Sudan have a strong element of self-determination where the question of independence is a real threat to peace.⁸¹ In such conflicts, the Belfast Peace Agreement/the Good Friday Agreement and the Comprehensive Peace Agreement for the Sudan have embraced within their texts a possibility of secession following a referendum.⁸² Such an element is missing in the Arusha Peace Accord or the Kenyan Peace Accord because the issue of secession was not core to these conflicts. Accordingly, the complexity and number of issues also determine the size of a peace agreement. This means that a peace agreement can be short or long depending on the issues of contention. For example, according to Peck,⁸³ the Greek and Turkish Cypriot parties in conflict drafted 'the biggest peace agreement ever produced which was over 6000 pages'. Sierra Leone's Lomé Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front (RUF) was a comprehensive document of 37 articles dealing with socio-economic, security and political issues.⁸⁴ Therefore, whether it is thirty seven articles or six thousand pages, it is important to note that however detailed a peace agreement

⁷⁹ John A. Vasquez et al (ed), Beyond Confrontation: Learning Conflict Resolution in the Post-Cold War Era (Michigan: Michigan University Press,1995), p.49

⁸⁰ The International Council on Human Rights Policy, Negotiating Justice?: Human Rights and Peace Agreements (Geneva: International Council on Human Rights Policy,2006), pp.99-100

⁸¹ Christine Bell, Peace Agreements and Human Rights (Oxford: Oxford University Press,2000), p.173

⁸² Rita Kiki Edozie, "Sudan's Identity Wars and Democratic Route to Peace" in Santosh C. Saha (ed), Primal Violence or the Politics of Conviction?: Perspectives on Contemporary Ethnic Conflict (Oxford: Lexington Books,2006), p.239

⁸³ Connie Peck, "United Nations Mediation Experience: Practical Lessons for Conflict Resolutions" in J. Bercovitch, V. Kremenyuk and I.W Zartman (eds), The SAGE Handbook of Conflict Resolution, (London: SAGE ,2009), p.424

⁸⁴ Julius Mutwol, Peace Agreements and Civil Wars in Africa: Insurgent Motivations, State Responses, and Third-Party Peacemaking in Liberia, Rwanda , and Sierra Leone (New York; Cambria Press,2009),p.305

is, often times not all the issues important and dear to all the primary bargaining parties can be discussed and enumerated in peace agreements.⁸⁵ This means that given the complexity of making peace in civil war, no document is likely to address all of the concerns of the parties in conflict. In fact, Walters posits that resolving the underlying issues over which a civil war has been fought should not be thought of as the ultimate solution to the conflict. This could be explained by Mwangi's argument that substantive issues in a conflict keep on mutating, completely changing, or even acquiring new dimensions in other conflicts.⁸⁶ Given that the United Nations and other regional and sub-regional organizations started regaining prominence in the post-Cold War era, civil war agreements' content often encompasses reference to the United Nations Charter principles and principles of the regional and sub-regional organizations. This factor features in some peace agreements such as the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement).⁸⁷ Other than commitment to resolving conflicts through peaceful means, the Dayton Agreement and many other post-Cold War peace agreements purpose to detail solutions to the underlying causes of conflicts. This is why there is an up-surge in the emphasis on elements such as structural reforms, democratisation and electioneering, human rights, refugees and internally displaced persons resettlement, power-sharing, good governance, and prosecution of war crimes.⁸⁸ Since civil wars are mostly about the struggle for the control over a government and its machinery (power), a number of power-sharing agreements have been negotiated and signed in war-shattered societies. These agreements contain clauses that intermesh the concept of power-sharing and coalition governance.⁸⁹ A good example is the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions. This agreement calls for power to be shared among the competing societal groups. Bosnia, El Salvador, Sudan, Northern Ireland, Kenya and the Philippines have also embraced peace agreements that are largely power-sharing in nature.⁹⁰

⁸⁵ Makumi Mwangi, Water's Edge: Mediation of Violent Electoral Conflict in Kenya (IDIS Publication: Nairobi), pp.238-241. The National Accord and Reconciliation Act 2008 and the Agreement on the Principles of Partnership of the Coalition Government are relatively short documents that do not outline all the issues in the Kenya electoral conflict that has roots in other historical causes.

⁸⁶ Makumi Mwangi, Conflict in Africa: Theory, Processes and Institutions of Management (Nairobi:CCR,2006), p.100

⁸⁷ Article I of The General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement). This peace agreement was signed in November 1995 in Paris to end the three and a half year war in Bosnia.

⁸⁸ Annexes 1A-11 of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement).

⁸⁹ Caroline Hartzell and Matthew Hoddie, "Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management", *American Journal of Political Science*, Vol.47, No.2 (Apr.,2003),pp.318-332:318

⁹⁰ Ibid. Hartzell and Hoddie posit that power-sharing as a substantive issue manifests itself in the common forms of a grand coalition, the mutual veto, proportional electoral system and a proportionality in the distribution of

In Sierra Leone, from the Abidjan Accord of November 1996 through the 1999 Lomé Agreement, the RUF rebels gained substantial concessions and promises of power. The final agreement gave them access to cabinet posts, amnesty, and control over diamond resources. Power-sharing was among the most important issues during negotiations, and the agreement initiated developments that eventually led to peace.⁹¹ If civil wars are mostly about power and influence, it follows that civil war agreements must expand the political stage to accommodate as much participation as possible. This is the reason why peace agreements in civil war situations include the element of democratisation in its content. Other than the holding of free and fair elections, democratisation involves a balance of forces in a society so that one party does not monopolise power.⁹² Civil war agreements also create constitutional moments in the conflict societies that they are intended for. This occurs when elements of the peace agreement are integrated into the transitional arrangements and may even end up in the final constitution after a process of adaptation and political legitimization. A good example is the Kenyan Peace Accords whose third section asks the parties to the conflict to take the whole peace process to parliament. The purpose of this was to enact the agreement and make the necessary constitutional amendments.⁹³ The Arusha Peace Agreement was accepted as (together with Rwanda's 1991 constitution) the Fundamental Law that would govern the country during the transitional period.⁹⁴ Civil war peace agreements are formulated with the aim of addressing the underlying causes of war. A central feature of many peace agreements is their extensive reference to human rights.⁹⁵ Human rights abuses as causal factors in most civil wars and as frequent occurrences in the course of civil wars constitute some of the most contentious issues that must be addressed in the text of a peace agreement. An example of peace agreements that have emphasised the human rights component as a substantive solution to conflict is the Guatemalan Comprehensive Peace Agreement.⁹⁶ Civil war peace

administrative appointments and either territorial or corporate autonomy. They expand power-sharing to include economic resources such as military positions, government spending to name but a few.

⁹¹ Michael O'Flaherty, "Sierra Leone's Peace Process: The Role of the Human Rights Community", *Human Rights Quarterly*, Vol.26, No.1(Feb.,2004),pp.29-62: 34

⁹² Peter Wallenstein, op. cit., p.11. Wallenstein posits that one of the critical signposts of peace agreements in the post-cold war era is the principle of democracy.

⁹³ Makumi Mwangira, *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya*, (IDIS Publications: Nairobi, 2008), p.151

⁹⁴ Gilbert M. Khadiagala, "Implementing the Arusha Peace Agreement on Rwanda" in Stephen John Stedman, Donald Rothchild and Elizabeth M. Cousens (eds), *Ending Civil Wars: The Implementation of Peace Agreements*, (Boulder, CO.: Lynne Rienner, 2002), p.476

⁹⁵ International Council on Human Rights Policy, *Negotiating Justice? Human Rights and Peace Agreements*, (International Council on Human Rights Policy: Geneva,2006), p.1

⁹⁶ For details of the Guatemalan Comprehensive Peace Agreement on Human Rights see William Stanley and David Holiday, "Broad Participation, Diffuse Responsibility: Peace Implementation in Guatemala" in Stephen

agreements also tend to go beyond the mere end of active violence to include the component of justice.⁹⁷ This trend has witnessed the upsurge of Truth, Justice and Reconciliation Commissions and other justice mechanisms (such as the more legalistic methods of Criminal Tribunals) as core components in the texts of several peace agreements. The El Salvador and Guatemala peace agreements have enmeshed obligations relating to the creation of Truth and Justice Commissions as substantive solutions to conflict.⁹⁸ The Sierra Leonean Lomé Agreement provided for the creation of the Truth and Reconciliation Commission to address issues of justice, amnesty, and a forum of healing and reconciliation.⁹⁹ However, certain agreements such as the Agreements on a Comprehensive Political Settlement of the Cambodian conflict (the Paris Agreement) omit clauses on accountability mechanisms (the element of justice) for atrocities, war crimes and human rights violations despite Khmer Rouge's obvious crimes against humanity.¹⁰⁰

Depending on how deeply divided a society is, the issues discussed in a peace agreement text can be extremely specific in detail to the extent that they address issues that normally would not appear as common elements of peace agreements. The specificity of issues is hugely shaped by a conflict's uniqueness and particular circumstances. A good example is the Northern Ireland conflict, one of the world's longest running conflict that produced the Good Friday Agreement of 1998. The text of the Good Friday Agreement spells out the accepted pledge of office for government ministers and the code of conduct. The government officials pledge to discharge in good faith all the duties of office, commit to non-violence and peaceful means and equally serve all the people of Northern Ireland.¹⁰¹ Other than issues, another important factor to consider in the analysis of peace agreements is the actors involved in the process leading to their conception and signing. According to Burton,

John Stedman et al (eds), *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder, CO.: Lynne Rienner, 2002), p.444

⁹⁷ I.W Zartman, "Looking Forward and Looking Backward on Negotiation Theory" in I.W Zartman and Victor Kremenyuk (eds), *Peace Versus Justice: Negotiating Forward- and Backward- Looking Outcomes* (Oxford: Rowman and Littlefield, 2005), p.293

⁹⁸ Rama Mani, *Beyond Retribution: Seeking Justice in the Shadows of War* (Malden: Blackwell,2002),p.89

⁹⁹ William Schabas, *War Crimes and Human Rights: Essays on the Death Penalty, Justice and Accountability* (London: Cameron May, 2008), pp. 578-579. The Lomé Peace Agreement pledged for the establishment of the Sierra Leone Truth and Reconciliation Commission in order to create an impartial historical record of violations and abuses of human rights, to address impunity, to respond to the needs of the victims, to promote healing and reconciliation and to prevent a repetition of the violations and abuses suffered.

¹⁰⁰ Sorpong Peou, "Implementing Cambodia's Peace Agreement" in Stephen John Stedman, Donald Rothchild and Elizabeth M. Cousens (eds), *Ending Civil Wars: The Implementation of Peace Agreements*, (Lynne Rienner: Boulder, Colorado, 2002), p.504

¹⁰¹ Stephen Farry, "The Morning After: An Alliance Perspective on the Agreement" in Jorg Neuheiser and Stefan Wolff (eds), *Peace at Last: The Impact of the Good Friday Agreement on Northern Ireland* (Dublin: Berghahn,2003),p.33

in peace negotiations there are many parties and sub-parties involved in the process in proportion to each party's level of involvement in the conflict.¹⁰² Basing on this assumption, it therefore appears that those involved in negotiating and eventually signing a peace agreement make up a complex tapestry of internal and external actors.¹⁰³ The term 'internal actor' refers to parties comprising of two groups of players in the process of peace agreement-making. The first class consists of the inner core parties directly involved in the conflict. Direct involvement means that these parties have taken up arms against each other and used one form of violence or another against each other in the hope of achieving political leverage and gains. In a civil war situation, one of the principal internal actors must be the government of the day and the other can be any group opposing the legitimacy of that government.¹⁰⁴ The second class of players in the 'internal actor' group comprises the mediator(s). In mediation, the third party that works to ensure that the disputants reach their own agreement concerning how to eliminate the key incompatibilities that led to violence in the first place is called the mediator. The mediator is the crucial party in a conflict whose role it is to assist the disputants in their search for a mutually acceptable agreement.¹⁰⁵ A mediation process in a civil war can either employ a single mediator or multiple ones according to the wishes of the principals. In the case of a single mediator, the principal actors (inner core parties) often have their allies and constituents who also form a vital part of the totality of actors in a negotiation process.¹⁰⁶ Although in majority of cases the principal actors in a conflict are the ones directly involved in the negotiation process, at times parties who may not be directly involved in the hostilities but have stakes in the conflict or its outcome also become involved. For example, ODM-Kenya actively participated in the drafting of the Agreement on the Principles of Partnership of the Coalition government (the Coalition Agreement) and the National Accord and Reconciliation Act, 2008 that ended the disputed election violence in Kenya despite the fact that ODM-Kenya was not party to the dispute.¹⁰⁷ Given the obvious prominence of principal actors in the conflict, it seems that peace agreements need to include all or as many of them as possible in order to be able to

¹⁰² John W. Burton, *Conflict Resolution: Its Language and Processes* (Scarecrow Press : Lanham, 1996), p.52

¹⁰³ Andrew Williams, "Conflict Resolution after the Cold War: The Case of Moldova", *Review of International Studies*, Vol.25, No.1 (Jan., 1999), pp.71-86:84

¹⁰⁴ Peter Wallensteen, *Understanding Conflict Resolution, Second Edition* (SAGE Publications: London, 2007), p.121

¹⁰⁵ Luc Reyckler & Thania Paffenholz (eds), *Peace-building: A Field Guide* (Boulder, CO.: Lynne Rienner, 2001), p.6

¹⁰⁶ Makumi Mwagiru, *Water's Edge: Mediation of Violent Electoral Conflict in Kenya* (IDIS Publications: Nairobi, 2008), p.45

¹⁰⁷ *Ibid.*, 114

realise a document that addresses the various aspects and sides of the conflict as conclusively as possible under the interest-driven circumstances. This is merely an idealistic view because while it would make more sense to engage all principal actors in a conflict, some conflicts such as the Uganda one has seen the government sign a peace agreement with one group, UNRF II while continuing to fight with the Lord's Resistance Army (LRA).¹⁰⁸ Moreover, in some war-shattered societies such as Somalia, the volatility of the clan-based rivalries means that the identity of the parties keeps changing such that it is virtually impossible to be able to have an all-inclusive process at any one given time. New claims of parties as principals keep taking place such that there is always one group or a number of groups that feels left out. In addition, other than the mediator, there are also other parties who have interest in the conflict and its outcome. These parties may be needed to append their signatures as witnesses to the agreement(s).¹⁰⁹ In the Kenyan Peace Accords for example, the Agreement on the Principles of Partnership of the Coalition Government bears the signatures of Koffi Annan and Jakaya Kikwete as witnesses.¹¹⁰ The role of the witnesses extends beyond the signing ceremony because they are also important when it comes to implementation.¹¹¹ As Mutwol has noted, self-enforcing peace agreements are extremely rare.¹¹² Such actors as Kikwete and Annan in the Kenya peace process come into play due to the internationalised nature of all civil wars. This internationalisation means that other than domestic players, international actors form an important part of those involved in a peace process. International actors' role is mostly mediatory and implementary in nature although international actors can have interest as allies and patrons.¹¹³ International actors can either be individuals, civil society, sub-regional organisations, regional organizations and international organisations such as the United Nations. Individuals prominent in peace agreements are such as Prof. Washington Jalang'o Okumu in the South African agreement between Zulu Inkatha Freedom Party of Mangosuthu Buthelezi, F.W. de Clark, South African Government/National Party and Nelson Mandela of the ANC party,¹¹⁴ Moi and the power-sharing agreement between Tito Okello and Yoweri

¹⁰⁸ Peter Wallensteen, Understanding Conflict Resolution, Second Edition (London: SAGE, 2007) p.124

¹⁰⁹ *Ibid.*, p.241

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*, p.147

¹¹² Julius Mutwol, Peace Agreements and Civil Wars in Africa: Insurgent Motivations, State responses, and Third-Party Peacemaking in Liberia, Rwanda, and Sierra Leone (New York: Cambria Press, 2009), p.12

¹¹³ Makumi Mwangi, *op.cit.*, p. 147

¹¹⁴ Jabulani C. Buthelezi, Rolihlahla Dalibhunga Nelson Mandela: An Ecological Study, (Victoria, B.C: Trafford, 2002), p.461

Museveni in 1985.¹¹⁵ States have also participated as actors in peace processes. A good example is the Cantadora Group of Central American countries comprising (Colombia, Mexico, Panama and Venezuela) that participated actively in the negotiation, drafting and signing of the Esquipulas I (1986) and Esquipulas II (1987) in El Salvador.¹¹⁶ As for regional and sub-regional organizations, their role in peace agreements extends from mediatory, facilitatory to implementary. For example, in the Liberian Civil War, the Economic Community of West African States (ECOWAS) is the premier organization that brokered peace in Liberia and is the one responsible for the Cotonou peace Agreement of 1993.¹¹⁷ In the Democratic Republic of Congo (DRC), the South African Development Community (SADC) played a vital part in the road to the Lusaka Agreements.¹¹⁸ In the Horn of Africa conflict system, the Inter-Governmental Authority on Development (IGAD) has played pivotal roles in the Sudan and Somali peace processes.¹¹⁹ Whereas, the North Atlantic Treaty Organisation (NATO) has played a pivotal role in the realisation of Bosnia Herzegovina's Dayton Peace Agreement,¹²⁰ the African-Union facilitated the Kenya Peace Accords.¹²¹ The United Nations has also participated in a number of civil wars; mostly at the implementation stage.¹²² It is apparent therefore that the post-Cold War period has seen peace agreements presented as formally documented, signed and publicly available documents involving both domestic and international actors. These actors are a complex mix of individuals and organisations with certain overt or covert interests in the peace agreement. From the panoramic exploration that has been undertaken in the preceding sections, it is apparent that from antiquity to modern day practice, peace agreements are the vital tools that lay down the conditions under which war should cease.

¹¹⁵ Gilbert Khadiagala, Meddlers or Mediators?: African Interveners in Civil Conflicts in Eastern Africa (Leiden: Nijhoff Publishers, 2007), p.49

¹¹⁶ Elizabeth M. Cousens et al(eds), Peacebuilding as Politics: Cultivating Peace in Fragile Societies, p.159

¹¹⁷ Sydney Dawson Bailey and Sam Daws, The Procedure of the UN Security Council, Third Edition (Oxford: Oxford University Press, 1998), p.497

¹¹⁸ Phillip Roessler and John Prendergast, "Democratic Republic of Congo" in William J. Durch (ed), Twenty-First-Century Peace Operations (Washington, DC: United States Institute of Peace, 2006), p.244. See also Makumi Mwagiru, Conflict in Africa: Theory, Processes and Institutions of Management (Nairobi: Centre for Conflict Research, 2006), pp.153-158 for a discussion on the role of sub-regional organizations in conflict management.

¹¹⁹ Africa South of the Sahara, 33rd Edition (Europa Publications: London, 2004), p.1332

¹²⁰ Zoran Pajic, "A Critical Appraisal of the Human Rights Provisions of the Dayton Constitution of Bosnia and Herzegovina" in Wolfgang Bebedek et al (eds), Human Rights in Bosnia and Herzegovina after Dayton: From Theory to Practice (The Hague: Kluwer, 1999), p.33

¹²¹ Makumi Mwagiru, *op.cit.*, pp.238-241

¹²² Adekeye Adebajo, Building Peace in West Africa: Liberia, Sierra Leone and Guinea-Bissau (Boulder: Lynne Rienner, 2002), p.56

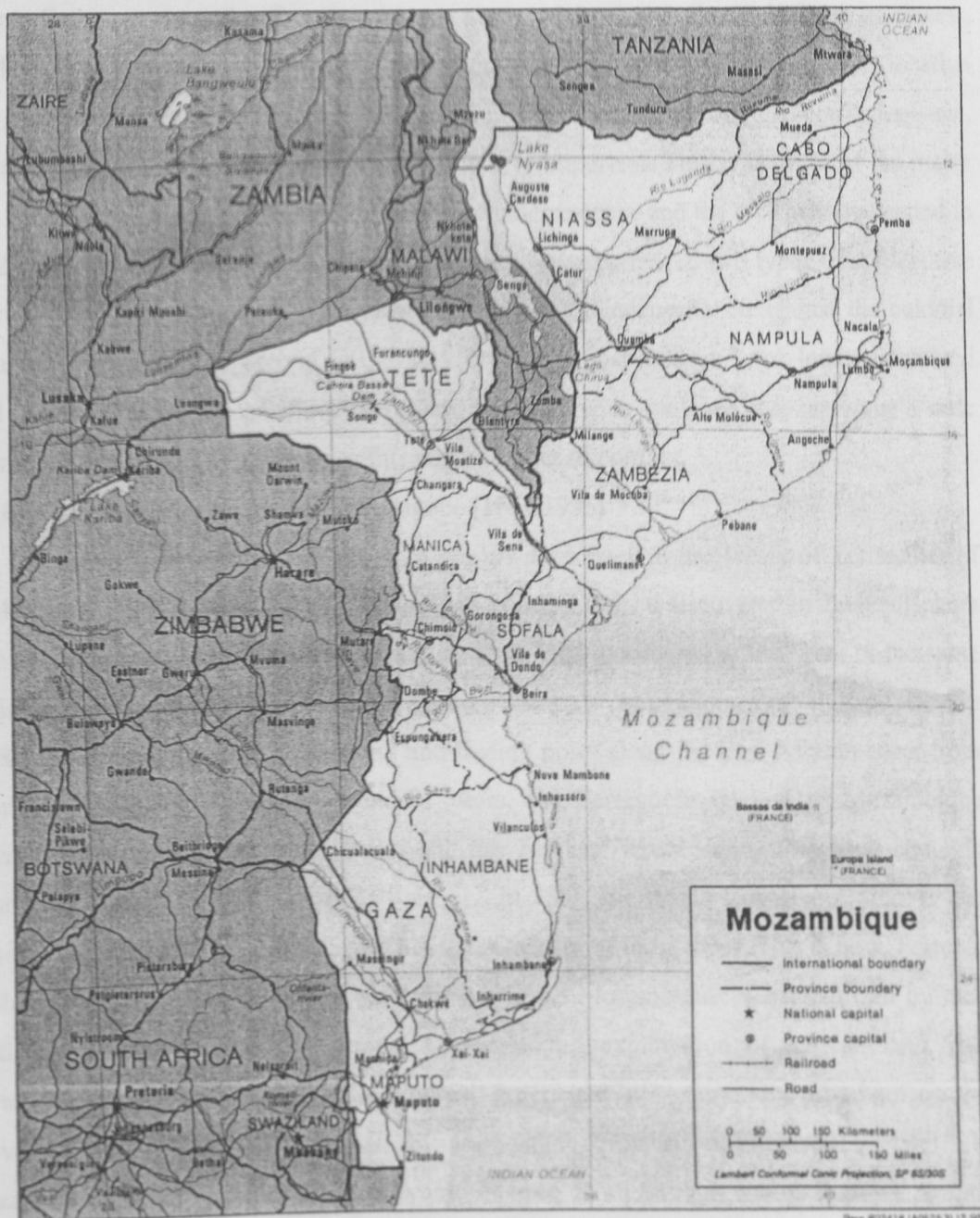
Chapter Three

Conflict and Mediation in Mozambique

3.1 Introduction

The southern African country of Mozambique has experienced many years of protracted internal violence. Commencing in 1961 as an anti-colonial war and quickly metastasising into a civil war after independence in 1975, the country experienced nonstop conflict that defied many attempts at resolution. In thirty one years of violence, the country experienced several attempts at negotiated settlement by a variety of actors with equally varied interests. Unfortunately, the resolution efforts failed to bear fruit and therefore gave no respite to the armed conflict in the country. The real turning point in the conflict's resolution efforts only occurred in 1992 when the parties to the conflict (RENAMO and the government) finally met in Rome, Italy, to work out a formula for peace in the country. This resulted in the signing of the General Peace Agreement for Mozambique. The agreement officially marked the end of continuous and vicious violence between the two adversaries. It also established new rules of the game within which the former adversaries would have to express their political views. The conflict in Mozambique was an internationalised civil war with an array of external and internal causes, effects, and actors. This made the war extremely complicated. The complexity of the war unfortunately also affected its resolution. Cognizant of the intricate nature of the Mozambican civil war, this chapter will carry out a carefully developed account of the context of the civil war and the intrigues that helped perpetuate the war for about thirty years. It will also describe how the civil war ended and how the country handled the immediate post-agreement period. To achieve this, the study will engage in a thorough secondary data analysis where academic books, journal articles and texts of peace agreements will constitute the principal sources of information. The analysis of these sources will include a systematic panorama of the civil war's historical aspects, sources and causes (issues and interests), actors (internal, regional and international), peace processes, documents (peace agreements), and the main provisions of these agreements. Such a careful analysis of these aspects of the conflict will help to contextualise the implementation of the General Peace Agreement for Mozambique (GPA) which forms the core of this study. By giving the analysis of the war and the mediation process (es), it will be easy to understand the actions of the parties to the conflict and the other active third parties at the implementation stage of the peace agreements.

Figure 1.2 Mozambique Map¹



¹ The United Nations and Mozambique, 1992-1995, The United Nations Blue Books Series, Volume V (New York: Department of Public Information, 1995), p.8

3.2 Background to the Conflict

Geographically, Mozambique is located in south-eastern Africa. It is bordered by the Indian Ocean to the east, Tanzania to the north, Malawi and Zambia to the northwest, Zimbabwe to the west and Swaziland and South Africa to the southwest. From its location and geographical positioning, Mozambique belongs to the Southern African conflict system. Contextualising the conflict within a system is very important. This is because of the major role geopolitics played in Mozambique's war of independence and the civil war that ended in 1992.² Having been at war since 1961, the country has experienced two types of consecutive internal wars. The first type is the fourteen year war of independence against the colonial Portuguese regime. The second is the seventeen year post-independence internationalized civil war. With a total of thirty-one years of continuous violence, Mozambique's case constitutes one of Africa's longest uninterrupted cycles of conflict.

3.3 The Mozambican War of Independence (1964-1975)

Mozambique's contact with foreign powers dates back to the Treaty of Tordesillas of 1494 between Spain and Portugal. This entitled Portugal to land discovered in the hemisphere to the east of the forty-sixth meridian and Spain to land discovered to the West of the same meridian.³ As a result of this treaty and Vasco da Gama's exploration of the Indian Ocean in 1498,⁴ the Portuguese established forts and trading posts along the East African coast from Mombasa to Maputo. For four hundred years, the Portuguese interest in Mozambique remained confined to the coastal areas and the Zambezi River Valley that were strategic commercial points for gold, ivory and slaves.⁵ In 1885, the Berlin Conference allowed the powers with coastal settlements to also claim the interior of those areas. This is how, Portugal (with Britain's help), gained entry into the interior of Mozambique.⁶ Characterized by race stratification, slavery and slave trade, forced labour, exploitation of African land, and increased Portuguese settlement, the colonial experience in Mozambique was hard on the native people.⁷ This was worsened by Portugal's overt anti-decolonisation stand.⁸ If Mozambique wanted independence, it would have to do so through war as Portugal had no

² Makumi Mwangi, *Conflict in Africa : Theory, Processes and Institutions of Management* (Nairobi: CCR Publications, 2006), pp.72-73

³ Cameron Hume, *Ending Mozambique's War: The Role of Mediation and Good Offices* (Washington D.C: United States Institute of Peace, 1994), p.4

⁴ Justus Strandes, *The Portuguese Period in East Africa* (Nairobi: EALB, 1961), pp.1-30

⁵ Mary Fitzpatrick, *Mozambique* (Footscray, Vic.: Lonely Planet, 2007), p.22

⁶ Malyn D. Newitt, *A History of Mozambique* (Bloomington: Indiana University Press, 1995), pp.370-371

⁷ Patrick J. McGowan, Scarlett Cornelissen and Phillip Nel (eds), *Power, Wealth and Global Equity: An International Relations Textbook for Africa* (Cape Town : University of Cape Town Press, 2006), p.308

⁸ William Minter, *Apartheid's Contras : An Inquiry into the Roots of War in Angola and Mozambique* (London: Zed Books, 1994), p.15

intention of decolonizing. As a reaction to the anti-decolonisation policy, the Mozambique Liberation Front (FRELIMO) was founded in 1962 to procure power from Portugal by force.⁹ In September 1964, the armed struggle officially began when FRELIMO launched a guerrilla attack in northern Mozambique.¹⁰ FRELIMO was a grand-coalition of several anti-colonial nationalist groups with Eduardo Mondlane as its head. The liberation movement was formed with a strong nationalistic drive. Its *raison d'être* was to unite the diverse groups of natives that had been divided by colonialism.¹¹ The movement intended to fight against exploitation and discrimination of Africans in education and skilled employment.¹²

Brown, in his analysis of international dimensions of internal conflict, contends that this type of conflict almost always involves neighbouring states.¹³ In Mozambique, the neighbouring countries played a significant role in the fight against colonialism. For instance, Kenya helped Mozambique form and host the Mozambique African National Union (MANU) in 1961.¹⁴ Malawi, on the other hand, hosted the *União Nacional Africana de Moçambique Independente* (UNAMI) in the early 1960s. Rhodesia, in its part, hosted the *União Democrática Nacional de Moçambique* (UDENAMO) in 1961 at Salisbury (now Harare).¹⁵ As part of his contribution to the liberation struggle in Mozambique, Julius Nyerere personally exerted pressure on the Mozambican nationalistic groups to unite. As a result, the three movements (MANU, UDENAMO and UNAMI) merged into FRELIMO on 25 June 1962. To show solidarity with the new movement, Nyerere provided a base in Dar-es-Salaam for the unified movement to operate from.¹⁶ Zambia, on the other hand, allowed FRELIMO to use its territory to ship arms and supplies to its members in Mozambique. Zambia also allowed FRELIMO to launch assaults in Mozambique from its territory.¹⁷

⁹ James A. Schellenberg, *Conflict Resolution: Theory, Research and Practice* (State University of New York Press: New York, 1996), p.51. See also Makumi Mwagiru, *Conflict in Africa: Theory, Processes and Institutions of Management* (Nairobi: CCR Publications, 2006), pp.20-21

¹⁰ William Minter, op.cit.

¹¹ Margaret Young and Tom Young, "Mozambique at War with Itself", in Tom Young, (ed) *Readings in African Politics*, (London: International African Institute,), p.59

¹² Andrea Bartoli, "Mediating Peace in Mozambique : The Role of the Community of Sant'Egidio" in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds), *Herding Cats: Multiparty Mediation in a Complex World* (Washington D.C: United States Institute of Peace, 1999), p.253

¹³ Michael E. Brown, "Introduction" in Michael E. Brown (ed), *The International Dimensions of Internal Conflict* (Cambridge, Massachusetts : The MIT Press, 1996), pp.3-7

¹⁴ Joseph Hanlon, *Mozambique : The Revolution Under Fire* (London: Zed Books, 1984), p.24

¹⁵ Patrick Chabal et al., *A History of Lusophone Africa* (London: C. Hurst & Co., 2002), p.113

¹⁶ Jeremy M. Weinstein and Laudemiro Francisco, "The Civil War in Mozambique: The Balance between Internal and External Influences", in Paul Collier and Nicholas Sambanis (eds), *Understanding Civil War: Evidence and Analysis* (Washington, D.C: IBRD/World Bank, 2005), p.159. See also Eduardo Mondlane, *The Struggle for Mozambique* (London: Penguin Books, 1969), p.118

¹⁷ Steven F. Jackson, "China's Third World Foreign Policy: The Case of Angola and Mozambique, 1961-93", *The China Quarterly*, No.142 (Jun., 1995), pp.388-422:391

Other than the neighbouring countries, internal conflict can also affect the interests of distant countries.¹⁸ In Mozambique's war of independence, some countries that were not immediate neighbours were also involved in one way or another. These include countries such as Egypt and Algeria that provided military hardware and training to FRELIMO.¹⁹ Some countries outside Africa also supported the liberation movement in Mozambique mainly through arms, logistical, advisory and technical support to FRELIMO. Examples of these are countries such as the Soviet Union, China and Cuba. The interest of these powers in the events in Mozambique was driven by the Cold War desire to spread communism.²⁰ The massive involvement of external actors in the Mozambican war of independence internationalised the conflict.²¹ Recognition of the 'internationalisation' of the independence struggle is crucial. This is because it will help in understanding the external influences and intrigues that would later repeat themselves in the civil war that followed the independence struggle. In the study of how civil wars end, Hartzell and Hoddie identify four ways that include military victory, negotiated settlement, negotiated truces and third party imposed peace. In Mozambique, the war of independence ended in military victory for FRELIMO.²² This victory was precipitated by a *coup d'état* in Lisbon that took place on 25 April 1974. The coup d'état led to a change of leadership from Marcello Caetano, a strong anti-decolonisationist, to Antonio de Spínola who supported self-determination for Portuguese colonies.²³ Inside Mozambique, the April revolution brought about chaos. The army and the civil government were uncertain of what role they were to play and from whom they were to take orders. Military units refused to fight FRELIMO. Taking advantage of this confusion, FRELIMO continued the war pushing towards the capital defeating the disoriented Portuguese army.²⁴

3.4 Negotiating the Colonial Conflict

Although FRELIMO had a military advantage over Portugal following the coup d'état in Lisbon, Portugal still held the political power in Mozambique. To prevent further

¹⁸ Michael E. Brown, *op.cit.*, p.8

¹⁹ Alice Dinerman, Revolution, Counter-Revolution and Revisionism in Postcolonial Africa: The Case of Mozambique, 1975-1994 (Abingdon, Oxon : Routledge, 2006), p.21

²⁰ Arthur Mark Weisburd, Use of Forces: The Practice of States Since World War II (University Park, Pa.: Pennsylvania State University Press, 1997), p.83

²¹ Michael Edward Brown, "The Causes and Regional Dimensions of Internal Conflict", in Michael Edward Brown(ed), The International Dimensions of Internal Conflict (Cambridge, Massachusetts: Centre for Science and International Affairs, 1996), p.572

²² Caroline A. Hartzell and Matthew Hoddie, Crafting Peace: Power-Sharing Institutions and the Negotiated Settlement of Civil Wars (University Park, PA : Pennsylvania Univ. Press, 2007), pp.5-8

²³ Malyn Newitt, A History of Mozambique (London: C. Hurst & Co., 1995), p.529, 534

²⁴ Fiona Macdonald et al, Peoples of Africa, Volume 1 (New York : Marshall Cavendish, 2001), p.365

FRELIMO onslaught and stop the worsening military situation in Mozambique, attempts at negotiation were made by different actors. One of the people championing negotiation as opposed to military confrontation was President Kenneth Kaunda of Zambia.²⁵ Echoing Kaunda's call for peace, in May 1974, General Francisco da Costa Gomes, Portugal's Chief of the General Staff visited Mozambique. During the visit, he appealed to FRELIMO to agree to a ceasefire and enter into negotiations to end the colonial conflict. He did this by asking former African detainees in Mozambique to transmit a request to their leaders for official negotiations and a truce in military operations.²⁶ As a result of Kaunda's and Gomes' attempts to get the parties in conflict to negotiate, Samora Machel sent Aquino de Braganca, his personal emissary to meet officials of the Portuguese government in Lisbon. In the meeting, the date of official negotiations was set for June 5, 1974. Lusaka, Zambia was chosen as venue for the official negotiations because it was viewed as neutral compared to venues such as Dar-es-Salaam which had headquartered FRELIMO during the war. Lisbon was rejected because FRELIMO desired an African solution.²⁷ Bercovitch notes that motives and interests play a significant role in any actor's desire to intervene in a conflict.²⁸ Offering Lusaka as a venue, Kaunda's interest in hosting the negotiations was hinged on his desire to play a major role in the future of Southern Africa. Thus, hosting the Mozambique-Portugal peace negotiations was a good opportunity to grant him prestige, influence and recognition in the region.²⁹

Other than venue and date, at the pre-negotiation stage, both sides presented items they desired to appear in the negotiation agenda. Portugal's key points included a cease-fire, referendum, elections in which FRELIMO would be but one of the several parties, and an orderly transition. On its part, FRELIMO insisted on unconditional handing over of power to FRELIMO in addition to the recognition of FRELIMO as the sole, legitimate representative of Mozambique in the negotiations.³⁰ The Lusaka peace negotiations took place from June 5 to 6, 1974. In the process, Samora Machel led FRELIMO in the negotiations while Foreign Minister Soares represented Portugal. Relegated to procedural matters only, Zambia did not

²⁵ James H. Mittleman, *State Power in Mozambique*, *A Journal of Opinion*, Vol. 8, No.1 (Spring, 1978), pp.4-11:4

²⁶ Margaret Hall and Tom Young, *Confronting Leviathan: Mozambique Since Independence* (Athens, Ohio: Ohio University Press, 1997), p.41. See also James Mittleman, *op.cit.*

²⁷ *Ibid.*

²⁸ Jacob Bercovitch, "Mediation and Conflict Resolution" in Jacob Bercovitch, Victor Kremenyuk and I. William Zartman (eds), *The Sage Handbook of Conflict Resolution* (London: SAGE, 2009), p.345,346

²⁹ James H. Mittleman, *State Power in Mozambique*, *A Journal of Opinion*, Vol. 8, No.1 (Spring, 1978), pp.4-11:4

³⁰ Arthur Mark Weisburd, *Use of Forces: The Practice of States Since World War II* (University Park, Pa.: Pennsylvania State University Press, 1997), p.83

take part in the actual negotiations between Portugal and Mozambique.³¹ The parties in conflict went to the negotiating table with different strong positions. Portugal proposed independence to Mozambique over a period of five years and only under a Luso-African federation. To Portugal, the negotiations in Lusaka were to procure a ceasefire, not immediate independence for Mozambique. On the other hand, FRELIMO was not negotiating Mozambique's independence. It was an inalienable right as far as they were concerned. They only took part in the negotiations to discuss the modalities of transfer of sovereignty to Mozambique.³²

Thus, the political items such as elections proposed by Portugal were rejected. This is because FRELIMO wanted an unconditional surrender of power. When Portugal hesitated to grant this, FRELIMO intensified its armed attack on the demoralized colonial forces.³³ A deadlock ensued when Portugal refused to yield to FRELIMO's demands. To retaliate, FRELIMO launched fresh attacks on Portuguese interests in Mozambique. The return to violence precipitated a series of secret negotiations in Dar-es-Salaam. These negotiations convinced the two sides to go back to the negotiating table.³⁴ The first secret meeting in Dar-es-Salaam took place on 30th July 1974. In this meeting, Portugal agreed to grant FRELIMO recognition as sole representative of the people of Mozambique. Consequently, a secret protocol affirming this fact was signed.³⁵ Subsequent to the 30th June meeting, from 14th to 17th August, there followed another meeting in Dar-es-Salaam with a larger Portuguese delegation led by Foreign Minister Soares. In this meeting, Portugal agreed to meet all of FRELIMO's demands. Satisfied with the concessions from Portugal, FRELIMO agreed to resume negotiations from September 5 to 7 in Lusaka.³⁶ The September 5 to 6 negotiations concentrated on detailing the agreement between Mozambique and Portugal. The negotiations centred on recognition of FRELIMO as the sole representative of Mozambique, transfer of power to FRELIMO, terms of a ceasefire, and the modalities of a transitional

³¹ James H. Mittleman, *op.cit.*

³² Alexandrino Jose and Sergio Vieira, "1974-1975, The Great Turning-Point: The Consequences of the Angolan and Mozambican Independence" in Sergio Vieira, William G. Martin and Immanuel Wallerstein (eds), *How Fast the Wind?: Southern Africa, 1975-2000* (Trenton, N.J.: Africa World Press, 1992), pp.20-21

³³ William Finnegan, *A Complicated War: The Harrowing of Mozambique* (Berkeley: University of California Press, 1992), p.112

³⁴ Antonio Costa Pinto, "The Transition to Democracy and Portugal's Decolonization" in Stewart Lloyd-Jones and Antonio Costa Pinto (eds), *The Last Empire: Thirty Years of Portuguese Decolonization* (Bristol: Intellect, 2003), p.25

³⁵ Margaret Hall and Tom Young, *Confronting Leviathan: Mozambique Since Independence* (Athens, Ohio: Ohio University Press, 1997), pp.42-43

³⁶ *Ibid.*

government to exist until June 25, 1974, when hand-over of power would take place.³⁷ The Lusaka Agreement was signed on 7 September 1974 by eight Portuguese representatives and Samora Machel (the sole signatory on behalf of FRELIMO).³⁸ The Lusaka process negotiated a peaceful transfer of power from Portugal to FRELIMO. However, there are certain inherent weaknesses that the process manifested that would later affect the post-independence climate. Firstly, in this process, FRELIMO presented itself as the sole voice of the people of Mozambique. This is despite the fact that the movement was a coalition of several political groups.³⁹ By presenting itself as a unified force, the movement was in essence ignoring the political views of the other coalition partners. By ignoring the views of these other actors, FRELIMO stifled participatory politics. The fact that the Lusaka Agreement only bears Samora Machel's signature further demonstrated the relegation of the other actors within FRELIMO to political obscurity. This is despite the fact that the liberation movement was an umbrella body of many parties with different political opinions.⁴⁰ Samora Machel's unilateral signature suggests his one-party tendency. This ideology would form the core of post-independence conflict.

3.5 Post-Independence Civil War (1975-1992)

The civil war in Mozambique broke out in 1977, only two years after independence. Although the main actors in the civil war are FRELIMO and RENAMO, the latter is neither the first nor the only movement to have opposed FRELIMO. There is evidence that opposition against FRELIMO leadership began within the movement itself in the 1960s.⁴¹ As a coalition of several liberation movements, each faction within FRELIMO had its own leadership, geographic base(s) of support and distinct expectations about their role in the unified movement.⁴² Therefore, each group expected to participate in the politics of independent Mozambique. However, since its inception, the FRELIMO leadership was totalitarian in nature and often refused to incorporate alternative views from the other members. This accounts for the internal wrangles that the group experienced from time to

³⁷ James H. Mittleman, State Power in Mozambique, *A Journal of Opinion*, Vol. 8, No.1 (Spring, 1978), pp.4-11:4

³⁸ The United Nations and Mozambique, 1992-1995, (New York : United Nations Department of Public Information, 1995), p.7

³⁹ Jeremy Weinstein and Laudemiro Francisco, "The Civil War in Mozambique: The Balance Between Internal and External Influences" in Paul Collier and Nicholas Sambanis (eds), Understanding Civil War: Evidence and Analysis (Washington D.C: IBRD/World Bank, 2005)

⁴⁰ J. H. Mittleman, "State Power in Mozambique". *A Journal of Opinion*, Vol.8, No.1 (Spring, 1978), pp.4-11

⁴¹ Alex Vines, RENAMO: Terrorism in Mozambique (York: Center for Southern African Studies, 1991), pp.11-15

⁴² Jeremy Weinstein and Laudemiro Francisco, op.cit., p.161

time.⁴³ For example, one area of contention had to do with the appropriate post-colonial development agenda for Mozambique. While the FRELIMO leadership advocated for socialist strategies, the other members strongly advocated for a more capitalistic approach. To deal with the difference in opinion, FRELIMO leaders forced out the members who were opposed to socialism.⁴⁴

Due to its intolerance of criticism, FRELIMO's post-independence policies included a ban on opposition parties. This guaranteed the party leaders full political control as well as the power to lead the country and its resources without check. Consequently, FRELIMO began to nationalize and centralize the country's essential services thus concentrating resources in the hands of only a few individuals.⁴⁵ To further deter opposition, FRELIMO used all means including brutality. For instance, Mozambicans who had supported the Portuguese regime (especially those who had been in the colonial army and police force) during the liberation war were singled out for punishment that often included imprisonment.⁴⁶ Accordingly, FRELIMO's totalitarian leadership continued to stir discontent among the Mozambicans. The frustration metamorphosed into violence when on the eighteenth of December 1975, former party members from the northern provinces attempted a coup.⁴⁷ However, the government quickly responded and aborted the coup. Despite the failure of the coup to effect a regime change, it served as a clear sign of a growing domestic agitation. It was also evidence that a capable opposition could be formed to challenge the government. Thus, the coup exposed FRELIMO's internal weaknesses.⁴⁸

With the failure of the attempted coup, those principally involved in the opposition of FRELIMO fled abroad. One of the countries that eagerly welcomed Mozambican dissidents is Rhodesia.⁴⁹ In 1976, Rhodesia's Central Intelligence Organisation (C.I.O.) organised the dissidents into RENAMO, a rebel movement to fight the exiled Zimbabwe

⁴³Jeremy M. Weinstein, *Inside Rebellion: the Politics of Insurgent Violence* (Cambridge, NY: Cambridge University Press, 2006), p.73

⁴⁴Jeremy M. Weinstein and Laudemiro Francisco; "The Civil War in Mozambique: The Balance Between Internal and External Influences" in Paul Collier and Nicholas Sambanis (eds), *Understanding Civil War: Evidence and Analysis* (Washington D.C: IBRD/World Bank, 2005), p.161

⁴⁵Horace Campbell, "War, Reconstruction and Dependence in Mozambique". *Third World Quarterly*, Vol.6, No.4 (Oct., 1984), pp.839-867:854

⁴⁶ Weinstein and Francisco, op.cit., p.162

⁴⁷ Ibid.

⁴⁸ Jeremy M. Weinstein and Laudemiro Francisco, "The Civil War in Mozambique: The Balance Between Internal and External Influences" in Paul Collier and Nicholas Sambanis (eds), *Understanding Civil War: Evidence and Analysis* (Washington D.C: IBRD/World Bank, 2005), p.161

⁴⁹ Malyn Newitt, *A History of Mozambique* (London: C. Hurst & Co., 1995), p.563

African National Union (Z.A.N.U.), which at that time was mainly based in Mozambique.⁵⁰ When external actors foment civil wars in other countries, they are informed and driven by certain interests.⁵¹ Rhodesia's involvement in the civil war in Mozambique was informed by the fear that its neighbour's successful struggle for independence in 1975 would encourage rebellion in its white minority regime.⁵² In addition, Rhodesia's involvement was also triggered by Mozambique's material and psychological support of Zimbabwean and South African liberation movements.⁵³ Mozambique's frontline involvement in the decolonization of Southern Africa therefore made it a primary target for destabilisation by countries opposed to decolonisation. When the Rhodesian war ended in 1980, Rhodesia had no further use for RENAMO. South Africa took it over and began providing arms and financial aid to the guerrilla movement.⁵⁴ South Africa used RENAMO to destabilise the FRELIMO government in Mozambique. South Africa's actions were because of the latter's support for the anti-apartheid African National Congress (ANC). South Africa did this by organising RENAMO attacks into Mozambique in a bid to force the latter to rethink its relationship with the ANC.⁵⁵ The Mozambique-South Africa power play eventually resulted in the signing of a non-aggression pact (the Nkomati I Accord) in 1984. In the Accord, the two parties in conflict agreed to abolish support for insurgents in each other's territories, eliminate bases, training centres, and facilities from each other's terrain.⁵⁶ Under this deal, South Africa was required to sever economic ties to RENAMO in exchange for FRELIMO's disassociation from the ANC. By mutually agreeing to end support for insurgency in each other's countries, the Nkomati accord therefore helped to normalise and improve both bilateral and regional relations. Although South Africa went on supporting RENAMO despite the Nkomati Accord,⁵⁷ overt support was halted, prompting collaborative relations with Mozambique. This

⁵⁰ Glenda Morgan, "Violence in Mozambique: Towards an Understanding of RENAMO, *The Journal of Modern African Studies*, Vol.28, No.4 (Dec.,1990), pp.603-619:605

⁵¹ John S. Saul, "Inside from Outside? The Roots and Resolution of Mozambique's Un/Civil War" in Taisier M. Ali and Robert O. Matthews (eds), *Civil Wars in Africa : Roots and Resolution* (Quebec: McGill-Queen's University Press,1999), p.127

⁵² Ibrahim Msabaha, "Negotiating an End to Mozambique's Murderous Rebellion" in I. William Zartman (ed.), *Evasive Peace: Negotiating an End to Civil Wars* (Brookings: Washington D.C, 1995), p.206

⁵³ Gilbert M. Khadiagala, *Allies in Adversity: The Frontline States in Southern African Security, 1975-1993* (Lanham: University Press of America, 2007), p.177

⁵⁴ Joao Paulo Borges Coelho and Paulino Macaringue, " The Role of Mozambique's Armed Forces in a Changing Security Context" in Peter Batchelor, Kees Kingma and Guy Lamb (eds), *Demilitarisation and Peace-building in Southern Africa : The Role of the Military in State Formation and Nation-building* (Aldershot : Ashgate, 2004), pp.42-43

⁵⁵ Ibrahim Msabaha, op.cit., p.209

⁵⁶ Gilbert M. Khadiagala, *Allies in Adversity : The Frontline States in Southern African Security, 1975-1993* (Lanham: University Press of America,2007), p.186

⁵⁷ Ibrahim Msabaha, op.cit, p.214

collaborative approach impacts on Mozambique's quest for peace. This is mostly visible in the entry of South Africa as mediator in the conflict. The existence of the Accord afforded a change of relations (from hostile to friendly) between South Africa and Mozambique that allowed the former to facilitate talks in Pretoria and Portugal between RENAMO and FRELIMO.⁵⁸ Malawi is also one of the neighbours of Mozambique actively involved in the war. Finnegan lists some of Malawi's actions as allowing RENAMO to recruit from Mozambicans living in the country and providing medical care to injured RENAMO fighters in its hospitals. The country also facilitated passports for safe passage for RENAMO leaders.⁵⁹ However the country agreed to end its involvement in Mozambique by signing a security agreement with Mozambique in 1986. In the security agreement, Malawi would dismantle RENAMO bases in Malawi, Mozambique would be allowed the right of hot pursuit across the border, and the Malawian troops would help guard the strategic Nacala-Malawi railway line.⁶⁰

3.6 Negotiating an End to the Civil War

Numerous attempts have been made by different actors to resolve the civil war in Mozambique. The most notable of these were the Frankfurt am Main, Pretoria, Nairobi and the Blantyre efforts. On the margins of the signing of the South Africa-Mozambique Nkomati (I) Accords of 1984, South Africa discussed with Mozambique the possibility of ending the latter's civil conflict. This is how the country gained entry into the Mozambican conflict as mediator.⁶¹ In its first attempt to resolve the civil war in Mozambique, South Africa facilitated a contact meeting between RENAMO and FRELIMO in Frankfurt am Main on May 29, 1984. The meeting took place between RENAMO's first secretary general, Evo Fernandes and FRELIMO leaders.⁶² Getting parties in conflict to sit down even informally to discuss the possibility of peace is not a simple task⁶³ and so South Africa's role in arranging this meeting is important. This is because the FRELIMO/ RENAMO contact in Frankfurt unveiled the list of issues that each party in conflict wanted to be discussed. RENAMO's key interests were mainly power-sharing in nature. The party desired to discuss multipartyism and

⁵⁸ Arthur Mark Weisburd, *Use of Force : The Practice of States Since World War II* (University Park: University of Pennsylvania Press, 1997), p.199

⁵⁹ William Finnegan, *A Complicated War: The Harrowing of Mozambique* (Berkeley: University of California Press, 1992), p.142

⁶⁰ John Hanlon, *Mozambique: Who Calls the Shots?* (London: Currey, 1992), p.33

⁶¹ Saadia Touval and I. William Zartman, "Introduction: Mediation in Theory", in Saadia Touval and I. William Zartman (eds), *International Mediation in Theory and Practice* (Boulder, CO: Westview, 1985), pp.8-9

⁶² Africa Watch, *Conspicuous Destruction : War, Famine and the Reform Process in Mozambique* (New York : Human Rights Watch, 1992), p.30

⁶³ John W. Burton, *Conflict Resolution: Its Language and Processes* (Lanham: Scarecrow Press, 1996), p.51

a government of national reconciliation with shared cabinet posts. On the other hand, FRELIMO insisted on a non-power-sharing formula that included non-recognition of RENAMO as a party. Its only offer was amnesty to RENAMO fighters.⁶⁴ Understandably, a deadlock occurred in the Frankfurt meeting as no tangible concessions were made on either side. Despite this, the meeting is an important cog in the general wheel of peace negotiations in Mozambique because it established that the two antagonists could meet. Also, the meeting was able to shed light on each party's priority issues. When the Frankfurt negotiations stalled, South Africa organised a three-day meeting in Pretoria at the beginning of October 1984. In this meeting, the country decided on a more direct approach to resolving the conflict. Other than hosting the negotiations in a South African venue (Pretoria), Foreign Minister Botha stepped up as Chief Mediator.⁶⁵ In his capacity as mediator, Botha formulated a preliminary agreement to end the conflict. The document produced in the Pretoria process is called the Pretoria Declaration.⁶⁶ The agreement identified four key principles for peace in Mozambique. These include the recognition of Samora Machel as the Head of State, an immediate ceasefire, South Africa's active role in implementing a settlement and a joint commission to work for application of a settlement.⁶⁷

Unfortunately, the Pretoria process failed to bring peace to Mozambique. This failure precipitated another meeting in the same venue. The Second Pretoria process took place from 8-11 October 1984 with South Africa as mediator. Agenda-setting in conflict resolution is often steamy. Consequently, it can determine whether peace negotiations can go on or not.⁶⁸ Pretoria II was riddled with agenda-setting issues from the start. Whereas the government's priority was the cessation of all armed activity, RENAMO insisted that the meeting had to centre on its political future in Mozambique.⁶⁹ Unfortunately, the problem of divergent agenda items precipitated a RENAMO walk-off and therefore a collapse of the negotiations.⁷⁰ When the Pretoria process disintegrated, civil war in Mozambique continued for four years before the Mozambican Catholic Church decided to explore possibilities for

⁶⁴ J. Michael Quinn, "Mozambique: 1979-2002", in Karl R. DeRouen, Jr. and Uk Heo (eds), *Civil Wars of the World: Major Conflicts Since World War II* (Santa Barbara: ABC-CLIO, 2007), p.524

⁶⁵ James M. Roherty, *State Security in South Africa: Civil-military Relations under P.W Botha* (New York: Sharpe, 1992), p.57

⁶⁶ *Africa South of Sahara*, 2004, 33rd Edition (London: Europa Publications, 2003), p.742

⁶⁷ Ibrahim Msabaha, "Negotiating an End to Mozambique's Murderous Rebellion" in I. William Zartman (ed), *Elusive Peace: Negotiating an End to Civil Wars* (Washington D.C: Brookings Institution, 1995), p.211

⁶⁸ Louise Nieuwmeijer, *Negotiation: Methodology and Training* (Pretoria: HSRC, 1988), p.116

⁶⁹ Ibrahim Msabaha, "Negotiating an End to Mozambique's Murderous Rebellion" in I. William Zartman (ed), *Elusive Peace: Negotiating an End to Civil Wars* (Washington D.C: Brookings Institution, 1995), p.211

⁷⁰ *Ibid.*

peace.⁷¹ In May and October 1988, the churches in Mozambique visited Kenyan authorities in Nairobi. Their main agenda was to secure Nairobi as venue for a meeting between the churchmen and RENAMO. They intended to persuade RENAMO to agree to resolve the conflict with FRELIMO through negotiation.⁷² Kenya agreed to host the negotiations. Consequently, Kenya's Foreign Minister, Robert Ouko met with RENAMO leader Dhlakama in Germany in the same year and persuaded him to agree to a negotiated solution to the Mozambique crisis.⁷³ To entice RENAMO further, Kenya's then Permanent Secretary in the Ministry of Foreign Affairs, Bethwell Kiplagat organised passports, travel and overseas expenses for its officials.⁷⁴ In addition, Kenya's then president, Daniel arap Moi invited President Joaquim Chissano of Mozambique and President Mugabe of Zimbabwe to Nairobi in October 1988 to convince FRELIMO to consider entering into negotiation with RENAMO. In December 1988, president Moi sent an envoy to Dhlakama to convince him to consider negotiating the Mozambique civil war.⁷⁵ The Mozambican Catholic Church leaders returned to Nairobi in February 1989 to meet RENAMO leaders. The Church leaders urged the rebel movement to renounce violence and embrace dialogue in order to end the civil war.⁷⁶ After the meeting, RENAMO expressed willingness to negotiate. As a result, the next meeting under the aegis of the Mozambican Catholic Church took place from August 8 to 11 in Nairobi. In these negotiations, the church leaders met a delegation of RENAMO led by Dhlakama. Although FRELIMO was unrepresented physically in the meeting, Chissano had given a twelve-point paper to the church leaders to present to RENAMO on its behalf. Dhlakama also had prepared a sixteen point paper detailing RENAMO's demands that he gave to the church leaders to transmit to Chissano.⁷⁷

The two papers unveiled in Nairobi constituted important pointers to what the conflict was all about. The papers also detailed what it would take for each party to stop the violence. The Mozambican Catholic Church representatives presented the government's proposal. Referred to as the 12 Principles for Dialogue, the government requested RENAMO to stop all acts of terrorism and banditry, promised to support a constitutional review exercise

⁷¹ Alex Vines and Ken Wilson, "Churches and the Peace Processes in Mozambique" in Paul Gilford (ed), The Christian Churches and the Democratisation of Africa (Leiden: E.J Brill,1995), p. 139

⁷² *Ibid.*, p. 138

⁷³ Cameron Hume, Ending Mozambique's War: The Role of Mediation and Good Offices (United States Institute of Peace: Washington D.C, 1994), p.26

⁷⁴ *Ibid.*

⁷⁵ Africa South of Sahara, 2004,33rd Edition (London: Europa Publications,2003), p.522

⁷⁶ Cameron Hume, *op.cit.*, p.27

⁷⁷ Alex Vines and Ken Wilson, "Churches and the Peace Processes in Mozambique" in Paul Gilford (ed), The Christian Churches and the Democratisation of Africa (Leiden: E.J Brill,1995), p. 139

to enhance democracy and elections by secret ballot, and agreed to offer amnesty to RENAMO soldiers.⁷⁸ Conversely, RENAMO's Sixteen Points included withdrawal of foreign troops from the country, constitutional reforms, national reconciliation, and the creation of a multiparty system in which RENAMO would exist as an active political party.⁷⁹ According to Vines and Wilson, the government responded negatively to RENAMO's Sixteen Points especially because of the issue of political recognition.⁸⁰ Clearly, the issue of legitimacy was still a thorn in the flesh especially for FRELIMO. This indicated that legitimacy and FRELIMO's constant rejection of RENAMO as a legitimate peer in the negotiations was one of the key things that would have to be resolved for fruitful negotiations to take place. Despite the inherent provocative issues the documents presented, the two position papers were useful because they contained principles that could serve as the basis for further dialogue. Hume finds areas of commonality and agreement in the two divergent position papers. Firstly, both groups were amenable to a peaceful solution. Second, the two groups believed in the right of Mozambicans to choose their government through elections. Third, both groups desired a peace process anchored in national reconciliation and unity.⁸¹

The Nairobi negotiations reached a deadlock and the major stumbling block was the issue of legitimacy. This was brought about by the government's refusal to recognize RENAMO as a legitimate political force in Mozambique. Rather than recognise RENAMO as a party, FRELIMO suggested that the rebel movement should participate in the country's politics within the FRELIMO party framework.⁸² Recognising the urgent need to break the deadlock in order to avoid a collapse of the negotiations, the United States presented (in December 1989) a seven-point proposal that was distributed to RENAMO, FRELIMO, and the two mediators (Mugabe and Moi).⁸³ The US-led proposal stressed peaceful resolution to the conflict, cessation of attacks on civilians, democracy, participation of all Mozambicans in their country's political, social, cultural and economic life, the people's right to vote, reconciliation and national unity, recognition of the legitimacy of the Republic of Mozambique and its constitution, institutions, and laws, and the need for any fundamental

⁷⁸ John S. Saul, "Inside from Outside? The Roots and Resolution of Mozambique's Un/Civil War" in Taisier M. Ali and Robert O. Matthews (ed), Civil Wars in Africa : Roots and Resolution (Quebec: McGill Queen's University Press, 1999), p.135

⁷⁹ Ibrahim Msabaha, op.cit, p.218

⁸⁰ Alex Vines and Ken Wilson, op. cit.

⁸¹ Cameron Hume, Ending Mozambique's War: The Role of Mediation and Good Offices (Washington D.C. : United States Institute of Peace, 1994), p.29

⁸² Ibid.

⁸³ Jacqueline Audrey Kalley, Elna Schoeman and Lydia Eve Andor, Southern African Political History: A Chronology of Key Political Events from Independence to mid-1997 (Westport, CT: Greenwood, 1999), p.271

change in the Mozambican state to be carried out peaceably and democratically.⁸⁴ The US proposal failed to have any significant effect on the two parties in conflict because the issues of legitimacy remained unresolved. This is why, viewing the acceptance of the US plan as capitulation, RENAMO insisted on non-recognition of a government it considered illegitimate.⁸⁵ Despite these setbacks, the Nairobi process provided an important avenue for indirect negotiations between FRELIMO and RENAMO. However, Christopher Mitchell cautions that without face-to-face meetings, no genuine solutions are possible.⁸⁶

Realising the magnitude that direct negotiations have in improving the chances of successful peaceful resolution, Roland 'Tiny' Rowland, the chairman of Lonrho Group decided to initiate a face-to-face meeting between RENAMO and the government. According to Saadia Touval and I. William Zartman, any person or state that intervenes in a conflict is motivated by certain interests⁸⁷ and 'Tiny' Rowland's was business-oriented given that Lonrho had made significant agricultural and industrial investments in Mozambique. The most valuable of these investments was an oil pipeline from the port of Beira to Southern Rhodesia. The pipeline was opened in December 1964 and was Lonrho's primary asset in Mozambique.⁸⁸ For Rowland, peace in Mozambique would guarantee the security of his investment. This was the main reason for his involvement in the resolution of the conflict.⁸⁹ Following press statements by Chissano and Dhlakama about their readiness to commence face-to-face negotiations, Rowland decided to arrange for a meeting between the two sides. Rowland's first hurdle was to secure a venue acceptable to both parties. The decision on Blantyre as the venue was not unanimous. Objecting to the choice of Blantyre on security grounds, RENAMO suggested that negotiations take place in Nairobi. Unfortunately, the government side rejected Nairobi as its venue of choice because it considered Kenya impartial given its close association with RENAMO.⁹⁰

⁸⁴ Ibrahim Msabaha, "Negotiating an End to Mozambique's Murderous Rebellion", in I. William Zartman (ed), *Elusive Peace: Negotiating an End to Civil Wars* (Washington, D.C.: The Brookings Institution, 1995), p.219

⁸⁵ Abiodun Alao, *Brothers at War: Dissidence and Rebellion in Southern Africa* (London: British Academic Press, 1994), p.78

⁸⁶ C.R. Mitchell, *The Structure of International Conflict* (London: Macmillan Press, 1981), p.301

⁸⁷ Saadia Touval and I. William Zartman, "International Mediation in the Post-Cold War Era" in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds), *Turbulent Peace: The Challenges of Managing International Conflict* (Washington D.C.: United States Institute of Peace, 2006), p. 428

⁸⁸ M. Anne Pitcher, *Transforming Mozambique: The Politics of Privatisation, 1975-2000* (Cambridge: Cambridge University Press, 2002), p.110. See also M. Anne Pitcher, "Celebration and Confrontation, Resolution and Restructuring: Mozambique from Independence to the Millennium" in York W. Bradshaw (ed), *The Uncertain Promise of Southern Africa* (Bloomington: Indiana University Press, 2000), p.198

⁸⁹ Stephen Chan, *Robert Mugabe: a Life of Power and Violence* (London: Tauris, 2003), p.85

⁹⁰ Ibrahim Msabaha, "Negotiating an End to Mozambique's Murderous Rebellion" in I. William Zartman (ed), *Elusive Peace: Negotiating an End to Civil Wars* (Washington D.C: Brookings Institution, 1995), p.220

Rowland approached President Moi of Kenya for help to contact the RENAMO side. This was because Moi and RENAMO seemed to have a good working relationship. Rowland hoped (with the help of Moi) to convince RENAMO to attend the meeting in Blantyre despite the party's reservations regarding the venue. On 9 June 1990, Moi (through Bethwell Kiplagat) brought Dhlakama to State House, Nairobi to meet with Rowland. Rowland told Dhlakama that there were delegates in Blantyre who wanted to discuss peace and offered to fly the rebel leader there to consult with them. Dhlakama refused citing security concerns for himself.⁹¹ As a guarantee of safety, and to show there were no conditions attached, Rowland offered to personally escort Bethwell Kiplagat, Raul Domingos, RENAMO's Secretary for Foreign Relations, and Dhlakama to Blantyre on his company's jet. Dhlakama accepted. With President Moi supporting the initiative, the four of them accompanied by Mark Too, Moi's son and the director of Lonrho Kenya at the time, left for Malawi.⁹² At Blantyre airport, Dhlakama was driven off by Malawian officials. Rowland, Kiplagat, Too, three Mozambican and three Zimbabwean ministers were taken to a government guest-house to await Dhlakama's arrival. However, Dhlakama had changed his mind about meeting the delegations. The government delegation blamed the Kenyans for Dhlakama's failure to appear. There were claims that the Kenyans had told Dhlakama that the Zimbabweans were planning to assassinate him. Kenya's failure to deliver Dhlakama to the meeting was the beginning of the country's loss of credibility as a competent mediator.⁹³ Nevertheless, the events in Blantyre demonstrate that organising and executing face-to-face discussions between long-time adversaries is an often intensely difficult step.⁹⁴ In the case of Mozambique, the difficulty was displayed by the fact that Dhlakama flew to Malawi but left before the actual negotiations began.⁹⁵ When one party failed to make an appearance, the negotiations aborted.

3.7 The Rome Peace Process (July 8, 1990-1992)

The breakdown of the Pretoria, Nairobi and the Blantyre negotiations could be explained using Zartman's theory of ripe moments. According to Zartman, the commencement of peace negotiations in long-running violent conflicts has a lot to do with the aspect of ripeness. A conflict may become ripe for negotiation when antagonists

⁹¹ Margaret Hall and Tom Young, *Confronting Leviathan: Mozambique Since Independence* (Athens, Ohio: Ohio University Press, 1997), p.209

⁹² Stephen Chan and Vivienne Jabri, *Mediation in Southern Africa* (London: Macmillan, 1993), p.124

⁹³ Cameron Hume, *Ending Mozambique's War: The Role of Mediation and Good Offices* (United States Institute of Peace: Washington D.C, 1994), p.31

⁹⁴ C.R. Mitchell, *op.cit.*, p.300

⁹⁵ Stephen Chan, *Robert Mugabe: a life of Power and Violence* (New York : I.B Tauris,2003), p.85

recognize that they are in a mutually hurting stalemate and sense that a way out is possible. Both sides become aware that they cannot defeat the other outright. They also realise that continued violence will not only be costly and ineffective but will also risk weakening their situation.⁹⁶ After years of talk of 'no surrender' to the 'armed bandits' by Machel, reciprocated by RENAMO's call for the extinction of the communist system implanted by FRELIMO in Mozambique,⁹⁷ both sides seemed to have undergone a change of heart. Such an apparent willingness to negotiate was the product of the convergence of a number of factors which had produced a break in the implacable political-military impasse. These factors can best be explained using the theory of ripeness whose basic tenet is that less ripe periods are less likely to result in successful mediation while more ripe periods are more likely to result in successful mediation.⁹⁸

Greig simplifies Zartman's theory into five points that can be used to analyze how ripe or unripe a conflict is for resolution. First, the costs and pains in a conflict can goad a party to choose a negotiated solution over violence. Second, the perception that a party is unlikely to unilaterally alter the rivalry *status quo* in their favour is likely to push them to more cooperative strategies. Third, the level of threat, both inside and outside the rivalry, perceived by the rivals is likely to have a powerful influence on the degree to which rivals are open to international mediation efforts. Fourth, internal political changes within rivals themselves can foster the re-evaluation of policies towards mediation in place of violence. Finally, the belief among rivals that a basis for settlement, a way out, exists improves the prospects for mediation success.⁹⁹ Applying these assumptions of ripeness and the concept of mutually hurting stalemate to the Mozambican peace process, several points arise. On RENAMO's side for instance, several 'painful' occurrences forced the guerrilla group to reach a hurting stalemate. First is South Africa's withdrawal of support for RENAMO activities in 1989.¹⁰⁰ As the chief sponsor of military hardware,¹⁰¹ withdrawal of support meant that RENAMO could not effectively combat FRELIMO soldiers without adequate arms and ammunition. This put RENAMO at a great disadvantage militarily. This situation made the rebel movement realise that it could not win the war. In addition, RENAMO also

⁹⁶ Saadia Touval and I. William Zartman, "Introduction: Mediation in Theory" in Saadia Touval and I. William Zartman (eds), *International Mediation in Theory and Practice* (Boulder, CO.: SAIS, 1985), p.16

⁹⁷ Chris Alden and Mark Simpson, "Mozambique: A Delicate Peace". *The Journal of Modern African Studies*, Vol. 31, No. 1 (Mar., 1993), pp. 109-130:113

⁹⁸ J. Michael Greig, "Moments of Opportunity: Recognizing Conditions of Ripeness for International Mediation between Enduring Rivals". *The Journal of Conflict Resolution*, Vol. 45, No. 6 (Dec., 2001), pp. 691-718: 692

⁹⁹ *Ibid.*, pp. 691-718: 693

¹⁰⁰ Raymond W. Copson, *Africa's Wars and Prospects for Peace* (New York : M.E Sharpe, 1994), p.134

¹⁰¹ *Ibid.*

experienced intense negative publicity. This came from international coverage of a massacre it was accused of having committed on 18 July 1987 in the small town of Homoine. In this incident, RENAMO attacked the small civilian town of Homoine prompting a confrontation with the government. The result of this altercation was the death of more than 400 civilians.¹⁰² The magnitude of the massacre earned RENAMO the infamous name of the 'Khmer Rouge' of Africa.¹⁰³ This infamy affected RENAMO's international support. As a result, it became vulnerable in terms of logistical, technical and material capability. For instance, at reports of brutal RENAMO attacks on civilians, supporters of RENAMO in the US withdrew their support for the movement.¹⁰⁴ This meant that there were significant reductions in external aid for RENAMO. Without external support, the organisation could not effectively pursue its course. Another hindrance to RENAMO's activities was the renewed military pressure from the government with the support of Zimbabwean troops. For instance, the government launched a successful offensive against the rebels in Zambezia, Tete, and Nampula provinces in 1988-9. In this ambush, the government forces dislodged RENAMO from territory which had been in rebel hands for more than four years.¹⁰⁵ This dealt a significant blow to RENAMO's quest for military victory against FRELIMO. Realising that the dream of military victory was fast fading, Dhlakama, organised a RENAMO congress in 1989 to re-organise, rebrand and revamp the organization in order to give it a more political outlook. Dhlakama hoped to transform RENAMO from a guerrilla organisation to a politico-military group capable of negotiating peace. Having thus put his house in order, Dhlakama felt ready to lead RENAMO towards negotiations with FRELIMO.¹⁰⁶

Conversely, FRELIMO's change from militarism to negotiated settlement was brought about by several hurting factors. The first factor is the withdrawal of international support for the government at the end of the Cold War. With the end of the Cold War, the Soviet Union ceased to support its allies in Africa and other parts of the world in their internal conflicts. Consequently, the Soviet Union discontinued its support for FRELIMO. This substantially weakened FRELIMO's effectiveness and ability to wage war against

¹⁰² Weinstein and Laudemiro, *op.cit.*, p.182

¹⁰³ OECD, *Conflict and Growth in Africa* (Paris: Development Centre of the OECD, 1999), p.44

¹⁰⁴ Cameron Hume, *Ending Mozambique's War: The Role of Mediation and Good Offices* (United States Institute of Peace: Washington D.C, 1994), p.15. See also Andrea Bartolli, "Mediating Peace in Mozambique: The Role of the Community of Sant'Egidio" in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds), *Herding Cats: Multiparty Mediation in a Complex World* (Washington, D.C: United States Institute of Peace, 1999), p.254

¹⁰⁵ Chris Alden and Mark Simpson, "Mozambique: A Delicate Peace", *The Journal of Modern African Studies*, Vol.31, No.1(Mar., 1993), pp.109-130:114

¹⁰⁶ Ibrahim Msabaha, *op.cit.*, p.217

RENAMO.¹⁰⁷ In addition, Zimbabwe also withdrew its support for FRELIMO. Zimbabwe had been assisting FRELIMO to militarily defend the Beira corridor. It had also been helping with other major military campaigns against RENAMO. The daily military budget that Zimbabwe had to offset by stationing its soldiers in Mozambique was estimated at one million Zimbabwean dollars. Facing growing economic difficulties at home, the country could no longer afford to support FRELIMO in its fight against RENAMO. In addition, RENAMO regularly attacked Zimbabwe for its support of FRELIMO. These attacks raised serious security concerns for Zimbabwe prompting the decision to withdraw support for FRELIMO.¹⁰⁸ With the withdrawal of important external support, the cost of waging war increased significantly. For the government, it became expensive to engage in armed conflict with RENAMO. Not being able to meet the war expenses, the government realised that it could not continue the fight nor could it attain military victory with the meagre resources it had. This is what led to the decision to explore the option of peaceful settlement through negotiations with RENAMO.¹⁰⁹ The loss of external support was a massive blow that substantially weakened the parties. It also made them to realise that a military solution to the conflict was practically unattainable. Hurting the parties even more was the nationwide famine of 1991/92 that made it almost impossible for both sides to feed their soldiers and supporters.¹¹⁰ Thus, both groups decided to shift tactics from violence to negotiation. When the parties in a conflict are experiencing a hurting stalemate, if the opportunity is not seized, a ripe moment for negotiation can be lost. Realising this, the Community of Sant'Egidio,¹¹¹ began attempts to entice the parties in conflict to enter into negotiations.

3.8 Mediation by the Community of Sant'Egidio

A mediator is a third party intervener in a conflict whose major goal is to help the parties to reach a solution which they cannot find by themselves.¹¹² To be able to enter the

¹⁰⁷ Roland Oliver and Anthony Atmore, *Africa Since 1800* (New York : Cambridge University Press, 1994), p.293

¹⁰⁸ Chris Alden and Mark Simpson, "Mozambique: A Delicate Peace". *The Journal of Modern African Studies*, Vol. 31, No. 1 (Mar., 1993), pp. 109-130:113:115

¹⁰⁹ Christine Bell, *Peace Agreements and Human Rights* (Oxford: Oxford University Press, 2000), pp.355

¹¹⁰ Africa Watch, *Conspicuous Destruction: (Report on) War, Famine and the Reform Process in Mozambique* (New York: Human Rights Watch, 1992), p.5. See also Paul Nugent, *Africa since Independence* (New York: Palgrave Macmillan, 2004), p.286. See also Stephen John Stedman, "Negotiations and Mediation in Internal Conflict" in Michael E. Brown (ed), *The International Dimensions of Internal Conflict* (Cambridge, Massachusetts : The MIT Press, 1996), p.352

¹¹¹ Andrea Bartoli, "Mediating Peace in Mozambique: The Role of the Community of Sant'Egidio" in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds), *Herding Cats: Multiparty Mediation in a Complex World* (Washington, D.C: United States Institute of Peace, 1999), p.256.

¹¹² Makumi Mwagiru, *Conflict in Africa : Theory, Processes and Institutions of Management* (Nairobi: CCR, 2006), p.115

conflict, a mediator must be acceptable to all the adversaries in the conflict.¹¹³ If one or more of the adversaries refuses to accept the services of a particular mediator or does so unwillingly, the mediator will find it hard to act effectively in the negotiation process.¹¹⁴ Acceptability of a mediator in the Mozambique civil war became a central issue when attempts by state mediators such as Kenya, Zimbabwe and the USA¹¹⁵ were met by resistance from the parties in conflict. The rejection of Kenya, Zimbabwe and the USA was linked to these countries' past interaction with the conflict and the parties in conflict.¹¹⁶ For instance, Kenya and the USA's close association with RENAMO made them unacceptable to FRELIMO as mediators while Zimbabwe's active role in the war (fighting alongside the government) made it unacceptable as mediator, to RENAMO.¹¹⁷ Kriesberg explains that past histories of relations with one or more of the parties in a conflict may make a third party be regarded as too biased or untrustworthy to serve as mediator. Although modern thinking tends to insist that a mediator need not be impartial, RENAMO and FRELIMO's rejection of Kenya, Zimbabwe and the USA clearly demonstrates that the neutrality of a mediator is still an important consideration.¹¹⁸

The Community of Sant'Egidio owes its entry into the Mozambican conflict and its acceptability as mediator to its historical interaction with the country and the parties in conflict. A lay organization founded in 1968 the community of Sant'Egidio is a Roman Catholic organization with a world-wide approximate membership of fifteen thousand. Headquartered in Rome, the Community of Sant'Egidio's members live in small spiritual groups that serve the poor. Being an organization of laypeople, it does not represent the position of the Catholic Church nor command the resources of the Church. The resources it uses are mostly from members' contributions. In addition, Sant'Egidio has no history of involvement in conflict resolution prior to the Mozambican civil war peace negotiations.¹¹⁹ Sant'Egidio's interest in Mozambique was initiated by Jaime Goncalves, the first

¹¹³ I.W Zartman and Saadia Touval, "International Mediation in the Post-Cold War Era", in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds), Managing Global Chaos: Sources of and Responses to International Conflict (Washington, D.C: United States Institute of Peace, 1996), p.446

¹¹⁴ Louis Kriesberg, Constructive Conflicts: From Escalation to Resolution, Third Edition (Lanham: Rowman & Littlefield, 2007), p.246

¹¹⁵ Chester A. Crocker, Fen Osler Hampson and Pamela Aall, Taming Intractable Conflicts: Mediation in the Hardest of Cases (Washington, D.C: United States Institute of Peace, 2004), p.68

¹¹⁶ Cameron Hume, Ending Mozambique's War: The Role of Mediation and Good Offices (Washington D.C: United States Institute of Peace, 1994), pp.34-40

¹¹⁷ Ibid.

¹¹⁸ Louis Kriesberg, op.cit., pp.252-23

¹¹⁹ Andrea Bartoli, "Mediating Peace in Mozambique: The Role of the Community of Sant'Egidio" in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds), Herding Cats: Multiparty Mediation in a Complex World (Washington, D.C: United States Institute of Peace, 1999), p.256.

Mozambican Archbishop of Beira. In the 1970s while he was studying in Rome, Goncalves befriended several members of the Community of Sant'Egidio. He shared with them stories of religious persecution by the government in Mozambique. This persecution arose out of the fact that during the colonial struggle, the Catholic Church was perceived to be a close ally of the Portuguese colonialists. Consequently, the FRELIMO government singled out Catholics in Mozambique as traitors to the independence struggle and often harassed them.¹²⁰ Taking an interest in the Catholic problem in Mozambique, the Community of Sant'Egidio offered to help find a solution. In 1981, the Community of Sant'Egidio approached a member of the Italian Communist Party, a FRELIMO ally, to help the Community open dialogue with the FRELIMO government about the Catholic situation in Mozambique.¹²¹ The FRELIMO/Sant'Egidio contact established in the course of negotiating the Catholic issue produced a warm relationship between the two. To solidify the relationship, in 1985 and 1988, Sant'Egidio sent humanitarian assistance worth more than 10,000 tons to Mozambique.¹²² Additionally, Sant'Egidio carried out campaigns in Italy promoting Mozambican culture. These actions earned the Community the government's trust.¹²³ Goncalves also had personal contacts with the RENAMO because there were many of them in his diocese. Other than the fact that RENAMO openly declared its respect for the Catholic faith, Goncalves and Dhlakama came from the same area and due to the Catholic/government conflict, Goncalves had been arrested by the government severally and been imprisoned at one time for six months. Due to his runs-in with the government, RENAMO found it easy to trust him. In addition, in 1982, Goncalves and Sant'Egidio met with RENAMO to negotiate the release of nuns and priests that the insurgents had kidnapped. The successful release of the nuns and priests marked the beginning of a cordial RENAMO/Goncalves-Sant'Egidio relationship.¹²⁴ Based on these friendly contacts and in full knowledge of the hurting stalemate that both RENAMO and FRELIMO were experiencing, in 1988, Sant'Egidio decided to first approach the FRELIMO government with whom it had more contact and

¹²⁰ Jan Van Butselaar, Church and Peace in Africa: The Role of the Churches in the Peace Process (Assen: Van Gorcum, 2001), p.18

¹²¹ Alex Vines and Ken Wilson, "Churches and the Peace Process in Mozambique" in Paul Gilford (ed), The Christian Churches and Democratisation in Africa (Leiden : E. J. Brill, 1995), p.140

¹²² Katherine Marshall and Lucy Keough, Mind, Heart, and Soul in the Fight Against Poverty (Washington D.C: World Bank, 2004), p.129

¹²³ Andrea Bartoli, "Mediating Peace in Mozambique: The Role of the Community of Sant'Egidio" in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds), Herding Cats: Multiparty Mediation in a Complex World (Washington, D.C: United States Institute of Peace, 1999), p.257

¹²⁴ R. Scott Appleby, The Ambivalence of the Sacred: Religion, Violence and Reconciliation (Lanham: Rowman & Littlefield, 2000), p.349. Caroline A. Gross, " War-Stopping and Peacemaking in Mozambique" in Kristen Eichensehr and W. Michael Reisman (eds), Stopping Wars and Making Peace: Studies in International Intervention (Leiden: Martinus Nijhoff, 2009), p.198

interaction to plead for peaceful resolution of the civil conflict. Having discussed the possibility of a negotiated solution with FRELIMO and realising that a ripe moment has to be seized or it will pass, the Community of Sant'Egidio decided to also make contact with RENAMO to discuss negotiated settlement in 1988.¹²⁵ The contact with the two parties in conflict elicited promises from both sides of willingness to negotiate. Assured by the promises by both parties, Sant'Egidio convened a Conference of Catholic Bishops to discuss among other things the need to form a team of mediators in anticipation of RENAMO/FRELIMO negotiations. The conference came up with a team of four: Andrea Riccardi, Matteo Zuppi, Mario Raffaelli and Goncalves. Of the four, only Andrea Riccardi (founder of Sant'Egidio) and Matteo Zuppi were representatives of the Community of Sant'Egidio. Mario Raffaelli represented the Italian government while Goncalves represented the Catholic Church of Mozambique.¹²⁶

The inclusion of Raffaelli as part of the team of mediators was informed by the Community of Sant'Egidio's realisation that they could not provide leverage to the negotiation process. The issue of leverage is important in negotiations. Zartman defines leverage as the power to move a party to the conflict in a particular direction.¹²⁷ Leverage intends to induce a change in the behaviour, motivation and perception of the parties. According to Mwangi, resources are the most effective way of exercising leverage.¹²⁸ Acknowledging the importance of leverage in mediation, Sant'Egidio created and remained in contact with allies among states that could provide leverage. A lay community with no significant resources or great influence of its own, Sant'Egidio had no real power to induce the parties in conflict to act in any way contrary to the parties' wishes. This is the main reason why Sant'Egidio worked closely with the Italian government by including one of its representatives as part of its team of mediators. The Italian government drew its leverage from the fact that it had substantial economic and political resources that it could offer the

¹²⁵ Ibrahim Msabaha, "Negotiating an End to Mozambique's Murderous Rebellion" in I. William Zartman (ed.), *Elusive Peace: Negotiating an End to Civil Wars* (Washington D.C.: Brookings Institution, 1995), p.221

¹²⁶ Andrea Bartoli, "Mediating Peace in Mozambique: The Role of the Community of Sant'Egidio", in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds), *Herding Cats: Multiparty Mediation in a Complex World* (Washington D.C.: United States Institute of Peace, 1999), p.257

¹²⁷ I. William Zartman, *Negotiation and Conflict Management: Essays on Theory and Practice* (Abingdon, Oxon: Routledge, 2008), p.167

¹²⁸ Makumi Mwangi, *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya* (Nairobi: IDIS, 2008), p.75

process. For instance, in the first face-to-face meeting in Rome, Italy underwrote the expenses of the negotiations.¹²⁹

Other than Italy, Sant'Egidio worked closely with other state actors such as the United States of America, France, Great Britain, Russia, Portugal, Kenya, Zimbabwe and South Africa. State actors were needed because there were certain guarantees that were required in the peace process that only states could provide.¹³⁰ Examples of these guarantees are such as the USA's technical expertise needed to address all military, legal, economic and institutional problems emerging from the peace process. Another example is travel documents such as passports for RENAMO that were provided throughout the process by Kenya. The combination of countries that surrounded the process working closely with the official mediators provided enough leverage and security that enabled the peace process to proceed more easily.¹³¹ Hosted at the Community of Sant'Egidio's headquarters, the negotiations in Rome were carried out in twelve phases (rounds).¹³² These phases entailed three distinct stages. The first stage tackled procedural issues; the second dealt with the issue of the agenda and the final stage tackled substantive issues.¹³³ The first meeting between RENAMO and FRELIMO took place on July 8 1990. In this round, the government side was comprised of Armando Emilio Guebuza (head of delegation), Teodato Hunguana (Minister of Information), Aguiar Mazula (Minister of Labour), and Francisco Madeira (presidential diplomatic adviser). The RENAMO side was represented by Raul Domingos (in charge of RENAMO's external affairs), Vicente Ululu (head of the Department of Information), Agostinho Murrial (the department of Political Affairs), and Joao Almirante (Dhlakama's cabinet). The team of Andrea Riccardi and Matteo Zuppi (representatives of the Community of Sant'Egidio), Mario Raffaelli (Italian government representative) and Goncalves (the archbishop of Beira and head of Mozambique's Episcopal conference) were overseeing the

¹²⁹ Marc Houben, International Crisis Management: The Approach of European States (Abingdon, Oxon: Routledge, 2005), p.214

¹³⁰ I. William Zartman, "International Mediation in the Post-Cold War Era", in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds), Managing Global Chaos : Sources of and Responses to International Conflict (Washington D.C.: United States Institute of Peace, 1996), p.458

¹³¹ Andrea Bartoli, "Mediating Peace in Mozambique: The Role of the Community of Sant'Egidio" in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds), Herding Cats: Multiparty Mediation in a Complex World (Washington, D.C: United States Institute of Peace, 1999), p.259

¹³² Karl Maier, Conspicuous Destruction: War, Famine and the Reform Process in Mozambique: an Africa Watch Report (New York: Human Rights Watch, 1992), p.36

¹³³ Alex Vines and Ken Wilson, "Churches and the Peace Processes in Mozambique" in Paul Gilford (ed), The Christian Churches and the Democratisation of Africa (Leiden: E.J Brill, 1995), p. 139

negotiations but only as 'observers', not 'mediators'. This is because the parties had not yet agreed on who would mediate.¹³⁴

Round one of the Rome negotiations were mainly confined to procedural matters. These include issues such as the venue, dates for the continuation of negotiations, and the issue of the mediators and their roles. Of these procedural issues, the mediator problem was the most challenging for both RENAMO and the government.¹³⁵ Terming Riccardi, Zuppi, Raffaelli and Goncalves as 'observers', the parties to the conflict begun discussing the identity and role of third parties in the negotiations. Two divergent positions emerged. The government side favoured direct bilateral negotiations devoid of mediators. In the event that the assistance of a third party became inevitable, the government side preferred them to have a minimal role. On the other hand, RENAMO strongly rejected direct negotiations without a third party. They favoured a strong mediator who could hold the parties to their commitments.¹³⁶ The 'observers' realised that RENAMO would not participate in the negotiations without a mediator and so they urged the government to accept mediation instead of direct negotiations. Not desiring to appear as the obstacle to a peaceful resolution of the conflict, the government agreed to RENAMO's demand.¹³⁷ Once the parties both agreed to negotiate through a third party, the negotiations quickly moved to identifying the appropriate mediator (s). In attempting to identify possible mediators, the issue of Kenya and Zimbabwe acting as joint mediators was brought up by the team of observers. RENAMO wanted no formal role for Zimbabwe because of its direct involvement in the conflict. Conversely, the government wanted Kenya locked out because of its closeness to RENAMO. The government side was however prepared to accept Kenya as mediator only if RENAMO accepted Zimbabwe to act as co-mediator. Since neither side was willing to concede on the issue of Kenya and Zimbabwe, the four observers side-stepped the issue by convincing the two sides to continue working with the four observers as intermediaries till an acceptable mediator could be found.¹³⁸

On 10th of July 1990, the mediators shuttled between the two sides' hotel rooms trying to come up with an agreement on the rules that would guide the RENAMO/FRELIMO

¹³⁴ Caroline A. Gross, "War-Stopping and Peacemaking in Mozambique" in Kristen Eichensehr and W. Michael Reisman, Stopping Wars and Making Peace : Studies in International Intervention (Leiden: Martinus Nijhoff, 2009), p.200

¹³⁵ Ibid.

¹³⁶ John S. Paul, Millennial Africa: Capitalism, Socialism and Democracy (Trenton, NJ :Africa World Press, 2001), p.120

¹³⁷ Ibid.

¹³⁸ Katherine Marshall and Lucy Keough, Mind, Heart and Soul in the Fight against Poverty (Washington D.C.: World Bank, 2004), p.260

dialogue. The result was the document known as The Joint Communiqué of 10 July 1990 signed by Guebuza, Domingos and the four observers. The Communiqué extracted a promise from both parties to seek a non-military solution to the Mozambique problem.¹³⁹ In the document, both sides promise to desist from using force in the pursuit of political ends.¹⁴⁰ The parties also agreed to focus on the things that united them rather than those that divided them in their interactions during the negotiation process.¹⁴¹ The second round of negotiations took place from August 11-14, 1990 in Rome. The second meeting was also riddled with procedural arguments centring on the issue of the mediator(s). RENAMO continued to insist on an official mediator role for Kenya, an idea which the government turned down. Due to RENAMO's insistence on a role for Kenya and the government's insistence that Kenya could not be part of the mediators without including Zimbabwe, an impasse occurred and the negotiations stalled. Consequently, the observers postponed the negotiations and set the next meeting for between September 10 and 18 in Rome.¹⁴²

The September negotiations aborted due to a resumption of violence orchestrated by the government with the help of Zimbabwean troops on the RENAMO strongholds of Gorongosa, Tete, Manica and Zambezia.¹⁴³ As confrontation continued, the observers met the two sides separately. In Nairobi, they met Dhlakama on 24th of October 1990. To break the mediator impasse, the observers offered themselves as mediators in the conflict. They also proposed that Sant'Egidio and the Italian government provide hospitality and logistics, Kenya's Kiplagat serve as RENAMO's advisor and the United Nations play a part in the implementation of agreements drawn in the Rome process. Dhlakama accepted the observers' suggestions and promised to return to the negotiations in November. In a meeting in Maputo, the observers also presented the same proposal to Chissano. He found it acceptable and he too agreed to send representatives to the next meeting.¹⁴⁴ Thus, the third round of the negotiations took place between November 9 and December 1, 1990. Zimbabwean troops' presence in Mozambique had been a thorny issue for RENAMO from the start of the negotiations. After the joint Zimbabwean troops-government attacks on the RENAMO strongholds of

¹³⁹ Text of the Joint Communiqué of 8 -10 July 1990, paragraph 4

¹⁴⁰ Ibid., paragraph 5

¹⁴¹ Ibid., paragraph 7

¹⁴² Cameron Hume, Ending Mozambique's War: The Role of Mediation and Good Offices (Washington D.C.: United States Institute of Peace Press, 1994), p.38

¹⁴³ Alex Vines, RENAMO: Terrorism in Mozambique (York: Centre for Southern African Studies, University of York, 1991), p.129. See also Ibrahim Msabaha, "Negotiating an End to Mozambique's Murderous Rebellion" in I. William Zartman (ed.), Elusive Peace: Negotiating an End to Civil Wars (Washington D.C.: Brookings Institution, 1995), p.222

¹⁴⁴ Ibid.

Gorongosa, Tete, Manica and Zambezia, RENAMO insisted on the withdrawal of Zimbabwean troops from Mozambique as a condition for further participation in the peace process. The government refused to let go of the Zimbabwean forces because they were protecting vital transport corridors.¹⁴⁵ To reach a compromise, the mediators formulated a proposal which they sold individually to the two parties in conflict. The mediators proposed that the Zimbabwean troops be concentrated only in the transport corridors and for both sides to pledge no attacks against or from the corridors. According to the mediators, this solution would be a win-win for both parties. The government would benefit from increased security for the transport corridors and RENAMO would benefit from the restriction of Zimbabwean troops to the corridors.¹⁴⁶

Both Dhlakama and Chissano agreed to consider the mediators' proposal as the agenda for the third round of the negotiations. Consequently, in the third round, a limited ceasefire agreement was negotiated and signed. This is the Agreement on a Partial Ceasefire in Mozambique of 1 December 1990. The agreement confined the Zimbabwean troops to the Beira and Limpopo corridors. It also tasked Zimbabwean troops and RENAMO to stop military offense on or from the Beira and Limpopo corridors.¹⁴⁷ The fourth round of the Rome process (December 19-21, 1990) discussed the establishment of a Joint Verification Commission (JVC). The commission was to comprise of civilian and military representatives (designated by the government and RENAMO) and representatives from Zimbabwe. The JVC's mandate was to supervise the implementation of the Agreement on a Partial Ceasefire in Mozambique of 1 December 1990.¹⁴⁸ However, from January to April 1991, allegations of Zimbabwean troops operating outside the designated corridors threatened a similar violation by Dhlakama. These issues pre-occupied the two sides such that the next round of negotiations was unable to take off.¹⁴⁹ However, the mediators travelled to Africa to meet leaders of both sides. The intention was to urge them to consider a mediators' proposal of the agenda for political and military issues, work on the proposal, and make suggestions in

¹⁴⁵ Alex Vines, RENAMO: Terrorism in Mozambique (London: Centre for Southern African Studies, 1991), p.130

¹⁴⁶ Ibrahim Msabaha, "Negotiating an End to Mozambique's Murderous Rebellion" in I. William Zartman (ed), Evasive Peace: Negotiating an End to Civil Wars (Washington D.C.: Brookings Institution, 1995), p.222

¹⁴⁷ Raymond W. Copson, Africa's Wars and Prospects for Peace (Armonk, NY: Sharpe, 1994), p.41. See also Cameron Hume, Ending Mozambique's War: the Role of Mediation and Good Offices (Washington D.C.: United States Institute of Peace Press, 1994), p.41. See also The United Nations and Mozambique, 1992-1995, The United Nations Blue Books Series, Volume V (New York: Department of Public Information, United Nations, 1995), p.16

¹⁴⁸ Thomas Ohlson, Stephen John Stedman and Robert Davies, The New is Not Yet Born: Conflict Resolution in Southern Africa (Washington D.C.: Brookings Institution, 1994), p.114

¹⁴⁹ Cameron Hume, Ending Mozambique's War: the Role of Mediation and Good Offices (Washington D.C.: United States Institute of Peace, 1994), pp.58-59

readiness for the next round of negotiations. At the end of the mediators' separate discussions with the parties in conflict, both sides agreed to send representatives to the next round.¹⁵⁰

Round five of the negotiations took place from May 6 to June 7, 1991. This round centred on preparation of the agenda for the political and military issues. Generally, agenda setting comprises the formulation of the domain of issues to be negotiated and the order in which the identified items will be discussed.¹⁵¹ As crucial part of negotiations, agenda-setting in civil war peace negotiations is often difficult. It is hard because the contesting parties in conflict often have dissimilar perceptions regarding which issues are more important than others.¹⁵² Given that the items put down in the agenda are directly related to the decisions that will come out of the negotiations, parties often contest to have their priority areas included in the agenda. Inclusion of areas of interest to a party in the agenda is vital because if an item has not been specified in the agenda, it cannot be included later nor can a decision be taken on it.¹⁵³ The process of agenda setting is a pre-negotiation activity, expected to take place before the actual negotiations begin.¹⁵⁴ However, in the event where political and military issues are hotly contested such as the case was for Mozambique, the mediators can postpone the discussion of the substantive agenda till a time when the parties seem to be more at ease with each other and have proven that they are committed to continue with the peace process. This is the reason why the agenda was discussed in round five rather than round one in the Rome Peace process.¹⁵⁵ From the start, RENAMO and FRELIMO had different perspectives on what should be discussed first between military issues and political issues. In addition, each side attempted to impose their preferred sequence on the negotiations.¹⁵⁶ While RENAMO wished to discuss political issues first before discussing a ceasefire, the government side wanted to prioritise a ceasefire before negotiating the political issues. The only thing that both parties agreed on was the need to have a detailed document that they would sign, specifying every item that would be discussed in the negotiations.¹⁵⁷ Before the

¹⁵⁰ Ibid.

¹⁵¹ P. V. (Sundar) Balakrishnan, Charles Patton, Phillip A. Lewis, "Toward a Theory of Agenda Setting in Negotiations", *The Journal of Consumer Research*, Vol. 19, No. 4 (Mar., 1993), pp. 637-65 :638

¹⁵² Ibid., p.641

¹⁵³ Makumi Mwangi, *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya* (Nairobi: IDIS, 2008), p.103

¹⁵⁴ I. William Zartman, "Pre-negotiation: Phases and Functions", *International Journal*, Vol. 44, No. 2, Getting to the Table: Process of International Pre-negotiation (Spring, 1989), pp. 237-253:249

¹⁵⁵ Thomas Ohlson, Stephen John Stedman and Robert Davies, *The New is Not Yet Born: Conflict Resolution in Southern Africa* (Washington D.C.: Brookings Institution, 1994), p.114

¹⁵⁶ Cameron Hume, op.cit. Pp.60-63. See also Connie Peck, "United Nations Mediation Experience: Practical Lessons for Conflict Resolution" in Jacob Bercovitch, Victor Kremenyuk and I. William Zartman (eds), *The SAGE Handbook of Conflict Resolution* (London: SAGE, 2009), p.421

¹⁵⁷ Ibid.

formal commencement of round five, the mediators travelled to Africa and met Dhlakama in Malawi and Chissano in Maputo. The mediators presented both sides with an outline agenda for the negotiations concerning political and military issues. Knowing that the two parties to the conflict could not unanimously agree on the items, the mediators' main reason for trying to sell the proposed agenda was the hope that both parties would agree on the main principles and work on the details at the negotiation table. Also, in the meeting with Chissano, the mediator convinced him to agree to negotiate political issues ahead of the military ones that include a ceasefire.¹⁵⁸ Both parties agreed that the agenda would include items such as political party law, the electoral system, the formation of a national army, a ceasefire, implementation guarantees, a donors' conference, and the signing of the final peace protocol. RENAMO desired to include sub-items such as the dismantling of private armies, the secret police, the return of refugees and the release of political prisoners. FRELIMO did not want these items to be included in the agenda. A deadlock occurred.¹⁵⁹

Judging from the amount of concessions the government had made to RENAMO, the mediators and the other states close to the process such as France, Portugal, Britain and the United States mounted pressure on RENAMO not to jeopardise the negotiations by insisting on the controversial sub-items. RENAMO retreated from its position due to the international pressure and agreed to follow the mediators' proposed agenda.¹⁶⁰ To prevent further problems concerning the agenda, a protocol was signed that enumerated the agreed agenda. The rationale behind this protocol was to avoid back-door sneaking of items to the negotiating table. This protocol is the Protocol on Detailed Agenda of 28 May 1991. The agreement on the agenda items included six items: the law on political parties, electoral system, military issues, cease-fire, guarantees, and the establishment of a donors' conference in this order.¹⁶¹ Thus having dispensed of the difficult task of setting the agenda for the hotly contested political issues, round six was scheduled for August 1-7, 1991. Instead of the parties going straight to the agenda item on political parties however, they begun by discussion the issue of the legitimacy of the government. The government side wanted RENAMO to acknowledge its legitimacy from the period after the signing of a ceasefire to the time after elections. RENAMO refused to acknowledge the government's legitimacy.

¹⁵⁸ Ibid.

¹⁵⁹ Margaret Hall and Tom Young, *Confronting Leviathan: Mozambique Since Independence* (Athens, Ohio: Ohio University Press, 1997), p.214

¹⁶⁰ Ibid.

¹⁶¹ Caroline A. Gross, "War-Stopping and Peacemaking in Mozambique" in Kristen Eichensehr and W. Michael Reisman, *Stopping Wars and Making Peace: Studies in International Intervention* (Leiden: Martinus Nijhoff, 2009), p.201

This issue pre-occupied the negotiations from June to September.¹⁶² To resolve the issue of legitimacy that was blocking the commencement of round six of the negotiations, the mediators drafted a document titled 'Fundamental Principles' and gave it to both sides. On August 1, debate on the draft document begun. The draft urged the Government to refrain from any actions contrary to the Protocols to be concluded and from adopting laws or measures or applying existing laws inconsistent with the Protocols to be concluded. RENAMO agreed to shun violence in favour of pursuit of political agenda within the law of Mozambique using the existing State Institutions according with the conditions and guarantees established in the GPA.¹⁶³ The draft also urged the two parties in conflict to commit to the conclusion of a GPA as soon as possible according to the items listed in the agreed agenda of 28 May 1991. Moreover, the parties agreed on the establishment of a commission to supervise and monitor compliance with the General Peace Agreement. This commission was to comprise of representatives of the Government, RENAMO, the United Nations and other organizations or Governments to be agreed upon between the parties. Although the draft protocol was meant to resolve the issue of legitimacy, on 3 August, RENAMO rejected the draft and the talks collapsed.¹⁶⁴

The collapse of round six was RENAMO's fault. Realising this, the mediators contacted Kenya's Bethwell Kiplagat, a close ally of RENAMO to help them convince Dhlakama to accept the draft On Fundamental Principles that caused the deadlock in round six. A meeting was set between Raffaelli, Goncalves and Zuppi with Dhlakama in Malawi on September 20, 1991. Dhlakama agreed to change his hardline stance on the draft On Fundamental Principles albeit with an amendment. Dhlakama sought to add to the principles a guarantee from the government not to interfere with RENAMO's international contacts. This meeting broke the deadlock and Dhlakama agreed to resume talks in October. Round seven of the negotiations resumed from October 1-18, 1991. Both sides agreed to base the negotiations on the draft On Fundamental Principles. The government agreed not to hinder RENAMO's international contacts. On October 18 the two sides signed Protocol I on Fundamental Principles and discussion of the first agenda item was set for October 21.¹⁶⁵ In

¹⁶² Dirk Salomons, " Probing the Successful Application of Leverage in Support of Mozambique's Quest for Peace" in Jean E. Krasno, Bradd C. Hayes and Donald C.F Daniel (eds) , Leveraging for Success in United Nations Peace Operations (Westport, CT.: Greenwood,2003),p.93

¹⁶³ Cameron Hume, Ending Mozambique's War: The Role of Mediation and Good Offices (Washington D.C.: United States Institute of Peace, 1994), p. 67. See also the General Peace Agreement for Mozambique, Protocol I,(1&2)

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

round eight, between October 21 and November 13, 1991, the parties concentrated on negotiating political party law.¹⁶⁶ This round of negotiations discussed multiparty democracy defining how political parties should be formed for all Mozambique citizens. The nature of political parties according to this protocol includes: independence, voluntary and free association of citizens, have a national outlook, and be democratic. In addition, the parties must discourage regionalism, tribalism, separatism, racialism, religious divisions and ethnic segregation. They must not be totalitarian or violent nor must they act contrary to the law. In sum, the parties were to be anchored in democratic principles in all their undertakings and organization. Protocol II is important because it is the start of the recognition of RENAMO as a political party with privileges provided for by law. It marked the true opening up of the democratic space to all citizens.¹⁶⁷

Round nine of December 17-20, 1991 centred on negotiating matters to do with election law. Both parties in conflict agreed that the presidential and parliamentary elections were to be held simultaneously. They also agreed to hold elections twelve-months from the entering into force of a ceasefire, and to have an active role for the UN and the OAU in the election process. The parties agreed that the electoral law needed to recognize the freedom of the press and access to the media, freedom of association, expression and political activity, liberty of movement and freedom of residence, and the return of refugees and displaced persons.¹⁶⁸ The parties also agreed to establish the National Elections Commission, to oversee the electoral process. Thus on March 12, Protocol III on the election law was signed.¹⁶⁹ Round ten took place from June 10 to July 1, 1992. In this round, both delegations agreed with the mediators' suggestion to formally include France, Portugal, the United Kingdom, the United States and the United Nations as observers to the negotiations. The conflict parties also agreed that the observers could participate in meetings discussing both political and military issues. The parties also permitted periodic meetings between the mediators and the observers to exchange views and coordinate efforts. The mediators hoped to steer this round to focus on military issues but RENAMO refused to move to military issues because of complaints the party had regarding the working of the JVC established to monitor the partial ceasefire. To break the looming deadlock, the mediators negotiated with RENAMO and the head of the JVC in question, Ambassador Incisa to establish small operating bases to militarily monitor the designated corridors. This action satisfied RENAMO enough for them

¹⁶⁶ Stephen Chan, *Robert Mugabe: a Life of Power and Violence* (London: Tauris, 2003), p.86

¹⁶⁷ The General Peace Agreement for Mozambique, Protocol II, (1-6)

¹⁶⁸ *Ibid.*, Protocol III, paragraph I-IV

¹⁶⁹ *Ibid.*, Protocol III, paragraph V (3)

to agree to proceed to discussion of the agenda item on military questions.¹⁷⁰ Round eleven was dedicated to thrashing out military issues. Discussed for a period of two months, the issues included the formation of a new Mozambican Armed Forces comprising of both RENAMO and FRELIMO, the demobilisation and integration of soldiers, and mobilisation of funds and technical assistance by foreign governments to the new army.¹⁷¹ Other issues were security guarantees (for RENAMO) and ceasefire protocols. At the end of round eleven, the parties signed the protocols on military questions, on guarantees, on a ceasefire and a donors' conference.¹⁷² In August 1992, the twelfth and last round of negotiations began in Rome. The discussions centred on an appropriate definitive ceasefire agreement. The parties agreed on how the ceasefire was to be carried out setting out appropriate timetables for activities such as demobilisation, withdrawal of all foreign troops and release of prisoners. On 4 October 1994, a ceasefire accord was signed marking the end of the Rome Peace Process.¹⁷³

3.9 Provisions of the General Peace Agreement of Mozambique (1992)

The General Peace Agreement of Mozambique (GPA) is a comprehensive peace agreement comprising of thirteen documents signed at different points in the 1990-1992 peace process. These documents include Protocol I (Basic principles), Protocol II (Criteria and arrangements for the formation and recognition of political parties), Protocol III (Principles of the Electoral Act), Protocol IV (Military questions), Protocol V (Guarantees), Protocol VI (Cease-fire) and Protocol VII (donors conference), the Joint Communiqué of 10 July 1990, Agreement on a Partial Ceasefire of 1 December 1990, The Declaration of the Government of the Republic of Mozambique and RENAMO on guiding principles for humanitarian assistance of 16 July 1992, The Joint Declaration of 7 August 1992, Agreed Minute on Rearrangement of Agenda of 19 June 1992, and the Protocol on Detailed Agenda of 28 May 1991.¹⁷⁴ Protocol I, signed on 18 October 1991, spells out the basic principles guiding the entire peace process. The main principle is that of dialogue and collaboration as opposed to violence.¹⁷⁵ The agreement also reaffirms the commitment of the two parties in conflict to the conclusion of a General Peace Agreement as soon as possible according to the

¹⁷⁰ Cameron Hume, Ending Mozambique's War: The Role of Mediation and Good Offices (Washington D.C.: United States Institute of Peace, 1994), p.106

¹⁷¹ The General Peace Agreement for Mozambique, Protocol IV, paragraph I (ii, iii, iv, v)

¹⁷² Margaret Hall and Tom Young, Confronting Leviathan: Mozambique Since Independence (Athens, Ohio: Ohio University Press, 1997), p.216

¹⁷³ Jan Van Butselaar, Church and Peace in Africa: The Role of the Churches in the Peace Process (Assen: Royal Van Gorcum, 2001), p.21

¹⁷⁴ Christine Bell, On the Law of Peace: Peace Agreements and the Lex Pacificatoria (Oxford: Oxford University Press, 2008), p.325

¹⁷⁵ The General Peace Agreement for Mozambique, Protocol I, Para.2

items listed in the agreed agenda of 28 May 1991.¹⁷⁶ Protocol II outlines the criteria and arrangements for the formation and recognition of political parties. The political parties should exhibit independence, be voluntary, and allow free association of citizens, have a national outlook, and be democratic.¹⁷⁷ Protocol III outlines the electoral principles and procedures for presidential and parliamentary elections. This protocol stipulates that the electoral law should recognize the freedom of the press and access to the media, freedom of association, expression, and political activity, liberty of movement and freedom of residence, return of refugees and displaced persons.¹⁷⁸ The protocol also establishes the National Elections Commission, to organize and conduct the electoral process.¹⁷⁹ Protocol IV deals with military issues such as the formation of the new Mozambican Armed Forces, demobilisation and integration of the two armies into FADM spelling out the new troop strength, command structures (army, air force, navy, and logistics command), timetables for the formation of FADM and mobilisation of funds and technical assistance by foreign governments.¹⁸⁰ The Protocol also spells out the withdrawal of foreign troops from under the Ceasefire Commission¹⁸¹ as well as the disbanding and disarmament of paramilitary, private and irregular armed groups.¹⁸² Another thorny issue this protocol tackles is the issue of depoliticization and restructuring of the police forces.¹⁸³ Lastly, Protocol IV outlines the modalities of demobilisation and socio-economic reintegration of former combatants through the Reintegration Commission.¹⁸⁴ On the issue of guarantees, Protocol V outlines the timetable for the electoral process determining the elections to take place within a year after the signing of the GPA.¹⁸⁵ It also establishes the Supervisory and Monitoring Commission, to supervise the ceasefire.¹⁸⁶ Protocol V also spells out specific guarantees for the period from the ceasefire to the holding of the elections.¹⁸⁷ In addition, the agreement tasks the Government to submit legal instruments incorporating the Protocols, the guarantees, and the General Peace Agreement into Mozambican law to the Parliament for adoption).¹⁸⁸ Protocol VI discusses the modalities of a definitive cease-Fire. Protocol VI establishes the timetable

¹⁷⁶ Ibid., Protocol I, (3)

¹⁷⁷ Ibid., Protocol II, (1-6)

¹⁷⁸ Ibid., Protocol III, paragraph I-IV

¹⁷⁹ Ibid., Protocol III, paragraph V (3)

¹⁸⁰ Ibid., Protocol IV, paragraph I (ii, iii, iv, v)

¹⁸¹ Ibid., Protocol IV, paragraph II

¹⁸² Ibid., Protocol IV, paragraph III

¹⁸³ Ibid., Protocol IV, paragraph V

¹⁸⁴ Ibid., Protocol IV, paragraph VI (I, ii)

¹⁸⁵ Ibid., Protocol V, paragraph I

¹⁸⁶ Ibid., Protocol V, paragraph II (1)

¹⁸⁷ Ibid., Protocol V, paragraph III

¹⁸⁸ Ibid., Protocol V, paragraph IV

for the cessation of armed hostilities and its implementation in four steps: cease-fire, separation of forces, concentration of the separated forces and demobilization. Release of prisoners, except those being held for ordinary crimes, is also covered in this protocol.¹⁸⁹ Protocol VII discusses the financial aspect of the GPA. The parties to the conflict agreed that finance mobilisation would be preferably done through a conference of donors. The finances are for party organizations, elections, resettling the displaced, and demobilization programmes. The parties agreed that they should request the international community to finance the entire implementation process.¹⁹⁰

3.10 Other Documents Included in the GPA

The Joint Communiqué of 10 July 1990 is a promise from both parties to seek a solution other than the military one to the Mozambique problem.¹⁹¹ In the document, the two parties endorse dialogue as the best mode of ending the existing animosity.¹⁹² The Agreement on a Partial Ceasefire in Mozambique, 1 December 1990 maps out the dimensions of the partial ceasefire to be maintained by Zimbabwean troops along the Beira and Limpopo corridors. The agreement tasks the two parties in conflict and the Zimbabwean troops to end all offensive military operations and attacks on the Beira and Limpopo corridors.¹⁹³ Another document included in the GPA is the Declaration of the Government of the Republic of Mozambique and RENAMO on guiding principles for humanitarian assistance, signed in Rome on 16 July 1992. In this agreement, RENAMO, the Government, and the International Committee of the Red Cross agree on the free movement of people and assistance for all Mozambicans without discrimination.¹⁹⁴ On its part, the Joint Declaration of 7 August 1992 commits the parties to complete political freedom, personal safety of all Mozambican citizens and all members of political parties; accept the role of the international community, particularly the United Nations, in monitoring and guaranteeing the implementation of the GPA, among others. Most importantly, this agreement tasks the government side to table in Parliament the adoption of the Protocols and guarantees, as well as the General Peace Agreement, in Mozambican law.¹⁹⁵ The General Peace Agreement of Mozambique bears the signature of Joaquim Alberto Chissano (on behalf of the Government) and Afonso Macacho

¹⁸⁹ Ibid., Protocol VI(I-VI)

¹⁹⁰ Ibid., Protocol VI(I-III)

¹⁹¹ The Joint Communiqué of 8-10 July 1990, paragraph 4

¹⁹² Ibid., paragraph 5

¹⁹³ The 1/12/1990 Agreement on a Partial Ceasefire

¹⁹⁴ The Declaration by the Government of the Republic of Mozambique and RENAMO on the guiding principles for humanitarian assistance of 16 July 1992

¹⁹⁵ The Joint Declaration of August 7, 1992

Marceta Dhlakama (on behalf of RENAMO). Those who signed the General Peace Agreement of Mozambique as witnesses comprised the four mediators (Mario Raffaelli, Jaime Goncalves, Andrea Riccardi, and Matteo Zuppi).¹⁹⁶

3.11 The Implementation of the General Peace Agreement of 1992

The General Peace Agreement bestowed a central role to the United Nations as the chief implementation agency.¹⁹⁷ The UN was to monitor the disarmament of the two parties, the creation of a new national force, the supervision and monitoring of elections, and the coordination of all humanitarian assistance.¹⁹⁸ Protocol I (5) stipulates that the Supervisory and Monitoring Commission (CSC) was to be formed. Its main task was to supervise and monitor compliance with the General Peace Agreement. It was to comprise of representatives of the Government, RENAMO, the United Nations and other organizations or Governments that the two parties agreed upon.¹⁹⁹ Other sub-commissions to help the UN in effective implementation included the Joint Commission for the Formation of the Mozambican Defence Force (CCFADM),²⁰⁰ the Cease-fire Commission (CCF),²⁰¹ and the Reintegration Commission (CORE).²⁰² The Security Council Resolution 797 (1992) formed a peacekeeping mission, the United Nations Operation for Mozambique (ONUMOZ), to ensure that provisions contained in the agreement would be adhered to and timetables would be respected.²⁰³ In sum, this chapter has traced the root causes of the Mozambican civil war to poor colonial legacy, inept internal policies and a myriad of external factors and actors (geopolitics). The outside factors played a pivotal role in escalating the war as well as in contributing to the hurting stalemate that eventually created a ripe moment for negotiations. The road to the General Peace Agreement and lasting peace in Mozambique was as long as it was arduous. It was also paved with many intrigues and interests. States such as South Africa, Kenya, Zimbabwe, and Malawi attempted to lead the two antagonists to negotiated settlement. They were however rejected because of their intricate closeness to the conflict. Despite having no experience in any high-stakes mediation exercise, the Sant'Egidio community was chosen as mediator. The fact that Sant'Egidio could not use power (it had

¹⁹⁶ The General Peace Agreement of Mozambique, 1992

¹⁹⁷ Stephen Hill, "Negotiating Within Cultures : The United Nations and the Resolution of Civil Conflict" in Deborah Goodwin (ed), Negotiation in International Conflict : Understanding Persuasion (London: Frank Cass & Co., 2002), p.9

¹⁹⁸ Ibid.

¹⁹⁹ The General Peace Agreement of Mozambique, 1992, Protocol I, paragraph 5

²⁰⁰ Ibid., Protocol IV, paragraph I (iii, 1a)

²⁰¹ Ibid., Protocol IV, paragraph II (3)

²⁰² Ibid., 1992, Protocol IV, paragraph VI (ii, a)

²⁰³ Richard Syngé, Mozambique: UN Peacekeeping in Action, 1992-1994 (Washington D.C: United States Institute of Peace, 1997), p.195

none), wealth (it had none) or any visible political leverage (it possessed none) made it acceptable to the two antagonists. It would allow the Mozambicans to solve their own problems by themselves without undue influence or pressure. Such a mediator would ensure the process was unquestionably intrinsic. Aware of the role of financial power, political muscle and any such other leverage, Sant'Egidio enlisted the help of the USA, Italy, and Kenya among others. The General Peace Agreement of Mozambique of 1992 is currently heading to close to twenty years of existence. The fact that the agreement has held for so long is a clear indicator that a lot of good practices must have been done at the pre-negotiation, negotiation and the post-negotiation stages. It is also an indication that when the parties to a conflict have made up their minds to negotiate and commit to peace, it becomes possible for peace agreements and the provisions therein to acquire meaning and to elicit support.

The external actors in the Angolan war have been varied. The external players have included the direct intervention of troops of four countries and the active participation of rival superpowers.

The external angle is largely responsible for making the analysis of the Angolan conflict an excellent mix of concurrent violence at the inter-state and intra-state level. At the intra-state level, there have been two types of wars running concurrently: the internal struggle for political control of the country, as well as the revolutionary war waged by the Cubans against the apartheid regime from the rest of Angolia. This, then, is a complex and understanding of the nature of conflict in Angola's post-independence through examination of the origins of internal and interstate violence. The inter-state level analysis will look to find the predominant role of superpowers in both creating and resolving the conflict from its inception and in 2012. This level of analysis will also consider the role of regional powers such as the SADC in complicating the conflict.

The arrival of international external support and actors in the war in Angola served to not only prolong the war but also to make it a protracted one. The violence in Angola began with the fight to fight for independence against Portuguese colonialism and ended in 1975 with the signing of the Lisbon Agreement of Independence in 1975. Subsequently, the country has experienced war for almost forty-one years. This makes it the longest period of continuous violence within a single country since the advent of African colonialism. The complicated nature of the Angolan conflict has repeatedly complicated the country's quest for peace. This is such that those seeking to address the conflict have often had to contend with a myriad of external players. For

Chapter Four

Conflict and Mediation in Angola

4.1 Introduction

The civil war in Angola was a kaleidoscope of many factors and actors. Just as the case in neighbouring Mozambique, Angola's deadly cycles of violence had their genesis in the anti-colonial war of national liberation that unfortunately metastasised into civil war even before independence from Portugal was made official. In the course of the two wars (war of independence, and the civil war), there has been an unprecedented active and persistent involvement of external actors in an otherwise internal war. Ranging from neighbouring countries, regional actors and even members of the international community outside Africa, the external actors in the Angolan war have been varied. The external theatrics have included the direct intervention of troops of four countries and the active participation of rival superpowers.

The external angle is largely responsible for making the anatomy of the Angolan conflict to exhibit a mix of concurrent violence at the inter-state and intra-state level. At the intra-state level, there have been two types of wars running concurrently: the internal struggle for power and control of the country as well as the secessionist war waged by the Cabinda enclave to detach itself from the rest of Angola. Therefore, an analysis and understanding of the theatre of conflict in Angola presupposes a thorough examination of the origins of interstate and intrastate tensions. The inter-state level analysis will bear in mind the paradoxical role of superpowers in both escalating and de-escalating the conflict from its outset to its end in 2002. This level of analysis will also consider the role of regional powers such as South Africa in complicating the conflict.

The intricacy of internal and external factors and actors in the war in Angola served to not only prolong the war but also to make it a ferocious one. The violence in Angola begun with the 1961-75 fight for independence against Portuguese colonialists and ended in most parts of the country with the signing of the Luena Memorandum of Understanding in 2002. Statistically, this means that Angola has experienced war for about forty-one years. This makes it the longest period of continuous violence within a single country even by the notoriety of African conflict standards. The complicated nature of the Angolan conflict has reciprocally complicated the country's quest for peace. This is such that those seeking to mediate in the conflict have often had to contend with a myriad of external log jams. For

instance, the Namibian decolonization process has had ties with the conflict in Angola. These ties have had to be addressed before attempts at resolving Angola's civil war could be made. In addition, sometimes external actors have had to participate in negotiations about the possibility of withdrawing from involvement in the conflict so that the internal actors can be able to settle their differences with a more intrinsic outlook.

The inability (most times in the course of the war) to draw a line of delimitation between internal actors and factors and external influences has resulted in Angola's peace processes producing both inter-state peace agreements and intrastate agreements that impact the resolution of the conflict in various and diverse ways. Bearing in mind the complexities and confusions that have emerged in the study of the Angolan conflict and attempts at its resolution, this chapter will attempt to clarify the intrigues of the conflict and quest for peace in two ways. The first phase will dig deep into the background and history of the conflict situating it in the colonial and the independence period up to the end of the Cold War in 1989. In this phase, the causes of violence will be explored with a clear illustration of the various actors and their roles in escalating the conflict. Any efforts at attempting a resolution of the war will also be contextualised.

The second phase will examine the post-Cold War period that marks the withdrawal of external actors and how this affects the escalation or de-escalation of violence in Angola. This phase will also analyse the conflict and any changes it could have undergone in terms of actors, causes and any other dynamics impacting the prospects for peace both positively or negatively. In the course of this analysis, agreements reached will be enumerated and comprehensively analysed. Finally, as much as popular view believes that the Angolan conflict ended in 2002 at the signing of the Luena Memorandum, this study will also explore the post-Luena period and the threat to peace posed by Cabinda's quest for secession. In the process, the quest for peace, if any in the Cabinda conflict will also be highlighted.

Once a thorough analysis of the conflicts in Angola has been carried out, it will be easy to understand why the country's myriad processes of conflict resolution have experienced many challenges that have ensured the persistent and consistent collapse of signed peace agreements between UNITA and the MPLA government. The perception of the circumstances surrounding the negotiation and signing of Angola's peace agreements will help in creating an understanding of implementation failure/success which is the central concern of this study.

4.2 Colonial Rule and War of Independence

The Congress of Berlin of 1885 seemed to have (among other things) endorsed the partition of Africa among the European powers.¹ This is how Portugal came to be in 'possession' of African countries such as Angola, Mozambique, Guinea, Cape Verde and Sao Tome and Principe.² According to Antony G. Pazzanita, Portugal's rule in Africa was one of the most brutal, backward and least amenable to change. This was evidenced by Portugal's refusal to decolonize even when other colonial powers had agreed to do so. Portugal was especially not keen to liberate Angola. This is because (of all its colonies) the country was the most economically lucrative, given its richness in natural resources such as oil and diamonds. Just as in Mozambique, the Africans in Angola were feeling frustrated by Portugal's non-decolonisation policy. In response to the oppressive policy, Angola resorted to acquire independence through aggression.³ This is how Angola's war of independence begun in 1961. In 'mainland' Angola, agitation for independence from Portugal begun with two uncoordinated guerrilla groups: the Popular Movement for the Liberation of Angola (MPLA) and the National Front for the Liberation of Angola (FNLA) as the frontline groups fighting for self-rule. The disunity and unilateral tendencies of the two movements has been explained by Thomas H. Henriksen. He surmises that the MPLA/FNLA relationship was from the beginning characterised by 'firefights in the bush and assassinations in towns'.⁴ The fights imply that the groups had developed into rivals instead of co-fighters. The fact that the movements failed to work together to fight an enemy they both so hated evinces that Angola's struggle was divisive rather than unifying. To further illustrate the depth of division in Angola stemming from the struggle for independence, a third group, the National Union for the Total Independence of Angola (UNITA) joined the struggle for independence in 1966⁵ as an FNLA splinter group.⁶ As these groups emerged in the 'mainland', a separate movement for the independence of the Cabinda enclave from Portuguese rule and inclusion

¹ Achille Viallate, *Economic Imperialism and International Relations during the last Fifty Years* (Freeport, N.Y.: Books for Libraries Press, 1969), pp.24-25

² Agyemang Attah-Poku, African ethnicity: history, conflict management, resolution, and prevention (Lanham: University Press of America, 1997), p.65. See also Keith Somerville, "Angola-Groping towards Peace or Slipping Back towards War?" In William Gutteridge and J.E Spence (eds), *Violence in Southern Africa* (London: FRANK CASS, 1997), p.14

³ Anthony G. Pazzanita, The Conflict Resolution Process in Angola. *The Journal of Modern African Studies*, Vol. 29, No. 1 (Mar., 1991), pp. 83-114: 83

⁴ Thomas H. Henriksen, People's War in Angola, Mozambique, and Guinea-Bissau. *The Journal of Modern African Studies*, Vol.14, No.3 (Sep., 1976), pp.377-399:379

⁵ Donald S. Rothchild, *Managing Ethnic Conflict in Africa: Pressures and incentives for Cooperation* (Washington, D.C.: Brookings Institution Press, 1997), p.113

⁶ Thomas H. Henriksen, People's War in Angola, Mozambique, and Guinea-Bissau. *The Journal of Modern African Studies*, Vol.14, No.3 (Sep., 1976), pp.377-399:379

as part of Angola was simultaneously formed. The movement started in 1961 with the formation of three groups that later merged to form the Front for the Liberation of Cabinda (FLEC) in 1963. From the very beginning, Cabindan liberation movements pursued a separate independence for their territory.⁷ Other than Cabinda's 'unique' secessionist ideology, the fundamental points that informed the differentiation of Angola's liberation movements revolved around geography and ethnicity. There is evidence that the liberation groups had distinct geographical and ethnic roots. This was informed by the fact that the FNLA was largely composed of the Bakongo ethnic group from the north of Angola, UNITA the Ovimbundu from the South, and the MPLA was mainly supported by a mixture of Kimbundu, whites and mixed race people based in Luanda, the capital.⁸ Cabinda's main ethnic group is the Bakongo.⁹ These distinctions meant that from its formative years, Angolan nationalism was deeply cleaved along severe ethno-regional lines.

The inter-liberation movement cleavages impacted Angola's independence negatively. Unlike Mozambique and Guinea Bissau where a single nationalist movement had gained revolutionary ascendancy and become the logical recipient of transferred authority,¹⁰ the independence movements in Angola were engaged in a tough three-way contest. Each movement hoped to unilaterally defeat the other groups militarily and therefore become the sole recipient of the reins of power from the colonialist. The contest remained mostly three-way because the Cabinda liberation movements were only concerned with independence of the enclave therefore did not adopt a national outlook in terms of operation, recruitment or popular support. The fact that Cabinda's liberation movements were localised with virtually no inland penetration was evidence of enclave's disinterest in the overall independence and power politics of the rest of Angola. This therefore meant that the war of independence was largely fought by the three remaining movements who were also concurrently engaging in a power tussle.¹¹ The ensuing unilateral pursuit of supremacy by each of the remaining liberation movements therefore led to an escalation of inter-liberation movement violence. The liberation movements fought each other as a way of defending what they considered their

⁷ Stuart Notholt, *Fields of Fire: an Atlas of Ethnic Conflict* (Leicester: Troubador, 2008), p.2-60

⁸ Paul Hare, "Angola: The End of an Intractable Conflict", in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds), *Grasping the Nettle: Analyzing Cases of Intractable Conflict* (Washington D.C: United States Institute of Peace Press, 2005)

⁹ Joshua B. Forrest, *Subnationalism in Africa: Ethnicity, Alliances, and Politics* (Boulder: Lynne Rienner, 2004), p.68

¹⁰ Margaret Young and Tom Young, "Mozambique at War with Itself", in Tom Young, (ed) *Readings in African Politics*. (London: International African Institute,), p.59. See also John A. Marcum, "Lessons of Angola". *Foreign Affairs*, Vol. 54, No. 3 (Apr., 1976), pp. 407-425: 409

¹¹ Donald S. Rothchild, *Managing Ethnic Conflict in Africa: Pressures and incentives for Cooperation* (Washington, D.C.: Brookings Institution Press, 1997), p.113

turfs and to gain ascendancy.¹² The insurgent movements were fighting over political and military power.¹³ This situation creates a paradox because the liberation movements were on the one hand united in purpose (manifested in the common hatred for the Portuguese 'outsider') while simultaneously fighting each other for access to the yet-to-be achieved power. The severe schisms among the liberation movements are to be expected given the high value each liberation group had put on independence and self-rule. Accordingly, putting such a high political value to independence engendered fierce competition and manoeuvring among the domestic groups and parties for the participation in and the control of the process by which it is to be achieved.¹⁴ This competition was exacerbated by the fact that there were more points of division than cohesion among the three groups. For instance, other than ethnicity and geographical distinctions, the movements had different ideological standings, distinct development strategies, contrasting positions on state and party centralisations, and each group had its own patrons and allies in the international system.¹⁵ For example the MPLA had ties to the Soviet Union, Cuba, East European states allied to the USSR and other Third world states opposed to the West. On the other hand, the FNLA had ties to Guinea, Algeria and later the USA, China and Zaïre while UNITA drew its support from China, Tanzania and Zambia.¹⁶ Each ally had its own interests and ideology therefore making the movements even more divided. In explaining the possible interests and motives of external actors, Pereira posits that the external actors' main reason in arming client states and rebel armies was the desire for political loyalty and access to primary products.¹⁷ Using the dual incentives of political loyalty (crucial in the Cold War) and economic gains that come with preferential access to primary products, the external actors supported their preferred clients hoping that they would emerge as the dominant force in independent Angola. If their groups ascended to power, the external patrons' interests would be met better from a position of power. This is why there is evidence of outside support such as military training, arms, financial and other logistical assistance such as transportation of weaponry¹⁸ to the various liberation movements. The external assistance impacted the volatile situation in Angola

¹² Paul Hare, op.cit.p.212

¹³ John A. Marcum, "Lessons of Angola". *Foreign Affairs*, Vol. 54, No. 3 (Apr., 1976), pp. 407-425: 409

¹⁴ I. William Zartman, Ripe for Resolution : Conflict and Intervention in Africa, Updated Edition (New York : Oxford University Press,1989), p.12

¹⁵ Donald S. Rothchild, op.cit

¹⁶ Edward R. Drachman and Alan Shank, Presidents and Foreign Policy : Countdown to 10 Controversial Decisions (New York: State University of New York Press, 1997), p.189

¹⁷ Anthony W. Pereira, The Neglected Tragedy : the Return to War in Angola,1992-3.*The Journal of Modern African Studies*, Vol.32,No.1 (Mar.,1994), pp.1-28:1

¹⁸ Edward George, The Cuban Intervention in Angola, 1965-1991 : from Che Guevara to Cuito Cuanavale (New York: Frank Cass, 2005), pp.53-54

negatively. For instance, the increased supply of weapons and financial support escalated the tripartite divisions and rivalries. As a result, efforts made to resolve the inter-liberation movement violence failed resulting in more violence as each movement pursued its own individual interests bolstered by confidence provided by the support from external patrons.¹⁹ The failure to resolve the inter-liberation movement violence resulted from each group feeling strong enough (with external support) to achieve an outright military victory. For example in late 1973, China provided military training and arms to FNLA guerrillas in Zaire, the USA also funded the FNLA in 1974 enabling the movement to stock up more weapons with which to pursue its political objectives militarily, and the USSR provided military aid to the MPLA in 1974.²⁰ It is therefore clear that the war of independence in Angola was one of a kind and quite different from other struggles in Africa such as the one in neighbouring Mozambique (for example) because of its dual nature. The duality comes from the fact that the main resistance fighters were engaged in two conflicts at the same time: the war against the colonial enemy (Portugal) and the war with the each other. This meant that when the *coup d'état* in Portugal²¹ resulted in a pro-decolonization regime; Angola did not have an organized succession system given that none of the liberation movements had achieved military preponderance over the others.²²

4.3 Resolving the War of Independence

The war of independence in Angola was getting complicated by the military contest for power displayed by the different liberation movements. In this regard, power could not be handed to any one of the competing groups without risking more violence. Understanding this, the Organisation of African Unity (OAU) attempted to reconcile the contending parties before the impending independence negotiations with Portugal.²³ The Chairman of OAU (1974-5), Jomo Kenyatta of Kenya organized negotiations in Mombasa, Kenya on 3-5 January 1975. In the negotiations, all three major protagonists, Agostinho Neto, Jonas Savimbi and Holden Roberto were in attendance. The Mombasa negotiations sired the

¹⁹ Ibid.

²⁰ Raymond L. Garthoff, *Détente and Confrontation: American-Soviet Relations from Nixon to Reagan* (Washington, D.C.: Brookings Institution, 1994), pp.582-585

²¹ Bernard A. Cook(ed), *Europe Since 1954: An Encyclopedia*, Vol. II, K-Z (New York: Garland, 2001),p.1031

²² Anthony G. Pazzanita, The Conflict Resolution Process in Angola. *The Journal of Modern African Studies*, Vol. 29, No. 1 (Mar., 1991), pp. 83-114:84

²³ Neil Macfarlane, "Intervention and Regional Security, Adelphi Paper 196, 1985" in *The International Institute for Strategic Studies (IISS), The Evolution of Strategic Thought, Classic Adelphi Papers*, (Abingdon, Oxon: Routledge, 2008), p.492

Mombasa Agreement.²⁴ In the Mombasa Agreement, the three parties in conflict agreed to recognize each other as independent parties with equal rights and responsibilities.²⁵ In addition, they also agreed to safeguard Angola's territorial integrity and to espouse a common front for independence negotiations with Portugal.²⁶ The issue of safeguarding Angola's territorial integrity came in because of the secessionist war in Cabinda where the Front for the Liberation of Cabinda (FLEC) was fighting to attain its own separate independence from Angola.²⁷ The Mombasa negotiations and the agreement by the parties in conflict to front a unified approach in dealing with Portugal was a significant achievement in the quest for pre-independence peace in Angola. This is because, after these negotiations, Neto, Roberto and Savimbi agreed to participate in the Alvor negotiations, to bargain for the independence of the country.

4.4 The Alvor Accords

The Alvor negotiations begun on 10 January 1975 in Alvor, Portugal and lasted for five days.²⁸ At the end of the five days, on 15 January 1975, the Portuguese government signed the Alvor Accords with the MPLA, FNLA and UNITA providing for Angola to receive its independence on 11 November that year.²⁹ The Alvor Accords provided for six main things. The first is a tripartite interim coalition government (with a rotating chairmanship). The second is the integration of military forces. Third, the Accord tasked the transitional government to draft a provisional constitution and an electoral law. Fourth, the agreement required the parties to register voters and candidates for general elections. Fifth, the elections were to be held before the end of October 1975. Lastly, the independence of Angola was to be scheduled for 11 November 1975.³⁰ The coalition transitional government would comprise members of the three movements under the leadership of a prime ministerial triumvirate. The high commissioner, Brigadier-General Silva Cardoso, would arbitrate any differences in the coalition. The integration of the armed forces of the three movements into a single army was to be done in such a manner that the combined army was to consist of 8 000

²⁴ W. Martin James, *Historical Dictionary of Angola* (Lanham : Scarecrow Press, 2004), p.101

²⁵ Witney Wright Schneidman, *Engaging Africa : Washington and the Fall of Portugal's Colonial Empire* (Lanham: University Press of America, 2004), pp.197-198

²⁶ Edward George, *The Cuban Intervention in Angola, 1965-1991 : from Che Guevara to Cuito Cuanavale* (New York: Frank Cass, 2005), p.56

²⁷ Kenneth L. Adelman, Report from Angola. *Foreign Affairs*, Vol. 53, No. 3 (Apr., 1975), pp. 558-574 :565

²⁸ Donald Rothchild, *Managing Ethnic Conflict in Africa : Pressures and Incentives for Cooperation* (Washington D.C: The Brookings Institution, 1997), p .116

²⁹ Ibid.

³⁰ Fen Osler Hampson, *Nurturing Peace: Why Peace Settlements Succeed or Fail* (Washington, D.C.: United States Institute of Peace, 1996), p.100. See also Donald S. Rothchild, *Managing Ethnic Conflict in Africa: Pressures and incentives for Cooperation* (Washington, D.C.: Brookings Institution Press, 1997), p.251

men each from the MPLA, FNLA and UNITA. There would also be 24 000 Portuguese soldiers in the unified army. The Portuguese soldiers were to, however, be withdrawn between 1 October 1975 and 29 February 1976. Two months after the signing of the Alvor Accords, in March 1975, war broke out among the liberation movements.³¹ The divisions were so strained that instead of one proclamation of independence in 1975, there were two (one by the MPLA in Luanda and the other one from UNITA/FNLA in Huambo).³² The failure of Alvor can be attributed to mediation by an ineffective mediator. This is because Portugal was at the time undergoing its own 'revolutionary convulsions' at home.³³ As a result, it could not get involved in the transitional phase in a committed manner as it was too busy sorting out its own internal political upheavals. Accordingly, the Alvor Accords collapsed within weeks and civil war ensued. Analyzing the Alvor Accords from a broader perspective, some of its inherent weaknesses such as non-inclusion of the Cabinda liberation movements and their say regarding the future of the territory would later affect the total peace of Angola. This is because Cabinda's quest for autonomy persisted even after the mainland parties negotiated peace accords among themselves.³⁴ The non-representative nature of the Alvor Accords and the 'forceful' inclusion of Cabinda as part of Angola without allowing views from the enclave regarding its future contributed to the violence. Sensing that the Alvor process had failed to end violence in Angola, leaders of the Organization of African Unity (OAU) organized a peace conference moderated by Kenyan President Jomo Kenyatta with the three leaders in Nakuru, from 16-21 June 1975. According to Cord Meyer, the mediator (Jomo Kenyatta) hoped to salvage the Alvor Accords which were being flaunted by the parties in conflict.³⁵ At Nakuru, the parties in conflict pledged to restore the transitional government, end violence, form one national army, free all prisoners, disarm civilian supporters, guarantee the right of free political activity, and hold elections in October 1975.³⁶ The document that resulted from this process is known as the Nakuru Accord of 21 June

³¹ Jussi Hanhimaki, The Flawed Architect : Henry Kissinger and American Foreign Policy (New York: Oxford University Press, 2004), p. 405

³² See Tor Sellstrom, ed., Liberation in Southern Africa : Regional and Swedish Voices (Stockholm: Elanders Gotab, 2002), p.24

³³ Norrie MacQueen, Peacekeeping by Attrition: The United Nations in Angola. *The Journal of Modern African Studies*, Vol. 36, No. 3 (Sep., 1998), pp. 399-422:403

³⁴ Jill Shinkleman, Oil, Profits and peace: Does Business have a Role in Peacemaking? (Washington, DC: United States Institute of Peace, 2006), p.98

³⁵ Cord Meyer, Facing Reality: From World Federalism to the CIA (Washington, D.C : University Press of America, 1980), p.256

³⁶ W. Martin James, Historical Dictionary of Angola (Lanham: Scarecrow Press, 2004), p.101. See also Cord Meyer , Facing Reality: From World Federalism to the CIA (Washington, D.C : University Press of America, 1980), p.256

1975.³⁷ Despite the fact that the three leaders enthusiastically backed the Nakuru Accord and promised to halt violent pursuit of political objectives, the agreement unfortunately lasted for only two days.³⁸ Contrary to beliefs that the Nakuru Accord was 'weak from the start',³⁹ the failure of the agreement relates to the fact that throughout the January (signing of Mombasa Agreement and Alvor Accords) to August (signing of Nakuru Agreement in June) period, external actors urged by Cold War rivalry continued to provide military, financial, logistical and technical support to the parties in conflict unabated.⁴⁰ With these incentives, the combating groups were enticed to view violence as more profitable. In addition, with the increased incentives, the possibility of victory and ascension to power begun to appear to be a more attractive option in preference to power-sharing and elections whose outcome could not be accurately predicted. This outlook therefore became responsible for outbreak of more violence. Some of the countries that supported the different liberation movements by providing arms and other assistance at a time when the groups had agreed to halt violence included the Soviet Union, the United States, Cuba and China.⁴¹ As a result, the return to war intensified by external support (in terms of military aid and other assistance) escalated the inter-liberation movement conflict more than ever especially given that the stakes had become higher. This is because whoever emerged victor would take over the country on the day of independence scheduled for the 11th of November consistent with the Alvor Accords.

4.5 Independence and Civil War

As if its own domestic inter-liberation movement conflicts and the war against Portugal (the common enemy each group paradoxically fought separately) was not taking a heavy toll on the country, systemic factors also came in to further complicate and protract the problems in Angola. The major happening at the global system that came to affect Angola was the Cold War. Although the Cold War (1945-1989) was principally waged by the Superpowers and their European allies, the ideologies and cultural understandings extended all over the world including the Third World. The spread of these ideologies became the basis of interpreting many important facts relating to the political leanings of the Third World state and the directionality of any conflict taking place within the state. The effect of the Cold War

³⁷ Raymond L. Garthoff, *Détente and Confrontation: American-Soviet Relations from Nixon to Reagan* (Washington, D.C.: Brookings Institution, 1994), p.562

³⁸ W. Martin James, op. cit., p.110

³⁹ Raymond L. Garthoff, op.cit.

⁴⁰ George Wright, *The Destruction of a Nation: United States' Policy towards Angola since 1945* (London: Pluto Press, 1997), p.61

⁴¹ Christine M. Knudsen and I. William Zartman, "The Large Small War in Angola", *Annals of the American Academy of Political and Social Science*, Vol. 541, Small Wars (Sep., 1995), pp. 130-143:131

therefore substantially affected civil wars such that conflicts that were considered to be part of the Cold War were likely to last longer and receive more intervention than non-Cold War conflicts.⁴² Unfortunately for Angola, it became one of the hot spots of superpower rivalry. Angola owes its entanglement with the politics of the superpower balance of power to the unfortunate fact that during the Cold War, both the United States and the Soviet Union saw value in the country.⁴³ Like most other parts of the world where superpower involvement in conflicts was witnessed, their motives for intervention in Angola revolved around a variety of political, strategic, ideological, economic and military interests.⁴⁴ The interest in Angola was informed by the strategic need to have allies, to contain the spread of rival ideologies, to access and protect access to oil, diamonds and other important primary products in Angola (economic reasons) and military prestige that would come to the patron backing the winning side.⁴⁵ These reasons could explain why, much as the Cold War did not develop into conflagration in most parts of the world, the colliding interests in Angola made the Cold War rivals to take sides with the parties in conflict (UNITA, MPLA and FNLA). The USA and USSR provided military advice and aid to their local clients and looked to other actors to protect their interests in Angola. While the USA hired South Africa, the USSR hired Cuba to protect its interests in Angola.⁴⁶ Evidence of direct military involvement of South African troops and Cuban military forces in the conflict therefore made Angola one of the hot spots of Cold War confrontation in the late 1970s and through-out the 1980s.⁴⁷

The hand of South Africa, the Soviet Union, Cuba, and the United States in the war was also seen at crucial times for peace such as during the transitional government period following the signing of the Alvor Accords. In the transitional phase (between the signing of Alvor Accords in January 1975 and designated independence in November 1975), Cold War rivals (the USA and the USSR) provided military assistance to their allies (FNLA, and later UNITA for the USA, and MPLA for the Soviet Union.⁴⁸) The assistance provided by the external patrons therefore served as incentives to continue seeking a military solution as

⁴² Ann Hironaka, *Never-ending Wars: the International Community, Weak States, and the Perpetuation of Civil War* (Cambridge, Mass.: Harvard University Press, 2005), pp.22-23

⁴³ Ian S. Spears, 'Angola's Elusive Peace: The Collapse of the Lusaka Accord'. *International Journal*, Vol. 54, No. 4 (Autumn, 1999), pp. 562-581: 562

⁴⁴ David J. Francis et al, *Dangers of Co-deployment: UN Co-operative Peacekeeping in Africa* (Aldershot, : Ashgate, 2005), p.77

⁴⁵ William Minter, U.S. Policy in Angola and Mozambique. *Africa Today*, Vol. 23, No. 3, Southern Africa and U.S. Foreign Policy (Jul. - Sep., 1976), pp. 55-60:56

⁴⁶ Ibid.

⁴⁷ Christopher Pycroft, Angola - 'The Forgotten Tragedy'. *Journal of Southern African Studies*, Vol. 20, No. 2 (Jun., 1994), pp. 241-262: 242

⁴⁸ Michael McFaul, Rethinking the "Reagan Doctrine" in Angola. *International Security*, Vol. 14, No. 3 (Winter, 1989-1990), pp. 99-135: 101

opposed to adhering to the 'peace-oriented' Alvor Accords. With the added military strength from the external allies, each group felt that it could achieve a military victory against the other and therefore prevail as the dominant power at independence. Achieving military victory was a preferred outcome given that the group that would defeat the others was guaranteed to take over the mantle of power from Portugal. This explains why by March 1975, the Alvor Accords had 'collapsed' resulting in renewed fighting in Luanda. The intensity of the renewed violence was such that the transitional government could not function and that is why it officially collapsed in July 1975.⁴⁹ The two events (the collapse of Alvor Accords, and the fall of the transition government) opened the floodgates to a ferocious bout of violence bolstered by military incentives from the external actors. The newly injected military incentives (troops, arms and financial support) provided by the external actors made the parties in conflict reject the negotiated settlement option in favour of more violence. This led to the 'Battle for Luanda' that begun on 9th July 1975⁵⁰ where each newly re-armed group attempted to capture Luanda before the day of independence. This is because Luanda was considered a vital trophy because of prevailing international recognition as the centre of Angolan power. For this reason, the parties in conflict understood that whoever controlled Luanda would most likely ascend to power at independence. The battle for Luanda resulted in an MPLA victory. With heavy support from the Portuguese Communist Party, Cuba, and the Soviet Union, the MPLA managed to successfully drive out both its rivals. The MPLA, in possession of the capital and with guaranteed support from its external backers, therefore declared itself the government of independent Angola. To demonstrate the centrality of the issue of control of power and how deeply contested it was in the pre-independence conflict, UNITA and the FNLA (instead of accepting defeat and therefore backing the victor, MPLA) set up a rival government in Huambo.⁵¹

After the MPLA victory, conflict in Angola changed character significantly when the FNLA disintegrated in 1976. With the dissolution of the FNLA, the conflict immediately became dyadic as opposed to the triadic nature witnessed since the war of independence.⁵² The effect of this change was mostly felt by UNITA which inherited FNLA's external

⁴⁹ Mike Stead and Sean Rorison, *Angola* (P.7)

⁵⁰ Tor Sellstrom, *Sweden and National Liberation in Southern Africa. Vol. 2, Solidarity and assistance 1970-1994*, (Stockholm: Uppsala, 2002), p.130. See also Charles Cater, "The Political Economy of Conflict and UN Intervention: Rethinking the Critical Cases of Africa" in Karen Ballentine and Jake Sherman (eds), *The Political Economy of Armed Conflict* (Boulder : Lynne Rienner, 2005), p.23

⁵¹ Elikia M'bokolo, "Equatorial West Africa" in Ali A. Mazrui and C. Wondji (eds), *Africa Since 1935* (Paris : UNESCO, 1993), pp.219-220

⁵² Norrie MacQueen, "Peacekeeping by Attrition: The United Nations in Angola". *The Journal of Modern African Studies*, Vol. 36, No. 3 (Sep., 1998), pp. 399-422:402

supporters especially, South Africa, Zaire and the USA.⁵³ South Africa's involvement in Angola was pegged on its external and internal security concerns as a hegemon in the Southern African region and its tenacious hold to the apartheid policy. Internally, South Africa was facing anti-apartheid protests and quest for liberation by the blacks in the country. A successful black-ruled country in the region was therefore viewed as a threat because it would be a good example and motivator for the black nationalists in the country. To mitigate this, South Africa purposed to create problems for the MPLA government by backing UNITA.⁵⁴ Another reason for South Africa's involvement in Angola revolved around the issue of Namibia and the country's quest for liberation from South African occupation since 1915. There was evidence that the main Namibian organization fighting South African imperialism, South West Africa People's Organization (SWAPO) had acquired "a militant ally in Neto as well as an independent country from which to operate".⁵⁵ The MPLA's support of Namibian decolonization earned Angola an enemy in South Africa. To uphold the *status quo*, South Africa decided to adjoin the maintenance of control in Namibia to the fighting of communism in Angola. To achieve this objective, South Africa decided to support UNITA to carry out larger invasions of Angola.⁵⁶ This action made some mediators to conclude that the wars in Angola and Namibia were like Siamese twins. In this regard, the resolution of the war in one country depended on the resolution of the war in the other. In fact, to some scholars the issue of Namibian independence and the withdrawal of third-party forces from Angola were so interlinked that the two cases were better dealt with concurrently for the achievement of lasting peace in the two countries.⁵⁷ Accordingly, during the period from 1981 to 1988, the mediators of the conflict consistently advocated for a dual-pronged linkage of the Angola and Namibia conflicts. They insisted that one conflict was to be viewed as a part of the solution to the other conflict and vice versa.⁵⁸

4.6 Namibia's Quest for Independence and Conflict in Angola

The history of South African occupation of Namibia traces back to 1920 when the League of Nations gave it a mandate to govern its northern neighbour following the defeat of

⁵³ Ibid.

⁵⁴ Gilbert M. Khadiagala, *Allies in Adversity: The Frontline States in Southern African Security, 1975-1993* (Lanham: University of America Press, 2007), p.98

⁵⁵ Ibid.

⁵⁶ Thomas Ohlson, Stephen John Stedman and Robert Davies, *The New is not yet born: Conflict Resolution in Southern Africa* (Washington, D.C.: The Brookings Institution, 1994), p.95

⁵⁷ *Africa South of the Sahara 2004*, 33rd Edition. (London: Europa Publications, 2004), p.42

⁵⁸ Gilbert M. Khadiagala, *Allies in Adversity: The Frontline States in Southern African Security, 1975-1993* (Lanham: University of America Press, 2007), p.137. See also See Thomas Ohlson, Stephen John Stedman and Robert Davies, *The New is not yet born: Conflict Resolution in Southern Africa* (Washington, D.C.: The Brookings Institution, 1994), p.95

Germany in the First World War.⁵⁹ Despite the fact that from the very beginning, South Africa desired to annex Namibia to its own territory (as part of the Union of South Africa), the League of Nations Mandate system for Germany's conquered colonial possessions only allowed South Africa to administer the territory on the organization's behalf.⁶⁰ This is how South Africa came into 'possession' of Namibia, a right that the country fervently fought to retain despite numerous international attempts (by the UN and the International Court of Justice-ICJ) to free the territory.⁶¹ The most significant of these international attempts at decolonizing Namibia is the U.N Resolution 435 (1978) that termed South Africa's occupation of the country 'illegal' and asked for independence of Namibia through UN supervised elections.⁶² South Africa contravened this resolution because 'there was nothing in it' for the country (incentives).⁶³ This means that there was a need to find an appropriate 'carrot' that would entice South Africa to view the withdrawal from Namibia not only as profitable but also one that could drive its quest for regional hegemony in southern African. Realizing that international use of peaceful means was proving ineffective in ending South Africa's colonial ambitions; the South West Africa People's Organization (SWAPO) was formed in 1960 to protest against the illegal occupation and to agitate for the independence of Namibia through violent means.⁶⁴ To strengthen itself, after Angola's independence in 1975, SWAPO strategically aligned itself with the MPLA government and was allowed to establish bases in southern Angola. The SWAPO/MPLA alliance oversaw among others the identification (and therefore elimination) of UNITA elements operating in Namibia and those operating within Angola with the help of South Africa.⁶⁵ The act of allowing a *carte blanche* access to southern Angola in addition to providing arms and training to SWAPO⁶⁶ was the beginning of the Angola-South Africa-Namibia conflict triangle that saw a rotation of attacks and counterattacks. For example, to oppose SWAPO, South African troops repeatedly attacked the organization's bases in Angola and openly supported Jonas Savimbi's guerrilla

⁵⁹ Nico Schrijver, Sovereignty Over Natural Resources (Cambridge : Cambridge University Press, 2008), p.144

⁶⁰ Ibid.

⁶¹ A Report of the International Peace Academy, Southern Africa in Crisis : Regional and International Responses (Dordrecht : Martinus Nijhoff, 1988), pp.91-92

⁶² Robert B. Oakley, "A Diplomatic Perspective on African Conflict Resolution" in David R. Smock and Chester A. Crocker (eds), African Conflict Resolution : The U.S. Role in Peacemaking (Washington D.C.: United States Institute of Peace, 1995), p.61

⁶³ Gilbert M. Khadiagala, op.cit., p.138.

⁶⁴ Lauren Dobell, SWAPO's Struggle for Namibia, 1960-1991: War by Other Means (Basel: P. Schlettwein, 2000), p.31

⁶⁵ Tor Sellstrom, Sweden and National Liberation in Southern Africa. Vol. 2. Solidarity and assistance 1970-1994 (Stockholm : Uppsala, 2002), p.250

⁶⁶ The Report of the Study Commission on U.S Policy Toward Southern Africa titled "South Africa : Time Running Out" (Berkeley : University of California Press, 1981), p.332

struggle against the Angolan MPLA. On the other hand, to oppose South Africa's offensive and support for Angolan rebel movements, the MPLA turned to Cuba for more troop support. The entry of Cuba in the conflict thrust the conflict right into the East-West rivalry that was rapidly making international headlines.⁶⁷ By 1978, the war had become fully internationalized such that Cuban troops, a small contingent of East German and Soviet advisers were firmly in place numbering 35,000 troops. They were stationed in southern Angola fighting on the side of the MPLA, facing South Africa and UNITA troops.⁶⁸ The number of Cuban troops backing the MPLA was unprecedented but necessary for the Cubans who desired to check South African attacks into Angola. Cuba, a Soviet proxy, was interested in Angola because of the desire to keep the country communist.⁶⁹

4.7 Namibian Conflict linked to the Angola Conflict (1980-1987)

The entry of foreign troops into the Angola-Namibia-South Africa tussle changed the conflict dynamics a great deal. The danger of a possible South Africa-Cuba direct military confrontation was feared as one that could trigger a wider war. Sharing this outlook, the United States began viewing regional conflicts in the Third World from the lenses of an overall competition for influence between America and the Soviet Union. This formed the basis for the beginning of USA's eight-year entry into the conflict as mediator.⁷⁰ The USA's resolution plan for the southern Africa crisis was formulated by the lead mediator, Chester Crocker (US Assistant Secretary of State for African Affairs). The mediator fervently believed that 'linking' the conflict in Namibia to the one in Angola was the only formula for peace in the region. The formula's evolution resulted from a strong belief that South Africans were unlikely to leave Namibia while Cuban troops remained in Angola. As a result, the linkage diplomatic strategy entailed the push for Namibian independence from South Africa along with the latter's withdrawal from Angola, in exchange for Cuban withdrawal from Angola.⁷¹ Linkage diplomacy's recognized the difficulty South Africa had with implementing UN Resolution 435 on the independence of Namibia. This difficulty was occasioned by the fact that the resolution had 'nothing in it' for the country. Given that incentives play a key

⁶⁷ Anthony G. Pazzanita, "The Conflict Resolution Process in Angola", *The Journal of Modern African Studies*, Vol. 29, No. 1 (Mar., 1991), pp. 83-114:90

⁶⁸ G. R. Berridge, *Diplomacy and the Angola/Namibia Accords*. *International Affairs* (Royal Institute of International Affairs 1944-), Vol. 65, No. 3 (Summer, 1989), pp. 463-479:465

⁶⁹ The Report of the Study Commission on U.S Policy Toward Southern Africa titled "South Africa: Time Running Out" (Berkeley: University of California Press, 1981), pp.331-332

⁷⁰ Chester A. Crocker, "Peacemaking in Southern Africa: The Namibia-Angola Settlement" in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds), *Herding Cats: Multiparty Mediation in a Complex World* (Washington D.C.: United States Institute of Peace, 1999), p.211

⁷¹ Chas. W. Freeman Jr., *The Angola/Namibia Accords*. *Foreign Affairs*, Vol. 68, No. 3 (Summer, 1989), pp. 126-141 :130

persuasive role in negotiation processes, and bearing in mind that these incentives have to consider the parties' concerns and interests,⁷² it can therefore be argued that Linkage Diplomacy was specifically tailored to entice South Africa to view its withdrawal from Namibia as a win and therefore make the country more amenable to abide by decisions made regarding the independence of Namibia. Playing on South Africa's regional hegemonic interests, the mediators believed that the withdrawal of the over 30,000 Cuban troops from Angola would weaken SWAPO significantly, a factor that was of great interest to South African security. This would in turn pave way for genuine negotiations.⁷³ In support of the linkage idea, George contends that the two conflicts were basically linked anyway given that the South Africa-SWAPO conflict in Namibia had become entangled with the MPLA-UNITA conflict in Angola, both politically and militarily through the MPLA-SWAPO alliance and the South Africa-UNITA alliance. South African troops in their pursuit of SWAPO clashed with the MPLA-Cuban troops while MPLA and SWAPO fought UNITA. By internationalising the conflict, it became clearer that for the civil war in Angola to be resolved, the issue of Namibia had to be resolved also.⁷⁴ Drawing from the obvious interconnectedness of the conflict, the proponents of the 'linkage' idea concluded that Namibia's independence from South Africa could only be secured once the threat posed by the Cuban troops in Angola had been removed. This is why Americans and South Africans were insisting on Cuba's departure from Angola as the trade-off for South Africa's withdrawal from Namibia.⁷⁵ These assumptions tied the fate of Angola and Namibia together for almost a decade (1981-1988), and further complicated the quest for peace in Angola. The key to the resolution of South Africa-SWAPO conflict lay in South Africa's adherence to Resolution 435 on Namibia passed by the United Nations Security Council on 29th September 1978.⁷⁶ Cognizant of this fact, the mediator therefore devised enticing incentives that would encourage South Africa to not only withdraw its administrative grip on Namibia but also hand over power to the latter country's people. Although it was presented as a 'win-win' formula, the whole idea of 'linkage' was accepted by Angola and later by South Africa only

⁷² Tom Woodhouse, "Conflict Resolution and Peacekeeping: Critiques and Responses" in Tom Woodhouse and Oliver Ramsbotham (eds), *Peacekeeping and Conflict Resolution* (London: Frank Cass, 2000), p.17

⁷³ Robert B. Oakley, "A Diplomatic Perspective on African Conflict Resolution" in David R. Smock and Chester A. Crocker (eds), *African Conflict Resolution: The U.S. Role in Peacemaking* (Washington D.C.: United States Institute of Peace, 1995), p.62

⁷⁴ Edward George, *The Cuban Intervention in Angola, 1965-1991: from Che Guevara to Cuito Cuanavale* (Abingdon: Frank Cass, 2005), p.172

⁷⁵ G.R. Berridge, *Diplomacy: theory and Practice, Second Edition* (New York: Palgrave, 2002), p.49

⁷⁶ For more details on the UN Security Council Resolution 435 on Namibia see Fen Osler Hampson, *Nurturing Peace: Why Peace Settlements Succeed or Fail* (Washington D.C.: United States Institute of Peace, 1996), p. 58

theoretically. This is because 1981-1983 evinced increased South African-UNITA military offensives into southern Angola met with increased Cuban troops and Soviet arms assistance for the MPLA government in Angola.⁷⁷ These military-oriented actions are therefore proof that linkage diplomacy was only good on paper. The basic miscalculation of the linkage diplomatic scheme is elucidated by Nesbitt who explains that its basic weakness lay in its implication that South Africa would withdraw from southern Angola and Namibia only after the Cubans had left Angola; and Angola would agree to let the Cuban troops go only if South Africa complied to the terms for its withdrawal from Namibia.⁷⁸ This means that, although the linkage proponents emphasized parallel movement of the South African and Cuban troops to avoid a 'you go first' scenario,⁷⁹ each party unfortunately pegged its compliance with the proposal on the other party's action and since each party was waiting on the other to make the first move, a stalemate occurred.⁸⁰

4.8 The Lusaka Accord, February 1984

With the stalemate surrounding linkage diplomacy and the increased military activities among the parties and their allies, the mediator (USA) suspended the idea for some time in favour of a bilateral Angola-South Africa negotiation. To persuade the parties to come to the negotiation table, Crocker met Botha in Rome and urged South Africa to agree to a non-coercive method of settling the dispute with Angola. South Africa's acceptance made Angola to also agree to enter into negotiations for peace with its long-time adversary. This is the genesis of the January and February-1984 Lusaka negotiations that engendered the Lusaka Agreement between the warring countries.⁸¹ Several reasons forced the two countries to the negotiation table. First, for South Africa, was the pressure from the USA (which wanted to show the world that its 'constructive engagement' method of managing violence in southern Africa was working). Secondly, South Africa had a desire to clean up its image in the eyes of the West and one way it could do this was to show its willingness to stop conflict with its neighbours. Thirdly, after operation Askari (offensive into Angola), South Africa

⁷⁷ Thomas Ohlson, Stephen John Stedman and Robert Davies, The New is not yet Born : Conflict Resolution in Southern Africa (Washington D.C. : Brookings Institution, 1994), p.97

⁷⁸ Prexy Nesbitt, "US Foreign Policy: Lessons from the Angola Conflict", *Africa Today*, Vol. 39, No. 1/2, Angola and Mozambique 1992 (1st Qtr. - 2nd Qtr., 1992), pp. 53-71:59

⁷⁹ I. William Zartman, "Conflict and Order: Justice in Negotiation", *International Political Science Review / Revue internationale de science politique*, Vol. 18, No. 2 (Apr., 1997), pp. 121-138: 128

⁸⁰ *Ibid.*

⁸¹ George Wright, The Destruction of a Nation: United States' Policy towards Angola since 1945 (London: Pluto Press, 1997), p. 114. See also I. William Zartman and Johannes Aurik, "Power Strategies in De-escalation" in Louis Kriesberg and Stuart J. Thorson (eds), Timing the De-escalation of International Conflicts (Syracuse, NY : Syracuse Univ. Press, 1991), p.160

needed time to regroup, it could not sustain continuous war.⁸² As for Angola, severe economic setbacks caused by engagement with the South Africa-UNITA forces and immense internal displacement made the country's leadership amenable to negotiation.⁸³ Thus, the Lusaka Accord, a limited ceasefire agreement,⁸⁴ was mediated by the USA in January and February 1984 with the assistance and facilitation of President Kaunda of Zambia. The main provisions of the unpublished⁸⁵ agreement included South Africa's withdrawal of troops from Cunene Province by the end of March supervised by a Joint (South African-Angolan military) Monitoring Commission. The agreement also stipulated that no forces (UNITA or SWAPO) were to move into the area vacated by South African forces.⁸⁶ The agreement also proposed the establishment of a ceasefire on the border between Namibia and Angola as well as the opening of an office in Windhoek, Namibia to observe the peace. SWAPO was unrepresented in the proceedings.⁸⁷

There were certain inherent weaknesses that the Lusaka agreement had. First, the agreement failed to include the implementation of Resolution 435 (1978) of the UN on Namibia that insisted on (among other things) the total South African withdrawal from Namibia.⁸⁸ The primacy of Resolution 435 is enormous given that, as a contributing factor to the complication of the civil war in Angola, non-resolution of the Namibian issue would correspondingly mean that the war in Angola would continue. Secondly, the agreement failed to address the withdrawal of troops from Kuando Kubango province (and hence the withdrawal of South African support for UNITA) that Angola had hoped for.⁸⁹ Another factor that undermined commitment to Lusaka Accords especially by Angola was the resumption of direct US aid to UNITA following the repeal of the Clark Amendment of 1976 in 1985.⁹⁰ The timing of this action by the USA, a country that had acted as mediator in the Angola-South Africa issue, was wrong. This wrong can be explained using Zartman and Touval's insistence that a mediator must be perceived as having an interest in achieving an outcome favourable

⁸² Jeremy Crest, "The South African Defence Force in Angola" in Jacklyn Cock and Laurie Nathan (eds), *War and Society: the Militarization of South Africa* (Claremont: David Phillip Publishers, 1989), p.126

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Joseph Hanlon, *Beggar Your Neighbours: Apartheid Power in Southern Africa* (London: Catholic Inst. for International Relations, 1987), p.38

⁸⁶ Gillian Gunn, "Cuba and Angola" in Georges Fauriol and Eva Loser (eds), *Cuba: the International Dimension* (New Brunswick: Transaction Publishers, 1990), p.170

⁸⁷ Thomas Ohlson, Stephen John Stedman and Robert Davies, *The New is not yet Born: Conflict Resolution in Southern Africa* (Washington D.C.: Brookings Institution, 1994), p.98

⁸⁸ Anthony G. Pazzanita, "The Conflict Resolution Process in Angola", *The Journal of Modern African Studies*, Vol. 29, No. 1 (Mar., 1991), pp. 83-114:93

⁸⁹ Joseph Hanlon, op. cit., p.160

⁹⁰ Vivienne Jabri, *Mediating Conflict: Decision-making and Western Intervention in Namibia* (Manchester: Manchester University Press, 1990), p.164

for both parties.⁹¹ Interpreted from Gurr's perspective, foreign material and military support for contenders in ethno-political wars will work against efforts for mediation because such help will increase the strength and capacity for action (for example, UNITA's as the case was with the repeal of the Clark Amendment)⁹² and so lessen desire for peace. Based on this reasoning, the act of preaching peace while aiding UNITA understandably provoked Angola's loss of trust in the USA's commitment to the peaceful resolution of the regional conflicts blocking the country's quest for internal stability. This loss of trust in the mediator made Angola to break off contact with the USA till 1988.⁹³ This therefore meant that any further efforts to salvage the Lusaka process or build on it to promote peace ground to a halt.

4.9 The Inter-state Conflict from 1985-1988

Although the period following the signing of the Lusaka Accord of 1984 was followed by a significant reduction of violence in the two countries, major confrontation resumed soon after⁹⁴ triggered by an MPLA offensive on August 1985 against UNITA and South Africa to capture Mavinga and its airfield.⁹⁵ However, the MPLA was repulsed by the joint South Africa-UNITA forces. A repeat MPLA offensive in 1986 culminated into a counter-attack by South Africa and UNITA in what came to be known as the Battle of Cuito Cuanavale in 1987.⁹⁶ The international involvement in the Battle for Cuito Cuanavale was overwhelming. The war pitted the armies of Cuba and Angola against the armies of South Africa and UNITA. In this battle, the numerically superior MPLA/Cuba forces held off the South African/UNITA forces.⁹⁷ Although MPLA (and Cuba) succeeded in pushing back the South Africa/UNITA forces, they failed to procure an outright military victory. Fearing that South Africa might decide to test the new military *status quo*, MPLA contacted Washington in January 1988 and declared that they were willing to make substantial concessions to get

⁹¹ I. W. Zartman and Saadia Touval, "International Mediation in the Post-Cold War Era" in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds), Managing Global Chaos: Sources of and Responses to International Conflict (Washington D.C.: United States Institute of Peace, 1996), p.452

⁹² Ted Robert Gurr, People Versus States: Minorities at Risk in the New Century (Washington D.C.: United States Institute of Peace, 2000), p.89

⁹³ Vivienne Jabri, *op.cit.*

⁹⁴ Robert B. Oakley, "A Diplomatic Perspective on African Conflict Resolution" in David R. Smock and Chester A. Crocker (eds), African Conflict Resolution: The U.S. Role in Peacemaking (Washington D.C.: United States Institute of Peace, 1995), p.63

⁹⁵ Raymond W. Copson, Africa's Wars and Prospects for Peace (Armonk, New York: Sharpe, 1994), p.43

⁹⁶ *Ibid.*

⁹⁷ Thomas Ohlson "Strategic Confrontation Versus Economic Survival in Southern Africa" in Francis M. Deng and I. William Zartman (eds), Conflict Resolution in Africa (Washington, D.C.: The Brookings Institution, 1991), p.228

the stalemated negotiations back on track.⁹⁸ In essence, the Angolan government indicated that it would back the idea of linking the withdrawal of Cuban troops from its territory with Namibia's independence.⁹⁹

4.10 The Namibia-Angola Accords of 1988

With the magnitude of the confrontation at Cuito Cuanavale in mind, efforts for peace commenced with a pre-negotiation meeting in London in May 1988 between Angola, Cuba and South Africa with the USA taking an observer role.¹⁰⁰ Three main agenda items were discussed: the implementation of U.N. Resolution 435 (UNSCR 435/78) on Namibian independence, the withdrawal of South African troops from southern Angola, and the withdrawal of Cuban troops from Angola. Follow-up negotiations took place in Geneva, Brazzaville, Rucana and New York.¹⁰¹ At the end of these rounds of negotiations, on 22 December 1988, two agreements were signed in New York which brought to an end over two decades of fighting in south-western Africa.¹⁰² The first was a tripartite agreement signed by Cuba, Angola and South Africa affirming the commitment of the parties to the implementation of UN Security Council resolution 435 of September 1978 on the independence of Namibia.¹⁰³ The agreement stipulated the withdrawal of South African troops from Namibia in accordance with UNSCR 435/78; the independence of Namibia through free and fair elections and abstention from any action that could prevent the execution of UNSCR 435/78; refrain by all parties from using their territories to wage war, aggression, or violence against Namibia; the total withdrawal of Cuban troops from Angola under the supervision of the UN; non-use of force against any state in south-western Africa, and non-interference in the internal affairs of the states of south-western Africa.¹⁰⁴ The second agreement was a bilateral agreement between Cuba and Angola outlining a calendar

⁹⁸ Michael Clough, "The Namibia-Angola Settlement and the Future of the United States - Soviet Competition in the Third World" in Owen Ellison Kahn (ed), Disengagement from Southwest Africa: Prospects for Peace in Angola and Namibia (New Brunswick: Transaction Publishers, 1991), p.176

⁹⁹ Francis Mading Deng et al, Sovereignty as Responsibility: Conflict Management in Africa (Washington D.C.: Brookings Institution, 1996), p.189

¹⁰⁰ Donald Rothchild and Caroline Hartzell, "Interstate and Intrastate Negotiations in Angola" in I. William Zartman, ed., Elusive Peace: Negotiating an End to Civil Wars (Washington, D.C: Brookings Institution, 1995), p.182

¹⁰¹ Ibid.

¹⁰² G. R. Berridge, "Diplomacy and the Angola/Namibia Accords", *International Affairs (Royal Institute of International Affairs 1944-)*, Vol. 65, No. 3 (Summer, 1989), pp. 463-479:463. See also See Igor Belikov, "Soviet-Angolan Relations: Venture into Southern Africa" in Margot Light (ed), Troubled Friendships: Moscow's Third World Ventures (London: British Academic Press, 1993), p.71

¹⁰³ Agreement among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa,

paragraph 2

¹⁰⁴ Ibid, paragraph 12 (2-6)

for a phased total withdrawal of Cuban troops from Angola by July 1991.¹⁰⁵ The principle guiding Angola's support of this withdrawal is the belief that the question of the independence of Namibia and the safeguarding of the sovereignty, independence and territorial integrity of the People's Republic of Angola were closely interlinked.¹⁰⁶ The withdrawal was to be verified by the Security Council of the UN.¹⁰⁷ The Namibia- Angola Accords were significant in the study of conflict dynamics in Angola because they served as a crucial element in the riddance of direct external involvement in the war: a factor that had not only contributed to elongating the civil war but also made it difficult to concentrate on its definitive resolution. Therefore, the most noteworthy change in conflict dynamics in Angola brought about by these Accords is the fact that the removal of the 13-year presence of Cuban expeditionary forces in Angola would serve to keep South Africa from supporting UNITA and therefore allow Angola to concentrate on 'purely' internal aspects of its longstanding conflict.

4.11 The Gbadolite Peace Process

The resolution of the Namibia conflict, the withdrawal of Cuban troops and the end of the Cold War significantly contributed to the demise of the inter-state violence that had been dogging Angola for a long time paving way for the resolution of the 'internal' part of the war. As much as the end of the inter-state conflict did not in itself automatically mean the end of Angola's internal wars, it was nonetheless a good end to distractive elements that blocked the resolution of the domestic crisis. Recognizing this truth, Mobutu Sese Seko of Zaire (chief mediator) and Robert Kaunda, chairman of the Frontline States (FLS) seized the opportunity and stepped into the fore of mediating the UNITA/MPLA crisis on June 22, 1989. The choice of mediators was deliberate given that the MPLA trusted Kaunda while Savimbi had a close working relationship with Mobutu therefore making the two the best-placed among the other African leaders to mediate.¹⁰⁸ Mobutu's efforts at mediation involved some pre-negotiation meetings such as the informal gathering of heads of state at Tokyo on 22

¹⁰⁵ The Agreement between the Government of the Republic of Cuba and the Government of the People's Republic of Angola for the Conclusions of the Internationalist Mission of the Cuban Military Contingent, Article 1.

¹⁰⁶ *Ibid.*, Preamble, paragraph 3.

¹⁰⁷ *Ibid.*, Article 3

¹⁰⁸ Gilbert M. Khadiagala, *Allies in Adversity: The Frontline States in Southern African Security, 1975-1993* (Lanham: University Press of America, 2007), p. 160. See also Raymond W. Copson, "Peace in Africa: The Influence of Regional and International Changes" in Francis Mading Deng and I. William Zartman (eds), *Conflict Resolution in Africa* (Washington D.C. : Brookings Institution, 1991), p.35

February 1989,¹⁰⁹ the conference of regional leaders in Luanda on 16 May, and separate meetings that the Zairean president held on two occasions with Savimbi and Angolan President Eduardo dos Santos. The result of the pre-negotiation attempts was a seven-point Angolan government peace plan presented at a summit meeting of eight southern and central African states in May 1990.¹¹⁰ This pre-negotiation document was to form the basis for a cease-fire and negotiations with Savimbi. The MPLA document demanded among other things: an end to foreign interference, maintenance of the Angolan constitution, the cessation of support to UNITA, Savimbi's temporary exile, integration of UNITA's civilian and military components into the MPLA- led one-party state and the application of an amnesty by the government.¹¹¹ At Gbadolite (and even after the meeting), Savimbi's concerns included defining the terms of a cease-fire, power-sharing (and coalition government), an autonomous existence of UNITA as a political party, and free and fair multiparty elections as the cornerstone principles for peace with the MPLA.¹¹²

On the positive side, Gbadolite provided a clear forum for the parties in conflict to articulate their positions, terms and conditions for peace. On the flip side, the two sides disagreed on what was to be included in the agenda of the meeting and therefore what eventually would be documented in any agreements that would result from the peace negotiations. Mobutu had used the agenda to entice the antagonists, Savimbi and dos Santos, to attend the negotiations in person by promising that their respective agendas would be the basis for discussions at Gbadolite.¹¹³ To temporarily circumnavigate the problems of the agenda, the mediator kept the two adversaries apart during the negotiations. This meant that the mediator met with first one and then the other, cajoling and pressuring them in order to extract agreement. With the antagonists not in direct negotiations, Mobutu inadvertently wrongly informed the MPLA that UNITA had agreed to recognize the Angolan constitution, integrate their forces into the MPLA, and temporarily exile Savimbi at the same time tell

¹⁰⁹ Donald Rothchild and Caroline Hartzell, Great- and Medium-Power Mediations: Angola. *Annals of the American Academy of Political and Social Science*, Vol. 518, Resolving Regional Conflicts: International Perspectives (Nov., 1991), pp. 39-57 : 47

¹¹⁰ Gilbert M. Khadiagala, *Allies in Adversity : The Frontline States in Southern African Security, 1975-1993* (Lanham: University Press of America, 2007), p. 161

¹¹¹ William Minter, The US and the War in Angola, *Review of African Political Economy*, No. 50, Africa in a New World Order (Mar., 1991), pp. 135-144:138

¹¹² Gilbert M. Khadiagala, op.cit.

¹¹³ Christine M. Knudsen and I. William Zartman, The Large Small War in Angola. *Annals of the American Academy of Political and Social Science*, Vol. 541, Small Wars (Sep., 1995), pp. 130-143: 134

UNITA that the MPLA had accepted its conditions.¹¹⁴ As a result of this kind of 'shuttle diplomacy', three principle points were put forth in the text of the final Gbadolite Accords. These principles include: a desire of the parties to stop fighting, a support for national reconciliation, a proclamation of a cease-fire effective on 24 June 1989, and the formation of a national reconciliation commission.¹¹⁵ Clearly, the Gbadolite process left unsettled a number of issues important to both parties in conflict. Disputes arose after the signing of the Gbadolite Declaration as soon as each party found that Mobutu had falsely represented its own and its adversary's platforms. For example Dos Santos left Gbadolite convinced that Savimbi had agreed to a voluntary exile, integration of UNITA into the MPLA's party, bureaucratic, and military units while Savimbi dismissed his having agreed to adhere to MPLA's demands.¹¹⁶ It was therefore clear that in Gbadolite, each leader sought peace on his own terms. This unilateral pursuit of interests led to a breakdown of the agreement. Consequently, non-implementation of the ceasefire scheduled for 24 June 1989 followed. This marked the collapse of the Gbadolite negotiations.¹¹⁷

4.12 The Bicesse Peace Process, 1991-92

The violence that followed the Gbadolite process (from 1990-1991) was intense on both sides but according to Hare, the chances of an outright military victory were remote (a fact that is emphasized by Rothchild and Hartzell who posit that neither side could muster sufficient military capacity to eliminate its adversary or force it to capitulation.¹¹⁸) This military stalemate combined with pressure from both the USA and USSR (whose interest in military support in Angola had waned with the end of the Cold War), made dos Santos agree to hold direct negotiations with UNITA. Coaxed by the Lusophone African countries forum, UNITA also agreed to negotiate with the government on 19 April 1990. As a result of the willingness of both parties to meet and explore a non-coercive end to their conflict, a secret meeting was held between the government and UNITA in Evora, Portugal on April 24-25,

¹¹⁴ Donald Rothchild and Caroline Hartzell, Great- and Medium-Power Mediations: Angola, *Annals of the American Academy of Political and Social Science*, Vol. 518, Resolving Regional Conflicts: International Perspectives (Nov., 1991), pp. 39-57:48

¹¹⁵ Christopher Pycroft, Angola - 'The Forgotten Tragedy', *Journal of Southern African Studies*, Vol. 20, No. 2 (Jun., 1994), pp. 241-262:247

¹¹⁶ Eileen McCarthy-Arnolds, Angola: Prospects for Peace Seem Brighter, *Africa Today*, Vol. 37, No. 4, The Human Condition and Structural Adjustment in Africa (4th Qtr., 1990), pp. 69-72:69

¹¹⁷ Christopher Pycroft, op.cit.

¹¹⁸ Donald Rothchild and Caroline Hartzell, "Interstate and Intrastate Negotiations in Angola" in I. William Zartman, ed., *Elusive Peace: Negotiating an End to Civil Wars* (Washington, D.C: Brookings Institution, 1995), p.194

1990.¹¹⁹ The negotiations were to be hosted and mediated by Portugal while the USA and the USSR were to act as observers because they were former patrons of UNITA and the MPLA respectively. Made urgent by two years of drought which threatened famine for over 2 million Angolans in central and southern Angola, the negotiations in Portugal culminated in the signing of the Bicesse Accords in May 1991. The accords provided for a ceasefire, the quartering of UNITA troops, integration of the two opposing armies into one, demobilization of surplus troops, restoration of government and administration in UNITA-controlled areas, and multiparty parliamentary and presidential elections. The agreement also called for the recognition of the MPLA government by UNITA until elections were held.¹²⁰ In addition, the implementation of the agreement was to be overseen by the parties themselves through a Joint Politico-Military Commission with back-up support from a new UN Mission, UNAVEM II¹²¹ whose mandate was to verify that the joint monitoring groups established by the Bicesse process carried out their duties and responsibilities as required.¹²² The Bicesse Accords comprised four key documents: The ceasefire agreement; Fundamental principles for the establishment of peace in Angola; Concepts for resolving the issues still pending between the Government of the People's Republic of Angola and UNITA; The Protocol of Estoril.¹²³ The Ceasefire was to be de facto as of May 15 and formal as of May 31 and total (allow free movement throughout the country). It would include cessation of all armed hostilities and acquisition of weaponry. The Ceasefire also included the 'Triple Zero' provision that forbade the USA, USSR and Portugal (known as the 'Troika' in the negotiation process) to provide military aid to either side. In addition, the agreement also urged the Troika to 'use their good offices to discourage other international actors from providing military aid to either side.'¹²⁴

The inclusion of this point in the Accords is very important given the massive role that external support played in escalating the conflict in Angola. A Joint Cease-Fire Verification and Monitoring Commission composed of UNITA, MPLA, observers from

¹¹⁹ Abiodun Alao, *Brothers at War: Dissidence and Rebellion in Southern Africa* (London: British Academic Press, 1994), p.39. See also Fen Osler Hampson, *Nurturing Peace: Why Peace Settlements Succeed or Fail* (Washington D.C.: United States Institute of Peace, 1996), p.99

¹²⁰ Karl R. DeRouen and Uk Heo, *Civil Wars of the World : Major Conflicts Since World War II* (Santa Barbara: ABC-CLIO, 2007) . p.127

¹²¹ Mohamed A. El-Khawas and J.A. Ndumbe, "Democratization in Angola : Infertile Soil" in Frank H. Columbus and Olufemi Wusu (ed), *Politics and Economics of Africa* (Huntington, N.Y. : Nova Science Publishers, 2001), p.102

¹²² John Terrence O'Neil and Nicholas Rees, *United Nations Peacekeeping in the Post-Cold War Era* (New York : Routledge, 2005), p.143

¹²³ The Peace Accords for Angola (Bicesse Accords) of 31 May 1991 , paragraph 2

¹²⁴ Paul Hare, "Angola: The End of an Intractable Conflict" in Chester A. Crocker, Fen Osler Hampson and Pamela R. Aall, *Grasping the Nettle : Analyzing Cases of Intractable Conflict* (Washington, D.C. : United States Institute of Peace Press, 2005), p. 218

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¹²⁰ Karl R. DeRouen and Uk Heo, *Civil Wars of the World : Major Conflicts Since World War II* (Santa Barbara: ABC-CLIO, 2007) , p.127

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¹²² John Terrence O'Neil and Nicholas Rees, *United Nations Peacekeeping in the Post-Cold War Era* (New York : Routledge, 2005), p.143

¹²³ The Peace Accords for Angola (Bicesse Accords) of 31 May 1991 , paragraph 2

¹²⁴ Paul Hare, "Angola: The End of an Intractable Conflict" in Chester A. Crocker, Fen Osler Hampson and Pamela R. Aall, *Grasping the Nettle : Analyzing Cases of Intractable Conflict* (Washington, D.C. : United States Institute of Peace Press, 2005), p. 218

USA, USSR and Portugal and UN observers that would report to the Joint Politico-Military Commission was formed to verify the cease-fire. The specific tasks of the Joint Cease-Fire Verification and Monitoring Commission included monitoring the assembly of troops in designated areas, overseeing demobilization and reintegration of former combatants into civilian life or into the unified army and safeguarding the weapons of the demobilized soldiers.¹²⁵ The steamy matters of political and military nature are tackled in The Estoril Protocol. These matters regulations governing presidential and parliamentary elections including the date of the elections; establishment of the Joint Political and Military Commission to oversee the political supervision of the ceasefire process; the application of the Peace Accords, and to deal with violations; Principles guiding the issue of internal security from the entry into force of the ceasefire and the holding of elections; UNITA's political rights (member recruitment, public rallies, running for elections, and access to government media) ; extension of government administration to all areas of Angola; and the shape of the Angolan armed forces.¹²⁶ An important component of the Bicesse accords was the issue of multiparty election, the first of its kind since Angola's independence. Accordingly, the Bicesse Accords, ratified by the MPLA and UNITA in May 1991, scheduled the elections for September 1992. Accordingly, the elections were held from 29-30 September 1992 with 18 parties running for office. The MPLA garnered 54% of the votes while UNITA obtained 34%. The smaller parties managed 12%. In the presidential results, dos Santos obtained 49.6 % of the votes while Savimbi obtained 40.1 % calling for a re-run. However, UNITA challenged the results leading to the break-out of post-election violence.¹²⁷ The post-election violence that erupted due to Savimbi's insistence that the government had 'stolen' the election resulted in the death of more than 120,000 people in 18 months of fighting. This figure represents almost half of the number of people killed in the 16 years of civil war preceding the Bicesse Accords.¹²⁸

4.13 Namibe, Addis Ababa, and Abidjan Negotiations

Following the disintegration of the Bicesse Accords and the associated vicious return to violence, several attempts were made by various actors to bring the protagonists back on

¹²⁵ Ceasefire Agreement (of the), the Peace Accords for Angola (Bicesse Accords), paragraph III

¹²⁶ Yvonne C. Lodico, "A Peace that Fell Apart: The United Nations and the War in Angola" in William J. Durch (ed), *UN Peacekeeping, American Politics, and the Uncivil Wars of the 1990s* (New York: St. Martin's Press, 1996), pp.109-110

¹²⁷ Esref Aksu, *The United Nations, Intra-state Peacekeeping and Normative Change* (Manchester : Manchester University Press, 2003), p.163

¹²⁸ Vasu Gounden and Hussein Solomon, "A comparative Analysis of Conflict Resolution in Angola and South Africa" in Hayward R. Alker, Ted Robert Gurr and Kumar Rupensighe (eds), *Journeys through Conflict : Narratives and Lessons* (Lanham : Rowman & Littlefield, 2001), p.181

the peace track. The first of such attempts was done by the Troika who urged Savimbi and dos Santos to meet face to face to discuss the deteriorating state of affairs in Angola. In a meeting on October 20 1992 arranged by the Troika, the two sides agreed on a presidential run-off to resolve the post-election crisis. However, fighting soon broke out on October 30 1992 necessitating the intervention of the UN and other foreign diplomats who managed to broker a ceasefire on November 1 1992.¹²⁹ Due to the precarious nature of the November 1 ceasefire, further negotiations were organized in Namibe, Addis Ababa and Abidjan to attempt a search for lasting peace. During the Namibe Process, the UNITA/ Government delegations agreed on two important points that were summarised into a document called the Namibe Accords: full acceptance of the Estoril Protocol of May 1991, and the immediate implementation of a nation-wide cease-fire.¹³⁰ When fighting broke out in Angola at the end of November, the Namibe process was deemed to have failed and further negotiations consequently moved to Addis Ababa. The UN-mediated Addis Ababa talks between the Angolan government and UNITA took place from January 28-30, 1993. The negotiations failed to yield much because both sides adopted hard-line stands. While UNITA demanded for fresh elections, the government advocated for the adherence to the Bicesse Accords. With the UN unable to break the deadlock created by the rigid positions of the two antagonists, the negotiations collapsed and violence resumed.¹³¹ Subsequent to the failure of the Addis Ababa negotiations, a new peace initiative was started at the end of March 1993 under the leadership of President Houphouët-Boigny of the Ivory Coast. This initiative culminated in MPLA government/UNITA negotiations on 12 April chaired by UN Special Representative Anstee. The guiding agenda was introduced by observer countries as the 'Memorandum of Understanding of the Abidjan Protocol'. The agenda was in principle acceptable to both parties in conflict and formed the basis of most of the negotiations in Abidjan. The agenda included: the execution of a cease-fire; the fulfilment of the Bicesse Accords; national reconciliation; UNITA/Government power-sharing; continued engagement by the UN; the release of all prisoners and detainees; and the creation of suitable conditions for access of emergency aid to all Angolans.¹³² There was agreement on most of the tabled clauses except the contentious ones calling for the surrender of UNITA controlled areas (vehemently

¹²⁹ Human Rights Watch Arms Project and Human Rights Watch/Africa, Angola: Arms Trade and violations of the Laws of War Since the 1992 Elections (Human Rights Watch: New York, 1994), p.130

¹³⁰ The Europa World Year Book 2004, 45th Edition, Volume I (London: Europa Publications, 2004), p.493

¹³¹ Fen Osler Hampson, Nurturing Peace: Why Peace Settlements Succeed or Fail (Washington D.C.: United States Institute of Peace, 1996), pp.116-117

¹³² George Wright, The Destruction of a Nation: United States' Policy towards Angola since 1945 (London: Pluto Press, 1997), pp.175-176

opposed by UNITA) and the deployment of UN peacekeepers (opposed by the MPLA government). Having been unable to reach a common ground especially with regard to the withdrawal of UNITA from the areas it controlled, the mediators suspended the Abidjan negotiations on 21 May 1993 with the proposed Abidjan Protocol left unsigned.¹³³

4.14 Lusaka Peace Process 1993-94

After the failure of the Abidjan peace process, there was a return to sharp military encounters that prompted the initiation of the Lusaka peace process. This process was basically UN-led with the Special Representative of the Secretary-General of the United Nations in Angola, Mr. Alioune Blondin Beye as Chief mediator. The international community participating as Observer States of the Angolan peace process comprised the USA, USSR and Portugal.¹³⁴ The negotiations commenced in Lusaka on 15 November with the UN Special Representative Beye, the Angolan government, UNITA and the observers present. The Angolan government agreed to a political power-sharing deal but insisted on operating within the parameters of the Bicesse Accords and the Abidjan Protocol. The government insisted on the withdrawal of UNITA from occupied territories, and the imposition of its authority throughout Angola. On its part, UNITA agreed that it would make military concessions such as to stop rearming and military offensives against the government.¹³⁵ The Bicesse Accords-based Lusaka Protocol was signed on 20 November 1994 with a few innovations such as the introduction of power-sharing, the postponement of further elections until after the completion of the military tasks, the UN's direct role in the implementation of the Protocol and the dispatch of a large UN peacekeeping force, UNAVEM-III.¹³⁶ The Lusaka Accord comprised of ten annexes each defining key elements of the Angolan peace. Annex 1 outlined the Agenda of the UNITA/MPLA government peace negotiations. The agenda prioritized three key points: the acceptance of the various legal instruments (Bicesse Accords and the Security Council Resolutions),¹³⁷ the continuation of the implementation of the Bicesse Accords and the completion of the stalled Abidjan negotiations. Some of the successor issues from Abidjan that were included in the agenda comprised military matters such as re-establishment of the cease-fire, withdrawal, quartering

¹³³ Christopher Pycroft, "Angola-'The Forgotten Tragedy'", *Journal of Southern African Studies*, Vol. 20, No. 2 (Jun., 1994), pp. 241-262:256

¹³⁴ Donald Rothchild and Caroline Hartzell, "Interstate and Intrastate Negotiations in Angola" in I. W. Zartman (ed), *Elusive Peace : Negotiating an End to Civil Wars* (Washington D.C.: The Brookings Institution, 1995), pp. 196-197

¹³⁵ George Wright, op.cit., pp. 184-185

¹³⁶ Tony Hodges, *Angola: From Stalinism to Petro-diamond Capitalism* (Oxford : Currey, 2001), p.15

¹³⁷ The relevant Security Council Resolutions relating to peace in Angola have been enumerated in Annex 1, Paragraph 1 (1) of the Lusaka Protocol of November 15, 1994

and demilitarization of UNITA forces, disarming of civilians, formation of the Angolan Armed Forces and demobilization combatants not absorbed in the combined force; the issue of the Police; the United Nations mandate; the role of the Observers of the Bicesse Accords and the Joint Commission as well as the issue of national reconciliation, completion of the electoral process and other pending issues.¹³⁸ Annex 2 of the Lusaka Protocol contained individual statements of each party in conflict recommitting to support the Bicesse Accords as well as the unequivocal acceptance of the resolutions of the UN Security Council relating to the post-electoral conflict, in particular, resolutions 804, of 29 January 1993; 811, of 12 March 1993; 823, of 30 April 1993; 834, of 1 June 1993; 851, of 14 July 1993 and 864, of 15 September 1993.¹³⁹ Annex three tackled specific military issues such as the cessation of hostilities (total ceasefire), withdrawal, quartering and demilitarization of UNITA forces, and the disarmament of all civilians. The role of the United Nations, the International Committee of the Red Cross (ICRC) in the process of verification and monitoring of the ceasefire was also defined. In addition, Annex three also specified the modalities and timetables of the specific ceasefire activities.¹⁴⁰ Annex Four tackled the completion of the process of the formation of the Angolan Armed Forces including the issue of demobilization. The central guiding principle in this exercise was to achieve a single, national and non-partisan armed force for Angola. This process was to be supervised by the United Nations.¹⁴¹

Annex five tackled the police agenda as a key instrument for reinforcing national reconciliation. The Lusaka Protocol designated the police as a non-partisan institution (that was to incorporate UNITA members) and whose neutrality would be verified by the United Nations.¹⁴² Annex six elucidated on national reconciliation and its role as the pillar of a just lasting peace in Angola. The term embraced a 'forgive and forget' attitude towards all conflict-related offenses in the country as well as the spirit of fraternity and tolerance. In this spirit, amnesty was to be granted to all conflict-related illegal acts committed prior to the signing of the Lusaka Protocol for increased chances of national unity and peaceful co-existence.¹⁴³ Dealing with the issue of the completion of the electoral process that was provided for in the Bicesse Accords (but was not fully concluded due to the post-election violence), Annex seven specified that the electoral process was to be concluded with the holding of the second round of the presidential elections. These elections were to be

¹³⁸ Lusaka Protocol of 15 November 1994, Annex 1, Paragraph II (1-5)

¹³⁹ *Ibid.*, Annex 2, Paragraph 7

¹⁴⁰ *Ibid.*, Annex 3

¹⁴¹ *Ibid.*, Annex 4, Paragraph 1 (4)

¹⁴² *Ibid.*, Annex 5

¹⁴³ *Ibid.*, Annex 6

organized by the National Electoral Council (NEC) under the verification, monitoring and evaluation of the UN.¹⁴⁴ Annex eight mainly defined the UN mandate as well as the role of the observers in the Bicesse Accords. The UN tasks (other than good offices and mediation) included an enlarged implementation role in the areas of military issues, National Police, National Reconciliation, and the electoral process. The US, the Russian Federation, and Portugal as observers of the peace process in Angola were to attend UNITA/government meetings and share their opinions. In addition, they were to monitor all political, administrative and military provisions of the Bicesse Accords and the Lusaka Protocol.¹⁴⁵ Annex nine outlined pending matters such as the initialling of the Lusaka Protocol, UNITA/government statements on pardon and amnesty, the technical modalities for the ceasefire, formalization of UNITA participation in the police force, commencement of the implementation of the Lusaka Protocol, coming into force of the re-established ceasefire, and the second round of presidential elections.¹⁴⁶ Annex ten outlined the date and venue of the signing of the Lusaka Protocol as 15 November 1994 and Lusaka, Zambia respectively.¹⁴⁷ The Lusaka Protocol's greatest contribution to the Bicesse Accords is the addition of the element of power-sharing to the negotiations and consequently, the text of the agreement.¹⁴⁸ In addition, the agreement's other peace-enhancing factor is its stress on a more direct UN oversight of the peace process.¹⁴⁹ The emphasis on a new round of presidential elections to take place after the completion of the other military tasks (demobilization, demilitarization, disarmament and reintegration) was also one of the positive elements designed to resolve the existing post-election crisis.¹⁵⁰ A significant stumbling block that the Lusaka protocol encountered was Savimbi's and dos Santos' refusal to sign the agreement. They delegated this important task to their subordinates (Foreign Minister Fernando Faustino Muteka for government and Eugènio Ngola for UNITA).¹⁵¹ In fact, some scholars blame UNITA's leader for the absence of the two top protagonists at the signing ceremony recording that Savimbi 'refused to attend the signing ceremony' therefore prompting dos Santos to also refuse to sign

¹⁴⁴ Ibid., Annex 7

¹⁴⁵ Ibid., Annex 8

¹⁴⁶ Ibid., Annex 9

¹⁴⁷ Ibid., Annex 10

¹⁴⁸ Donald S. Rothchild, Managing Ethnic Conflict in Africa: Pressures and Incentives for Cooperation (Washington D.C.: Brookings Institution, 1997), p.137

¹⁴⁹ Yvonne C. Lodico, "A Peace that Fell Apart : the United Nations and the War in Angola" in William J. Durch (ed), UN Peacekeeping, American Policy and the Uncivil Wars of the 1990s (New York: St. Martin's Press, 1996), p.122

¹⁵⁰ Ibid.

¹⁵¹ Alex Vines, "Angola: Forty Years of War" in Peter Batchelor and Kees Kingma (eds), Demilitarization and Peace-Building in Southern Africa : National and Regional Experiences, Vol. II (Aldershot : Ashgate, 2004), p.81

for the government side.¹⁵² This fact dealt a huge blow to the legitimacy of the Lusaka Protocol and could explain the lack of commitment by the two opposing sides. They believed that no one could force them to comply with an agreement that they did not sign.

4.15 The Angolan Conflict from 1994 to December 1998

One of Lusaka Protocol's immediate problems was the constant Savimbi-dos Santos tussle over government positions especially regarding Savimbi's role in the government. This was mostly brought about by Savimbi's outright rejection of the position of vice-president.¹⁵³ Savimbi's lack of cooperation therefore created tension within the national unity government. This is the reason why 1996-1998 was a period of uneasy 'quasi peace' with evidence of an 'arms race' on both sides.¹⁵⁴ Clearly, neither side could trust the other. Perhaps this is why Savimbi dragged his feet on issues such as quartering, disarmament and surrender of UNITA controlled areas to the government. In fact, UNITA's failure to meet its targets under the Lusaka Protocol pushed the timetable back.¹⁵⁵ This made it hard to go on with the implementation process. The final blow to the peace process was the unexplained death of Alioune Blondin Beye in June 1998 in a plane crash which Horace G. Campbell insists was symbolic of the death of the Lusaka process.¹⁵⁶ Campbell's analogy could have been drawn from the fact that the government launched an offensive against UNITA on December 4, 1998 that prompted a successful UNITA counter-offensive aided by UNITA's use of heavy artillery and anti-aircraft missiles. With the situation this volatile, the collapse of the Lusaka Protocol became inevitable.¹⁵⁷ The full-scale bloodshed that broke out in 1998 went on to rage in Angola until April 2002.

4.16 The Luena Memorandum of Understanding of April 2002

Also known as the Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Outstanding Military Issues under the Lusaka Protocol, the road to Luena can arguably be traced to the government of Angola's Peace Plan of 13 March 2002. This plan was a 15-point document for national reconciliation and lasting peace. The

¹⁵² Karl R. DeRouen and Uk Heo, Civil Wars of the World : Major Conflicts since World War II (Santa Barbara: ABC-CLIO,2007), p.128

¹⁵³ Leon Kukkuk, Letters to Gabriella, Angola's Last War for Peace: What the UN did and Why (Saratosa: FLP Press,2005), p.43

¹⁵⁴ Heather P. Kulp, Gender Mainstreaming in Peacebuilding : A Case Study of Grupo EKOLELO in Angola" in Craig Zelizer and Robert A. Rubinstein (eds), Building Peace : Practical Reflections from the Field (Sterling: Kumarian Press, 2009), p.206

¹⁵⁵ Jill Shankleman, Oil, Profits and Peace: Does Business Have a Role in Peacemaking? (Washington D.C.: United States Institute of Peace,2006), p.97

¹⁵⁶ Horace G. Campbell, " Militarism, Warfare, and the Search for Peace in Angola" in York Bradshaw and Stephen N. Ndegwa (eds),The Uncertain Promise of Southern Africa (Bloomington : Indiana University Press, 2000), pp.171-172

¹⁵⁷ W. Martin James, Historical Dictionary of Angola (Lanham: Scarecrow Press,2004), p.90

proposals the government presented included the validity of the Lusaka Process, cessation of armed hostilities and reintegration of UNITA into political, social and the national army, and general amnesty.¹⁵⁸ With the government's peace plan as a definitive olive branch, UNITA accepted to meet the government for negotiations on 15th march 2002 in Luena. The peace negotiations, conducted by Angolans themselves without a mediator,¹⁵⁹ took two weeks and resulted in the signing of the Luena Memorandum of Understanding on April 4 2002 between the government and UNITA. This brought the civil war to an end.¹⁶⁰ The memorandum comprised a preamble that recommitted the parties in conflict to the implementation of all the tasks enumerated in the Lusaka protocol and to general peace for the people of Angola.¹⁶¹ Chapter one of the memorandum enumerated the objects and principles guiding the agreement. The object of the M.o.U was to commit the parties to the attainment and materialization of the ceasefire and the resolution of all pending military issues. The legal and political instruments guiding the M.o.U included respect for the rule of law, democracy, the constitution and acceptance of the Lusaka Protocol and the relevant UN Security Council Resolutions.¹⁶² Chapter two lists the agenda of the Memorandum. The agenda items included the issue of national reconciliation, cessation of hostilities, pending military issues, and institutional issues such as the coordination of the memorandum, timetables and signatures.¹⁶³ Chapter three of the agreement expounded on the issue of coordination of the memorandum. Organs created to deal with this issue include the Mixed Military Commission and the Technical Group.¹⁶⁴ Chapter four comprised agreed annexes to the M.o.U. These included documents relating to the quartering of the UNITA Military Forces, disarmament, repatriation of foreign military forces within UNITA controlled-areas, the integration of UNITA Military Forces into the Angolan Armed Forces and the National Police, reinsertion of ex-UNITA combatants into national life, the conditions for the conclusion of the Lusaka Protocol, and documents pertaining to considerations relating to special security under the Lusaka Protocol.¹⁶⁵

¹⁵⁸ Human Rights Watch (Organization), Selling Justice Short : why Accountability Matters for Peace (New York : Human Rights Watch, 2009.) , p. 67

¹⁵⁹ Alex Vines and Bereni Oruitemeka, "Beyond Bullets and Ballots: the Reintegration of UNITA in Angola" in Mats Berdal and David H. Ucko (ed), Reintegrating Armed Groups After Conflict : Politics, Violence and Transition (Abingdon, Oxon: Routledge,2009), p.205

¹⁶⁰ Ibid.
¹⁶¹ Preamble of the Memorandum of Understanding: Addendum to the Lusaka Protocol for the cessation of hostilities and the resolution of the outstanding military issues under the Lusaka Protocol (of April 2002)

¹⁶² Ibid., Chapter I, Paragraph 1(1,2) and Paragraph 2, (1,2 &3)

¹⁶³ Ibid., Chapter II, Paragraph I-III

¹⁶⁴ Ibid., Chapter III

¹⁶⁵ Ibid., Chapter IV

4.17 The Ongoing Conflict in Cabinda (1974-2013+)

Cabinda, a 7270 km² territory situated between the DRC and Congo-Brazzaville (and bound on the north by the Atlantic Ocean) was ruled as part of colonial Angola by Portugal.¹⁶⁶ The 'forceful' colonial annexation to Angola irrespective of Cabinda's geographical, linguistic and cultural distinctiveness from Angola¹⁶⁷ explains why Cabindans have always felt that Angola's claim on their territory is illegal and should therefore not be allowed to continue. The desire to correct this 'historical injustice' was first expressed in the 1960s in the form of liberation movements to fight for the enclave's independence.¹⁶⁸ The most prominent of these movements is the 1963 Front for the Liberation of the Enclave of Cabinda (FLEC).¹⁶⁹ FLEC's spirited but unilateral guerrilla campaigns against the Portuguese begun after the 1974 coup in Portugal. FLEC's main concern was an end to the Portuguese occupation of the enclave.¹⁷⁰ During the Alvor negotiations (leading to the Alvor Accords), Cabindans were not invited to take part in the negotiations for Angola's transition to independence¹⁷¹ that classified Cabinda as 'an integral part of Angola'.¹⁷² Viewing their non-invitation to the Alvor talks as one way of downplaying its grievances, Cabinda continued with its violent separatist agenda against Angola when the MPLA ascended to power in 1975.¹⁷³ Attempts to resolve the Cabinda -MPLA issue in the 1980s yielded nothing as did attempts in the 1990s.¹⁷⁴ The broader Angola negotiation process has always deliberately barred Cabindan participation. For example Cabinda has been excluded from vital peace processes such as the Bicesse process of 1991-92 and the Lusaka process of 1994.¹⁷⁵ This 'exclusionary' trend also continued in 2002 when UNITA and the MPLA government were

¹⁶⁶ Phyllis M. Martin, "The Cabinda Connection : A Historical Perspective", *African Affairs*, Vol. 76, No. 302 (Jan., 1977), pp. 47-59:47

¹⁶⁷ Kevin Shillington (ed), *Encyclopedia of African History*, Volume 1A-G, (New York: Fitzroy Dearborn, 2005), p.197

¹⁶⁸ Stuart Notholt, *Fields of Fire : An Atlas of Ethnic Violence* (London: Stuart Notholt Communications, 2008), p.2-60

¹⁶⁹ Ibid.

¹⁷⁰ Justin Pearce, *An Outbreak of Peace: Angola's Situation of Confusion* (Claremont: David Phillip, 2005), p.134

¹⁷¹ Ana Cristina Alves, "Angola's Resources; From Conflict to Development" in Ruchita Beri and Uttam Kumar Sinha (eds), *Africa and Energy Security : Global Issues and Local Responses* (New Delhi: Academic Foundation, 2009), p.162

¹⁷² Jill Shackleman, *Oil, Profits and Peace: Does Business Have a Role in Peacemaking?* (Washington D.C.: United States Institute of Peace, 2006), p.95

¹⁷³ J. Andrew Grant, "New Regionalism and Micro-Regionalism in South-Western Africa: The Oil-Rich Enclave of Cabinda" in J. Andrew Grant and Fredrik Soderbaum, *The New Regionalism in Africa* (Aldershot : Ashgate, 2003), p.136

¹⁷⁴ W. Martin James, *Historical Dictionary of Angola, New Edition* (Lanham: Scarecrow Press, 2004), p.60

¹⁷⁵ Kevin Shillington (ed), *Encyclopedia of African History*, Volume 1A-G, (New York: Fitzroy Dearborn, 2005), p.198

negotiating in the Luena process.¹⁷⁶ The apparent marginalization of Cabindans therefore explains why the war in the enclave continues unabated despite the official end of the MPLA/UNITA confrontation in 2002. Although the Cabindan conflict continues, there have been several post-2002 attempts at peace. For example, in January 2003, the MPLA government extended an olive branch to FLEC factions in Cabinda¹⁷⁷ marking the beginning of a peace process that ended not only in the signing of a Ceasefire but also a Memorandum of Understanding for Peace and Reconciliation in Cabinda Province in July 2006.¹⁷⁸ In this agreement, the government offered a measure of autonomy and economic security to FLEC troops but no independence to Cabinda. What undermined the agreement is the fact that only a fraction of the FLEC factions signed the agreement. Lack of unanimous participation by all FLEC groups therefore left room for the more military-oriented groups to continue fighting.¹⁷⁹ The idea of 'some form of autonomy' rather than the decades'-long quest for 'total autonomy' from Angola was unfortunately rejected by more radical Cabindans who will take nothing short of 'total independence' from Angola. For this reason, the peace attempts in 2006 in Congo-Brazzaville failed to completely end the war in Cabinda.¹⁸⁰ In fact, from 2006-2010, sporadic violence reigned in Cabinda because the radical wing of FLEC kept insisting on ensuring that Cabinda secedes from Angola. The insistence on separatist politics is demonstrated by events such as the 8th January 2010 FLEC attack on Togolese players being escorted by Angolan national forces to the African Cup of Nations through Cabinda.¹⁸¹ In sum, the war in Cabinda is ongoing with no tangible and promising peace process lined up. It appears that Cabinda's oil wealth has ensured that the government would never willingly grant independence to the enclave. With neither side willing to concede its position (since Cabinda is also strongly bent on its separatist claims), the Angolan government/Cabinda separatists struggle therefore remains unabated.

In sum, the journey through the complex and often confusing roots of conflict in Angola in this chapter presents the causes of the Angolan civil war as deeply anchored in

¹⁷⁶ Justin Pearce, An Outbreak of Peace: Angola's Situation of Confusion (Claremont: David Phillip, 2005), p.134

¹⁷⁷ Ana Cristina Alves, "Angola's Resources; From Conflict to Development", op.cit.,p.164

¹⁷⁸ Human Rights Watch (Organization), "They Put Me in the Hole" : Military Detention, Torture and Lack of Due Process in Cabinda (New York : Human Rights Watch, 2009)

¹⁷⁹ Belachew Gebrewold, Anatomy of Violence : Understanding the Systems of Conflict and Violence in Africa (Surrey: Ashgate, 2009),p.112

¹⁸⁰ Ana Cristina Alves, "Angola's Resources; From Conflict to Development" in Ruchita Beri and Uttam Kumar Sinha (eds), Africa and Energy Security : Global Issues and Local Responses (New Delhi: Academic Foundation,2009),p.164

¹⁸¹ Piers Edwards, Rebel Gun Attack Overshadows Africa's Biggest Football Show, Daily Nation,11 January 2010

inter-liberation movement rivalries occasioned by the struggle for power, escalated by intense external interests exacerbated by the East-West Cold War competition that sparked intensive sponsorship of client armed groups in Angola. As complex as the conflict scenario has been, so has Angola's quest for peace. There have been numerous attempts by varied actors with equally varied interests to bring the conflict to an end. Most of these efforts have failed to achieve a working peace while others such as the Lusaka protocol managed to guarantee a few years of uneasy peace that quickly disintegrated and plunged the country back to intense violence. However, in April 2002, the guns in Angola were silenced by the signing of the Luena Memorandum of Understanding between the MPLA government and UNITA. Fortunately (so far at least), the post-Luena period in Angola appears to be one of relative peace. This conclusion is brought about by the fact that there has not been a return to war in the country except for the Cabinda 'hiccup' that keeps sporadically emerging to distract the government from its attempts at gluing the country firmly together. One of the most laudable 'positive' development that has taken place in Angola since the Luena Memorandum is 2008 parliamentary elections where the MPLA won 82 percent of the vote. The most noteworthy element about the elections period is the fact that the presidential part was postponed to the following year. The fact that the postponement of this crucial part did not lead to violence signals that the post-Luena period promises hope for lasting peace. The fact that the widely expected presidential election failed to take place in 2009 and 2010 and yet no violence occurred is also evidence that Angola is determined to move away from using violence as the sole means of achieving political objectives. In 2012, the presidential elections took place with a massive MPLA win. Yet again, there was no violence despite dissatisfaction from UNITA's side. This is a sign that there is a desire by the former parties in conflict to maintain peace. This desire is manifested in the international community's belief in the Luena agreement. This belief is demonstrated in such actions as the country's successful bid to host the Africa Cup of Nations (10th -31st January 2010). In sum, given Angola's notoriety for signing peace agreements and a quickly discarding these agreements, the eight year post-Luena peace in Angola is a record of sorts and one that appears to be extremely promising to the country's emergence from civil war. Of course, the true litmus test of Angola's peace would have to be answered by the 'how much' and 'how far' of the implementation process.

the implementation phase, both parties acknowledged two fundamental things. Firstly, the General Peace Agreement was to have primacy over all other legislation, including the Mozambican constitution. Secondly, the two parties to the conflict would regard each other as equal partners in the process.² To effectively implement the General Peace Agreement, various other actors were required to assist RENAMO and the government to carry out the terms of the agreement. This is because (as in the negotiation phase) the parties to the agreement (RENAMO and the government) were not in a position to take care of everything that needed to be done by themselves. For this reason, they had to depend on these other parties (with various vested interests in the outcome of the conflict) to help them assume their responsibilities properly and in a timely manner. The third parties' roles by and large consisted of the monitoring and verification of the negotiated commitments, financial assistance, and post-agreement dispute resolution. According to Lyons, this latter role is important because disputes are inevitable during the transitional period. He explains that this is so because the broad (and often vague if not contradictory) principles listed in the peace agreement need to be operationalised in a difficult and tense atmosphere.³ Despite this, at the implementation stage, the parties to the agreements are expected to honour and follow through with the commitments and promises they made in the agreements they signed. For Mozambique, this was not easy as there were a number of stumbling blocks that emerged time and again in the process. These were compounded by the fact that the many years of war had made the parties to the conflict accustomed to relating militarily with each other. In this regard, it was hard for the parties (and especially so for RENAMO) to discard the war mentality in exchange for political engagement.

For this reason, as this chapter will demonstrate, the implementation of the GPA in Mozambique was met with numerous challenges. Some of them originated from the parties in conflict themselves (mostly because of the 'self-help' attitude the parties were used to in combat) and some from external factors beyond the control of the two parties. Incidentally, the main intention of this chapter is to reveal with the help of primary data gathered in Mozambique and Kenya, how the parties complied with and carried out the tasks specified in the GPA during the peace-implementation phase. In the course of analysing how the implementation tasks were carried out, the challenges that the parties encountered will surface. In addition, how these setbacks were alleviated will also surface. Also, the impact of

² Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011

³ Terrence Lyons, "Postconflict Elections: War Termination, Democratization, and Demilitarizing Politics", Working Paper No. 20, February 2002, (Institute for Conflict Analysis and Resolution: George Mason University), p.17

these challenges on the implementation process will be outlined as well. The analysis will cover the short-term (transitional period mostly presided over by the UN) and the long-term (the period following the entry into office of the new government up to 2013).

5.2 The Implementation of the General Peace Agreement

The implementation of the General Peace Agreement took place in two important phases. The first phase represents the transitional period. This period, also known as the interim period, refers to the time between the signing of the peace agreement (October 4, 1992) and the first elections of the country (27-29 October 1994). The second phase constitutes the post-election period. This time begins after the assumption of office by the newly elected government.⁴ Given the high uncertainty of the implementation period, RENAMO and the government agreed to let the UN assist in the implementation process during the transitional period.⁵ Accordingly, the UN with several committees made up of RENAMO, FRELIMO and other third parties took up the implementation of the agreement up to the elections in 1994.⁶ After the first elections in the country, the UN left the country. As a result, the commissions formed to aid in implementation were closed and everything pertaining to the execution of the General Peace Agreement was transferred to the institutions of the newly elected government.⁷ Commenting on the departure of the UN and how it impacted the implementation process, Barros postulates that the UN left too quickly before everything had settled down well. The UN basically completed its mandate after the elections in 1994 and left the country in January 1995 leaving the completion of the implementation process and the rebuilding of the country to the new government.⁸ There were a number of tasks that needed to be implemented during the transitional period by the parties in conflict with the help of the UN and the third parties that the government and RENAMO agreed to work with. These tasks included the observance of a ceasefire, organisation of political parties to be able to effectively participate in the new multiparty political dispensation, the withdrawal of foreign troops from Mozambique, demobilisation of soldiers from both sides,

⁴ Interview, Joaquim Alberto Chissano, former president of Mozambique, Maputo, 11 April 2011.

⁵ Dorina A. Bekoe, "Mutual Vulnerability and the Implementation of Peace Agreements: Examples from Mozambique, Angola, and Liberia", *International Journal of Peace Studies*, Volume 10, Number 2, Autumn/Winter 2005

⁶ The United Nations Blue Books Series, Volume V, *The United Nations and Mozambique, 1992-1995* (New York: The United Nations Department of Public Information, 1995), p.22

⁷ Interview, Raul Domingos, chief negotiator for RENAMO in Rome negotiations, member of the Supervisory and Monitoring Commission (the main implementation commission), (1994 to 1999, Domingos, head of the RENAMO parliamentary group & therefore head of opposition, current president Party for Peace, Democracy, and Development (PPDD) (from 2004-)

⁸ Interview, J.G Barros, Department of Economics and Development Studies, *Centro de Estudos Estratégicos Internacionais*, at the *Instituto Superior de Relações Internacionais*, Maputo, 15 February 2011

the formation of a new unified army, the drafting of an electoral law, and the organisation and carrying out of the country's first ever general elections.⁹ To ensure that each party abided by the Rome agreement, the UN was assigned the lead role of assisting the parties to fulfil the various tasks required of them. The UN would work with RENAMO and the government through certain commissions: the Supervisory and Monitoring Commission (CSC), (in charge of the overall implementation of the GPA), the Joint Commission for the Formation of the Mozambican Defence Forces (CCFADM) and the Cease-fire Commission (CCF). Additional to these three main commissions were the National Elections Commission (NEC), the National Commission on Administration (CNA), the National Information Commission (COMINFO), the National Police Affairs Commission (COMPOL) and the Reintegration Commission (CORE).¹⁰ These Commissions provided a vital forum for RENAMO and FRELIMO to discuss everything regarding implementation of the General Peace Agreement.¹¹ In addition to these commissions, the UN's Security Council established a peacekeeping operation (PKO) for Mozambique called the United Nations Operations in Mozambique (ONUMOZ) in October 1992 under Resolution 797¹² to bolster the process of implementation. As one of the UN's most extensive PKOs in its history, ONUMOZ's mandate ranged from political, military, electoral and humanitarian concerns.¹³ The UN needed to have its peacekeeping forces in place in Mozambique by 15th of October 1992, the date of the beginning of cease-fire. However, the first contingent of the UN peacekeepers arrived in Mozambique five months after the signing of the GPA. The ONUMOZ lasted from December 1992 to January 1995.¹⁴ The delay was caused by several factors. First was the delay by Member States to contribute troops to the mission. This was mainly because most of the national armed forces with peacekeeping experience were already engaged in other UN missions around the world. Further delay was also caused by logistical and procedural problems that arose due to the sheer complexity of the mandate of ONUMOZ. Also, the

⁹ The General Peace Agreement for Mozambique, Protocol II-VI. Protocol II summarises the criteria for the formation and recognition of political parties, Protocol III, the principles of the Electoral Act, Protocol IV tackles the Military Issues, Protocol V handles the issue of Guarantees and Protocol VI deals with the issue of Cease-fire.

¹⁰ The United Nations Blue Books Series, Volume V, The United Nations and Mozambique, 1992-1995 (New York: The United Nations Department of Public Information, 1995), p.22

¹¹ Interview, Manuel Goncalves, Mozambique's High Commissioner to Kenya, Nairobi, 17 November 2011

¹² James Dobbins et al., The UN's Role in Nationbuilding: From the Congo to Iraq (Santa Monica, CA:RAND, 2005), p.93

¹³ Richard Syngé, Mozambique: UN Peacekeeping in Action, 1992-94 (Washington D.C.: United States Institute of Peace, 1997), p.35

¹⁴ Mark Malan, "Prospects for Keeping the Peace in Southern Africa" in Robert I. Rotberg and Greg Mills (eds), War and Peace in Southern Africa: Crime, Drugs, Armies and Trade (Washington D.C.: Brookings Institution, 1998), p.255

Mozambican government needed time to address its parliament about the issue of sovereignty vis a vis the sheer size of ONUMOZ. The delay of the deployment of UNUMOZ was also caused by the slow pace of negotiations to conclude a status-of-forces agreement between the UN and the government. This agreement was important because it was to detail the issue of the UN military personnel's movement within the country. This agreement was signed on 14 May 1993. This caused a delay of about eight months.¹⁵

5.3 The Transformation of RENAMO into a national Party

Since its inception, RENAMO was a highly militarised institution that derived its power from conflict. Its reputation both inside and outside of Mozambique was mostly negative. In most cases, it was regarded as a guerrilla movement with no recognisable agenda, political programme, or course. Its members were largely thought of as a 'group of bandits' by the FRELIMO government. Due its earlier association with South Africa, the rebel movement was also often referred to as a 'puppet'. In addition, it was known as an organisation that committed terror acts against civilians.¹⁶ The terror acts against the civilians made the movement to lose credibility among the international community. These negative images and RENAMO's desire to change such kinds of perceptions were what made the party eager to transform into a political party. According to Chissano, the new national constitution that was promulgated in 1990 offered RENAMO the opportunity of transforming into a party. This is because the 1990 constitution officially abolished single-party rule and installed multipartism as the successor political dispensation.¹⁷ After the signing of the GPA, RENAMO had to change from an establishment that heavily relied on force to one that depended on political means to achieve its goals. To be able to compete in a democratic system, RENAMO had to change from an army to a political party.¹⁸ The nature of RENAMO as a party was clearly spelt out in the GPA. It was agreed that RENAMO's conversion into a political party would commence immediately following the signing of the GPA.¹⁹ According to Dom Jaime Goncalves (one of the mediators in the Rome process), RENAMO had to come out of the 'bush' and take up its rightful place in the affairs of the

¹⁵ The United Nations Blue Books Series, Volume V, The United Nations and Mozambique, 1992-1995 (New York: The United Nations Department of Public Information, 1995), p.27

¹⁶ Interview Teodato Hanguana former minister of labour and member of the government's delegation in Rome, Maputo, 30 February 2011. See also Carrie L. Manning, "Constructing Opposition in Mozambique: RENAMO as a Political Party" in *Journal of South African Studies*, Volume 24, Number 1, March 1998, 162-189:161

¹⁷ Interview, Joaquim Alberto Chissano, former president of Mozambique, Maputo, 11 April 2011

¹⁸ Terrence Lyons, "Transforming the Institutions of War: Postconflict Elections and the Reconstruction of Failed States" in Robert I. Rotberg (ed), When States Fail: Causes and Consequences (Princeton: Princeton University Press, 2004), p.283. See also Carrie Manning, The Making of Democrats: Elections and Party Development in Postwar Bosnia, El Salvador, and Mozambique (New York: Palgrave Macmillan, 2008), p.43

¹⁹ The General Peace Agreement of Mozambique, 1992, Protocol III

country through political dialogue. It could only achieve this by transforming itself into a national party.²⁰ As a party RENAMO would present its opinions on how the country was to be governed through its members in parliament. Although RENAMO converted into a political party as stipulated in the GPA, the implementation of this component of the GPA however faced certain roadblocks. Firstly, as stipulated in the agreement, the party needed to have a national outlook. To do this, the party had to move from Gorongosa from where it had carried out its civil war activities to the capital city, Maputo.²¹ The move from Gorongosa to Maputo was extremely important for peace. De Zeeuw insists that RENAMO's absence from Maputo was impeding peace because it was hard to organise commission meetings in Maputo (for example) with RENAMO officials still operating from Gorongosa.²² Also, due to the fact that Gorongosa had for a long time been RENAMO's war capital, the move to Maputo was meant to be symbolic of the party's disassociation with war: it would mean 'leaving the bush'. In this regard, to enhance organizational changes necessary to transform from a guerrilla organization into a political party, RENAMO required offices for its leaders, housing, communication facilities, finance, and other resources. These facilities could only be made available to the guerrilla movement by the government and other third parties. Providing good-quality accommodation in the capital to RENAMO and its leaders was one way of according the organisation some status and recognition.²³ This is why the UN, with the support of the country's major donors, created a trust fund to support the transformation of RENAMO into a political party. The fund was an incentive that ensured that RENAMO moved its headquarters to Maputo so that its officials could participate in the Commissions that had been set up to take care of implementation of the GPA.²⁴ On its part, the government agreed to help transform RENAMO into a political party. For example, it did this by providing housing for its top leadership in the capital city. The government allocated houses for Dhlakama and Raul Domingos in Maputo because it was 'important to make the top leaders feel comfortable'.²⁵ The reasoning was that if they became socialised into

²⁰ Interview, Dom Jaime Goncalves, Archbishop of Beira and mediator in the Rome Peace Process, Beira, 19 February 2011.

²¹ Carrie L. Manning, The Politics of Peace in Mozambique: Post-Conflict Democratisation, 1992-2000 (Westport, Conn.: Praeger, 2002), p. 108

²² Jeroen de Zeeuw, From Soldiers to Politicians: Transforming Rebel Movements after Civil War (Boulder, CO.: Lynne Rienner, 2008), p.70

²³ Richard Syge, Mozambique: UN Peacekeeping in Action 1992-1994 (Washington, D.C.: United States Institute of Peace), p.45

²⁴ Terrence Lyons, "Peacebuilding, Democratisation, and Transforming the Institutions of War" in Bruce W. Dayton and Louis Kriesberg (eds), Conflict Transformation and Peacebuilding: Moving from Violence to Sustainable Peace (New York: Routledge, 2009), p.99

²⁵ Interview, Manuel Goncalves, Mozambique's High Commissioner to Kenya, Nairobi, 17 November 2011.

understanding that a good life could come to them by participating in politics rather than war, then RENAMO's leaders would totally abandon war and work with the government to respect and implement the rest of the peace agreement. The new facilities and resources were to entice RENAMO into the new party system that they were unaccustomed to. Other than the top leaders, the government also funded and accommodated other cadres of RENAMO party officials at the Hotel Cardoso for almost two years, up to the time of elections.²⁶ It was in the interest of peace to get RENAMO out of the bush. Settling them in the city, providing the means of survival, and helping them to establish a political party was one way of ensuring that RENAMO's leadership would recognize how serious the government was about opening up the democratic space in the country.²⁷ With the UN trust fund in place, housing, and offices for its headquarters, RENAMO and its leader, Dhlakama moved to Maputo and begun transforming RENAMO into a political structure in readiness for the 1994 general elections as outlined in the GPA.²⁸ Up to 2013, RENAMO has been operating as a party and taken part in the country's three major elections. Dhlakama operates from Nampula where he moved the party headquarters to. There have been veiled threats over the years that RENAMO will go back to the bush but these threats have so far not materialised into violence.²⁹

5.4 Implementing the Cease-fire

A 'cease-fire' occurs when parties to conflicts agree to stop firing at each other.³⁰ According to Mwangi, the provision on a cease-fire is an important aspect of any peace agreement because the rest of the agreement would be hard to implement if the parties to the conflict do not stop fighting.³¹ In this regard, the country-wide cease-fire stipulated in the GPA was to be the responsibility of the Government of Mozambique (FRELIMO) and RENAMO, acting within the framework of the Cease-fire Commission (CCF) which in turn was to be answerable to the Supervisory and Monitoring Commission (CSC). The CSC was the organ liable for the overall political supervision of the cease-fire.³² In order to ensure a total cessation of hostilities, both RENAMO and the government forces were to stop all kinds of armed confrontation, occupation of new positions/territories, arms acquisition, and

²⁶ Interview, Manuel Goncalves, Mozambique's High Commissioner to Kenya, Nairobi, 17 November 2011.

²⁷ Virginia Page Fortna, Does Peacekeeping Work? Shaping Belligerents' Choices after Civil War (Princeton: Princeton University Press, 2008), p.131

²⁸ The General Peace Agreement for Mozambique, Protocol V, paragraph I

²⁹ Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011

³⁰ Virginia Page Fortna, Peace Time: Cease-Fire Agreements and the Durability of Peace (Princeton University Press: Princeton, 2004), p.1

³¹ Makumi Mwangi, Diplomacy: Documents, Methods and Practice (IDIS Publications: Nairobi, 2004), p.128

³² The General Peace Agreement for Mozambique, Protocol VI (I,II & III)

restriction of free movement of people and property.³³ According to Chissano, twenty four hours after the signing of the GPA, each side had to tell its forces to stop any fighting and put down their weapons.³⁴ The execution of this task was fairly difficult especially at the beginning because of the delay in the arrival of the UN peacekeepers. Whereas the GPA was signed on 4 October 1992, the first contingent of the UN comprising the Special Representative of the Secretary General (SRSG), Aldo Ajello, and 21 military observers were only able to arrive in Mozambique on 15 October 1992, the day the agreement entered into force.³⁵ This means that there was an entire eleven-day period that peace had to be maintained by the parties to the conflict themselves without any outside guarantors. In addition, the first contingent of UN troops consisting of 1,300 peacekeepers arrived in Mozambique in March 1993, six months after the signing of the GPA. This means that for slightly more than six months, the parties to the conflict were basically left to their own devices. Fortunately, though there were no outside forces to make the parties to keep the peace, there was no war. This means that the cease-fire was kept by the goodwill of both RENAMO and government forces.³⁶ Supporting Chissano's views, Teodato Hinguana professes that both parties to the conflict largely respected the terms of the ceasefire except for a few incidents of violations that were instigated by RENAMO.³⁷ These incidents occurred, for example, on 20 October 1992 when RENAMO forces captured four towns in Zambezia and Nampula. This prompted a forceful reaction from the government which then managed to recapture three towns with the fourth being retaken in November.³⁸ Chissano adds that RENAMO came back from Rome and immediately started taking the headquarters of some districts in clear violation of the ceasefire therefore prompting the government to fight back to recover the districts.³⁹ Given that these kinds of confrontations could potentially threaten the cease-fire, the Special Representative to the Secretary General (SRGS) and head

³³ Ibid.

³⁴ Interview, Joaquim Alberto Chissano, former president of Mozambique, Maputo, 11 April 2011; Interview Bishop Dinis Sengulane, Bishop of the Lebombe Diocese, Maputo and member of church delegation to the Nairobi Peace Process, 22 February 2011, Maputo.

³⁵ Yves Beigbeder, International Monitoring of Plebiscites, Referenda and National Elections: Self-determination and Transition to Democracy (Dordrecht: Martinus Nijhoff, 1994), p.215

³⁶ Interview, Joaquim Alberto Chissano, former president of Mozambique, Maputo, 11 April 2011.

³⁷ Interview, Teodato Hinguana, former minister of labour and member of the government's delegation in Rome, Maputo, 30 February 2011.

³⁸ Interview, Francisco Cocote, project coordinator, Community of Santo Egidio, Maputo, 22 February, 2011.

³⁹ See also Lise Morje Howard, UN Peacekeeping in Civil Wars (Cambridge: Cambridge University Press, 2008), p.195

³⁹ Interview, Joaquim Alberto Chissano, former president of Mozambique, Maputo, 11 April 2011.

of the UN implementation of the GPA, Aldo Ajello, moved swiftly to resolve the situation.⁴⁰ Calling for a high-level meeting of the two sides and ambassadors from the major powers with embassies in Maputo, the SRSR managed to exhort the parties to keep the peace by respecting and abiding by their cease-fire obligations.⁴¹ Other than this incident, both Dhlakama and Chissano are convinced that the ceasefire was largely respected by both parties. They also insist that any subsequent violations brought before the Cease-fire Commission (CCF) were about troop movement rather than actual incidents of shooting.⁴²

5.5 The Demobilisation and Reintegration of Combatants

As a crucial tool of ending a civil war,⁴³ demobilisation refers to the process of significantly reducing the number of personnel under arms and in military command structures. This reduction sometimes also includes the dissolution of former opposing armies/militias.⁴⁴ Due to the fact that the parties are required to reduce their military power, demobilisation is one of the most treacherous exercises in the implementation of any peace agreement. Schaffer estimates the total number of armed combatants in Mozambique as 92,881⁴⁵ at the time of the beginning of demobilisation. The high number of soldiers needed to be reduced for two reasons. Firstly, due to budgetary constraints, it would be hard to maintain such a large number of soldiers. Secondly, (and perhaps most importantly) under the GPA, there was no need for any display of military might by both RENAMO and the government, as the *modus operandi* had changed to healthy nonviolent political competition.⁴⁶ In this light, the activities that needed to be carried out during the demobilisation exercise included: registration of troops and issuance of the respective IDs; collection, registration and custody of weapons, ammunition, explosives, equipment, uniforms and documentation; destroying or deciding on other means of disposition of weapons, ammunition, explosives, equipment, uniforms; and documentation and issuance of demobilization certificates. RENAMO and the government were to carry out these activities

⁴⁰Interview, Teodato Hanguana, former minister of labour and member of the government's delegation in Rome, Maputo, 30 February 2011.

⁴¹The General Peace Agreement for Mozambique, 1992, Protocol VI (I) Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011. Interview, Joaquim Alberto Chissano, former president of Mozambique, Maputo, 11 April 2011.

⁴²Peter Wallensteen, Understanding Conflict Resolution: War, Peace and the Global System Second Edition (London: SAGE, 2007), p.140. See also Joanna Spear, "Disarmament and Demobilization" in Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (eds), Ending Civil Wars: The Implementation of Peace Agreements (Boulder, CO.: Lynne Rienner, 2002), p.145

⁴³Kees Kingma, "Demobilisation, Reintegration and Peace-building in Southern Africa" in Peter Batchelor and Kees Kingma (eds), Demilitarisation and Peace-Building in Southern Africa, Volume I: Concepts and Processes (Aldershot: Ashgate, 2004), p.135

⁴⁴Jessica Schafer, Soldiers at Peace: Veterans and Society after the Civil War in Mozambique (New York, Palgrave Macmillan, 2007), p.96

⁴⁵Interview, Joaquim Alberto Chissano, former president of Mozambique, Maputo, 11 April 2011.

under the supervision of the UN.⁴⁷ The implementation of this aspect of the GPA was difficult since it required both RENAMO and the government to relinquish significant military power. Understandably, it was hard for the parties to do so because they had relied on the same military power to check each other for many years. This is why Teodato Hinguana insists that RENAMO failed to assemble and register all its soldiers and Afonso Dhlakama claims that the government kept back some of its soldiers.⁴⁸ For Tomas Vieira, it was not a question of balance of power *per se* that made it hard for both sides (especially RENAMO) to have problems with total demobilisation of soldiers. In his opinion, it was more of a problem of numbers. He explains that RENAMO, for example, had many soldiers and the leadership was concerned with where to place the residuals after deploying only 15,000 to the unified army.⁴⁹ The problem of numbers was further compounded by the fact that only 12,000 eventually accepted to join the army as most of the soldiers from both sides desired to leave the army for civilian life.⁵⁰ This meant that there were many ex-soldiers who needed jobs that RENAMO could not guarantee to provide. In addition, the uncertainty of the post-election period made it hard for the process to be speedy and transparent. This is why, although the demobilisation exercise officially begun in March 1994, there were claims that both sides were hiding a number of troops and weaponry.⁵¹ This is the reason why by 15 August 1994 (the day when the demobilization exercise was to be completed), the final total of those registered were 57,540 (Government) and 20,538 (RENAMO).⁵² There are claims that RENAMO refused to demobilise all the soldiers that failed to be absorbed into the national army as had been stipulated by the GPA.⁵³ Chissano and Dhlakama had agreed that some RENAMO soldiers would serve as bodyguards to RENAMO leaders until the elections. However, after the electoral process, they were to be demobilised, surrender their weapons, and revert to civilian status in the spirit of the GPA. However, according to Chissano, while the government demobilised all its soldiers, RENAMO failed to let go of the 'bodyguards'

⁴⁷ The General Peace Agreement for Mozambique, 1992, Protocol IV (IV)

⁴⁸ Interview, Teodato Hinguana, former minister of labour and member of the government's delegation in Rome, Maputo, 30 February 2011.

⁴⁹ Interview, Tomas Vieira Mario, (journalist who covered the Rome peace process for *Agência de Informação de Moçambique (AIM)*, Maputo, 28 February 2011.

⁵⁰ Interview, Tomas Vieira Mario, (journalist who covered the Rome peace process for *Agência de Informação de Moçambique (AIM)*, Maputo, 28 February 2011.

⁵¹ Interview, Antonio Gaspar, Director, *Centro de Estudos Estratégicos Internacionais*, at the *Instituto Superior de Relações Internacionais*, Maputo, 16 February 2011.

⁵² Dirk Salomons, "Probing the Successful Application of Leverage in support for Mozambique's Quest for Peace" in Jean E. Krasno et al., *Leveraging for Success in United Nations Peace Operations* (Westport, Conn.: Praeger, 2003), p.109

⁵³ Interview, Manuel Goncalves, High Commissioner, Mozambique High Commission in Kenya, Nairobi, 17 November 2011.

and continued to hold onto them even after the elections. In fact, he insists that these soldiers still exist and have bases at Maringue, Nyaminga and Beira with a considerable arsenal of weapons and could be a potential threat to peace.⁵⁴

On the subject of the 'remnant' RENAMO soldiers, Raul Domingos gives the total number of non-demobilised RENAMO soldiers as of 2011 as roughly 150,000. He affirms that this is stark evidence that the issue of demobilisation was not well sorted out. He further insists that other than the fact that these soldiers were former rebels, they are an important part of Mozambique's history and need to be cared for as the GPA promised.⁵⁵ Simango agrees that it is mostly ex-RENAMO soldiers that are currently unemployed, have no houses of their own, and suffer from general neglect since 1994. He further argues that, given the fact that they are armed, they are a potential threat to the country's peace. Given that all the implementation commissions were disbanded shortly after elections and the government given full responsibility to implement the GPA, the government therefore needs to urgently register, disarm, demobilise and put these soldiers on pension to prevent them from getting tempted to go back to the bush.⁵⁶ These views are shared by Lazaro dos Santos who adds that ex-RENAMO soldiers feel discriminated by the government. They believe that even those in the army are regarded as lesser soldiers because they lack access to promotions and financial resources that are more easily available to their ex-FRELIMO colleagues. He opines that these soldiers need to be pensioned just as the other ex-soldiers in Mozambique are.⁵⁷ However, contrary to Lazaro's and Simango's views, the issue of pensions for demobilised RENAMO soldiers is one that the government refuses to be committed to. This is because it feels that RENAMO is the one responsible for the post-independence civil war. As a result the government insists that RENAMO leadership should take care of its soldiers' pensions and rewards. The government insists that it did its part by paying RENAMO

⁵⁴ Interview, Joaquim Alberto Chissano, immediate former President of Mozambique, Maputo, 12 April 2011.

Interview, Henriques Bongece, First Provincial Secretary of FRELIMO, Sofala Province, Beira, 21 February

2011. Interview, Dom Jaime Goncalves, Archbishop of Beira and mediator in the Rome Peace Process, Beira,

19 February 2011.

⁵⁵ Interview, Raul Domingos, chief negotiator for RENAMO in Rome negotiations, member of the Supervisory

and Monitoring Commission (the main implementation commission), Maputo, 22 February 2011.

⁵⁶ Interview, Daviz Simango, ex-RENAMO party member, current Mayor of Beira & President of the MDM

party, Beira, 19 February 2011. See also Jessica Schafer, "A Baby Who does not Cry Will not be Suckled":

AMODEG and the Reintegration of Demobilised Soldiers", *Journal of Southern African Studies*, Vol. 24, No. 1,

Special Issue on Mozambique (Mar., 1998), pp. 207-222: 216

⁵⁷ Interview, Lazaro Dos Santos, Coordinator, Advocacy and Pressure Department, Human Rights League,

Maputo, 25 February 2011.

soldiers equal demobilisation payments in the spirit of the GPA, but is not responsible for pensions for ex-RENAMO soldiers.⁵⁸

5.6 The Formation of a new Unified Army

Closely related to demobilisation of RENAMO and government soldiers, the creation of the new army, the Armed Forces for the Defence of Mozambique (FADM), was central to the peace process. According to the GPA, the government and RENAMO soldiers were to be combined into one unified army consisting of 30,000 troops (15,000 soldiers from each side) to be fully trained and posted before the elections.⁵⁹ However, according to Gaspar, of the targeted 30,000 men, only 12 195 joined the FADM: 8533 (FRELIMO), 3662 (RENAMO).⁶⁰ The discrepancy arose in specialised services such as the air force, communications, and other technical areas. RENAMO was unable to furnish soldiers to these departments because of its soldiers' relative lack of education and skill in these fields. This meant that these positions were filled by FRELIMO whose soldiers were better trained and better educated.⁶¹ For this reason therefore, more of the government's soldiers joined the unified army in 1994 compared to RENAMO, thus establishing a trend that continued well after the elections in 1994. The continuous trend (of there being more government soldiers in the army than RENAMO) has been constantly controversial. RENAMO has time and again expressed its dissatisfaction with the situation of unequal representation in the army. However, according to Gaspar and Lundin, the government gave RENAMO the opportunity to fill its 50% quota of qualified soldiers as specified in the GPA but RENAMO was unable to fill this quota because its army personnel were unable to meet the required education standards and necessary skills.⁶² This explanation is mostly propagated by pro-government elements and is severely contradicted by RENAMO members who believe that the formation of the FADM was one aspect of the GPA that was not implemented. To emphasise this point, Dhlakama insists that he presented FADM with the required 15,000 but they only agreed to employ 7,000.⁶³ Afonso Dhlakama's claim that he presented 15,000 soldiers to be considered

⁵⁸ Interview, Joaquim Alberto Chissano, immediate former President of Mozambique, Maputo, 12 April 2011

⁵⁹ The General Peace Agreement for Mozambique, 1992, Protocol IV (I)

⁶⁰ Interview, Erminio Morais, RENAMO party advisor for Defence and Security matters, Maputo, 21 February 2011. See also Lazaro Macuacua, "Mozambique" in Wuyi Omitoogun and Eboe Hutchful (eds), *Budgeting for the military sector in Africa* (Oxford: Oxford University Press, 2006), p.142

⁶¹ Interview, Erminio Morais, RENAMO party advisor for Defence and Security matters, Maputo, 21 February 2011.

⁶² Interview Antonio Gaspar, Director Director, *Centro de Estudos Estratégicos Internacionais*, at the *Instituto Superior de Relações Internacionais*, Maputo, 16 February 2011; Interview, Iraê Baptista Lundin, *Centro de Estudos Estratégicos Internacionais*, at the *Instituto Superior de Relações Internacionais*, Maputo, 17 February 2011.

⁶³ Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011.

for positions in the new army are however strongly refuted by among others Manuel Goncalves who insists that some of Dhlakama's soldiers were children who did not meet the criteria for recruitment into the national army.⁶⁴ Expounding on the controversies surrounding the implementation of the FADM, Dom Jaime Goncalves explains that RENAMO's complaints regarding the new army is a result of how the process was done: as a mere merger of units rather than a genuine integration of the two forces with all soldiers in the new army being treated equally in terms of promotions, and such other considerations.⁶⁵ On the issue of the unified army, Daviz Simango, the leader of the MDM party agrees that the 50-50 plan for both RENAMO and FRELIMO was done but he argues that the government benefited more. He posits that the 50-50 sharing provision was not well elaborated and it did not provide for how soldiers would be replaced in case of retirement, for example. This is a loophole that made it possible for the government to choose to retire and replace soldiers (including RENAMO ones) without consultation thus further tilting the RENAMO-government soldier ratio even more sharply in favour of the government. Simango insists that the 50-50 sharing of army positions would have been better implemented if a commission had been formed that would consist of RENAMO and government side to always discuss replacements and other ways of discharging soldiers from the army.⁶⁶ In the same line of thought, Lucia Jorge believes that the Rome agreement's proposal that army positions be shared on a 50-50 basis for both RENAMO and FRELIMO was not properly done because when the government took over the implementation process (after emerging the winner in the 1994 elections), they took over the overall decisions regarding who would join the army and replaced a number of RENAMO soldiers with FRELIMO ones.⁶⁷ This has meant that the army is inequitable contrary to the GPA that advocated for an equitable and integrated RENAMO-FRELIMO army. This inequitable character of the army is one constant source of friction between RENAMO and the current government. RENAMO believes that more of its soldiers need to be incorporated in the army.⁶⁸ On the issue unfairness in the joint army, Afonso Dhlakama further argues that the government created the Rapid Response Army, a unit not provided for in the GPA made up purely of former FRELIMO soldiers. He also insists that RENAMO was not consulted nor were its soldiers invited to be part of this unit. This therefore means that

⁶⁴ Interview, Manuel Goncalves, Mozambique's High Commissioner to Kenya, Nairobi, 17 November 2011.

⁶⁵ Interview, Dom Jaime Goncalves, the Archbishop of Beira and Mediator in Rome, Beira, 19 February 2011.

⁶⁶ Interview, Daviz Simango, ex-RENAMO party member, current Mayor of Beira & President of the MDM party, Beira, 19 February 2011.

⁶⁷ Interview, Lucia Jorge, RENAMO ex-combatant, Nampula, 18 February 2011.

⁶⁸ Interview, Vicente Gabriel Ululu, former Secretary General of RENAMO and RENAMO delegate to Rome, Maputo, 15 February 2011.

FRELIMO soldiers are more favoured when it comes to jobs in the army.⁶⁹ Countering these claims and insisting that the government fulfilled the implementation of the 50-50 army provision adequately, Joaquim Alberto Chissano (former president of Mozambique and FRELIMO leader) declares that the implementation of the 50-50 army positions was done but RENAMO had (and still does have) a huge disadvantage in terms of providing qualified people. This means that when they do not meet the criteria, they are left out of the army. These thoughts are supported by Teodato Hinguana who believes that RENAMO's weaknesses in terms of lack of education and required skills for qualification in the recruitment of members of the new army cannot be blamed on the government but on their own leadership.⁷⁰ President Chissano explains that whenever RENAMO could provide qualified persons for positions in the army, they were given a fair shot at army leadership. The only position they could not give out as the government was that of commander-in-chief which is usually reserved for the head of state.⁷¹ In corroborating Chissano's assertions, Synge states that during the transitional period, two Generals were appointed to lead the new forces, one from FRELIMO (Lieutenant General Lagos Lidimo who was named Chief of the Defence Forces) and one from RENAMO, (Major General Mateus Ngonhamo who was appointed as Vice-Chief of the united Defence Force. This fact is confirmed by Ngonhamo who agrees that he was the second highest ranked person in the unified army and served the FADM in this capacity for fourteen years without discrimination.⁷² From this discussion, although the formation of the new army may not have been followed to the letter according to the GPA, it can be deduced that the new army was nonetheless formed before elections were carried out in 1994 in Mozambique as had been projected in the GPA.

5.7 The Police Force, the National Intelligence Service and the Civil Service

Closely related to the army question is the issue of the formation of an integrated police force, intelligence service, and the general civil service. According to the GPA, the police force in Mozambique was to be depoliticised and restructured in such a way as not to favour any particular political party.⁷³ In the GPA, the police force was meant to be a depoliticised unit, staffed with Mozambican citizens irrespective of their political affiliations.

⁶⁹ Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011.

⁷⁰ Interview Teodato Hinguana former minister of labour and member of the government's delegation in Rome, Maputo, 30 February 2011.

⁷¹ Interview, Joaquim Alberto Chissano, immediate former President of Mozambique, Maputo, 12 April 2011. See also Richard Synge, *Mozambique: UN Peacekeeping in Action, 1992-94* (Washington D.C.: United States Institute of Peace, 1997), p.104

⁷² Interview, Major General Mateus Ngonhamo, RENAMO's former number two military commander and the Vice-Chief of the FADM, Maputo, 23 February 2011.

⁷³ The General Peace Agreement of Mozambique, 1992, Protocol IV (V)

Also, the commander and deputy commander of the police were to be appointed by the president.⁷⁴ Unlike the army that clearly stipulates a 50-50 sharing of positions, the dynamics of the police force including the distribution of its top jobs and the other lower cadre jobs failed to be clearly discussed and detailed in Rome by both RENAMO and FRELIMO. Consequently, according to Barros, the police force was from the very beginning of the implementation exercise largely staffed and led by FRELIMO. He insists that the police commandant and deputy commandant have always been from the FRELIMO side and there is no indication that this *status quo* would change in the near future unless RENAMO won the presidency.⁷⁵ He adds that there is no RENAMO-affiliate who has ever been considered for the top leadership of the police force in the country. This has made RENAMO to keep complaining that they have been left out of the police force contrary to the spirit of the GPA.⁷⁶ In supporting these views, Vicente Ululu explains that the police force is only for pro-government elements. He explains that the police force was meant to be non-partisan according to the GPA. This means that even people sympathetic to RENAMO should be employed in the police without discrimination. However, he insists that this did not suffice and that the police force is full of FRELIMO sympathisers contrary to the GPA.⁷⁷ The RENAMO leader, Afonso Dhlakama also stresses that the police force in Mozambique is staffed with only FRELIMO sympathisers. This trend started in the transitional period and continued unabated even after the general elections of 1994.⁷⁸ In explaining this trend further, Raul Domingos agrees that much as the police force is mostly staffed by FRELIMO die-hards, the phenomenon could have been occasioned by lack of proper negotiation by RENAMO in Rome. He posits that in Rome, RENAMO neglected to push the police agenda. As a result, there was no agreement on the sharing of positions in the police force. He further argues that the only thing that RENAMO and FRELIMO agreed on was a police oversight body, the National Police Affairs Commission (COMPOL) for the purposes of verifying the actions of the PRM to ensure that they do not violate the legal order or result in violation of the political rights of citizens. The COMPOL composed of six citizens nominated by RENAMO, six nominated by the government, and nine selected as a result of consultations to be held by the president with the political forces in the country from among citizens. Raul

⁷⁴ Ibid.

⁷⁵ Interview, J.G Barros, Department of Economics and Development Studies, *Centro de Estudos Estratégicos Internacionais*, at the *Instituto Superior de Relações Internacionais*, Maputo, 15 February 2011

⁷⁶ Ibid.

⁷⁷ Interview, Vicente Gabriel Ululu, former Secretary General of RENAMO and RENAMO delegate to Rome, Maputo, 15 February 2011.

⁷⁸ Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011.

Domingos however argues that the COMPOL worked only until election day. Afterwards, it was quickly disbanded in order to pave way for the elected government to make all decisions regarding police affairs. In response to RENAMO's complaints about being discriminated against in regards to the police force positions, Manuel Goncalves notes that the government's attempts to resolve this issue with Dhlakama failed to bear fruit because of the latter's lack of cooperation. For example, around 15 years ago, the government offered to absorb some of Dhlakama's supporters to police force training but Dhlakama refused to take up the offer.⁷⁹ Other than the police issue, the implementation of the national intelligence services has raised questions. According to the GPA, the State Information and Security Service (SISE) established by Act No. 20/91 of 23 August 1991 was to continue to perform its functions under the direct authority of the president of Mozambique.⁸⁰ As a key government agency, Dhlakama feels that there should be members of RENAMO working within SISE.⁸¹ However, this has not been the case. Agreeing with RENAMO's leader, Vicente Ululu posits that it is unfair for non-FRELIMO members to be kept out of this elite unit whereas the GPA precludes the one-sided employment of people.⁸² Responding to these sentiments, former president Chissano explains that the national intelligence service is highly important to the government in power. This is because any information that the service gathers is highly classified and should strictly be for the use of the government. He further argues that the nature of the work of SISE therefore makes the recruitment process generally rigorous because of the highly secretive and sensitive information that the service deals with. There is always the danger that the information gathered could reach the wrong people and therefore jeopardize the security of the country which is of paramount importance.⁸³ Despite this, however, Teodato Hinguana insists that SISE definitely has RENAMO members/adherents in it. He affirms that it is not one hundred per cent FRELIMO.⁸⁴ Irae Lundin affirms the fact that RENAMO keeps complaining that its members were not incorporated in the police force. She explains that that is why the former rebel movement have about 300 residual armed soldiers in Maringue. However, she believes that RENAMO's lack of positions in the SISE should be squarely blamed on them for signing a bad agreement

⁷⁹ Interview, Manuel Goncalves, Mozambique's High Commissioner to Kenya, Nairobi, 17 November 2011

⁸⁰ The General Peace Agreement for Mozambique, 1992, Protocol IV (IV)

⁸¹ Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011.

⁸² Interview, Vicente Gabriel Ululu, former Secretary General of RENAMO and RENAMO delegate to Rome, Maputo, 15 February 2011.

⁸³ Interview, Joaquim Alberto Chissano, immediate former President of Mozambique, Maputo, 12 April 2011.

⁸⁴ Interview Teodato Hinguana former minister of labour and member of the government's delegation in Rome, Maputo, 30 February 2011

on these issues. She insists that RENAMO should have detailed the distribution of positions in SISE and insisted that they be given a significant part to play in SISE and this way, they too could have benefited from the SISE and even the police force.⁸⁵ In short, RENAMO should not have signed an agreement that did not address these issues satisfactorily. In explaining how RENAMO ended without a 50-50 distribution formula for the police and the intelligence service, RENAMO's chief negotiator in Rome, Raul Domingos explains that the blame falls squarely on RENAMO's leader. He notes that Dhlakama met with Chissano in September 1992 in Gaborone, Botswana to discuss the police and the intelligence service issue. In the direct negotiations between the two principals, Chissano was able to convince Dhlakama that there was no need for the 50-50 formula for the SISE and the police force.⁸⁶ Instead, Chissano proposed that they create a commission to monitor and ensure that the SISE and the police force remained non-partisan. This was contrary to Raul Domingos' wishes for an insistence on the 50-50 formula in these two areas. Domingos explains that the direct negotiations in Gaborone spoilt everything for RENAMO as far as the issues of intelligence services and the police force are concerned. This is because the commissions to oversee the workings of the SISE and the police force were disbanded after the 1994 elections, effectively ending RENAMO's participation in these two important areas.⁸⁷ He maintains that the leader of RENAMO, Afonso Dhlakama, came to realize the blunder he committed in allowing Chissano to convince him to drop the 50-50 sharing of the positions in SISE and the police force and this is why he is calling for renegotiation of the GPA with the current government of Armando Guebuza.⁸⁸ As for the civil service, RENAMO feels that the majority of positions are occupied by FRELIMO members⁸⁹ contrary to the non-partisan spirit of the GPA. In an attempt to address RENAMO's dissatisfaction with the implementation of the GPA and the call for re-negotiation of the GPA, views allied to the government side contend that the GPA was not a power-sharing agreement and that is why the issue of equitable distribution should not arise. It was a winner-take-all kind of agreement where the winning party would take over the running of the affairs of the country fully. This fact is what makes Irae Lundin insist that RENAMO signed a bad agreement: one that did not

⁸⁵ Interview, Irae Baptista Lundin, *Centro de Estudos Estratégicos Internacionais*, at the *Instituto Superior de Relações Internacionais*, Maputo, 17 February 2011.

⁸⁶ Interview, Raul Domingos, chief negotiator for RENAMO in Rome negotiations, member of the Supervisory and Monitoring Commission (the main implementation commission), Maputo, 22 February 2011.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Interview, Vicente Gabriel Ululu, former Secretary General of RENAMO and RENAMO delegate to Rome, Maputo, 15 February 2011.

guarantee them equitable participation in the politics of the country simply because their leader, Afonso Dhlakama, was confident that he would win the 1994 general elections.⁹⁰

5.8 The Issue of Elections

The question of democracy and the expansion of the democratic space was one of the areas of contention between RENAMO and FRELIMO.⁹¹ This made democratic reforms such as multiparty elections instrumental in the pacification of the country. The elections were to serve two functions. Firstly, they would transform the country from a one-party state to a multiparty state. Secondly, they were to legitimise the leadership and the party that would win the elections.⁹² The issue of legitimacy was the most contentious throughout the Rome peace process. On the one hand, RENAMO had expressed time and again that the FRELIMO government was illegitimate (Chissano, was an un-elected president since 1986)⁹³ while on the other, the government termed RENAMO a bandit organisation, with no legal rights in Mozambican politics.⁹⁴ To resolve these issues, the GPA provided (in Protocol II) space for RENAMO's transition into a party capable of participating in the politics of the country. In addition, the GPA entrenched elections as the preeminent way to determine and install a legitimate 'democratically elected' government recognized both internally and externally.⁹⁵ Democratic reforms, such as allowing RENAMO and the other smaller political parties to take part in the political affairs of the country, were a clear sign of the government's acceptance to terminate its political monopoly. This was the whole *raison d'être* of RENAMO's involvement in the war.⁹⁶ In order to properly implement the 1994 elections, there were several activities that the GPA required of the parties to the conflict and the UN, the main implementing body. Firstly, the post-agreement elections were to be conducted according to the new institutions and rules of competition outlined in the General

⁹⁰ Interview Antonio Gasper, Director Director, *Centro de Estudos Estratégicos Internacionais*, at the *Instituto Superior de Relações Internacionais*, Maputo, 16 February 2011; Interview, Iraê Baptista Lundin, *Centro de Estudos Estratégicos Internacionais*, at the *Instituto Superior de Relações Internacionais*, Maputo, 17 February 2011.

⁹¹ Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011.

⁹² Terrence Lyons, "Transforming the Institutions of War: Postconflict Elections and the Reconstruction of Failed States" in Robert I. Rotberg (ed), *When States Fail: Causes and Consequences* (Princeton: Princeton University Press, 2004), p.270

⁹³ Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011. See also I. William Zartman, "The Unfinished Agenda: Negotiating Internal Conflicts" in Roy Licklider (ed), *Stopping the Killing: How Civil Wars End* (New York: New York University Press, 1993), p.26

⁹⁴ Interview, Teodato Hanguana, former minister of labour and member of the government's delegation in Rome, Maputo, 30 February 2011; Interview, Joaquim Alberto Chissano, immediate former President of Mozambique, Maputo, 12 April 2011.

⁹⁵ Terrence Lyons, "The Role of Postsettlement Elections" in Stephen John Stedman et al (eds), *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder, CO.: Lynne Rienner, 2002), p.215

⁹⁶ Interview, Vicente Gabriel Ululu, former Secretary General of RENAMO and RENAMO delegate to Rome, Maputo, 15 February 2011.

Peace Agreement. One of these rules was the drafting of an electoral law. This law was to encompass press freedom and equal access to the media by all political parties and candidates, freedom of association, expression and political activity for all Mozambicans. The drafting of the electoral legislation was to be done by the government in close consultation with RENAMO.⁹⁷ Further, Protocol III stipulated the setting up of a National Elections Commission, and a Technical Secretariat for Election Administration composed of individuals whose professional and personal qualities afforded guarantees of balance, objectivity and independence *vis-à-vis* all political parties. One third of the members to be appointed to the commission were to be nominated by RENAMO.⁹⁸ Apparently, some RENAMO members feel that the National Elections Commission and the Technical secretariat were biased outfits full of FRELIMO sympathisers. One such opinion is expressed by Manuel Francisco Lule who believes that the involvement of all interested parties in the preparation and bodies in-charge of the elections was a vital component of the 'free and fairness' of the entire electoral process. According to this respondent, FRELIMO had more of a free hand in the electoral process than RENAMO, therefore making the 1994 elections flawed. He further notes that this trend is also reflected in the other elections in the country: in 1999, 2003 and 2008.⁹⁹ On the issue of the 1994 elections, Dom Jaime Goncalves (the Archbishop of Beira and one of the four mediators in Rome) acknowledges that there were protests by RENAMO that the elections were rigged. He further acknowledges that RENAMO even threatened to refuse to accept the results, a fact that could have undermined the peace process and probably sparked new outbreaks of violence. However, he asserts that after deliberations and due to the RENAMO leadership's desire for peace, the party accepted the election results.¹⁰⁰ In his analysis of elections and electioneering in Mozambique Afonso Dhlakama, leader of RENAMO, declares that the process of elections in the country has consistently been marred with irregularities and uneven distribution of state resources. He cites the example of the inaugural elections of 1994. In these elections, President Joaquim Chissano won the presidency, and FRELIMO won 129 parliamentary seats while RENAMO won 112 seats and a coalition of other political parties won 9 seats.¹⁰¹ However, these results were flawed because of the uneven distribution of the RENAMO/FRELIMO commissioners in both the national elections body and the technical body in charge of elections. He further

⁹⁷ The General Peace Agreement for Mozambique, 1992, Protocol III.

⁹⁸ *Ibid.*

⁹⁹ Interview, Manuel Francisco Lule, RENAMO provincial delegate, Sofala Province, 21 February 2011, Beira, Sofala Province

¹⁰⁰ Interview, Dom Jaime Goncalves, the Archbishop of Beira and Mediator in Rome, Beira, 19 February 2011.

¹⁰¹ Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011.

argues that with this unfairness, it became easy for the government side to steal votes. He insists that RENAMO refused to (and still does) to recognise the 1999 election results which were squarely won by Dhlakama.¹⁰²

The claims of the unfair distribution of positions within the two top-most electoral bodies are greatly responsible for the one-year delay in the implementation of the elections part of the GPA. The elections took a year longer than the timetable agreed on in the GPA because both parties argued over the composition of the National Elections Commission and Technical Secretariat for Election Administration. The control of the political arena by FRELIMO contributed to an uneven representation of the various political parties in the electoral bodies charged with overseeing the electoral process impartially. In fact in emphasising how poorly the implementation of the electoral segment of the GPA went, Dhlakama insists that "the National Elections Commission and the Technical Secretariat for Election Administration consisted mostly of FRELIMO-allied staff members".¹⁰³ This allegation implies that the elections could not have been fair and free as suggested by the UN and FRELIMO.¹⁰⁴ Despite the controversies surrounding the composition of the National Elections Commission and the Technical Secretariat for Election Administration, however, the first step towards implementing the electoral component of the GPA was made in March 1993 when the government with the help of experts from the EU published the draft electoral law.¹⁰⁵ The GPA also stipulated that the government needed to consult with the other parties before tabling the law in parliament. To fulfil this aspect, the government called a multiparty conference to debate the draft electoral law. The conference consisted of RENAMO, FRELIMO and representatives from the other small parties in Mozambique. This forum provided the other parties an opportunity to present their views about what they felt needed to be included in the draft electoral law and what needed to be done away with in order for the process of elections to take place smoothly. Consequently, the Mozambican national assembly approved an electoral law on 9 December 1993 and the National Elections Commission was appointed on 21 January 1994.¹⁰⁶ Both parties to the GPA agree that the crucial elements that would enable an election were established but the government and

¹⁰² Ibid.

¹⁰³ Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011.

¹⁰⁴ N.D. White, *Keeping the Peace: the United Nations and the Maintenance of International Peace and Security* (Manchester: Manchester University Press, 1997), p.274

¹⁰⁵ Carrie L. Manning, *The Politics of Peace in Mozambique: Post-Conflict Democratisation, 1992-2000* (Westport, Conn.: Praeger, 2002), p. 177

¹⁰⁶ Mpazi Sinjela, "The U.N. and Internal Conflicts in Africa : A Documentary Survey" in Abdulqawi A. Yusuf (ed), *African Yearbook of International Law / Annuaire Africain du Droit International Volume 3, 1995* (The Hague: Kluwer Law International, 1996), p.310

RENAMO differ on whether the implementation was done fairly and correctly. For example, Barros posits that although the GPA and the Mozambican constitution embrace multiparty democracy, according to him, this is just on paper. His argument is drawn from the fact that the 1994, 1999, 2004 (municipal elections) and the 2009 elections have been won by FRELIMO.¹⁰⁷ He also cites the fact that in the 2004 and 2009 elections FRELIMO obtained more than two-thirds majority. This implies that the FRELIMO government does not need the RENAMO vote in parliament to pass any crucial bills. The government can basically pass whatever laws it desires through parliament without RENAMO lifting a finger, and this basically means that the country is run by one party. This calls into question the quality of the implemented democratic reforms.¹⁰⁸ These views are echoed by RENAMO members who are convinced that the implementation of elections and democracy was flawed. According to Afonso Dhlakama, RENAMO went to war with the FRELIMO-led government solely because RENAMO yearned for democratic reforms that included multipartyism and free elections.¹⁰⁹ Agreeing with Dhlakama's views, Vicente Ululu insists that 'there is no democracy in Mozambique' despite the efforts that the GPA made to introduce democratic reforms.¹¹⁰ To justify these claims, he cites widespread rigging of the 1994 elections by FRELIMO. He also cites the 1999 presidential elections which he believes Dhlakama of RENAMO won. He explains that due to rigging, the FRELIMO candidate, Joaquim Chissano was declared the winner unfairly. Due to the persistent perception of electoral irregularities, RENAMO skipped the 2004 municipal elections. This enabled FRELIMO to win 47 out of 48 municipal seats. The flaws in implementing democratic reforms are attributed to FRELIMO's lack of political will to include the other parties in decision-making. Doing things in a one-sided way because they have won all elections means that there are no consultations.¹¹¹ By the same reasoning, Manning and Malbrough agree that the inclusion of RENAMO in the new party system was a major success. This is because it granted significant legitimacy to the new democratic dispensation and helped improve the rule of law. It also enabled the parties to carry out competitive elections in the country. However, Mozambique still has a long way to go before it might be labelled a liberal democracy. Nevertheless,

¹⁰⁷ Interview, J.G Barros, Department of Economics and Development Studies, *Centro de Estudos Estratégicos Internacionais*, at the *Instituto Superior de Relações Internacionais*, Maputo, 15 February 2011

¹⁰⁸ Ibid.

¹⁰⁹ Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011

¹¹⁰ Interview, Vicente Gabriel Ululu, former Secretary General of RENAMO and RENAMO delegate to Rome, Maputo, 15 February 2011

¹¹¹ Ibid.

despite the complaints of fraud alleged by opposition parties in each election, international observers have regarded each of Mozambique's general elections as free and fair.¹¹²

5.9 The Issue of Re-negotiating the GPA

Sisk posits that sometimes parties in conflict in countries that have come out of civil war desire to revisit the war-ending agreements and negotiate new ones.¹¹³ In the case of Mozambique, the RENAMO leader strongly believes that the GPA should be renegotiated in order to take care of the implementation complaints that his party has raised.¹¹⁴ This prompted him to open dialogue with the government to review certain issues in the GPA that are still pending. On 8-9 February 2011, three RENAMO members met with three government representatives to discuss democracy, elections and a review of the issue of the army outlined in Protocol IV of the GPA. This meeting has been referred to by the RENAMO leader as a process of renegotiation of the GPA. Contrary to RENAMO's sentiments, the ruling FRELIMO party denies that the interaction can qualify to be called 'renegotiation'. It asserts that the two parties have merely agreed to enter into a dialogue requested by RENAMO.¹¹⁵ While agreeing that RENAMO's grievances regarding their continued marginalisation should be sorted out, Dom Jaime Goncalves reiterates that the GPA no longer exists as a document above the constitution of the country. He further argues that the GPA's lifespan ended in 1994. After 1994, it was interleaved in the constitution and any grievances that RENAMO has must be addressed through available means such as the revision of the constitution.¹¹⁶ Dom Jaime's views are shared by Teodato Hunguana who explains that in 1995, RENAMO proposed that the constitution be revised and the government set up a commission to oversee this revision. He further maintains that the two parties and the other smaller parties took about eight years to reach full consensus on issues that required changing. The complete consensus was reached in 2004. There was a one hundred per cent RENAMO/FRELIMO consensus in 1994 and so RENAMO has no reason to refer to the GPA or its revision. Instead, any grievances should be addressed within the laws that they both

¹¹² Carrie L. Manning and Monica Malbrough, "Learning the Right Lessons from Mozambique's Transition to Peace", *Taiwan Journal of Democracy*, Volume 5, No.1: 77-91:77

¹¹³ Timothy D. Sisk, "Sustaining Peace: Renegotiating Postwar Settlements" in Matthew Hoddie, Caroline A. Hartzell (eds), *Strengthening Peace in Post-civil War States: Transforming Spoilers into Stakeholders* (Chicago: Chicago University Press, 2010), p.105

¹¹⁴ Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011.

¹¹⁵ Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011; Interview, Joaquim Alberto Chissano, immediate former President of Mozambique, Maputo, 12 April 2011.

¹¹⁶ Interview, Dom Jaime Goncalves, the Archbishop of Beira and Mediator in Rome, Beira, 19 February 2011.

agreed on in 2004.¹¹⁷ According to Manuel Goncalves, the GPA provides no room for renegotiation in any of its clauses. This is the main reason why calls by RENAMO leader, Afonso Dhlakama for the Rome Accord partners to re-negotiate the GPA are impossible to carry out.¹¹⁸ In addition, according to Chissano, all clauses in the peace agreement have been implemented, and were incorporated in the constitution and therefore there is no reason for any renegotiations.¹¹⁹ Insisting on the need to re-negotiate, Dhlakama suggests that the current 'negotiations' should consider the possibility of establishing a transitional government that is non-partisan, to give FRELIMO time away from power for it to be like other parties for at least three years, then register all Mozambicans, form an impartial election commission, distribute election campaign money equally among all the political parties, and allow each party to indiscriminately access the media before any elections can take place in the country.¹²⁰ These assertions are countered by the government which feels that the GPA has done all it could for the peace in Mozambique, and that the two parties should now move forward from the agreement and concentrate on other issues that would help rebuild the country. The government side also insists that RENAMO's dissatisfaction with the status of the GPA should be channelled through other forums that have been created for dialogue. One of these forums is the council that advises the president where RENAMO has three members in addition to its leader. According to Irae Lundin, Dhlakama has never attended any of these council meetings yet he keeps complaining through the press about lack of political space and housing for RENAMO officials and ex-soldiers.¹²¹

¹¹⁷ Interview, Teodato Hinguana, former minister of labour and member of the government's delegation in Rome, Maputo, 30 February 2011.

¹¹⁸ Interview, Manuel Goncalves, Mozambique's High Commissioner to Kenya, Nairobi, 17 November 2011.

¹¹⁹ Interview, Joaquim Alberto Chissano, immediate former President of Mozambique, Maputo, 12 April 2011.

¹²⁰ Interview, Joaquim Alberto Chissano, immediate former President of Mozambique, Maputo, 12 April 2011.

¹²¹ Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011.

¹²¹ Interview, Irae Baptista Lundin, *Centro de Estudos Estratégicos Internacionais*, at the *Instituto Superior de Relações Internacionais*, Maputo, 17 February 2011.

Chapter Six

Implementation of Peace Agreements in Angola

6.1 Introduction

In the process of resolving Angola's protracted internal war, there were three major peace agreements signed between the government and UNITA. These agreements are the Bicesse Accords of 1991, the Lusaka Protocol of 1994 and the Luena Memorandum of Understanding of 2002. The Bicesse Accords of 1991 were concluded by UNITA and the MPLA government with the help of USA, Russia and Portugal as mediators. Subsequent to the signing of the agreement, in 1992, the country's first ever general elections were carried out and the MPLA was declared the winner. In reaction to this pronouncement, UNITA claimed that the results of the elections were fraudulent and therefore unacceptable. On account of UNITA's refusal to accept the results, the two parties returned into renewed bloodshed, worse than the violence that had plagued the country since independence. In the wake of the rekindled violence, the United Nations stepped in to initiate the Lusaka peace process that led to the Lusaka Protocol of 1994. In contrast to its predecessor agreement, the Lusaka Protocol procured four years of 'peace' in the country until 1998 when violence broke out again. After the recommencement of violence, the government procured a military victory over UNITA that resulted in the killing of UNITA leader, Jonas Malheiro Savimbi in 2002. This prompted yet another peace process in Luena, culminating in the Luena Memorandum of Understanding (MoU) of 2002. This chapter examines the Bicesse Accords, the Lusaka Protocol and the Luena MoU with a bias on how provisions of these agreements were implemented by the parties to the conflict. Relying on secondary data and interviews carried out in Angola, this chapter examines the peace implementation attempts, highlights the implementation difficulties that were encountered. It also explains how the challenges were addressed by the parties to the agreements and other third parties involved in the implementation process. This chapter aims to create an understanding on why the Angolan peace implementation initiatives were as complicated as they were. It also hopes to create an appreciation of the issues that surround the implementation of multiple agreements.

6.2 The Implementation of the Bicesse Accords of 1991

The Bicesse Accords emphasised four key elements. These include a cease-fire supervised jointly by the two Angolan parties, the demobilization of MPLA and UNITA forces, the creation of an integrated national army, and multiparty elections. These elements

were detailed in four agreements: a ceasefire agreement, fundamental principles for the establishment of peace in Angola, concepts for resolving pending issues between the parties in conflict, and the Protocol of Estoril.¹

6.3 Implementing the Cease-fire

Viewed as one of the most important elements of a peace agreement,² a ceasefire is a situation where the parties to the conflict lay down their weapons and stop shooting at each other.³ As the most visible signpost that a country is moving from war to peace, no war can end without a ceasefire and no peace agreement can be implemented without one.⁴ In this regard, the Bicesse Accords' Cease-fire Agreement demanded the stoppage of all hostilities by the MPLA and UNITA. It also obliged the two parties to allow the free flow of people and goods in the country. Also, it forbade the spread of hostile propaganda between the government and UNITA. Moreover, the Accords demanded the stoppage of arms acquisition by both parties.⁵ Regarding the ban on acquisition of arms, the agreement included the supply side of the equation. As such the USA, the USSR and other foreign countries that were availing weapons to the parties in conflict were asked to stop doing so.⁶ Termed as the 'triple zero' provision, the USA, USSR and Portugal (known as the 'Troika' in the peace process) were also asked to use their good offices to discourage other countries from supplying weapons to the parties.⁷ Another prerequisite of the ceasefire that impacted peace directly was the cantonment of troops and their weapons in 50 designated assembly areas. This was to begin on 1 July 1991 and end on 1 August 1991.⁸ In the same spirit, the agreement forbade the occupation of new grounds by troops of either side.⁹

6.4 Assembly, Cantonment and Demobilization of Troops

If two signatories to a peace agreement keep their opposing armies intact, there is always the lurking likelihood of a resumption of violence. This is the reason why a rapid reduction of armed forces and weapons is very crucial. The rationale is that without a

¹The Peace Accords for Angola (Bicesse Accords) of 31 May 1991, Preamble, paragraph 2

²Makumi Mwangi, *Diplomacy: Documents, Methods and Practice* (Nairobi: IDIS, 2004), p. 128

³Kristen Eichensehr and W. Michael Reisman, "Introduction" in Kristen Eichensehr and W. Michael Reisman (eds), *Stopping Wars and Making Peace: Studies in International Intervention* (Leiden: Martinus Nijhoff, 2009), p. xv

⁴Smith D.D James, *Stopping Wars: Defining Obstacles to Cease-fire* (Boulder: Westview Press, 1995), p.3. See also Makumi Mwangi, *Diplomacy: Documents, Methods and Practice* (Nairobi: IDIS, 2004), p. 128

⁵The Peace Accords for Angola (Bicesse Accords) of 31 May 1991, a (I-V)

⁶Ibid.

⁷Paul Hare, "Angola: The End of an Intractable Conflict" in Chester A. Crocker, Fen Osler Hampson and Pamela R. Aall, *Grasping the Nettle: Analyzing Cases of Intractable Conflict* (Washington, D.C.: United States Institute of Peace Press, 2005), p. 218

⁸Margaret Joan Anstee, *Orphan of the Cold War: The Inside Story of the Collapse of the Angolan Peace Process, 1992-1993* (Macmillan: New York, 1996), p. 10

⁹The Peace Accords for Angola (Bicesse Accords) of 31 May 1991, a (I-V)

significant number of soldiers and weapons, an armed group will lack the capacity to wage war.¹⁰ In order to achieve the reduction in arms and combatants, the first step usually involves the assembly (gathering of soldiers) and cantonment (assignment of soldiers to specific temporary quarters).¹¹ The troops are sent to the designated areas to be disarmed and demobilized. They are also sent there for the selection of soldiers that will join the new unified army.¹² In this regard, the Cease-fire Agreement stipulated that all the armed forces (together with their weapons) were to be assembled within 60 days starting 31 May 1991, (the day of entry into force of the ceasefire), in 50 specified assembly areas. After the assembly of soldiers, demobilization would begin. At the same time, the selection of soldiers and weaponry reserved for the new combined national army would take place.¹³ However, there was a lot of procrastination and sluggishness in the execution of this task by the conflict parties. There is evidence that both sides assembled their troops at a snail's pace.¹⁴ In addition, the parties were reluctant to allow the United Nations Verification Mission in Angola (UNAVEM II) to inspect the assembly areas as required by the Bicesse Accords.¹⁵ Essentially, Anstee postulates that the feet dragging was extremely intense such that it was not until 9 August 1991 (nine days after the cantonment of all troops should have been completed) that UNAVEM II was allowed into UNITA assembly areas.¹⁶ There is a danger in letting deadlines lapse before carrying out specified activities in a peace agreement. This is because sluggishness in one party may lead to suspicion regarding the will to comply with the provisions in the agreements. These doubts often give rise to accusations and counter-accusations of cheating that make implementation difficult.¹⁷ The difficulty in carrying out the exercise of assembling and cantoning of troops according to the timetable set in the peace agreement was however not only being felt from the UNITA side alone. Hampson narrates for example, that on September 10, 1991, UNITA withdrew from the peace supervision commission citing its discontent with the government's failure to place its forces in the

¹⁰ Peter Wallensteen, Understanding Conflict Resolution, Second Edition (London: Sage, 2007), p. 140

¹¹ Kendra E. Dupuy and Krijn Peters, War and Children : A Reference Handbook (Santa Barbara: Greenwood Publishing Group, 2010), p.77

¹² Mark Knight, "Military Integration and War Termination" in Melanne A. Civic and Michael Miklaucic (eds), Monopoly of Force : The Nexus of DDR and SSR (Washington D.C.: National Defence University Press, 2010)

¹³ p.62
¹⁴ The Peace Accords for Angola (Bicesse Accords) of 31 May 1991, a (I-V)

¹⁵ Tony Hodges, Angola : Anatomy of an Oil State (Lysaker: Fridtjof Nansen Institute, 2004), p. 15

¹⁶ Keith Somerville, "Angola-Groping Towards Peace or Slipping Back to War?" in William Gutteridge and J.E

Spence (eds), Violence in Southern Africa (Frank Cass: London, 1997), p.28

¹⁷ Margaret Anstee, Orphan of the Cold War: The inside Story of the Collapse of the Angolan Peace Process, 1992-1993, op cit.

¹⁸ Connie Peck "United Nations Mediation Experience : Practical Lessons for Conflict Resolution" in Jacob

Bercovitch, Victor Kremenyuk And I. William Zartman (eds), The Sage Handbook of Conflict Resolution

(London: Sage, 2009), p. 429

confinement areas. Countering UNITA's accusations, the government insisted that it had over 22,517 soldiers in the assembly areas and that UNITA's claims were therefore false.¹⁸ Lending credence to UNITA's allegations, Fortna¹⁹ and Anstee, record that there was a sudden exodus of about 36,000 government soldiers from the assembly areas. This was contrary to the Bicesse Accords that expressly forbade unauthorized movement of troops from the assembly areas until demobilization had been completed. This mass departure meant that by 12 February 1992, only about 50 per cent of government troops were in the assembly areas compared to nearly 94 per cent of UNITA soldiers.²⁰ On the issue of unauthorized exodus of soldiers from confinement areas, Hampson notes that, by January 1992, both parties' troops were leaving assembly areas and returning to the field contrary to the Bicesse Accords.²¹

The slow pace of implementation adopted by the parties made the original deadline of 1 August 1991 set for cantonment to be extended to 15 September 1991. Still, despite the extension of the deadline, by 15 October 1991, only 60 per cent of the projected total soldiers were actually in the assembly areas: 68,968 MPLA (out of 115,640) and 26,968 UNITA (out of 49,800).²² Fortunately, during the movement of troops to designated assembly areas, Anstee emphasizes that the ceasefire held. This is evidenced by the fact that there was no confrontation between the MPLA troops and UNITA.²³ These sentiments are echoed by Ohlson and Stedman who reiterate that although there were about sixteen incidents between January and September 1992 that could have flared to armed confrontation, the fact that they did not do so was commendable. It was also a show that the parties were committed to making sure that the first elections of the country took place at all costs.²⁴ Thus, with the

¹⁸ Fen Osler Hampson, Nurturing Peace : Why Peace Settlements Succeed or Fail (Washington D.C.: United States Institute of Peace, 1996), p.110

¹⁹ Virginia Page Fortna, "United Nations Angola Verification Mission II" in William J. Durch (ed), The Evolution of UN Peacekeeping : Case Studies and Comparative Analysis (New York: St. Martin's Press, 1992), p. 400

²⁰ Joao Gomes Porto, Chris Alden and Imogen Parsons, From Soldiers to Citizens: Demilitarisation of Conflict and Society (Aldershot: Ashgate, 2007), p. 42. See also Margaret Joan Anstee, Orphan of the Cold War: The Inside Story of the Collapse of the Angolan Peace Process, 1992-1993 (Macmillan: New York, 1996), p. 19

²¹ Fen Osler Hampson, Nurturing Peace : Why Peace Settlements Succeed or Fail (Washington D.C.: United States Institute of Peace, 1996), p.111

²² Caroline A. Hartzell and Matthew Hoddie, Crafting Peace : Power-Sharing Institutions and the Negotiated Settlement of Civil Wars (University Park, PA: Pennsylvania State University Press, 2007), p.118

²³ Margaret Anstee, Orphan of the Cold War: The Inside Story of the Collapse of the Angolan Peace Process, 1992-1993, op.cit.

²⁴ Thomas Ohlson and Stephen John Stedman (eds), The New is Not Yet Born: Conflict Resolution in Southern Africa (Washington D.C.: The Brookings Institution, 1995), p.111

assembly of troops at 60 per cent and no further sign of entry of additional troops into the gathering areas, on 31 March 1992, the demobilization process was formally launched.²⁵

6.5 The Demobilization Exercise

The demobilization of soldiers is an important component of peace implementation. The process involves disbanding armies and releasing soldiers from these armies into civilian life.²⁶ Once discharged, the soldiers are given some form of compensation and transport to areas where they desire to settle down as civilians.²⁷ If the parties to a conflict significantly reduce or totally do away with their men-at-arms, they will be less likely to relapse to war. The Estoril Protocol of the Bicesse Accords emphasized that by election time, the individual rival armies would be dissolved, soldiers demobilized, and a select number incorporated into one joint army. The 50,000-strong army would be called the Angolan Armed Forces (FAA). In other words, the two opposing parties would cease to have any side troops whatsoever. Furthermore, demobilization was expected to end before election time.²⁸ Perceptive of this, Jimbo posits that the Bicesse Accords' major undoing was in the fact that by election time, both parties to the agreement were still heavily militarized. In other words, both UNITA and the government had soldiers on standby in case the election results turned out unsatisfactory.²⁹ Terming it the greatest mistake that was committed during the implementation of the Bicesse Accords, Madureira also posits that leaving the people armed up to the election date meant that for both sides, the military option remained a looming alternative and therefore the potential for war was never really eliminated.³⁰ The failure of the demobilization exercise can be traced back to the poor implementation of the assembly of troops in designated areas. According to Bekoe, the two rival armies failed to fully assemble their armies. She explains that each party had hidden soldiers outside the assembly areas.³¹ In support of Bekoe's point that both sides of the conflict hid large contingents of men and arms, Ohlson *et al.* estimate that UNITA kept 10,000 plus men near the Namibian border and

²⁵ Human Rights Watch Organization, *Angola: Arms Trade and Violations of the Laws of War Since the 1992 Elections* (New York: Human Rights Organization, 1994), p.13.

²⁶ Joanna Spears, "Disarmament and Demobilisation" in Stephen John Stedman et al., *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder: Lynne Rienner, 2002), p.145

²⁷ Neryl Lewis, Geoff Harris and Elisa dos Santos, "The Demobilization and Integration of Ex-Soldiers" in Geoff T. Harris (ed), *Recovery from Armed Conflict in Developing Countries: An Economical and Political Analysis* (London: Routledge, 1999), p.129

²⁸ *Ibid.*

²⁹ Interview, Luis Jimbo, Executive Director, Angolan Institute of Electoral Systems and Democracy, Luanda, 5 March 2011

³⁰ Interview, Costa Madureira, Communal Administrator of Joaquim Kapango (MPLA), Huambo, 17 March 2011

³¹ Dorina A. Bekoe, "Mutual Vulnerability and the Implementation of Peace Agreements: Examples from Mozambique, Angola and Liberia", *International Journal of Peace Studies, Volume 10, Number 2, Autumn/Winter 2005*: 43-68: 54

around 5,000 soldiers in Zaire.³² Following this picture, Jamba explains that the failure to properly assemble and demobilize troops was not UNITA's only. She furthers that the MPLA also failed to fully and transparently complete the exercise as required by the Bicesse Accords. She elucidates that, although UNITA kept hidden a large part of its army, the MPLA went further by not only caching a large part of its army but by also making sure that even the civilian population was re-armed. She accuses the MPLA of distributing arms to civilians in order to boost their persons-at-arms.³³

Agreeing with Jamba's views, Hodges points out that the Bicesse Accords failed to condition the carrying out of elections on the fulfilment of the military tasks (especially demobilization) and therefore the two parties continued to operate with large rival armies.³⁴ Carrying out elections in such a highly volatile environment is difficult because if one party disputes the election results, it would be easy to resort to violence instead of peaceful settlement. This is why Eliseu also believes that if the two parties had been demobilized and their armies disbanded before the election, it would have been better for post-election peace.³⁵ Further, following the delays in assembly and cantonment of troops, the process of demobilization also became inevitably slow. For example, the first phase of demobilization, referred to as the experimental phase, (to start in March and end in April 1992) targeted a total of 30,537 government and 3,000 UNITA troops.³⁶ In March, the first part of the experimental phase was to begin with the demobilization of 2,945 government troops and 180 UNITA troops. Part two of the experimental phase was to end by April 8 where it was expected that 12,135 FAPLA troops and 820 FALA troops would be demobilized. The third part of the experimental phase was to end by April 15 with 15,457 FAPLA troops and 2,000 FALA troops demobilized.³⁷ In the experimental phase, UNITA scored better at cantonment than the government. However, by 15 April 1992, records reflect that the government had demobilized 48 per cent of its soldiers in the experimental first phase while UNITA had only demobilized 6 per cent.³⁸ On 28 April 1992, UNITA had improved to 12 per cent.

³² Thomas Ohlson, Stephen John Stedman with Robert Davies, *The New is Not Yet Born: Conflict Resolution in Southern Africa* (Washington D.C.: The Brookings Institution, 1994), p. 110

³³ Interview, Miraldina Jamba, UNITA M.P. and Head of UNITA Women's League, Luanda, 13 April 2011

³⁴ Tony Hodges, *Angola: Anatomy of an Oil State* (Fridtjof Nansen Institute: Lysaker, 2004), p.13

³⁵ Interview, Vasco Eliseu, UNITA Mobilisation Secretary for Huambo, Huambo, 17 March 2011

³⁶ Dorina A. Bekoe, "Mutual Vulnerability and the Implementation of Peace Agreements: Examples from Mozambique, Angola, And Liberia", *International Journal of Peace Studies, Volume 10, Number 2, Autumn/Winter 2005*: 43-68: 55

³⁷ Ibid.

³⁸ Ibid.

Nonetheless, this was still a low number compared to that of the government.³⁹ This is why scholars such as Pereira agree that the demobilization on the MPLA side was generally far more extensive than UNITA's.⁴⁰ Ideally, the demobilization of rival armies should be done at the same rate and in accordance to a set timetable in order to avoid accusations and suspicions of cheating.⁴¹ In Angola's case, there was a general feel that UNITA was cheating more than the government⁴² since the government appeared to be demobilizing at a more rapid pace than UNITA. This led to accusations that UNITA was hiding its soldiers for a post-election resumption of violence.⁴³ The situation where a party keeps a part of its army away from the demobilization process is called hedging and its purpose is usually to act as a security guarantee in case the other side is cheating.⁴⁴ In the post-experimental phase, due to this mistrust, the slow pace of demobilisation continued such that as of 20 June 1992, only 20,000 troops out of 150,000 had been demobilized. Of these, the government had 16 per cent and UNITA only had 4 per cent. By 6 August 1992, a mere 34 percent of total troops of 150,000 had been demobilized.⁴⁵ It was also reported that UNITA was demobilizing its troops but leaving them *in situ* in the assembly areas with the excuse that the soldiers had nowhere to go. Leaving them in or near the camps after they were demobilized meant that they would be able to regroup again relatively easily. This was viewed by the MPLA as a tactic by UNITA to keep its troops together for a return to war should they lose the elections.⁴⁶ By three weeks before the elections, only 41 per cent of the government and UNITA troops had been demobilized. In addition, 24 per cent of these were still in the assembly areas with their weapons. Also, 32 per cent of the total government and UNITA troops were still unverified. The 32 per cent unverified troops also constituted part of the 'hidden/secret' troops that were raising anxiety that violence could break out after the

³⁹ Margaret Joan Anstee, *Orphan of the Cold War: The Inside Story of the Collapse of the Angolan Peace Process, 1992-1993* (Macmillan: New York, 1996), p. 54

⁴⁰ Anthony W. Pereira, "The Neglected Tragedy: The Return to War in Angola, 1992-3", *The Journal of Modern African Studies*, Vol. 32, No. 1 (Mar., 1994), pp. 1-28: 15

⁴¹ Neryl Lewis, Geoff Harris and Elisa dos Santos, "The Demobilization and Integration of Ex-Soldiers" in Geoff T. Harris (ed), *Recovery from Armed Conflict in Developing Countries: An Economical and Political Analysis* (London: Routledge, 1999), p.131

⁴² Christine M. Knudsen and I. William Zartman, "The Large Small War in Angola", *Annals of the American Academy of Political and Social Science*, Vol. 541, Small Wars (Sep., 1995), pp. 130-143: 137

⁴³ Margaret Joan Anstee, *Orphan of the Cold War: The Inside Story of the Collapse of the Angolan Peace Process, 1992-1993* (Macmillan: New York, 1996), p. 57

⁴⁴ See Terrence Lyons, *Voting for Peace: Postconflict Elections in Liberia* (Washington D.C.: Brookings Institution, 1999), p.11

⁴⁵ Margaret Joan Anstee, op. cit.

⁴⁶ Patrick Smith, "Angola: Free and Fair Elections!" *Review of African Political Economy*, No. 55, Democracy, Civil Society and NGOs (Nov., 1992), pp. 101-106 : 104

elections.⁴⁷ However, there was still no major violation of the ceasefire.⁴⁸ By 23 September, since considerable segments of both armies remained in the field,⁴⁹ UNAVEM and both parties confirmed that it would be impossible to complete the demobilization exercise before the elections on 27 September. Regardless of this reality, the parties proceeded with the exercise of the formation of the new army. The new army was slated to assume office by 27 September 1992, two days before the commencement of elections.⁵⁰

6.6 The Formation of the Unified Army: the Angolan Armed Forces (FAA)

During the war, before the signing of the Bicesse Accords, the parties in conflict, the MPLA and UNITA each had an active armed wing. The MPLA's armed wing was known as the *Forças Armadas Populares de Libertação de Angola* (FAPLA) meaning 'Armed Forces for the Liberation of Angola'; UNITA's was called *Forças Armadas de Libertação de Angola* (FALA) meaning 'Armed Forces of the Liberation of Angola'.⁵¹ Cognizant of the fact that leaving the parties in conflict to retain their armed groups equals leaving them with the means for future conflict,⁵² the Bicesse Accords obliged the parties in conflict to disband the two armies and form one combined army to be known as *Forças Armadas Angolanas* (FAA), meaning 'Angolan Armed Forces' such that by the time of the elections, only the FAA was to be in existence.⁵³ The formation of the 50,000 strong⁵⁴ FAA was to begin on 31 May 1991 (the day of entry into force of the ceasefire) and end by 30 September 1992 (the day of elections).⁵⁵ To compose a cohesive army, all FAA military personnel were to attend professional training courses to indoctrinate them homogeneously.⁵⁶ Since the sum of the FAPLA and FALA troops was about 250,000, after the selection of the soldiers joining the unified army, the agreement envisaged that the remaining 150,000 were to be demobilized

⁴⁷ Margaret Joan Anstee, *Orphan of the Cold War: The Inside Story of the Collapse of the Angolan Peace Process, 1992-1993* (Macmillan: New York, 1996), p. 59

⁴⁸ Kees Kingma, "Post-War Demobilization and Reintegration of Ex-Combatants back into Civilian Life", Paper Presented at the USAID Conference on Promoting Democracy, Human Rights, and Reintegration in Post-conflict societies held on October 30-31-1997, p.10

⁴⁹ Anthony W. Pereira, "The Neglected Tragedy: The Return to War in Angola, 1992-3", *The Journal of Modern African Studies*, Vol. 32, No. 1 (Mar., 1994), pp. 1-28: 15

⁵⁰ Donald Rothchild, *Managing Ethnic Conflict in Africa: Pressures and Incentives for Cooperation* (Washington D.C.: Brookings Institution, 1997), p.134

⁵¹ Joao Gomes Porto, Chris Alden and Imogen Parsons, *From Soldiers to Citizens: Demilitarisation of Conflict and Society* (Aldershot: Ashgate, 2007), p. 42. See also Margaret Joan Anstee, *Orphan of the Cold War: The Inside Story of the Collapse of the Angolan Peace Process, 1992-1993* (Macmillan: New York, 1996), p. 41

⁵² Joanna Spear, "Disarmament and Demobilization" in Stephen John Stedman, Donald Rothchild and Elizabeth M. Cousens (eds), *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder, CO.: Lynne Rienner, 2002), p 144

⁵³ Peace Accords for Angola (Bicesse Accords) of 31 May 1991, Protocol of Estoril, VI (A,9)

⁵⁴ *Ibid.*, Protocol of Estoril, VI (B,1)

⁵⁵ *Ibid.*, Protocol of Estoril, VI (A,4)

⁵⁶ *Ibid.*, Protocol of Estoril, VI (A,7)

prior to elections.⁵⁷ Further, as far as the new army leadership was concerned, the agreement provided for a high command of two generals having equal rank and joint decision-making power, designated by each of the parties.⁵⁸ However, the slow pace of assembly and cantonment of troops and demobilization greatly affected the momentum of the formation of the new army. As such, though slated to begin immediately after the entry into force of the ceasefire on 31 May 1991, by 2 September, only 19 per cent of the new army had been formed.⁵⁹ On 6 August 1992, the FAA's commanding officers were appointed. The leaders would be General Wiyo of UNITA as the army leader, Admiral Gaspar Rufine of MPLA as navy leader, and Major General Pedro Neto of the MPLA as the air force leader.⁶⁰ At first, the appointment of the Chief of General Staff (CGS) and other senior officers was contentious since UNITA wanted the appointment of CGS done after the election by the new government whilst the government wanted the appointment made before the elections. In a meeting between Savimbi and Dos Santos held on 27 September, two days before the elections, the two principals agreed that there would be two CGSs, one from the government (General A. dos S. Franca N'dalu) and General A.C Pena 'Ben Ben' (from UNITA).⁶¹ In this meeting, the two leaders also officially disbanded the two individual armies by announcing that there would only be one national army until the inauguration of the new government. However, because full demobilization remained undone, the disbanding of the FAPLA and FALA on election eve in a joint declaration by Dos Santos and Savimbi was merely symbolic.⁶² The leaders had to take this course (announcing that the armies were no longer in existence) because the formation of the unified army was a precondition of the Bicesse Accords for the holding of elections. Hence, on the eve of the elections, 29 September 1992, the new army was inaugurated and the two CGS were sworn in.⁶³ In order to deal with the incomplete demobilization, it was agreed that the remaining non-demobilised UNITA and government

⁵⁷ Ibid., Protocol of Estoril, VI (A,9)

⁵⁸ Assis Malaquais, "The UN in Mozambique and Angola" in Jeremy Ginifer (ed), Beyond the Emergency: Development Within UN Peace Missions (Frank Cass: London, 1997), p. 100. See also text of the Bicesse Accords, 1991

⁵⁹ Yvonne C. Lodico, "A Peace that Fell Apart: the United Nations and the War in Angola" in William J. Durch (ed), United Nations Peacekeeping, American Policy and the Uncivil Wars of the 1990s (St. Martin's Press: New York, 1996), p.118

⁶⁰ Margaret Joan Anstee, Orphan of the Cold War: The Inside Story of the Collapse of the Angolan Peace Process, 1992-1993 (Macmillan: New York, 1996), p. 10

⁶¹ Ibid. See also Jacqueline A. Kalley et al., Southern African Political History: A Chronology of Key Political Events from Independence to mid 1997 (Westport, Conn.: Greenwood Press, 1999), p. 60.

⁶² James D. Sidaway and David Simon, "Geopolitical Transition and State Formation: The Changing Political Geographies of Angola, Mozambique and Namibia", Journal of Southern African Studies, Vol. 19, No. 1, Special Issue: Namibia: Africa's Youngest Nation (Mar., 1993), pp. 6-28 :13

⁶³ Jacqueline A. Kalley et al., Southern African Political History: A Chronology of Key Political Events from Independence to mid 1997 (Westport, Conn.: Greenwood Press, 1999), p. 60.

soldiers would be put under the FAA until demobilization was completed.⁶⁴ After the announcement of election results in favour of the MPLA, the process of the formation of the new army was dealt another blow when UNITA withdrew its soldiers from the joint army in preparation for war.⁶⁵ The soldiers that were withdrawn from the FAA by UNITA included 11 generals.⁶⁶ Jamba believes that the formation of a unified army was disrupted because the armies returned to assume the positions they held prior to the agreement.⁶⁷

6.7 Implementing the Issue of the Police Force

The creation of a joint police force is as crucial as the formation of a joint army.⁶⁸ As such, the Bicesse Accords required the government to invite UNITA to participate in the police force. The government was to pledge vacancies in the ranks of the police force for UNITA personnel.⁶⁹ In addition, the government was to grant police status to bodyguards of UNITA's highest-ranking leaders.⁷⁰ The implementation of the police issue was problematic almost from the very beginning. For instance, UNITA complained that the government had offered them too few posts (the first batch was 183) and at very low ranks. UNITA claimed that an acceptable number was between 7,000 and 8,500 places including senior police positions. Hiding behind the clause 'at the invitation of the government', the government refused to offer UNITA a total of more than 1,200 places.⁷¹ In addition to the disagreements over the numbers, there is evidence that when UNITA sent 183 of its members for police training, 144 of them failed the course and only 39 were eventually employed in the police force. This led to more complains from UNITA that the failing of its members was a deliberate strategy by the government to lock it out of the police force. The MPLA responded that the failing of the 144 members was genuine given that UNITA had sent illiterate members for the police training who could not be recruited before passing the requisite mandatory training.⁷² Another issue that arose concerning the police force was the decision by the government to form the antiriot police presumably made up of only MPLA elements.

⁶⁴ Margaret Anstee, op.cit., p. 63

⁶⁵ Marina Ottaway, "Angola's Failed Elections" in Krishna Kumar (ed), Postconflict Elections, Democratization, and International Assistance (Boulder, CO.: Lynne Rienner, 1998), p.133

⁶⁶ Caroline A. Hartzell and Matthew Hoddie, Crafting Peace : Power-Sharing Institutions and the Negotiated Settlement of Civil Wars (University Park, PA.: Pennsylvania State University, 2007), p.119

⁶⁷ Interview, Miraldina Jamba, UNITA M.P. and Head of UNITA Women's League, Luanda, 13 April 2011

⁶⁸ Charles T. Call and William Stanley, "Military and Police Reforms after Civil Wars" in John P. Darby and Roger MacGinty (eds), Contemporary Peacemaking : Conflict, Violence and Peace Processes (Basingstoke :

Palgrave Macmillan, 2003), p. 215

⁶⁹ Peace Accords for Angola (Bicesse Accords) of 31 May 1991, Protocol of Estoril, III (3.1 & 3.2)

⁷⁰ Ibid., Protocol of Estoril, III (4)

⁷¹ Margaret Joan Anstee, Orphan of the Cold War: The Inside Story of the Collapse of the Angolan Peace Process, 1992-1993 (Macmillan: New York, 1996), p. 70

⁷² Ibid., p. 71

The purpose of this special force was to handle emergency situations that the normal police force was unable to deal with. Due to its composition, UNITA felt that it needed to be a neutral force. After a meeting between Savimbi and Dos Santos on 7 September 1992, the government conceded to UNITA's demand for 8,000 of its members to be incorporated in the police force, including the antiriot police. However, by 15 September, UNITA had still not been incorporated in the antiriot police. The government explained that this was squarely UNITA's fault because it had refused to take part in the training course for the antiriot police. In sum, by the election time on 29 September 1992, the proposed 8,000 UNITA members had not been absorbed into the police force nor had any UNITA member been incorporated in the controversial antiriot police.⁷³

6.8 Implementing Elections

Elections are the principal means to legitimise leadership and institutions in countries that are emerging from a civil war.⁷⁴ Costa emphasises that Bicesse Accords' main goal was to set mechanisms that would enable multiparty elections, the first of its kind since Angola's independence.⁷⁵ The Bicesse Accords emphasized that the president and members of the national assembly were to be chosen in a democratic election through direct and secret suffrage.⁷⁶ Being the first time the country was conducting elections in its history, the agreement stipulated that certain rules of the game needed to be established before the actual elections could be carried out. A product of consultations among UNITA, MPLA and other political parties, the rules would comprise an electoral law to be established after the ceasefire officially begun.⁷⁷ In this light, the election law was approved on 28 April 1992, and on 9 May 1992, the National Elections Council was established with representation from all political parties. Also, the exercise of voter registration begun on 20 May 1992, and lasted until 10 August 1992 ending in a total of 4.86 million voters, 91 per cent of the population, being registered.⁷⁸ Furthermore, the Angolan constitution was revised on 1 August 1992, just a month before elections were to take place. Among the important changes that the constitutional revision embraced was the election of a president for a five year term through universal suffrage. Also there was to be a run-off between the top two candidates if none

⁷³ *Ibid.*, p.76

⁷⁴ Krishna Kumar, "Postconflict Elections and International Assistance" in Krishna Kumar (ed), *Postconflict Elections, Democratization and International Assistance* (Boulder, CO.: Lynne Rienner, 1998), p.5

⁷⁵ Interview, Pastor Benardo Costa, I.E.A Church, MPLA member, at Kuito (Bie), 29 March 2011

⁷⁶ Peace Accords for Angola (Bicesse Accords) of 31 May 1991, Protocol of Estoril, I (2)

⁷⁷ *Ibid.*, Protocol of Estoril, VI (6)

⁷⁸ Marina Ottaway, "Angola's Failed Elections" in Krishna Kumar (ed), *Postconflict Elections, Democratization and International Assistance* (Boulder, CO.: Lynne Rienner, 1998), p. 140

garnered an absolute majority in the first round of elections.⁷⁹ According to Ottaway, the preparations for the elections by the government were inadequate. This is evidenced by the fact that a process that was to be carried out in 18 months took place in only 5 months, contrary to what the Bicesse Accords envisaged.⁸⁰ The time element is also noted by Jamba who also feels that the time had been little and that there ought to have been more time to further consolidate the positions of the parties in conflict before carrying out a meaningful election.⁸¹ Lyons argues that parties (in conflict) accept a ceasefire and an agreement to hold elections in the expectation that they will win the vote and gain power. This is the reason why, although UNITA and the government had not demilitarized by the time the elections were held from 29-30 September 1992, the process nonetheless took place fairly smoothly.⁸² Despite the tight timetable and logistical obstacles, 4.86 million Angolans were registered and 91 per cent of these participated in the actual voting.⁸³ Whereas the carrying out of the actual elections was relatively smooth and well coordinated, according to Jimbo, there was a delay in announcing election results for about one month.⁸⁴ When the election results were eventually announced, the MPLA garnered 54 per cent of the votes while UNITA obtained 34 per cent and the smaller parties 12 per cent. In the presidential results, dos Santos obtained 49.6 per cent of the votes while Savimbi obtained 40.1 per cent. UNITA did not accept the MPLA win. This refusal led to the break out of post-election violence.⁸⁵ There was supposed to be a run-off but the second round of elections never took place according to Jimbo.⁸⁶ Offering an explanation for this, Jamba insists that advising a hardened guerrilla such as Savimbi (who had been in the bush for sixteen years) to accept that he had lost an election

⁷⁹ Benjamin Reilly, "Post-conflict Elections: Constraints and Dangers" in Edward Newman and Albrecht Schnabel (eds), Recovering from Civil Conflict: Reconciliation, Peace and Development (London: Routledge, 2002), p. 120

⁸⁰ Marina Ottaway, "Angola's Failed Elections" in Krishna Kumar (ed), Postconflict Elections, Democratization and International Assistance (Boulder, CO.: Lynne Rienner, 1998), p. 140

⁸¹ Interview, Miraldina Jamba, UNITA M.P. and Head of UNITA Women's League, Luanda, 13 April 2011

⁸² Terrence Lyons, "The Role of Postsettlement Elections" in Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (eds), Ending Civil Wars: The Implementation of Civil Wars (Boulder, CO.: Lynne Rienner, 2002), p.221. See also Margaret Joan Anstee, Orphan of the Cold War: The Inside Story of the Collapse of the Angolan Peace Process, 1992-1993 (Macmillan: New York, 1996), p. 193

⁸³ Yvonne C. Lodico, "A Peace that Fell Apart: the United Nations and the War in Angola" in William J. Durch (ed), United Nations Peacekeeping, American Policy and the Uncivil Wars of the 1990s (St. Martin's Press: New York, 1996), p.118

⁸⁴ Interview, Luis Jimbo, Executive Director, Angolan Institute of Electoral Systems and Democracy, Luanda, 5 March 2011

⁸⁵ Esref Aksu, The United Nations, Intra-state Peacekeeping and Normative Change (Manchester: Manchester University Press, 2003), p.163

⁸⁶ Interview, Luis Jimbo, Executive Director, Angolan Institute of Electoral Systems and Democracy, Luanda, 5 March 2011

was impossible. There was no way Savimbi could settle for a loss.⁸⁷ As much as Savimbi appears to be the one making the implementation of the issue of elections difficult by rejecting results of the 1992 elections, Costa believes strongly that whichever party won the elections at that time, the other side would still have resumed war.⁸⁸ Emphasizing the role of UNITA in the electoral fiasco, Sambua also insists that UNITA violated the agreements by contesting the results of the elections contrary to the spirit of the Bicesse Accords. She posits that UNITA's open dissatisfaction with the results of the elections in 1992 was a major factor in the post-election violence that rocked the country after the MPLA was declared winner and the UNITA party declared loser.⁸⁹ The post-election violence that erupted due to Savimbi's insistence that the government had 'stolen' the election resulted in the death of more than 120,000 people in 18 months of fighting. According to Gounden and Solomon, this figure represents almost half of the number of people killed in the 16 years of civil war preceding the Bicesse Accords.⁹⁰ UNITA's resort to return to war meant that the implementation of the rest of the Bicesse Accords had to stop.⁹¹ UNITA's return to war after the election results were announced (and before a run-off) led to the feeling that it only entered the election contest with only one goal: to win. If they won, there would be peace but if they lost, they would provoke the war again. Their objective was to get into power and would accept nothing less. This meant that if the elections would not procure them access to power, they would try to get the power by other means: violence.⁹² The UNAVEM II and the troika of the USA, USSR and Portugal tried to mediate the post-election crisis by enticing UNITA with the run-off but to no avail. It seems that UNITA was intent on attempting military victory. As a result of the failure to convince UNITA to take part in the second presidential elections, full-fledged war broke out.⁹³ The implementation of the electoral part of Angola's peace agreements has constantly been pointed out by non-government parties to be unfair and fraudulent. According to Makiessa elections in Angola have been constantly rigged in favour of the ruling MPLA. This has enabled the ruling party to consistently garner the majority seats in parliament such that real change has been hard to effect. He cites the example of

⁸⁷ Interview, Jaka Jamba, UNITA MP and former soldier, Luanda, 6 March 2011

⁸⁸ Interview, Pastor Benardo Costa, I.E.A Church, MPLA member, Bie, 29 March 2011

⁸⁹ Interview, Anastácia Avelino Sambua, First Secretary of the MPLA Youth Organization, Bie, 30 March 2011

⁹⁰ Vasu Gounden and Hussein Solomon, "A comparative Analysis of Conflict Resolution in Angola and South Africa" in Hayward R. Alker, Ted Robert Gurr and Kumar Rupensighe (eds), *Journeys through Conflict: Narratives and Lessons* (Lanham: Rowman & Littlefield, 2001), p.181

⁹¹ Interview, Antonio Domingos, MPLA member, Luanda, 15 April 2011

⁹² Interview, Georgio Dongo, Provincial Director of Hotels and Commerce (MPLA), 25 March 2011

⁹³ Marina Ottaway, "Angola's Failed Elections" in Krishna Kumar (ed), *Postconflict Elections, Democratization, and International Assistance* (Boulder, CO.: Lynne Rienner, 1998), p.133

serious issues such as constitutional change. He insists that with the 'fraudulently' acquired majority, the changing of the constitution has become a 'prerogative' of the ruling regime. He adds that one of the ways in which the government has been able to perpetuate electoral fraud is by buying voters' cards from the people.⁹⁴ Other than claims of electoral fraud, Ngoa believes that there was a rush for elections without creating a proper forum for such outstanding issues as the design of a credible electoral framework and proper cantonment of troops and demobilization.⁹⁵ This was a great contributor to the failure of the implementation of the electoral component under the Bicesse Accords.

6.9 The Implementation of the Lusaka Protocol of 1994

The Lusaka Protocol was an implementation agreement. It sought to enforce the Bicesse Accords. The agreement obliged UNITA to accept the results of the 1992 election,⁹⁶ and urged both the MPLA and UNITA to re-establish the cease-fire. It also urged UNITA to complete the demilitarization process stipulated in the Bicesse Accords, and obliged the two parties in conflict to complete the formation of the Angolan Armed Forces (FAA).⁹⁷ Additionally, the Lusaka Protocol elaborated on the formation of a national police force that would incorporate a significant number of UNITA members at all levels and in all branches, including the Rapid Reaction Police.⁹⁸ Moreover, the Lusaka Protocol called for national reconciliation and the completion of the electoral process by the holding of the second round of presidential elections under the terms of article 147(3) of Law 5/92, of 16 April 1992.⁹⁹ On the issue of national reconciliation, some of the tasks highlighted by the agreement included granting the President of the largest opposition party, (UNITA) a special status. Secondly, in the context of national reconciliation, all the first 70 deputies elected on the lists of UNITA candidates in the September 1992 legislative elections were to resume their seats in parliament.¹⁰⁰ Madureira views the issue of power-sharing enclosed in the Lusaka Protocol as the most important amendment that the 1994 agreement made to the winner-take-all Bicesse Accords. He explains that the Lusaka Protocol stipulated that a Government of National Unity and Reconciliation (GURN) be formed with national, provincial and local

⁹⁴ Interview, Pedro Berry Makiesse, Secretary for Political and Electoral Affairs of the FNL, Luanda, 5 March 2011

⁹⁵ Interview, Willy Piaca Ngoa, Project Coordinator of DW (NGO), Luanda, 10 April 2011

⁹⁶ Róib Kevlihan, "Sanctions and Humanitarian Concerns: Ireland and Angola, 2001-2", *Irish Studies in International Affairs*, Vol. 14 (2003), pp. 95-106: 96. See also Ian S. Spear, "Angola's Elusive Peace: The Collapse of the Lusaka Accord", *International Journal*, Vol. 54, No. 4 (Autumn, 1999), pp. 562-581: 566

⁹⁷ The text of the Lusaka Protocol of 15 November 1994, Annex 3, Agenda item ii.1(i), I & II

⁹⁸ *Ibid.*, Annex 5, Agenda item ii.2 (II,4& 6) and (III, 2)

⁹⁹ *Ibid.*, Annex 7, Agenda item ii.5 (I,2)

¹⁰⁰ *Ibid.*, Annex 6, Agenda item ii.4 (II, 6&7)

responsibilities slots for UNITA officials.¹⁰¹ As a result of this clause, UNITA members would hold offices as ambassadors, provincial governors and deputy governors, municipal administrators, deputy municipal administrators, and commune administrators.¹⁰² Under the GURN arrangement, Fituni specifies that UNITA was to be given four ministerial and seven deputy-ministerial portfolios. At the provincial level, UNITA was to have three governorships in addition to seven deputy governorships.¹⁰³

6.10 Implementing Cease-fire under the Lusaka Protocol

In order to ensure a nation-wide cease-fire, the Lusaka Protocol spelt out a number of things. Firstly, the parties were to stop all hostilities, movements and military actions throughout the country. Secondly, UNITA was to withdraw and quarter all its soldiers. Thirdly, each party was to provide the UN with updated, reliable and verifiable information about the composition of its forces, armament, equipment and their locations. Fourthly, the MPLA was asked to disengage from forward positions during the withdrawal and quartering of UNITA military forces. Fifthly, the parties were to repatriate all mercenaries in Angola. Sixthly, there was to be an unhindered circulation of persons and goods. Also, the UN was to be allowed to collect, store and take custody of the armaments of UNITA military forces at the time of quartering and the arms that were in the hands of civilians.¹⁰⁴ There was a belief that the Lusaka Protocol was better than the Bicesse Accords,¹⁰⁵ especially because of the addition of power-sharing clause. This presupposes that given its win-win outlook, the process of implementation would be better than that of the Bicesse Accords and that the parties would generally be more committed to the agreement.¹⁰⁶ Unfortunately, the execution of the tasks of the Lusaka Protocol proved a great challenge. For instance, there were violations of the cease-fire in late November and December 1994. This was majorly by military hardliners from both sides. There was evidence of the government making military advances seeking a final defeat of UNITA. On UNITA's side, three months after the signing

¹⁰¹ Interview, Costa Madureira, Communal Administrator of Joaquim Kapango (MPLA), Huambo, 17 March 2011. also Ian S. Spear, "Angola's Elusive Peace: The Collapse of the Lusaka Accord", *International Journal*, Vol. 54, No. 4 (Autumn, 1999), pp. 562-581: 566

¹⁰² Alex Vines, *Angola Unravels: the Rise and Fall of the Lusaka Process* (Human Rights Watch: New York, 1999), p.20

¹⁰³ Leonid L. Fituni, "The Collapse of the Socialist State: Angola and the Soviet Union" in Ira William Zartman, (ed), *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Lynne Rienner: Boulder, CO., 1995), p.154

¹⁰⁴ The text of the Lusaka Protocol of 15 November 1994, Annex 3, Agenda item ii.1(i), I & II

¹⁰⁵ Interview, Luis Jimbo, Executive Director, Angolan Institute of Electoral Systems and Democracy, Luanda, 5 March 2011

¹⁰⁶ Interview, Anastácia Avelino Sambua, First Secretary of the MPLA Youth Organization, Bie, 30 March 2011

of the agreement, the party held a congress in its headquarters at Bailundo where Savimbi openly denounced the Lusaka Protocol terming it a worthless piece of paper.¹⁰⁷

Despite these setbacks, from 1994 to 1998, there was a kind of uneasy peace between two parties in conflict.¹⁰⁸ This 'peaceful' period, according to Sambua, was a cover for both parties to restock and rearm in total contravention of the cease-fire. For example, he explains that in Bie, (a UNITA controlled area) soldiers were seen unloading weapons every dawn beginning immediately after the signing of the Lusaka Protocol on 15th November 1994.¹⁰⁹ The claims of a 'plastic' or 'cosmetic' cease-fire are further supported by Madureira who posits that in the four years before war broke out in 1998, UNITA and the government (but mostly UNITA) were using the opportunity to re-stock for a new war. This was a clear indicator that demobilization was not fully carried out. The soldiers were training, re-arming and getting ready for fresh violence.¹¹⁰ Other than arms violations, the issue of the repatriation of all mercenaries from Angola was another thorny subject in the implementation of the Lusaka Protocol.¹¹¹ There is evidence that a South African company called 'Executive Outcomes', contracted by the Angolan government, kept about 400-500 men in Angola after the signing of the Lusaka Protocol. This was in direct contravention of the ceasefire rules under this agreement. To resolve this issue, external actors such as the USA pressured the government to send the mercenaries out of the country. Consequently, the government disengaged them in January 1996, almost two years after the signing of the agreement.¹¹² Thus, the ceasefire was generally precarious in nature. This is because there is evidence of ceasefire violations by both sides in 1995 and 1996. In fact, the UN recorded about 1,500 cease-fire violations in 1995: 235 in March, 110 in July, and 71 in November. Fortunately, many of these violations were small-scale attacks, ambushes and looting. Moreover, the areas that were singled out as the most vulnerable in late 1995 included Uige, Cabinda, Lunda Norte and Lunda Sul, where large troop movements and inflows of new weapons were

¹⁰⁷ Norrie MacQueen, "Peacekeeping by Attrition: The United Nations in Angola", *The Journal of Modern African Studies*, Vol. 36, No. 3 (Sep., 1998), pp. 399-422 : 407

¹⁰⁸ Alex Vines, *Angola Unravels: The Rise and Fall of the Lusaka Peace Process* (New York : Human Rights Watch, 1999), p. 23, p.4

¹⁰⁹ Interview, Anastácia Avelino Sambua, First Secretary of the MPLA Youth Organization, Bie, 30 March 2011. Also Heather P. Kulp, " Gender Mainstreaming in Peacebuilding : A case study of Grupo EKOLELO in Angola" in Craig Zelizer and Robert A. Rubinstein (eds), *Building Peace : Practical Reflections from the Field* (Sterling, VA : Kumarian Press, 2009), p. 206

¹¹⁰ Interview, Costa Madureira, Communal Administrator of Joaquim Kapango (MPLA), Huambo, 17 March 2011

¹¹¹ The text of the Lusaka Protocol of 15 November 1994, Annex 3, Agenda item ii.1: Military Issues (i), II(6)

¹¹² Alex Vines, *Angola Unravels: The Rise and Fall of the Lusaka Peace Process* (New York: Human Rights Watch, 1999), p. 23. See also Donald Rothchild, *Managing Ethnic Conflict in Africa: Pressures and Incentives for Cooperation* (Washington D.C.: Brookings Institution, 1997), p.135

reported.¹¹³ There is also evidence that UNITA continued to fly equipment into the country through Zaire and Congo-Brazzaville. Moreover, the government also continued to procure arms from Russia, Ukraine and Belarus. These actions were totally against the terms of the ceasefire outlined in the Lusaka Protocol.¹¹⁴ In addition, contrary to the cease-fire terms, UNITA failed to hand in its heavy weaponry.¹¹⁵ In the rare instances where UNITA complied, the weapons handed in were mostly those that were no longer serviceable.¹¹⁶

6.11 The Quartering of Troops and Demobilization

The quartering of UNITA troops, the completion of the formation of the Angolan Armed Forces (FAA), the integration of the national police, and demobilization are the important military issues that needed to be carried out under the Lusaka Protocol. The conditions for political accommodation were contingent on the ending of UNITA's physical capacity to resume fighting.¹¹⁷ This conclusion is based on what happened after the Bicesse Accords when the military issues were not properly dealt with and an election was held with the two armies still almost intact. According to the Lusaka Protocol, UNITA had to withdraw and quarter all its troops in fifteen UN-manned designated areas. To enable the smooth running of the exercise, UNITA was to provide the United Nations with updated, reliable and verifiable information concerning the composition of its forces, armament, equipment and their respective locations.¹¹⁸ Once in the quartering areas, the United Nations was to take custody of the troops' weapons as they waited to be selected into the unified army. Those troops that would not be selected into the army were to be demobilized and integrated into civilian life. According to the Protocol, quartering was to take place within six months from the date of the initialling of the Protocol, that is, by the end of April 1995 when the exercise was to have been terminated.¹¹⁹ However, just as in the case of the Bicesse Accords, there were long delays in the quartering of UNITA troops. Although the agreement was signed on 15 November 1994, the quartering of troops commenced in February 1996.¹²⁰ This is almost one and a half years behind schedule. The UN succeeded in getting the first batch of UNITA fighters to the supervised quartering camps almost a year behind schedule after a lot of

¹¹³ Human Rights Watch /Africa, "Angola Between War and Peace: Arms Trade and Human Rights Abuses Since the Lusaka Protocol", Human Rights Project, Vol. 9, No. 1 (a), February 1996, p.4

¹¹⁴ Ian S. Spear, "Angola's Elusive Peace: The Collapse of the Lusaka Accord", *International Journal*, Vol. 54, No. 4 (Autumn, 1999), pp. 562-581: 567

¹¹⁵ Tony Hodges, *Angola: Anatomy of an Oil State* (Fridtjof Nansen Institute: Lysaker, 2004), p. 15

¹¹⁶ Ian S. Spear, op. cit., p.568

¹¹⁷ Norrie Macqueen, "Peacekeeping by Attrition: The United Nations in Angola", *The Journal of Modern African Studies*, Vol. 36, No.3 (Sep.1998), pp.399-422:410

¹¹⁸ Text of the Lusaka Protocol of 15 November 1994, Annex 3: Agenda item .1: Military Issues (i)

¹¹⁹ Simon Higdon, *Angola: Conflict Resolution and Peacebuilding: Report*, (London: Saferworld, 1996), p. 14

¹²⁰ Tony Hodges, *Angola: Anatomy of an Oil State* (Fridtjof Nansen Institute: Lysaker, 2004), p. 15

pressure from the USA.¹²¹ To show how slow the pace was, there is evidence that as of late March 1996, only 17,000 (out of about 70,000) UNITA soldiers had been quartered.¹²² In addition, the quality of soldiers presented for quartering was questionable. There were allegations that UNITA's elite units and their most advanced equipment were not quartered at all. This makes the exercise merely symbolic.¹²³ In other words, most of the persons brought to the UN for quartering were not professional soldiers. This strategy known as 'hedging', (where the best and most skilled troops and weapons are reserved by parties to a conflict) enabled UNITA to appear publicly compliant with the Protocol. In a real sense, the soldiers at the assembly points consisted mostly of village reservists and peasants rounded up to make up the numbers. They were also mostly soldiers who were outside the normal fighting age (most of them were under eighteen and disabled).¹²⁴ As for the demobilization exercise, Alioune Blondin Beye, the UN Secretary General's Special Representative for the Angolan peace process (1993-1998), proclaims that the implementation of this aspect of the Lusaka Protocol was long and complicated. He argues that the most serious of these challenges was the fact that UNITA took its demobilized soldiers and reassembled them in military training centres. This was contrary to the Lusaka Protocol and the Bicesse Accords that stipulated that the demobilized soldiers were to be resettled into civilian life.¹²⁵

6.12 The Formation of the Joint Army/Police Force

As far as the formation of a unified army was concerned, the Lusaka Protocol first of all required Savimbi to allow the return of the generals he had withdrawn from the Angolan Armed Forces (FAA) in 1992 following his defeat in the elections. Then, the Lusaka Protocol required UNITA to select soldiers to join the armed forces. However, unlike the Bicesse Accords, the Lusaka Protocol specified that this exercise was to begin only after the completion of quartering. Since the estimated total number of soldiers from both sides was 200,000 and an army of 90,000 had been agreed on, the remaining 110,000 soldiers were to be demobilized and reintegrated. Also, the formation of the unified army would follow the principle of proportionality.¹²⁶ In early March 1996, dos Santos and Savimbi met in

¹²¹ Norrie Macqueen, "Peacekeeping by Attrition: The United Nations in Angola", *The Journal of Modern African Studies*, Vol. 36, No.3 (Sep.1998), pp.399-422:410

¹²² Donald Rothchild, *Managing Ethnic Conflict in Africa: Pressures and Incentives for Cooperation* (Washington D.C.: Brookings Institution, 1997), p. 141

¹²³ *Ibid.*

¹²⁴ Joao Gomes Porto, Chris Alden and Imogen Parsons, *From Soldiers to Citizen: Demilitarization of Conflict and Society* (Ashgate; Aldershot, 2007), p. 42

¹²⁵ Alioune Blondin Beye, "Le Processus de Rétablissement et de Maintien de la Paix en Angola", 5 *African Yearbook of International Law* (1997), p.16

¹²⁶ Text of the Lusaka Protocol of 15 November 1994, Annex 3: Agenda item .1: Military Issues (i)

Libreville, Gabon and agreed on a June 1996 deadline for the creation of the new unified army. However, there followed no real action by UNITA. This is because by the end of April 1996, Savimbi failed to deliver the more than a third of his 70,000 fighters that he had promised Dos Santos he would bring to join the FAA. As further evidence of UNITA's slow compliance with the implementation of the formation of the joint army, by October only 10,000 of the targeted 26,300 UNITA soldiers had been released to join the new army.¹²⁷ However, after more pressure from the UN and threats of sanctions, by December about 19,000 of the planned 26,300-strong UNITA component of the integrated FAA had been selected. Also on 10 April 1997, on the eve of the inauguration of the unity government, about 8,000 UNITA troops were incorporated into the FAA and 10 UNITA generals had also been sworn in to the new national force. In the spirit of proportionality, the government reserved the post of chief of army general staff and the deputy chief of the general staff for UNITA generals.¹²⁸ On the issue of the police force, the Lusaka Protocol specified that as an instrument of national reconciliation, the Angolan national police was to incorporate a significant number of UNITA members,¹²⁹ at all levels and in all branches, including the command and service organs.¹³⁰ In the spirit of this clause, UNITA was to have 5,500 of its members incorporated in the police force. This figure comprised 180 officers, 550 sergeants and 4,770 policemen.¹³¹ Additionally, of the 5,500, there were to be 1,200 UNITA members in the hitherto MPLA-exclusive Rapid Reaction Force.¹³² To implement this clause, the selection and insertion of UNITA elements into the Angolan national police was done by 30 June 1997. Unfortunately, the stipulated numbers were not honoured as only 524 UNITA members managed to be selected into the police force.¹³³

6.13 Implementing the Government of National Unity and Reconciliation (GURN)

Seeking to reassure parties that their interests would be taken into account by guaranteeing participation in government, power-sharing is an important clause in civil war peace agreements as it makes sure that neither party would be marginalized in the post-war

¹²⁷ Norrie Macqueen, "Peacekeeping by Attrition: The United Nations in Angola", *The Journal of Modern African Studies*, Vol. 36, No.3 (Sep.1998), pp.399-422:411

¹²⁸ *Ibid.*, p.412

¹²⁹ Text of the Lusaka Protocol of 15 November 1994, Annex 5: Agenda Item II.2 (I,5)

¹³⁰ *Ibid.*, Annex 5: Agenda item II.2 (II,4)

¹³¹ *Ibid.*, Annex 5: Agenda Item II.2 (III,1)

¹³² *Ibid.*, Annex 5: Agenda Item II.2 (III,2)

¹³³ Mpazi Sinjela, "The United Nations and Internal/International Conflicts in Africa: A Documentary Survey" in African Association of International Law, *African Yearbook of International Law*, Volume 6, 1998, p.291

setup.¹³⁴ For Angola, the power-sharing clause was incorporated in the Lusaka Protocol because of the failure of the winner-take-all formula of the Bicesse Accords. Annex 6, Agenda item ii. 4. (I) para 4 states that 'in the pursuit of national interest, UNITA members are to participate adequately at all levels and in the various institutions of political, administrative and economic activity'. Examples of how UNITA was to take part in the affairs of the country were elaborated in Annex six. For instance, the President of UNITA was to be guaranteed a special status in the country's political arena.¹³⁵ Also, all the first 70 deputies elected on the lists of UNITA candidates in the September 1992 legislative elections were required to be installed in their functions in the national assembly.¹³⁶ Furthermore, in the civil service, the participation of UNITA members was to be guaranteed. In addition, UNITA members were to be appointed in the various government posts, state administration and diplomatic missions abroad.¹³⁷ More specifically, the Lusaka Protocol envisaged 4 ministerial, 7 vice-ministerial, 6 ambassadorial, and 3 governor positions for UNITA besides other posts in the provincial and local government.¹³⁸ In this regard, as part of its obligation to incorporate UNITA into power, on 6 March 1998, the government appointed three governors and seven vice-governors affiliated with the party. Besides, it also approved a list of six ambassadors nominated by UNITA. Additionally, on 31 March 1998, a law granting Savimbi a special status as the UNITA leader was promulgated.¹³⁹ Also on 11 April 1997, four UNITA ministers and seven vice-ministers took the oath of office.¹⁴⁰ Although the law on Savimbi's special status was made, implementing it was difficult. This is because Savimbi kept changing his mind regarding what he wanted as a 'special status'. Since the agreement did not specify what this 'special' status would be, on 6 May 1995, President dos Santos and Savimbi met and dos Santos offered the UNITA leader one of the two vice-presidential positions of the country. In this meeting, Savimbi indicated that he was interested in the position but in August 1996, he formally declined the offer.¹⁴¹ Having rejected the vice-

¹³⁴ Donald Rothchild and Phillip G. Roeder, "Power Sharing as an Impediment to Peace and Democracy" in Phillip G. Roeder and Donald Rothchild (eds), *Sustainable Peace: Power and Democracy after Civil Wars* (New York: Cornell University, 2005), p. 31

¹³⁵ Text of the Lusaka Protocol of 15 November 1994, Annex 6: Agenda Item II.4 (I,6)

¹³⁶ *Ibid.*, Annex 6: Agenda Item II.4 (I,7)

¹³⁷ *Ibid.*, Annex 5: Agenda Item II.2 (I,5)

¹³⁸ Alioune Blondin Beye, "Le Processus de Rétablissement et de Maintien de la Paix en Angola", 5 *African Yearbook of International Law* (1997), p.18

¹³⁹ Mpazi Sinjela, "The United Nations and Internal/International Conflicts in Africa: A Documentary Survey" in African Association of International Law, *African Yearbook of International Law, Volume 6, 1998*, p.294

¹⁴⁰ Paul J. Hare, "Angola: The Lusaka Peace Process" in Chester A. Crocker et al. (eds), *Herding Cats: Multiparty Mediation in a Complex World* (Washington D.C.: United States Institute of Peace, 1999), p.657

¹⁴¹ Alioune Blondin Beye, "Le Processus de Rétablissement et de Maintien de la Paix en Angola", 5 *African Yearbook of International Law* (1997), p.18

presidency and in order to strengthen his political position for the next presidential elections, he demanded for the position of Opposition Leader. He insisted that none of UNITA's elected MPs would take up their positions in parliament unless his wish was granted. Consequently, on 8 April 1997, the parliament approved his position as the head of the main opposition party and he was awarded perks such as a salary, houses, and bodyguards.¹⁴² Following Parliament's action, on 9 April 1997, approximately 63 UNITA MPs were sworn into the parliament and on 11 April 1997, the party joined the Government of National Unity (GURN) (though it was meant to have been created by January 1997).¹⁴³ However, on the day of the inauguration of the coalition government, Savimbi failed to turn up for the ceremony. By snubbing this important function, he meant to show his disinterest in the government of national unity.¹⁴⁴ Savimbi's apathy towards the coalition government was further displayed when he failed to meet the government's August 31 deadline of surrendering areas under UNITA control. This action prompted the government to suspend UNITA from the GURN. Following the suspension of UNITA from the coalition, the government sacked the four ministers and the seven vice-ministers who had been designated to serve in the government of national unity. This was done on 1 September 1998.¹⁴⁵ UNITA's exit from the coalition meant that there was no longer a GURN as had been stipulated by the Lusaka Protocol.

With Savimbi's exit from the coalition government, the Angolan Parliament further revoked the law granting Savimbi a special status on 27 October 1998. The excuse for the abrogation of the law on Savimbi's special status was that Savimbi had refused to honour his commitments under the Lusaka Protocol. This being the case, there was therefore, no need to grant a special status to an individual who clearly intended to pursue unilateral actions that were contrary to the Lusaka Protocol.¹⁴⁶ After these actions, military operations continued in the northern and the north-eastern regions by both parties to the conflict. Consequently, the government asked the UN to leave the country, stating that the Lusaka Process was ended. By

¹⁴² Mohamed A. El-Khawas and J.A Ndumbe, "Democratization in Angola" *Infertile Soil* in Frank H. Columbus and Olufemi Wusu (eds), Politics and Economics of Africa, Vol. 1 (Nova Science Publishers: Huntington, N.Y., 2001), p.109

¹⁴³ Alex Vines, "Angola: Forty Years of War" in Peter Batchelor and Kees Kingma (eds), Demilitarization and Peace-building in Southern Africa, Volume II: National and Regional Experiences (Aldershot: Ashgate, 2004), pp.82-83

¹⁴⁴ Ibid.

¹⁴⁵ Joris Voorhoeve, From War to the Rule of Law: Peace Building after Violent Conflicts (Amsterdam University Press: Amsterdam, 2007), p. 83

¹⁴⁶ Alex Vines and Bereni Oruitemeka "Beyond Bullets and Ballots: the Reintegration of UNITA in Angola" in Mats Berdal and David H. Ucko (eds), Reintegrating Armed Groups After Conflict: Politics, Violence and Transition (Routledge: Abingdon, 2009), p. 204

adopting resolution 1118 (1997), on 30 June 1997, the UN Security Council had established a United Nations Observer Mission in Angola (MONUA), to be operational as of 1 July 1997. This is the outfit that left the country in February 1999.¹⁴⁷ In January 1999, the parliament declared Savimbi a war criminal and a terrorist. On 24 July, an arrest warrant was issued for Savimbi on rebellion charges amongst others. These actions meant that there was no more room for negotiation by the government and were in contravention of the spirit of the Bicesse Accords and the Lusaka Protocol that called for dialogue instead of hostile acts.¹⁴⁸

6.14 The Surrender of UNITA-held Areas

One of the requirements that UNITA was asked to fulfil by the Lusaka Protocol was the return of all the areas it controlled to the government.¹⁴⁹ Convincing combatants to surrender conquered territory is one of the greatest challenges of implementing an agreement. This is because returning such lands increases a combatant's vulnerability and limits the ability to enforce the agreement's other terms.¹⁵⁰ For UNITA, the difficulty in returning these territories lay in the fact that Savimbi relied on revenue generated through the mining of diamonds in those areas. Also, UNITA had a lot of political support from the people in those regions. Understandably, UNITA's handover of power to the state administration begun on 30 April 1997 in a slow almost reluctant pace such that by 1 May 1998, there were about 60 localities still inaccessible to central government administration. These areas included the UNITA strongholds of Bailundo, Andulo, Nharea and Mongo.¹⁵¹ Owing to the general difficulty of handing over conquered territory to a government that they were not in control of,¹⁵² UNITA continued to stall this process. This prompted the UN to hand them a new deadline of 31 May 1998. UNITA, however, counter-proposed a new date for the handover of its strongholds as 25 June 1998.¹⁵³ The implementation of this provision to its fullest was dealt a blow when the mediator, Special Representative Alioune Beye died in a plane crash in Cote D'Ivoire on 27 June 1998. Following the mediator's death, UNITA held onto the areas it controlled and even moved on to occupy more areas such as Luau, Lumbala, Nguimbo and

¹⁴⁷ Tony Hodges, *Angola: Anatomy of an Oil State* (Fridtjof Nansen Institute: Lysaker, 2004), pp. 15-16
¹⁴⁸ Sara Daheshori, *Selling Justice Short: Why Accountability Matters for Peace* (New York: Human Rights Organization, 2009), p. 67
¹⁴⁹ Text of the Lusaka Protocol of 15 November 1994, Annex 6: Agenda Item II.4 (II,14)
¹⁵⁰ Barbara F. Walter, *Committing to Peace: The Successful Settlement of Civil Wars* (Princeton University Press: Princeton, 2002), p.3
¹⁵¹ Paul J. Hare "Angola: the Lusaka Peace Process" in Chester A. Crocker et al., *Herding Cats: Multiparty Mediation in a Complex World* (United States Institute of Peace: Washington D.C., 2003), p.657
¹⁵² Barbara F. Walter, *Committing to Peace: The Successful Settlement of Civil Wars* (Princeton University Press: Princeton, 2002), p.21
¹⁵³ Mpazi Sinjela, "The United Nations and Internal/International Conflicts in Africa: A Documentary Survey" in African Association of International Law, *African Yearbook of International Law, Volume 6, 1998*, p.296

Cazombo in Mexico province.¹⁵⁴ The UN gave UNITA an extra ten days to hand over the territories it occupied. The deadline lapsed and UNITA asked the UN for another two weeks to comply. This action of asking for more time proved to the UN that UNITA had no intention of handing its main military strongholds to the central government. Since negotiation on this matter seemed to have failed, the UN imposed a new package of sanctions to try and force the former rebel movement's compliance. The sanctions included a freeze of UNITA members' funds; the severance of official contacts with UNITA, the ban on direct/indirect diamond import from UNITA controlled areas, and the ban on the sale of mining equipment to UNITA.¹⁵⁵ Unfortunately, these sanctions failed to compel UNITA to relinquish the areas it occupied. On the contrary, they were viewed by Savimbi as an attack on UNITA. This prompted him to cut off all contact with the government and the UN. It achieved this by pulling out of the Joint Commission chaired by the UN, for two months.¹⁵⁶ When it came back in August, UNITA promised to hand over the rest of the areas it controlled to the government by October 15. The government refused UNITA's October deadline and proposed an August 31 one. When UNITA failed to meet the August 31 deadline, it was suspended from the government of national unity. The government, at this time, believed that UNITA had no desire whatsoever to comply with the commitments of the Lusaka Protocol.¹⁵⁷

6.15 Elections under the Lusaka Protocol

Due to the fact that the 1992 elections under the Bicesse Accords were incomplete, the Lusaka Protocol urged the parties to hold the second round of the presidential elections.¹⁵⁸ However, the elections under the Lusaka Protocol were only to be carried out after the completion of all the other military and political conditions. These included the quartering of troops, the formation of the national army, the demobilization of remaining troops, and the disarming of civilians.¹⁵⁹ Unfortunately, the parliamentary elections that were to be carried out in 1996 were postponed by the government by between two and four years. However, when the war restarted in 1998 and the Lusaka Protocol collapsed, that was the end of any

¹⁵⁴ Paul J. Hare "Angola: the Lusaka Peace Process" in Chester A. Crocker et al., *Herding Cats: Multiparty Mediation in a Complex World* (United States Institute of Peace: Washington D.C., 2003), p.657

¹⁵⁵ Vera Gowland-Debbas, "Sanctions Regimes Under Article 41 of the UN Charter" in Vera Gowland-Debbas (ed), *National Implementation of the United Nations Sanctions: A Comparative Study* (Martinus Nijhoff: Leiden, 2004), p.12

¹⁵⁶ Human Rights Watch Organization, *Human Rights Watch World Report 1999: events of December 1997- November 1998* (Human Rights Watch, New York, 1998), p. 27

¹⁵⁷ Joris Voorhoeve, *From War to the Rule of Law: Peace Building after Violent Conflicts* (Amsterdam University Press: Amsterdam, 2007), p. 83

¹⁵⁸ Text of the Lusaka Protocol of 15 November 1994, Annex 7: Agenda item ii.5

¹⁵⁹ *Ibid.*

attempts to carry out elections in the country. Thus, from 1994-1998, there was no election that took place in the country.¹⁶⁰ The implementation of this aspect of the peace agreement was a complete failure.

6.16 Implementation of the Luena Memorandum of Understanding of 4 April 2002

A supplement to the Lusaka Protocol, the Luena Memorandum of Understanding was signed after a heavy five year military confrontation between UNITA and the government between 1998 and 2002. In February 2002, the government prevailed militarily against UNITA by killing the rebel groups' leader, Jonas Savimbi.¹⁶¹ Having played a dominant role in UNITA,¹⁶² Savimbi's death, and that of his likely successor Antonio Dembo left UNITA without a strong military leader, thereby significantly weakening it. With UNITA in such dire shape, the organization had little choice but to abandon the military option for negotiations with the government. This is how the Luena process came to be.¹⁶³ The Luena Memorandum of Understanding encouraged the completion of pending tasks from the Bicesse Accords and the Lusaka Protocol. In this regard, the Luena MoU emphasised the issue of ceasefire, disengagement, quartering, conclusion of the demilitarization of the UNITA military forces, integration of UNITA into the Angolan Armed Forces (FAA) and national police, demobilization of the excess UNITA soldiers, the extinction of the UNITA army, and the vocational reintegration of demobilized ex-UNITA combatants into national life.¹⁶⁴ Under the Luena Memorandum of Understanding, ceasefire included the termination of all military actions, the end of hostile propaganda, the halting of all force movements in the reinforcement or occupation of new military positions, the termination of all acts of violence against civilians, and the stoppage of destruction of property. In addition, the parties were to guarantee the protection for people and their possessions, of resources and public assets, and the free circulation of persons and goods.¹⁶⁵ In contrast to the previous agreements, by the time of the signing of the Luena Memorandum of Understanding, the

¹⁶⁰ Interview, Jaka Jamba, UNITA MP and former soldier, Luanda, 6 March 2011

¹⁶¹ Interview, Victor Kapolo, Office of the Governor of Luanda (MPLA), Luanda, 2 May 2011

¹⁶² William Minter, *Apartheid's Contras : An Inquiry Into the Roots of War in Angola and Mozambique* (London: Zed Books, 1994), p.221

¹⁶³ Paul Hare, "Angola: The End of an Intractable Conflict" in Chester A. Crocker et al., *Grasping the Nettle: Analyzing Cases of Intractable Conflict* (United States Institute of Peace: Washington D.C., 2007), p.224. See also Alex Vines and Bereni Oruitmekema "Beyond Bullets and Ballots: the Reintegration of UNITA in Angola" in Mats Berdal and David H. Ucko (eds), *Reintegrating Armed Groups After Conflict: Politics, Violence and Transition* (Routledge: Abingdon, 2009), p.205

¹⁶⁴ The Luena Memorandum of Understanding Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Outstanding military issues Under the Lusaka Protocol, Luena, 4 April 2002

¹⁶⁵ Chapter II ,ii 3 (B) (Disengagement, Quartering, and Conclusion of the Demilitarization of UNITA Military Forces) Luena Memorandum of Understanding Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Outstanding military issues Under the Lusaka Protocol, Luena, 4 April 2002

UNITA army was in bad shape. This was mainly due to the fact that Jonas Savimbi, UNITA's founding leader, had been killed on 22 February 2002. This left the rebel movement without a meaningful structure or chain of command at the top. The vacuum thus created was exacerbated by the fact that Savimbi had killed any soldier who appeared to threaten his position. It was also made worse by the fact that some likely successors had defected to UNITA-Renovada, a rival faction.¹⁶⁶ Also, the death of the rebel movement's vice-president, Antonio Dembo in March 2002 further threw the organization's leadership into crisis.¹⁶⁷ It is against this backdrop, that Jaka Jamba, who witnessed the killing of Savimbi, posits that the death of the UNITA leader fractured the rebel movement's armed course. He explains that Savimbi's death demoralized the remaining soldiers and when UNITA failed to immediately supply a successor to match Savimbi, the power vacuum took its toll on the soldiers, many of whom agreed to surrender to the government.¹⁶⁸ Concurring with Jamba's views, Ferreira explains that the death of the UNITA leader greatly affected the rebel movement. She further argues that seeing their leader dead and without means to make war, the only solution for the remaining UNITA soldiers was to surrender in order to avoid the same dramatic end as their ambitious leader.¹⁶⁹

Thus crippled and unable to mount attacks against the government, Rev. Luis Nguimbe believes that UNITA's Secretary-General and reputed hard-liner, General Paulo Lukamba 'Gato' (who took over the leadership of UNITA) had little choice but to surrender and sue for peace. This is the reason why the Luena Memorandum of Understanding is more of an agreement between a 'strong man' and a 'weak man' rather than an agreement resulting from negotiations between equals. This feeling is drawn from the fact that at the time of the agreement, the government had won a military victory and UNITA had lost the war plus its leader Jonas Malheiro Savimbi.¹⁷⁰ Agreeing with these views, Hare argues that in 2002, UNITA was very weak and that is why the government was in a good position to dictate terms both for the agreement at Luena and for the implementation process.¹⁷¹ These sentiments are also expressed by Griffiths who argues that because of UNITA's severely

¹⁶⁶ Norrie MacQueen, "Elusive Settlement: Angola's 'Peace Processes', 1975-2002" in Oliver Furley and Roy May (eds), *Ending Africa's Wars: Progressing to Peace* (Ashgate: Aldershot, 2006), p.145

¹⁶⁷ W. Martin James, *Historical Dictionary of Angola* (Lanham: Scarecrow Press, 2004), p. XXXV

¹⁶⁸ Interview, Jaka Jamba, UNITA MP and former soldier, Luanda, 6 March 2011

¹⁶⁹ Interview, Helena Ferreira, Political Science Lecturer, Agostinho Neto University, Faculty of Law, Luanda, 12 April 2011

¹⁷⁰ Interview, Rev. Luis Nguimbe, Secretary General of Council of Christian Churches in Angola (CICA), Luanda, 10 March 2011

¹⁷¹ Paul Hare, "Angola: The End of an Intractable Conflict" in Chester A. Crocker et al., *Grasping the Nettle: Analyzing Cases of Intractable Conflict* (United States Institute of Peace: Washington D.C., 2007), p.225

weakened military position, the rebel movement in essence had no choice but to sign a surrender dressed up as a peace agreement.¹⁷² This also means that with no tangible capacity to fight back, UNITA had no option but to adhere to the terms of the ceasefire. These are the main reasons why the ceasefire re-established after the Luena MoU has held since 2002 without any recorded violations. This situation is contrary to that following the signing of the Bicesse Accords of 1991 or the Lusaka Protocol of 1994 when UNITA was strong and had retained a sizable number of soldiers who were militarily able to challenge the government.¹⁷³

6.17 The Quartering, Demilitarization and Demobilization of UNITA soldiers

According to Rothchild, patterns of cooperative behaviour will only be fully accomplished when the military security-building; the verification of the ceasefire, the cantonment of troops, demobilization, disarmament and initial efforts to reintegrate the troops has been largely achieved.¹⁷⁴ It is with this understanding that the Luena Memorandum of Understanding set out to oblige UNITA to quarter and demilitarize all its forces as outlined in the Lusaka Protocol. In line with this provision, the quartering, demilitarization and demobilization process of UNITA began immediately following the signature of the Luena MoU on 4 April.¹⁷⁵ This process would include accurate reports relative to the combative and numerical composition of the units and paramilitary structures of the UNITA military forces and their location, and the establishment of quartering areas, the handing over and the collection, storage and destruction of the entire armament and equipment of the military units and paramilitary structures of the UNITA armed forces.¹⁷⁶ In keeping with the Luena MoU, the process of quartering, disarming and demobilizing UNITA soldiers was to take 80 days. As a result, about 50,000 UNITA soldiers were to reside in 27 quartering areas. However, on 27 July, a total of 85,585 UNITA soldiers were quartered in 35 quartering areas and approximately 280,261 family members were gathered in family reception areas in sixteen Angolan provinces. This number continued to grow exponentially such that by the end of 2002, there were around 425,000 UNITA members (ex-combatants and their dependents) in

¹⁷² Aaron Griffiths, "The End of the War: the Luena Memorandum of Understanding" in Guus Meijer(ed), *From Military Peace to Social Justice? The Angolan Peace Process* (Conciliation Resources: London, 2004), p.26

¹⁷³ Interview, Jaka Jamba, UNITA MP and former soldier, Luanda, 6 March 2011

¹⁷⁴ Donald Rothchild, " Settlement Terms and Post-agreement Stability" in Stephen John Stedman et al., *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder: Lynne Rienner, 2002) , p. 117

¹⁷⁵ Gomes Porto, João and Imogen Parsons, "Sustaining the Peace in Angola: An Overview of Current Demobilization, Disarmament and Reintegration", Bonn International Centre for Conversion (BICC), Paper 27, March 2003. Also published by the Institute for Security Studies, Monograph Series, No. 83, April 2003, p. 34

¹⁷⁶ Chapter II, ii 3 (B) (Disengagement, Quartering, and Conclusion of the Demilitarization of UNITA Military Forces) Luena Memorandum of Understanding Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Outstanding military issues Under the Lusaka Protocol, Luena, 4 April 2002

33 assembly camps. The numbers were also boosted by the fact that no soldiers deserted the camps to return to war as had been the case in the assembly areas established under the Bicesse Accords and the Lusaka Protocol.¹⁷⁷ Due to the consistent growth in numbers into the quartering areas, at the end of May, the number of quartering areas was increased from 27 to 35 with an additional seven satellites. Also, due to the steady streaming of UNITA into the quartering areas, the deadline for this exercise initially set for 7 June 2003 was extended to August 2003. By 21 June, with the encouraging progress of combatants streaming into the quartering areas, the Joint Military Commission announced the official closure of the exercise.¹⁷⁸

Since the government was handling this exercise on its own with no outside intervention, UNITA's armed forces were demobilized at a very fast rate. Due to the high number of soldiers and families reporting to the Quartering Areas (QAs), the exercise of registration and demobilization was prolonged from 80 days to around four months, also delaying reintegration activities. To validate the exercise of demobilization, in the camps, the soldiers were surrendering their weapons such that there is a record of about 30,000 light weapons handed in by ex-combatants.¹⁷⁹ Thus on 2 August 2002, the official demobilization exercise began. The soldiers to join the FAA were chosen, and then the ones that remained were released to civilian life with a five months back payments of salaries according to their military rank, a US\$100 reintegration allowance, basic household items and tools, plus full identity and demobilization documents. Moreover, in compliance with the Luena Memorandum of Understanding on the same day as the commencement of demobilization, the UNITA leadership formally dissolved its army and declared that henceforth, it would no longer exist.¹⁸⁰ Thus, with the fast progress of demobilization, in 2003, the government officially closed down the last assembly area.¹⁸¹ On the positive side, unlike the Bicesse Accords and the Lusaka Protocol, throughout the demobilization process under the Luena Memorandum, not a single ceasefire violation was registered and the process of quartering, demobilization and disarmament of UNITA military

¹⁷⁷ Norrie MacQueen, "Elusive Settlement : Angola's 'Peace Processes'-1975-2002" in Oliver Furley and Roy May (eds), *Ending Africa's Wars : Progressing to Peace* (Aldershot: Ashgate, 2006), p.147

¹⁷⁸ Gomes Porto, João and Imogen Parsons, "*Sustaining the Peace in Angola: An Overview of Current Demobilization, Disarmament and Reintegration*", Bonn International Centre for Conversion (BICC), Paper 27, March 2003. Also published by the Institute for Security Studies, Monograph Series, No. 83, April 2003, p. 34

¹⁷⁹ *Ibid.*

¹⁸⁰ USAID Report titled "Angola: Transition and Development Assessment", U.S. Agency for International Development : Washington, D.C., October 10, 2002, p.1

¹⁸¹ Jose Doria, "Angola: A Case Study in the Challenges of Achieving Peace and the Question of Amnesty or Prosecution of War Crimes in Mixed Armed Conflicts" in *Yearbook of International Humanitarian Law, 2002* (The Hague: T.M.C Asser, 2005), p. 28

proceeded in an orderly way and *en masse*.¹⁸² UNITA's total demobilization has meant that it moved from an armed party to a political party, a factor that was lacking in the 1991 Bicesse Process and the Lusaka process where the party held back a large part of its army and weaponry. It is only under the Luena process that UNITA fully completed its transition into a political party.¹⁸³ Although there appears to be a general consensus that the demobilization process under the Luena Memorandum was fully carried out, there are views that its greatest weakness lies in the fact that the question of reintegrating the ex-UNITA soldiers into useful members of the Angolan society were less than satisfactorily carried out.¹⁸⁴ For instance, Jamba explains that though classified as 'demobilised', there are some UNITA ex-soldiers who have yet to be issued with demobilization cards that will enable them to access their allocated pensions. He further maintains that these soldiers represent about 20 per cent of the soldiers who were demobilized under the Luena Memorandum of Understanding. He also adds that UNITA has tried to approach the government to resolve the issue of non-integrated UNITA soldiers to no avail.¹⁸⁵ While agreeing with the views relating to the incompleteness of the integration process, Jamba adds that the issue of housing for UNITA leaders has also not been adequately addressed. He explains that out of the 70 houses that were allocated to UNITA in the agreement, only 30 have so far been handed over to the party. This means that the government has not fully implemented this clause.¹⁸⁶ Attempting to explain the government's attitude of silence regarding UNITA's complaints vis-à-vis incomplete reintegration of its former soldiers into civilian life, Nguimbe insists that since the government called all the shots in the negotiation of the Luena Memorandum of Understanding, its implementation would also take place at the government's pace and say so. He further argues that in righting any implementation wrongs, unfortunately, UNITA has no choice but to agree to everything.¹⁸⁷ In other words, the Luena Memorandum of Understanding is an agreement between unequal partners: between a winner and a loser. As such, the government has an undue advantage and will thus implement any of its clauses as it wishes.

¹⁸² Jose Doria, 'Angola: A Case Study in the Challenges of Achieving Peace and the Question of Amnesty or Prosecution of War Crimes in Mixed Armed Conflicts' in Avril Macdonald and Horst Fischer (eds), *Yearbook of International Humanitarian Law, Volume 5, 2002* (T.M.C Asser: The Hague, 2005), p.31

¹⁸³ Patrick Chabal, 'E Pluribus Unum: Transitions in Angola' in Patrick Chabal and Nuno Vidal (eds), *Angola: The Weight of History* (Columbia University Press: New York, 2008), p.9

¹⁸⁴ Interview, Luis Jimbo, Executive Director, Angolan Institute of Electoral Systems and Democracy, Luanda, 5 March 2011

¹⁸⁵ Interview, Jaka Jamba, UNITA MP and former soldier, Luanda, 6 March 2011

¹⁸⁶ Interview, Miraldina Jamba, UNITA M.P. and Head of UNITA Women's League, Luanda, 13 April 2011

¹⁸⁷ Interview, Reverend Luis Nguimbe, Secretary General of Council of Christian Churches in Angola (CICA), Luanda, 10 March 2011

6.18 The Integration of UNITA Forces into the National Army

According to the Luena Memorandum of Understanding, there was to be an integration of UNITA generals, senior officers, captains and junior officers, sergeants and men, into the Angolan Armed Forces (FAA). However, unlike Bicesse and Lusaka where the principal of proportionality reigned, under the Luena Memorandum of Understanding, the number of UNITA soldiers to be integrated into the FAA was to be 5,007. These were to be absorbed into the army only whenever there were vacancies.¹⁸⁸ The 5,007 consisted of four generals, eight lieutenant generals, 18 brigadiers, 40 colonels, 60 lieutenant colonels, 100 majors, 150 captains, 200 lieutenants, 250 second lieutenants, 300 cadets, 20 sergeant majors, 30 sergeant adjutant, 50 first sergeant, 200 second sergeant, 50 corporals, and 3077 soldiers.¹⁸⁹ With the rapid and massive entry of UNITA soldiers and their families into the assembly areas, the selection of soldiers proceeded smoothly and was completed by 19 June 2003.¹⁹⁰ The government's rapid response in implementing the formation of the unified army has been mentioned by Kapolo who believes that the Luena Memorandum of Understanding was the better implemented of the three Angolan peace agreements. He confirms that some UNITA generals were indeed incorporated in the army as were other officers in lower ranks.¹⁹¹ Indeed, Domingos insists that the process of the formation of the new army proceeded smoothly achieving a single strong and disciplined armed force. This is a significant departure from the previous attempts under the Bicesse and Lusaka Protocols that saw UNITA join and leave the army at will.¹⁹²

6.19 Implementing the GURN and Elections under the Luena Memorandum

One of the key issues of the Luena Memorandum was to make sure that the parties fully participated in implementing their commitments and obligations under the Lusaka Protocol.¹⁹³ In this spirit and bearing in mind the importance of the power-sharing clause in the Lusaka Protocol, in mid-November 2002, president dos Santos allocated six

¹⁸⁸ Annex 2: to the Memorandum of Understanding Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Outstanding Military Issues under the Lusaka Protocol (Document pertaining to the integration of Generals, Senior Officers, Captains and Junior Officers, Sergeants and men from the UNITA Military Forces into the Angolan Armed Forces in accordance with the existing vacancies), paragraph 3

¹⁸⁹ Ibid.

¹⁹⁰ Interview, Joao Castro "Freedom", Secretary General LIDDHA (International League for Human Rights and the Environment), Luanda, 10 March 2011

¹⁹¹ Interview, Victor Kapolo, Office of the Governor of Luanda (MPLA), Luanda, 2 May 2011

¹⁹² Interview, Antonio Domingos, MPLA member, Luanda, 15 April 2011

¹⁹³ Preamble, paragraph 7, Luena Memorandum of Understanding Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Outstanding military issues Under the Lusaka Protocol, Luena, 4 April 2002

ambassadorial, three governorships and four deputy governorships to UNITA members.¹⁹⁴ After the signing of the Luena Memorandum, Angolan elections have consistently failed to be properly carried out: there have been several delays and postponements. For instance, in 2005, the government announced that the parliamentary and presidential elections were to be held in September 2006 and 2007 respectively but this did not materialize.¹⁹⁵ However, according to Dongo, sixteen years after the 1992 elections in Angola, the country held the second legislative elections in the history of the country in 2008. In these elections, held from September 5-6, the ruling MPLA party won overwhelmingly with 81.7 per cent of the votes which equals 191 seats out of a possible 220. In addition, out of 14 parties, only 4 opposition parties managed to secure seats in parliament.¹⁹⁶ Given the overwhelming win by the government, there were complaints by UNITA and other the opposition parties of electoral malpractice and massive rigging. For instance, Makiesse of FNLA insists that the 2008 elections were fraudulent. The situation was made worse by the fact that the ruling party garnered the majority of seats in Parliament. He argues that this has affected important processes such as constitution-making and changing. For instance, with such a majority, the MPLA was able to change the constitution so that the president is no longer elected directly but rather through a parliamentary system. This is an area of the Luena Memorandum of Understanding that has not been implemented well and one that has caused inequalities.¹⁹⁷ On the 2008 elections, Numa of UNITA insists that his party accepted the results of the legislative elections purely in the interest of peace because the elections were riddled with fraud. As a result of the fraudulent elections, General Numa maintains that UNITA decided to walk out of the constitution-making process in 2010 leaving the government with the majority in parliament to pass the constitution without opposition. This is how the MPLA got to change the constitution regarding presidential elections such that currently, the party with the majority MPs in parliament is able to install its leader as president.¹⁹⁸ Conversely, Lopes and Dongo laud the government's implementation of elections. They insist that the 2008

¹⁹⁴ Alex Vines and Bereni Oruitemeka, "Beyond Bullets and Ballots : the Reintegration of UNITA in Angola" in Mats Berdal and David H. Ucko(eds), (Abingdon: Routledge, 2009), p. 206

¹⁹⁵ Steve Kibble, "Angola: Can the Politics of Disorder Become the Politics of Democratisation & Development?", *Review of African Political Economy*, Vol. 33, No. 109, Mainstreaming the African Environment in Development (Sep., 2006), pp. 525-542 : 531

¹⁹⁶ Human Rights Watch Organization, Democracy or Monopoly?: Angola's Reluctant Return to Elections (New York: Human Rights Watch, 2009), p.3

¹⁹⁷ Interview, Pedro Berry Makiesse , Secretary for Political and Electoral Affairs of the FNLA, Luanda, 5 March 2011

¹⁹⁸ Interview, General Abilio Kamalata Numa, Current Secretary General of UNITA and MP, Luanda, 10 March 2011

elections were free and fair.¹⁹⁹ The presidential elections in the country were postponed severally. In 2006, the president announced that they would take place in early 2007. They were however postponed under the guise of non-completion of the formation of a new constitution.²⁰⁰ In 2009, there was yet another promise that the presidential elections would take place but they failed to materialize. In 2010, the new constitution was completed and promulgated. In this constitution, the MPLA changed the constitution so that the president would be elected by parliament instead of the people. The election date for legislative elections was slotted for 31 August 2012. Since the government changed the constitution so that the number one candidate of the winning party in parliament automatically becomes president, the MPLA won and so did president dos Santos.²⁰¹ In sum, compared to the Bicesse Accords and the Lusaka Protocol, the Luena Memorandum of Understanding was fully implemented. In fact, both parties to the conflict largely observed their obligations without much difficulty. This is why in acknowledging UNITA's efforts in complying with its obligations under the agreement, on 10 December 2002, the UN lifted sanctions against it.²⁰² Lifting all sanctions against the organization is a clear sign that the United Nations (and therefore the larger international community) no longer believed that UNITA would continue to pursue its agenda for Angola through military means.

¹⁹⁹ Interview, Janeiro Moela Mario Lopes, Provincial Director of War Veterans (MPLA), Huambo Province, 6 April 2011, Huambo, Angola. Interview, Georgio Dongo, Provincial Director of Hotels and Commerce, MPLA, Bie, 25 March 2011.

²⁰⁰ Interview, Jaka Jamba, UNITA MP and former soldier, Luanda, 6 March 2011

²⁰¹ Interview, Jaka Jamba, UNITA MP and former soldier, Luanda, 6 March 2011. See also Adekeye Adebayo, *UN peacekeeping in Africa : From the Suez Crisis to the Sudan Conflicts* (Auckland Park, Johannesburg: Fanele, 2011), p.124

²⁰² David J.R. Angell, "The Angola Sanctions Committee" in David M. Malone (ed), *The UN Security Council from the Cold War to the 21st Century* (Boulder, CO.: Lynne Rienner, 2004), p.195

Chapter Seven

Critical Analysis of the Implementation of Peace Agreements in Mozambique and Angola

7.1 Introduction

This chapter seeks to analyse all the findings of this study. To recapitulate, Chapter One introduced the topic of the study, presented the statement of the research problem, the hypotheses, the objectives, the theoretical framework, the literature review and the methodology. The study's problem revolves around why mediation at times produces durable peace (with no return to war) and at times fails to produce durable peace (hence a return to war). Chapter Two defined the term 'peace agreement', examined the types, structure, content, methodology, legal aspects, and historical evolution and development. The chapter aimed at creating a general understanding of peace agreements, their provisions, and how they are negotiated: Chapter Three dwelt on a thorough background analysis of the Mozambican conflict and its mediation. Chapter Four traced the origin of conflict in Angola and the various mediation attempts carried out by different actors. Chapter Five entailed a rigorous assessment of how the parties to the conflict in Mozambique implemented the provisions of the General Peace Agreement (GPA). Chapter Six analysed peace implementation in Angola concentrating on UNITA and MPLA's attempts at the implementation of the Bicesse Accords, the Lusaka Protocol and the Luena Memorandum of Understanding. In this chapter, the findings in chapters five and six are analysed in order to explain why the implementation of Angola's peace agreements failed while Mozambique's succeeded. The investigation will show that by commencing negotiations at a ripe moment and incorporating enticements at the implementation stage, Mozambique was able to ensure that RENAMO and FRELIMO kept their implementation promises. Conversely, it will be revealed that Angola's failure to negotiate agreements at a ripe moment is directly responsible for implementation difficulties. This chapter will compare and contrast peace implementation in the two case studies (Angola and Mozambique) in order to find out why parties to an agreement choose to stall the implementation process, abandon the agreement altogether by going back to war, or choose to proceed with full implementation. To effectively achieve this, the chapter will present a detailed Angola-Mozambique comparison at four levels: country, conflict, the process of mediation, and implementation. Comparing the case studies at these four levels will adequately reveal the similarities in the conflicts and mediation as well as the differences. This will help the study to cross-examine the reasons

why the two countries registered different implementation outcomes. The central hypothesis of this study is that a peace agreement that has been negotiated at a ripe moment will be implemented fully whereas one that has not been negotiated at a ripe moment will fail to be implemented. To test the veracity of this hypothesis, this chapter intends to critically scrutinize the issues that have emerged from the previous chapters regarding the implementation of peace agreements. The ultimate goal of this chapter is to find out what makes parties in conflict to adhere to agreements or fail to do so.

7.2 The Angola and Mozambique Peace Processes: A Comparison

A careful examination of the conflicts and mediation efforts in Angola¹ and Mozambique² elicits certain similarities and contrasts. The first similarity relates to the fact that both countries are ex-Portuguese colonies. Both Angola and Mozambique experienced a protracted history of Portuguese rule. The length of time being referred to is almost 500 years. The longevity of colonialism in the two countries resulted from Portugal's stern anti-decolonization stance.³ This was in contrast to other colonial powers such as Britain and France who accepted that they would have to let go of the colonies under their dominion at some point.⁴ As a result, both countries resorted to the same methods to achieve independence. The first method was armed violence. Here, the nationalists in both Angola and Mozambique launched armed struggles against the colonialists in order to procure self-rule by force. In both countries, self-determination wars lasted for more than a decade, making them some of the longest wars of this nature in Africa.⁵ The independence wars lasted so long because of Portugal's determination to keep the colonies forever. For both countries, the long period of independence wars had significant effects on the post-independence state of affairs. Notably, the two countries started independent life with the exceedingly burdensome legacy of over ten years of war. In the course of fighting the wars for independence in both countries, certain cleavages emerged among the different liberation movements that had been formed to battle the Portuguese. Although a semblance of unity was negotiated for both countries just before independence, these cleavages remained latent and could therefore potentially degenerate into violence.⁶ Also, the fact that (in both countries) the use of violence had become a vital and effective way of gaining political

¹ Chapter Four

² Chapter Three

³ Ibid.

⁴ Patrick Chabal et al., *A History of Postcolonial Lusophone Africa* (London: Hurst & Company, 2002), p.18

⁵ Ibid.

⁶ Chapters Three and Four

benefits for the liberation movements made it more likely that any disagreements after independence would also be dealt with the same way: violently.

In the wars of independence in both countries, there are also some similarities that emerge at the level of actors. In both countries' independence wars were a complex mix of external and internal actors. In Angola as well as in Mozambique, there were three distinct internal actors each with different external patrons. The external actors visible in the pre-independence wars gave support to the various liberation movements in a number of ways. These included hosting them, giving them logistical support, and providing them with arms and military training. In addition, the external actors served as mediators when there were conflicts among the liberation movements.⁷ The close involvement of external actors in the conflicts continued to be a feature of the conflicts of both countries after independence. As such, in both countries, interference by external actors and factors played a key role in igniting the civil wars. In Angola, the USA and the USSR (because of the Cold War) took sides with UNITA and the MPLA respectively; and in Mozambique, South Africa (because of its destabilization policy) supported the rebel RENAMO. For both countries, external actors complicated an already problematical internal situation. This made the wars even more difficult to resolve. The difficulty arose because the divergent external actors had their own interests in the conflicts. Beyond complicating the already complicated wars in Angola and Mozambique, the external actors also played a prominent role in the negotiation and implementation of peace agreements that were reached by the various parties in conflict in the two countries.⁸ Other than armed struggle, there were attempts in both countries to resolve the wars of independence in the two countries through negotiations. For each country, there were two sets of negotiations. First are the inter-liberation movement negotiations, and second are negotiations between the various liberation movements with the Portuguese. At the inter-liberation movement negotiations level, certain similarities are noticeable in Angola and Mozambique. First is the fact that in both Angola and Mozambique, the inter-liberation movement negotiations were carried out with one major goal: to unite the various liberation movements in order to make them strong enough to effectively deal with the Portuguese. The other similarity is that the inter-liberation movement negotiations were initiated and conducted by an external mediator. In Angola, the mediator was the Organisation of African Unity (OAU). In Mozambique, the go-between was Julius Nyerere. Also, the outcome of the inter-liberation movement negotiations in Angola and Mozambique was similar: success in

⁷ *Ibid.*

⁸ *Ibid.*

uniting the movements against Portugal. Thirdly, in both conflicts, the inter-liberation movements' negotiations advocated for unity but failed to go deeper into resolving the root causes of the conflicts. This contributed to the escalation of division among the liberation movements after independence. These rivalries eventually evolved into all-out civil war.⁹ In the negotiations between the individual countries' liberation movements and the Portuguese certain commonalities and differences can also be deduced. For both countries, the negotiations between Portugal and the liberation movements ended with promises of independence and self-governance. As a result, peace agreements to this effect were reached. In Mozambique, FRELIMO and the Portuguese signed the Lusaka Agreement on 7 September 1974. In Angola, the MPLA, FNLA, UNITA and Portugal signed the Alvor Accords on 15 January 1975. Thus, Mozambique became independent in June 1975 and Angola in November 1975.¹⁰ This means that the two countries gained independence from Portugal in the same year even though Mozambique got independent six months earlier.

However, how the independence peace agreements were implemented in the two countries was significantly different. While the Mozambicans basically adhered to the provisions of the Lusaka Agreements for two years, the Angolans totally failed to implement the Alvor Accords. The Angolans failed to hold elections, form a credible coalition government, integrate the three armies into one unit, and put in place a new constitution. Also, they were unable to come up with a clear electoral law.¹¹ The difference in implementation behaviour in Angola and Mozambique relates to the relationship of the various liberation movements at the time of the signing of the independence agreements. The Angolan liberation movements never achieved any true unity nor did they resolve their own internal conflicts fully before they entered into negotiations with the Portuguese. The parties merely agreed to present a united front in order to have some clout in the negotiation process. Their unity was thus artificial as each party would still clamour to propagate its own agenda/interests at the end of the negotiations. Conversely, the Mozambican liberation movements had united as one. Therefore by the time of independence, there was no other strong armed group. For this reason, Angola quickly returned to war while it took some time for those against FRELIMO to form a group strong enough to challenge it.¹² From their inception, the Angolan liberation movements related with each other by violent means. In

⁹ Ibid.

¹⁰ James D. Sidaway and David Simon, "Geopolitical Transition and State Formation: The Changing Political Geographies of Angola, Mozambique and Namibia", *Journal of Southern African Studies*, Vol. 19, No. 1, Special Issue: Namibia: Africa's Youngest Nation (Mar., 1993), pp. 6-28:6

¹¹ Chapters Three and Four

¹² Ibid.

Mozambique, though not united, the liberation movements related with each other relatively peacefully. The discrepancy in the relationships between the liberation movements in both countries is crucial in understanding the two countries' post-independence conflicts and resolution attempts. In Angola, the liberation movements were severely divided ethno-regionally. In addition, they were used to fighting each other. For these reasons, it was extremely difficult for the groups to accept to negotiate with each other let alone implement any peace agreements reached. In Mozambique, since the cleavages were not as sharp, the parties to the conflict were a bit more amenable to peace.¹³ The civil wars in both countries are also comparable in many ways. Firstly, the two conflicts are located within the southern Africa conflict system. As a result, there are certain characteristics of the system that impacted on the two conflicts. For instance, because of their location, they both experienced interference from South Africa at one time or another. South Africa's involvement was driven by the desire for hegemonic control of the southern African region. In addition, the country needed to prevent the happenings in Angola and Mozambique from influencing domestic descent against its apartheid regime.¹⁴ Other than South Africa, there were other actors within the southern Africa conflict system that influenced events in Angola and Mozambique in one way or another. These include Rhodesia, and Malawi.¹⁵ Another similarity in the two countries' civil wars is the fact that both conflicts had issues that begun during the liberation wars. For instance Mozambique's three liberation movements were plagued by internal dissent. This is because each one had its own ideologies from the outset. When Nyerere united the Mozambique movements into one, FRELIMO, he merely helped them adopt a common stance for negotiating with Portugal. He did not attempt to mediate the wrangles that existed within the movements. As such, the movements only managed to unite against the Portuguese but failed to do so amongst themselves. For this reason, the potential for future conflict remained. In Angola, the three liberation movements started violent rivalry amongst themselves during the armed struggle against the Portuguese. This came about because each party desired to ascend to power when the Portuguese eventually left the country.¹⁶

Other than the intrusion from actors within the southern African conflict system, both countries also experienced intervention from the Cold War protagonists. In Angola, the USA took sides with UNITA whilst the USSR favoured the MPLA. In Mozambique, the USA aligned itself with RENAMO while the USSR and China were allied to FRELIMO. The

¹³ Chapters Three and Four, and Chapters Five and Six

¹⁴ Chapters Three and Four

¹⁵ Ibid.

¹⁶ Ibid.

interconnectedness with the powerful ideological rivals is the reason why, at the end of the Cold War, the withdrawal of superpower support led to a decision for negotiated settlement in place of additional violent confrontation. These negotiations led to the signing of peace agreements in both countries.¹⁷ Also, the peace agreements that were realized in both countries emphasise similar elements. When looking at the General Peace Agreement of Mozambique, the Bicesse Accords, the Lusaka Protocol and the Luena Memorandum of Understanding, there is stunning realization that all these agreements place major emphasis on four key elements: ceasefire, demobilization, creation of a unified army/police force, and elections.¹⁸ In short, the Angolan and Mozambique conflicts, peace processes and peace agreements have many elements in common. To better understand the complex web of liberation wars and civil wars in both countries and the myriad attempts at negotiating the conflicts, the following chronology of events helps to map out the different conflicts and negotiations that have been discussed:

Figure 1.4: Chronology of Events¹⁹

Liberation Wars

Angola		Mozambique	
Date	Event	Date	Event
1482	Portuguese arrive in Angola	1498	The Portuguese arrive in Mozambique
1884	Portuguese extend to the interior	1950s-60s	Colonial economy thrives; thousands of new Portuguese settlers arrive in Mozambique.
1891	Angola's borders are fixed after the Berlin Conference	1961	MANU, UDENAMO and UNAMI are formed as separate liberation movements
1945	World War II ends, increased emigration from Portugal to Angola	1962	Nyerere calls UDENAMO, MANU to Dar-es-Salaam. Initiates Negotiations among MANU, UDENAMO and UNAMI. Agenda: unity. Result: formation of the Mozambique Liberation Front (FRELIMO), led by Eduardo Mondlane.
1951	Angola upgraded from colony to overseas province of Portugal	1964	FRELIMO forces begin war of independence.
1956	MPLA is formed on a non-racial (and non-tribal) basis, and with a mandate to end colonial rule. MPLA's leader, António Agostinho	1974	Military coup in Portugal. New government supports autonomy for colonies; start of departure of 250,000 Portuguese settlers.

¹⁷ Ibid.

¹⁸ Chapters Five and Six

¹⁹ Chapters Three and Four

	Neto receives support from the Soviet Bloc.		
1961	MPLA extends its armed struggle to the rural areas	7 Sept 1974	Portugal and FRELIMO sign Lusaka Accord; transitional government is established.
1962	Holden Roberto forms the FNLA insurgent movement in Northern Angola. The FNLA receives support from Zaire and the US.		
1966	UNITA is formed by Jonas Savimbi in Southern Angola.		
1974	Military coup in Portugal. End of Portuguese colonial era. Independence for African colonies set for 1975		
3-5 January 1975	Chairman of OAU (1974-5), Jomo Kenyatta of Kenya organizes negotiations in Mombasa. Agostinho Neto, Jonas Savimbi and Holden Roberto attend. Aim: to unite the three movements ahead of independence negotiations with Portugal. Result: the Mombasa Agreement.		
10 January 1975	The Alvor Negotiations take place between the Angolan liberation movements and the Portuguese.		
15 January 1975	The Alvor Accords are signed between Portugal and the 3 liberation movements. Elections set for end of October 1975 and Independence is set for 11 November.		

Civil War

Angola		Mozambique	
Date	Event	Date	Event
March 1975	The coalition government fails to take off and war breaks out among the liberation movements	1977	Civil war breaks out
16-21 June 1975	The <u>Organization of African Unity</u> (OAU) organizes a peace conference moderated by <u>Kenyan President Jomo Kenyatta</u> with the three leaders in <u>Nakuru</u> , Kenya	1984	The Nkomati I Accord, a non-aggression pact is signed between Mozambique and South Africa. South Africa was required to sever economic aid to RENAMO in exchange for FRELIMO's disassociation from the ANC
21 June 1975	The Nakuru Accord is signed by the three fighting movements. The parties in conflict pledged to restore the transitional government, end violence, form one national army, free all prisoners, disarm civilian supporters, guarantee the right of free political activity, and hold elections in October 1975	1986	Malawi and Mozambique sign a security pact. Malawi agrees to dismantle RENAMO bases in the country
23 June 1975	The Nakuru Accord collapses and the parties return to war	May 29, 1984	RENAMO and FRELIMO meet in Frankfurt am Main to discuss possibility of peaceful resolution of conflict. Deadlock occurs
July 1975	Official end of Coalition Government	October 1984	South Africa organises a three-day negotiation process in Pretoria. The Pretoria Declaration is signed. However, it is not implemented.
9 July 1975	The Battle of Luanda commences. MPLA with help from the Portuguese Communist Party, Cuba, and the Soviet Union wins.	8-11 October 1984	The Second Pretoria process takes place with South Africa as mediator. RENAMO walks off. Negotiations collapse.
10 Nov 1975	Last of Portuguese troops leave Angola. High Commissioner proclaims Angola independent. No official transfer of power to a new government is done	May and October 1988	Mozambican churches visit Nairobi to request Kenya to help negotiate a RENAMO/FRELIMO peace
1962	Holden Roberto forms the FNLA insurgent movement in Northern	August 8 -11, 1989	Nairobi Process takes place. RENAMO and the Mozambique

	Angola. The FNLA receives support from Zaire and the US.		churches meet in Nairobi. The 12 principles of dialogue by the Government and RENAMO's 16 points are presented. Deadlock occurs
1966	Jonas Savimbi forms UNITA in Southern Angola.	1990	Blantyre Negotiations. Fail to take off when RENAMO pulls away citing security reasons
1974	Military coup in Portugal. End of Portuguese colonial era. Independence for African colonies set for 1975	July 8, 1990-1992	Rome Peace Process. The General Peace Agreement (GPA) between RENAMO and FRELIMO is signed.
3-5 January 1975	Chairman of OAU (1974-5), Jomo Kenyatta of Kenya organizes negotiations in Mombasa. Agostinho Neto, Jonas Savimbi and Holden Roberto attend. The aim is to unite the three movements ahead of independence negotiations with Portugal. Result: The three leaders sign the Mombasa Agreement.		
10 January 1975	The Alvor Negotiations take place between the Angolan liberation movements (negotiating as one) and the Portuguese.		
15 January 1975	The Alvor Accords are signed between Portugal and the 3 liberation movements. Elections set for end of October 1975 and Independence is set for 11 November.		
11 Nov 1975	Agostino Neto of MPLA declares himself president. Holden Roberto under a UNITA/FNLA coalition declares himself president		
14 Nov 1975	Agostino Neto's new government is sworn in		
1976	FNLA disintegrates, UNITA inherits FNLA's external supporters especially, South Africa, Zaire and the USA		
1984	South Africa - Angola negotiations at Lusaka Zambia. The Lusaka Agreement is signed. The agreement provides for		

	South Africa's withdrawal of troops Angola. The agreement also stipulated that no forces (UNITA or SWAPO) were to move into the area vacated by South African forces, the establishment of a ceasefire on the border between Namibia and Angola.		
August 1985	MPLA, UNITA fight in Battle for Mavinga		
1987	Battle of Cuito Cuanavale		
1988	The Angola-Namibia Accords are signed		
June 22, 1989	Gbadolite negotiations yielded the Gbadolite Declaration. 24 June 1989 ceasefire not implemented, war resumes.		
1991	Negotiations at Bicesse yield the Bicesse Accords. Elections are to be held from 29-30 September 1992		
29-30 September 1992	Elections are held, the MPLA wins. Violence breaks out when Savimbi refuses to accept results		
October 20 1992	Negotiations are held, the parties agree to a presidential run-off to resolve the post-election crisis		
October 30 1992	Violence breaks out		
November 1 1992	UN intervenes and a ceasefire is negotiated		
	Namibe negotiations take place and the Namibe Accords are reached. The parties pledge full acceptance of the Estoril Protocol of May 1991 and the immediate implementation of a nation-wide cease-fire		
November 1992	Fighting breaks out, Namibe Accords collapse		
January 28-30, 1993	Addis Ababa talks between the Angolan government and UNITA take place. Negotiations collapse, violence breaks out		
End of March 1993	Abidjan negotiations begin. Mediators suspend the Abidjan talks on 21 May 1993 with the		

	proposed Abidjan Protocol left unsigned		
1993-1994	Lusaka Process commences and on 20 November 1994, the Lusaka Protocol is signed		
1998	Fighting resumes		
April 2002	The Luena Memorandum of Understanding is signed by the parties to the conflict		

7.3 Peace Agreement Implementation in Angola and Mozambique

The liberation wars (and the mediation efforts) and the civil wars and (the mediation efforts) in both Angola and Mozambique are strikingly similar in many ways. Yet, based on an analysis of the qualitative data presented in Chapters Five and Six, there is no doubt that the two countries fared remarkably differently in the implementation period, the many similarities notwithstanding.²⁰ In both countries' peace agreements, the first deducible similarity in the 1992 GPA, the 1991 Bicesse Accords, the 1994 Lusaka Protocol, and the 2002 Luena Memorandum of Understanding, is the identicalness of issues that needed to be implemented. These issues are ceasefire, demobilization, creation of a unified army/police force, and elections.²¹ The fact that these four issues recur in all of Angola's and Mozambique's peace agreements means that the success or failure of implementation of the peace agreements in the two southern African countries depended a lot on how the parties to the conflict handled these issues.

7.3.1 Cease-fire

Both Angola and Mozambique implemented the issue of ceasefire differently. Whereas the ceasefire in Angola's Bicesse Accords and Lusaka Protocol was not implemented because the parties to the conflict kept violating the terms of the ceasefire, RENAMO and the Government of Mozambique implemented the ceasefire correctly with no reported violations from both sides.²²

7.3.2 Demobilization of Soldiers

The issue of demobilisation of soldiers was also differently implemented in Angola and Mozambique. While the exercise was not completed under the Bicesse Accords and the

²⁰ Chapter Five discusses the implementation of peace agreements in Mozambique while Chapter Six discusses the implementation of peace agreements in Angola.

²¹ Chapters Five and Six

²² Ibid.

Lusaka Protocol in Angola, the demobilization of soldiers was satisfactorily carried out in Mozambique.²³

7.3.3 The Formation of a Unified Army/Police Force

Regarding the formation of a new unified army, Angola and Mozambique again visibly fared differently in terms of implementation. In Angola, the exercise was only symbolically executed under the Bicesse Accords. For the Lusaka Protocol, the formation of the unified army was incomplete. Conversely, the formation of the unified army in Mozambique was satisfactorily carried out as demanded by the General Peace Agreement. In the same vein, in Angola, the issue of the police force was totally unimplemented under the Bicesse Accords while under the Lusaka Protocol, it was incomplete. In Mozambique, the formation of the unified army was carried properly according to the recommendations of the 1992 General Peace Agreement.²⁴

7.3.4 The Issue of Elections

The implementation of elections in Angola fared poorly. Under, the Bicesse Accords, the first results of the first round of elections was rejected by one side, while the second round of elections (a run-off) failed to take off at all. In addition, all through the lifespan of the Lusaka Protocol, no elections took place in Angola. Also, it took many years before presidential elections were held in Angola since the signing of the Luena Memorandum of Understanding. For Mozambique, the elections component of the General Peace Agreement was successfully implemented because after the elections, both parties accepted the results.²⁵ In sum, the four thematic areas of ceasefire, demobilization, formation of a unified army/police force, and the issue of elections were not implemented under the Bicesse Accords and the Lusaka Protocol in Angola while the same areas were successfully implemented in Mozambique. However, in Angola, the implementation of the Luena Memorandum of Understanding was quite different from the implementation of the Bicesse Accords and the Lusaka Protocol. Whereas the latter peace agreements were largely unimplemented, the former was completely implemented.²⁶ What makes the Luena Memorandum of Understanding special is the fact that it was negotiated in the context of a military victory by the government over UNITA. The military victory occurred when the government forces disarmed or suppressed UNITA forces to the point that they could not continue fighting anymore. Nonetheless, after the military victory, the winner engaged in

²³ Ibid.

²⁴ Ibid

²⁵ Chapters Five and Six

²⁶ Ibid

negotiations with the badly defeated UNITA. Since UNITA was completely unable to continue military operations as it had in the past, it adhered to the peace agreements' terms unilaterally imposed by the government.²⁷ This is why the Luena Peace agreement was easier to implement fully as opposed to the Bicesse Accords and the Lusaka Accords.

Figure 1.5: Implementation of Peace Agreements in Angola and Mozambique

AGREEMENT	TASK	SPECIFIC ACTIVITY	IMPLEMENTATION OF TASK	OUTCOME
Bicesse Accords-1991 (Angola)	Ceasefire	Total cessation of hostilities.	Cessation not total. <i>There were some confrontations-about 16 incidences.</i>	Partially implemented
		Cessation of acquisition of weapons.	Parties continued to acquire weapons.	Not implemented
		Troop assembly.	Parties did not assemble all their troops. <i>About 60% assembled and 40% not in assembly areas.</i>	Partially implemented
	Demobilization	Disarming combatants not joining unified army, giving them severance pay, resettling them as civilians.	<i>Three weeks to election:</i> <ul style="list-style-type: none"> • 41% of the troops of both sides had been demobilized. • 24% of these were in camps and still armed. • 32% of the total of government and UNITA troops were unverified. 	Partially implemented
	Formation of New Army/Police Force	Two parties to disband each individual army to form one unified army of 50,000	Symbolically done on 27 th September, two days before election because full demobilization was	Partially implemented

²⁷ Chapter Four and Chapter Six

		persons.	not done.	
	Formation of Army	Appointment of army leadership.	FAA Army leaders were appointed on 6 th August, 1992. Two CGS appointed two days before elections. UNITA withdrew from army after results announced.	Partially implemented
		Formation of a joint UNITA/Government Police force.	Only 39 UNITA absorbed into police force. Anti-riot police-UNITA not incorporated in this unit.	Partially implemented
	Elections	Presidential Elections	Implemented but one party refused to accept results.	Partially implemented
		Second round of Elections	Not implemented at all.	
Lusaka Protocol-1994 (Angola)	Ceasefire	Cessation hostilities, troop movements.	There were Ceasefire violations.	Partially implemented
		UNITA to withdraw and quarter all its troops.	Government advancing forward seeking to defeat UNITA troops.	
		Parties to give UN records of troop composition, arms, equipment and location.	Arms race reported.	
		MPLA to disengage from forward movement as UNITA withdraws. All mercenaries to leave.	Mercenaries not repatriated immediately. <i>Took 2 years of pressure for government to send them away.</i>	
	Quartering of UNITA Troops	Soldiers to present themselves to Quartering Camps.	Symbolically done as most of most of those quartered not professional soldiers.	Partially implemented
		Surrender equipment/weapons	Equipment and weapons surrendered were old and worn	

			out. None of the sophisticated equipment was surrendered.	
Demobilization	UNITA to discharge its soldiers and integrate them into civilian life.		UNITA took the demobilized soldiers and reassembled them in military training camps.	Partially implemented
Formation of joint Army Police Force	UNITA to allow return of its generals to FAA.		10 UNITA Generals to join the army.	Partially implemented
	Select soldiers to join FAA.		8,000 UNITA soldiers joined the army. Projected number was 26,300.	Partially implemented
	Inserting UNITA members into police force.		By 30 th June 1997, only 524 UNITA allowed into police. This is out of 5,500.	Partially implemented.
Government of National Unity	President of UNITA to be given special status.		Government made Savimbi head of opposition on 8 th April, 1997.	Partially implemented.
	All 70 UNITA deputies of 1992 to rejoin parliament.		6 th March, 1998-governments appointed 3 UNITA governors and 7 vice-governors.	
	Civil service to incorporate UNITA.		6 Ambassadors appointed.	
			Law on Savimbi's special status promulgated.	
			4 UNITA Ministers and Vice-Ministers sworn in.	
		63 UNITA MPs rejoined parliament.		
			UNITA refuses to surrender areas it controlled, government suspends it from GURN.	
Surrender of UNITA Held Areas	UNITA to let go of areas it controlled to be taken over by the central government.		UNITA refused to do this.	Not implemented.

Luena Memorandum of Understanding 2002(ANGOLA)

Elections	Parliamentary elections	Government postponed 1996 parliamentary elections.	Not implemented.
	Second Round of presidential elections	War restarted in 1998.	
		No elections held.	
Ceasefire	Cessation of hostilities as stated in Bicesse Accords and Lusaka Protocol.	UNITA adhered to terms of ceasefire. No records of violations.	Fully implemented.
Demobilization	Quarterming/Assembly of troops.	UNITA exceeded the projected numbers in the quarterming areas.	Fully implemented.
	Demobilization.	Government demobilized UNITA with resistance at all.	
Formation of United Army	Dissolution of UNITA.	UNITA given 5007 slots.	Fully implemented.
	Selection and absorption of soldiers in army.		
Government of National Unity (GURN).	Power sharing.	UNITA given the full slots: <ul style="list-style-type: none"> • 6 Ambassadors. • 3 Governors. • 4 Deputy Governors. 	Fully implemented.
Elections	Presidential Elections.	Legislative done in 2008. <ul style="list-style-type: none"> • UNITA accepted the results. • Legislative elections ongoing-started 31st August 2012. MPLA and Dos Santos expected to win. 	Fully implemented.
	Legislative Elections.		
Ceasefire	Cessation of hostilities	Observed with no violations.	Fully implemented.
Demobilization	FRELIMO and RENAMO to	FRELIMO and RENAMO soldiers	Fully implemented.

The General Peace Agreement of Mozambique-1992

		demobilize soldiers not selected to join army	were demobilized.	d.
	Formation of unified army Police force		RENAMO incorporated into army/police.	Fully implemented.

From figure 1.5, the implementation of peace agreements in Angola and Mozambique has generated three main outcomes: "Partially Implemented", "Fully implemented", and "Not Implemented". To avoid ambiguity, there is a need to define exactly what these outcomes are and what they mean. Following the discussions in Chapters Five and Six, "partially implemented" refers to the case where a peace agreement provision has been implemented but not in its entirety. For instance, the Bicesse Accords' ceasefire has been classified as partially implemented because certain of its aspects were carried out by the parties to the conflict while others were not. For example, there was some cessation of hostilities as well as around sixteen instances of violence, parties continued to acquire weapons, and not all troops were assembled. The same applies for the demobilisation exercise (soldiers were demobilised but not all those required to do so by the peace agreement), formation of unified army/ police force (this was merely symbolic as it was impossible to carry out the exercise with the lack of completion of demobilisation), and elections (first round was carried out fully but one party refused to accept results, second round did not take off). For the Lusaka Protocol, the ceasefire was implemented but not to the letter as there were some violations. The fact that there were certain aspects that were not implemented is what makes the study classify it as a partial success. The demobilisation exercise under the Lusaka Protocol was also partially implemented. The study concludes this because after the demobilisation of UNITA soldiers, most of them were reassembled and retaken to military camps. The same applies to the formation of the unified army/police force as the exercise was never completed. "Not implemented" refers to a situation where a provision of a peace agreement has totally not been carried out by the parties in conflict. Under the Bicesse Accords, the acquisition of weapons continued unabated contrary to the peace agreement, under the Lusaka Protocol, UNITA refused to surrender the areas it held, and elections were never held as directed by the Lusaka Protocol. "Fully implemented" refers to the situation where most of the fundamental requirements of an agreement have been carried out by the parties in conflict. In the Luena Memorandum of Understanding of Angola, the ceasefire, demobilisation of soldiers, the unification of the armies and elections were carried out fully. The same applies to the GPA of Mozambique whose provisions were carried out fully.

7.4 Success versus Failure

From the three classifications, (“partially implemented”, “not implemented”, and “Fully implemented”), there is a need to explain the issue of success and failure of implementation that is conceptually central to this study. Since the implementation of the four areas of ceasefire, demobilization, creation of a unified army/police force, and elections has been identified as crucial in the measurement of the overall success or failure of the implementation of the Angolan and Mozambican peace agreements, full implementation of any of these provisions is what counts in assessing failure or success. This is because some issues such as demobilisation are quite sensitive such that carrying them out halfway is just as bad as not carrying them out at all. In Angola, when only part of the army was demobilised, war recommenced. This is why this study concludes that the partial implementation of a crucial provision of an agreement has similar consequences as non-implementation. Therefore “not implemented” and “partially implemented” will both connote “failure” of implementation in this study. Success will refer to cases where the four elements (ceasefire, demobilization, creation of a unified army/police force, and elections) have been implemented fully and no war has recurred. For that reason, Mozambique is a successful case of peace implementation and Angola is a failed one. From the data in Figure 1.5, it can be concluded that the implementation of the GPA’s provisions was satisfactory enough to merit qualification as ‘successful’. This is especially because there were no reports of violence in the immediate period after the signing of the agreement. Also, twenty years after the signing of the peace agreement between RENAMO and FRELIMO, no violence has broken out in the country. For Angola, other than the 2002 military victory-inspired Luena Memorandum of Understanding, the other peace agreements were unsuccessfully implemented. As a result, there were bouts of violence following the Bicesse Accords and the Lusaka Protocol. In Mozambique, (despite the few hiccups here and there), the parties to the conflict by and large agreed to carry out their tasks as stipulated by the GPA²⁸ as opposed to Angola where the refusal to carry out the activities spelt out in the Bicesse Accords and the Lusaka Protocol led to fresh bouts of violence.²⁹

7.5 Disparities in Implementation in Mozambique and Angola

There have been attempts by some scholars to explain why peace agreements are implemented in some cases and not in others.³⁰ The problem, however, is that some of the

²⁸ Interviews with Chissano and Dhlakama

²⁹ Chapter Six

³⁰ Chapter One

theories presented are incomplete and fail to capture the reality of the Angolan and Mozambican cases. For example in Stedman's argument that success and failure of peace implementation is due to spoiler issues, he defines spoilers as parties or actors who are included in the peace negotiations and who sign peace agreements, not for imagined cooperative gains, but for opportunity to prevail. Spoilers 'show a willingness' to reach a peaceful solution but later 'fail to fulfil key obligations to an agreement'. Stedman notes that actors are likely to do this whilst maintaining an 'offensive military capability'. Should the peace process show signs of disadvantaging an actor or indeed advantaging its rival, the actor may begin to spoil. According to this explanation, it would mean that there were spoilers in Angola and none in Mozambique hence the reason why Angola failed in its peace implementation and why Mozambique succeeded. In Angola, when the outcome of the elections was not favourable, Jonas Savimbi, the leader of UNITA at the time, rejected the election results and resumed violent fighting.³¹ When the negotiated peace posed a threat to UNITA's survival and legitimacy, Savimbi decided to 'spoil' and return to violence. From a bird's eye view, this explanation seems viable but on closer look, it is evident that Stedman fails to take into account other factors such as how the parties decided to go into negotiations, what kept them immersed into the negotiations until the end and what was done to entice them to follow through with the implementation of the peace agreement. Also, after an examination of Dhlakama's behaviour throughout the negotiation and implementation process, it appears that he too exhibited (on more than one occasion) some spoiler tendencies. For example, Dhlakama at one point threatened to skip the electoral process and this created a lot of anxiety in Mozambique.³² Yet, despite this kind of behaviour, this 'spoiler' still respected the GPA and participated in leading his party to adhere to the provisions therein. This is evidenced by the fact that Dhlakama went ahead and participated in the elections he had threatened to boycott and when he lost the elections, he accepted the defeat.³³ Dhlakama's behaviour nullifies claims that Savimbi was a spoiler and that is why he failed to implement his obligations under the Bicesse Accords and the Lusaka Protocol.

Another scholar who has attempted to explain why peace agreements succeed or fail is Walter.³⁴ She argues that the reason why some peace agreements fail to be implemented is if there are no security guarantees established or if there is no provision of power-sharing in the negotiated peace agreements. By security guarantees, she means an implicit or explicit

³¹ Chapter Six

³² Chapter Five

³³ Ibid.

³⁴ Chapter One

promise given by an outside power to protect adversaries during the treaty implementation period. A security guarantee can be positive or negative, containing either an obligation to provide assistance or a promise not to use specific weapons or other destructive instruments. Power-sharing allows the loser to partake in the leadership of the country after the elections.³⁵ Walter's argument seems plausible. However, she fails to connect the pre-negotiation, negotiation and implementation processes. Her argument also fails to apply in the Lusaka Protocol where there was power-sharing but the parties still refused to implement the agreement. Other scholars such as Bekoe think that it is all due to mutual vulnerability or lack of it³⁶ and Wallensteen believes that it is all about how agreements are made.³⁷ Other studies seeking to understand Angola's failure to implement peace accords conclude that the weak mandate of United Nations, lack of international support for the peace process, the failure of the parties (particularly UNITA) to disarm and demobilize, and, the lack of the power-sharing provision in the negotiated peace agreements are the main reasons for the country's failure.³⁸ In the case of Mozambique, the successful implementation of the 1992 GPA has been attributed to the weak internal and external support, and the prominent role played by the United Nations.³⁹ Contrary to these assumptions, the central argument of this study is that peace agreements are more likely to be successfully implemented (and thus decrease the chance of a resumption of hostilities) when they are negotiated at a ripe moment. Conversely, when peace agreements are negotiated when the moment is not ripe, they will be unimplemented and war will resume. It has nothing to do with spoilers, absence or presence of security guarantees, absence or presence of power-sharing mechanisms or all the other arguments that have been made by Stedman, Walter, Wallensteen and the like. In order to make this argument, the two cases should be discussed in the light of the ripe moment theory in order to determine the how 'ripeness' featured in the negotiations (if at all) and how this factor is connected (or not connected) to the implementation of the agreements in Mozambique and Angola.

³⁵ Barbara F. Walter, *Committing to Peace: The Successful Settlement of Civil Wars*, (Princeton: Princeton University Press, 2002), p.3

³⁶ Dorina A. Bekoe, "Mutual Vulnerability and the Implementation of Peace Agreements: Examples from Mozambique, Angola and Liberia" *International Journal of Peace Studies*, Volume 10, Number 2, Autumn/Winter 2005

³⁷ Chapter One

³⁸ Chapter One and Chapter Six

³⁹ Anna Fritzsche, *Political Analysis and Strategy of UN Peacekeeping in Sub-Saharan Africa: Lessons learnt from Angola and Mozambique*, MA Thesis, International Economics / International Relations, Johns Hopkins University, Fall 2010

7.6 Ripeness in the Mozambique and Angola Conflicts

As has been explained in Chapter One, the concept of timing is very important in any mediation initiative according to Zartman.⁴⁰ In explaining timing of mediation, Zartman urges that mediation should ideally happen when the conflict is 'ripe' as opposed to when it is 'not ripe'. This is because, when the conditions are ripe, the negotiations will more likely lead to successful outcome than when the conflict is not 'ripe'. There are certain indicators that can signal that a conflict is now ripe for resolution. When these signals appear, it means that the parties are ready to negotiate their conflict. This readiness comes about when each party's efforts to achieve a unilaterally satisfactory result are blocked and the parties feel trapped in a painful and costly dilemma. This feeling is what is called a mutually hurting stalemate.⁴¹ A mutually hurting stalemate is that point in the conflict when the parties are in a hurting deadlock from which escaping by military means becomes impossible and continuation of hostilities will lead to a mutual increase of costs.⁴² When there is a mutually hurting stalemate, the parties find that neither of them can escalate to victory. As the mutually hurting stalemate implies a degree of pain, the parties (having perceived the pain) are inclined to seek an alternative way out of the conflict. This is when a negotiated solution becomes possible. In the Mozambique conflict,⁴³ the 'ripe moment' element has been identified as having featured prominently in initiating negotiations. Thus, the conflict in Mozambique was negotiated at a ripe moment that occurred when RENAMO and FRELIMO experienced and perceived a mutually hurting stalemate.⁴⁴ In Mozambique, the parties felt two significant 'hurting' conditions that convinced them that the best option they had was to negotiate with each other. First, for both sides, there was a withdrawal of international backing (South Africa from RENAMO and USSR from FRELIMO).⁴⁵ This hurt the parties since it significantly reduced both sides' arms and ammunition, and manpower. This military 'hurt' made it hard for either party to outrightly win the war. Secondly, there was a nationwide famine of 1991/92 that made it almost impossible for both sides to feed their soldiers and supporters.⁴⁶ Thus, both groups decided to shift tactics from violence to negotiation. When

⁴⁰ Chapter One

⁴¹ Ibid.

⁴² Ibid.

⁴³ See Chapter Three

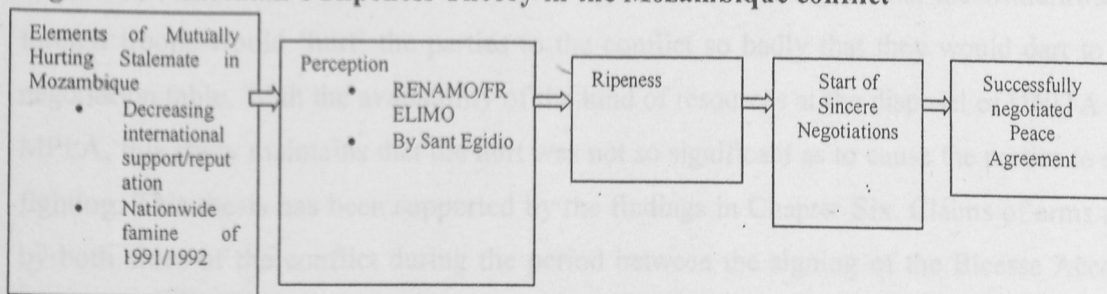
⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Africa Watch, *Conspicuous Destruction: (Report on) War, Famine and the Reform Process in Mozambique* (New York: Human Rights Watch, 1992), p.5. See also Paul Nugent, *Africa since Independence* (New York: Palgrave Macmillan, 2004), p.286. See also Stephen John Stedman, "Negotiations and Mediation in Internal

the parties in a conflict are experiencing a hurting stalemate, if the opportunity is not seized, a ripe moment for negotiation can be lost. Realizing this, the Community of Sant'Egidio, a non-state actor, engaged in a process of ripening the moment in the conflict to make the parties move to negotiations.⁴⁷

Figure 1.6: Zartman's Ripeness Theory in the Mozambique conflict



Unlike Mozambique, Angola's negotiations were not carried out at ripe moments. There is overwhelming evidence that the three peace processes of Bicesse, Lusaka and Luena took place at moments that were not ripe. The Bicesse Process was the first peace process in Angola dedicated to finding a lasting solution to the civil war that had plagued the country for a long time.⁴⁸ The negotiations at Bicesse in 1991 were conditioned by certain elements that have been wrongfully thought of as hurting stalemates by some scholars. These elements were both intrinsic (emanated from inside Angola) and extrinsic (sprang from outside the country). One of these happenings was the withdrawal of foreign troops/powers from the country following the signing of the Namibia Accords of 1988. When the foreign powers withdrew their support, access to war-enabling materials such as weapons became a bit difficult for both parties to the conflict. For instance, with the departure of the Soviet Union and Cuba, the MPLA lost its main supply of weapons. Also, the withdrawal of South African and USA support significantly curtailed UNITA's ability to wage war.⁴⁹ Apart from the problems arising from the withdrawal of support by the parties' external patrons, there was a situation in the battle for Mavinga where none of the parties in conflict was able to defeat the other. In addition, by mid-1990, there were constant food shortages caused by four seasons of failed rains. The drought and its effects plagued both the government and UNITA soldiers. This tremendously elevated the cost of war for both sides.⁵⁰ These unfavourable elements

Conflict" in Michael E. Brown (ed), *The International Dimensions of Internal Conflict* (Cambridge, Massachusetts: The MIT Press, 1996), p.352

⁴⁷ Andrea Bartoli, "Mediating Peace in Mozambique: The Role of the Community of Sant'Egidio" in Chester A. Crocker, Fen Osler Hampson and Pamela Aall (eds), *Herding Cats: Multiparty Mediation in a Complex World* (Washington, D.C: United States Institute of Peace, 1999), p.256. See also Chapter Three.

⁴⁸ Chapter Four

⁴⁹ Ibid.

⁵⁰ Ibid.

could easily be wrongfully assumed to be 'hurting'. This is because first of all, UNITA and the MPLA were in control of such vast resources as to cushion the withdrawal of foreign assistance by the external patrons. These resources are oil and diamonds. Whereas UNITA controlled the huge diamond industry, the MPLA was in total control of the country's oil reserves.⁵¹ With such resources, it would be pretentious to imagine that the withdrawal of foreign troops would 'hurt' the parties to the conflict so badly that they would dart to the negotiation table. With the availability of the kind of resources at the disposal of UNITA and MPLA, this study maintains that the hurt was not so significant as to cause the parties to stop fighting. This thesis has been supported by the findings in Chapter Six. Claims of arms race by both sides of the conflict during the period between the signing of the Bicesse Accords and the elections are a clear indicator that the departure of foreign parties did little to deter UNITA and the government from procuring arms and keeping some part of their troops on standby for any eventuality.⁵² These activities need vast resources. The fact that the parties to the conflict continued to afford to carry them out is a pointer that they were not suffering a 'hurting' stalemate, mutual or not. The large resource base was also enough to cushion the parties from a would-have-been-natural environment-induced mutually hurting stalemate. The environmental factor in question in this case is the mid 1990 four seasons' drought that made it difficult for both sides to feed their soldiers.⁵³ Therefore, much as the withdrawal of foreign aid and the drought negatively affected the parties, the effects were not adverse enough to push them into negotiations. The paramount reason why the parties to the conflict entered into negotiations is due to intense external pressure from the troika of Portugal, USSR and the USA. The warring parties in Angola did not go into the negotiations because they were ready, but because the negotiations were imposed on them.⁵⁴ Judging from the antagonists' actions during the implementation process (hoarding soldiers, caching arms, refusing to hand over occupied territories, and such other acts,⁵⁵ it can be assumed that neither the MPLA nor UNITA was interested in genuine negotiations. They had merely bowed to intense international pressure to enter into negotiations. Despite this, the parties remained glued to the negotiations because of the hope of winning the elections. The anticipation of winning the elections and hence legally acceding to power gave them the motivation to stay in the negotiations. There is a feeling that

⁵¹ Ibid.

⁵² Chapter Six

⁵³ Chapter Four

⁵⁴ Chapter Six

⁵⁵ Ibid.

had UNITA known that the MPLA would be the victor in the elections, the movement would not have gone into the negotiations.⁵⁶

As for the Lusaka Protocol, this study concludes that its negotiations were also not carried out at a ripe moment. After the elections in 1992 that were won by the MPLA, UNITA decided to go back to war. This decision led to an intense one year of war where UNITA was able to take about 70% of the territory. UNITA's initial military advances over MPLA were later overturned when the MPLA rearmed and regained 60% of the territory back.⁵⁷ The MPLA was able to do this with more sophisticated weapons and with the help of a private army from South Africa. Realizing that the military advantage had sharply tipped in favour of the government and under pressure from the international community, UNITA issued a communiqué in October 1993 reaffirming the validity of the Bicesse Accords. This act opened the way for talks between the two sides in Lusaka in November.⁵⁸ Again, just as in the Bicesse Process, the negotiations in Lusaka took place when both parties had not perceived a mutually hurting stalemate. They had not yet reached the point where they perceived the costs of the war to be too great to bear. UNITA decided to sue for peace to deflate an impending MPLA win. UNITA's dwindling military fortunes convinced it to go for peace rather than suffer a humiliating defeat from the MPLA. This was a tactic to forestall further military advances from the government side.⁵⁹ Therefore, in the case of the Lusaka Protocol, the negotiations were initiated by the side that was losing in the field. There was no mutually hurting stalemate as UNITA was the only side feeling the military burden. Given the fact that the government was making military gains, negotiations were certainly not its highest priority. However, due to intense external pressure to enter into negotiations, the government decided to do so. Otherwise, the government whose military fortunes in the field were on the increase had no desire to engage UNITA in negotiations. Thus, having not reached a mutually hurting stalemate, the conclusion is that the MPLA and UNITA entered into negotiations in Lusaka at a moment that was not ripe.⁶⁰ As the case was for the Bicesse and the Lusaka processes, the issue of ripeness did not play any role in the Luena negotiations. This is because, as has been established in chapter four, the results of the battle between UNITA and the government in 2002, reflected a tremendous government win over the rebel organisation. UNITA's defeat

⁵⁶ Ibid.

⁵⁷ Chapter Four

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Chapter Six

was further sealed by the killing of the founding leader and army commander, Jonas Savimbi. Unlike the Bicesse and the Lusaka negotiations, the Luena process was initiated by the government. As the winner of the war, the gesture by the government was intended to serve as a platform for setting new rules of the game with its long-time enemy, UNITA. Zartman's signposts for ripeness were conspicuously absent. There was no stalemate, 'hurting' or otherwise. The government was the winner and UNITA the loser. Thus categorically, in the Luena Process, the theory of ripe moment does not apply as the agreement was negotiated as a consequence of a military victory rather than a mutually hurting stalemate.⁶¹

7.7 Is Ripeness Enough?

When comparing the four agreements, the General Peace Agreement of Mozambique differs from the Bicesse Accords, the Lusaka Protocol and the Luena Memorandum of Understanding because of the fact that it was negotiated at a moment deemed 'ripe' while the others were negotiated at moments that were not ripe. Thus, because Mozambique's General Peace Agreement and Angola's three peace agreements were signed under different circumstances (Mozambique's at a ripe moment and Angola's at moments that were not ripe), implementation results for the two countries' were more likely expected to be different. While the General Peace Agreement, negotiated at a ripe moment was implemented fully (as indicated in Figure 1.14), Angola's Bicesse Accords and the Lusaka Protocol negotiated at moments that were not ripe were essentially not implemented. This interesting contrast in implementation outcomes necessitates a closer and thorough investigation into the extent to which a ripe moment influences the successful implementation of a peace agreement. To begin with, since this study has established for all intents and purposes that 'ripeness' only featured in the Mozambique negotiations, it would be easy to allege that the country's successful implementation of peace agreements and non-return to civil war is exclusively ascribed to the fact that the negotiations were carried out at a ripe moment. Similarly, since it has been established that the negotiations in Angola were never carried out at a ripe moment, it would also be tempting to simply attribute the country's failure to implement peace agreements to this fact. If mediation is represented by capital letter M, ripeness by capital R, implementation success by capital letters IS, and implementation failure by capital letters IF, then what is being assumed is that:

(i) *Mediation (M) + Ripeness (R) = Implementation Success (IS)*

and

(ii) *Mediation - Ripeness (R) = Implementation Failure (IF).*

⁶¹ Ibid.

Studying this equation closely, it is perceptible that all conflicts that have successfully implemented their peace agreements risk being blindly clustered into the first equation. Similarly, all negotiated conflicts that have failed in the implementation of their peace agreements can be fitted into the second equation. Equation (i) above, that is, $M+R=IS$ ideally argues that if a conflict is truly ripe for resolution it should also be 'ripe for implementation'. Thus, if the parties are willing to negotiate for peace, then they should also be willing to carry out the decisions highlighted in a peace agreement. This means that having an agreement negotiated at a ripe moment should guarantee one hundred per cent compliance by the parties to the conflict. Conversely, equation (ii), that is, $M-R=IF$ asserts that if a conflict is negotiated when the moment is not ripe, then the parties to the conflict cannot and should not be expected to implement the provisions of the peace agreements conceived under such circumstances.

However, these two equations are too neat. It will be an oversimplification to ascribe implementation success to the single factor of ripeness. This is because a closer examination unveils certain problems. The first problem relates to the length of time that a mutually hurting stalemate, the pillar of ripeness, is able to last. This study contends that much as a mutually hurting stalemate is exceedingly important in pushing parties to conflicts into negotiations, its major weakness lies in the fact that it is often a fleeting phenomenon. As a result of this fleeting nature, it cannot therefore effectively influence post-negotiation events. In other words, a mutually hurting stalemate is not perpetual. A time reaches when the parties cease to feel the full force of the pain that is associated with a mutually hurting stalemate. When the mutually hurting stalemate is not as hurting as it was before, then the theory of ripeness ceases to take credit for any positive forward-looking actions by the parties to the conflict. For instance, one of the hurting things that pushed the parties in Mozambique to agree to negotiations was the famine that hit the country. This made the soldiers from both FRELIMO and RENAMO to have serious logistical problems that virtually made it hard for them to concentrate on the war. However, famines are not perpetual and the Mozambique one finally came to an end. Even the withdrawal of foreign support did not go on forever. There is evidence of monetary support to the parties to the conflict from the mediators and the Italian government⁶² that significantly lessened the 'hurt' caused by the initial withdrawal of the support from the parties' patrons. In other words, with the resumption of aid to the parties,

⁶² Chapter Three and Chapter Five

there could have been a resumption of violence at any part of the negotiation process. Secondly, without nullifying the pivotal role that ripeness plays in conflicts especially in the Mozambique one, the fact that sometimes a conflict can be negotiated at a ripe moment but still fail to bring forth implementation success is also one of the issues that cannot be ignored by this study. This 'discrepancy' challenges this study to identify other conditions that need to be created to lengthen the mutually hurting stalemate or to add to the mutually hurting stalemate in order to make ripeness more apt in explaining the peace implementation phenomenon. In other words, there is 'something more' that needs to be added to ripeness in order to make it able to withstand and transcend the vagaries of the pre-negotiation stage, endure the negotiation stage and move into the implementation stage. This 'something more' enabled the Mozambique parties in conflict to transcend the precarious nature of the mutually hurting stalemate and move onto successful implementation. Anchored in ripeness, this 'something more' enabled the parties in conflict in Mozambique to fix their eyes firmly on the implementation goal as opposed to their Angolan counterparts who seemed to be having issues with honouring commitments to the peace agreements they signed. Having established that on its own ripeness theory is incomplete and cannot therefore explain implementation failure or success means that a change of structure of the core theory is needed in order to make it more useful. Therefore, to be able to expand this theory so that it can accommodate implementation realities, other factors (that were observable in Mozambique and were conspicuously absent in Angola) need to be added to the theory. These factors will maintain or take over from the forces that first produced motivation to end the conflict (and thus enter into negotiations), and continue after the agreement is reached, up to the time of implementation.

7.8 Fleshing the Ripeness Theory

It would be easy to conclude that the fact that ripeness was observable in Mozambique and unobservable in Angola is sufficient reason for the implementation success in Mozambique and failure in Angola. Clearly, ripeness definitely set the grounds for negotiations without which there would not be peace agreements to implement. However, Doyle and Sambanis warn against this type of oversimplification. They are, instead, of the opinion that a mutually hurting stalemate is a necessary, but insufficient condition for successful peacebuilding.⁶³ The term 'insufficient' in this case implies that (for successful cases such as Mozambique), there was something else in addition to ripeness that attracted

⁶³ Doyle, Michael W., and Nicholas Sambanis, Making War and Building Peace (New Jersey: Princeton University Press, 2006), p.57

the parties in conflict to stick to the peace agreement, once a mutually hurting stalemate had successfully pushed them into negotiations. Acknowledging the fact that a mutually hurting stalemate does not go on forever, the mediators and the Mozambican parties in conflict decided to include positive incentives in order to motivate the parties' fulfilment of the GPA. The positive incentives comprised a promise of great reward (or benefit). Essentially, by introducing the use of positive incentives to give the parties a reason to go on with the peace agreements, the mediators and the international community were actually extending the base created by ripeness, enabling it to effectively cover the pre-negotiation, be relevant in the negotiation phase, and most importantly propel the parties to be committed to the implementation phase.

7.9 Mutually Enticing Opportunity in Mozambique

The Mozambican parties in conflict and third parties recognised that ripeness would be important to start the negotiations but it needed to be extended to include not only 'how bad it can get' (mutually hurting stalemate), but also 'how good it can become'. The 'how good things can become' is what Zartman calls a mutually enticing opportunity.⁶⁴ Under the concept of the mutually enticing opportunity, parties are offered positive incentives to keep them riveted to overseeing the full implementation of the peace agreement. The use of such incentives in Mozambique's peace process was widespread, as aid packages and financial incentives largely provided by the Italian government and the UK-based company Lonrho,⁶⁵ not only encouraged the parties into a final settlement, but also motivated the parties to the conflict to honour their commitments at the implementation phase. The recognition of the pivotal role that incentives would play in the peace process was best recorded by Msabaha who estimates that in 1993 alone, the international community pumped about one billion US dollars 'to pay the parties to convert to politics' rather than pursue their goals militarily.⁶⁶ The sheer sum of this peace 'purchase' is evidence of the international community's conviction that enticing RENAMO and FRELIMO positively would help the negotiations done at the ripe moment to be more sustainable at the implementation stage. The money was to be paid to the parties in phases, making them to refrain from jeopardizing the peace. By ensuring that both sides of the conflict would tremendously benefit from financial aid that accrued from the peace process in Mozambique, what in essence was taking place was a conscious attempt by

⁶⁴ Final Report titled "Post-war Reconstruction in Mozambique The United Nations' Trust Fund to assist former rebel movement RENAMO", Centro de Integridade Publica, Mozambique 2007, p.10

⁶⁵ Chapter Three

⁶⁶ Ibrahim Msabaha, "Negotiating an End to Mozambique's Murderous Rebellion" in I. William Zartman (ed), *Elusive Peace : Negotiating an End to Civil Wars* (Washington D.C: Brookings Institution, 1995), p.224

third parties to make the parties envision a quicker realization of their interests through negotiation and compliance to any peace agreements that they had signed. For instance, from the interviews carried out in Chapter five, there is cause to believe that if elections were to take place peacefully in the country, Dhlakama would win and therefore be in full control not only of political power, but the control of the country's economy.⁶⁷ This sentiment is derived from his constant claim that he won the elections. The obsession with control of the country's resources originates from behaviour developed during the civil war. There is evidence that during the civil war, RENAMO had access to loot and protection rents extracted mainly from the Beira pipeline and Lonrho. When the sources of rent dried up with the exit of foreign support and the other negative factors creating the mutually hurting stalemate, the mediators realized that if new opportunities and a bigger pie were dangled at RENAMO, chances were that they would proceed with the peace process to its full implementation.⁶⁸ This is the reason why peace had to be made attractive to the rebels in Mozambique. And for this to happen, there had to be a price. This price was in terms of material gain. The role that financial incentives would play in keeping the parties in Mozambique compliant with the agreement was something that the mediators knew had to have a central place in the peace process. In fact, it is recorded that Sant' Egidio spent approximately US\$520 000 between 21 February 1990 to November 1991, for the peace process. Also by October 1992, the Italian government had spent some US\$20 million on the process. All these monetary enticements came about because RENAMO seemed to react better whenever material benefits were thrown into the equation.⁶⁹ All in all, a trust fund was exclusively created for RENAMO. In it, donors channelled about US\$10 million to RENAMO's Trust Fund. This money would cater for housing, fuel, vehicles, and salaries. Out of the 10 million dollars, 3 million was given without conditionalities but the remaining 7 million was to be disbursed only after RENAMO accepted the outcome of the election. Also, Aldo Ajello, the Special Representative of the Secretary-General for Mozambique and head of the United Nations Operation in Mozambique (ONUMOZ), admitted that he had been paying Dhlakama personally US\$300, 000 per month out of the trust fund, as part of a secret agreement made at the time of the Rome accord. The money was not just for Dhlakama's personal use to be doled out to his

⁶⁷ Interview, Afonso Marceta Macacho Dhlakama, RENAMO leader, Nampula, 18 February 2011.

⁶⁸ Interview, General Daniel Ishmael Opande, former peacekeeper in Mozambique, Nairobi, 16 February 2012

⁶⁹ Final Report titled "Post-war Reconstruction in Mozambique The United Nations' Trust Fund to assist former rebel movement RENAMO", Centro de Integridade Publica, Mozambique 2007, p.11

supporters to motivate them to keep peace.⁷⁰ In addition to the trust fund, in the first parliament, RENAMO was entitled to US\$85,000 per month from the state budget exclusively managed by RENAMO's leader, Dhlakama. This was done to encourage RENAMO to keep on the track of the peace. By making the peace lucrative, RENAMO was expected to conceive it as a better option to violence. The promise of as much money as possible for RENAMO would make violence less attractive. After the elections won by FRELIMO, the financial enticements to keep RENAMO in the peace implementation process came from both the government and donors from the larger international community.⁷¹ This factor served to keep RENAMO in the peace track even after they lost the elections. When the 1994 elections resulted in a government victory, other than insisting that elections were full of fraud, no moves were made to contest the result or return to the bush. This is because Dhlakama remembered the money still to be paid to RENAMO from the Trust Fund in addition to the money from the state budget and this motivated him to stick to peace. In fact, during the interviews in Mozambique, there was general consensus from both RENAMO and FRELIMO that Dhlakama was bought to keep the peace and that is why he did not go back to war as his counterparts from Angola did after losing the elections.⁷² However, care should be taken in assuming that the enticing opportunity of access to greater resources was only taken advantage of by RENAMO. The truth is that the two parties needed to have enough political and economic capital to dissuade them from returning to war as the peace would only prevail if both parties felt that it was beneficial to their interests. For the FRELIMO government, the establishment of a trust fund to transform RENAMO into a political party was an opportunity for the war to come to an end for good. If RENAMO became a party and conducted its affairs through politics rather than through violence, this would be beneficial for FRELIMO. This is because it would mean that the government could conduct its affairs uninterrupted. The ability to run the government without interruptions was of great importance for FRELIMO.⁷³

In order not to overemphasise the financial/economic injections to the peace process as the only incentives given to the parties in conflict, it should be noted that there were other enticing opportunities that were presented to the parties that contributed greatly in keeping them loyal to the GPA. Top of these was legitimacy. For RENAMO, the opportunity to be known as more than a rebel movement with a poor reputation "(Khmer Rouge of Africa)"

⁷⁰ Carrie L. Manning, *The Politics of Peace in Mozambique: Post-Conflict Democratisation, 1992-2000*, (Connecticut: Praeger, 2002) p.110

⁷¹ Adriano Nuvunga, Final Report titled "Post-war Reconstruction in Mozambique The United Nations' Trust Fund to assist former rebel movement RENAMO", Centro de Integridade Publica, Mozambique 2007, p.16

⁷² Chapter Five

⁷³ Chapters Three and Five

and unclear political agenda (South African puppet) was very important and therefore quite enticing. This could only be achieved if the movement kept its end of the bargain after signing the peace agreement. It needed to get out of the bush and address any issues it had with its rival in a political manner. The international community and FRELIMO had agreed to do all that was possible to facilitate this transition from a rebel movement with a bad reputation and an ambiguous agenda, to a worthy partner in the politics of the country. This opportunity was quite enticing for Dhlakama.⁷⁴ As for the government, the prospect of gaining legitimacy in the eyes of RENAMO and the international community after the elections in case of a win accepted by RENAMO always kept the government firmly riveted to ensuring that it did not derail the GPA in any way that would lead to conflict.⁷⁵

7.10 Lack of a Mutually Enticing Opportunity in Angola

In Angola, other than the fact that all its agreements were signed at moments that were not propitious, whereas the RENAMO leader saw the opportunity in the financial enticements by the international community, Savimbi of UNITA was offered no such enticements nor is there evidence of his pursuit of material enticement. This is because, unlike the natural resource poor Mozambique, UNITA and the government were used to material wealth from the exploitation and sale of natural resources during the Cold War.⁷⁶ The Angolan parties, not only had plenty of resources (oil and diamonds) to continue the war, but also much to lose in case of an electoral defeat. The government controlled the oil while UNITA controlled the diamonds. In fact, at the time of the peace process, Angola's oil fields in the north-west of the country and in the Cabinda enclave pumped 500,000 barrels annually. UNITA financed its war with the diamonds in Angola's east. Immediately after the Bicesse implementation collapsed, for instance, UNITA shipped diamonds worth more than US\$100 million to Europe and Israel within only two months.⁷⁷ Throughout the war, the MPLA and UNITA firmly held onto their resources: the MPLA to 'its' oil and UNITA to 'its' diamonds. The reason why none of the parties was able to take the resources of the other is mainly geographical: UNITA dominated the east while the government dominated the west. UNITA tried to put pressure on the government through terror and sabotage, but it never succeeded in taking over the oil in western Angola. On its part, the MPLA failed to rid UNITA of its resource base in the east. As a result, the conflict parties had the resources to fight with or without external aid. Also, both parties had a great deal to lose in case the other won the

⁷⁴ Chapter Five

⁷⁵ Ibid.

⁷⁶ Tony Hodges, *Angola: Anatomy of an Oil State*, (Fridtjof Nansen: Lysaker, 2004), p.14

⁷⁷ Ibid.

elections. This is why such provisions as the extension of state administration, laid down in the Bicesse Accords⁷⁸ were difficult to implement given that they meant giving up enormously profitable territories. The loss of such resources by UNITA would also mean making the MPLA stronger from the control of these resources.⁷⁹ Indeed, the availability of the money from diamonds sustained UNITA's fighting power following its defeat in the 1992 elections.⁸⁰ This was in direct contrast to RENAMO which had no control of any of Mozambique's scarce natural resources and relied on South African and Rhodesian support throughout the war. When foreign assistance ceased to be forthcoming following the end of the Cold War, RENAMO had no resources with which to continue advancing its military campaign against the government. This is why RENAMO's 'hurt' was quite real.⁸¹ Alao is convinced that natural resources play a significant role in the sustenance of conflicts.⁸² In line with this statement and comparing the government sides of the two countries, there is also a realisation that the government of Angola had huge oil deposits that continued to finance its campaign against UNITA such that the end of external support failed to have a devastating effect on it as was the case in Mozambique.⁸³ In short, the difference in availability of resources for the two countries served to create a mutually hurting stalemate in Mozambique when resources were withdrawn by external patrons after the end of the Cold War, and failed to create one in Angola because the parties recouped the losses from withdrawal of external resources from their own natural resource bounties. In addition, finding an appropriate mutually enticing opportunity for Angola also became harder because of the resources available to the two parties in conflict. Unlike in Mozambique where financial enticements made for sufficient incentives, the same failed to work for Angola. This is because finances were not an issue for both sides.⁸⁴ This study suggests that an economic assurance that in case of a defeat at the ballot, the defeated party would be entitled to participate in the economic and political space of the country could have provided a more attractive enticement. Instead, in Angola, the parties were not given an offer they could not refuse. This made the elections

⁷⁸ Peace Accords for Angola (Bicesse Accords) of 1991, The Protocol of Estoril, V (Administrative Structures) (1,2,3)

⁷⁹ Ricardo Sousa, "Multidimensional Changes in "Ripeness" in Angola Around the 1989 Gbadolite Peace Accords" in Manas Chatterji et al.(eds) *Governance Development and Conflict* (London: Emerald Group, 2011) p.329

⁸⁰ Philippe Le Billon, "Resource Wealth and Angola's Uncivil Wars" in Cynthia Arnison and I. William Zartman (eds), *Rethinking the Economics of War : the Intersection of Need, Creed, and Greed*, (Washington, D.C. : Woodrow Wilson Center Press, 2005), p. 108

⁸¹ Ricardo Sousa, op.cit.

⁸² Abiodun Alao, *Natural Resources and Conflict in Africa : The Tragedy of Endowment* (New York : University of Rochester Press, 2007) , p. 4

⁸³ Tony Hodges, *Angola : Anatomy of an Oil State*, (Fridtjof Nansen: Lysaker, 2004) , p.14

⁸⁴ Ibid.

acquire even higher stakes than would have been the case. This is why there was a feeling that even if UNITA had won the elections, there were still chances that the government would have gone to war.⁸⁵ The stakes were simply too high and no one provided a sufficient mutually enticing opportunity for both parties especially economic and political participation for the loser to make peace more attractive than conflict.

This study maintains that there has to be a combination of ripeness and a mutually enticing opportunity for a peace agreement to be fully implemented. In line with this argument, the situation in Angola was quite different from Mozambique's. In Angola, the three peace agreements were negotiated when the moment was not ripe, meaning that the parties to the conflict had no intentions of observing the peace agreements' implementation in the first place. Podszun insists that if ripeness is not present at the initiation of peace talks, then the decision to negotiate sincerely was not taken honestly.⁸⁶ In such a case, the parties merely enter into negotiation for short-term tactical advantage. This was especially manifest at the signing of the Lusaka Protocol when the principals, dos Santos and Savimbi refused to attend.⁸⁷ This means that they did not enter the negotiations at the ripe moment; they merely did it for short-term benefits. The reason why Savimbi participated in the negotiations was to recoup losses in the field and for dos Santos; it was to get external pressure off his back.⁸⁸ Savimbi was forced to sue for peace in order to avoid an outright military defeat by the government but it was not the right time for him to sign the agreement. He merely agreed to the negotiations so that he could recover from an impending defeat. Once the negotiations begun and the government stopped gaining as such in the battle field, there was no reason for Savimbi to stick to the agreement even if he was the one who had initiated it because of the temporary military setback he was facing. It can be argued that Savimbi felt no compulsion to sign an agreement whose negotiation he had not truly desired in the first place.⁸⁹ Similarly, although the Lusaka Protocol was signed in Lusaka, Zambia on October 31, 1994, by November 1994, the government tried to fight UNITA aiming for final defeat. Clearly, this action by the government is an indicator that it had not wanted to negotiate in the first place and therefore could not be expected to abide by an agreement that it had not wanted to be a part of. For the government, it was clearly not the right time to negotiate because it was on the verge of winning in the field. In short, the Lusaka Process had not been ripe for

⁸⁵ Chapter Six

⁸⁶ Lucie Podszun, Does development aid affect conflict ripeness? : the theory of ripeness and its applicability in the context of development aid? (Frankfurt: VS Research, 2011), p. 52

⁸⁷ Chapter Four

⁸⁸ Ibid.

⁸⁹ Chapter Six

negotiation and the parties entered into the negotiations due to international pressure (the government) and to buy time to prevent defeat (UNITA).⁹⁰ This is the reason why, much as the Lusaka Protocol incorporated a mutually enticing opportunity, the possibility of power-sharing via the formation of a GURN,⁹¹ its undoing was that it was an 'unwanted child' in the first place. The enticing opportunity was there but because the mutually hurting stalemate was absent, nothing could come out of implementation of the peace agreement. This is why arms race by parties, incomplete demobilisation, refusal to fully participate in the GURN and the national army among other violations of the Lusaka Protocol were taking place in the country.⁹²

In contrast to the implementation of the GPA in Mozambique where the mutually enticing opportunity lasted quite a while making the parties (especially RENAMO) to go on with implementation, in Angola, the mutually enticing opportunity was the opportunity of power-sharing for both parties which unfortunately got terminated by the government in 1998.⁹³ Initially, under this arrangement, the MPLA would have a share of power and so would UNITA. For all intents and purposes, it appeared to be a compelling reason for Savimbi and dos Santos to lay down their arms and keep to the full implementation of the Lusaka Protocol. However, Savimbi's expulsion from the GURN killed this 'enticing opportunity' and therefore the agreement became even less appealing to Savimbi who had pursued power for so long.⁹⁴ Therefore with Savimbi's refusal to hand over the territories occupied by UNITA and the government kicking them off the coalition, there were no more positive incentives to keep the parties to the conflict attached to the peace agreement enough to want to see to its full implementation.⁹⁵ Thus, the Lusaka Protocol might have had a mutually enticing opportunity in the form of power-sharing but the mutually enticing opportunity, by itself, could not take the agreement successfully through the implementation phase. The agreement needed to first of all have been negotiated at a ripe moment, with both parties experiencing a mutually hurting stalemate and perceiving a way out, before it could go to the next level. The agreement was therefore 'bad' in the sense that it was not conceived under the right conditions, those of ripeness, and therefore even with the positive incentives provided by the power-sharing opportunity, it could not be salvaged. This is in line with Podszun's insistence that an agreement has to be negotiated at a ripe moment for it to be

⁹⁰ Ibid

⁹¹ Chapter Four on Conflict and Mediation in Angola, sub-title, "The Lusaka Protocol"

⁹² Chapter Six

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Ibid.

appealing to the parties in conflict.⁹⁶ However, this study notes that at this critical juncture 'hurting' things do not always sufficiently work to force a party to the conflict to opt for negotiation. Sometimes, 'pain' makes the parties even more determined to pursue the military option. In other words, it hardens the party. This was demonstrated by UNITA when the UN imposed sanctions on it in 1998. The sanctions were intended to cause UNITA financial pain in order to encourage UNITA to honour its commitments under the Lusaka Protocol. As noted in Chapter Six, the sanctions included a freeze on UNITA funds, severance of official contact with UNITA, the direct/indirect diamond import from UNITA controlled areas, and the sale of mining equipment to UNITA.⁹⁷ The UN hoped that UNITA would want to avoid the losses associated with such a freeze of funds and would therefore have no other choice but to adhere to the agreement. However, rather than cause the organisation pain enough to want to negotiate with the government on the matter of the surrender of areas it controlled, the sanctions did the opposite: they gave Savimbi even more desire to want to resort to violence. Savimbi's behaviour in this case has raised a very important point: that, 'pain' (the one associated with a mutually hurting stalemate) can occur at any time in a peace process. Hence, the pain can be introduced to the parties at whatever stage of the peace process and not only at the pre-negotiation stage. This pain does not have to be the one that initially forced the parties to negotiate but a new pain can actually be conceived and introduced in a peace process. The 'hurt' was introduced to the Angolan peace process at the implementation stage to try and force compliance with the Lusaka Protocol. Unfortunately, it did not yield the results that the ones who introduced it to the process hoped it would.

Thus, for a mutually hurting stalemate to have effect on a conflict and an mutually enticing opportunity to 'bribe' parties in conflict to sticking to commitments they have made in signed peace agreements, factors such as leadership sometimes come into play. This arises from the fact that the concept of mutually enticing opportunity and mutually hurting stalemate worked well in Mozambique and not in Angola because of the difference in the type of leadership of the rebel movements. According to Podszun the type of leadership that the belligerents have will determine whether the parties agree to negotiate willingly, and whether the parties can be enticed to continue with the implementation process.⁹⁸ This is why, in her analysis, Macqueen insists that Dhlakama was no Savimbi especially as far as

⁹⁶ Lucie Podszun, Does Development Aid Affect Conflict Ripeness? : The Theory of Ripeness and its Applicability in the Context of Development Aid (Frankfurt: VS Research, 2011), p. 52

⁹⁷ Chapter Six

⁹⁸ Lucie Podszun, *op. cit.*, p. 52

charisma is concerned.⁹⁹ While Savimbi had a strong messianic view of himself, the same cannot be said of Dhlakama. While Dhlakama could easily respond to incentives such as finance, reputation and recognition, Savimbi was out to rule Angola, and nothing short of this. This is the reason why he distanced himself from the signing of the Lusaka Protocol, declined the vice-presidency, and was not satisfied with the special title of 'leader of opposition' that he himself had chosen. That is also why he failed to be flustered by the UN sanctions in 1998. Unlike Savimbi, Dhlakama succumbed to the combination of pressure and bribes. But with Savimbi's unwavering tenacity, employing incentives other than the presidency proved very problematic and that is why UNITA failed to respond to any infusion of incentives. This understanding of Savimbi's total control of UNITA and the futility of attempting to satisfy him by power-sharing, made dos Santos conclude that the only way to procure peace for the country would be by eliminating Savimbi, a fete eventually accomplished in 2002.¹⁰⁰ This leads to the conclusion that just like for a mutually hurting stalemate, perception plays a big role in making a mutually enticing opportunity successfully propel parties in conflict to sign an agreement and abide by it.¹⁰¹ In Angola, Savimbi failed to perceive (or pretended not to perceive) that the power-sharing deal was an opportunity that could be better than continuing with war. In fact, he delayed to accept the MPLA's proposals about the role that UNITA would play in the coalition. As for his own personal role, he kept changing his mind several times until it appeared as if he was indifferent to the power-sharing opportunity. This kind of indifference is a clear indication that he failed to perceive the mutually enticing opportunity.¹⁰² In Mozambique, on the contrary, the parties to the conflict perceived mutually enticing opportunities and the benefits that they could derive from them. This perception of the positive incentives (mutually enticing opportunities) ensured that the parties in conflict implemented the peace agreements that they signed. For instance, the perception of financial incentives drew RENAMO into politics instead of military confrontation. As RENAMO began to benefit from the financial inducement, it had to acknowledge the government's administrative sovereignty.¹⁰³ Therefore, both sides benefited: RENAMO from financial incentives and the government from RENAMO's

⁹⁹ Norrie MacQueen, *Peacekeeping and the International System* (Abingdon, Oxon: Routledge, 2006), p. 201

¹⁰⁰ Chapter Six

¹⁰¹ I.W. Zartman, "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments", *The Global Review of Ethnopolitics*, Vol.1, no.1, September 2001, 8-18. See also I.W. Zartman, "Dynamics and Constraints in Negotiations in Internal Conflicts", in I.W. Zartman (ed.), *Elusive Peace: Negotiating an End to Civil War* (Washington D.C.: The Brookings Institution, 1995), p.8

¹⁰² Chapter Six, sub-heading "Implementing the GURN"

¹⁰³ Dorina A. Bekoe, *Implementing Peace Agreements: Lessons from Mozambique, Angola and Liberia* (New York: Palgrave Macmillan, 2008), p.135

acknowledgement of its administrative sovereignty. Thus, mutually enticing opportunities help to increase perceptions of the benefits of peace for the parties in conflict. This is because they provide an attractive outcome, or, one that the former belligerents can at least live with. These mutually enticing opportunities constitute of a number of irresistible 'carrots' (positive incentives) that sustain the perception of ripeness, maintain the faith of the parties in the resolution process, hold out promises of future rewards and, thus, continue to reduce mutual distrust and fear. They ensure that the cycle created by a mutually hurting stalemate is unbroken. The mutually enticing opportunities need to be tailored to suit the uniqueness of each individual conflict and so they should come in different forms and combinations. This is because, as demonstrated in Angola and Mozambique, some parties are motivated by money while others are not. The parties in Angola had control of oil and diamonds and therefore merely offering them money to keep on the peace track would not have worked because they were not in need of this resource. In the resource-poor Mozambique, a substantial amount of money and material benefits such as those offered to RENAMO proved irresistible to the leadership of RENAMO and therefore motivated the party to stick to peace rather than violence.¹⁰⁴

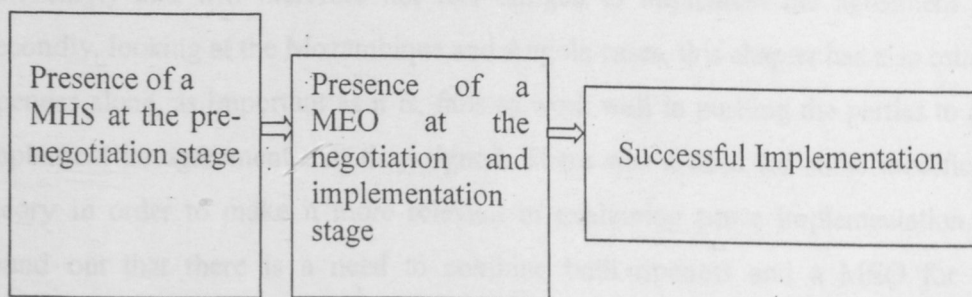
A mutually enticing opportunity should be tailored depending on the unique conditions of a conflict and the actors involved. Thus, it can be in the form of short-term material benefits, guaranteed rights of power, property, position or participation; the opportunity to gain power with legitimate and non-violent means, enhanced domestic legitimacy, international prestige, or a massive inflow of donor funds.¹⁰⁵ In Mozambique, the mutually enticing opportunities helped modify RENAMO's perceptions of itself and of the government, of conflict goals, and of the conflict itself. When a mutually enticing opportunity fails to achieve this, like it did in Angola's Lusaka Process, it becomes quite difficult to expect parties to want to continue with the implementation of peace agreements. In short, a mutually enticing opportunity is important in the broader negotiation process. This is because whereas the mutually hurting stalemate is mostly only influential in the pre-negotiation stage, mutually enticing opportunities can traverse the pre-negotiation stage, be useful in the negotiation stage, and influence parties in conflict in the post-agreement phase. The agreement is likely either to break down as soon as one or both parties think they can break the stalemate, yet with the dangling of the MEO 'carrot', the parties will most likely press on

¹⁰⁴ Chapters Five and Six

¹⁰⁵ Thomas Ohlson, "Understanding Causes of War and Peace", *European Journal of International Relations* 2008, Vol. 14(1): 133-160: 148

with implementation. In Mozambique, other than the agreement being negotiated at a ripe moment, the RENAMO trust fund helped keep RENAMO from thinking of going back to war. In fact, even when FRELIMO won the elections and refused to co-opt RENAMO into the new government, Dhlakama did not go back to war. This is because RENAMO had calculated that if it continued to play by the rules of the game set in Rome, it would continue to prosper, both financially, and in terms of political growth and reputation.¹⁰⁶ On the contrary, in Angola, after the elections, even the incentive/opportunity of a run-off was not enough to convince Savimbi to accept the results of the elections. For Angola, third parties and the principal parties to the conflict had no incentives irresistible enough to motivate them to steer away from violently dealing with their incompatibilities. This therefore made the Angolan parties to the conflict to back to war after the Bicesse Accords and later after the Lusaka Protocol,¹⁰⁷ because they had nothing to lose as nothing irresistible had been put on the table. Also, they themselves perceived no enticing opportunity that could keep them away from the civil war.

Figure 1.7: Conditions for Successful Implementation



7.11 The Study's Hypotheses

This study set out to empirically test three hypotheses:

1. A civil war peace agreement will most likely be implemented successfully if it is negotiated at a ripe moment
2. A civil war peace agreement will most likely not be implemented successfully if it is negotiated at a moment that is not ripe
3. The success or failure of peace implementation depends on other factors other than ripe moments

Hypothesis 1: *'A civil war peace agreement is most likely to be implemented successfully if it is negotiated at a ripe moment'*

¹⁰⁶ Chapter Five

¹⁰⁷ Chapter Six

The better part of this chapter has been spent on analysing the veracity of this statement and two interesting inferences have emerged as a result of this inquiry. First, ripeness and its star condition of a mutually hurting stalemate are important for the initiation of a peace agreement but they are insufficient to hold the parties interest in negotiation and implementation. This is because the mutually hurting stalemate is by its very definition a short-term occurrence that is highly subjective as it depends on the parties in conflict's perception. When a cease-fire begins, for instance, the parties might cease to perceive the mutually hurting stalemate and when this happens, the parties have the choice of going back to war. This makes the reliance on the perception of a MHS only a very precarious exercise. This finding does not mean that the idea of ripeness is null and void as far as peace implementation is concerned. Rather as has been demonstrated in this study, it emphasises that ripeness is the foundation of negotiation on which peace implementation rests. Therefore ideally ripeness needs to be there in any peace negotiation in order to increase the chances of implementation success. It can safely be said that without ripeness, a peace agreement may not reach the implementation stage because the parties will have entered the agreement unwillingly and will therefore not feel obliged to implement the agreement to the end. Secondly, looking at the Mozambique and Angola cases, this chapter has also established that ripeness alone, as important as it is, fails to work well in pushing the parties to a conflict to implement an agreement that they signed. There was a need for some modification to the theory in order to make it more relevant in explaining peace implementation. This study found out that there is a need to combine both ripeness and a MEO for there to be implementation success. This modification does not discard the usefulness of the ripeness theory; instead it enhances it even more. In short, other than the negative things that push parties to the negotiation table, there is the need for an injection of positive elements in a peace process that are irresistible to the parties. The parties in Mozambique negotiated the GPA because they had been pushed by a mutually hurting stalemate to do so but they successfully implemented the agreement because they were enticed to do so by opportunities such as finance and legitimacy. In Angola, there was neither a perception of ripeness nor a perception of any enticing opportunities, mutual or not, to keep the parties faithful to the agreements they signed.

However, when it comes to the implementation stage, ripeness by itself is insufficient in predicting either success or failure. It can only help predict the probability of the success or failure of reaching a peace agreement but it cannot be able to predict the behaviour of the parties after the signing. This shortcoming is the reason why the theory's main component, a

mutually hurting stalemate (a negative incentive), needs to be propped up with a positive incentive, (a mutually enticing opportunity) in order to be able to explain implementation failure or success. When a peace process is able to combine both a mutually hurting stalemate and a mutually enticing opportunity, the parties to the conflict are better motivated to stick to the obligations required of them in the peace agreements that they have signed. They will therefore see that the peace agreement is implemented successfully without serious attempts at derailing the process. Conversely, when there is no marriage of a mutually hurting stalemate and a mutually enticing opportunity, the implementation process will flounder. The fact that the two elements, the mutually hurting stalemate and the mutually enticing opportunity have to work together for success of implementation is further demonstrated in the failure of the Lusaka Protocol. This agreement was signed when the parties had not experienced a mutually hurting stalemate. It was signed when UNITA felt the government begin to make gains in the battlefield and rather than lose, they decided to negotiate in order to prevent a total defeat. Thus, with no 'hurting', UNITA used the opportunity not to show a true commitment to the Bicesse-based Lusaka Protocol rather to re-arm and prepare for war, in the hope of totally defeating the government. This was despite the fact that the third parties that had initiated the Lusaka Protocol tried to give the parties a mutually enticing opportunity in the form of a power-sharing clause in the peace agreement. Ideally, the promise of power-sharing should have enticed the parties from continuing with the military option but since the agreement was not as a result of a mutually hurting stalemate, it could also not be implemented. The Luena Memorandum of Understanding is excluded from this discussion because of its unique circumstances. Firstly, the agreement was a prescription by the winner of a military confrontation, and therefore the issues of ripeness do not feature in any way in the negotiation of the agreement and therefore cannot be discussed. The agreements' implementation and UNITA's inability to go back to war is because of the devastating defeat that the rebel movement suffered in the battle field, the loss of its powerful leader, and UNITA's own inability to regroup. In sum, ripeness theory worked in tandem with some mutually enticing opportunities in Mozambique and that is how it was able to explain and interpret the implementation behaviour of parties in the country's protracted conflict. In Angola, unfortunately, these conditions failed to exist alongside each other. This disparity is the main reason for the variation in implementation outcome for the two countries whose historical and conflict histories is incredibly similar. This is why the Mozambique peace agreement, the General Peace Agreement (GPA) of 1992 was implemented fully while the Bicesse Accords (and its successor Lusaka Protocol) failed to be implemented. By increasing

the costs of defection in Mozambique, the mutually enticing opportunity made sure that if the parties failed to adhere to the agreements they stood to lose a lot more than if they adhered to the agreement. This is why the thought of losing all the money pumped into the process made Dhlakama more cooperative than uncooperative. This means that when the parties to a protracted conflict are offered compelling enticing opportunities that are perceived to be potentially rewarding, the chances of a peace agreement being implemented and respected increase exponentially. The convergence of so many costly conditions might have convinced FRELIMO and RENAMO to initiate negotiations, but it was not sufficient to convince them to sign and implement a settlement. This study argues that when ripeness is mixed with 'carrots' (alias mutually enticing opportunities), then the commitment problems that the parties to a conflict have become significantly lower. In Mozambique, whenever RENAMO, would threaten to renege on any of the GPA provisions, there was always a donor to pump some more incentives on Dhlakama's way and he would retreat from his threats to go back to war.

Hypothesis 2: A civil war peace agreement will most likely not be implemented successfully if it is negotiated at a moment that is not ripe

Much as the discussion on Hypothesis 1 has concluded that the mere fact that an agreement has been negotiated at a ripe moment is not enough to sufficiently explain implementation success, the study has also been categorical in bringing out the fact that without ripeness, the chances of implementation success are even lesser. This means that from the very beginning, Angola's Bicesse Accords and Lusaka Protocol were doomed to fail and had lesser chances of being implemented because they were not negotiated at a ripe moment. However, as has been argued in Hypothesis 1, ripeness (or lack of it) should still not be regarded as the only reason why peace agreements are implemented or not implemented. For negotiations to begin when the conflict is ripe for resolution is a crucial factor but it must be supported by other enticements specifically tailored to suit a particular conflict situation. Overall, it is true that the chances of peace agreements being implemented successfully when they have been negotiated at moments that are not ripe are quite slim. Drawing from Angola's experience, it looks that this hypothesis has been proved to be true in this study.

Hypothesis 3: The success or failure of peace implementation depends on other factors other than ripe moments

From Hypothesis 1 and 2, it is clear that the theory of ripe moments plays a crucial part in initiating the negotiation of peace agreements. However, given that Hypothesis 1 has concluded that the ripe moment must be propped up by a mutually enticing opportunity, then

it would be a fallacy to say that the success or failure of peace implementation depends on other factors other than ripe moments. The truth is that success or failure of peace implementation depends on ripe moments, but not ripe moments alone. It is ripe moments plus its sister concept of mutually enticing opportunity. There are no other factors that are overly different from this argument that play a role in determining implementation success or failure. In short, this hypothesis is not supported by the arguments presented in this study.

This study had two main objectives. The first one was to investigate the interplay between process (mediation), outcome (peace agreement), the implementation of peace agreements, and the success or failure of agreements. This objective has been met as Chapters 3, 4, 5, 6 and 7 have exhaustively dealt with how peace agreements are mediated, signed and implemented and how this affects the implementation process. The study found out that process of mediation, the peace agreements that are reached as a result of mediation, and the implementation process are all interrelated. This is such that how an agreement is negotiated will affect how it progresses in the implementation period and whether it will be success or not in ending the conflict. The second objective was to determine the extent to which negotiating at a ripe moment contributes to the success or failure of peace implementation. This objective has been met as the study has dedicated a good amount of time discussing the element of ripeness and how it has affected success or failure of peace agreements. The conclusion is that ripeness plays an important role in peace implementation but it must be combined with some mutually enticing opportunities for it to effectively explain success or failure of implementation. The theory that enhanced the study's analysis of implementation failure or success in Angola and Mozambique is Zartman's ripe moment theory. The most important way it did this is by helping shed light on the psychological states of the parties in conflict at the time that they decided to move into negotiation. The theory is specifically interested in the thought processes of decision makers who turn to negotiation. It is concerned with why parties to a conflict decide to negotiate rather than continue engaging each other violently. It is important to know this state because it will determine how the negotiations proceed, what their final outcome will be, and if signed peace agreements will be implemented. After understanding why parties to a conflict agree to negotiate, it became easier to know why they acted as they did after the signing of the peace agreements. The theories' weaknesses such as the fact that a mutually hurting stalemate cannot last forever helped this study to create a new perspective: that a conflict that has been negotiated at a ripe moment must also be furnished with opportunities that are enticing enough to 'buy' the parties' compliance with signed peace agreements.

Chapter Eight

Summary, Conclusions and Recommendations

8.1 Introduction

The purpose of this final chapter is to examine in a broader sense the findings of the study. This chapter is structured as follows: the first section will present a summary of the findings and their implications. The next section will discuss the recommendations for further research.

8.2 Summary of the Findings

A few key points came up in this study's quest to explain the issue of civil war peace agreements and their successful implementation. It became apparent that most related studies have dwelt on how to arrive at peace agreements and stopped at that. The conclusion of peace agreements between former belligerent parties is regarded as the measure of the success of a peace process in most studies. By concentrating on negotiation (the process) and outcome (the peace agreement), there has unfortunately not been enough room to fit the complex subject of implementation. This happens in full knowledge of the fact that if a signed peace agreement is not implemented as is often the case; the integrity of the document (and therefore the process) comes under question. As history has demonstrated time and again, a peace agreement that is not implemented is nothing but a meaningless piece of paper. In the end, an agreement only comes to life if its provisions are carried out by the parties to a conflict in the manner agreed upon and (if possible) within the scheduled time limit.

This study has also identified ripeness as a crucial concept in the negotiation process. In fact, it has emphasised repeatedly that the bedrock of any successful negotiation process has to lie in ripeness. This is to say that if a negotiation process is to succeed in helping the parties to a conflict produce an acceptable peace agreement (that the parties will be motivated to implement), then it should commence at a ripe moment. Regrettably, it became clear that ripeness and its key component of mutually hurting stalemate have a short lifespan. Whilst ripeness is best suited for the initiation of negotiations, it cannot by itself sustain the actual negotiations nor can it sufficiently spill over to the complex arena of implementation. For this reason, this study has had to extend this theory to include certain concepts that have a life cycle that can sufficiently cover both the negotiation process and the implementation process. This is how the study arrived at the conclusion that other than ripeness, the presence of a mutually enticing opportunity in Mozambique explains implementation success. The study

concluded that the presence of a mutually hurting stalemate and a mutually enticing opportunity in a peace process best explains implementation success, at least for the cases of Mozambique and Angola. Generally, peace agreement implementation is a complex process. It is even more delicate when it involves antagonists that have been at war with each other for a long time. When actors have been at war with each other for a significant amount of time, convincing them that peace is better than war requires much more than merely organising negotiations. This is why implementation requires careful development of carrots and sticks for foot-draggers. The word 'careful' here is important because in many internal wars, the stakes are extremely high. In most cases, the parties to the conflict desire the control of the government and nothing else. Therefore, given that the stakes are extremely high, the parties to the conflict can decide to go back to war at any time. As has been exemplified by Angola, the character of the leaders of the parties in conflict must be taken into consideration when designing the appropriate carrots and sticks. Once the character of the leader has been accurately deciphered, it would then be easier to determine what the appropriate enticements are. If there is a failure to factor in the leadership of the parties to the conflict and what makes them tick, then the appropriate enticements will fail to be identified.

Moreover, this study acknowledged that the execution of complicated tasks such as demobilization and disarmament of government and guerrilla soldiers is no small task. This is largely due to the fact that military units in war situations hardly understand any language other than that of war. This explains why it is especially hard for parties to a conflict to disband their armies in order to join a unified army. Also in the case of elections, it is extremely difficult for a loser to accept defeat. Cognizant of these difficulties therefore, this study proposed that a good understanding of peace implementation must begin from the pre-negotiation and the negotiation stages. This is important as it allows for a clear appreciation of why parties in conflict choose to negotiate. It also attempts to explain how the parties arrived at peace agreements. Understanding why civil war parties consent to enter into negotiations is important because it will unveil the psyche of the parties in conflict, their motivations, and their expectations. Once this is clear, predicting whether they will go through with any commitments they make regarding how they will relate with their rivals after the signing of a peace agreement becomes easier. Before belligerents in intractable civil wars such as the ones in Angola and Mozambique sign an agreement, they must view negotiation as the only plausible way out. Reaching this point for extremely protracted conflicts is hard and that is why there have been many false attempts in both Angola and Mozambique.

By their very nature, civil war belligerents would rather have a military victory than settle their differences through negotiations. However, military victories are hard to come by. When a party realises that there is no guarantee that it will procure a military win, it becomes more amenable to other methods of solving disputes such as negotiations. As has been demonstrated throughout this study, because negotiations are less desirable than a military win, the parties to a conflict must only negotiate when they have to. This is when they perceive that they have no other option or when neither side is making any real advances in the field. This is at the time deemed 'ripe'. The decision to negotiate in this case must be made by the parties to the conflict themselves. The chances of successful peace implementation are higher if the parties decided to go into negotiations by themselves. This is as opposed to when parties enter into negotiations merely because they have been pressured to do so by powerful external actors who often have interests and expectations of their own. When parties to the conflict genuinely decide on their own to engage in negotiation, there are less chances of reneging on the terms of the peace agreements. When the parties find themselves locked in a conflict from which they cannot escalate to unilateral victory and this deadlock is painful to both of them (although not necessarily in equal degrees or for the same reasons), they seek a way out through negotiations. This refers to the famous "mutually hurting stalemate". The dynamics of the conflict change in a way that results in the transformation of antagonists' cost-benefit calculations and/or goals, and the strategies they choose to pursue. Conversely, where parties were pushed into negotiations by third parties with various interests, the parties to the conflict went through the negotiation process but used the 'break' to try and amass military hardware, replenish stocks and prepare for war the moment they perceived that the signed peace agreements were not helping them achieve their objectives. This is a typical belligerent's way of behaviour. Once violence takes over, parties to conflicts tend to desire to exhaust other means designed to secure unilateral victories before they engage in bilateral or mediated negotiations. Furthermore, this study realized that there is a risk of reducing the concept of ripeness to a mere tautology by always arguing that if mediation was successfully initiated or finalized, the moment had to have been ripe and if unsuccessful, then there had to have been timing errors made. This would imply that by definition, whenever there is a success, then a ripe moment exists, and when there is no success, then the moment was unripe. The truth is that sometimes a conflict can be negotiated at a ripe moment (when the parties to a conflict have perceived a mutually hurting stalemate) but still the parties fail to adhere to the provisions of the agreements they signed. This study realized that much as the idea of ripeness played a significant and crucial role in the

Mozambique peace process, it could not have by itself ensured implementation success. This is how a thorough analysis of the implementation process in Mozambique and Angola came up with the idea of **pain + incentives** as the best explanation for Mozambique's success and Angola's failure. The two concepts had to be applied hand in hand in Mozambique and this is how they managed to keep Dhlakama and Chissano focused on the task at hand: the implementation of the General Peace Agreement for Mozambique (the GPA) of 1992. Also, the cognitive wiring of the leaders comes into play. Where one leader's perception of pain and reward is different from another's, the response to these incentives is definitely different. Some leaders such as Dhlakama responded well to incentives and others such as Savimbi were so engrained in their quest for absolute power that they would not be easily 'bribed' into implementing peace agreements. Savimbi could also not be threatened by pain to abandon his quest for the presidency. Therefore, the design of incentives and even pain must be based on the uniqueness of each case. In certain cases as the Mozambique one, where natural resources were in short supply, financial incentives worked very well as a compliment to the mutually hurting stalemate. In other cases such as the Angolan one, there needed to be designed a more attractive incentive other than money as the parties in conflict had enough resources in the form of diamonds and oil to sustain the war for a very long time. As such, no amount of resources injected by external actors would sufficiently 'bribe' the parties into abandoning the quest for military victory. The lack of credible incentives for Savimbi has often been subsumed under the argument that Savimbi had no political will to want to end the conflict. The truth is that nobody was able to (or cared to) accurately identify Savimbi's price. As a result, there really was no reason for him to continue to cling to peace agreements that had given him nothing he could not resist. An understanding of the conflict environment, what makes the actors tick and what their price could be would have helped steer Savimbi to be more committed to peace. It is also important to note that negative incentives may not work to force a leader of Savimbi's character to adhere to an agreement if he has not perceived a mutually hurting stalemate and gone into the negotiations voluntarily. This was exemplified when for the first time in its history, the United Nations Security Council, (under Chapter VII of the Charter) imposed an arms embargo against UNITA for breaching the Bicesse Accords and the Lusaka Protocol. These pressures failed to make UNITA to implement the agreements. The mutually hurting stalemate and the mutually enticing opportunity are complex concepts. For the mutually hurting stalemate, it has to be perceived by the principal actors and mostly a third party usually helps them to do this. If the parties do not recognize that they are at an impasse, a mutually hurting stalemate has not (yet) occurred. Thus, it is a

highly subjective notion such that even if a third party deduces, from conditions on the ground, that there is a mutually hurting stalemate and the parties do not, then it is deemed to not have occurred. Both (or all depending on whether they are two or more) parties to the conflict must feel the mutually hurting stalemate and realize that the only way out is through negotiations, for this condition to have impact.

Although important for the inauguration of negotiations, sometimes pain can be injected at other stages of the peace process, say at the implementation stage. However, as has been exemplified by the case of Angola, injecting pain later in a peace process (for people who negotiated the agreement without having felt any pain), will not necessarily work to push parties into complying with implementation. Though, ideally, pain injected into a peace process should be able to force parties to comply with certain conditions or certain elements that they are reluctant to comply with, the reality is that it all depends on who is being given this pain, and what the stakes are. This is why Angola's Savimbi failed to respond very well to pain. In light of this, it is therefore important to determine what kinds of sticks and carrots work in what kind of conflict environment. Success or failure of implementation is a difficult thing to measure and at times depending on the parties to the conflict and their expectations, an implementation process can be labelled a success but the parties differ on whether it really should be classified as such. This is why RENAMO's leader keeps insisting that some things in the GPA were not implemented and therefore that the whole agreement was nothing but a charade. However, given that the party responded well to both the mutually hurting stalemate and the mutually enticing opportunity, and there has not been an overt return to violence, this study is convinced that a mutually enticing opportunity and a mutually hurting stalemate can actually help keep the parties to a conflict on the peace implementation path.

As for Angola, its failure in matters to do with implementation is not difficult to deduce. The Bicesse Accords were followed by rejection of election results and return to violence while the Lusaka Protocol was unimplemented and gave rise to violence in 1998. The parties were unresponsive to hurting conditions as well as rewards for keeping peace. This unresponsiveness is caused by the belief that the personal, political and economic benefits that can accrue from a continuing state of conflict far outweigh what they expect to gain from peace and implementation. The way UNITA and RENAMO carried out their wars and the reasons why were different. UNITA was under Savimbi's tight grip as he wanted to use it as instrument to gain power in Angola. As a leader focused on power and its acquisition at all cost, Savimbi only participated in the elections in 1991 because he was sure that he

would win. For him, multi-party elections were a means to an end: the most economical way of gaining power.

The conflicting parties came to the negotiating table for the wrong reasons hoping to continue to play the zero sum games they played out on the battlefield so destructively. This is why throughout the negotiations leading to the Bicesse Accords fighting continued. This is proof that the negotiations were not conducted following the perception of a ripe moment. Even after the defeat, Savimbi could have allowed himself to be enticed by a run-off. However, fearing the possibility of defeat in the second round of presidential elections, he opted to withdraw his military officers and troops from the unified army and to renew violence. As for the Lusaka Process, the efforts to tie UNITA into the political process through power-sharing were insufficient in alleviating UNITA's security concerns and their goals of total power and authority. For Savimbi, the security concerns continued to outweigh the political benefits of joining the government. This was made worse by the continuous military support from external actors. Therefore, when there is no mutually hurting stalemate to push parties to conflicts to the negotiation table, and where there is no proper mutually enticing opportunity to make the costs of defection from peace to war extremely high, peace implementation becomes almost impossible to achieve. This is why, in Angola, it was until Savimbi was shot and killed by the MPLA government in 2002 that peace implementation was possible.

Either way, even in the successful peace implementation cases such as Mozambique, there are always areas of concern. Generally, civil war peace agreements require parties to demobilize, disarm and make socioeconomic and political reforms. These tasks are quite vast. For this reason, they often fail to be carried out fully. This is because of the fact that positive peace, (utopia?) is hard to achieve. Achieving stable post-war environments is a difficult task as it entails more than just the implementation of the basic requirements of a peace agreement. Carrying-out institutional reforms, national reconciliation and restoration requires much more from the parties in conflict and their various constituents. Parties who have been pushed to negotiate by a mutually hurting stalemate, been compelled to implement by a mutually enticing opportunity at times start exploring other options when there is no longer a mutually hurting stalemate and when the opportunities reduce (or totally end) as the case has been in Mozambique. This is why Dhlakama has been at the forefront of asking for a re-negotiation of the GPA. His consistent failure to win the presidency and the drying up of direct funding to his party (the mutually enticing opportunity that lured him to peace implementation) are factors that have influenced his decision to call for fresh negotiations so

that he could try and find space for RENAMO in the running of the economy of the country. This phenomenon in Mozambique raises an important point: that for long term purposes of peace-building, there needs to be exploration of other ways to keep former belligerents firmly fixated on keeping the peace long after the peace agreements have been declared fully implemented, put in countries' constitutions and therefore 'die'. When the peace agreements are 'dead', as can be said of the Mozambique one, something else needs to take over so that instances such as Dhlakama's desire for a re-negotiation of the GPA and constant threats to return to the 'bush' can be stemmed before they arise. Also, as has been demonstrated by Angola, it is not all protracted conflicts that need and must go through negotiations in order for peace to prevail in a country. Without going through the whole debate of whether military victories are much more stable than negotiated settlements, it is still important to note that what matters is that there is peace whether through victory or peace agreements. The Government of Angola's 2002 defeat of UNITA was quite pivotal for the country's peace especially because of the total defeat of the rebel movement's leader (who was immune to both pain and reward). The successors of UNITA were fortunately able to respond well to rewards (coalition government) and pain, caused by the death of their leader Savimbi, such that they were able to fulfil the provisions of the Luena Memorandum of Understanding completely.

In sum, this study has sought to enrich the understanding of the implementation of civil war peace agreements. The implementation of the terms of a peace agreement varies substantially such that even similar cases like the Angola and Mozambique ones, expected to have the same results, do not always do so. While both the Mozambican and Angolan wars were equally long and deadly, Mozambique's implementation was successful while Angola's failed.

8.3 Recommendations for Further Research

This study shed light on why parties choose to implement peace agreements in some cases and why in others they do not do so. To develop more successful peace implementation processes, there are certain questions that should be answered in a more in-depth manner. These questions were not able to be addressed in this study due to time constraints. This study basically zeroed down on the short term implementation period. This is the period immediately after the signing and the end of the carrying out of the last task of a peace agreement. How to handle the post-implementation period in such a way as parties to a conflict do not get tempted to go back to war is one issue that needs to be pursued further. For instance, there is need to investigate the mechanisms that need to be put in place to prevent

issues such as the renegotiation issue currently being pushed by Dhlakama and RENAMO. This issue is threatening to destabilise the peace that the country has enjoyed for close to two decades. There is a need to find out if it is enough to have successful implementation or there are other things that need to be pursued after the end of implementation in order to ensure that stunts such as the ones Dhlakama is currently pulling in Mozambique do not ever occur. Clearly there needs to be a detailed study of the former conflict parties and their expectations even after they have fully implemented obligations required of them by a peace agreement. Also, there needs to be more investigation on what makes military victories more stable than negotiated settlements. This is inspired by Angola's experience with the Luena Memorandum of Understanding of 2002. This study was not able to pursue this agreement in detail because it fell outside the scope of negotiated settlements that was the main thematic concern. Given that Luena agreement accomplished peace where the other peace agreements failed to, there is need to find out what makes the military victory more stable than negotiated peace agreements. In sum, this study generated important knowledge on the role that the combination of a mutually hurting stalemate and a mutually enticing opportunity can play in ensuring implementation success. The study proposed that negotiations between belligerents should commence at a ripe moment. However, there must be an injection of a mutually enticing opportunity in the subsequent phases to keep the parties to the conflict glued to the implementation of the agreements they sign.

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