

**POST-CONFLICT TRANSITIONAL NEGOTIATIONS:
A COMPARATIVE ANALYSIS OF THE DEMOCRATIC REPUBLIC OF CONGO
AND SOUTH AFRICA**

INNOCENT ABHULIMEN DAUDU

Student Number: 201551082

**MASTER OF ARTS IN POLITICAL SCIENCE
FACULTY OF ARTS, UNIVERSITY OF ZULULAND, KWADLANGEZWA,
SOUTH AFRICA**

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INNOCENT ABHULIMEN, DAUDU

Student Number: 201551082

**Submitted in fulfilment of the academic requirements for the degree of Masters of Arts
(Political Science) in the Faculty of Arts, University of Zululand, KwaDlangezwa, South
Africa**

Supervisor

Dr Lucky E. Asuelime

December, 2015

DECLARATION

I, Innocent Abhulimen Daudu with (student Number: 201551082) do hereby declare that:

- (i) The research reported in this thesis, except where otherwise indicated, is my original work.
- (ii) This thesis has not been submitted for any degree or examination at any other university.
- (iii) The thesis does not contain other person's data, pictures, graphs or other information, unless specifically acknowledged as being sourced from other persons.
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 - a) Their words have been re-written but the general information attributed to them has been referenced;
 - b) Where their exact words have been used, their writing has been inside quotation marks and referenced accordingly.

Innocent Abhulimen Daudu

.....
Date

DEDICATION

This work is dedicated to the loving memory of my late mother, her soft motherly words of admonition still echo in my heart. May her gentle soul continue to find rest in the bosom of the Lord.

ACKNOWLEDGEMENT

I would like to first of all thank God for his mercies, without which neither I nor this work will be. I am deeply thankful to my Supervisor, Dr Lucky E. Asuelime for his guide and great help, I also appreciate all the support from the Department of Politics and International Studies, University of Zululand.

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I cannot forget the support from Pastor Chris, Pastor Fidelis and Pastor Mike, may God bless you greatly.

Thanks you all and God bless you richly.

LIST OF ABBREVIATIONS

ALIR	- Army for the Liberation of Rwanda
ANC	- African National Congress
AU	- African Union
AZAPO	- Azanian Peoples Organization
CAR	- Central African Republic
CNDD-FDD	- Conseil National Pour la Défense de la Démocratie–Forces pour la Défense de la Démocratie - National Council for the Defence of Democracy–Forces for the Defence of Democracy
CODESA	- Convention for a Democratic South Africa
COSAS	- Congress of South African Students
COSATU	- The Congress of South African Trade Unions
CP	- Conservative Party
DP	- Democratic Party
DRC	- Democratic Republic of Congo
FAR	- Forces arméesrwandaises - Rwanda Defence Force
FDLR	- Forces démocratiques de libération du Rwanda - Democratic alliance for the liberation of the Congo
FNL	- Forces Nationales de Libération - National Liberation Forces
FSAW	- Federation of South African Women
GDP	- Gross Domestic Product
ICTR	- International Criminal Tribunal for Rwanda
IFP	- Inkatha Freedom Party
KZN	- KwaZulu Natal
MDC	- Movement for Democratic Change
MPNP	- Multi-Party Negotiating Process
NGOS	- Non- governmental organizations
NP	- National Party
NUSAS	- National Union of South African Students

OAU	- Organisation of African Unity
PAC	- Pan African Congress
PALIPEHUTU	- Parti pour la libération du peuple Hutu - Party for the Liberation of the Hutu People
PEBCO	- Port Elizabeth Black Civic Organization
PSC	- Protracted Social Conflict
RCD	- Rassemblement Congolais pour la Démocratie - Congolese Rally for Democracy
RPF	- Rwandan Patriotic Front
SA	- South Africa
SABC	- South African Broadcasting Corporation
SACP	- South African Communist Party
SANNC	- South African Native National Congress
SASM	- South African Students Movement
SASO	- South African Students' Organisation
TEC	- Transitional Executive Council
TRC	- Truth and Reconciliation Commission
UDF	- United Democratic Front
UDM	- United Democratic Movement
UK	- United Kingdom
UN	- United Nations
UNITA	- União Nacional para a Independência Total de Angola - National Union for the Total Independence of Angola
USA	- United States of America
USSR	- Union of Soviet Socialist Republics
WWII	- World War II
ZANU-PF	- Zimbabwe African National Union – Patriotic Front

ABSTRACT

Sub-Saharan Africa has been faced with an increase in levels of intra-state armed conflict since the last century. Intra-state conflicts have not only shown to be complex by their very nature, but have also shown numerous challenges in finding a solution that could be applied in an effective manner to bring about a guaranteed lasting solution. It is on this basis that interest and attention has been given to the transitional processes from conflict to peace. The conflict transformational process of two dissimilar countries, the Democratic Republic of Congo (DRC) and the Republic of South Africa form a case study for understanding this quagmire. The transitional negotiations of the DRC from 2003–2006 and that of South Africa from 1991–1994 are the cases in point.

The major issues for conflict resolution therefore includes understanding transitional negotiations as a vital process that can make or mar lasting peace in conflict prone areas. This research questions includes; Does citizen participation in transitional negotiations impact on sustainable peace in post- conflict societies? Given the vested interests and the often conflicting interests of various citizen groupings, does citizen participation create stability in the negotiation process for the purpose of creating a sustainable peace, or does it create a greater possibility of non-agreement and regression into conflict? Is it possible to obtain peace in countries that are complex political emergencies where elite interests are outweighing and civil liberties and interests are compromised? How do mediators overcome the problem of self-serving elites in transitional negotiations? Using the post-conflict DRC and South Africa as case studies and for comparative analysis, how can the differences in their outcomes be aggregated?

This study is a mix of explanatory and exploratory research. Qualitative methods were used in the research. An expert sampling technique was adopted to conduct interviews in order to represent the different perspectives and theories of the outbreak of conflicts and violence. The principal theories that the study was based on are the Protracted Social Conflict Theory and the Transformative Cosmopolitan Theory. The study hypothetically argues that the paucity of or inclusion of citizens in transitional negotiations can either lead to sustainable peace in post-conflict societies or regress to a conflict stricken society. It also gauged the relations between the state and civil society organizations in working with citizens in order to avoid local conflicts that can interrupt negotiation processes. It expounds on the relationship between the interests of the political elites and the interests of the citizens

This study has determined that the lack of citizen participation in transitional negotiations does impact negatively on sustainable peace in post-conflict societies. In both case studies, it was shown that conflict has continued at the local level. The study has shown further that an inclusive approach to negotiations as well as peace building in post-conflict societies can be beneficial to the state, as there would be sustainable peace. Where mediators have been unable to balance the interests of the self- serving elites and needs of society, the failure has led to high intensity conflicts such as the local conflicts in the DRC becoming independent of the national level, thus making them difficult to resolve.

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CHAPTER ONE

INTRODUCTION

1.0 Background to the Study

Sub-Saharan Africa has been faced with an increase in levels of intra-state armed conflict since the last century. Intra-state conflicts have not only shown to be complex by their very nature, but have also shown numerous challenges in finding a solution that could be applied in an effective manner to bring about a guaranteed lasting solution. It is on this basis that interest and attention need to be given to the transitional processes from conflict to peace. Most often than not in Sub-Sahara Africa, conflicts have been perennial, with war after war. The conflict transformational process of two dissimilar countries, the Democratic Republic of Congo (DRC) and the Republic of South Africa form a case study for understanding this quagmire. The transitional negotiations of the DRC from 2003–2006 and that of South Africa from 1991–1994 are the cases in point.

Many scholars have shown an interest in understanding why the Sub-Saharan African states have been witnessing this increasing civil conflict, particularly in countries such as the DRC, Sudan, Guinea-Bissau among others. Research shows that bad governance (corrupt regimes, partial democracies, authoritative regimes, etc.), ethnicity and marginalization have all contributed to the rise of the armed civil conflicts. These armed civil conflicts have had a devastating impact on civil society and the economy of the countries affected (Autesserre: 2006, Adedeji: 1999). Once an armed conflict has started there is a 44% risk of the conflict re-starting within five years after a settlement. The risk for the same countries before such a war is 25% (Debiel: 2006). The major issue for conflict resolution therefore is seeking to understand transitional negotiations as a vital process that can make or mar lasting peace in conflict prone areas.

Scholars of conflict resolution as well as mediators are in agreement that negotiations are the main method to resolve a conflict peacefully, and that: "...Most parties have a range of goals; issues may be more negotiable if parties accept the possibility that their goals might be met in different ways, or be linked to other goals, or if they are willing to redefine their goals, in ways suggested" (Ramsbotham, Woodhouse & Miall: 2011).

On the one hand, there have been vigorous debates about whether the search for justice takes priority over the focus for peace, in negotiations and peace agreements. This is one of the factors considered in the conditions for peace agreements: “Issues of justice are at the heart of these negotiations. They may be part of the problem or part of the solution” (Druckman & Cecilia Albin: 2010). On the other hand, the emergence of power sharing as a notion puts peace at the forefront of agreements. This notion caters for an inclusive government in which warring parties secure their positions. It has become the favourite option amongst mediators over the years. Sub-Saharan Africa has seen the greatest amount of power sharing agreements with countries such as Liberia, South Africa, Rwanda, DRC and Burundi each having provisions for it. However power sharing in itself has not always been successful. The introduction of power sharing in Rwanda led to the genocide whilst in the DRC, although power sharing had been introduced and the parties accepted it, they still continued with conflict (Jarstad, 2009). On the other hand, in both Liberia and South Africa, power sharing led to the end of conflict and produced successful elections thereafter. Thus power sharing can be ineffective in some cases and effective in others. Whilst there are debates on whether to pursue justice at all cost as a provision for the agreements or to pursue an inclusive government through power sharing, there also is a strong debate on whether political will or the lack thereof forms part of the problem in transitional negotiations. This dissertation assesses transitional negotiations and the problems that are prevalent in peace processes. There needs to be a continuous search for durable solutions that can lead to sustainable post-conflict societies. This study argues that, when there is an opportunity for a peaceful settlement to a conflict whether civil or conventional, it should be pursued.

This present research seeks to assess the gap in transitional negotiations with particular reference to those of the DRC and in comparison with those of South Africa. The study hypothetically argues that the paucity of or inclusion of citizens in transitional negotiations can either lead to sustainable peace in post-conflict societies or regress to a conflict stricken society. It also seeks to gauge the relations between the state and civil society organizations in working with citizens in order to avoid local conflicts that can interrupt negotiation processes. It will expound on the relationship between the interests of the political elites and the interests of the citizens. The foundation for evaluating the gap is the DRC22 transitional negotiations from 2003 to 2006 and the South African transitional negotiations 1991-1994.

This study is a mix of explanatory and exploratory research. Qualitative methods were used

in the research. An expert sampling technique is adopted to conduct interviews in order to represent the different perspectives and theories of the outbreak of conflicts and violence. The principal theories that the paper will be based on are the Protracted Social Conflict Theory and the Transformative Cosmopolitan Theories. The former theory will elucidate the role of states and communal groups in either preventing or promoting protracted social conflict. The latter theory will explain the role of local communities and civil society organizations in the peace building process and in preventing further violence.

1.1 Research Questions

- The main research question is: Does citizen participation in transitional negotiations impact on sustainable peace in post conflict societies?
- How do mediators overcome the problem of self-serving elites in transitional negotiations?
- In comparison, what was the extent of citizen participation in the negotiations in the post-conflict DRC and South Africa?
- What was the role of the different stakeholders in the post transition negotiations? Who were the stakeholders in the negotiations?

1.2 Research Objectives

- To determine whether the lack of citizen participation in transitional negotiations impacts on sustainable peace in post conflict societies.
- To assess whether mediators are able to balance the interests of self-serving elites and the needs of citizens in post conflict societies.
- To assess the extent of citizen participation in the DRC and South Africa in comparative terms.
- To identify and determine the stakeholders in the post transitional negotiations of the DRC and South Africa and how they differ or in similarity.
- To determine why there is relative difference in the outcome of post conflict society

in South Africa and in the DRC

1.3 Theoretical Framework

The Protracted Social Conflict Theory and Transformative Cosmopolitan Model are particularly relevant theories that conceptualize the dynamics of this study.

1.3.1 Protracted Social Conflict Theory: The theory founded by Edward Azar describes the prolonged and violent struggle by actors within a state for basic needs such as security, recognition and acceptance as well as fair access to political institutions and economic participation (Azar: 1990). The theory further elucidates that the role of the state is to satisfy or frustrate basic communal needs thereby preventing or promoting conflict. The term 'protracted social conflict' emphasizes that the sources for such conflicts exist within the state. (Ramsbotham, Woodhouse and Miall: 2011) This theory also explains the different levels of intensity of conflict.

The research uses this theory as a foundation to explain the different levels of conflict that existed within the DRC and particularly during the transitional negotiations from 2003-2006. The same theory will be applied to South Africa and the black on black violence that occurred in the negotiations from 1991-1994. This theory is able to assess a number of linkages to the conflict both at international and domestic levels. Furthermore, it assesses the conflict at the state and community levels. This is essential in the study because it seeks to understand whether the exclusion or inclusion of citizens in the transitional negotiations will prevent or promote protracted social conflict.

1.3.2 Transformative Cosmopolitan Model: This is a theory that looks at the importance of involving the local community in the negotiating and peace-building processes. It recognizes that in the past scholars of conflict transformation or resolution usually focus on involving political elites and international bodies. This theory seeks to privilege local capacity building while recognizing the necessity for negotiating between local or community and international or global perspectives (Ramsbotham: 2011). The benefit of this model or theory is that it allows local communities to partake in negotiations instead of being marginalized during transitions. Catherine Barnes speaks more specifically about civil society. She argues that civil society organizations play a fundamental role in bridging the gap between the state and civil society. She argues that civil society organizations are important because they

understand the locals and therefore can play a vital role in peace-building and preventing the outbreak of violence (Barnes: 2006). This reduces the possibility of outbreaks of violence during the transitional phase because the inclusive process allows all interests to be taken to account which is the best way forward in transitional processes.

The research argues that the Transformative Cosmopolitan Model will assist in providing a solution for the outbreak of violence through the incorporation of all actors even at the local level. This model shows an inclusive system of all members of society and different communities' interests. The theory analyses the impact of including civil society through civil society organizations in transitional negotiations.

The two theoretical frameworks assist in the analytical aspect of the dissertation because firstly they inform the root causes of conflict and thus one is able to assess why the outbreaks of violence continue. Secondly, they are able to identify the relationship between the state and individuals. Azar argues that the deprivation of human needs is the underlying source of protracted social conflict. He argues that unlike interests, needs are non-negotiable, so if conflict occurs, it is likely to be intense. (Ramsbotham: 2011). This is very evident in the comparative study that this dissertation undertakes. Conflicts that have occurred and still occurring conflict societies stem from the fact that states have continuously failed to address grievances. In the DRC, as it will later be discussed, the state has enough resources to make it potentially the richest country in the world, yet the country has just been a battlefield for decades. This has put the state in poverty and thus has created a cycle of conflict. In South Africa, the minority had benefited from the resources, yet the majority had been excluded. This led to an uprising against their state in order to create a democratic society. As mentioned, the Protracted Social Conflict Theory forms a critical part of the dissertation as it expounds on why and how conflicts occur.

Whilst the Protracted Social Contract Theory looks at how and why conflicts occur, the Transformative Cosmopolitan Model also informs the study in that the dissertation looks at how to rebuild post-conflict societies. This can be done through community based organizations or non-governmental organizations who work closely with the masses at the grassroots level. They assess the needs of the communities and the fundamental issues of civil society. Including citizens in transitional negotiations also can be done through these types of organizations. They bridge the gap between the state and the people.

1.4 Significance of the Study

Indeed one of the fundamental questions about the democratic developmental strides in Africa is on the primacy of citizen participation. This is therefore, a bedrock on which the present study intends to contribute to knowledge and bridge gaps with particular reference to transitional processes. The study contributes to knowledge by identifying whether mediators in post-conflict societies of South Africa and the DRC have been able to balance the interests of self-serving elites and the needs of citizens. This is very significant in continually trying to assess the impact of excluding the citizens affected by war and conflict during the transitional processes in these two countries. Lastly, this study contributes to knowledge by determining the relative difference in the outcome for the post-conflict societies of South Africa and the DRC.

1.5 Research Methodology and Methods

The research methodology used in this dissertation is based on a qualitative approach. A group of ten experts from government and independent NGOs were interviewed using the expert sampling and snowballing technique. Five have in-depth knowledge of the DRC and the other five experts have knowledge on South Africa during the transitional negotiations. I interrogated their views on the post-conflict eras in the two countries. Interviews are an example of qualitative research because the interviewees are considered experts in a particular field because of their construction of the theories that they have applied to real life situations over the years. This becomes useful when conducting work in the dissertation because one is able to apply and compare the theories that the interviewees have provided, to the results of the investigation that the researcher has conducted.

The importance of conducting qualitative research is that each expert who has worked in the field is able to provide an analysis on the fieldwork that they have done. Often, experts who work with NGOs or government do not come into contact with the stakeholders in negotiations but do have contact with the people on the ground. Their overall analysis is then able to include the top-down structures of civil society.

Demographic Group: Five of the interviews are with DRC experts. The interviews were conducted telephonically. Two of the interviews were with independent Congolese experts. Two of the other interviewees were experts affiliated to the African Centre for Dispute Resolution (ACCORD) and worked on the Great Lakes Project. The last DRC interviewee was the South African ambassador to the DRC.

CHAPTER TWO

A REVIEW OF THE LITERATURE

2.0 Introduction

There are a number of reasons why African states are prone to war after their independence. The main reason is that of the colonial legacy. Since colonialism joined tribes and jurisdiction, it gave birth to a new problem when it was time to give African states their independence. These problems have dimensions of religious and ethnic differences. Studies have shown that the different ethnic and religious groups tend to compete for political power. Alex Thomson states that the decisions that were made in the capitals of Europe in the late nineteenth century for example, resulted in 14 countries being landlocked. This has put them at a disadvantage since they have had to rely on their neighbours' willingness and ability to transport the bulk of their imports and exports (Thomson: 2004). The boundaries that colonial powers enforced left some states without resources to build their economic infrastructure, hence the difficulties in African economies prospering. In states that did not have enough resources, there was often a battle for control which impacted on the social, political and economic stability of such states. Therefore there are often weak links between the fragile states and their societies when wars continue. Even after the worst violence has subsided, the long-term effort to rebuild a society and ensure a lasting peace has many important aspects. It can involve the implementation of agreements reached by the parties to conflict, as well as broader efforts to reform or strengthen the government and other institutions to ensure stability in the future. Post-conflict measures can also encompass the rebuilding of damaged communities, and steps to promote justice in the aftermath of war.

In certain states, there is often very little difference between the war period and the transitional period because of the amount of violence that has occurred in both. Some agreements are signed without a ceasefire or at least without hostilities from the parties to the agreement subsiding. This links back to the argument made earlier that there is a 44% risk of a conflict re-starting within five years of a settlement, compared with a 25% risk for the same countries before the war (Debiel: 2006). Thus this chapter unpacks the different processes and outcomes of transitional negotiations and peace agreements.

2.1 Democratization, Violence and Transitional Negotiations

Transitional negotiations are often linked to a change from authoritative regimes to democracies. There are debates amongst scholars on whether the actual process of democratization is what causes conflicts during transitional negotiations or whether conflict is brought about by other elements including the conditions in which transitional negotiations occur. This section begins by briefly discussing transitional negotiations in Africa, followed by a discussion of the effects of transitioning on democracy and lastly in this chapter, an overview of the transitional negotiations in DRC and South Africa.

When one discusses transitional negotiations, it is usually the change from one regime to another. This in itself can cause an outbreak of conflict in the transitioning period. This chapter will briefly discuss democratization as a cause of conflict in transitional negotiations, followed by a discussion on the characteristics of transitions, using the unique case studies as a foundation of the study.

Democracy is fundamental in transition. However it can be detrimental in itself because it can lead to an outbreak of violence during transitions, particularly due to regime change. Francis Fukuyama even wrote about ‘the end of history’ proclaiming that liberal democracy had essentially triumphed over other ideologies and that many countries were opting for the liberal democracy route. Many countries did choose the liberal democratic route, however this ideology has presented a new problem. Many non-western countries that opted for this route have often struggled with the proper implementation of democratic institutions. Furthermore, democracy came with a new problem for countries that were transitioning from authoritarian regimes to democracy: they were experiencing some level of violence. Theorists of democratization have attempted to assess whether the violence is from the process of de-authoritarianism or from the process of the actual democracy itself.

The process of democratization is defined as that process which essentially increases citizen participation. Further, it promotes the ideas of living in a politically stable environment with a government that ensures equality and guarantees rights (Schmitz:2004). Democracy builds institutions that are intended to maximize the relationship between the state and its citizens. It best fulfils the role of the social contract theory: where Hobbes argues that the citizen gives up the individual power of living in a state of nature in order to be governed by the state which assures self-preservation, peace and security. Schmitz (2004) argues that democracy

affords individuals the equal right to participate in public affairs, to hold their government accountable and to demand transparency. He argues that ensuring participation, accountability and transparency allows the individual the right to make informed decisions about electoral and policy alternatives. One of the advantages of democracy is that citizens are given a voice in order to speak out should there be any problems.

2.1.1 Third Wave Democracies

In third wave democracies, elections are held before the basic institutions of the modern state are developed. Rose (2001) argues that there is a gap between electoral and liberal democracies which perpetuates the abuse of rule of law, corruption and unaccountable government. The lack of the proper development of institutions can contribute to an increase in internal strife because citizen participation in public affairs is not maximized under third wave democracies. It is not enough to have a democracy that has elections, but those elections have to be free and fair. The African continent is a prime example of having had third wave democracies, with their transition from authoritarian regimes to democracy, where one could argue that the possibly rushed transitional process has left a huge gap between electoral and liberal democracy. Many African countries face the issue of being democracies by name and holding elections that are not free and are unfair. This de-incentivizes the mass population from trusting the institutions that are intended to protect them. This can also lead to internal strife. Richard Rose continues to argue that incomplete democracies which lack the essential elements of the modern state may survive indefinitely, but only at a price. He argues that major derogations from the rule of law and untrustworthy institutions of civil society limit the effectiveness of a broken-back democracy (Rose: 2001; 351). This reinforces the point that democracy is only effective if the basic institutions of the state are developed and respected.

The period of decolonization and the end of the Cold War came with the certainty that liberal democracy was the best ideology. However it was during that same period when most states on the African continent that was in transition from their authoritarian regimes to what was supposed to be democratic regimes, also experienced high levels of armed conflict. One can even go so far as to say that, whilst some are still experiencing some conflict, the countries that have come out of it still face the issue of having proper institutions for their democracies. Edward Mansfield argues in his article 'Democratic Transitions, Institutional Strength, and War, that the heightened danger of war grows primarily out of the transition from an

autocratic regime to one that is partly democratic (Mansfield: 2002). He furthers this argument by saying that this idea that transitional democracies are inviting targets to attack because they are weak, is untrue, but instead he believes that they are the initiators of war. This is a valid point, in assessing some of the conflicts that have happened in Africa particularly in the DRC, temporarily in South Africa, Burundi and Rwanda. There have been high levels of violence during transitions to democracy. The reason could be attributed to the fact that there were many opposition parties and government coming out of the authoritarian regime, having competing interests in what they deemed to be essentially a new country and new ideals. The competing interests clash often at the price of the citizens. Mansfield reinforces this idea by saying that the breakup of authoritarian regimes threatens powerful interests, including military bureaucracies and economic actors that derive a parochial benefit from war. To salvage their position they attempt to recruit mass support and exploit what remains of their governmental, economic and media power (Mansfield:2002). This creates further tensions and leads to outbreaks of violence. However it is also noted that in countries such as the DRC and South Africa, there were violent outbreaks as well, during the transitions. Susanne Karstedt in her article 'Democracy, Values and Violence: Paradoxes, Tensions, Comparative Advantages of Liberal Inclusion', contend that some of the causes of violence that have been identified with the shift to democracy, including high levels of social inequality not attenuated by democratic practice and a lack of civil society (Karstedt: 2006: 53). She reinforces the lack of proper institutions in democracies contributing to violence, but what is unique in her argument is that she looks at the very valid point of social inequality in why violence occurs in shifts towards democracies. She further adds in another unique argument that violence during transitions might be seen equally as a legacy of the autocratic past which had led to increasing tensions, declining trust from its citizenry and loss of the legitimacy of institutions (Karstedt: 2006: 54). She provides varied and new arguments on the issue of democratization and violence.

2.1.2 Categories of Transitional Negotiations

Transitional negotiations are often put into three categories: 'transition after regime breakdown', 'transition through extrication' and lastly, 'transition through transaction'. The first type of transition describes the de-legitimization and discrediting of the authoritarian elite. This means that they no longer have a stake in the transitional negotiations. The second

type explains that whilst a particular regime manages to avoid collapse, the lack of majority support forces it to retreat from power. It further explains that, although overtime the regime's control declines, it still will remain in a position to shape broader political processes (Giliommee and Rantete: 515).

The categories mentioned above are able to shed light on the power positions of the interested parties when it comes to transitional negotiations and rebuilding post-conflict societies. Further to these categories are another three types of patterns that often used to assess transitional negotiations in states. Rene Lemarchand argues that the patterns that exist are 'fragile', 'flawed' and 'blocked' (Lemarchand: 584). She argues that classifying transitional negotiations into either failure or success is over-simplifying the actual patterns and outcomes of the process. The types of transitions combined with the patterns of transition show that transitions are quite complex and the threat of, or rather the outbreak of, violence is usually quite high due to competing interests.

2.1.3 Sudan, Burundi and Rwanda in Perspective

Whilst independence was intended to empower Africans and ensure that they regained control over land and resources, it created problems in that, when it came to leadership, there was intense conflict amongst different ethnicities. Sudan, Burundi and Rwanda are examples of the major divisions amongst ethnicities. In these three cases, millions of people have died from the intense conflict. Sudan for instance, gained independence in 1956 and has experienced one of the longest intra-state conflicts in Africa. After decades of armed conflict and failed mediation attempts, the country was partitioned into what is now known as Sudan and South Sudan. In 2011 during the period of 9th-15th of January, the international arena watched as the polls were conducted in Sudan on the issue of secession. Southern Sudan voted in favour of the secession. The polls showed that 99% of the people favoured the split (BBC: Lukey-Smith: 2011). The dire situation had reached a point where the option which was preferred by the people was to split Sudan into north and south, in an attempt to find stability between the two. The situation disintegrated to the point where civilians themselves saw no possible way to reconcile the differences between the north and south. However Sudan has been the only country to opt for separation due to violent conflict.

Rwanda and Burundi share an inter-related history of conflicts which has also impacted immensely on the Great Lakes region, particularly the destabilization of the DRC. These conflicts have not all been intense but have impacted one another.

From 1960, till 1990 or so, Rwanda and Burundi represented an inverted mirror of each other. The Rwandan state was controlled by Bahutu elites, and Burundi was controlled by Batutsi elites. The institutions of each state were administered in such a way as to benefit one social group (or at least its dominant minority). The persecution of Bahutu in Burundi was thus aggravated by, and in turn used to justify, the persecution of the Batutsi in Rwanda. Such retaliation was also fuelled by refugee movements across the Rwanda-Burundi border, and by lurid tales told by those who fled. (Hintjens: 1999)

The impact on the DRC war will be expounded on later in the dissertation. It is also quite interesting that their transitional negotiations produced different outcomes even though they were interrelated. This general but brief discussion of the transitional negotiations and peace process of Rwanda and Burundi provide a link to the overall theme of the paper. It allows the different perspectives and theories to assist the discussion on whether outbreaks of violence during transitional negotiations can be attributed exclusively to citizen participation or the lack of it.

In first applying the transitional types and patterns to the case studies in the dissertation, this chapter will first discuss Burundi and Rwanda's outcomes and the impact they have had on African transitional negotiations and peace processes.

The Great Lakes Region is amongst the most volatile in Africa, with states such as Burundi, Rwanda, and DRC who have engaged in the most horrific conflicts from the start of independence. Burundi gained independence from Belgian rule in 1962. The Belgians leaders, just as they did in Rwanda, favoured a Tutsi led Burundi because it was believed that they were the elite. However since independence, Burundi has been highly unstable. The country experienced six governments between 1962 and 1966. Patricia Daley writes that there were four successful coups d'états, in 1965, 1976, 1987 and 1994 (Daley: 335). Including Burundi's first democratic president, Melchior Ndadayewas assassinated in a 1993 coup after winning the elections.

Patricia Daley in her article provides a fresh perspective on the peace negotiations in Burundi whilst linking it to Africa's approach to the peace process. As mentioned above, the Great Lake Region was in turmoil with each of the states facing their own intra-state problems. The

Burundi peace negotiations were born from a regional need for peace and have been deemed a successful attempt by Africans at regional peace making. (Daley: 336). As Rene Lemarchand termed it, transitional negotiations in Burundi were flawed due to the fact that certain interest groups were not represented in the negotiations. Daley takes it further by arguing that it was a peace agreement without the cessation of hostilities. The CNDD-FDD rebel group for instance, were excluded from talks but they made themselves a force to be reckoned with, by going into communities and killing civilians. (Daley: 345). The government, as a response to this, intensified its repressive acts, thus ensuring that hostilities would continue between the government and the rebel groups. Burundi is an example amongst many that transitional negotiations can lead to the outbreak of violence if all parties are not included.

Earlier the types of negotiations that exist were discussed alongside the patterns of transitional negotiations. Burundi is an example of 'transition by transaction' in which the power is in favour of the regime which concludes transactions with its democratic challengers. This argument not only links well with the 'flawed pattern' that exists within the negotiations but it also explains how problematic it was when the negotiations seemed to favour Buyoya who had come into power through a military coup in 1996.

“In 1996, the US created Africa Crisis Response Initiative in order to stop genocide in Burundi but it was the same government that supported the Military Coup of Buyoya when he came into power in July 1996.” (Daley: 343).

Daley expounds on this by arguing that after the second All Part Peace Talks (Arusha II), the Burundi regime sought to bypass the Arusha talks by negotiating directly with Mandela in South Africa in an attempt to make the peace process disproportionately in favour of the Tutsi (Daley: 343). In her paper Daley uses the Burundi peace process to explain that there are different competing visions of peace. She says that very often the perspectives of civil society are not incorporated and, without the political clout and financial resources, regional actors usually concede to the interests promoted by Western donors.

Peacemaking in spite of the incorporation of a host of actors- the political elite, warring factions and external mediators- exclude the people, who are represented as victims of rapacious elites and warlords and whose wellbeing is assigned to international humanitarian and development agencies. (Daley:336)

2.1.4 Power Sharing

Another aspect of these transitional negotiations which seeks to avoid outbreaks of conflict and breakdown in communications is the idea of power sharing. Daley explains that power sharing can be seen as a means of dividing power or dividing institutions of governance in order to ensure equality during a transitional phase. This is often done in the context of a new constitution and democratic elections. Daley further argues that, in theory, power sharing often appeals to African states that face conflict because of the issue of equality amongst the different parties (Daley: 337).

Whilst power sharing can be argued to be satisfying greed and grievance under the umbrella of democratic principles, on the other hand these power sharing governments can be seen to either enable rebel leaders to gain power or keep oppressive regimes in power. This argument can be seen in practical situations like South Africa with the National Party being in power with the ANC and IFP, Zimbabwe with Zanu-PF and MDC, and the DRC with a number of rebel leaders being placed in power. More often these power sharing governments create stalemates and, as Daley argues, can lead to the reproduction of insurgent violence. This has been seen in the DRC where conflicts still persists and it can be seen in the stalemate between ZANU-PF and MDC. South Africa is an example of a successful power sharing government during the transitional period, which led to successful elections.

Power sharing usually comes out of a peace agreement as a temporary solution, until a new government is formed through elections. Breakdowns in agreements can be argued to be the lack of political will, as wars are more profitable than peace. The Burundi peace process and transitional negotiation took 9 years. Arusha I commenced on the 21ST June 1998, with international institutions such the UN, OAU as well as the European Union, the US and Canada as part of the talks. This was a Tanzania-led initiative. The regional bloc imposed sanctions on the country but these sanctions lacked support from the West, and Burundi continued to import goods and weapons into the country. Patricia Dale goes on to explain that the international donors sought to punish peace making by withdrawing their financial support (Daley, 2007). It was the influence of South African mediator, Nelson Mandela that forced the peace agreement. He had the political clout to manage the competing interests although he did make some concession to Buyoya's regime.

2.1.5 Peace Processes and External Influences

Even though the peace process was an African initiative, Western observers still tried to influence the process to meet their interests, going as far as having *back door* talks with different groups. This proved detrimental to the process as those who felt marginalized from these talks intensified the conflict (Daley, 2007). It seems clear that the number of interested mediators can be a hindrance to the process because their own interests outweigh the urgent need to rebuild the societies that face conflict. Even with Arusha II and with each committee formed, they are able to work with each other commencing in July 1998, there seemed to be agreement on some issues. However due to some interference by the Belgians, the parties seemed to question the legitimacy of the process. This links well with the argument made earlier that the involvement of international countries and institutions often come for their own interests above the interests of those parties involved in the process.

The Arusha Peace and Reconciliation agreement on the 28th August 2000, brought about a prolonging of the peace process as agreements were not reached on several issues of leadership in the transitional government, as well as on the process of the ceasefire and the composition of the armed forces and the treatment of the political forces (Daley, 2007). However Daley explains that it ended with only a scaled down version of the agreement being signed by Buyoya, Hutu parties and Tutsi parties. It was only the rebel movement CNDD-FDD and another Palipehutu-FNL which refused to sign. Thus the agreement itself was flawed because it was a peace agreement without a ceasefire.

Consequently the terms of the transitional government originally stated that there was to be a transitional period of three years which would have a different head of state every 18 months, alternating between a Hutu and a Tutsi. Furthermore the terms stated legislative power had to be exercised by a national assembly that consisted of 100 members and a senate comprising of two delegates from each province, one Tutsi and one Hutu, as well as establishing a new Independent Electoral Committee (Daley, 2007). Whilst the detailed terms of the peace process showed some potential, the peace process agreements were implemented very slowly, thus taking Burundi six years before a government was elected. This supports the argument made by both Rene Lemarchand and Patricia Daley that, in order for a peace agreement to occur, there has to be political will. It is too often that there is a breakdown in transitional communication due to the choice of parties involved and the lack of political will, since war seems more profitable than peace.

By providing an in depth discussion of Burundi, this chapter seeks to show the flaws that exist in transitional negotiations, and to explain the competing interests that exist when these negotiations occur. This chapter as mentioned will also compare Burundi with Rwanda which provides a vital example of blocked transition due to an outbreak of genocide, the worst Africa has seen. Each of these will link to the outbreak of violence in transitional negotiations in the next chapters of this thesis.

There is uncertainty as to how exactly the genocide was triggered by the assassination of President Habyarimana of Rwanda. There are two versions attempting to rationalize this tragedy. One argument is that Habyarimana was consenting to demands by and compromising widely with the Rwanda Patriotic Front (RPF) and giving them political space. Rwanda is a staunchly antagonistic country with the views of 'us against them'. A few extremists from Habyrimana's camp thought that he should be displaced so that they could lay the blame on the Tutsi. The other version is that the plane was shot down by the RPF because they wanted to push the right button in order to anger the Hutu. According to some people, the RPF could predict how the Hutu would react and this would be by killing the Tutsi. This would mean that their next action would be legitimized by banking on the international community's guilt and mercy (Tsimba, 2016).

Rwanda is considered a complex political emergency due to the level of ethnic violence between the Tutsi and Hutu groups which escalated into the genocide in 1994. Prior to 1994, there had been tensions that had existed between the two ethnic groups because of economic differences. Sources state that the ethnic differences could be traced back to the colonization of the country by the Belgians. Before that it is argued that the term Tutsi was used to describe people who had many cattle and those who owned less, were called Hutu. The differences only took on a racial or rather ethnic role when Belgians used it to differentiate and favour the Tutsi. The Belgians went as far as mandating that all ethnic groups were to carry identity cards in order to separate them into Hutu, Tutsi and Twa. This perpetuated the differences and essentially the tensions between the two groups. The Belgian colonial power had initially favoured a Tutsi power structure for independence; however in the years leading up to independence the Hutu resented the Tutsi minority power structure and rebelled against it (Carroll, 2000). There is evidence unfortunately that shows that Rwandan genocide could have been prevented, had these tensions been dealt with.

Rwanda illustrates the dangers of an efficient and centralized state that does not embrace the entire polis but only that part which members of hegemonic elite think it should embrace. In this case, the consequences were disastrous for those not included among the full citizenry, who were ultimately targeted and hunted instead of being protected. (Hintjens, 1999)

Carroll continues to argue that from the time that the Hutu gained power in the 1960s until the 1990s, ethnic violence continued to occur periodically. She further expounds on the fact that massacres occurred in 1959, 1963, 1963 and 1973. However there were no attempts or if there were any they were limited, in finding solutions to curb the periodic conflicts happening during the early 60s (Carroll, 2000). The introduction of the Arusha Accord sought to democratize Rwanda in order for it to receive funding from international financial institutions. Whilst the government was willing to incorporate Tutsis into the interim government as set out by the agreement, they refused to incorporate the Rwandan Patriotic Front into the army. This was also stipulated in the agreement. This perpetuated tensions amongst parties but more so amongst the parties. Hintjens writes:

Under the terms of the Arusha Accord, progress was to be made on the democratization of political life. In early 1994, an Economist intelligence Unit report (1994: 24) emphasised the high cost if the government failed to comply: while there is a political stalemate, Rwanda cannot access the \$30m due to it under the Structural Adjustment Programme, due to expire on April 23". (Hintjens, 1999)

The Arusha Accord was a peace agreement between the Rwandan government and the RPF. It attempted to finally end the on-going conflict that had been occurring since before 1994. There had been a series of high level meetings with the region, which involved negotiating the terms of the agreement. These meetings were held at different locations namely: at Mwanza, United Republic of Tanzania, on 17th October, 1990; in Gbadolite, Republic of Zaire, on 26th October, 1990; in Goma, Republic of Zaire, on 20th November, 1990; in Zanzibar, United Republic of Tanzania, on 17th February, 1991; in Dar-es-Salaam, United Republic of Tanzania, on both 19th February, 1991 and from 5th to 7th March, 1993. However these negotiations were blocked and fuelled the genocide because of the agreement being viewed as severe by the Hutu extremists. This death of the Hutu president in a plane crash led some people to believe that it was a plan by the RPF but others sources suspected that it could have been the Hutu extremists who had been unhappy about the Arusha Accord. Tensions and hostilities escalated to a genocide that took place over 100 days with an estimated five hundred thousand people to a maximum of a million people dying. Hutu

extremists not only murdered Tutsi groups but also Hutu moderates. This genocide is now described as the African Holocaust. One of the most controversial debates in the international community is one that has haunted the United Nations for a very long time. The United Nations knew about the probable genocide even before it happened because there had been evidence showing that this type of conflict would occur, yet it was ignored. Even when the genocide happened, the United Nations withdrew its troops from Rwanda.

France was able to persuade other European countries to remain relatively quiet in the run up to genocide...Sovereignty, and the violence was explained as a civil war, due to the RPF invasion of the country. Only a few hundred soldiers, mainly from Senegal and Bangladesh, stayed in Rwanda after mid-April, unable to help and forced to watch while the first genocide in Africa's post-independence history unfolded in front of their eyes. (Doyle 1994: 99-103)

In order to rectify this horrendous mistake, the United Nation Security Council set up an International Tribunal for Crimes against Humanity. This tribunal finally recognised that what was happening in Rwanda was not just a civil war or ethnic conflict but a carefully planned genocide (Hintjens, 1999). In an attempt to rebuild and reconcile with Rwanda, the international community has since taken it upon itself to create an International Criminal Tribunal for Rwanda (ICTR) which holds hearings for the people who were involved in the genocide in trying to find justice. The state itself has also focused mostly on transitional justice in order to hold the perpetrators of the genocide to book. This is unique since other states have been known to choose amnesty so that there can be an attempt to rebuild the state. This statement was made by the Rwandan ambassador at the creation of the ICTR: It is impossible to build a state of law and arrive at true reconciliation if we do not eradicate the culture of impunity which has characterized our society. (Carroll: 2000).

However what makes Rwanda so different from Burundi, South Africa and even the DRC, is that they have pursued justice over amnesty and have emphasized it above all else. Their attempt to build a post conflict society has been built on the foundations of seeking justice.

There have been few countries in history where external actors have spent so much money and energy on matters of justice—a major change from the situation prevailing before the genocide. The quest for justice took place along two axes: reconstruction of the justice system in Rwanda in order to allow for judgement of the perpetrators of the genocide, and the establishment of the International Criminal Tribunal for Rwanda in order to demonstrate the international community's revulsion at these crimes. (Uvin: 2001)

2.1.6 Justice or Amnesty

The challenges that have faced Rwanda in pursuing the justice system are that there are two justice systems currently dealing with the Rwandan genocide. The first is the ICTR which took it upon itself to find and prosecute people who had been involved in the genocide. The ICTR took over because Rwanda had just come out of genocide and their courts had been in a shambles. The first issue with the justice in ICTR is that it has had a multi-million dollar budget but has only completed four trials, while the work of 48 other cases is still underway (Carroll, 2000). One can argue that the Security Council has focused its energy on its multi-million dollar budget instead of on developing and reconciling Rwanda. If they had done the latter, there would have been a far better result in terms of including the people on the ground in the process of the reconciliation and rebuilding of a post-conflict Rwanda. The second issue is the Rwandan internal justice system. The efficiency of these courts still needs to be determined, but what does seem to be working is the gacaca system which allows the perpetrators to tell the voluntarily truth about their involvement in the genocide in exchange for amnesty. The Rwandan government argues that this system is a step forward to reconciliation rather than waiting for the slow pace of justice that has been occurring with the ICTR. The gacaca system also seems to alleviate the Rwandan justice system from being overburdened with hearings and furthermore from having the prison overcrowded. It seems that there has been very little relationship between the ICTR and the Rwanda justice system itself and this could prove to be detrimental and probably has already, since there have been very few prosecutions since 1994. These truth telling commissions that have been established by the state seem to be a step forward for the Rwandan community to mend their broken relationships. They have also been positive commentary that the justice system in Rwanda (which is largely Tutsi) is becoming objective.

Since 1998 the proportion of detainees found not guilty has risen sharply and the number of those condemned to death has fallen significantly, suggesting that the objectivity of the justice system has been improving. (Uvin, 2001)

Whilst this has been a positive step in rebuilding a post conflict society in Rwanda, Peter Uvin notes that the state and international community and donors have focused entirely on correcting the wrongs of the genocide. This has made them turn a blind eye to the type of human rights violations that exist in Rwanda today. One of the most prominent and which is gaining some momentum is the government's role in the Congolese conflict. Since the

Democratic Forces for the Liberation of Rwanda (FDLR) was defeated, and has escaped into the DRC, the Rwandan government has for many years been invading the eastern part of the DRC claiming that the FDLR is still a threat. Complaints from observers and Congolese people state that the Rwandan government has been backing a militia group called the M23 which has been largely responsible for destabilising the DRC and committing massive human rights violations. As is discussed later in the dissertation, the United Nations threatened to withdraw funding to Rwanda because of its role in destabilizing the Congo. Over the years dating back to the country's civil war and genocide, many refugees have fled to the Congo, continuing to destabilize an already fragile state. Rwanda has been reported to having refused to allow the refugees back, and the international community has turned a blind eye, largely due to the genocide guilt. Rwanda has been allowed to get away with its crimes in the DRC.

There is the use of massive violence against civilians outside Rwanda's borders, namely the slaughter of tens of thousands of refugees in the Congo in 1998 and of thousands of Congolese civilians again in 2000. These facts cannot be neglected. (Uvin: 2001)

Although Rwanda is developing, it is argued that this development is largely due to it benefiting from the crisis in the DRC. Furthermore, on focusing on the post-conflict state, the government of Rwanda is said to be violating the rights of people who speak out against it and such violations have been increasing over the years (Uvin, 2001).

Whilst international donors have invested in helping rebuild a post-conflict society in Rwanda, they have at the same time turned a blind eye to some of the violations that are done by Paul Kagame's government. Post-conflict Rwanda still needs an immense amount of attention in terms of the reconciliation of all citizens. Peter Uvin argues that whilst the international donors have assisted in building institutions, they have struggled to involve all groups and members of society in peaceful reconciliation. He takes this argument further by stating that the donors mainly deal with governments thus the voices of the masses are usually excluded from such processes (Uvin, 2001). This shows that even after peace processes and attempts to rebuild states, many times the voices of the masses are usually excluded. This raises the potential of the outbreak of violence either in the short or long run.

The first half of this chapter has dealt with the different characteristics of transitional negotiations, and the different theories and patterns that exist in explaining the outcomes of negotiations and peace processes. Using Burundi and Rwanda gives a foundation for these arguments. It is already evident that the type of political context within the state will set the

tone of the negotiations. It was explained earlier that the Burundi negotiations were largely flawed due to the exclusion of particular parties and even during its processes; there was a large outbreak of intensified conflict. Whilst the peace processes and transitional government has taken six years, Burundi still continues to be a fragile state in a fragile region. On the other hand, Rwanda's negotiations became blocked owing to the outbreak of genocide. Rebuilding the country has been largely difficult due to the fragile relationship among its citizens. However, the international community has supported the country immensely yet at the same time turns a blind eye to some of the human rights violations that happen within the country and across its borders. The common denominator in both these discussions has been that there has been no space for citizen participation within the peace processes; thus the voice of the masses who have been victims of severe conflicts, has been excluded.

The second half of this chapter is limited to the discussion of the context of the dissertation's comparative study of the DRC's transitional negotiations 2003-2006 and South Africa's transitional negotiations 1991-1994. The discussion continues with assessing the patterns that exist during negotiations. Both these countries have entirely different contexts but both their post-negotiations periods have produced different types of violence. For instance the DRC is still very much a conflict society although it has had elections, and the different militia groups and interference from the state have continued to destabilize the country. On the other hand, South Africa which is described as the miracle of African negotiations also faced outbreaks of violence but in its post-conflict state can still be considered as fragile due to the amount of violence that exists in the country today. Although it is not facing war, as is in the DRC, the type of violence that occurs in SA is through service delivery protests and the violent crime. There will be an in-depth discussion of both these states in the following chapters.

2.2 The DRC Negotiations and Peace Process

The DRC war had ended on the June 30 2003, but scholars and the international community noticed that the conflict was still continuing even after the transition and negotiations had begun. A thousand people were being recorded as dying every day not only by violence but also from diseases and malnutrition, which all could have been avoided had the violence not impeded access to humanitarian aid particularly in the case of the DRC (Autesser: 2006). The situation during the transitional phase at this time showed little difference to the war period, in fact it was almost as if the country had retrogressed into conflict instead of moving toward

sustainable peace. An assessment of why there was an outbreak of such violence during a critical time needs to be discussed and will later be dealt with thoroughly in this thesis. First there needs to be clarification that the conflict in the DRC was not based on ethnic differences but rather on the following source. Nyinanutu argues that the Congolese's frustration and anger rising from the state's dysfunction, corruption and impoverishment and the unsolved issue of citizenship rights for the Congolese population of Rwandan origin, have played significant catalytic roles in shaping the DRC conflicts (Nyinanutu, 2009). Autesserre puts it as 'the local antagonism over land and traditional power led to violence long before the warfare of the 1960s which involved few villages, communities or principal leaders' (Autesserre, 2006). These were all fuelled by the Rwandophone minorities' community engaging in conflict over land within the DRC.

During the transitional phase, the international community and mediators played a role in working with national and regional bodies in resolving the conflict, but they excluded the local level. This re-emphasizes the point that where there is exclusion of local groups or civil society in negotiations, peace settlements are most likely to fail because the true interests of the people are not represented - as seen with the continuous outbreak of violence in the DRC. The issue then becomes that the exclusion of civilians or local civil society is not in their best interests but in the interests of the elites. Negotiating their interests at the expense of the masses then compromises the achievement of sustainable peace. For instance, Autesserre writes that during the transition there was distrust amongst the parties although there was equal representation. This then had negative consequences because it blocked decision making and some representatives were stalling the transitional process (Autesserre:2006). He further argues that some parties had everything to lose with peace being obtained and too much to gain from war. This again affects sustainable peace for the DRC at the expense of the masses, because individual interests are at play. The question then becomes: is it possible to obtain peace in countries in complex political emergencies where individual interests are outweighing and compromising civilian interests and progress to sustainable peace? The second question which stems from that is: how is this problem overcome particularly in Africa?

Refugees from the DRC were afraid to return to their country because of the perception that they had wronged their neighbours. Furthermore inasmuch as ordinary citizens were allowed to go back into their communities, the Mai Mai soldiers which had been occupying those communities did not allow traditional leaders back in. The issue of exclusion and

marginalization in the DRC persisted, causing tensions and escalating violence during the transitional period. There also have been an increased number of militia groups in the state. The M23 rebel group which has emerged recently after the transitional negotiations is one that is Rwandan backed. It continues to commit atrocities within the state of DRC. There have been challenges in curbing it as it keeps re-emerging under different names (it was formerly known as the CNDP). This will be discussed in length in the next chapter. This rebel group has contributed to destabilizing the country and has prompted intense international involvement in the DRC in attempts to defeat the group.

2.3 South African Transition to Democracy

The second case study of the literature is based on South African transition to democracy and the problem it faced particularly of black on black violence. South Africa comes from a history that had oppressed Africans for about 300 years but it was the Apartheid regime that became law in South Africa as to how non-white races would be treated. Apartheid essentially committed what is considered crimes against humanity because of the number of people that were killed by the state because of their involvement in liberation movements. The Sharpeville massacre and Soweto uprising were fundamental turning points in the history of South Africa, not only in the amount of international attention those incidents received, but also because liberation movements such as the African National Congress embarked on guerrilla warfare turning away from their policy of non-violence when dealing with the Apartheid state. For many years cultures and races were subjected to laws that were inhumane, but with the growing strength of the armed struggle and as well as international pressure, the Apartheid regime weakened. It was only once F.W. de Klerk came into power that South Africa saw the end of the Apartheid regime and the beginnings of what were to be the transitional phases and multi-party negotiations as well as the opening of the Truth and Reconciliation Commission. However once the negotiations started, violent outbreaks in the townships occurred. The fighting was mostly between African National Congress supporters and the Inkatha Freedom Party, but the consequences threatened the stability of South Africa. The formation of the Convention for a Democratic South Africa (CODESA) which called for the formation of the multi-party negotiation processes with a number of parties coming together to discuss the mechanisms and technicalities for the transition. The National Party was not deemed suitable to manage and monitor the transfer of power because of its vested interest (<http://www.sahistory.org.za>). During this time there was conflict amongst the parties

because there was no agreement on what shape the interim government would take. The failure of CODESA caused some concerns on the possible progress into peace and on the future of South Africa; however the US were able to convince the ANC and NP and other parties to resume talks. Seo argues that negotiations and particularly compromises were not easy. There was often a lack of trust amid continuing violence and allegations of hidden agendas. Furthermore, in the negotiation forums, premature attention was paid to details before the willingness to compromise existed. He argues that this resulted in repeated breakthroughs and deadlocks, but in spite of the breakdown of negotiations at CODESA, compromises and negotiation through the Multi-Party Negotiating Process (MPNP) led to consensus on the democratic transition and a package of agreements, which included an interim constitution (Seo: 2008).

The main bone of contention in this paper however is that at the same time the parties were having deadlocks in communications, there was an outbreak of violence in the townships between ANC and IFP supporters, as mentioned before. Timothy Sisk writes that just as negotiation began, violence in the poverty stricken townships and destitute rural areas soared. The casualty rates far exceeded those when the anti-apartheid opposition was banned and its leaders including Mandela were imprisoned by the white minority regime (Sisk: 80:1993). However SA was able to overcome all this. It was never made clear exactly what or who sparked the black on black fighting during the transition, especially because this was such a crucial time for South Africa.

2.3.1 The Truth and Reconciliation Commission Processes

In an attempt to build a post-conflict society, South Africa developed the Truth and Reconciliation Commission (TRC). It undertook three main processes (Pankhurst:1999):

- 1) Determining the terms on which amnesty may be granted to culprits of gross human rights violations.
- 2) Determining the type of compensation to be awarded to victims or survivors.
- 3) Producing the report of SA during apartheid.

South Africa has been largely praised by the international community for the TRC and being able to live in a sustainable democracy when so many African countries have failed to do so. I argue that the TRC has had its problems and was not at all the inclusive process it should have been, seeing that many races excluding whites had been oppressed by the regime. James Gibson argues in the article 'The Contributions of Truth to Reconciliation: Lesson from South Africa' (Gibson: 2006: 417), that the reason that the TRC was a success was because all sides were to be blamed because at some stages they all committed wrongful acts and he also argues that it was in part a success because whites were committed to the TRC because of their claim to be 'unaware' of what their government did during apartheid. My point of departure lies here: that the TRC was good in the sense that it allowed people to tell the truth about the atrocities that happened under apartheid, but that it did provide white people, especially political leaders who were remorseful, an easy way out of punishment because of the amnesty. I do not believe that the TRC provided other races much voice in so far as how the matter should have been handled which they should have because they had been most affected. The TRC has been successful in so far as being enabling the country to sustain peace and not to revert to conflict or armed struggle. The tensions still exist, however in any given society where any war or conflict has existed, reconciliation has to be an ongoing process over the years because it is a state of mind to remind people and teach people not to see differences between themselves but to unite. Scholars and many other people have made the fatal mistake of assuming that reconciliation can happen overnight but it is a slow progression and can take years.

2.4 Conclusion

The researcher acknowledges that past research has not only developed from looking at conflict and how it affects national and regional stability. There are now studies that actually deal with the realities of conflict in Africa with understanding. The study in this dissertation looks beyond assessing violence from a top-bottom stand point but believes that by incorporating the interests of the people on the ground should be prioritized as much as the interests of parties to negotiations. The study argues that there is need for a balance of interests. The overall theme of back door negotiations with particular parties whilst excluding others can prove to be detrimental to the process. It undermines the legitimacy of the process itself and of the mediators involved. There also needs to be a move towards regionally led

initiatives in negotiations. Whilst institutions such as the African Union exist, it should lead instead of being overshadowed by Western countries and international institutions. It is only through this, that Africa can reclaim the continent and find unique solutions carefully designed for the needs of the Africans or states facing conflict. It should be central to curb citizen exclusion in favour of citizen participation.

This dissertation is important to the field of conflict resolution and transformation in Africa. This study was chosen in an attempt to contribute to curbing or at least reducing significantly the issue of violence and armed conflict during negotiations and even during the post-conflict rebuilding of a state. It is about time Africa states focused on rebuilding the continent instead of thrusting towards continuous war. They should continue to demonstrate a strong belief in peace and conflict resolution on the African continent. Transitional negotiations and peace processes are extremely important in the sense that they are an opportunity to build and develop a country which has been broken down by either oppression or war. If the transitional negotiations are not done effectively because the voices of the citizens have been excluded, it can be detrimental to sustainable peace-building and development. Transitional negotiations are a chance to build a strong relationship between the state and its citizens which is also very important for sustainable peace-building; it ensures that citizens feel secure, which lessens the chances of a state breaking out into another armed conflict.

The following chapters are situated within the gaps of the current chapter that deals with academic discourses on the subject matter. Of particular importance is the next chapter (3) which focuses on the transitional negotiation experience of the Democratic Republic of Congo.

CHAPTER THREE

THE DEMOCRATIC REPUBLIC OF CONGO

3.0 Introduction

Since independence, there have been several conflicts that have shaped complex crises within the Democratic Republic of Congo. First the Kasuvumba, Lumumba and Mobutu battles for power, closely followed by the Katanga cessation in which the Katanga province sought its independence from the DRC, the struggle of governance and the toppling of the Mobutu regime. Lastly, the impact on the country of the assassination of Laurent Kabila added more complications to an already complex political emergency. Within these conflicts have emerged complex issues such as the question of ethnicity, nationality and citizenship alongside the continuous struggle for land and resources and the long standing question of ‘Who is Congolese?’ The DRC conflict otherwise known as the Continental War has been the deadliest and most expensive war with most neighbouring states benefitting from the crisis. The country has become a battleground for these states to launch their interests using militia groups. This has made it difficult for mediators to find durable solutions in the country as well as in the region.

This chapter lays its foundations on the reign of King Leopold, the Belgian colonial ruler, followed by a discussion on Congo post-independence. It will also focus on two specific post-independence regimes that have played a substantial role in the escalation of conflict. The two regimes are those of Mobutu SeseSeko 1965-1997 and Laurent Kabila who took over from Mobutu (through undemocratic means) from 1997 until 2001, when he was assassinated. It intends to set the foundation, show some analysis and root problems that have existed for generations in the DRC and continued to manifest during the transitional negotiations. The chapter will also discuss the role that the neighbouring conflicts had on destabilizing the region and particularly on the DRC. The second part of this chapter provides an analysis on the transitional negotiations and the outbreak, or rather the continuing violence, during the talks.

The Congo is potentially the wealthiest country in the world because of its mineral resources, such as coltan, gold, diamonds and oil, as well as its water resources. However, these

resources have not been used to the benefit of the Congolese people but instead its potential wealth has subjected it and the people to some of the most devastating conflicts which still have an impact today. The Congolese people have for over 118 years been subjected to dehumanization and to the continuous marginalization which reached its boiling point in the 1990s. Countries such as Angola, Burundi, Uganda and Rwanda have played a massive role in launching militia groups that have committed atrocities in the Congolese communities. Rape has played a major role as a tool of war in order to continue to weaken and destroy communities. These atrocities will be discussed in length later on in the chapter.

3.1 Historical Context

The Democratic Republic of the Congo, as it is effectively known today, was a colony of Belgium. It was acquired by King Leopold II in 1885. Under his rule, the DRC was known as the ‘Congo Free State’. He is infamous for his brutal methods of extorting resources which were used to force the population into increasing rubber production in order to increase profits. The population was cut in half during the cruel reign of King Leopold II: the number of deaths that occurred is said to be worse than that of World War II. Studies estimate that ten million Congolese were killed as a result of diseases and exploitation during the first wave of colonization (McCloskey: 2010). It was only through international pressure that the Belgian government assumed control of the then Congo Free State. According to McCloskey, although there had been a transition from the sole reign of King Leopold II to the Belgium government in 1908, there was no intention by the latter to form an inclusive government that would take into account the needs of the natives. Instead, the second of wave colonization was seen as an attempt to ‘Christianize and civilize’ the Congolese (McCloskey, 2010). There was a huge gap between white Europeans and Africans and the system like most colonial regimes, marginalized Africans from government. There was a continuous systematic subjugation of the Congolese. The Belgium government made no efforts to develop infrastructure nor did they train a few elites and prepare them for independence. One of the fundamental tasks that the Belgian government set out to do was to take the wealth and resources and place them in private corporations (McCloskey, 2010). This proved effective for them because, once decolonization happened, they were still able to have control over the economic wealth of the country. Thus whilst caving into the widespread demand of giving independence to its colonies, it managed to provide the Congolese with independence yet still

held a strong grasp on the resources . The Congolese were inheriting a country as big as Western Europe with little understanding of political leadership. This paved the way for a new generation of oppression, but this time done by a fellow Congolese leader, Mobutu SesoSeko. He replicated the principle of divide and rule, and he also continued to destroy the already fragile relationship between the state and the people. This paved way for the continuous marginalization of the Congolese people.

Lack of political freedom was entwined with severe marginalisation from the benefits of resource exploitation; corporate concessionaries captured the vast wealth of Zaire through corrupt state institutions. (Daley: 2006)

The DRC gained independence in 1960 and Patrice Lumumba who led the Movement of National Congolese won the parliamentary election. He became the first Prime Minister under Joseph Kasovumbu who became the first president and who led the Alliance of Bokong (Abako) (Mcloskey, 2010).

Independence coincided with the Cold War, which complicated matters for the Congolese. The Cold War, as is well known, was a proxy war between the West and the Eastern Powers. The Congolese strategy was to choose the leaders who would represent either democratic or communist beliefs and support either at all costs. It caused tensions with Patrice Lumumba and Joseph Kasovumbu from the onset. The post-Cold War period cost the life of Patrice Lumumba. As mentioned above the context of Lumumba's assassination happened in the context of the rivalry between the East and the West. The latter was the capitalist world which believed that the world economy should be based on this principal. Lumumba in his early days in office had already showed that he was very comfortable with the Soviet Union and had even asked for its help (Tsimba, 2016). This was problematic for the West and that started the plot for his assassination.

The UN and USA's intervention was very much against the popular prime minister, Patrice Lumumba, for fear of him receiving support from the communist regime in the USSR... Lumumba's assassination was carried out by Belgian and Congolese forces with the connivance of other Western governments. (Daley: 2006)

Mobutu who had been private secretary to Patrice Lumumba was seen to be the best replacement. He was very crafty, a brilliant communicator and commanded respect from the way he had done his tasks. Lumumba had given him bureaucratic administrative skills and he

had quickly climbed in the ranks of the army. He was promoted to the rank of sergeant and soon he was in charge of army command and became the spokesperson of the army. With Lumumba's assassination plot emerging and then becoming successful, Mobutu SeseSeko was recognized as next in line for the leadership of Congo. So in 1961 there was the first ever coup on the African continent (Tsimba, 2016). The coup came out of the double suspension in the semi-presidential system. Lumumba had suspended the president as the head of state, for not complying with the semi-presidential arrangement and the president, Joseph Kasavumbu, had suspended Patrice Lumumba as head of government. Mobutu quickly saw the gap, and acted. He declared that a Council of Generals was taking power. The Council was made up of 24 generals. The five highest generals of the military command took over and ruled from behind the scenes (Tsimba, 2016). Within four years the Congo experienced five different governments. After Lumumba, there was Moses Jombe to Cyril Lathula to Anton Gazeke and then on 24th November 1965, Mobutu was mature enough and took over the government. For the next five years there was little improvement in governance and there was the centralization of power which continued throughout the Mobutu regime. It is evident that from 1885 to 1965, there was no effort made to decentralize power and form an inclusive government; instead the trend seemed to be forming a government which would benefit only those in leadership.

Tsimba expounds on the development of the US role within the country and their 32 year relationship with Mobutu. He argues that the US has played a significant part in the history of the DRC (At the time known as Zaire). For instance, the atom bombs dropped on the Japanese cities which marked the end of World War II, were manufactured with uranium which was extracted in the mines of the Congo. America, who had been closely following for half a century, the development of the Congo were very interested in having puppets within the Congo. As was mentioned earlier, the mineral wealth of the Congo has made it potentially the wealthiest country in the world. The potential of the mines and resources would help benefit the American economy. Mobutu quickly understood this and developed a 32 year long relationship with the US government. Whilst the US was preaching democracy elsewhere, they were comfortable with maintaining double standards by being silent on Mobutu's authoritative rule in the Congo. Coupled with the fact that the economic wealth still remained in the hands of foreign mining and plantation companies, this led to tensions and caused a political crisis.

During the Cold War the voice of the Congolese people was effectively silenced by the tyranny of dictatorship under Mobutu, with Western complicity, as Zaire, as it was renamed by him, became a staging post for anti-communist wars in Africa. (Daley: 2006)

Since his coming into power officially in 1965, he had been seen originally by many as a promising leader who had the best interests of the citizens at heart. However, he started to show his true character when he began to change the terms of the constitution and to pass laws that secured his power and interests. Since he was the darling of the West and the principal purpose for his being kept in power by the West, was to prevent socialism, he was able to continue with his authoritarian rule. This in itself is a double standard. But whilst the West sought to prevent socialism from prevailing in the Congo, it also allowed Mobutu to behave in the manner which had similar characteristics to socialism, for example by Mobutu centralizing power and ensuring that resources were controlled by the state.

Some of the changes he made to the state were to rename the 'Congo Free State' Zaire. Scholars and the Congolese people all agree that Mobutu's regime had been largely one of a kleptocracy. In 1974, he granted himself further executive power, in which he could change the constitution at his discretion (Mcloskey, 2010). He also made political parties illegal, thus granting himself sole power over the DRC, following in the steps of King Leopold II. During his 32 years reign, Mobutu violated human rights, was corrupt and favoured those who would keep him in power at all costs. Filip Reyntjens argues that "State collapse opens space for very diverse local and regional, public and private actors, each with contradictory interests" (Reyntjens: 2009).

Due to the amount of corruption and nepotism occurring, the state deteriorated and tensions emerged amongst Congolese towards each other, towards immigrants and refugees and towards their neighbouring countries such as Rwanda and Burundi. The tensions which emerged amongst various groups within the DRC led to one of the most controversial issues that was created under this regime and is still a nightmare to resolve: the issue of who is Congolese, as well as citizenship versus nationality. For Mobutu this differentiation was important in order to continue with divisions. Some scholars produce this blanket argument of ethnicity as the underlying problem within the DRC. They provide the argument that this problem was caused by their having been many existing tribes in DRC, particularly some having coming in from Rwanda and Burundi (because these countries were experiencing conflicts of their own) and settling in the DRC. However, the issue was not so much the

differences in the tribes but rather the fact that the continuous influx of refugees was already weighing down on the people of Congo. The influx of refugees from Rwanda and Burundi gave a chance for these countries to have insurgency groups within the country. Mobutu used these different tribes to divide and rule purely to secure his own interests in order to remain in power.

Two decrees were passed whilst he was in power. The first being the 1972 Citizenship/Nationality law which stated that the Congolese were people who had been within the border of the Congo at the time of independence (Tsimba, 2016). Essentially it meant that the law recognized the Banyarwanda of 1960 and even those people who came in through the Belgian forced migration which happened in 1937. This was called the Migration Decree with which the Belgians had forced the migration of the people from the overpopulated western Rwanda to the under populated North and South Kivu.

The history of Hutu-Tutsi confrontation both in Rwanda and Burundi has been accompanied by the movement of refugee populations also into eastern DRC region. Such historical events are: the 1959-1962 violent Hutu revolution in Rwanda that led thousands of Tutsis to flee their home; the Burundi 'genocide' of Hutu in 1972 accompanied by Hutu migrations into neighbouring countries (Nyinaumutu: 2009).

Mobutu furthered this by applying the divide and conquer rule in order to thrive like the European colonial masters. Mobutu stated that anyone can be Congolese if they had no offspring but they could not become president. After the law was passed craftily in 1975, for first time, the director of the cabinet of the presidency was a Congolese of Rwandan descent. He influenced the second law of citizenship of 1981. This was to allow for the nationals of Banyarwanda of the Congo to participate as nationals both in political and civil life. There was a backlash at the grassroots level and at the national level. Mobutu continued to emphasize that they could not be political representatives. They allowed citizenship on the one hand and negated nationality on the other hand. Whilst citizenship is gained by staying in a country for a required number of years, nationality on the other hand requires the person to have been born in the country. This was the principle which Mobutu emphasised in order to be a political representative. Nyinaumutu argues in her research paper that Mobutu actually perpetuated these ethnic differences. She argues that it was Mobutu who insisted on using ethnic differences to secure his power in government. She provides an interesting analysis in which she explains that Mobutu had chosen political leaders (particularly in the east) whose

ethnic groups could not threaten national government. Nyinaumutu noted that the specific ethnic tribe that Mobutu had favoured were the Banyarwanda migrants (comprised of Hutu and Tutsi) who were viewed by the indigenous people of the DRC as foreign intruders. Yet Mobutu failed to take into account the concerns of the people. He further gave the Banyarwanda full citizenship which fuelled more tensions with the DRC people. The critical issue is that the Banyarwanda people managed to secure very important pieces of lands as a result of the Mobutu regime.

Suffice to say that the nationality issue remained dormant for almost thirteen years until June 1994 when more than 1.4 million Hutu refugees from Rwanda crossed to the DRC after the Tutsi Rwandan Patriotic Front took power in Kigali. Among the refugees were the ex-Forces Armees Rwandaises (ex-FAR) and militias that committed the 1994 genocide in Rwanda. (Kisangani: 2003)

As mentioned, the citizenship/nationality controversial law combined with the Rwandan genocide as well as the change of governments in Uganda and Burundi, set the pretext for the first war in 1996 which ousted Mobutu. The situation in the DRC continued to deteriorate. The 1994 Rwanda genocide perpetuated the crisis in the Congo because of its refugees. This particular conflict had a far greater impact on the DRC than the low intensity conflicts that had occurred in the 1960s. Whilst the countries within the Great Lakes Region were also affected, the DRC became the base for the ousted militia to recuperate and launch attacks from the refugee camps. In addition to the great loss in human lives of about 1 million Tutsis and moderate Hutus killed in genocide over 2 million fled in the neighbouring countries. (Nyinamutu: 2009).

Most of the 2 million refugees from Rwanda fled into the DRC and this escalated and further complicated the problems that were already in the area. It escalated tensions between the indigenous people and the Rwandan settlers because of the land issue. It secondly escalated the financial problems of the DRC. The country did not have the capacity to handle refugees at the rate that they were arriving. Unfortunately for the state and for the region, there was the emergence of another complicated issue. The fact that these ousted militias were now launching attacks and recruiting within the camps, caused the Rwandan government to view the DRC as threat and invaded it.

The 'defeated' army (ex-FAR) and the militia (Interahamwe and Impuzamugambi) responsible for the genocide took full control over the huge number of refugee camps in

eastern DRC and posed a serious threat to Rwanda and to the region as a whole. (Nyinaumutu, 2009)

Kisangani argues that the new influx of refugees into the country led to widespread panic amongst the Kivu politicians. These politicians lobbied the transitional Parliament to adopt the April 28, 1995 Resolution that de-nationalized Banyarwanda and Banywamulenge (Kisangani, 2003). These groups sought the help of the Rwandan government and thus these national/citizenship issues alongside the Rwandan genocide gave Rwanda a reason to launch attacks on the DRC.

There are two underlying issues here: the issue of ethnicity as mentioned and the issue of land. This paper agrees with the analysis that Nyinaumutu provides except that Nyinaumutu sees the Mobutu regime as having fuelled an ethnic problem between the indigenous people of the DRC and those of the Banyarwanda settlers. This study argues that the DRC saw that people had a fundamental problem with the prioritization of the Banyarwanda tribes of the indigenous people of Rwanda. The ethnic differences, particularly towards the Rwandans, were perpetuated through their occupation of land which the Congolese believed to be theirs.

A concern under the Mobutu regime which continued to fuel tension was the fact that Mobutu had been in power for about thirty two years at the time and no development had occurred in the DRC. Scholars have argued that there is a close link between the failure of state institutions and conflict. Underdevelopment can fuel violence and in turn violence can worsen underdevelopment. The economy doing badly due to Mobutu's extravagant lifestyle and his never investing in the army because he always saw it as a threat, paved the way for the first war. When tested earlier in 1996, he lost the battle launched by Laurent Kabila supported by Uganda and Rwanda. On 18th October 1996, a coalition was formed in order to defeat Mobutu. The coalition or rather movement, was named the Democratic Alliance for the Liberation of the Congo (FDLR) and was heavily backed by the Ugandan and Rwandan forces. The war that was launched proved easy to win since Mobutu had no army.

There are two events that lead to the post-Mobutu regime and that shape the discussion of this chapter. With the new shaping of the continent taking place, in 1990 came the introduction of Structural Adjustment Programmes. This was essentially the best way to control the economy of the world, particularly the economy of Africa. These programmes had dramatic repercussions on Africa's political landscape including, notoriously, the democratization

move in all of Africa. They also had repercussions on the political economies in Africa with their move towards privatization and decentralization within governments in Africa. Mobutu did not take this in good faith and decided to change his support. He then made a huge statement in which he criticised the West and made good relations with China. This was seen by the US government as the worst move. It set the agenda for 'Mobutu must go'. Interestingly, this statement was made when the West was growing weary of the Great Lakes Region due to its instability at the time. Firstly with the war in Angola, in which Mobutu was greatly used, then Chad, CAR, Burundi, Uganda and Rwanda were all in a total mess due to internal strife. At this time there was a need for a new breed of leaders. This started with the victory of Museveni of Uganda, who had come out of the Bush War after 5 years and the National Resistance army took power in 1996. The success of the change of regime in Uganda meant that he bowed down to democratization. This was replicated in Rwanda, with the Rwanda Patriotic Front coming into power. This connected the three dots so that finally a new breed of leadership had come in. It challenged the OAU 1963 principle of non-interference and the rule of respect for legitimate government and territorial integrity.

The involvement of seven African nations in the DRC war of 1998-2000, labelled Africa's First World War, also signalled the end of principle of non-interference in the internal affairs of member states. (Daley: 2006)

The re-shaping of the Great Lakes Region began to take place in order to conform to the geopolitics of the time. Belgium and France were no longer running the show instead they were replaced by the US and Britain. Since Mobutu offered refuge to those who had executed the genocide and had made close alliances with the Hutu regime in Burundi and Rwanda, he managed to create enemies with his other neighbours who ultimately chose to back Laurent Kabila in order to topple Mobutu.

It was 'payback' and 'get even'. More specifically, Angola had a chance to pay back years of Mobutu's interference and to squeeze UNITA by closing of its pipeline to the outside world. Uganda, Rwanda and Burundi supported Kabila to create a buffer zone against their own insurgent groups that were roaming in the DRC. (Kisangani: 2003)

The war and the invasion of the DRC in 1996, was based on international geopolitics. When the genocide happened in Rwanda, the DRC wanted to close its borders because the million refugees were becoming a burden on the weakening state. It was the international community that insisted on creating buffer zones. The DRC insisted that the international community had

to take care of the refugees. This became a pretext for Rwanda to ensure its security against the militia groups who had formed within the refugee groups. The Rwandan and Ugandan support for the first war in 1996 originally came with the reason that they needed to remove the rebels who were a threat to Rwandan security. However, they strategically backed Laurent Kabila's bid to overthrow Mobutu. This happened successfully.

However the success of Laurent Kabila coming into power was short lived and soon paved the way for another plot to remove him as the head of state. Since his collaboration with external forces as well as his assassination, the country has been in total chaos (Ahere, 2013). Thus one can argue that although there was a threat of militia groups attacking neighbouring countries, the main issues in the DRC have been about controlling resources and wealth in order to benefit external forces and countries.

Laurent Kabila's reign in the DRC began in 1997 with the assistance of the Rwandan government as mentioned. He was particularly seen as a new president who would bring about change to many in the DRC. He had to quickly dissociate from the Rwandan and Ugandan backing and he back-tracked from the agreement which had been made with the external forces in October 1996. It seemed that relations with Rwanda would improve once Kabila came into power, but he removed the Rwandan military and sent them back to Rwanda. This caused tensions with the Rwandan government and set a new agenda for the ousting of Kabila from power (Kisangani: 2003).

Kabila found himself surrounded by hostile neighbours and became aware that a coup was brewing against him; his reaction was to order all foreign troops to leave. Kisangani states that the anti-Kabila revolt by a foreign backed rebellion named the RCD began on the 2nd August 1998 (Kisangani: 2003). In 1998, Rwanda attempted to invade the DRC and this came to be known as the second DRC war. However, with assistance from Zimbabwe and South Africa, Kabila was able to stop the Rwandan government. He never made it to the end of his five year term, had no army and suspended parliament. In addition there was no judiciary or police. Essentially he was leading with no vision.

First, Kabila did not have a political base because he was brought to power by Rwanda and Uganda. When he joined forces with the AFDL rebel movement in 1996, he had virtually no troops of his own, no following and few Congolese had ever heard of him. His government was almost composed of Diasporas (Kisangani: 2003).

Since he had created enemies with his allies, he had to rely on the friendlier nations to assist him in preventing a coup from happening. However Laurent Kabila was assassinated in 2001. The issue that had faced Kabila was that he became president at a time when the DRC conflict was extremely complex with a number of different problems. He worsened these problems by relying heavily on external forces to put him in power. He essentially was a puppet put there by the Ugandan and Rwandan governments and once he could not fulfil the agreements, he bowed to the pressure of civil society to become independent of these powers. This worsened the crisis. The second war in the DRC from 1998 to 2000 is viewed as the worst the African continent has seen.

Although Mobutu's fall from power was assisted by the region seeing a need for change, the Kabila fall from power was influenced from pressures emanating from only Uganda and Rwanda. These two nations were not able to succeed in putting their own puppet in power in the DRC but they have remained in the country with the continuous support of militia groups. To this day there are over 6 million Congolese dead from the struggle for power and resources in the country. Communities are de-humanized through militia's using rape as a tool of war (Nyinaumutu, 2009). Whilst these militia groups claim to be fighting against potential attacks, it is a well-known secret that their interests are largely the control of resources. In 2003, The United Nations issued a statement, threatening to withdraw funding from Rwanda if they continued their involvement in the DRC especially their attempts to sabotage the Lusaka accords as well as the transitional negotiations that have been going on from 2003. Further problems have evolved as Rwanda began claiming part of the east of the DRC. They have argued that some of the land in the East had historically belonged to Rwanda. The current conflict has to do with resources and the facts that the government has not extended its reach into the whole country and that parts of the population still feel disenfranchised. Furthermore, the DRC still has Rwanda sponsoring militia groups which still exist because the issues have not been resolved. So even if they are defeated, they re-emerge in another form.

The historical foundation of the DRC points to the fact that there are number of issues that emerged during the Mobutu and Kabila regime which have had negative impacts on the countries stability today. Both presidents' relationships with Rwanda shows the escalation and complication of the problem. On the Mobutu side allowing the Rwandans to take land and using them as a political strategy to remain in power, impacted on how the DRC views

Rwandan. This was worsened by the fact that there are now Rwandan rebels in the east of the DRC who have been present there since the Mobutu regime. On the Laurent Kabila side, using the Rwandan government to overthrow the Mobutu regime had negative effects since the relationship between Kabila and Rwanda turned for the worst. This has made it extremely difficult for the state or even for the DRC citizens to trust Rwandans.

There are a number of issues that have emerged in this section of the chapter. Each issue plays a role in how the transitional negotiations panned out. The first issue is the marginalization of citizens that occurred in the Mobutu regime which lasted for 32 years. Under the Mobutu regime it has been shown that the Banyarwanda settlers were favoured and given important pieces of land as a political strategy for Mobutu to remain in power. One sees that the concerns of the citizens were not taken into account. This was escalated by the number of Rwanda and Burundi people settling in the east during the conflicts. The complications increased with the Rwandan genocide. The citizens of the DRC have had to suffer through decades of continuous neglect from the regime. This links well with the second issue that this section has raised and that is the lack of the citizens' relationship with the state. This relationship has been destroyed through years of conflict and oppression, and further through the continuous atrocities inflicted on communities. Because of the marginalization in the regime and Mobutu's 32 year reign, the citizens were not given a voice or even any understanding of democratic institutions. This was fuelled by Rwanda assisting Laurent Kabila in overthrowing the Mobutu regime. Again one notices that the voice of the citizens was neglected and the right of choice as to which leader they would have liked, was overlooked. The third issue is the effects of the different conflicts happening within and around DRC causing many internally displaced people in the DRC. The fourth issue is the growing resentment that the people had towards Rwandans due to the land issue and the lack of the development in the country. This last issue would emerge during the transitional negotiations, as will be discussed in the following section.

There have been various attempts to secure peace in the region. First through the Lusaka accord and secondly through the transitional negotiations which took place in South Africa. Essentially the outcome was the formation of a coalition government leading up to the transitional negotiations after which, elections were held and Joseph Kabila was elected president. The second part of the chapter will assess the Lusaka accord in light of citizen participation and lack thereof. This will lay the foundation for the discussion which is central

to this study. The transitional negotiations that occurred from 2003 to 2006 will also be discussed in the next section of the chapter.

3.2 Transitional Negotiations in DRC 2003-2006

It is important to assess the question of what caused violence during the transitional negotiations. This chapter, in the previous section, alluded to a number of issues that had emerged from both the Mobutu and the Kabila regimes. One fundamental issue was that of marginalization. For many years there was no relationship between the state and the citizens, therefore their concerns were not heard. The citizens of the DRC continued to be plunged into poverty because of the political corruption of the government, the conflict that had occurred within the DRC and the effects of the conflicts that had happened in Burundi and Rwanda. By the time of the negotiations many citizens had understandably lost faith in the systems that their state had. Many of the people were disgruntled. One argues that the continent and international community was no longer just seeing conflict at the national level but was also seeing conflict emerge at the local levels.

The call for a peace agreement came at a time when the situation in the DRC had reached its boiling point. It has been compared to the holocaust and has gone as far as classifying the war as genocide. There have been close to 6million people who have died due to the endless conflict. The Congolese people continue to live in bestial condition.

In each of these states, mainly Burundi, Rwanda and the DRC, the interventions were delayed often waiting till it was too late. As was expounded in Chapter Two, the Rwandan and Burundian moves for peace agreements came at a time when the crises were reaching their boiling point. Had the international and regional institutions not turned a blind eye, some of the worst conflicts would have been prevented.

Although troops from independent African states were used in the first UN peace keeping mission in Africa (Congo 1960), African states have never committed adequate resources to support regional missions. To date the OAU/African Union has been active in three regional initiatives for peace, Rwanda (1993), Burundi (2000) and Democratic Republic of Congo (2000). (Daley: 2006)

Whilst the move towards stabilizing the region has been delayed, the attempts that have been made through Burundi's Arusha peace agreements and Rwanda's Arusha accords, have, over time, drastically improved the high intensity conflicts. Chapter Two discussed that, during each of these accords and peace agreements, an outbreak of violence occurred. Furthermore it spoke about the flawed transitional negotiations in the Burundi case and blocked transitions in Rwanda's case. These patterns of negotiations and the principle used in Chapter Two in explaining Burundi and Rwanda will be used as a foundation in the rest of this chapter.

At the core of the outbreak of violence has been the establishment of peace agreements without ceasefires and with continuous hostilities on the ground. Daley argues that there is now an understanding that peace is a process as opposed to it being an abrupt end to conflict. She bases this explanation on the fact that during the peace agreements in Rwanda, Burundi and DRC, conflicts still occurred on the ground (Daley, 2006). This links very well with the argument that Austerre makes later on in this section, that the national processes are at times separated from the grass root level conflicts which continue even when it seems that there is progress at the national level. If this is continued to be neglected without all actors paying attention to what is happening on the ground, then local conflicts can get out of hand. For instance in Rwanda, when President Habyarimana was about to sign the peace agreement which allowed power sharing with the Tutsi, this led to widespread dissatisfaction of the Hutu on the ground. This ultimately brought about the genocide. In Burundi, the continuation of the talks of the Arusha Peace and Reconciliation Agreement, also led to violence on the ground due to certain opposition or rebel groups being left out. These groups committed atrocities in communities in order to make the talks difficult to continue without including them. This is the pattern that has existed in peace negotiations in Africa.

The DRC itself has not escape the particular patterns that occurred in Rwanda and Burundi. The Lusaka Peace Accord is one that is discredited by many scholars and by the Congolese people. It was essentially an agreement that happened without hostilities ending. Daley argues that this peace agreement did not lead to a ceasefire nor did it lead to peace. She argues further that the government of the time took a long time to agree to come to the negotiating table with the rebels (Daley, 2006). The agreement to have talks with the rebels was made in January 2001, however, from the outset, one can argue that there were already signs of a lack of political will to have genuine talks that would have led to a successful agreement. Some scholars argue that the foot dragging was evidence that there were some

parties that would benefit from the continuous cycle of violence as opposed to the establishment of a peaceful agreement.

Peacemakers attribute failure to lack of political will among the protagonists and the existence of spoilers- those who find wars more profitable politically and economically than peace. (Daley: 2006)

The hindrance to reaching successful agreements in the DRC was that there was little political will from parties to reach an agreement. On the other hand, Kisangani argues that a grass roots level agreement which was called the Butembo Agreement was signed on March 20-21, 2001(Kisangani, 2003). This agreement was between the Mai Mai groups, local chiefs, members of civil society and representatives of the RCD to stop fighting and to start a reconciliation process. Whilst this was shown to be a positive step towards peace, considering the fact that there were number of militia groups that existed and were continuing the conflict throughout the peace process, the problem came when several groups opposed the agreement because Jean Pierre Bemba was included. They were afraid that his inclusion represented the interests of Museveni of Uganda more than it did the Congolese (Kisangani, 2003). Thus although there needed to be political will from the parties, the constant interference from outside forces like Uganda and Rwanda, also proved problematic to achieving agreements between the militia groups and the state.

The Global and All-inclusive Agreement of 2002 seemed promising because it set up a framework in which a transitional power sharing government would work. Part of the agreement was that an election would occur three years after the establishment the transitional government. For this to occur there had to be a withdrawal of foreign troops from Congolese territory and furthermore, a stop put to fighting as well as a stopping of the militarization of local communities (Daley: 2006). However none of these conditions were met, thus making it difficult to fulfil the agreement because the conditions in the DRC were continuing as if the war had not ended.

The transitional negotiations took place from 2003 to 2006. They were held in Sun City, South Africa. However as mentioned above, although the war had officially ended in June 2003, outbreaks of local violence were still being recorded. Estimates were that a 1000 people were dying every day in the outbreaks of local violence (Autesserre, 2006). Thus the discussion and assessment of the transitional negotiations seeks to understand what the root causes of these conflicts were and how they came about. Although there has been discussion

above on the underlying problems in previous agreements in the DRC, it is still important to discuss the actual problems in the transitional negotiations.

At the onset of the discussions, Joseph Kabila the son of Laurent Kabila, was summoned to step in as President after he summoned the eastern Congo factions, the transitional negotiations began. Some argue that at his young age, it was easy to influence Joseph Kabila. A concrete compromise formally started in 2003. Joseph Kabila quickly understood the importance of legitimacy which became the first item on the agenda and he also realised that peace trumps everything. David Tsimba argues that there was an understanding that the problem of citizenship needed to be sorted out (Tsimba, 2013). He explains that coming into the transition, Congo's transition history was originating from an equation with many unknowns. There needed to be a re-creation of the state but the path on how to get there was not as clear as the aim itself. On the one hand there was a realization that there needed to be very inclusive talks in order to deliver the first ever elections, but on the other hand there were disagreements on which way to follow to get there.

The talks were a convolution of all sorts of interests including the following. Over 14 warring parties were part of the talks. There were four main actors. There were the political elites and warring parties including external regimes (Ugandian backed rebels and Rwandan backed rebels). Congo was the battleground of different external interests' and essentially the talks were based more on the interests of the parties including those external regimes, without it being built on the voices of the masses.

In the DRC civil society groups that campaigned for peace were not invited to the negotiating table, which was the reserve of armed groups and representatives of the Mobutu and Kabila regimes. Although the Lusaka Accord stipulated the setting up of a national dialogue to discuss the new political dispensation in the Congo, participation was restricted to the government, rebel movements and opposition parties. (Daley: 2006)

The negotiations were long and drawn out, with the continuation of conflict on the ground. Furthermore the patterns of transition that existed in DRC were flawed. Not all the parties were represented within the transition thus increasing the potential for violence.

Autesserre argues that there are two dynamics in conflict: 'cleavages' and 'alliances'. She argues that in the former there are the main issues that emerge in conflict or cause conflict such as ideology, ethnicity and religion. She argues that the latter is a concept that links the

central actors to local actors due to the quest for power in order to recruit and motivate supporters as well as to obtain resources and information. Essentially in the DRC, the only time a relationship ‘existed’ between the negotiating parties and the people on the ground, was in using citizens in the conflict (Kisangani, 2003). Thus material and economic benefit is another reason that leads to the outbreak of violence during negotiations.

In assessing the dynamics of conflicts during a time when there was meant to be a ceasefire, Autesserre writes that there were two trends to the national causes of the local violence. The first dynamic was about the political and military issues; and the second dynamic was about the economic issues, which have been discussed. Earlier in the first section of this chapter it was mentioned that all the issues that were present in the Mobutu and Kabila regime would emerge in the transitions because the people would have reached boiling point with marginalization, the presence of Rwandan communities (land issues) and economic deprivation. Where there was possibility of peace, parties all wanted a good bargain in which they would triumph as opposed to losing out and being charged for crimes against humanity.

Autesserre confirms this by highlighting what further fuelled the violence at the local level was the high amount of distrust amongst the participants in the transitional government which also delayed the process (Autesserre, 2006). The participants not trusting each other showed the citizens that they also could not have faith in the systems and this perpetuated a cycle of violence during a time when the violence should have de-escalated. There is also a debate amongst scholars who have followed the transitional negotiations in the DRC. On the one hand Autesserre mentioned that the transitional governments had equal representation of groups, on the other hand Patricia Daley argues that not all views were represented, making a specific argument for the main problem that she highlights. This study agrees that this distrust amongst participants produced negative consequences for the DRC. It blocked and delayed decision making. Autesserre also makes mention that other participants in the transitional negotiations had more interest in stalling the process because they had more to gain from the DRC being unstable than from it moving forward into elections and becoming stable (Autesserre, 2006). This raises the persistent issue that citizens are marginalized in order for personal interests to play out.

The conditions of impunity and the lack of legitimate state authority in the east also facilitated the illegal exploitation of resources... In addition to those representatives stalling the transition for political or individual reason-thus indirectly contributing to continued conflict-

there were a few influential groups that used violence to end the peace process. (Autesserre: 2009)

The continuous sabotage of the peace process shows that the participants who had been trusted by the international community to end conflict and ensure that peace and stability occurred for civilians, were themselves an obstacle to the process. The pertinent question that raises concern is whether the DRC leaders would have actually put the interests of the civilians that they have marginalized for so long over their own interests and potential benefits.

This question leads to the next issue, that of the local causes of the violence. The local causes of violence during transitions were due to citizens not trusting the transitional processes. There were social, economic and political issues, all of which were causing divisions amongst the people themselves. More tensions were erupting because of the lack of opportunities within the country. Citizens became refugees in other countries, became internally displaced or even turned to becoming soldiers or rebels.

Just as during war, involvement in a militia gave its members the feeling of being part of a thing, attached to a group and being recognized as being separate from the masses. (Autesserre: 2009)

The years of marginalization and conflict had created a sense of 'the lost citizen' within the DRC. Its own people lost some sort of identity or rather questioned what identity meant to them since their leaders had disregarded this for many years.

There were also issues of those who had left the DRC and were afraid to return because of the potential threat of being attacked since some were being viewed as traitors or as having supported a similar cause. These issues of trust were coming up over and over again. There was no security that was guaranteed for the people of the DRC. The situation was worsened by the fact that many people had been allowed to return to the villages but the traditional leaders had not because the Mai Mai soldiers had taken control of those leaders. This fuelled outrage at local levels. The Mai Mai soldiers were having conflicts about the control over mineral resources in the east. Autesserre writes that other armed groups that were present in the east particularly, also used violence in order to retain control of the minerals resources. This increased the amount of conflict that already existed in the east.

Land remained scarce, so young people could not easily acquire fields for farming and the economic and development infrastructure was non-existent... The continuing insecurity enabled Mai Mai militia men to set up check-up points and demand 'tolls' from anyone who came through, and to make money through looting rackets and blackmail. (Autesserre, 2006: 16)

The cycle of conflict was escalating poverty and this worked to the advantage of the corrupt rebels, political elites and Mai Mai soldiers who would all benefit from the instability rather than stability and progress. Unfortunately for the DRC, the transitional government was not doing anything to alleviate the problems that were persisting in the country. It is quite clear that the DRC has had to rely mostly on humanitarian aid rather than actually government assistance. It seems that most parties to the transition had more at stake than the concern of the deteriorating state. This was evident from that there seemed to be a trend within the region of holding agreements without ceasefires, which in itself undermines the process of peace agreements.

Autesserre adds a final dimension into the conflict when she argues that the international dimension should not be ignored. This study agrees with the argument which she presents, that the international dimension is too important to ignore because of its presence in the civil wars (Autesserre, 2006). The international dimension plays a significant role in either escalating or reducing conflict. In the Burundi peace process, the international community attempted to hold back-door diplomatic talks, undermining the original talks that were spearheaded by regional countries. This caused anger amongst certain rebel movements who then proceeded to launch attacks. Rwanda and Uganda for instance played a great role in escalating the conflict in the DRC.

The UN panel estimated that Rwanda spent close to 30 million US Dollars per year on its forces in the DRC... Uganda had made a budget increase in defence spending of 98.6 million to facilitate army operations and to pacify Northern as well as Western Uganda and to protect the border with the DRC. However actual spending was 129 million or 3percent of the GDP. (Kisangani, 2003)

This shows how heavily involved both Rwanda and Uganda were in the DRC crisis. The United Nations eventually threatened to withdraw funding from Rwanda if they persisted with interrupting peace talks within the DRC. Whilst South Africa had their own interests, they have played a significant role along with Zimbabwe in stopping the coup attempt against

Kabila. Furthermore, they played a significant role in assisting and spearheading the peace talks that were held in Sun City. Autesserre argues that the UK and Sweden have played significant roles in suspending substantial quantities of aid to Rwanda because of their hindrance to the transitional negotiations (Autesserre, 2006). Ugandan and Rwandan narratives changed according to how they themselves could best benefit from the talks. Rwanda seemed to have the same consistent reasoning as to why they wanted to invade Rwanda which is the 'threat' that the rebels posed to the Rwandan state and the hatred that the Congolese had towards Rwandophone communities in the DRC. It becomes apparent that there was a consistent attempt by Rwanda and Uganda to have access to the mineral resources of the eastern DRC. Whilst this section has widely discussed the dimensions of the local outbreaks of conflict, it is also important to discuss what was occurring at the national level.

The discussions were prolonged, because they benefitted more from the talks than from peace. Instead of a political agenda where nationalism and peace could be crafted, the talks became another charade in which people tried to secure their place in government. By securing their place, each tried to craft a difficult solution where without that person there was no way there can be neither an implementable peace agreement nor free and fair elections. Two contending leaders were at the forefront for running the transitional government, Joseph Kabila and Jean Pierre Bemba. The international community of mediators seem to prefer the former. Jean Pierre Bemba was not regarded as a reliable person, and since his involvement with Uganda through RCD, he was not trusted. The DRC became the first country to have four vice presidents in the government of unity. David Tsimba argues that there was war in the making whilst peace was being talked (Tsimba, 2016). It was Mbeki who decided to eventually cut the prolonged negotiations by giving parties two days to come up with a constitution that would be voted on (Tsimba, 2016). In 2006, the first ever elections took place.

The transitional government was eventually able to hold elections. Joseph Kabila became the president of the DRC and still (2016) is the president of the DRC. There are two questions that rise: were the elections free and fair? and did the people understand the process? In regards to the first question, this chapter has provided reasons, both on an historical level and from the transitional negotiations, that the DRC has been in conflict for decades and has marginalised the people. Furthermore, this chapter provided that the Mobutu regime which

lasted for 32 years showed a weak relationship with the citizens. This was perpetuated by Kabila when he overthrew Mobutu. This shows that the DRC people were not used to a democratic process. Kambale Musavuli a Congolese human rights activist argues that, although elections took place, they were not fair elections. He argues that the elections were organized in such a way that the results would be for Kabila, the reason being that Jean Pierre Bemba was not a reliable partner (Musavuli, 2013). Kabila being young meant he was able to be a team player and share power. People on the ground argue that Kabila won and some believe Jean Pierre Bemba won. He further reinforces the point made by Patricia Daley that civil society was not included. There were only a few women's groups who flew to South Africa and infiltrated the system in order to be heard. It is not surprising that, even after the transitional government, conflicts still exist within the DRC.

Tensions still exist between the Hutu and Tutsi. In order to prevent what happened in the 1994 genocide when refugees flooded into DRC some being militia groups which were launching attacks and recruiting from the refugee camps, Kambale further argues that the region needs to support and promote justice and accountability as well as promote the support for democracy in the DRC. Kambale argues that there cannot be reconciliation if the perpetrators are not held to account both internally and internationally. There needs to be justice for the broken down communities as well as the women who have been raped by militia groups.

Women have been subjected to rape, mutilation and death, and many have contracted sexually transmitted diseases and faced social rejection. In spite of the UN Security Council Resolution 1325 calling for greater representation of women in the peace process, very few women have been involved in the formal peace process. (Daley: 2006)

Women and children have suffered the most in the Congolese crisis yet they are underrepresented not only in the negotiations but also in government. This is indicative of the fact that Congo is still very fragile and far from reaching a sustainable peace agreement. People are killed or jailed if they speak against the Kabila regime. There still exist militia groups particularly the M23, which is backed by Rwanda. The United Nations has gone as far as establishing the UN Brigade, which moves from peace keeping to applying force in order to defeat the M23. This solution is arguably complex. Whilst on the one hand the aim is to defeat the M23, on the other hand it can be viewed as the UN taking sides which can be problematic in the long run. There are over a 1000 militant groups that exist in the Congo

currently, and to incorporate them into government or the military has proven to be difficult because some are there to preserve their interests in the eastern DRC.

Autesserre argues that the peace builders should have focused more on the outbreak of violence on the local level. She argues that the peace practitioners need to address local violence for two main reasons. The first reason is that the humanitarian cost of local antagonisms that turned violent, is astounding. This study agrees with the argument but would argue rather that the main reason as to why peace practitioners should play an active role in dealing with local violence is to ensure that they contain it before it escalates and possibly even to prevent other conflicts from occurring. The main issue was of competition for resources, particularly around the areas with the minerals. This paper argues that international and regional bodies should have dealt with threat of Rwanda sooner (because of their interference in the transition). Militia groups have used human shields and have gone into refugee camps, where, once they are in those camps, it becomes difficult to attack them. Some of the atrocities that they commit are used as a means of war, such as rape. This is used to demoralize entire populations and has done so for decades. Many wanted control of both North and South Kivu because of the minerals and resources there. The eastern DRC also has the existence of the Banyarwanda and Banywamelenge ethnic groups which originated in Rwanda. This has been the foundation of Rwanda's reasoning in remaining in the east. However it is clear that once Rwanda accesses the east, they will access the resources

The second reason which Autesserre provides for the need to address local violence is that of the peace practitioners having ignored it or rather having neglected it. She argues that international mediators focus on the top-down approach rather than the bottom-up approach. This study fully agrees with this argument. As has been mentioned in this chapter, the conflict emerged from the times of the Mobutu and Kabila regimes, and, had it been effectively dealt with at the time, the conflict would not have had the dire consequences as has been seen with the transitional negotiations. The DRC is dealing with a people that is disgruntled and has been marginalised for too long. The cycle of poverty and the cycle of violence continues to be a hindrance to sustainable peace in the DRC.

The transitional flaws can still be seen in the DRC today. The transition in itself was full of problems with conflicts breaking out and parties stalling the process. It seems that not enough attention was given to citizens in explaining the democratic process. This leads to the second question of whether the citizens understood the process. One wonders if the citizens that are

used to marginalization and conflict would understand a democratic process so quickly. It is essential that peace practitioners ensure that during transition enough focus is given to the citizens. The parties that were involved in the negotiations needed to account to the citizens. The country is still under-developed. It still experiences problems with its neighbour Rwanda, especially with that state still claiming part of the east. Most importantly there are still reports of on-going violence occurring in the DRC today (2016) even after their flawed elections in November 2011. As was mentioned, Kambale Musavuli argues that the DRC is still not a democratic state, since if the people speak out against the regime they are either jailed or killed.

3.3 Conclusion

This chapter has extensively discussed the foundations and root causes of the DRC conflict by dating it back to the King Leopold's rule. Marginalization, identity loss and the existence of resources in the DRC have largely contributed to the conflict. International countries such as the US and Belgium, as well as regional countries such as Burundi, Rwanda and Uganda have played a massive role in escalating the crisis. The US and Belgium supported a corrupt Mobutu regime for 32 years as well as continuously providing aid to Rwanda, when it is a well-known secret that Rwanda has backed a number of militias in the eastern DRC. This chapter has also shown how the Rwandan and Ugandan governments played a crucial role in the first war in the Congo in 1996, as well as the second war in 1998 when they were attempting to overthrow Laurent Kabila. It is clear that, for the Congolese peace agreements to be successful, there needs to be regional talks on how to eliminate the threat of those two countries from continuously backing militia groups. There also needs to be extensive talks and agreements on how to remove once and for all the threat of FDLR even if it is in a weakened state.

Lastly the Great Lakes Region has faced and still faces instability. Institutions such as the African Union need to invest more in the peace and security architecture which is designed to detect early signs of conflict in order to prevent them. The AU as regional body needs to spear head talks because it seems that countries such as the US are more focused on how to keep the Congo in crisis in order to benefit economically. The US, France and Belgium have all been involved in the crisis that led to the genocide in Rwanda, the crisis in Burundi, as

well as the on-going crisis in the DRC. Delayed interventions by such regional institutions need to be curbed. Mediators need to establish a bottom-up approach to conflicts in order to effectively confront the problems that face the DRC.

Non-governmental and community based organizations are placed to represent the views of the people in a neutral manner. McCloskey argues that the NGOs in the regions are already working towards a two-pronged capacity: educational empowerment and social structures. He argues that this needs a micro-finance revolution that has already changed international investments by bringing Micro-financing to the people. This strategy seeks to re-invest in communities, families, education and the welfare of children (McCloskey, 2010). He further supports this argument by stating that these micro-finance solutions have been successful worldwide, with loans given mostly to women. This directly frees up the women from a patriarchal society. Thus the importance of using regional NGOs can prove to be beneficial to the people of the DRC as well as in the rest of the Great Lakes Region. Lastly a continental army needs to be established in order to curb conflicts that continue during peace agreements. As McCloskey argues, by terrorizing more than half the population, these militias are stagnating positive change and growth (McCloskey, 2010). This continental army could be used to quell hostilities on the ground, both in the DRC and the rest of the Great Lakes Region.

It is important at this point to provide an analysis on the South African Counterpart and experience in the transitional negotiation processes.

CHAPTER FOUR

THE REPUBLIC OF SOUTH AFRICA

4.0 Introduction

South Africa was colonised over 300 years ago by both the Dutch and British settlers who came into the country in 1652. After defeating the ethnic tribes existing in South Africa, they gained control of the state. Both these European settlers equally promoted the oppression of non-whites by removing them from their land as well as implementing laws that would limit and even remove their role in the shaping of South Africa. South Africa is similar to other African states that had been colonized, in that when the European settlers came, they found the territory with different ethnic tribes that they eventually defeated in attempt to forge a white dominated state. Further the colonizers were no different in the approach to expropriating resources in order to benefit the minority and control the economy. However whilst the language of decolonization and independence was emerging in other parts of Africa in the 50s, 60s and 70s, South Africa was still right in the middle of the apartheid era although anti-apartheid opposition groups had emerged. However for the purposes of this section, this chapter will focus on the historical context of South Africa from the formation of the Union in 1910 and will discuss in depth the intensifying political scene from 1948 up until the unbanning of political parties in order to begin the phases of negotiations. The purpose of this section is to give the reader an understanding of the emerging issues during the historical events that became an obstacle in the transitional negotiations.

4.1 Historical Context

Dutch and British settlers came into South Africa in 1652 and gained control of the state after defeating the ethnic tribes existing in South Africa. This was the foundation of white minority dominance and the chain of events that followed, which has shaped the historic narrative of South Africa. The foundation of the apartheid era had already begun before 1910 but was then beginning to be formalized when South Africa became a Union government, through an agreement signed by the British (otherwise referred to English speaking whites) and the Dutch (who became commonly known as Afrikaners). This agreement was born out of the

Vereeniging agreement between these two groups of European settlers who had been previously fought against each other in the Anglo-Boer War. This agreement was signed on the 21 May 1910; eight years after the Afrikaners had forgiven the British for the Anglo-Boer war, in which the British had been victorious. This Union government becomes the first step towards uniting the white minority in the shaping of the South African state. The formation of this Union government was met with widespread resentment from the black population. This led to the formation of the South African Native National Congress, which is created in order to establish and defend the rights of the African people. There are three controversial laws that were put in place in this period and have had lasting effects even till today (2016).

One of the first laws and quite controversial laws put in place by the Union government was the Black Land Act of 1913. This legislation allowed the white minority to own 87% of the most fertile land whilst on the other hand the act barred blacks from acquiring, hiring and purchasing land outside areas that were scheduled for them(Sang-Hyun, 2008). This law ultimately has had dire consequences which went on unaddressed during the transitional negotiations. In post- apartheid South Africa there have been attempts to gain some land back for the blacks through policies like ‘willing buyer and willing seller’. The second piece of legislation put into place was the Mine Workers Act of 1917 which was designed to exclude black people from attaining positions in skilled labour(Sang-Hyun, 2008). The principle of this act went on to be extended through various other acts in the post-1948 apartheid era, one of which in particular was the Black Education Act. This act sought to give black people an education that would continuously land them in unskilled labour in order to continue the inferiority principle. The third important piece of legislation that was put into place was the Representation of Blacks Act No 12 of 1936(Sang-Hyun, 2008). This act removed the black voters of the Cape Province from the common voters roll, thereby reinforcing the notion of segregation, as well as ensuring that the blacks had no say in the shaping of South Africa. This was later replicated in other parts of the country and with the implementation of apartheid. Sang-Hyun argues that the National Party from as early as 1915 was advocating for the removal of natives from white areas into their own areas where they could have a national life of their own. This idea was reinforced in the National Party’s campaign in 1929 when it claimed that South Africa should remain a white man’s land. (Sang-Hyun: 2008). Thus in this era one begins to see the shaping of South Africa into an apartheid state. Whilst on the one hand the regime is establishing itself into a racial oligarchy, on the other hand the move towards opposing the regime begins.

Omar Badsha explains that the various tribal and ethnic groupings, the coloured and Indian communities included, were faced with the realisation that they had no place in this political order and that the few rights that they had had, had been taken away. He further argues that there was a realisation amongst the various groupings that they could no longer depend on liberal paternalism and that a clear line had been drawn (Badsha, 2013). The South African Native National Congress (SANNC later known as the African National Congress (ANC)) was formed in 1912 in an attempt to deal with the rising oppression of black people. There was a broad African nationalism in what the new South Africa should be and not what it was. In the early stages, the movements such as the ANC were still very much bourgeois in the sense that they were elitist and still not translating to the grassroots level of the black populations. However it was with the emergence of the worker groups and the class struggle, particularly during the 1946 mineworker's strike that the struggle started to speak to the grassroots and there was a radical awakening. It was only through this awakening that members of the ANC started to rebuild the organization in order to gain more support and to speak to the masses. The South African Communist Party at this point, which became at a later stage aligned to the ANC, became stronger. This also led to the emergence of the worker struggle. Thus in this post-1910 era, one sees the formation of the Union government along with the legislation that sought to segregate and deny blacks any rights in the state. On the other hand there was the growth of opposition towards the government in order to fight for an inclusive South Africa; one that would recognise all races and treat them equally. However the growth of opposition groups was met with a repressive response from the state and it was in 1948 that the strategy from both the government and opposition groups intensified.

South Africa became an apartheid state in 1948 with the National Party (NP) coming into power. From the outset, the National Party had made it very clear that they would continue to segregate the black populations by giving them their own territories in which they would govern themselves. This was later known as the Bantustan policy. The system of apartheid was a system which actively promoted minority white rule and enacted laws in order to oppress non-whites in the country especially African people.

The term, apartheid implied an exclusionary franchise and other rights (for example with regard to opportunities for employment). This implied that only white people could vote and be elected to the South African Parliament. Non-whites, therefore, did not enjoy the same political rights as whites (Sang-Hyun: 2008).

The significant difference between the post-1948 and post-1910 eras is that in the former, there was country wide legislation that sought to intensify and continue oppression. The apartheid government took segregation to another level but the basis for this is to be seen in the 1910 era as earlier stated. At the 1910 era, consequences that had been intentionally created were the three levels of tensions within society: ethnic, racial and class struggle. Sang-Hyun argues all three levels of the struggle are crucial in perpetuating a divided state, making it difficult for the opposition groups to work together (Sang-Hyun: 2008). John Samuel on the other hand, argues that the most significant of these struggles is the racial struggle. Although there were differences, the opposition groups found a way to collectively fight the racial oligarchy that was the apartheid state (Samuel, 2016). Furthermore whilst there had been a general idea that the English speaking whites were more liberal than the Afrikaner population that dominated in the 1948 government, it is important to note that the government was still very much representative of all whites. This can be traced back to the principles of segregation that were actively promoted by both Afrikaner and English speaking whites of the 1910 era (also dating back to the 1700s) (Sang-Hyun: 2008).

The same period of early 1990s saw an intensification of legislation that applied to the entire country. The National Party explained its ideals on the basis that they were Christian Principles of Justice and Reasonableness. Sang-Hyun elucidates that there a number of pieces of legislation that were implemented that led to broad based resistance. These were:

- The Asiatic Laws Amendment Act No 47 of 1948, which repealed Indian representation within the government. This was important in that it paved the way for a realization that opposition groups needed to fight the same evil of racism.
- The second example of an important law that was put into place was the Population Registration Act of 1950. This act stipulated that every person was to be registered in a racial category.
- The Group Areas Act No 41 of 1950. This act was in line with the segregation principle which had been preached since the 1910 era. It allowed government to allocate separate areas to the different population groups.
- The Suppression of Communism Act No 4 of 1950. Sang-Hyun elucidates that this act empowered authorities to deal with any organization that was viewed to be supporting communism. However the act was ambiguous because any opposition group could potentially be accused of supporting communism.

- The Black Education Act 47 of 1952 was the basis of the Soweto Uprising. Sang-Hyun explains that the objective of this act was to intellectually starve blacks. He further argues that limited funds were provided for black education. The act became infamously known as the Bantu Education Act. It sought to teach black people an education that would always place them at the bottom of the chain, thus not only creating race divisions but class divisions as well.
- The Influx Control Act was also quite fundamental in the intensification of apartheid laws and in the growth of the struggle against apartheid. The objective of this act was to place restrictions on the migrations of blacks into cities (Sang-Hyun, 2008).

Deborah Posel in her book, “The Making of Apartheid 1948-1961”, quotes a speech made by a Nationalist MP F. Mentz in a parliamentary debate:

The system was designed to: “avoid the massing together which one finds in many cities... We say that we can no longer allow the controlled flow of Natives from one part of the country to the other because, if we allow it, we are creating problems...(Posel: 1991).

Thus by providing examples of these laws, one shows the continuous attempts by the apartheid regime to oppress and marginalize the blacks of the country. This caused outrage within the country and amongst various opposition groups that were in existence before 1948 and that became more active after 1948. One of the most successful demonstrations against these laws can be traced to the 1956 Women’s March to the Union Buildings. This March was in response to the issue of influx control and the introduction of passes and permits. It was a requirement for non-whites to produce these, if they wanted to work in white areas and they were only allowed to be in white areas at particular times. Failure to produce those permits would result in non-whites being expelled from white areas. The March illustrated to the state that women were not politically immature and incapable of taking part or even initiating a protest of that magnitude.

The Women's March was a spectacular success. Women from all parts of the country arrived in Pretoria, some from as far afield as Cape Town and Port Elizabeth. They then flocked to the Union Buildings in a determined yet orderly manner. Estimates of the number of women delegates ranged from 10 000 to 20 000, with FSAW claiming that it was the biggest demonstration yet held. The success of the women’s demonstration not only showed that there was growing resistance to the government but also that civil society participation was inclusive of women who are

usually the most marginalized in oppressive regimes. This discussion leads to the next issue of this section and that is the rise of opposition and the struggle against apartheid.

Posel argues that the collective and individual resistance from African men and women left an ineradicable mark on the legislation and administrative implementation of apartheid and influx control in particular (Posel, 1991). This paved way for the workers strikes of the late 40s which were mentioned earlier, and also paved the way for the establishment of the Defiance Campaign in the 50s. The Defiance Campaign marks a shift in the way the opposition engaged with the state and its policies. Badsha argues that there was a move from the previous inconsistent engagement of the state by the elite of the opposition to a more consistent position involving the masses of the civil society. He argues that this change is inspired by the working class strikes (Badsha, O. 2013).

The opposition groups in South Africa had always adopted a non-violence stance in the manner in which they engaged with the government. The Defiance Campaign (begun in 1952) was a non-violent campaign of political groups and non-white citizens, who actively disobeyed the laws that were put in place by the apartheid regime. It continued up until 1960. It had been influenced by Mahatma Ghandi's philosophy of satyagraha which allowed for the masses to be radical in disobeying laws through petitions, strikes, boycotts as well as demonstrations. Mandela in his speech in the Rivonia Trial in 1964 explained the defiance campaign as decision which was taken to protest against apartheid legislation by peaceful, but unlawful demonstrations against certain laws. Whilst the Defiance Campaign was a well-organized campaign that led to the international community noticing the racial injustices that were occurring, on the other hand the state developed harsher reactions to the growing united resistance.

The Sharpeville massacre is an example of the type of reaction the state was willing to use and to continue using. Whilst there has been a debate on which opposition party organized the infamous event, it is credited to the Pan African Congress (PAC). Other South African activists argue that the event had been organized by the ANC but the PAC managed to hold the event the day before its intended date. On the 21st March 1960, the South African state police opened fire on innocent and unarmed civilians. Although there have been disagreements on who the event belonged to, there was a united response to the violence that the state had responded with. The ANC urged people to have a stay away in order to protest against the state. The state in response declared a state of emergency.

This not only sparked outrage internally from a number of opposition groups but it also caused the international community to criticize the South African regime, and began to put pressure on the state. Sang-Hyun argues that the international community not only had concerns of human rights violations but concerns that South Africa's problems would spread to the region (Sang-Hyun, 2008). This period is critical in that even though the ANC had been banned, it allowed them to become more radical in their approach to the struggle. This marks the ANC departure from the defiance campaign and a fifty year policy of non-violence (Sang-Hyun, 2008). The ANC drew its battle lines and adopted a strategy which would eventually lead South Africa to liberation. This strategy would be known as the Armed Resistance. The ANC militant group Umkhontowe Sizwe was officially launched in December 1961.

This group aimed to launch a series of attacks on the state's economic hubs in order to halt economic productivity. These attacks proved effective in putting pressure on the government and creating more international awareness. Unfortunately it was between 1963 and 1964 that a number of ANC and PAC leaders were arrested and brought to trial in the Rivonia courts. They were found guilty of treason and sentenced to life imprisonment.

Whilst this occurred, this period paved the way for the young people to take control of the struggle. Badsha argues that there was a growth in the student movement and teacher unions in the 70s, and this was critical in setting the environment for negotiations (Badsha, 2013). The workers' groups and unions at this point had been powerful and were proving to be a force to be reckoned with. The UDF's role has been growing since the banning of the ANC and PAC. Religious groupings that were part of the UDF also played critical roles in the struggle against apartheid. This period now saw the establishment of the Congress of South African Students (COSAS) (an ANC aligned student movement), the National Union of South African Students (NUSAS) (which was predominantly white) and the South African Students' Organisation (SASO) (which was aligned with the black conscious movement) The rise of Steve Biko and the black conscious notion escalated the struggle and the opposition still continued applying pressure on the state at the time.

The most critical turning point in the struggle against apartheid was the Soweto Uprising in 1976. Whilst it was discussed earlier that the 70s was an important period in South African history, particularly with the growing strength of the worker protest, mass demonstrations, as well as the increasingly radical youth, which were already applying pressure on the state, it was the culmination of these events together with the introduction of Afrikaans in Bantu

education that became the final straw. The introduction of Afrikaans meant that black students had to be taught their subjects in Afrikaans. One can argue that it was the pressure of the 1976 Soweto Uprising that finally brought the state to its knees. The South African Police had opened fire on unarmed youth. The images that came out of that event led to the international community placing sanctions on the state. The national consumer boycott in 1979 also played a vital role in weakening the state. The boycott was initially in support of a strike by African and coloured workers at the Fatti and Moni's pasta factory in Cape Town (Saul and Gelb, 1986). The boycott gained widespread support which eventually forced the company to settle. One can argue that this inspired another worker class action which had been sparked by the firing of the Port Elizabeth Black Civic Organization (PEBCO) president from his job at the Ford Motor Car Company due to his political activities (Saul and Gelb, 1986). Workers immediately boycotted this decision and went on an eight week strike. The workers were victorious. Certainly the official count of 175,000 'man days' lost through industrial action during 1980 broke all records (Saul and Gelb, 1986).

It is through the culmination of these events that the regime began to make the last desperate attempts at diluting the groups by implementing its segregation policy of Bantustans. It can be argued that these attempts were to hold on to power and not to 'assist' the African people. The regime was offering African people separate Bantustans in order for them to become independent in their 'own' land. John Samuel argues the culmination of the above mentioned events led to the regime slowly but surely realising that they could no longer control the state in the manner of previous years; thus the introduction of Bantustans (Samuel, 2016). The notion was rejected by almost all parties except for the Inkatha Freedom Party (IFP) in KwaZulu-Natal (KZN) and Bophuthatswana.

The ruling NP later attempted to accommodate the political aspirations of blacks through its policy of homelands; by providing independence to some of these homelands, namely Transkei (1976), Bophuthatswana (1977), Venda (1978) and the Ciskei (1981); and by the implementation of local government structures for blacks. (Sang-Hyun: 2008)

John Samuel argues that the pro-Bantustan stance of Bophuthatswana and the IFP is what encouraged the continuation of apartheid through the segregation principle. He further argues that the implementation of Bantustans gave a way to provide for the growth of a middle class, so these stances were due to the interest of benefitting from this growth (Samuel, 2016). These two groups held this stance up until and throughout the transitional negotiations.

This leads this section to the initial phases of reform and transition. When President Botha of the National Party came into power, he brought about slight reforms due to internal and external pressure. John Samuel argues that the state was making concessions through the proposal of the 1983 tri-cameral parliament (Samuel, 2016). The regime opened the parliament to Indians, and Coloureds but excluded Africans. Although Indians and Coloureds were given a chance to be in parliament, it was still unfair representation and further they were given limited powers. Sang-Hyun elucidates by arguing that the state was embarking on reform that was most favourable for the white regime(Sang-Hyun, 2008). Thus, whilst recognising that they were losing control, the Nationalist Party was quickly shifting some of their policies. However, the second half of the 19th century apartheid was also the most repressive because whilst the regime was attempting reforms on the one hand, on the other hand there was an increase in the number of people facing treason(Sang-Hyun, 2008).This was indicative of the state not yet being ready to embark on genuine reform. Sang-Hyun argues that there were other laws that were introduced in the spirit of reform(Sang-Hyun, 2008).

- The Labour Relations Amendment Act No59 of 1981- this act allowed freedom of establishing labour organizations and of association.
- The Group Areas Amendment Act No 62 of 1985- this opened the door for racial integration in sport.
- The Universities National Education Policy and Technikon Amendment Act of 1984 –which provided access to tertiary education for non-whites.
- The Abolition of the Influx Control Act No68 of 1986 – which granted freedom of movement.

The reform of the most controversial laws that had been put in place during the apartheid era, showed that there was massive pressure for the state to democratize itself. This also set the tone for the talks that led to the negotiations. It is also well known that during this period, Botha was already communicating with Nelson Mandela and making preparations for his release. It is argued that a state president does not meet with political prisoners unless forced to by a stronger rationale (Adam, and Moodley 1989). However, due to divisions within the National Party, Botha resigned from power. F.W.de Klerk stepping into power marked the official realisation that the National Party had to abolish apartheid and make way for a new era in South Africa.

The apartheid regime was finally giving into international pressure and it was under this pressure that the state finally released Nelson Mandela from prison as preparation for negotiations. There were indications that there was also a willingness from the ANC to have discussions. Sang-Hyun argues that there were fundamental phases in the transitional negotiations. The first phase was the Botha era in which the government was reforming its laws and paving the way for change. The second phase he argues becomes crucial in the sense that there are many pre-negotiations before the actual negotiations. Both Mandela and F.W. de Klerk were prepared to play vital roles in what was going to be a government of unity leading up to the election in 1994. Some extreme members of the National Party were not happy with the decision that De Klerk had taken to shift power from the hands of the minority to the hands of the majority. They essentially saw it as a form of betrayal and later in the negotiations there was a split in the National Party, from which a new Afrikaner group emerged. They became known as the Conservative Party.

The next phase of agreements presented hope for the blacks that their time to benefit and live freely in new South Africa had come.

The struggle is for central state power. No political movement of the dispossessed can allow itself to be cheated out of this prize. After nationalist Afrikanerdom used the state for its own advancement, the disenfranchised want to rectify their neglect and receive their fair share. (Adam& Moodley, 1989)

Thus there was a new atmosphere and the political environment was ripe for change despite the realization that the negotiations journey would not be easy.

There were various agreements that the parties had entered into in order for all parties to be on equal footing when the actual negotiations took place. The first of these agreements was the Harare Declaration. Sang-Hyun argues that the ANC did not see that negotiations would be possible unless the preconditions were met and that de Klerk agreed to meet them. These conditions as cited by Sang-Hyun were that:

- Release and unbanning of all political prisoners
- Lift all restrictions and bans on organizations and political parties
- Lifting the State of Emergency and repeal laws restricting political activity
- Cease all political executions

- Calls for a peace process, as well the creation of a non-racial democracy and not reformed apartheid(Sang-Hyun, 2008).

Thus an environment for negotiations was being created for talks. Although this environment was being created, the national government was still reluctant to let go of power and believed that they could still maintain the upper hand. Already at the outset, there was an outbreak of violence mainly through the IFP and the National Party, who it was later discovered had collaborated to create the violence in order to sabotage the negotiations. This will be discussed later in the chapter.

The next two agreements, the ‘Groote Schuur Minute’ and the ‘Pretoria Minute’ of 1990 were fundamental agreements between the government and the ANC. These were the result of the closed door discussions in which both the government and ANC were making concessions. The former agreement established a working group, which would consider the 30 April 1991 as the latest date for the granting of indemnity and release of political prisoners; but there were also a lot of disagreements on the negotiations of the return of political exiles because the government rejected an ANC demand for general amnesty for all political exiles (Rantete and Giliomee, 1992). This became the beginning of disagreements on the terms and conditions of the different peace agreements and negotiations. In the Pretoria Minute, the ANC declared that it had suspended all forms of political violence but the National Party was confused as to what forms of the struggle the ANC had discontinued. This was ironed out in another back door agreement called the ‘D.F. Malan Accord’ of 1991(Rantete and Giliomee, 1992).

It must be noted and re-iterated that these agreements were laying down the conditions that had to be met before the actual negotiations began. Even at the early stages, there was an escalation of violence. John Samuel argues that at this stage there was a low scale civil war. Sang-Hyun confirms this argument made John Samuel by elucidating that murder and bloodshed claimed a thousand lives between early August and early September of that year(Sang-Hyun, 2008).This conflict was undermining the conditions that had been set out from the Harare Declaration up until the DF Malan Accord. Suspicions arose as to whether the government and the IFP were working together in order to halt the agreements leading to the negotiations. It was only revealed in July 1991 that the government had secretly paid money into an IFP account to foment violence (Rantete and Giliomee, 1992).Allegedly, the motive for this was that the government on the one hand wanted to paint a picture for the

international community to depict that the Africans were not yet ready to govern themselves. On the other hand, the motive for IFP, led by Mangosuthu Buthelezi, was the demand for KZN to remain an independent Bantustan. The evidence which was coming to light seriously undermined the position of the National Party in the negotiations. The reason was that it was unclear at the beginning of the negotiations, who had the upper hand, since both parties to the agreements were testing how far they could frustrate each other. This is the common strategy used by parties in all negotiations. Although Mandela had warned that the continued sabotaging of talks from the government and the IFP would lead to the breakdown of all communications, the ANC met with the IFP to sign an agreement that would end all violence (Sang-Hyun, 2008). Whilst the ANC viewed the IFP as sell outs, the realization that a democratic South Africa needed to be established outweighed the tensions caused by the outbreak of black on black violence.

This section of the chapter has done an in-depth analysis of the political environment from the 1910 Union government up until the late 1980s of the apartheid regime. Throughout this discussion there has been an exploration of the relationship between the state and political groups, as well as an analysis of its various dimensions and that of civil society. Whilst there has been a systematic marginalization for hundreds of years, the struggle against apartheid saw the rise of an organized participation of civil society in opposing the apartheid regime. This participation in engaging the state eventually created an environment for talks to begin. Whilst this section discussed the initial phases of the transitional negotiations, it also looked into the complications which had been arising from the outset, most of which were attempts by central players in the negotiations to sabotage the talks. The agreements and even the process of the negotiations led to a number of problems. Several different political parties (such as IFP, AZAPO and PAC) had taken a backseat because of the two dominant parties, the ANC and the NP. Rantete & Giliomee argue that up until December 1991, virtually all negotiations comprised of bilateral talks between the government of the NP and the ANC and, even though CODESA was inclusive of other parties, the settlement hinged on a bilateral agreement between the ANC and NP (Rantete and Giliomee, 1992). Thus the different political parties were often unhappy and at times walked out of the talks. These issues persisted into the final phase of the transitional negotiations, which is to be discussed in the next section.

4.2 TRANSITIONAL NEGOTIATIONS 1991–1994

This section is concerned mainly with the issues that emerged during the transitional negotiations. This phase of negotiations is often referred to as the maturing stages of the talks on how negotiations would be structured as well as the actual negotiations of a new constitution. This phase had two main levels of negotiations. The first being the Convention for a Democratic South Africa (CODESA) which ultimately failed and made way for the Multi-Party Negotiation Process (MPNP). The latter paved the way for an interim government, and this led to the first democratic elections in South Africa in 1994. Whilst the negotiations are often considered a miracle by the international community because it made the way for elections and a post-conflict South Africa, this section argues that there were inherent flaws within the negotiations which have had impacts on the modern South African state.

The previous section of this chapter discussed the agreements which set the conditions for the actual negotiations. That phase of the negotiations began on a difficult footing in light of the black on black violence as well as the stubbornness footing of the other parties. Whilst the ANC was a populist movement which advocated for a non-racial new South Africa, the IFP on the other hand was stubborn about wanting an independent KZN. It did however have moments of compromising later in the negotiations and participated in the April 1994 elections. Sang-Hyun argues that AZAPO demanded a pro-black negotiated process while the PAC was uncompromising on its anti-white stance (Sang-Hyun, 2008). There was also the emergence of the Conservative Party (CP) which was the breakaway from the National Party and very unwilling to accept a change into an inclusive South Africa. The Democratic Party (DP) also emerged as a key player and was often viewed as the middle ground between the National Party and the ANC, in that it sought to mediate between the conflicting interests. The differences in the stances were also emphasized by the fact that there was little trust between the parties. Sang-Hyun elucidates that the media also played a vital role in negotiations. They tended to portray the ANC and PAC in a negative light, thus creating concern among the white population.

With the initiation of negotiations in the 80s, it can be argued that the government was attempting to do the negotiations through an ideal type of ‘transition through transaction’. This type of negotiation occurs when the balance of power is in favour of the regime although it has democratic challengers and, even though the regime’s control declines considerably, it

still manages to shape the parameters of the political process (Rantete and Giliomee, 1992). This is shown through its attempts at reforming apartheid instead of democratizing the state. This belief that it could maintain an upper hand is carried right through to the negotiations of the early 1990s.

4.2.1 The Declaration of Intent

The ANC was adamant in maintaining its strength in the negotiations. This was seen through its strong stance on an interim government being established with an interim constitution that would pave the way for an election. A declaration of intent was signed by most parties in the negotiations to accept the principles below and to ensure that all parties were safeguarded. Sang-Hyun writes that the principles within the declaration were that there would be

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- Constitutional supremacy with an independent judiciary
 - An undivided South Africa with common citizenship, patriotism and loyalty to the state
 - An entrenched Bill of Rights and equality before the law
 - A multiparty democracy with proportional representation
 - Separation of powers
 - Healing from the past
 - Acknowledgement of the diversity in South Africa(Sang-Hyun, 2008).

This declaration of intent showed positive signs that the negotiations were well on their way.

The establishment of different working groups by CODESA was important because it laid the foundations of the structure, principles and timeline of the negotiations. The reports of the agreements made by the different working groups were scheduled to be tabled at the plenary session of CODESA II. However progress was halted due to the on-going tensions between the National Party and the ANC. CODESA II also saw a lot of disagreements between the parties. Firstly there was an issue on the restructuring of the SABC, which the ANC argued was being used as propaganda and thus was not neutral. The Nationalist Party later agreed to the restructuring of the SABC. The main bone of contention was the percentage required for the constituent assembly to take decisions. Whilst the National Party proposed a 70% majority for the constituent assembly to make decisions and a 75 % majority for all matters

relating to the constitution, on the other hand the ANC proposed a 66.7% or two thirds majority on all matters. This deadlock led to the failure of CODESA II.

It was the question of increased majorities that the CODESA talks broke down in May 1992...De Klerk's administration's anxieties were accentuated by its conviction that the ANC is motivated by a belief in centralised government and economic planning. Against that the ANC feared that Mr de Klerk and its allies wanted to use regionalism against the will of the majority rather than a safeguard against tyranny. (Rantete & Giliomee, 1992: 539)

4.2.2 Multi-Party Negotiation Process

The Boipatong massacre took place on 17th June 1992 and the ANC believed the conflict had been caused by the IFP(Sang-Hyun, 2008). Although the latter party distanced itself from the conflict, on the 23rd June, the ANC withdrew its support from CODESA. Some within the ANC wanted the organization to pull out from the Pretoria Minute and the DF Malan accord which had dealt with the suspension of the armed struggle (Rantete and Giliomee, 1992). At this point, the breakdown of talks risked causing further escalation of the conflict throughout the country. Having realised the risk of civil war breaking out if the organization pulled out of the accords, they rejected that option. Instead, the organization opted to call for international intervention rather than renewing the armed struggle. This showed that, though there was a huge risk of the negotiations ultimately breaking down, the will to have negotiations and to lead to a democratic state seemed stronger. Sang-Hyun writes further that the ANC organized a mass action march in Bisho the capital of Ciskei, but lost control of it (Sang-Hyun, 2008). This resulted in a major loss of life when police opened fire on the protesters. However it was this incident that led the ANC back to the negotiating tables. The first series of talks, the Multi-Party Negotiation Process (MPNP) which were resumed after withdrawing from CODESA, was held at the World Trade Centre at Kempton Park. An agreement called the Record of Understanding was signed by the National Party (NP) and the ANC. Both parties committed themselves to:

- A democratically elected constituent assembly with a fixed time frame which would also act as an interim government
- The constituent assembly drafting a new constitution with special majorities applying to the decisions

- An interim constitution which would include the bill of rights and that would guide the interim Government of Unity
- Deadlock-breaking mechanisms
- Legal continuity.(Sang-Hyun, 2008).

An important aspect of this agreement was the notion of sufficient consensus developed, which meant that as long as the two major parties agreed the minor parties would have to accept. It was important that the ANC ensured that an interim government was established as it modelled its negotiating framework according to the decolonization model where the establishment of the constituent assembly and interim government was to be seen as replacing the colonial power, despite the NP still playing apart in the interim government (Rantete and Giliomee, 1992). This led to the success of the MPNP but the agreement was criticized for marginalizing the smaller parties. However the February 1993 agreement which was a bilateral discussion on the terms of the MPNP perpetuates this marginalization.

In January 1993 the ANC and NP elites met in Cape Town and reached an agreement on what would evolve into a broader democratization pact or elite settlement (Van Wyk, 2009). This bilateral agreement was an essential path to the transition because it agreed to establish an independent Electoral Commission, as well as a Multi-Party Cabinet and included a five year sunset clause for the Government of Unity(Sang-Hyun, 2008). The MPNP negotiations began in March 1993, with sufficient consensus principles being applied in these talks. Whilst the CODESA negotiations eventually collapsed, the progress made by working groups was later resumed in the MPNP. Unlike the previous trend of agreements and CODESA negotiations, the MPNP continued talks despite the IFP, CP and AZAPO walking out, despite the continuing black on black violence in the townships and despite the Chris Hani assassination(Sang-Hyun, 2008). There seemed to be a renewed urgency to reach an agreement with as many political parties as possible. Possibly the most significant indication that the MPNP was legitimate despite some tensions that existed, was the announcement of the election date which was set to be on 27th April 1994. Sang-Hyun expounds that there was a threat of secession by the Zulu monarch (Sang-Hyun, 2008). However there the sufficient consensus principle still applied and the MPNP negotiations were viewed as legitimate by the international community. Rantete and Giliomee argue that on balance, the ANC lost considerably more ground than the government in the CODESA and MPNP negotiations.

The problem goes deeper than the 70 % increased majority which the ANC suggested for the ultimate constitution. The crux of the matter lies in the ANC's acceptance of the principles of an unelected CODESA and their imposition on future constituent assembly. This undermines the relevance of the delegates who will be expected to work within the severe constraints. (Rantete & Giliomee: 1992)

On entering the transitional period, a Transitional Executive Council (TEC) was established. Each party was included and the main parties (NP and ANC) went as far as including additional members from parties not involved in the negotiations. This was an attempt to level the playing field and each of these parties undertook in writing that they would be bound by the TEC decisions (Sang-Hyun, 2008). This set the way for the transition to a democratic South Africa. Elections took place on 27th April 1994, with the IFP finally deciding to participate in the election. The Conservative Party did not participate in the election, instead a new party representing the interests of Afrikaners, the Freedom Front, participated. Sang-Hyun writes that the elections in KZN and other regions were delayed due to administrative problems, thus delaying the official election results (Sang-Hyun, 2008). In the new South Africa, the National Assembly was elected with Nelson Mandela as President. The National Assembly was composed of 200 members from a national list and 200 from a provisional list selected through proportional representation. The ANC won 62.6% of the votes. However, as Sang-Hyun writes, the ANC failed to obtain a parliamentary 2/3 majority which would have meant that, under the interim constitution, the ANC could have adopted a new constitution without consulting the other parties (Sang-Hyun, 2008). The constituent assembly included the Senate which had 90 members, 10 for each of the provinces. The ANC had 60 out of the 90 senators. Furthermore, 16 senators were women (Sang-Hyun, 2008). Thus there was representation for all races, for minority parties as well as parties inclusive of women.

The Multi Party Negotiating Forum catered for power sharing as set out in the interim constitution. Thus the executive of parliament was a Government of Unity comprising of the ANC, IFP and NP. Van Wyk further writes that the Government of Unity existed between 1994 and 1997 with Nelson Mandela serving as the First democratically elected President and Thabo Mbeki and de Klerk as his Deputies (Van Wyk, 2009). However the government of unity did not last five years because de Klerk resigned in 1996. It was announced that de Klerk was taking the NP out of the cabinet. The IFP however retained its position in the

cabinet. In May 1996, parliament approved the final constitution. The senate was subsequently replaced by the National Council of Provinces.

There is a lot of debate on whether the transitional negotiations were representative of all interests including that of civil society or whether it was mainly representative of the elites. John Samuel argues that the transitional negotiations were representative in the sense that the ANC had wide support from the UDF which was representative of the masses (Samuel, 2016) Furthermore its alliance with the SACP and COSATU led it to enjoy support from the ranks of its support base. The National Party did its best to represent its supporters and was able to gain some concessions from the ANC which led it to secure a spot in the Government of Unity. The same principle applied to the IFP. Arguably the PAC and AZAPO as well as the CP supporters did not have representation due to the extreme racial superiority stance they had. However it is evident that opinions will differ due to the number of political parties that formed part of the negotiation process. At best the Bill of Rights did allow for protection of the minority groups and their interests in the post-apartheid era.

The legitimacy of the negotiating process was beyond doubt. It was accepted internationally, it was backed by the media and it had the support of the majority of all South Africans. According to estimates, the participating parties in the multi-party negotiations represented more than eighty per cent of the electorate (Sang-Hyun, 2009).

Another criticism which emerged from the South African transitional negotiations is that because it was dominated by the ANC and NP, the negotiations thus were elitist. Jo Ansie van Wyk argues in her research: 'Cadres, Capitalists and Coalitions the ANC, Business and Development in South Africa' that transition from authoritarian regimes to democracy such as South Africa's are unpredictable political processes driven by elites and elites from opposing groups (Van Wyk, 2009). She argues that their interest was because their country had reached a point where they would have entered costly wars and in South Africa's case, an economic crisis due to isolation and the political crisis. Fully pursuing all interests of the masses would have led to conflict due to differing views on how the post-apartheid South Africa should be shaped. Sang-Hyun expounds on this critique by arguing that it was the radicals who felt that the process was undemocratic because the delegates that were at the negotiations were not an elected body. He responds adequately in that the Constitutional Assembly which was responsible for the final constitution was an elected body (Sang-Hyun: 2008). Furthermore the negotiations catered for diverse needs and went as far as being

inclusive of women not only in the negotiations but in the Parliament. Most African states forget the necessity of being inclusive of women. Thus the negotiations in South Africa tried to be as inclusive as they possibly could. The question which arises is whether the elites would have had the best interests of the citizens at heart if their motive for entering into negotiations had been driven by cost and what they had stood to gain. It has become evident in this chapter that transitional negotiations are complex. Political parties represent the views of their supporters and thus, being inclusive to individual citizen interests can hinder the process of negotiations as opposed to leading it to a successful outcome.

There are some problems that arose from the negotiations. Whilst there was a political transition, the wealth still remained in the hands of the whites. John Samuel argues that the resource issue is still prevalent in modern South Africa (Samuel, 2016). Van Wyk writes that South Africa had to go through a double transition, the first being political and a second being an economic one. Both transitions met with obstacles but only one of those transitions was able to be successful. The political transition was successful in that South Africa saw the outcome of negotiations as a new government in a new inclusive multi-racial state. However the economic transition arguably did not happen. Instead, the ANC opted for a slower transition to economic wealth being in the hands of the previously disadvantaged. This was a compromise made by the ANC. A socialist or communist view of state controlled wealth would have led it to lose legitimacy in the eyes of the international community. This led to various tensions between the ANC and its supporters. This was caused by the CODESA concessions made by the ANC, one of those issues being the establishment of the TRC and amnesty for apartheid perpetrators. Peace was pursued above justice and, although this was commendable, it created resentment amongst the blacks who had suffered from the apartheid regime.

4.2.3 The Truth and Reconciliation Commission

The TRC was established to help civilians find closure but there were reports that the attitudes of the regime leaders were not remorseful thus re-opening old wounds. The sitting of the Commission happened in Cape Town from 21st to 22nd August 1996. De Klerk refused to accept blame for the human rights violations that had occurred under apartheid but did express regret at the sufferings that the regime caused (Sang-Hyun, 2008). Whilst Adam and

Moodley argue that those who are interested in reconciliation must be able to tolerate the victory of the other side(Adam and Moodley, 1989). it still remained that there was no true reconciliation between the white minority and the oppressed majority.This, coupled with the fact that there had been no economic transition, meant the TRC appeared to be a blow to the previously oppressed. There is a general opinion that the blacks were made to compromise far more than the white minority. Thus whilst the negotiations led to a post-conflict state, it remained an unresolved conflict state. This will be elucidated in Chapter 5. Modern South Africa continues to face a rise of violent service delivery strikes because not much of the resources have reached the blacks. One might argue that the PAC might have foreseen this issue arising in modern South Africa, and therefore had been very stubborn in its pro-black stance. The problem with this was that it slowed the progress of the development of the rural and townships areas. This also angered the vast majority of the citizens of the country as they continued to see no change in their life style through the years. The state, although functioning, still sees tensions amongst the races.

4.3 Conclusion

This chapter has discussed in great depth the journey from the Union government to the transitional negotiations. Whilst for many years the black society was marginalized and oppressed, the opposition groups were still able to engage the state through protest and the armed struggle. This engagement existed from the time of the Union government was formed and it was the well-organized nature of the opposition groups that led to the apartheid regime being toppled. Whilst the transitional negotiations met with many problems, the overall determination and political will of the parties involved led to a successful shift of power from the hands of the minority to the hands of the majority. It is also important to note that the political parties can play a vital role in causing the outbreak of violence during negotiations, as seen with the state sponsored black on black violence. Thus during conflict outbreaks, it is often not the citizens who actively make that decision, but through the propaganda of the parties that they support in an already hostile environment. Many political elites use this hostile and fragile time for their own interests if they see that they are losing clout in the negotiations. This is not only evident in South Africa but also in other African states that have engaged in negotiations. This chapter has also dealt with the complex nature of

negotiations, establishing that, before official negotiations begin, there need to be talks amongst the parties on the preconditions of the negotiations. These talks set the conditions and the environment in which the negotiations will take place.

In finalizing this discourse, it is imperative to provide a comparative analysis for the two case studies - The Democratic Republic of Congo and South African Negotiations. The next chapter deals with this effectively.

CHAPTER FIVE

COMPARATIVE ANALYSIS OF THE DEMOCRATIC REPUBLIC OF CONGO AND SOUTH AFRICAN NEGOTIATIONS

5.0 Introduction

The foundation of this dissertation is based on two principal theories that the trends that occur during conflicts, negotiations and in post-conflict states. Edward Azar's Protracted Social Conflict Theory explicates that the relationship or lack thereof between state and citizens can lead to protracted social conflict; that is if the states deprives its citizens of basic needs. The Transformative Cosmopolitan Model on the other hand engages local communities in negotiations and post-conflict state building. This chapter will discuss both theories in relation to the study. Chapters 2 and 3 both discussed at length the historical foundations of both the DRC and SA conflicts to which the Protracted Social Conflict Theory can be applied. The first section of this chapter will compare both of these case studies in relation to the theory. Thereafter it will discuss the key questions which were set out in Chapter 1 and finally discuss the Transformative Cosmopolitan Model as an overall analysis of the processes of peace agreements and transitional negotiations.

5.1 The Protracted Social Conflict Theory: DRC and SA conflicts in perspective

The Protracted Social Theory is based on four main variables that are identified as preconditions for the transition to high intensity conflict. Azar points out that the first of these variables is the realities of identity groups (Ramsbotham, Woodhouse & Miall: 2011). Under this analysis, Azar argues that the relationship between the state and the identity groups, and further between the state and society as a whole, is at the core of conflicts. The lack of a relationship between the state and society as a whole or individual group can lead to intense conflict. The root of this problem can be traced back to the age of colonialism which marginalized a group of people (e.g. Africans) within the society in order to benefit the state and the colonizers (e.g. Europeans).

Azar links the disjunction between state and society in many parts of the world to a colonial legacy which artificially imposed Europeans ideas of territorial statehood onto a multitude of communal

group on the principle of divide and rule (Ramsbotham, Woodhouse & Miall, 2011). This was the trend in Sub-Saharan Africa. However, in the age of decolonization and the emergence of new African leaders, one still saw the marginalization of identity groups occurring. Perhaps the worst of these cases has been in the DRC, which has experienced marginalization from the era of King Leopold whose reign is said to have cut the population in half. The transition from King Leopold to the Belgian colony continued to marginalize Africans in such a manner that they did very little to ensure the development or the education of the elite whom they could transfer power to once decolonization occurred. Significantly it was the Mobutu era which continued this marginalization for another 32 years perpetuating divisions amongst identity groups like the Banywamulenge and Banywarwanda. Lastly, the first Congo war launched by Kabila was also a sign that marginalization had become a norm. The country has seen a century of marginalization, with no attempts to allow the masses to have a say through democratic rule. It was only in 2003 that the first elections were held, also with their fair share of controversy. Similarly in South Africa, the relationship between the state and identity groups was non-existent. This perpetuated the system of apartheid which actively sought to create segregation policies, even extending to different education systems for different races. The DRC remains under intense armed conflict, while there is an unresolved post-conflict state in SA, where the country continues to see the rise of violent service delivery protests and crime.

The second variable that is identified by Azar as laying the foundation for Protracted Social Conflict is 'deprivation of human needs'. Azar elucidates that under this variable, grievances that result from need deprivation are addressed collectively. The failure of the state to address those needs can lead the state into a protracted social conflict (Ramsbotham, Woodhouse & Miall, 2011). Need deprivation includes the deprivation of security, development, political access, identity and essentially the basic rights of individuals. The state is under an obligation to fulfil those needs through the principle established in social contract theory. Civil society gives the state legitimacy in order for the state to provide security and rights, thus allowing for harmonious living. Conflict arises when that relationship between state and civil society is continuously frustrated.

This is closely linked to the third variable which elucidates that the state has been endowed with authority to govern and use force where necessary to regulate society, to protect citizens and to provide collective goods (Ramsbotham, Woodhouse & Miall, 2011). This reinforces

the notion that there exists an important obligation between the state and civil society; if the former circumvents its obligation, this can lead to protracted social conflicts. Protracted social conflicts are mostly found in developing countries, because there are weak institutions in place that can be traced back to the colonial legacy. This is worsened by the existence in these developing nations, of weak authoritarian governments that fail to satisfy basic human needs (Ramsbotham, Woodhouse & Miall, 2011). Together with usually rapid population growth but limited resources, the frustration from civil society becomes intensified. At this point, the state has limited political capacity to meet these needs. The DRC saw a frustration of these human needs, particularly becoming more evident in the Mobutu 32year reign. This led to the first Congolese war that ousted Mobutu. However the coming in of Laurent Kabila did not improve the dire conditions, which eventually led to the second Congolese war with conflicts emerging at national and local levels due to the unmet needs of the civilians at local level.

The fourth and last variable which is also considered to play a part in protracted social conflict is the concept of international linkages. Azar argues that weak states are porous to international forces operating from the wider global community. He elaborates by stating that the formation of domestic social and political institutions and their impact on the role of the state are greatly influenced by the patterns of linkage within the international system (Ramsbotham, Woodhouse & Miall, 2011). The South African apartheid regime crumbled because the international arena no longer viewed it as legitimate. It isolated the state through sanctions, in order for it to change and meet modern day international standards. The transitional negotiations were also greatly influenced by these international linkages, as the shaping of the democratic South Africa had to be in line with international norms.

The four variables that are set by Azar as being preconditions to protracted social conflict can contribute to the intensity of the conflict. These variables in conjunction with the following three groups of determinants can escalate a conflict. Azar identifies the three groups of determinants as being: 'communal actions and strategies', 'state actions and strategies' and lastly 'built-in mechanisms of conflict'(Ramsbotham, Woodhouse & Miall, 2011). Azar explains the first group is a process of the mobilization and organization of identity groups, the choice of political goals and tactics as well as the scope and nature of externalities. In applying the first group of determinants to the South African context, one can argue that the formation of the Union government in 1910 and also the Apartheid regime in 1948 saw the

process of the mobilization and organization of identity groups. These groups (ANC, PAC, AZAPO, etc) formed the opposition to the state and each played a role in the armed struggle. Secondly each of these groups had different political goals. The ANC sought a democratic, racially inclusive state, whereas the PAC was for the establishment of a pro-black state, and lastly AZAPO aimed for an anti-white state post the apartheid era. The tactics used varied. The Defiance Campaign saw the tactic of civil disobedience later changing to an armed conflict, which was aimed at sabotaging the apartheid state.

The DRC on the other hand provides a more complex example to the formation of organizations. The state has had two wars, each of which was internationally sponsored conflicts. Instead of opposition groups similar to the South African context, the DRC saw an emergence of rebels and militia backed by Rwanda and Uganda. The tactics have largely been committing atrocities and the goals have not been determined by the Congolese people but by external interests.

State actions and strategies form the second group of determinants. Azar argues that under this group, the governing of individuals and elites faces a number of policy choices from forms of political accommodation at the one end of the spectrum to coercive repression or instrumental co-option at the other (Ramsbotham, Woodhouse & Miall, 2011). In both case studies the regimes have not responded with ease. Each has responded: with fighting back with war as is the case in the DRC, or responding with harsher repressive laws and state sponsored violence as is the case with South Africa.

The last group that assesses the dynamics of protracted social conflict is the 'built in mechanisms of conflict' which can lead to the escalation of conflict. These are the types of ideas that perpetuate communal antagonisms. Azar argues that what escalates are the experiences, fears and belief systems that generate reciprocal negative images thus solidifying protracted social conflict (Ramsbotham, Woodhouse & Miall, 2011). The South African apartheid regime was one that played on propaganda against Africans in order to generate negative and dehumanizing beliefs. Azar argues that under these circumstances the space for compromise and political solutions becomes rare, leading to an escalation of the protracted social conflict (Ramsbotham, Woodhouse & Miall, 2011). It not only escalates the protracted social conflict but also creates a difficult environment for peace agreements and transitional negotiations, as parties tend to see the political solutions as 'winner takes all.' In

these instances the process of peace agreements and transitional negotiations can take long periods of time.

Thus the Protracted Social Conflict Theory is fundamental in understanding the nature of hostile environments that lead to conflict, and eventually to transitional negotiations. The DRC and South African case studies are examples of where the protracted social conflict can be found. In both cases there has been consistent marginalization of identity groups which have led to the deprivation of human needs and rights by the state. In both cases the dire environment led to the transitional negotiations becoming complex due to the protracted social conflict emerging again and persisting in a time when transitional negotiations should have been seen as a positive step towards change. The next section of the study analyses the protracted social conflict theory in relation to transitional negotiations in both the case studies.

Whilst the Democratic Republic of the Congo and South Africa present similarities in their historical contexts and in how the protracted social conflict emerged, they however both produced very different approaches in their transitional negotiations and essentially the outcomes of these negotiations. The DRC is considered a complex political emergency due to the length of the conflict and the complex nature of the actors involved in the conflicts and transitional negotiations. It must be said that the DRC conflict is complex because it was not an organic movement coming from within the state against the regime. Instead the conflict was highly motivated by regional interests that succeeded in their mission of ousting the regime. The anti-Kabila war was based on the fact that he had not met the agreements of his external backers and thus not protecting their interests within the country

The anti-Mobutu war emerged from a regional consensus to remove, while the anti-Kabila revolt was limited to Rwanda and Uganda. As a consequence, six separate disputes were waged on Congolese territory: Rwanda against ALIR, Uganda against its own rebels and Sudan; Angola against the Union of Total Independence of Angola; Burundi against the forces of FDD and DRC against its own rebels. (Kisangani: 2003)

In approaching the negotiations, mediators had to take into account the number of competing interests at an international and regional level, thus complicating the transitional negotiations even more. The South African movement against apartheid occurred organically. The demand for change happened within the state without external forces waging their own conflicts within the state. From the Defiance Campaign to the armed struggle, change was

occurring from within, and therefore represented a number of South African voices that would shape the transitional negotiations.

Another assessment of the transitional negotiations in both the South Africa and DRC context, is the understanding that before the actual transitional negotiation occurs, there have to be talks between parties on the preconditions of the negotiations. This means that there needs to be at least a basic understanding that there needs to be a ceasefire.

There is almost unanimous agreement that peace is a process as opposed to just an abrupt end to conflict. A perusal of the various peace agreements shows that they contain seemingly pragmatic principles and objectives that appear essential to ensure the ending of wars... Such principles include the establishment of a broad based transitional government made up of different political parties. (Daley: 2006)

In both case studies, one finds that conflict still continued or erupted again after a peace agreement and during transitional negotiations. Daley and Lamarchand both argue that, the failure to adhere to the bases of peace agreements can be owing either to the lack of political parties' commitment to the peace process itself or to the fact that war is more profitable than peace. The DRC represents both of these reasons because violence continued throughout the peace agreements and even when transitional negotiations ended, some parties resumed the conflict. South Africa on the other hand represents the lack of commitment to the peace process, as discussed in Chapter 4. From the peace agreements to the transitional negotiations, it was discovered that the government was sponsoring the IFP to engage in black on black violence which undermined the peace processes. Autesserre argues on the other hand (using the DRC case study as a foundation to assess peace building failures) that mediators, international institutions and non- governmental organizations tend to focus on the National and international cleavages of conflict and often neglect local level conflict which tend to destabilise the state(Autesserre, 2007). This paper takes the principle of this argument to assess whether this can be applied in both the case studies and not just the DRC. This leads to the fundamental research question on which the dissertation is based: 'Does citizen participation in transitional negotiations impact on sustainable peace in post-conflict societies?'

In order to fully understand and answer the research question there needs to be clarity on what this dissertation means by citizen participation. It includes the processes that exist for the inclusion of the voice of the masses in transitional negotiations.

When we ask ourselves whether social or legal practices work, we must ask ourselves ‘works for whom?’ Who benefits and who loses from existing political, economic and legal structures? (Singer: 1990)

This dissertation takes an actor-oriented perspective which argues that rights are shaped through actual struggles informed by people’s own understanding of what they are entitled to. Therefore in conflict societies, the battle lies in the struggle for resources and recognition. Many times citizen do not benefit from the resources that states have and are deprived of opportunities that could assist in them self-actualizing. The processes which exist for including the voice of the masses are usually through non-governmental organizations and community based organizations. These organizations often become a bridge between the people at the grass roots level and the state. Through intensive research and communication with citizens, they are able to establish the needs of the masses which can be represented in transitional negotiations in order to prevent further outbreaks of conflicts due to needs not being met. Patricia Daley argues that many civil society organizations in conflict nations are yet to form a structure strong and solid enough to uphold the interests of all groups in the population (Daley, 2006). She further argues that the civil society organizations are yet to understand their own missions. Thus it can be argued that the representation of civil society organizations at peace agreements and negotiations allows for there to be a middle ground between the citizens’ interests and the interests of political parties and rebel groups.

The Democratic Republic of the Congo presents a different outcome to the citizen participation or lack thereof in the transitional negotiations of South Africa. It was earlier mentioned that the conflict in the DRC was not organic but rather has been mainly about regional forces waging war in the country. Autesserre argues that whilst the transitional negotiations were occurring, there were reports of massacres, rapes, extortion and other forms of human right violations being committed by various armed groups (Autesserre, 2007). At the regional level, Rwanda and Uganda were backing rebels due to a perceived threat of the FDLR on Rwanda, as well as Uganda backing rebels for economic motivations. At the local level ,a number of armed groups remained active such as the Mai Mai and FDLR. Autesserre argues that these local conflicts became autonomous from the national level. There were number of conflicts that occurred including those at local level, yet the voices of the people of Congo were not represented in transitional negotiations. It made it easier for militias to recruit more people on the ground with claims that they were representing their interests. Kambale Musavali argues that the fears and interests of the people of Congo were not

reflected within the transitional negotiations and transitional government. Thus it became easier for armed groups to continue with conflict even after the transitional negotiations. There was a lack of civil society organizations that could represent the voices of the people.

In the DRC civil society groups that campaigned for peace were not invited to negotiating table, which was the reserve of armed groups and representatives of the Mobutu and Kabila Regimes... Participation was restricted to the government, rebel movements and opposition parties. In their marginalization of civil society groups, the peace agreements reinforced an ethnicised politics of the state and failed to conceptualise a more inclusive politics giving agency to a multiple-voiced African political community. (Daley: 2006)

This has affected the DRC even after negotiations and elections because whilst it has aspects of democratic features, the country is still in turmoil. This is for the reason that Autesserre provided, that due to neglect by mediators, non-governmental and international institutions, the local violence remained and has continued to remain independent from the national cleavages.

The South African transitional negotiations present a different outcome to the question of citizen participation in transitional negotiations. There was massive citizen participation in the armed struggle and parties such as the ANC and PAC often relied on that support in order to gain legitimacy. The ANC through its alliance with the SACP and later the worker movement COSATU, was able to gain support from the masses when it was time to partake in transitional negotiations. John Samuel argued that through this alliance, there was citizen participation. Although there are criticisms that the negotiations were elitist and undemocratic since the general population did not elect the delegates at the negotiations, Sang-Hyun argues that this was impossible due to the deeply embedded divisions. The two-phase transition strategy addressed some of these issues in the sense that the Constitutional Assembly responsible for the final constitution was an elected body (Sang-Hyun, 2008). Further to this, the support from the UDM and COSATU as majorly civilian, gave the ANC legitimacy to represent them. The South African negotiations and transitional government also made an effort in including the voices of women and representing them through parliament and the executive branch.

Whilst on the one hand the DRC conflict continued at very intense level even after the negotiations, South Africa presented a different outcome by the black on black violence ending at local level. Thus citizen participation (through civil society and community based

organizations representing the masses) is important in establishing the needs of the masses and representing these needs at negotiation level.

Given the nature of the intensity of agreements and negotiations where parties see them as zero-sum game. This gives rise to the first subsidiary questions: ‘Given the vested interests and often conflicting interests of various citizens grouping, does citizen participation create stability in the negotiating process for the purpose of creating sustainable peace or does it create a greater possibility of non-agreement and regression into conflict?’

Through the comparative study on the case studies in Chapters 3 and 4 as well as the brief African examples presented in Chapter 2, it has become clear that there is a greater need for citizen participation in negotiations in order to provide the balance between the competing interests of political parties, rebel movements and, to an extent, external interests. Citizen participation focuses on the local level of collective actions which reinforce the need to address the social issues around the sphere of family, community and civil society (Kabeer, 2005). During transitional negotiations there is a greater need for being inclusive of competing interests at national level and mediators often neglect the local levels. This has become more evident in the DRC where for many years prior to and after the negotiations, there has been a focus only on the national level and on the inclusive regional interests. Daley argues that although civil society groups were excluded from the negotiating process, women who were alarmed by this organized themselves to intervene in the discussions, and were critical in helping to secure agreement (Daley, 2006). However there has been little done to address the broken communities caused by the atrocities committed by militias and armed rebels. Rape has continued to be used as tool of war in order to dehumanize the people of the communities in the eastern DRC. Whereas in South Africa the civil society groups were very vocal and the process included a gender committee so that it ensured that women played a role.

5.2 The Transformative Cosmopolitan Model: DRC and SA conflict in perspective

The transformative cosmopolitan model which is the second principle theory on which this study is based, deals directly with involving local communities in post-conflict society state building. This theory addresses the fact that communities need to be involved in negotiation

and peace building processes. It emphasises the importance of peace building from below, in order to ensure a peaceful post-conflict society.

Sustainable peacemaking processes must be based not merely on the manipulation of peace agreements made by elites but, more importantly, on the empowerment of communities torn apart by war to build peace from below, marked by the significance of local actors and non-governmental sector. (Ramsbotham, 2011)

This allows for citizen participation at the most crucial and sensitive stages, which is where a state can easily revert back to conflict. Furthermore this model is important in guiding mediators and non-governmental institutions on the importance of incorporating the views of civil society and the significance of creating the space for civil society to find solutions that they can identify with. Ramsbotham further argues that cosmopolitan model is needed because it exemplifies a model of global governance where a cosmopolitan human rights agenda is consistent with the communitarian defence of political autonomy and cultural diversity (Ramsbotham, Woodhouse and Miall, 2011).

Thus citizen participation through facilitation from non-governmental organizations and civil society organizations can create stability in negotiation processes and create stability in post-conflict societies. This also requires educating the masses on the realistic expectations of negotiations. Adam and Moodley argue that in the case of South Africa, the refusal to speculate about the outcome of negotiations did not prepare the various constituencies for compromise (Adam and Moodley, 1989). The argument made by Adam and Moodley presents a valid problem that exists in negotiations and has been evident in both the case studies. None of the parties or rebel movements explained to their supporters the nature of negotiations, therefore leading them on to believe that it was a 'winner takes all' process, whilst in the same breath demonizing the other parties to the negotiations. This has proven to be detrimental in both cases. Whilst the DRC continues to be a conflict state with rebel movements and militia emerging almost yearly, South Africa remains an unresolved post-conflict state. In the latter case, the issue is that some of the compromises made seemed detrimental to the economic emancipation of Africans in the long run. Whilst it was a political transition, the transition of wealth was not successful and in fact remained and has remained in the hands of the white minority, thus creating a disgruntled people who have seen little change in the quality of life they live in the democratic South Africa. In the DRC, competing elites did not seem to have the political will to produce a post-conflict state in

which armed rebels and militias would not commit mass atrocities in communities. As mentioned, the elites involved in the negotiations focused their energy on demonizing each other, thus escalating antagonisms amongst the people. Therefore there not only needs to be an inclusive approach to negotiations at all levels, but there also needs to be efforts made to teach the masses of the process of negotiations in order for them to understand what to expect realistically.

The next two questions which the study has briefly touched on will be elaborated in this section because they contribute massively to the successes or failures of peace agreements and negotiations. These questions are: ‘How do mediators overcome the problem of self-serving elites in transitional negotiations?’ Is it possible to obtain peace in countries that are complex political emergencies where elite interests are outweighing and compromising civil interests?’

In approaching the former questions, mediators have promoted and included power sharing agreements in negotiations for post-conflict societies. Power sharing agreements have over the years become very popular in African states, due to the deeply divided societies that exist within the continent. This strategy has been used by mediators in order to prevent states from reverting to conflict due to certain parties or elites feeling marginalized. The transitional negotiations in the DRC had an outcome of one president and four vice presidents in an attempt to stop warring parties from going back into conflict. In South Africa, the negotiations made provisions for a Government of Unity to be established after the first elections on 27th April 1994. Unlike the DRC, the Government of Unity only made provision for two deputy presidents, one from the ANC (Thabo Mbeki) and the other from the National Party (F.W.de Klerk). However as mentioned before, the Government of Unity did not last 5years, as de Klerk announced in 1996 that he was removing the National Party from cabinet, with the reason being that he found it difficult to be minors in the executive(Sang-Hyun, 2008). However whilst the National Party did withdraw from the power sharing government, the state did not revert to conflict. This produces a different result from the DRC situation, because elites within the government did not work as a team but rather theywere competing with each other in order to enhance their powers, thus eventually leading back into the country being a battleground for competing interests.

In spite of its popularity, power sharing seldom solves all issues at stake and these states continue to be unstable. It often means deadlock, inefficient governments and

institutionalisation of polarisation in already divided societies. Thus, power sharing can be seen as constraint on democracy or even an alternative to electoral democracy. (Jarstad: 2009)

Debates amongst scholars continue as to whether power sharing is effective. Whilst on the one hand it provides a solution for equal representation in deeply divided societies, on the other hand it has proven to be ineffective. This is so as parties either abandons the agreements such as in the case of South Africa, or not complying with the agreements as is the case in the DRC. Daley adds on to this debate by arguing that power sharing has become the only feasible way in which to promote peace and reconciliation between warring factions. However it becomes doubtful whether power sharing agreements can work unless rebel movements and militias can be guaranteed portfolios within government (Daley, 2006). Although the basic principle of power sharing is to reinforce peace, it is still interesting to note that whilst in both the case studies the power sharing did not last, the DRC continued high intensity conflict, whereas the agreement in South Africa did not break down the progress which had been made by the transitional negotiations. One can argue that the reason for this is that there were no rebel movements or militias within the struggle, and whilst South Africa was a deeply divided society which barely escaped the conflict amongst groups because of the black on black violence, it was still able to continue with negotiations and reach a post-conflict state. This is owing to the black on black violence not being an ethnic battle but an ideological conflict because of what particular parties (NP, IFP) wanted the modern South Africa to look like. Furthermore one can argue that the nature of the struggle was clear in that it was a movement of opposition against the white minority, whereas in states like the DRC, the conflict was more complex due to the number of interests that existed. On the one hand, this already fragile country has been pressured by the number of refugees entering into the state because of the genocide in neighbouring states. Among the refugees were rebel movements and this created the reason for regional forces to wage battles within the DRC. Furthering the complexity, the issue of resources and wealth was at the centre and this continued to invite militias that stood more to benefit from the state being in turmoil than if it had peace. This reinforces the argument made by Rene Lemarchand in Chapter 2 of this dissertation that, at the centre of the failure of peace agreements and negotiations is the issue of political will. There were a number of times the negotiation processes within South Africa broke down due to violence but parties would eventually go back into talks in order to ensure that a new South Africa would take place. Whilst the

negotiations were 'fragile', they were, in overall assessment, compared to other post-conflict states, successful. On the other hand the negotiations within the DRC were what Rene Lemarchand called 'flawed', coupled with the fact that there was lack of political will. One can go as far as comparing the two case studies by showing that there was and is more to gain or lose in DRC due to the amount of resources it has, making it potentially the richest country in the world. Whilst in a country like South Africa resources exist, but do not amount to the wealth that is in the DRC, thus making the latter country lacking in motivation for peace negotiations. This leads to the next question mentioned earlier: 'Is it possible to obtain peace in countries that are complex political emergencies where elite interests are outweighing and compromising civil interests?'

As has been discussed using the DRC as a foundation, there is very little chance of peace for states that are considered complex political emergencies. The DRC is a country that has an enormous amount of wealth which has invited foreign interests into the state. These foreign interests have over the years used the country as a battle ground. The people within the Congo have not been given the space to determine the course the country should take and have been excluded in negotiation processes. As Kammbale Musavali and John Ahere both discussed in interviews conducted, there seems to be an agreement that an intra-Rwanda dialogue needs to occur in order to ensure that their perceived threat of rebels within the Congolese state is removed and that their interference within the state is therefore eliminated. John Ahere takes this argument further by saying that there needs to be a regional solution to the problem because the wars waged involved the regional powers heavily. It is only through such discussions that the Congolese people can be given a chance to determine the destiny of their country. It has difficult to obtain peace within the country due to the elite interest taking centre stage as opposed to finding bottom-up solutions. Therefore the study has shown that in complex political emergencies, elite interests often outweigh the interests of civil society. This has been shown in the attitude of the elites when in the power sharing Congolese government, which they saw as a chance to enhance their powers in order to position themselves for the presidential candidacy, as opposed to working as a team in finding lasting solutions in a democratic state.

The last question in which the dissertation seeks to address is: 'Using the post conflict DRC and South Africa as a comparative case study, how can we aggregate differences in their outcomes?'

South Africa and DRC have both experienced and continue to experience conflict even after negotiations. The difference between them is in the nature of the conflict that has emerged. From one end of the spectrum, the DRC is a state that continued to marginalize its civil society with militias committing atrocities within communities. Furthermore there is an increasing number of militias emerging from the state. There has to be an understanding that the nature of the DRC conflict stems from the role of external forces that have weakened a state that Mobutu left in dire condition. On the other end of the spectrum, South Africa emerged relatively successful in its negotiations unlike the trend that was evident within other post-conflict societies. The country has seen in recent times the emergence of service delivery protests and a high rate of crime to the extent that the country is considered to be a violent state. One can argue that whilst negotiations were considered to be successful, there were in fact only successful in changing the hands of power that is the political transition aspect. However there has been agreement amongst scholars that an economic transition has not yet occurred.

Whilst black South Africans have waited for the wealth redistribution, very little has been done to address the structural problems that were caused by the apartheid system. Thus the people within the state have resorted to violent service delivery protests and crime. John Samuel argues that the country is an unresolved post-conflict state that never fully addressed the problems created by the apartheid regime. Whilst South Africa is a country in which the constitution is the supreme law, a country that sees a separation of powers at national level and one that ensures the protection of individual rights, it still has a number of issues it needs to address in order for all citizens to enjoy the equality which should be afforded to them. When negotiations ended, the state did not take a step further to working with civil society in order to rebuild communities that had been broken down by the apartheid regime. In both case studies, the state has taken very few steps in addressing the fact that their communities were broken down and thus needed to be included in state building and very few steps in finding a bottom-up solution to sustainable peace. It is not only in negotiations that civil society needs to be included in post-negotiation planning, it is still very important to empower civil society in playing an effective role in state building.

5.3 Conclusion

This chapter has made a comparative analysis on the nature of the negotiations in the post-conflict states that exist in the DRC and in South Africa. It established an understanding of the principal theory of Protracted Social Conflict, which explained the preconditions that lead to the protracted social conditions as well as the conditions that escalate the conflict to an extent that it reduces the space for political accommodation. It also discussed the importance of the Transformative Cosmopolitan Model in establishing a relationship with and involving the local communities in peace buildings in order to provide solutions that are relatable to the people on the ground whilst at the same time meeting international standards of human rights as well as international standards of post conflict societies. This chapter also addressed the key questions and objectives that this dissertation undertook. On this note a summary of the entire dissertation becomes imperative. The following chapter serves this purpose as summary and general conclusion.

CHAPTER SIX

FINDINGS, RECOMMENDATION AND CONCLUSION

6.1 Introduction

The study has held a significant discussion on the complex nature of peace agreements and transitional negotiations in post-conflict societies and has also assessed the role that civil society plays in either escalating or de-escalating the conflict during these agreements. It has also made an in-depth assessment on the role they play when ensuring sustainable peace in post-conflict states.

Whilst the DRC and South Africa present different contexts to the types of violence that have existed and the nature of the parties involved in their respective negotiations, the underlying solution in both these countries is the relationship that needs to be strengthened between civil society and the state. Firstly, the recommendation brought by Autesserre in her writing is that mediators need to work closely at the local level in order to curb the conflicts that occur at the grass roots. It has been shown in this study that these conflicts can quickly become independent of the national sphere, thus making it difficult to resolve. Coupled with the Transformative Cosmopolitan Model which is aimed at involving local communities in the negotiating and peace building processes, a strong relationship between civil society and the state allows the local communities to participate in shaping a democratic state. Furthermore this bottom-up approach at mediating conflicts as well as peace building, allows for civil society organizations and non-governmental organizations to teach civil society about the complex nature of peace agreements. This approach also allows for civil society to have realistic expectations of what to expect in the outcomes of negotiations. Both approaches can be applied not only to South Africa and the DRC but also to other post-conflict societies in Africa.

6.2 Findings

This study has identified that the lack of citizen participation in transitional negotiations does impact negatively on sustainable peace in post-conflict societies. In both case studies, it was

shown that conflict has continued at the local level. The study has shown further that an inclusive approach to negotiations as well as peace building in post-conflict societies can be beneficial to the state, as there would be sustainable peace. Where mediators have been unable to balance the interests of the self-serving elites and needs of society, the failure has led to high intensity conflicts such as the local conflicts in the DRC becoming independent of the national level, thus making them difficult to resolve.

The study has also shown the growing trend of power sharing in Africa, with more governments on the continent resorting to it. However the outcomes of power sharing have not been consistent. Whilst at the one end South Africa had a Government of Unity after the elections, it did not last due to the NP pulling out. However the NP leaving the government did not revert the country into conflict. In the DRC, power sharing was a strategy for warring parties to enhance their own powers instead of working together to create a post-conflict democratic society. Eventually some parties went back into the conflicts at the local level. Thus it became evident that in the case of the DRC, the interests of political elites were valued above the interests of civilians. This was shown by the fact that the civil society was excluded from the negotiation process. Lastly, whilst both states in the case studies have continued with violence after negotiations, the nature of the violence differs. The nature of the DRC violence is armed conflict with many armed rebels and militias actively committing atrocities in the communities in order to dehumanize the people and to secure their interests within the east of the DRC specifically. Furthermore Rwanda continues to back certain militia groups thus maintaining a presence in the country. The DRC conflict is not restricted to within the country but external forces back rebels in order to secure their interests too. The DRC remains a weak state with weak institutions although it remains potentially the richest country in the world. By contrast, the South African violence is limited to crime and service delivery protests. The tensions remain within the country with no external backers playing a part in the tensions. Furthermore whilst there is violence within the country, the state is still able to maintain a great amount of order. The state has strong institutions and frameworks that hold people to account and bring them to justice.

6.3 Recommendations

On a recommendation that speaks exclusively to the dire situation in the DRC, as has been mentioned throughout the study, a regional dialogue for a solution needs to be established. It

has been shown that the conflict in the DRC has been worsened by the involvement of states such as Rwanda and Uganda. As Kambale mentioned, an intra-Rwandan dialogue is needed in order to ensure that the threat of FDLR is removed, as well as the possibility of more refugees streaming into the DRC and destabilizing the country further is stopped. Once a regional solution has been found, the focus must turn to the Congolese people in order to give them the space to shape the processes and define the country in a manner that will empower them.

Utilizing Non-governmental organizations and their resources would be best helped from the bottom up. As corruption is rampant, in order to directly reach the people the largest priority should be concentrated on building from the ground up. Building from the ground up is both physical and symbolic for the country... it begins with roads, schools hospitals and hopefully ends in a peaceable state recovering from child soldiery, rape, famine and disease. (McCloskey: 2010)

McCloskey makes a valid argument that the bottom-up approach should focus on educational empowerment. Educational empowerment for instance, allows the next generation to have knowledge on how to curb the problems that exist within the country. It opens up space for a new generation of young leaders. The other focus should be women empowerment. It is no secret that the DRC is one of the worst places to be a woman, a country where rape has been used a tool of war in order to break down communities. Empowering women allows them to establish their voice within their communities and government, as well as empower them economically so that they may contribute to the upbringing of their families and become decision makers.

The African Union and African Peer Review Mechanism need to play vital roles in assisting firstly, in early detection of conflict at local levels and secondly assisting the government in providing democratic and transparent leadership. It seems at this point the only effective way forward is to continue to create a power sharing government that will allow rebel movements to partake in the government. Whilst there is recognition of or rather an attempt to incorporate rebel movements into government, should one of these rebel groups break away to continue violence, then it is up to the state, region and the AU to ensure that there is no amnesty and that justice is served. Immunity should only be pursued where parties agree to a ceasefire and to resume talks where rebel movements continue to emerge, then justice should prevail in order to send a strong message. It is also up to these African institutions to monitor

the crises in states around the Great Lakes Region since it has been known that that region is still very fragile and some states like the Central African Republic have had conflicts breaking out. By monitoring the situations, the AU and African Peer Review Mechanism would be able to prevent a situation similar to the Rwandan genocide, where millions of refugees fled to the DRC and destabilized an already fragile state.

Whilst South Africa has been able to enjoy free and fair elections, has been afforded rights, has been protected by the constitution and has seemingly been more peaceful than other African states, it is not without service problems of its own. Whilst it was commendable to establish a TRC in order to promote the spirit of forgiveness and reconciliation, the process opened up old wounds for many South Africans who had suffered under the apartheid regime. No further steps were taken by the government to reconcile those who had suffered. Peace-building is a continuous process and does not abruptly end when elections come and go. Whilst there are admirable frameworks and institutions that allow for citizens to seek justice in South Africa, most of the citizens can barely afford to go to court. Furthermore the state makes provision in the constitution for the progression of socio-economic rights in which it highlights that all citizens have the right to housing, healthcare and education. Where they cannot afford them, the state will provide. However when local governments do not deliver, many citizens still cannot approach the courts because they cannot afford it. This has led to violent service delivery protests that have increased over the years. The government needs to work with non-governmental organizations in order to ensure that the state continues to be built from the bottom up and allows for democracy from below. The resources issue is still one that is prevalent today, with questions about the redistribution of land that was started with the Land Act of 1913. If the state is to find policies that make the redistribution of land possible, it needs to invest in commercial farming in order to empower poor South African in not only owning land but making profits out of that land.

6.4 Conclusion

The study in this dissertation looks beyond assessing violence from a top-bottom stand point, but believes that incorporating the interests of the people on the ground should be prioritized as much as the interests of parties to negotiations. The study argues that there is need for a

balance of interests. The overall theme of back door negotiations with particular parties whilst excluding others can prove to be detrimental to the process.

This work has also identified the foundations and root causes of the DRC conflict, and the need to establish a bottom-up approach to conflicts in order to effectively confront the problems that face the DRC. It recommends the needs to be a move towards regionally led initiatives in negotiations. Whilst institutions such as the African Union exist, it should lead instead of being overshadowed by Western countries and international institutions. It is only through this, that Africa can reclaim the continent and find unique solutions carefully designed for the needs of the Africans or states facing conflict. Transitional negotiations and peace processes are extremely important in the sense that they are an opportunity to build and develop a country which has been broken down by either oppression or war.

It also discussed in great depth the journey from the Union government to the transitional negotiations which met with many problems. However, the overall determination and political will of the parties involved led to a successful shift of power from the hands of the minority to the hands of the majority. It is also important to note that the political parties can play a vital role in causing the outbreak of violence during negotiations, as seen with the state sponsored black on black violence. Thus during conflict outbreaks, it is often not the citizens who actively make that decision, but through the propaganda of the parties that they support in an already hostile environment.

A close look at the complex nature of negotiations has established that If the transitional negotiations are not done effectively because the voices of the citizens have been excluded, it can be detrimental to sustainable peace-building and development.

Mediators must realise that before official negotiations begin, there need to be talks amongst the parties on the preconditions of the negotiations. These talks set the conditions and the environment in which the negotiations will take place.

This dissertation has achieved its set out objectives, it has dealt with the fundamental questions which it sought to answer. A comparative analysis of the nature of negotiations in the post-conflict states that exist in the DRC and in South Africa, establishes an understanding of the principal theory of Protracted Social Conflict, which explained the preconditions that lead to the protracted social conditions. It also discussed the importance of the Transformative Cosmopolitan Model in establishing a relationship with and involving the

local communities in peace building in order to provide solutions that are relatable to the people on the ground while at the same time meeting international standards of human rights as well as international standards of post conflict societies.

It is about time Africa states focused on rebuilding the continent instead of thrusting towards continuous war. They should continue to demonstrate a strong belief in peace and conflict resolution on the African continent. Transitional negotiations and peace processes are extremely important in the sense that they are an opportunity to build and develop a country which has been broken down by either oppression or war.

It is the believe of the researcher that the area of post-conflict transitional negotiations will be interesting for other researchers who might want to explore other methods, theories, concepts and frame works of research in examining the topic of post-conflict transitional negotiation.

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APPENDIX 1

Department of Politics and International Studies
Faculty of Arts
University of Zululand,
South Africa.
2nd June, 2015.

Dear Respondent,

I am a Master degree candidate of the above named Department and institution conducting a research study on "Post-Conflict Transitional Negotiations: A Comparative Analysis of the Democratic Republic of Congo and South Africa". This research study is purely an academic exercise and does not in any way have political, economic or social implication.

1. I require your participation in my study as respondent to my research questionnaire.
2. Please note that your participation in this study is entirely voluntarily.
3. The information will never be used for any other purpose other than research mentioned above.
4. I pledge that I shall ensure anonymity where required and as agreed between us through the use of code names.
5. You are free to withdraw from this study at any time of your choice without any negative or undesirable consequences to you.
6. Please note that there is no monetary gain from participation.

For classification, if you have any question or concern about participation in this study, please contact my supervisor at the numbers listed below or with the above address. It is expected that it will take about 15-30 minutes to answer the questions. I hope you will take the time to participate.

Yours faithfully,

Mr Innocent AbhulimenDaudu
Student No. 201551082

.....
Investigator's Signature and Date
Mobile Cell No. 0734627809

.....
Dr LuckyE. Asuelime (Supervisor)
Telephone No: +27(0)35 902 6202

CONSENT

I,(Names of participants/code) hereby confirm that I understand the content of this document and the nature of the research study, and I consent to participating in the research project. I understand that I am at the liberty to withdraw from the project at any time, should I so desire.

.....
Signature of Participant and Date

APPENDIX II

SEMI STRUCTURED INTERVIEW SCHEDULE

1. Does citizen participation in transitional negotiations impacts on sustainable peace in post conflict societies?

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2. Given the vested interests and often conflicting interests of various citizen groupings, does citizen participation create stability in the negotiation process for the purpose of creating a sustainable peace or does it create a greater possibility of non-agreement and regression into conflict?

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3. Is it possible to obtain peace in countries that are complex political emergencies where elite interests are outweighing and compromising civil interests?

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4. How do mediators overcome the problem of self- serving elites in transitional negotiations?

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5. Using the post- conflict DRC and South Africa as case study and comparative Analysis?

.....
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6. How can the differences in their outcomes be aggregated?

.....
.....