

UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL
STUDIES

**THE ROLE OF THE INTER-GOVERNMENTAL AUTHORITY ON DEVELOPMENT
LED MEDIATION PROCESS IN ENHANCING PEACE, STABILTY AND
GOVERNANCE IN SOUTH SUDAN**

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DECLARATION

This Project is my original work and has not been presented for a degree in any other university.

Signature..........Date.....30th October 2018.....

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This research project has been submitted for examination with the approval as the University supervisor.

Signature..........Date.....4/12/2018.....

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DEDICATION

I dedicate this project to my Husband Mr. John Mwita, my sons Mervin, Collins and Clinton Mwita and my daughter Flavia. Thank you all for the enormous support.

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This research paper would not have been complete without the unreserved support and invaluable guidance, time and dedication from of my Supervisor, Dr. Martin Ouma who ensured that I completed this work within the stipulated time.

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I would also wish to thank all those who ensured that this programme is successful in one way or the other like my colleagues at work and others too who stood with me and supported me during my master's programme. God bless you all.

ABSTRACT

This study was set to investigate the Role of the Inter-Governmental Authority on Development led Mediation Process in Enhancing Peace, Stability and Governance in South Sudan. The Inter-Governmental Authority on Development (IGAD) which is noted by different scholars and in different items as one of the key actors in the peace mediation process in South Sudan. IGAD's origin dates to 1986 when it was established and known as The Inter-Governmental Authority on Drought and Development and tasked with the sole responsibility of addressing issues pertaining to drought and desertification within the member Countries. With a desire to change its name, in 1996, the member heads of IGAD met and renamed it IGAD, to address and handle conflict prevention, management and resolution, and humanitarian affairs of the member states and infrastructure development and also to check on food security and environmental protection of the member states. IGAD has contributed a lot to the mediation process in South Sudan which is one of the youngest Countries in Africa to get self-independence in leading the peace mediation process to resolve violent conflicts in there. The study was guided by the following objectives; to determine the extent to which IGAD led Mediation assists parties involved in war in South Sudan, identify ways of maximizing conflict, to explore how IGAD led mediation helps in identifying engagement of all parties in the peace process in South Sudan, to highlight the approaches utilized by IGAD led mediation in ensuring issues of governance and security are handled well in South Sudan and to establish the challenges IGAD led mediation faces in resolving conflicts in South Sudan. The study was guided by two theories, which are the critical theory and the game theory. The study used exploratory research design and data was collected using questionnaires and interview schedules. The study also relied on document analysis for understanding the study variables. The main findings of the study were that States are motivated to engage in conflict management and mediation because of varied reasons and mostly to enhance peace and security. But in the case of South Sudan, the most crucial need was to have a haven for proper governance and security for its citizens. The other finding was that IGAD led mediation has brought a bit of improvement to the peace process in South through bringing the various individuals and parties together to take on a round table with partners to discuss the status of peace and governance and other pertinent matters which can improve their country and enable her to have peace, inclusive government and to stop the much atrocities which people have gone through there since they got their self independence. For further research, the study recommended that another research be carried out on the role of other partners apart from IGAD on the mediation and negotiation process in South Sudan.

TABLE OF CONTENTS

| | |
|--|------|
| DECLARATION..... | ii |
| DEDICATION..... | iii |
| ACKNOWLEDGEMENT..... | iv |
| ABSTRACT..... | v |
| ACRONYMS AND ABBREVIATIONS..... | viii |
| CHAPTER ONE..... | 1 |
| INTRODUCTION..... | 1 |
| 1.1 Background..... | 1 |
| 1.2 Statement of the Problem..... | 8 |
| 1.3 Objectives of the study..... | 9 |
| 1.4 Research Questions..... | 10 |
| 1.5 Significance of the Study..... | 11 |
| 1.6 Study Justification..... | 11 |
| 1.6.1 Academic justification..... | 11 |
| 1.6.2 Policy justification..... | 12 |
| 1.7 Literature Review..... | 12 |
| 1.8 Theoretical framework..... | 19 |
| 1.9 Methodology..... | 22 |
| 1.10 Chapter outline..... | 24 |
| CHAPTER TWO..... | 25 |
| THE VALUE OF IGAD LED PROCESS IN RESOLVING VIOLENT CONFLICTS IN SOUTH SUDAN..... | 25 |
| 2.0 Introduction..... | 25 |
| 2.1 The concept of mediation..... | 26 |
| 2.2 The value of the mediation process..... | 27 |
| 2.3 The role of the various parties involved in the mediation process..... | 29 |
| 2.4 Responses to the mediation process..... | 30 |
| 2.5 Political confidences..... | 31 |
| 2.6 Summary of the key findings..... | 31 |
| CHAPTER THREE..... | 33 |

EXTENT TO WHICH IGAD LED MEDIATION ASSISTS PARTIES INVOLVE IN WAR IN SOUTH SUDAN IDENTIFY WAYS OF MAXIMIZING CONFLICTS 33

 3.0 Introduction..... 33

 3.1 Ways of maximizing conflicts 34

 3.2 Impact 35

 3.3 Challenges in Maximizing conflicts 37

 3.4 Summary of the findings..... 39

CHAPTER FOUR..... 40

IGAD LED MEDIATION AND THE ENGAGEMENT OF DIFFERENT PARTIES IN THE PEACE PROCESS IN SOUTH SUDAN 40

 4.1 Introduction..... 40

 4.2 IGADs engagement..... 40

 4.3 Different parties’ perspective..... 42

 4.4 Challenges of the mediation process..... 44

 4.5 Summary of the Findings..... 45

CHAPTER FIVE 46

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS..... 46

 5.0 Introduction..... 46

 5.1 summaries of the findings..... 46

BIBLIOGRAPHY 50

ACRONYMS AND ABBREVIATIONS

- ARCSS – Agreement on the Resolution of The Council in the Republic of South Sudan
- AU – African Union
- AfDB – Africa Development Bank Group
- CoHA – Cessation of Hostilities, Protection of Civilians and Humanitarian Access
- CTSAMM –Ceasefire Transitional Security Arrangement mechanism
- FARC – Revolutionary Armed forces of Colombo
- FDs – Former detainees
- ECOWAS – Economic Community of West African States
- GoSS – Government of South Sudan
- H.E – His Excellency
- HLRF–High Level Resolution Forum
- IGADD–Inter-Governmental Authority on Drought and Development
- IGAD–Inter-Governmental Authority on Development
- IGAD –Intergovernmental Authority on Development
- IMF– International Monetary Fund
- JMEC –Joint Monitoring and Evaluation
- KESSULO –Kenya South Sudan Liaison Office
- OAU– Organization of Africa Unity
- OLS–Operation lifeline Sudan
- TGoNU– TransitionalGovernment of National Unity
- SOC – Syrian Opposition Coalition
- SPLM/A – Sudanese Peoples Liberation Front/ Army

SPLM/A IO – Sudanese Peoples Liberation Front/ Army in Opposition

SSOA–sOuthSudan Opposition Alliance

UK – United Kingdom

UN- United Nations

UNICEF - United Nations Children’s Fund

USA - United States of America

CHAPTER ONE

INTRODUCTION

This chapter covers various sections of the study and gives an overview of what the study was set to investigate and an insight into the Role of the Inter-Governmental Authority on Development led Mediation Process in Enhancing Peace, Stability and Governance in South Sudan through engagement of various stakeholders. In essence, it gives background to the study and the problem under investigation. It also shades light on the statement of the research problem, study objectives and research questions, literature review and the theory(s) which the study is grounded. The chapter also explains the research methodology, tools used for collecting data and the analyses method used and finally gives the chapter outline. Thechapter also helps in providing more detailed information on the study area, subject area and scope of the study.

1.1 Background

Global consensus agrees that fragility and conflict, in all their forms and existence, seriously impede development in most developing countries in the world¹.Development goal number 16(SDG 16) of the 2030 Agenda for Sustainable Development specifically links peace, security and development to a country's growth and prosperity.The general principles and development strategies affirms that development has a significant relationship with peace and stability which takes place in a county hence the need for a country to be more stable in terms of governance and security. This in line with SDGs which guide the development process at the national and

¹UNDP (2016).

international level for all nations development². Statistics by researchers, have indicated that one-fifth of the world's population and more than one-third of the poorest live in fragile settings³. Worse, the proportion of people in fragile environments is rising fast due to a surge in conflicts and constant state instability over the last decade, resulting higher number of displaced people internally or externally (59.5 million) since they started capturing the data of such persons including World War II victims (ibid). The large majority of the 50 countries considered fragile, conflict or crisis affected, only reached one or two targets of the Millennium Development Goals in 2015, out of fifteen hence the need to understand how achieving SDGs will be a mirage and a tall order unless concerted efforts are put into place. Violence and conflict are costly endeavours standing at approximately US\$ 100 billion per year and exceeding the aid support for those particular countries. For instance in 2015, US Aid to South Sudan exceeded 1 Billion dollars in the year and with the conflicts and skirmishes which continues in that Country, putting the money to good use could be a challenge⁴.

In the 21st Century, more conflicts have been realized in most parts of the globe at various levels and taking a variety of shapes. The nature, cause and effects of violence and conflict have also changed as more players and actors come to field and more issues come to play leading to peace and conflict. The initial interstate wars have always been bigger and needing more attention and approaches. Inter-state wars between strong nations and not so strong nations can be daunting but currently, most of such conflicts are more decentralized, sometimes affecting only sub-areas of a country, mostly in emerging economies, and mostly happens where high levels of poverty

² Sustainable Development Goals (SDG 16)

³ J. J. Messner et al. The Fragile States Index Team. The Fund for Peace. 1101 14th Street NW, Suite 1020, Washington, D.C. 20005 www.fundforpeace.org

⁴ VOA, Africa 2015 USAID's office of US Foreign Director Assistance.

and corruption, marginalization, displacement, damaged infrastructure and lesser access to basic services interfere with growth and development at their country level. Increasingly violence, insecurity and conflicts find their roots in the inequalities, historical injustices and discrimination experienced by certain groups and individuals hence resulting in loss of trust and the will and power of the state to address such concerns⁵. These fragile situations have led to peace mediators and negotiators working in different parts of the globe to adopt various strategies and frameworks in combating and maintaining the violence. A country like America has experienced more advanced forms of violence and conflict which needs complex mechanisms and problem solving skills. Despite being stable in its economic, social and political undertakings, USA still faces challenges which need to be addressed like terrorism, the surge of refugees, internal wrangles, and political superiority among others. Though some analysts will likely be tempted to associate the worsening situation in the United States with the ascendance of President Trump, his administration style and what is looked and divisive policies of his administration and rhetoric leadership and rhetoric, in essence, its noted that the pressures facing the United States run far deeper from different perspectives and from different historical epochs. Many, especially “inside the Beltway” in Washington have long complained of a growing extremism in American society and politics⁶.

According to Bogota Accord, the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) have continued to make steady progress in implementing commitments outlined in the country’s 2016 peace accord which could be borrowed in the case of South Sudan mediation process. In this particular case, the implementation activity has been observed for 61

⁵UNDP, 2016.

⁶Kroc Institute for International Peace Studies Report(may,2018)

percent of the 578 stipulations in the accord, with no activity observed yet for 39 percent of the stipulations, as of May 31, 2018, the data provided indicated that the peace agreement is making steady progress and is on pace with other comprehensive peace agreements in moving toward implementation in line with other Peace Accords Matrix (PAM)⁷.

The second Kroc Institute report, which tracks implementation progress from December 1, 2016, to May 31, 2018, highlights significant progress in areas related to the ceasefire, cantonment (cantonments are temporary camps for processing ex-combatants), laying down of arms and the transformation of the FARC into a political party with representation in Congress. However, challenges still remain. The report identifies three key areas of concern: inadequate guarantees of security and protection for human rights advocates and social leaders; the slow processes of long-term political, social and economic reincorporation for ex-combatants; and pending legislative and regulatory adjustments needed in order to promote broad participation in democratic processes. The report also emphasizes the difficulties faced in implementing the gender; ethnic and territorial approaches that are key features of the Colombian peace agreement. Paying immediate attention to these issues would move the country towards a more sustainable, peaceful and better quality of life for residents in rural areas, victims of the conflict and all Colombians.

Bogota Accord is one example of such combined mediation initiatives like the IGAD mediation process in SS. The cessation of violence and the laying down of arms has been achieved in the first months after the signing of the Accord. The foundation for the implementation of the Accord have been built to some degree, such as the active functioning of the implementation and

⁷ Ibid

verification mechanisms, and several of the normative and institutional bases required for full implementation. These conclusions arise from having identified 194 provisions (out of a total of 558) that require high levels of short-term implementation. As can be seen in Figure 3, 71 of these 194 provisions (37%) have been fully implemented. Another 22 (11%) are in the process of being fully implemented, and 20% have been initiated. Progress has not been observed in 62 (32%) of these stipulations⁸.

The Inter-Governmental Authority on Development (IGAD) which has been one of the key actors in the peace mediation process in South Sudan traces its history back to 1986 when it was established and known as The Inter-Governmental Authority on Drought and Development with the sole responsibility of addressing issues pertaining to drought and desertification within the member Countries. In 1996, the member heads of IGADD met and renamed it IGAD, to address the following objectives; conflict prevention, management and resolution, and humanitarian affairs; infrastructure development; and food security and environmental protection. IGAD's peace and security architecture can be contextualized with reference to the African Union's (AU) and UN's peace and security architecture. Importantly, the UN in 1945 sought to establish an institutional mechanism that would encourage its members to "settle their international disputes by peaceful means in such a manner that the international peace, security and justice are not threatened⁹.

⁸Report On the Status of Implementation of the Colombia Final Accord Kroc Institute for International Peace Studies, University of Notre Dame (Bogota Accord) https://kroc.nd.edu/assets/258961/171127_english_version_of_kroc_institute_report_executive_summary.pdf

⁹Tim Muriithi, "Inter-governmental Authority on Development on the Ground: Comparing Interventions in Sudan and Somalia", ISSN: 1939-2206(2009)

Mediation and conflict transformation share the overall objective of building enduring peace. However, they differ when it comes to the means employed, the timeframe, the parties and the third parties involved¹⁰. Regarding the parties, mediation requires, at least during the first stage, political and military actors who have the power to decide the end of violence. Lederach (1995), argues for the building of a “peace constituency” that includes not only the top leadership, but also national leaders (professionals and intellectuals) and local leaders in grassroots organizations and local peace commissions. Lastly, with regard to the third parties involved, a mediation process involves the mediator, mediation team and mediation support actors. Conflict transformation requires a wider range of different actors since it “cannot be planned and implemented by one actor alone, it takes many different contributions”¹¹.

Transforming relationships and structures also requires a broader spectrum of development and peace building actors who remain in place after the peace negotiations have ended and a peace agreement has been signed. We need to note that, rather, mediation processes feed into conflict transformation, which is a broader process in fragile states. Basically, this means that mediation processes should be designed to create fertile ground for conflict transformation. In sub-Saharan Africa, economic and social conditions have deteriorated significantly during the last thirty years. Some researchers also argue that unless appropriate political and economic reforms are undertaken, economic conditions in the region will continue to deteriorate. Mediation is a major intervention tool in Africa. It has been used to prevent and resolve many violent conflicts in Africa. The commonly used type of mediation in African conflict is regional organization-led

¹⁰Hellmuler and Ahere, Mediation and Conflict Transformation Discussion Points of the Mediation Support Network (MSN) No. 5 Durban 2014

¹¹Lederach, J.P. (1995) Preparing for Peace: Conflict Transformation across Cultures. Syracuse University Press, Syracuse

mediation processes. Despite the popularity of this type of mediation in Africa, we know preciously little about the lessons major African regional organization have, or have not, learned from these mediation processes¹². As an informal and flexible dispute resolution process, mediation, from the onset, is a major intervention tool in Africa. It has been used to prevent and resolve many violent conflicts in Africa. The commonly used type of mediation in African conflict is regional organization-led mediation processes like the IGAD led one in South Sudan which is the focus of this study. Though it's a popular approach to peaceful solutions in most warring countries, little is noted about its success stories in Africa and other countries that have had internal or external wars.

In South Sudan, the problem that has brought constant conflicts has been power struggles between two personalities that is, President Salva Kiir and former Vice President Dr. Riek Machar, though ethnicity has also contributed to its insecurity and constant conflicts. While mediation is an important tool for addressing conflicts in the short term, it also has important contributions to make to long-term conflict transformations, since the overall objective of the two approaches of mediation and conflict transformation is the same, which is to build lasting peace. At the same time, the conceptual differences between the two concepts with regard to the means, the timeframe, the parties and the third party actors involved should be kept in mind so that the expectations addressed at mediation processes are not conflated. This is particularly important when it comes to questions of prioritization, inclusivity, linkages between the international, regional, national and local level and leadership.

¹². Kwasi.T.Tieku(2011). Lessons learned from mediation by an African regional organization. Director of African Studies at the University of Toronto, 45 Willcocks Street, Toronto, Ontario, Canada. M5S 1C7

1.2 Statement of the Problem

Despite contributing to eighty percent (80%) of global economic growth, developing countries are still engaged in war which lowers down their emerging markets. Persistent problems that escalate to conflicts in the continent are; unequal distribution of wealth, regional imbalances in terms of job allocation, poor demarcation of boundaries within and outside countries, high Poverty levels, insecurity, poor governance, limited administrative capacity, chronic humanitarian crises, persistent and uncontrolled social tensions, violence, eminent civil wars among other challenges. These challenges led to fragility in the continent which needs to be addressed by international, regional and local partners in the issue of mediation and other initiatives which can put all these countries together. is that most countries are unstable or fragile and some like Somali, Burundi and Democratic Republic of Congo still are major hindrances to the world's states, which are in conflict crisis or are fragile states. Leadership and governance are other challenges which these countries are experiencing and needs to be addressed.

Both International and regional actors have been in the fore front in assisting the fragile and unstable states stay peaceful with success and failures in some cases. This has also led to positive and negative perception of mediation and negotiation as tolls for conflict resolution and intervention in the peace process. During negotiations, researchers have noted that the clear message from ordinary people to the international community is that, there is need to listen to their voices; to be cognizant of their personal experiences, fears, and hopes; and to pay heed to their suggestions for improving life in their countries. U Sit Aye from Myanmar, suggested that, in conflict resolution, representatives of the international community "need to come and deal

directly with our people, to understand the feeling of the people, to know how much they have suffered for a long time"¹³. This is when the effect of mediation can be felt.

Mediation has been given a forefront in conflict situations but despite all these, it has generally been underutilized in most cases by the international community, regional setups and local initiatives in addressing disputes in fragile states in Africa and other continents where conflicts break ones in a while. Sited cases of its challenges could be issues to do with the nature of the conflict which may not be within the confines of the mediators hence lack of adequate knowledge to handle the situation or the international or regional organization could still be lagging behind in identifying proactive use of mediation as a valued tool in conflict prevention and resolution.

Conflicts in Africa have of late been technical and well-orchestrated, to the extent that it needs proper understanding and adequate knowledge and preparation by the negotiators and mediators to tackle it efficiently and effectively, an example being the case in South Sudan. Mediation has a long history and, parallel to the development of the nation-state system, hence it's increasingly being used by international peace bodies, diplomatic missions for peaceful negotiations. It is in this context that this study will investigate the role of the Inter-Governmental Authority on Development led mediation Processes in enhancing peace and governance in South Sudan.

1.3 Objectives of the study

The study will be guided by the following objectives:

¹³ Vivienne O'connor and Colette Rausch, *Model Codes for Post-conflict Criminal Justice*, 2007

- 1.3.1 To establish the value of IGAD led mediation process in resolving violent conflicts in South Sudan.
- 1.3.2 To determine the extent to which IGAD led Mediation assists parties involve in war in South Sudan identify ways of maximizing conflicts.
- 1.3.3. To explore how IGAD led mediation help in identifying engagement of all parties in the peace process in South Sudan
- 1.3.4 To highlight the approaches utilized by IGAD led mediation in ensuring issues of governance and security are handled well in South Sudan.
- 1.3.5 To establish the challenges IGAD led mediation faces in resolving conflicts in South Sudan

1.4 Research Questions

- 1.4.1 What value does IGAD led mediation process has in resolving violent conflicts in South Sudan?
- 1.4.2 To what extent does IGAD led Mediation assists parties involve in war in South Sudan identify ways of maximizing conflicts?
- 1.4.3 To what extent does IGAD led mediation help in identifying engagement of all parties in the peace process in South Sudan?
- 1.4.4 What approaches has IGAD led mediation employed in ensuring a federal and democratic governance prevails in South Sudan?
- 1.4.5 What challenges has IGAD led mediation faced in resolving conflicts in South Sudan?

1.5 Significance of the Study

This study will provide useful information to the different stakeholders within the in the field of peace and conflict. The owners of various stakeholders will understand some of the aspects of the IGAD led media talks in South Sudan.

The outcomes can also be used by not only local, but also international and regional organizations who are involved in peace and conflict resolution to broaden their understanding in the peace and mediation process in fragile states.

The study will also be important to different stakeholders in South Sudan like investors and other service providers to understand the value of peace and justice in everyday activity and the role various stakeholders can play in maintaining peace wherever they are.

The outcomes can further help all peace and mediation/negotiators to develop wider and deeper perspective on how different parties can come together to mitigate peace in a conflict situation.

To IGAD and other regional, International and local peace mediators and negotiators, the study can assist in understanding the intricacies of the negotiations and mediations in fragile states.

This study will also be important to the government of Sudan and South Sudan since the two countries will learn from one another on how to handle peace and governance issues.

1.6 Study Justification

1.6.1 Academic justification

The study will help in generating new knowledge in the field of International Relations, Diplomacy, Peace and Conflict resolutions, Mediation and other related areas.

The course will also serve as a requirement for the award of master of Master of Arts in diplomacy of the University of Nairobi, Kenya.

The findings of this study will also be relevant to future researchers and scholars in that it intends to recommend further research questions that can become useful study basis for future researchers, and it will further act as a source of empirical literature in the field of peace and

conflict resolution in the Africa context and shall also provide insight on the regional and local parties mediations in the case of conflicts in Africa.

The study may generate new knowledge for reference for academicians, researchers and other scholars who are interested in issues of mediation and peace in the Africa and other continents. The study also helps in building new knowledge and more insights into the intricacies of mediation by different parties in cases of peace and conflict resolution.

1.6.2 Policy justification

The study will justify the policy set by university of Nairobi for academic reasons at that post graduate students need to do a research paper under the supervision of a qualified supervisor within the institution who can supervise the work to completion.

The study also justifies the fact that independent research is crucial to postgraduate students since the final document can be published or presented in a conference and this leads to knowledge sharing.

This study may also be important to the government of South Sudan and other Africa states and it can help them develop some policy frameworks on the importance of mediation and negotiations in conflict situations.

The study may also provide some useful guidelines which can be important in interstate and cross border wars and how peace negotiations can be brought about.

1.7 Literature Review

Global peace and Governance

Globalization, urbanization, technology, education and other factors have brought fragility to many states, Africa included. According IMF (2015) fragile states are states in which the

government is unable to deliver basic services and security to the population, which face severe and entrenched obstacles to economic and human development, which is the state in countries like Somalia, South Sudan among others¹⁴. According to the IMF, these states plus others display an elevated risk of both political instability including consistent civil conflict and economic instability. Crises in such countries can spillovers to neighboring countries.

Africa has had a precedence of conflicts for a long period since the pre- independence when communities would fight among themselves over shared resources when they were poorly managed or other factors could also escalate war. During the colonial period, war was still rampant among different communities with the entry of foreigners, mostly Europeans in their territories. And last but not least, the post-independence period has also not realized much stabilization in Africa and other countries leaving them to be at state of conflict/crisis.

Guided by shared values and principles, Canada and its G7 partners recognize the importance of working together to build a more peaceful, prosperous, and sustainable world. The G7 strongly supports a rules-based international order, built around the core principles of democracy, human rights, the rule of law, territorial integrity, and an aspiration to free and open trade that benefits all citizens, not just the wealthiest few. G7 Countries have also noted a shifting global balance of power, a growing trend towards authoritarianism, and persistent and challenging security crises¹⁵.

¹⁴IMF, Trucking Challenges, 2015

¹⁵G7 public engagement paper – Building a more peaceful and secure world 2017.

These trends cannot be ignored by any nations as they cause international threat to peaceful existence. Technological changes have introduced new pressing issues and exacerbated existing threats. From terrorism and violent extremism, to organized crime, weapons proliferation, and cyber security and cybercrime, we face a range of threats that transcend borders. While globalization has brought with it many benefits, our interconnectedness can exacerbate the spreading of illness across borders, as well as the far-reaching impacts of a changing climate, including increased global fragility and insecurity. Accordingly, any comprehensive attempt at conflict resolution must take into account the political context of the conflict along with its technical dimensions not by itself put an end to state fragility, but the adoption of t shared Principles can help maximize the positive impact of engagement and minimize unintentional harm¹⁶

Principles of engagement are intended to help international actors' foster constructive engagement between national and international stakeholders in countries with problems of weak governance and conflict, and during episodes of temporary fragility in the stronger performing countries. They are designed to support existing dialogue and coordination processes like in the case of IGAD led mediation in South Sudan and not to generate new negotiations. In particular, they aim to complement the partnership commitments set out in the Paris Declaration on Aid Effectiveness. As experience deepens, the Principles will be reviewed periodically and adjusted as necessary.

The long-term vision for international engagement in fragile states is to help national reformers to build effective, legitimate, and resilient state institutions, capable of engaging productively

¹⁶ UN DPA and UNEP, 2015.

with their people to promote sustained development. There are several reasons why international and local actor's experiences are also engaged in mediation process in different countries who are in conflict/crisis the same conflict differently. In terms of governance in war-torn or unstable states, Goldstone noted certain features relating to states, making them fragile for a variety of reasons, and thus can lose effectiveness and/or legitimacy by a number of pathways. Identifying the active pathways of deterioration is crucial for identifying the right steps to ameliorate the conditions of increasingly severe fragility. The five features identified were; Escalation of communal group (ethnic or religious) conflicts Examples: Rwanda, Liberia, Yugoslavia, Lebanon , State predation (corrupt or crony corralling of resources at the expense of other groups) Examples: Nicaragua, Philippines ,Regional or guerrilla rebellion Examples: Colombia, Vietnam ,Democratic Collapse (into Civil war or by Coup d'etat) Examples: Nigeria, Madagascar and lastly , Reform Crisis in Authoritarian States Examples: Indonesia under Suharto, Iran under Shah, Soviet Union under Gorbachev¹⁷.

Working with partners to bring peace in Africa

Hilal stated that, the failure of the Geneva II talks was attributed to poor timing, the exclusion of key Syrian representatives and an inappropriate format. The talks were convened 18 months after the constituting document the Geneva Communiqué was agreed. The interim period saw a continuation of international policies to either arm disparate insurgent forces or back the Assad government at all costs, which precluded the diplomacy needed to shore up regional and global agreement for a transition. They were convened under intense media scrutiny, with Russia and the U.S. holding competing visions of their purpose. Iran was invited and then disinvited after U.S. intervention. The lack of international and regional coordination contributed to mismatched

¹⁷Jack A. Goldstone, *Deteriorating Fragile States: How to recognize them and how to help them*, (2008),Oxford.

party expectations. Conventional narratives of Geneva II failings have tended to overlook implicit compromises offered by the National Syrian Opposition Coalition (SOC)¹⁸. But the Assad government came unprepared and unwilling to discuss transitional issues and the SOC was unwilling to diverge to other topics and the UN mediation in the interim period was also missing while reportedly refused the participation of civil society representatives at the talks, including a women's delegation.

According to Cilliers, the central challenge for Sub-Saharan Africa is to build accountable, capable governments that can deliver security and inclusive growth. Research into the drivers, Trends and characteristics of violence in Africa may help achieve these goals¹⁹. Researches like Pinker 2011 & Mack 2013, noted that when considering levels of conflict in a country or indeed globally, it is important to consider population size. A more crowded world is inevitably more turbulent, particularly in those regions with large cohorts of young people without jobs or prospects. It can therefore be expected that a world with 7.2 billion people (the estimate for 2000) will have more deaths as a result of armed conflict than a world with only 3 billion people²⁰. In South Sudan which is the focus of this study, *the read out –Signing Ceremony of the Agreement on the Outstanding issues of Governance and Security Between the Parties to the conflict in the Republic of South Sudan-Khartoum, 5/08/2018* under article 6 general provision indicates takes cognizance that more than seventy percent (70%) of the population is under the age of thirty and that the youth are the most affected by war and represent high percentage of

¹⁸Leila Hilal, NOREF, Norwegian Peace building Resource Centre., (2014), Policy Briefs. The United Nations

¹⁹Jakkie Cilliers. Future (IM) perfect? Mapping conflict, violence and extremism in Africa. ISS paper 287 | October 2015.

²⁰United Nations, New York, World Population Prospects, Highlights*The 2000 Revision/WP.165.28 February 2001

refugees ,Internally displaced persons, hence the need to include them and give them quotas at different level in the countries governance structure.

Despite the popularity of regional negotiations and mediation in Africa, the continent has also learnt lessons from organizations such as the Africa Union(AU) formerly Organization of Africa Unity(OAU), especially during the mediation process in Burundi between 1993 and 2009 and other mediations that have helped Africa understand the intricacies and benefits of the mediation process. Through the mechanisms of the Security Council and the General Assembly, the UN was provided with the ability to oversee the peaceful settlement of disputes through an array of processes, including negotiation, mediation, conciliation, arbitration, and peace building strategies.Examples of peace mediation and negotiations efforts indicate that, there are a variety of actors in both conflict analysis and mediation in the region of West Africa. Government ministries and agencies often engage in both processes, though some of the countries studied still lack institutions involved in conflict analysis. With regards to regional actors, the Economic Community of West African States (ECOWAS) is the most prominent and visible player, though other regional actors, such as the Mano River Union (MRU), are progressively enhancing their engagement in the field of regional peace and security. Prominent regional leaders also play important mediation roles and the United Nations (UN) is at the forefront of efforts for peace and security, though an increasing number of other actors such as international civil society organizations are contributing through pursuing both analysis and mediation at different tracks, religious and traditional actors have also made significant contributions in resolving conflict through mediation and dialogue processes. And not to forget the role played by the local, national and regional civil society organizations, in both conflict analysis and resolution in West Africa.

These scenarios have been realized also in the IGAD led peace mediations in South Sudan, for example the IGAD extra-ordinary Summit held on the 5th August 2018 in Khartoum, dubbed *Khartoum Declaration*, and had major players in peace and conflict resolution on board. Other mediation talks in Africa and other countries have also used the strategy of having so many stakeholders representing different entities on board²¹.

Challenges of Mediation in warring Countries

Various reports by UNDP and UNEP ,have indicated that mediators should only enter into the interactive phases of the mediation process once they have become well informed about the complex network of relationships among natural resource actors and their interests. The analysis should consider direct and indirect actors at the different levels of the conflict dynamic, and should capture the range of their multifaceted interests.

To learn from others, according to Leila, the failure of the Geneva II talks failed due poor timing, the exclusion of key Syrian representatives and an inappropriate format. The talks were convened 18 months after the constituting document – the Geneva Communiqué– was agreed upon. The talks were also convened under intense media scrutiny, with Russia and the U.S. holding competing visions of their purpose. Iran was invited and then disinvited after U.S. Intervention. And lastly, lack of international and regional coordination contributed to mismatched party expectations²².

In South Sudan, IGAD led mediations like the IGAD extra ordinary Summit held on the 21st June 2016 in Addis Ababa, Ethiopia, realized that some of the challenges were back tracking,

²¹ 55The Extra –Ordinary Session of the IGAD Council of ministers held in Addis Ababa, Ethiopia 21-22 June 2018.

²²Leila HilalNOREF.Norwegian Peace building Resource Centre.PolicyBriefs.The United Nations, (2014).

lack of expert support team to help in putting the suggested structures in place among others²³. Other challenges according to Vivienne O'Connor, are that the internationals engaged in peace and conflict resolution are sometimes physically isolated from local people, especially in conflict zones, where international actors are oftentimes required by their organizations to live and work in fortified compounds because of security concerns and also, the work of peace builders, which is generally reliant on external funding sources, requires so much paperwork and reporting that they can easily find themselves so wrapped up in project plans, donor-mandated metrics of success, and budgets, that they are unable to leave their offices to do their "real" work²⁴.

According to Awolich, the challenges which have faced the mediation talks in South Sudan are that the warring parties had been vacillating between the IGAD peace initiative, now christened as the IGAD-Plus and the intra-SPLM party reunification process in Arusha. He further notes that, these parties had hoped that the two processes would provide some useful complementarity towards achieving sustainable peace. Nevertheless, this pendulum between Arusha and Addis did not improve the chances for finding a political solution in the country. The problem was that the parties preferred one process to the other²⁵.

1.8 Theoretical framework

The study is grounded on two theories, which are the critical theory and the game theory. The Critical theory according to Littlejohn, involves criticism, which basically involves the application

²³Communique of the IGAD Extra –Ordinary Summit on South Sudan (Programs/115-South Sudan –Office/119-Communique -of-the IGAD-Extra-Ordinary-Summit-On South Sudan, 5 August 2018.

²⁴Vivienne O'Connor, *Speaking Their Peace. A Practitioner's Perspective* G7 public engagement paper – Building a more peaceful and secure world, 2016, [http://saccps.org/portuguese/pdf/1-1/SAPSS%201\(1\)%20Miti.pdf](http://saccps.org/portuguese/pdf/1-1/SAPSS%201(1)%20Miti.pdf)

²⁵Abraham Awolich, *The Mediation Pendulum and the Challenges that Underlie the Peace Implementation in South Sudan* I POLICY BRIEF, December 2015,

of principles or values in order to make judgments for the purpose of bringing about positive change. Understandably, criticism comes in a variety of forms. For example, rhetorical criticism carefully examines and judges the quality of discourse. Our subject here is critical social science, which critiques basic social structure; hereafter cited by page number). The following features inform all varieties of critical social science²⁶:

Critical social scientists believe that it is necessary to understand the lived experience of real people in context. Critical Theory shares the ideas and the methodologies of some interpretive theories. What makes critical scholarship different from interpretive scholarship is that it interprets the acts and the symbols of society in order to understand the ways in which various social groups are oppressed.

Critical approaches examine social conditions in order to uncover hidden structures. Naturally, critical theory borrows from structuralism. Critical theory teaches that knowledge is power. This means that understanding the ways one is oppressed enables one to take action to change oppressive forces. Critical social science makes a conscious attempt to fuse theory and action. Critical theories are thus normative; they serve to bring about change in the conditions that affect our lives.

The Game Theory

The Game theory was firstly explored by a French mathematician named Borel in 1921 and improved by John Von Neuman, who published his first paper on Game theory in 1928.

²⁶Littlejohn, Stephen W., "Critical Theories." In *Theories of Human Communication*. 4th edn. Belmont, 1992. CA: Wadsworth Publishing Co., pp. 238-59.

Borel imagined using Game theory in economic and military applications and his goal was to determine, whether a best strategy for a given game exists and find that strategy. Game theory according to Brian is a method originated from the mathematical sciences in which it is used in competitive or cooperative position to find optimal choices that will lead to desired outcome²⁷.

Game theory approach can be used as an efficient framework in decision making about conflicts and disputes in construction projects. It seeks to get to the essence of decision-making and the associated strategies in situations where two or more parties are interdependent, and where the outcome of their conflict and competition must be the product of their joint requirements and the interaction of their separate choices Bacharasch²⁸.

Disputes can sometimes arise from conflicts between clients and main contractors due to the non-cooperative behaviors between them. These conflicts may be driven from different issues such as project delays or suspension, differing site conditions, contract changes, etc. If these conflicts are not peacefully resolved, they can lead to non-compensable disputes, such as project suspension that can cause considerable loss for both parties involved in the project. In this situation the best decision should be considered for resolving the conflicts. One of the most efficient tools to investigate these disputes is game theory. Game theory may provide, by its very nature, the appropriate tools for the analysis and eventual solution of conflicts of any kind in the construction industry. Game theory has the potential to address some of the mediation challenges that face countries that are in conflict/crisis since game theory is a natural tool that can be used to analyze the situation systematically. Game theory focus on strategic interaction and conflict

²⁷Brian, M., *The Selective Usefulness of Game Theory*, 1978. Social Studies of Science, Vol. 8, 1978, pp. 85-110.

²⁸Bacharasch, S. B. & Lawler, E.J. *Bargaining: Power, tactics and outcomes*, 1981. San Francisco, USA: Jossey-Bass.

providing a way to think about the conflicting structure of collective decision making processes (ibid)²⁹.

In a broad sense, game theory can be classified into two categories: non-cooperative game approaches, where a decision-making unit treats the others as competitors, and cooperative approaches where a group of decision-makers decide to undertake a project together in order to achieve their joint business objectives. In game theory, individuals or groups become players when their respective decisions, coupled with the decisions made by other players, produce an outcome. The options available to players to bring about particular outcomes are called strategies. Strategies are linked to outcomes by a mathematical function that specifies the consequences of the various combinations of strategy choices by all of the players in a game. A coalition refers to the formation of sub-sets of players' options under coordinated strategies.

1.9 Methodology

The study was an exploratory research hence both Qualitative and quantitative methods were used in the study. Quantitative methods was used since it allows the researcher to uncover trends in thought and opinions and dive deeper into the problem while qualitative data collection methods vary using unstructured or semi structured techniques. Like use of focus groups discussion, individual interviews and participation or observation which were quite applicable in this study. The study was carried out in Kenya and in South Sudan. This was because some of the individuals who were involved in the negotiations some are in Kenya or some have literally relocated to Kenya.

²⁹ ibid

The researcher used questionnaires and interview schedules to collect data from the target population. Questionnaires were administered to collect data from the respondents. The questionnaires were distributed to respondents in Kenya while those in Sudan, phone interviews and emails were used. Gay recommends the questionnaire as a convenient and the most suitable instrument for data collection in large scale surveys as it is less expensive, and its speed of dissemination and collection³⁰. The questions were both closed ended and open ended. The open ended questions were for the cases where there is need for further clarification about the variables. The interviewer answers were recorded and later analyzed to ensure consistency. It was only done for the senior management staff in South Sudan and those working in Kenya.

The questionnaire targeted those who have been affected by the South Sudan conflict in one way or the other from the period self-independence to now and also some of those who have been involved in the IGAD mediations or their organizations.

The study is expected to generate both qualitative and quantitative data. Quantitative data was coded and entered into Statistical Packages for Social Scientists (SPSS) and analyzed using descriptive statistics. Percentages and frequencies will be calculated and tables will be used to illustrate figures with bar charts to support. While Qualitative data was also be analyzed based on the content matter of the responses. Responses with common themes or patterns were grouped together into coherent categories. Content analysis was used to analyze qualitative data. Responses from open ended questions in the questionnaire and interviews were categorized based on emerging themes. The emerging themes were used to supplement quantitative data and make conclusions in the study. These processes formed the basis for refined conclusions and recommendations.

³⁰Gay, L. R., *Educational Research: Competencies for Analysis and Application*. 1987,3rd.edn. London: Merrill Publishing

1.10 Chapter outline

This study has five chapters. Chapter one, covers introduction of the study, statement of the research problem, study objectives, literature review, theoretical framework justification of the study, literature review and methodology. Chapter two elaborates on the Value of IGAD led mediation process in resolving conflicts in South Sudan. It is followed up emerging themes from the IGAD led mediation and the summary of the key findings. Chapter three concentrates on the extent to which IGAD led mediation assists parties involved in war in south Sudan identify ways of maximizing conflicts and the emerging themes from the study. Chapterfourhighlights the IGAD led mediation and the engagement of different parties in the peace process in South Sudan Chapterfive, which is the last chapter, ends with summary of the findings, conclusions and recommendations for use in other researches or for policy issues.

CHAPTER TWO

THE VALUE OF IGAD LED PROCESS IN RESOLVING VIOLENT CONFLICTS IN SOUTH SUDAN

2.0 Introduction

Globally, the world population is growing and the population of the less developed which majority are in Africa and Asia regions is projected to rise steadily from 4.9 billion in 2000 to 8.2 billion in 2050 (medium variant). This projection assumes continuing declines in fertility; in the absence of such declines, the population of less developed regions would reach 11.9 billion instead of the projected 8.2 billion. This is worrying considering the fragility of the less developed states which is expected to nearly triple between 2000 and 2050.

Through its charter, the United Nations (UN) is the self-proclaimed guarantor of international peace and security. Through the mechanisms of the Security Council and the General Assembly, the UN has the ability to oversee Peace process in most countries globally. This chapter lays focus in the crucial area of the concept of mediation, the value of the mediation process, the role of the various parties involved in the mediation process and the responses to the mediation process.

Worldwide, fragility and conflict are among the greatest development challenges of the century. Enhanced and better coordinated efforts, tailored to each individual situation, need to be made to assist many countries affected by fragility and conflict, and countries in transition like South Sudan to manage the political, security, economic and environmental stresses that make them and their citizen vulnerable to various circumstances.

For international bodies like AfDB, UN among others, state fragility matters because around a third of African countries, home to some 200 million people and more can be classified as fragile and is home to a growing share of Africa's poor that are susceptible to instability with potential consequences beyond their borders³¹.

2.1 The concept of mediation

The present day peace processes are becoming longer and more complex, calling for long-term commitment and coordination of the third parties involved, as well as careful consideration of the many topics pertinent to the various phases of a peace process³². In the 1990s, more of the armed conflicts ended through negotiations (42) than through battle victories (23). About half (24) of the 42 negotiated settlements succeeded in bringing longer term peace to the country, a large number of these negotiations were supported by an acceptable third party, such as the UN. Mediation is effective since the end of the Cold War, mediation has been used in about 50% of all international crises. It can be accounted to have led to a five times greater probability of reaching an agreement compared to a non mediated one, and a 2.4 times greater probability of longer-term tension reduction as compared to other approaches. Various scholars have examined mediation from different perspectives. Sara roots for mediation as the most appropriate means of resolving conflicts. She observes that mediation is based on the intervention of a third neutral

³¹Basil Jones, *Fragile States: Taking Part in Africa's Inclusive Growth Take-Off*, AfDB, Chief Economist Complex | AEB Volume 4, Issue 4, 2013, OECD 2013

³²Mediation & Facilitation in Today's Peace Processes: Centrality of Commitment, Coordination and Context Presentation by Ambassador Thomas Greminger, Head of the Political Division IV (Human security), Swiss Federal Department of Foreign Affairs | Mediation retraite of the 'Organisation Internationale de la Francophonie' (OIF), 15-17 February 2007

party who can help those in the conflict discuss their problem without removing responsibility for solution from the individuals concerned³³.

2.2 The value of the mediation process

Notably, in fragile states, the inequality of opportunity that persists is “toxic’ both for sociopolitical cohesion and for long term growth and development of the nation. For the international community, promoting and ensuring more equitable development in fragile and conflict affected states has emerged as a priority and concern area since most of these fragile states are endowed with resources like South Sudan.

IGAD has spearheaded the peace process in South Sudan since the country got its self independence from Sudan on 9 July 2011, following a referendum that passed with 98.83% of the vote and it was named Republic of South Sudan .In the communiqué of the 56th Extra Ordinary session of the IGAD, it condemned in the strongest terms the eruption of fighting on 7th July 2016 between the Sudanese Peoples liberation Army (SPLA) and the SPLA in opposition (SPLA-IO) in Juba and the huge loss of lives and casualties as well as destruction of property that continues unabated³⁴. This is in line with the field data which realized that destruction of property and loss of lives is still a challenge in South Sudan. States like Yei River State which is about 170 kilometers from Juba the capital city and Western Bahr el Ghazal which was considered among the populous states in South Sudan have continued to have skirmishes and

³³Sara, G.M, *Argumentation In Dispute Mediation: A Reasonable Way to handle Conflict*, . (John Benjamins Publishing Company), Amsterdam, 2011

³⁴Communiqué of the 56th Extra Ordinary session of the IGAD.Council of Ministers on the Situation in South Sudan, Nairobi, Kenya, 11th July 2016

sporadic fightings which has led to loss of lives, property destruction and migration basically to hide in the bushes which they believe is safe.

Comminiqueofthe 62nd Extra –ordinary session noted the violations of CoHA and the resulting human rights violations and humanitarian consequences and also acknowledges the inter –South Sudanese dialogue spearheaded by the South Sudan Council of Churches that took place during the continued second phase of the High Level Resolution Forum (HLRF)³⁵.Despite all these efforts, this study found out that there were still aspects of human rights violation in South Sudan. States like Unity statewhich has realized a lot of unwarranted property destruction including the oil wells still had series of deaths, more property destruction and lack of basic resources like food, water, education, housing, health facilities among others.

During the IGAD meeting of 31 May 2018 Adis Ababa, Ethiopia, the Council endorsed the Khartoum Declaration of 27th June 2018, the agreement on a new Transitional Period of thirty-six months to be preceded by one hundred and twenty days of Pre-Transition period, and the resolution by parties to conclude on all the outstanding governance and security issues in the IGAD bridging proposal, the opening of humanitarian corridors, release of prisoners of war and political detainees, as well as the request to African Union and IGAD members states to deploy the necessary forces to supervise the permanent ceasefire.

³⁵Comminique of the 62nd Extra –ordinary session of the IGAD Council of Ministers on the Situation in SouthSudan

2.3 The role of the various parties involved in the mediation process

To achieve its mandate, IGAD works with various parties and representative groups from local, regional and international stakeholders or partners. It is for this reason that the Council endorsed the Khartoum Declaration of 27th June 2018, the agreement on a new Transitional Period of thirty-six months to be preceded by one hundred and twenty days of Pre-Transition period, and the resolution by parties to conclude on all the outstanding governance and security issues in the IGAD bridging proposal, the opening of humanitarian corridors, release of prisoners of war and political detainees, as well as the request to African Union and IGAD members states to deploy the necessary forces to supervise the permanent ceasefire³⁶.

The Council reiterated IGAD determination to bring peace to South Sudan and observed that good progress has already been made, and resolved that the HLRF shall continue at a higher level in Khartoum and Nairobi and its outcome shall be decided in the next Summit.

This research noted that, despite IGAD being on the ground and negotiating with various parties on the table and through various strategies, it was realized that war still escalates in South Sudan and the various parties who have agreed to ceasefire as per the IGAD mediation process still relegate and continue with the war without honouring the various components of the Peace treaty. One the participants interviewed in this study who also happens to be a member of the IGAD mediation team noted that;

“They are skeptical about the IGAD peace agreements because of the South Sudan’s government violation of the previous treaties”

³⁶The IGAD Council of Ministers, 30th June 2018, meeting of IGAD Council of Ministers in Nouakchott, Mauritania

In essence, the IGAD-led mediation shall revitalize and restructure all monitoring and evaluation mechanisms to ensure inclusion of all Parties and to enhance the Effectiveness of all mechanisms. Such review and restructuring shall be shall be reflected in the revitalized ARCSS³⁷.

2.4 Responses to the mediation process

In most cases, the signing of a peace agreement is only the beginning of the true “peace process”, which comprises the stage called “post-war rehabilitation”. During this phase decisions will be taken and policies designed that, if successful, will help overcome other existing types of violence (structural and cultural), and only then can we talk of “achieving peace the peaceful settlement of disputes through an array of processes including negotiation, mediation, conciliation, arbitration, and judicial settlement. In this study, one of the major findings was that IGAD led peace mediation processes has not been an end in themselves as they has been several achievements with some positive and some negative. From the file data collected, majority felt that IGAD failed to address the underlying issues like root causes, people’s involvement and others that relate to war in South Sudan.

1 The charter of the UN contains “quite elaborate provisions in Chapter VI for the peaceful settlement of disputes; the ‘teeth’ of the Charter are contained in Chapter VII, which grants the Security Council the unprecedented power to take mandatory economic and military action against an aggressor

³⁷ Communiqué of the IGAD Extra –Ordinary Summit on South Sudan (Programs/115-South Sudan –Office/119-Communiqué of the IGAD-Extra-Ordinary-Summit-On South Sudan, 5 August 2018

2.5 Political confidences

The constant war in South Sudan since independence is believed to be politically motivating and has been escalating because of the differences between the incumbent President .H.E SalvaKirrMaryardit and H.E.Dr.RiekMachar hence the need for IGAD mediation team to ensure effective participation of the two in the peace process.

The State Legitimacy Indicator considers the representativeness and openness of government and its relation-ship with its citizenry. The Indicator looks at the population's level of confidence in state institutions and processes, and assesses the effects where that confidence is absent, manifested through mass public demonstrations, sustained civil disobedience, or the rise of armed insurgencies. In the case of SS,the relationship between the state and other organs including other negotiation parties was wanting as the respondents noted that they are not sure of the sincerity of the government led by HE SalvaKirr ,H.E Dr.RiekMachar and other parties in the negotiation table. Their commitment to the negotiation process was wanting as they had dishonoured previous agreements and peace accords.

Though the State Legitimacy indicator does not necessarily make a judgment on democratic governance, it does consider the integrity of elections where they take place (such as flawed or boycotted elections), the nature of political transitions and, where there is an absence of democratic elections.

2.6 Summary of the key findings

States are motivated to engage in conflict management because of varied reasons. Generally states are motivated to involve themselves in conflict management purely on the basis of saf
Mediation is effective since the end of the Cold War, mediation has been used in about 50% of all international crises. It can be accounted to have led to a five times greater probability of

reaching an agreement compared to a non-mediated one, and a 2.4 times greater probability of longer-term tension reduction as compared to other approaches.eguarding their strategic national interests.

Despite all these efforts, this study found out that there were still aspects of human rights violation in South Sudan. States like Unity state which has realized a lot of unwarranted property destruction including the oil wells still had series of deaths, more property destruction and lack of basic resources like food, water, education, housing, health facilities among others.

CHAPTER THREE

EXTENT TO WHICH IGAD LED MEDIATION ASSISTS PARTIES INVOLVED IN WAR IN SOUTH SUDAN IDENTIFY WAYS OF MAXIMIZING CONFLICTS

3.0 Introduction

The history of conflict management by states is a long one with its roots being traced to the Westphalia treaty in which states developed the art of resolving their conflicts through political solutions. In this regard mediation being one of the methods of peaceful pacification of conflicts it implies that parties should be flexible to meet each other half way. It means ceding certain grounds while expecting the other party to reciprocate in equal measure. This the whole mark of Adam Curle's theory of mediation which emphasizes on the need for parties to establish linkages and lines of communication to enhance chances of reaching a peace deal through the services of a mediator. Thus the work of a mediator is to facilitate the talks and to offer a range of suggestions and alternatives aimed at breaking the deadlock.

States are motivated to engage in conflict management because of varied reasons. Generally states are motivated to involve themselves in conflict management purely on the basis of safeguarding their strategic national interests. This is an overriding reason. It is also worth noting that internal conflicts have the tendency of transcending national frontiers. They have the penchant of creating conflict systems that can destabilize a whole region. This is symptomatic of the DR Congo conflict which has always caused instability in the Great Lakes region. Therefore it is in the interest of neighbouring states to engage in conflict management in other states if such conflicts have the potential of assuming a regional dimension.

3.1 Ways of maximizing conflicts

According IGAD communiqué of the 32nd extra ordinary meeting, it was affirmed that HLRF was successfully conducted and that it was an inclusive process that enabled all parties to the Agreement on the Resolution of the conflict in the Republic of South Sudan (ARCSS), including the estranged groups and other South Sudanese stakeholder, Faith –Based Groups, Civil Society organizations, women and youth to participate in the process³⁸.

In a mediation process, it is advisable to include of a variety of stakeholders for its effectiveness. For instance the Bogota Accord, there was relevance is the development of Guarantees and Promotion of Citizen Participation and for Mobilization and Social Protest, the implementation of the National Council for Reconciliation and Coexistence, as well as measures to ensure the effective participation of women, ethnic communities and the population in the areas most affected by the conflict, including victims³⁹.

For South Sudanese stakeholders in “IGAD Plus” discussions and several other initiatives were from variety of backgrounds, affiliations and settings. The field data here indicated that all parties were involved in the mediation but they noted that, most of the time, there interests were not taken into perspective. This is a major challenge to the mediators as they move on and it could or may jeopardize the negotiation process. The peace processes under the expanded “IGAD Plus” – an organization that includes the IGAD member states as well as major international partners including the United States, UK, Norway, AU, EU, UN, and China – should include a wide range of South Sudanese stakeholders such as churches, mosques, women, youth, civil society, opposition political parties, and semi-autonomous armed groups. This inclusion would

³⁸ *ibid*

³⁹ Kroc Institute for International Peace Studies Report, released Thursday (Aug. 9, 2018): Report. Report on the status of implementation of the Colombia final Accord. kroc.nd.edu/bogota. University Of Notre Dame

help to create a common understanding and sense of ownership among all South Sudanese stakeholders⁴⁰.

3.2 Impact

Uganda, Sudan, and Kenya should realize that if South Sudan's security and economic situation continues to deteriorate due to war, massive military spending, and falling oil prices and production, as neighboring countries, their economic well-being will also be negatively affected. It is, therefore, in their best security and economic interests to work for the restoration of peace and security in South Sudan. Ethiopia must take a more assertive role in working with South Sudan to resolve the conflict.

Kenya's strategic location linking East Africa to the Horn Africa was critical in accepting her as a lead mediator. Compared to other interested regional actors such as Egypt, South Africa, Libya and Nigeria; Kenya had a strategic advantage. The proximity of Kenya as a neighbouring state to Sudan to some extent influenced the decision of the parties to accept the lead role that Kenya was assigned to by IGAD. This proximity can also be seen in terms of cultural and historical linkages particularly with the people of South Sudan. Indeed Kenya's close proximity to Sudan made it easy for her to coordinate and mobilize resources required to facilitate the peace process⁴¹.

As the IGAD chair and a host nation of the peace talks, Ethiopia should understand and tread carefully in diplomatic engagements with the warring parties and among regional rivalries. In recent years, Ethiopia has had good diplomatic relations with both Sudan and Uganda; Sudan, for instance, will be a major beneficiary of hydroelectric power produced by the Grand Ethiopian

⁴⁰Getachew Zeru Gebrekidan, 'Tackling the South Sudan Conflict within a Complicated Regional Security Complex', Southern Voices Network Scholar, September 2015

⁴¹Ambassador Mativo, E Director, KESSULO.

Renaissance Dam (GERD). Ethiopia should leverage these good economic and diplomatic relations with Sudan and Uganda to contain or even prevent their further interference in the peace process.

For the United States and China China and the United States need to increase their engagement within “IGAD Plus”: Given their regional influence and close ties with the regional powers, active engagement by both China and the United States is critical to resolving the protracted conflict in South Sudan. The United States in particular must be fully and actively involved in the IGAD Plus discussion and use its influence to advocate for swift and decisive action to end the ongoing violence and to attain an inclusive negotiated agreement. President Obama took a step in the right direction with this during his visit to Ethiopia in July when he noted in regards to the then situation in South Sudan, “if we don’t see a breakthrough by August we’re going to have to consider what other tools we have to apply greater pressure⁴²”

Mediation in conflict particularly protracted armed conflict is a risky and expensive affair. Therefore parties willing to intervene have to assess their chances of success and failure and calculate on what is right and wrong in addition to the costs which will be incurred before the whole process is achieved. This study found that, the IGAD led mediation in South Sudan has been quite along and costly process because of the parties involved and the delay by different parties to meet the set targets. For example, one participant had this to “say, “IGAD led mediation has all along failed to address the issues that the local parties raised”

⁴² Laing, Aislinn, “Barack Obama threatens economic sanctions if South Sudan civil war deal not reached”, The Telegraph, July 27, 2015 <http://www.telegraph.co.uk/news/worldnews/barackobama/11765888/Barack-Obama-threatens-economic-sanctions-if-South-Sudan-civil-war-deal-not-reached.html>

In another study Mwangiri noted, that a complex conflict is one in which there are more than two parties in the conflict and hence a multiplicity of interests and values. It therefore follows that a third party to the conflict must assess and understand values and interests underlying such conflict in order to successfully mediate their peaceful end. Regarding third parties who try to manage the conflict, Mwangiri observes that such parties also have their own interests which they bring to the conflict⁴³. Mwangiri's observation is a clear testimony that third parties have their interests and values which they bring to the conflict and mediating table and which they need to be addressed.

The role of the international community is also important in a mediation and negotiation process. For instance during the IGAD Communique 56th Extra ordinary session, apart from the IGAD council ministers, the session was also attended by representatives from Traika-H.E Robert Godec, the US Ambassador to Kenya ,British high commission, Norwegian Charge d' Affaires, head of EU among others key persons⁴⁴. The demands which the joint team underlined here some were met within the shortest time possible which is an indication that the mediation process still needs a lot of powers and the role of the international community is still very important which was echoed even among the research participants who appreciated the role of various stakeholders in bringing peace to South Sudan.

3.3 Challenges in Maximizing conflicts

There is need to develop a peace agreement that addresses underlying root causes and provides for longterm political solutions and benefits

⁴³Mwangiri, M, Conflict in Africa, Theory, Processes and Institutions of Management, Institute of Diplomacy and International Studies University of Nairobi and Centre for Conflict Research, Nairobi, 2006, P. 49.

⁴⁴Communique of the 56th Extra Ordinary session of the IGAD .Council of Ministers on the Situation in South Sudan,Nairobi,Kenya,11th July 2016

Negotiations and mediations focusing on power sharing are insufficient and signing of many memorandums unless complemented by strategies that can help transform governance structures at local and national levels like in South Sudan.

Then IGAD Plus and the warring parties need to think beyond short-term political fixes to find approaches and strategies that deal with the intrinsic nature of South Sudanese structural conflicts and their historical roots of long standing conflicts. In other words, there need to be fundamental reforms in the economic, security, public service, judicial, and political sectors and more crucial the governance structure.

The need to enhance communication and cooperation among the IGAD Plus members was noticed as a major factor which needed to be addressed. This is critical in order to take swift and decisive action to end the ongoing violence and to enforce the negotiated agreement. IGAD mediation team should take a more visible lead in coordinating international partners, especially during the execution phase of the peace agreement.

The other challenge is the violators of the IGAD peace process. There is need to hold the violators of the peace process accountable to their actions. Collective action by IGAD and international partners should be taken against any party responsible for violations of the cessation of hostilities agreement. Rebels should be apprehended and brought on board shouldso that they don't slow the process.

Violence should be minimized as this was one of the major challenges that the mediation team is facing. IGAD and other international partners should enhance and ensure proper channels of establishing inclusive mechanisms and frameworks for the verification and monitoring of violation of the agreed Accord.

Suggestions were also muted that some neighboring countries like Sudan and Uganda are derailing the peace process hence the need to exclude them but this is subject to further deliberations. The role of Uganda and Sudan should be clearly defined.

3.4 Summary of the findings

According IGAD communiqué of the 32nd extra ordinary meeting, it was affirmed that HLRF was successfully conducted and that it was an inclusive process that enabled all parties to the Agreement on the Resolution of the conflict in the Republic of South Sudan (ARCSS), including the estranged groups and other South Sudanese stakeholder, Faith –Based Groups, Civil Society organizations, women and youth to participate in the process

This study found that, the IGAD led mediation in South Sudan has been quite long and costly process because of the parties involved and the delay by different parties to meet the set targets. For example, one participant had this to say, “IGAD led mediation has all along failed to address the issues that the local parties raised”

There is need to hold the violators of the peace process accountable to their actions. Collective action by IGAD and international partners should be taken against any party responsible for violations of the cessation of hostilities agreement. Rebels should be apprehended and brought on board so that they don't slow the process.

CHAPTER FOUR

IGAD LED MEDIATION AND THE ENGAGEMENT OF DIFFERENT PARTIES IN THE PEACE PROCESS IN SOUTH SUDAN

4.1 Introduction

This chapter investigates the process IGAD led mediation and the engagement of different parties in the peace process in South Sudan. The study looks at the trajectory path of the IGAD mediation, the role of the various partners of underlying reasons that motivate states to engage in management of internal conflict in other states. Various factors that motivate states to engage in managing internal conflicts of other states have been discussed. The critical issue that emerges from the arguments advanced in this chapter is that states get interested in managing internal conflicts in other states due to their strategic interests. The study establishes that every third party that enters into a conflict brings along its own interests which it seeks to protect in this regard. Among the factors that have been discussed include vested interests, spillover effects of the conflict, preservation of regional security, prestige, quest for hegemony and humanitarian reasons among others.

These factors are generally generic hence they offer an explanation as to why states may choose to intervene in conflict situations as mediators. The aim of this chapter is to help in exploring general factors that motivate states to mediate in internal conflicts of other states. Every conflict is fraught with interests from pa

4.2 IGADs engagement

The conflict in the Sudan is concerned one of the most fierce and unending conflict in this 21st century. It could also be regarded as one of Africa's longest and complicated conflicts. It traces

its history back to the constant tensions that existed between the northern and southern constituencies of Sudan following independence in 1956⁴⁵. These tensions led to a peace agreement being signed in 1972 between the south and north in Addis Ababa, Ethiopia. This is comparable to many agreements which have been signed during the IGAD led mediation which are still not fully implemented despite various treaties. While the principles enshrined in the Addis Ababa Agreement included ensuring a degree of devolution of authority to the south and the religious primacy of sharia, this did not materialize as Sudan rescinded on its commitments. This can also be noted during the IGAD Council of Ministers meeting in Nouakchott, Mauritania in which the meeting noted that there was no much progress to the ceasefire but the council appealed to the African Union Ad-Hoc Committee for South Sudan, to continue supporting the regions effort to bring pace and implementation of its outcome⁴⁶.

Thereafter, this pattern defined the relationship between the north and south and remained the most contentious issue through subsequent negotiations. In 1983, after more than a decade of tensions, the Sudanese Peoples Liberation Movement and Army (SPLM/A) emerged. The southern constituency, led by Dr. John Garang until his death in 2006, fought for democracy and a nonsectarian national unity government comprised of democratic parties, unions, and nonsectarian mass organizations. Getachew notes that, since the beginning of the conflict, IGAD has sought to mediate between the warring parties and the group played an important role in the August 2015 peace agreement⁴⁷. According to the Communiqué of the 32nd Extra ordinary summit .IGAD council of ministers was mandated with the task of convening a High Level

⁴⁵Tim Muriithi , “Inter-governmental Authority on Development on the Ground: Comparing Interventions in Sudan and Somalia”, ISSN: 1939-2206 , 1939-2214 (Online) Journal homepage: <http://www.tandfonline.com/loi/uafs20> .Accessed 21/03/2018

⁴⁶ IGAD Press Release ,30th June 2018, Nouakchott, Mauritania

⁴⁷Getachew Zeru Gebrekidan ,Tackling the South Sudan Conflict within a Complicated Regional Security Complex, Southern Voices Network Scholar, September 2015

Revitalization Forum (HLRF) of the parties to the ARCSS including estranged groups to discuss concrete measures, to restore permanent ceasefire ,to full implementation of Peace Agreement and to develop a revised and realistic timeline and implementation schedule towards democratic election at the end of transition period⁴⁸.

It is noted that most IGAD faced challenges in the South Sudan Peace process However, because of a lack of commitment on the part of the combatants and clashing and incompatible regional interests on the part of IGAD members, IGAD has had difficulty negotiating and enforcing a substantive peace agreement. In the past, IGAD-led peace processes have collapsed over disagreements about power sharing, security arrangements, and a federal system of government. “IGAD Plus,” along with international partners including the Troika (the United States, United Kingdom, and Norway), African Union (AU), United Nations (UN,) European Union (EU), and China were able to force the warring parties to a peace agreement with the threat of United States and UN sanctions, but a sustainable solution will remain out of reach if the underlying factors are not addressed.

4.3 Different parties’ perspective

Murithii (IGAD’s mandate gradually expanded to address political, peace, and security issues. Article 7(g) of IGAD’s treaty notes that a key objective of the organization is to promote regional peace primarily through political dialogue.A conference was convened in Khartoum October 1–3 2005 to launch an IGAD Strategy on Peace and Security. Acceptable document drawn from that conference meeting stated that “the IGAD Strategy on Peace and Security is based on the primary responsibility of governments to provide peace and security for their citizens.” The key objectives of this strategy include the “facilitation of the development of appropriate national-level mechanisms to promotenational peace and security” as well as to

⁴⁸Communique of the 32nd Extra –Ordinary summit of IGAD Assembly of Heads of State and Government on South Sudan.21st June, Addis Ababa, Ethiopia

review the “structures and mechanisms for conflict early warning, management and resolution within the region and across its boundaries.” Hence, there is very least opportunity commitment for IGAD to intervene in its member states and promotes peace

Various researches in their research work on the impact of the civil war in Sudan argue that this civilwar, and the related famines and diseases have consumed million lives, displaced several million women, men, children and animals. The impact is also felt on the disposed war zones in relation to their health, educational, and other social services among others⁴⁹. The field data for this study noted this scenario is quite right as where majority of the population especially women, children and the aged are so much affected by the war. They either die of hunger, die during migrations, or die of lack of better settlement and basic necessities in the busses where they have migrated to they move on to other places and become refugees with no proper care. The war from the field data, it was noted has led to crimes like rape, touchier and other evils which in real sense could be considered as cries against humanity which the perpetrators should face criminal charges in criminal courts like the Haque among other regional ones.

Sudan is noted to be its own enemy in mastering its own destiny and massive destruction of its resources. During the field data, majority of the respondents noted that, South Sudan mastered its own self-destruction of property and what belongs to them this assertion fits in well with the account given by Zolberg in which he gives a vivid account of the ferocity of the civil war in Sudan. Explaining the tactics that the combatants used in an all-out war, he states that the war expanded with both sides resorting to a scorched earth policy and using food as a weapon. Traditional ethnic tensions escalated into bloody wars as government resumed the practice by Nimeiri during the first civil wars of equipping Maralheen raiders ...who rode into villages on camels,... armed with rifles, submachine guns and mortars...flaring up into bloody clashes that engulfed camps as well. Half of the population of the eastern part of Bahr-el-Ghazal, more than 60,000 refugees, was uprooted by fighting, their cattle decimated and their granaries banned to the ground⁵⁰. Such was the impact of the Sudan civil war to the civilian population which eventually contributed to huge population movements in the Horn of Africa and beyond. Another

⁴⁹Adan, H, *Civil War and Failed Peace Efforts in Sudan*, in *Civil Wars in Africa, Roots and Resolutions* (Ali, T and Mathews, R, eds) ,(McGill-Queen’s University Press), Montreal, 1999, P. 195

⁵⁰Zolberg et al, *Escape from Violence: Conflict and the Refugee Crisis in the Developing*, (World, Oxford University Press), 1989, USA, P. 55.

researcher, Bariagaber notes that population migration is one of the most serious threat to peace, security and the sovereignty of nations in post-cold war era. He submits that a particularly volatile can bring a whole country down⁵¹. The field data for this study also realized this scenario when they stated that the population in most states in South Sudan has gone down because of constant wars aggravated by various parties.

4.4 Challenges of the mediation process

Advancements and Obstacles in the Medium Term

A total of 118 themes have been identified that require high levels of implementation in the medium term. As of August 31, 21 stipulations (18%) have already been fully implemented, another 2 (2%) are on track to being fully implemented; 21 (18%) have minimum implementation; and 74 (63%) have not begun implementation (Figure 3). The level of effective implementation is still low. Further progress is needed in some fundamental areas for this stage of implementation.

The first area needing progress is the political, social, and economic reincorporation of ex-combatants. It is necessary to give immediate programmatic responses to the entire population that is in the process of reincorporation, accelerating strategic and programmatic measures such as the creation of a comprehensive Reincorporation Program and the deployment of the Technical Unit for Reincorporation—a sub-unit of the National Reincorporation Agency charged with coordinating the reincorporation of the FARC. It is also important to facilitate the creation and assure the sustainability of ECOMUN—the FARC economic cooperative which will supervise livelihood projects for the FARC and collective reincorporation projects. Finally it is important to assure the regular functioning of the Regional Reincorporation Councils which will

⁵¹ Bariagaber, A, *Conflict and the Refugee Experience: Flight Exile and Repatriation in the Horn of Africa*, (Ashagate Publishing Group), GBR, 2006, P. 3.

provide local inputs on reincorporation. Beyond the political debate about whether the reincorporation model is individual or collective or hybrid, it is indispensable to have different types of responses that meet the specific needs of the various groups that make up the whole population that participates in this process.

4.5 Summary of the Findings

The study found that IGAD led mediation has brought different countries, personalities and parties to the negotiation table with some measurable degree of success but more need to be done.

The study also noted that, the parties involved in the mediation normally do it in voluntary basis and are not coerced to do so.

It is normally expensive to bring all parties on board during negotiation hence the need for international community and other bodies to understand the process and support its course.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

Overview

It is noted by scholars that, in 2013, some fragile states gained the position of being among the fastest growing economies in Africa though with challenges. This is in line with concept of “the catch-up effect” and post conflict rebound they are experiencing. Given that fragile states during periods of conflict lost ground in terms of economic growth, in some countries like Liberia. GDP dropped by as much as 90% in 20 years, with peace and stability; they are now on the growth rebound. The recent high growth rates provide an opportunity for fragile states to make growth inclusive. Despite war and conflicts, countries can still come up and develop socially, economically and politically with support from partners and other reliable stakeholders.

This chapter summarizes the findings and the conclusions and ends with recommendations for policy and future research.

5.1 summaries of the findings

States are motivated to engage in conflict management because of varied reasons. Generally states are motivated to involve themselves in conflict management purely on the basis of safeguarding their strategic national interests.

Uganda, Sudan, and Kenya should realize that if South Sudan's security and economic situation continues to deteriorate due to war, massive military spending, and falling oil prices and production, as neighboring countries, their economic well-being will also be negatively affected.

It is, therefore, in their best security and economic interests to work for the restoration of peace and security in South Sudan. Ethiopia must take a more assertive role in working with South Sudan to resolve the conflict.

The study found that IGAD led mediation has brought different countries, personalities and parties to the negotiation table with some measurable degree of success but more need to be done.

5.2 Conclusions

In the analysis, there is significant progress which has been made in terms of IGAD led mediation process in South Sudan. The achievements are in terms of stakeholder's engagement, which was very conspicuous through the mediation stages, local community participation as most of the time the locals were involved in the meeting, IGAD's resilience in ensuring peace and tranquility prevails in South Sudan. There were quite a number of short term achievements which IGAD realized in South Sudan like bringing the president H.E Salva Kiir and Dr. Riek Machar to a negotiation table. Short term achievements were also realized in bringing peace to some states and stopping the destruction of property. These achievements laid the foundation to several short-term achievements, which led to the subsequent development of medium and long-term implementation objectives. The cessation of violence and the laying down of arms was also achieved and the many deaths were stopped.

The foundation for the IGAD mediation process is been built to some degree, such as the active functioning of the implementation and verification mechanisms, and several of the normative and institutional bases required for full implementation. This can be achieved through commitment of all the parties involved in negotiation and in war.

These conclusions arise from the field data, literature review and various accords and communication which has taken place through the IGAD led mediation. Some of the recommendations have been implemented while the majority has not been adhered to but there are aother deliberations going on to end war and conflict in South Sudan.

The research used various frameworks to come to a conclusion of this study. The report assesses the pace of the implementation process of the IGAD led mediation and the various parties involved. Various IGAD led Mediation documents were analyzed and accessed on any issues which could derail the process and on the way forward. The study also compared the IGAD led mediation process with others like Bogota and many more. This comparison shows that the IGAD led mediation is on course as far as the peace process in South Sudan is concerned.

The mediation process noted that there are careas of short-term achievement that require more effective implementation with urgency: security guarantees and priorities for regulatory, legislative and administrative implementation of the agreement..

The study also noted that it is necessary to process the pending issues in the agreement like the issue of governance and security which had not been achieved much.

Recommendations

Globally, implementation processes are very fragile. Failure to address these issues can lead to blockages or to a loss of mutual trust between the parties and Colombian society in general, leading to a collapse of peace. There are strong foundations being built, but they must be solidified with further implementation. It is important to take note of the warning signs and focus

on the implementation of the stipulations that point to medium and long-term achievements to strengthen the processes of a more in-depth transformation that allows a sustainable and quality peace for Colombia.

The study recommends more in-depth study on the peace process in South Sudan and the role of other stakeholders and other researches which can ensure peace is achieved in all deserving situations.

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