



# **UNIVERSITY OF NAIROBI**

## **INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

### **A CRITICAL ANALYSIS OF THE IGAD MEDIATION IN SOUTH SUDAN AND THE AUGUST 2015 AGREEMENT ON THE RESOLUTION OF CONFLICT IN SOUTH SUDAN (ARCISS)**

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**DECLARATION**

This Research Project is my original work and that it has not been submitted for marking, nor is it currently being submitted in any University

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This Research Project has been submitted for examination with my approval as supervisor.

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## **DEDICATION**

This Research project is dedicated to my mother Mrs. Theresa Nerew Chang for her love and kindness and who inculcated in me a sense of humility, respect, truthfulness and kindness to others. I wish she lived to witness the achievement of this work. To my daughter Nyachang James from whom we have had to be a part from each other throughout this research process. God bless you and may you grow up to be a great person.

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May the Good Lord Blesses you

Love you all. James Chak

## LIST OF ACRONYMS

ACC	Anti-Corruption Commission
AJMCC	Area Joint Military Ceasefire Committee
AL	Arab League
ARCISS	Agreement on the Resolution of the Conflict in the Republic of South Sudan
AU	African Union
AUPSC	African Union Peace and Security Council
AU COI	African Union Commission Of Inquiry
AUHLAHC	African Union High-Level Ad hoc Committee
AUSF	Amalgamated Units of the Security Forces of South Sudan
BEFMA	Board of Economic and Financial Management Authority
BSRF	Board of Special Reconstruction Fund
CoH	Cessation of Hostilities
CoHA	Cessation of Hostilities Agreement
CSO	Civil Society Organizations
CTRH	Commission Truth, Reconciliation and Healing
CTSMM	Ceasefire Transitional Security Arrangements Monitoring Mechanism
CPA	Comprehensive Peace Agreement
ECOWAS	Economic Community of West African States
EU	European Union
FDs	Former Detainees
GID	Geneva International Discussion
HCSS	Hybrid Court of South Sudan
IDPs	Internal Displaced Persons
IGAD	Intergovernmental Authority on Development
IPF	IGAD Partners Forum
JEM	Justice and Equality Movement
JMEC	Joint Monitoring and Evaluation Commission
JTC	Joint Technical Committee
JMCC	Joint Military Ceasefire Commission
JMCT	Joint Military Ceasefire Team

LAS	League of Arab States
MVTs	Monitoring and Verification Teams
MSU	Mediation Support Team
MAPP	Myanmar Aceh Peace Process
NEC	National Elections Commission
NCAC	National Constitutional Amendment Committee
NDC	National Defense Council
OAS	Organization of American States
OIC	Organization of Islamic Cooperation
OSCE	Organization of Security and Cooperation in Europe
PCA	Permanent Ceasefire Arrangements
PBD	Pristina-Belgrade Dialogue
SDSR	Strategic Defense and Security Review
SSOA	South Sudanese Opposition Alliance
SSCW	South Sudanese Civil War
SPLM/A	Sudan People’s Liberation Movement/Army
SPLM/A-IO	SPLM/A-In-Opposition
TGoNU	Transitional Government of National Unity
TCRSS	Transitional Constitution of Republic of South Sudan
TNLA	Transitional National Legislative Assembly
UNMISS	United Nations Mission In South Sudan
UN	United Nations
UNSC	United Nations Security Council
WWII	World War Two

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## ABSTRACT

This study is a critical analysis of the (IGAD) mediation in South Sudan and the August 2015 (ARCISS). Basically the study is a critique of the IGAD mediation process, as it has been globally applauded for its successful efforts in mediating several peace deals amongst its member states that have been in conflicts. The study examined the flaws and opportunities of the ARCISS and assesses the challenges facing its effective implementation. Moreover, the study adopted two hypotheses, namely that the IGAD has played a key role in mediating the ARCISS through its persistence (several trials) to see an end to the bloody war in South Sudan, and secondly through threats of sanctions from the UN, AU and Troika, the Government of South Sudan was forced to sign the ARCISS; with continued ceasefire violations have undermined the effective implementation of the ARCISS. The study is organized into five chapters, which largely depended on primary data collected through structured interview questionnaires guide, backed up by secondary data in forms of articles, journals and the agreement itself, thematically analyzed using content analysis. The study uses the concept of facilitation mediation as a means of conflict management and presented a graphical conceptual model to depict the dynamics of regional mediation process.

The study found out that IGAD mediation in South Sudanese conflict was undermined by divergent interests and entrenched divisions within IGAD member states. As a result, the root causes of the conflict were not fully addressed and therefore, the conflict escalated. The challenges facing effective implementation of the ARCISS were found to related to power wrangling, which resulted from the power sharing arrangements, divided international community, divided regional community, lack of political will from the parties, failure to demilitarize the national capital juba and other major cities, poor supervisory role of JMEC and IGAD, two armies within one country, competing states interests such as Uganda, Kenya, Ethiopia and Sudan, non-adherence to cease fire agreement and the creation of 32 states by Kiir, which escalated the violence.

The study recommends that IGAD must adopt a robust model of peace negotiation, be neutral and reliable peace mediation, in order to succeed in the mediation process. IGAD must also barred those mediators found accepting bribes from disputant parties, make them known publically and shame them. IGAD should revive the idea of having a regional army, equips and empower like NATO to protect civilians, preserve peace throughout the region, and capable to enforce peace implementation. IGAD must also have a proper, powerful monitoring and evaluation body to oversee the implementation of peace deal. For sustainable peace, there is a need for institutional and security sector reforms in South Sudan. Also South Sudan needs to form a unified and inclusive national army, delineated from politics of tribalism and ethnicity. The proposed special hybrid court should be established and equipped with competent judges of integrity to prosecute those found to have committed crimes and abuses against civilians. A Commission for Truth, Healing and Reconciliation must be reconstituted to reconcile the divided communities and heal the wounds of the past and that of the current war. Economic recovery, post-conflict development and infrastructure reconstruction should be regionally and internationally supported, among others.

## CHAPTER ONE

### INTRODUCTION AND BACKGROUND TO THE STUDY

#### Introduction

International organizations continue to play critical role in brokering and securing peace in war torn countries. This is informed by the fact that these organizations have mandates at global, continental and regional levels. As pointed out by Elgström, Bercovitch and Skau, international organizations have extensive mandates aimed at ending conflicts in their respective regions.<sup>1</sup> In Central America, for instance, the Organization of American States (OAS) negotiated peace agreements in El Salvador and Nicaragua. In West Africa, the Economic Community of West African States (ECOWAS) intervened in the civil wars in Liberia and Sierra Leone. The Arab League (AL), though unsuccessfully, has tried to mediate in the Iraq-Kuwait conflict. The European Union (EU) was also involved in numerous intervention activities, ranging from good offices to peacekeeping, in the former Yugoslavia.<sup>2</sup>

Although most of these regional initiatives often work in close cooperation with the United Nations, there are other times when such organizations work unilaterally.<sup>3</sup> Having mandates ranging from being mere observers to active participants, these organizations have often achieved major successes in mediating conflicts, but they also failed in some aspects. Their mediation is usually enhanced by the fact that these organizations tend to have geographical proximity and wider knowledge about the conflict, which gives them the capacity for effective mediation. Statistics show that since 1945 to 1995, regional organizations has been successful in resolving conflicts by 8.2% compared to the UN which has managed to succeed by less than 3.1%.

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<sup>1</sup>Elgström, O., Bercovitch, J., & Skau, C. (2003). *"Regional Organizations and International Mediation," African Centre for the Constructive Resolution of Disputes (ACCORD)*. Umhlanga Rocks:

<sup>2</sup> Ibid

<sup>3</sup> Ibid

In another study, it was found out that creation of regional bodies has been effective in preventing and resolving conflicts.<sup>4</sup> Following this, several bodies for instance the European External Action Service (EEAS) was formed in 2011 with a purpose of developing modern infrastructures which to respond rapidly to conflict situations. In this regard, the EU has supportively being involved in peace making and mediation process in several countries, which includes; Mali, Syria, Yemen, South Sudan among others.<sup>5</sup>

In the same light, the LAS has been particularly engaged in finding solutions to the Arab-Israeli conflict and it has been in forefront of international mediation efforts in Syria, despite the futile results since 2011. The Organization of Islamic Cooperation (OIC) has also been at the forefront by offering support on conflict resolution strategies and management. For instance, it has been engaged in conflict resolution in countries such as Central Asia and Eastern Europe. In this context, it is evident that Regional Economic Communities (RECs) play pivotal roles in facilitating peace all over the world. Such regional communities undertake numerous mediation efforts as well as overseeing the implementation of peace accords. In this regard, numerous studies on mediation have been carried out, underpinning the role played by RECS in mediation efforts and challenges in implementing outcomes arise from those processes. Most of these studies have explained what mediation is and the ways in which it manifests.

Mediation is a process that involves a third party to mediate and resolves a conflict.<sup>6</sup> Its main aim is to solely resolve a conflict by engaging both parties through

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<sup>4</sup> Ibid

<sup>5</sup> League of Arab States. (2014). *Regional Organizations in Conflict Mediation: Lessons of Experience & Cooperation with the United Nations*, Report of the Third and Fourth Meetings of Regional, Sub-regional and other International Organizations on Preventive Diplomacy and Mediation Cairo. Vienna Austria: Organization for Security and Co-operation in Europe (OSCE)

<sup>6</sup> Amy, D. (1987). *The Politics of Environmental Mediation*. New York: Cambridge University

a dialogue and to reach an agreement that will eventually resolve the conflict.<sup>7</sup> Amy further stated that a mediator is a third party, who assists warring parties to negotiate a compromise. Furthermore, mediators use various techniques to initiate, and promote dialogue between disputant parties, with the aim of helping the parties to reach a compromise. Similarly, the International Mediation Institute summarized that mediation is one of many approaches in resolving conflicts and to ensure success in mediation, the parties shall be ready and willing to participate; have legal representation; and are of legal age and are legally competent to make decisions.<sup>8</sup> The Institute further stated that the different ways that mediation manifests are conciliation, counseling, arbitration, litigation and shuttle diplomacy.<sup>9</sup> Mediation is therefore applicable to this study as it was the process that was applied to both warring parties to bring peace and end the bloody civil war. This was done by initiating a peace dialogue between the warring leaders or parties to find a long lasting agreement to resolve a conflict.

South Sudan was born as a result of protracted civil wars waged for decades by its combined 64 tribes against successive regimes in Khartoum. The independence on 9<sup>th</sup> July 2011 was a result of Comprehensive Peace Agreement (CPA), which was signed in Nairobi, Kenya, between the government of Khartoum and Sudan People's Liberation Movement/Army (SPLM/A) in the South. Despite the actual political independence, the much needed democratization process, higher expectations for peace dividends and social transformation have not been clearly achieved. This situation has been aggravated by the outbreak of a civil war in December 2013. Since then, numerous efforts have been made to secure peace in the country, but failed.

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<sup>7</sup> Ibid.

<sup>8</sup> The International Mediation Institute, (2016, April, 17) "International Mediation Institute Decision Tree. Retrieved, from <https://www./imimmediation.org/decision-tree>

<sup>9</sup> Ibid.

This study assesses the efforts made by the Intergovernmental Authority on Development (IGAD) in securing the August 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCISS). Therefore, the study aims at a critical analysis of 2013-2015 IGAD mediation process that led into signing of the ARCISS.

### **1.1 Statement of the Problem**

The process of mediation as a means of resolving conflict has been there for ages. Mediation has been an appropriate process, which offers the warring parties a platform to dialogue and negotiation in order to reach a consensus. Therefore, mediation is a party-centered process that focused primarily on the needs and interests of the parties. The mediator can adopt various strategies and mechanisms to guide and facilitate the whole process and assist the warring parties in finding a long term solution. All parties involved in mediation process may be directed to actively participate through constructive inputs.

When violence conflict broke out on December 15, 2013 in South Sudan, IGAD immediately intervened by playing a pivotal role in mediation process, which culminated in the signing of the 2015 ARCISS; but the signing of this agreement has not stopped conflict and ended the war in the country. Since then, many observers criticize the ways IGAD handled the South Sudanese mediation process and the ways it monitored the implementation of the agreement. In this study, it is evident that in spite of the numerous studies undertaken on the role played by RECS in mediation efforts, the focus has been an attempt to critically analyze the 2013-2015 IGAD mediation in South Sudan and critical assessment on the implementation of the 2015 ARCISS, as absence of studies such as this one denies scholars and policy makers valuable information on how best to handle conflict in developing countries and how

to enforce the implementation of any peace accords achieved thereafter. Therefore, this shows the clear existence of a problem that need to be critically analyze and this is the subject matter of this study.

## **1.2 Objectives**

The overarching objective of the study is to critically analyze the 2013-2015 IGAD mediation process as well as the implementation of the August 2015 ARCISS.

More specifically, the study has;

1. Critically analyzed the role of IGAD in mediating the South Sudan conflict between 2013- 2015.
2. Critically examined the August 2015 ARCISS agreement, its flaws and opportunities.
3. Thoroughly assessed the challenges hindering effective implementation of ARCISS and has recommended possible way forward for South Sudan.

## **1.3 Research Questions**

1. What are the strengths and weaknesses of the 2013-2015 IGAD mediation process in South Sudan?
2. What are the flaws and opportunities contained in the August 2015 ARCISS peace agreement?
3. What are the challenges hindering the effective implementation of the 2015 ARCISS peace agreement and the possible way forward for South Sudan?

## **1.4 Hypotheses**

1.4.1 IGAD played a key role in mediating the ARCISS through its persistence (several trials) to see an end to the violent conflict in South Sudan.

1.4.2 Non adherence to the agreement provisions and continuous Ceasefire violations has hindered the effective implementation of the ARCISS.



## **1.5 Study Justification and Significance**

### **Academic Justification**

To the field of Academia, this study will add knowledge and contribute to the debates on role of RECs in mediating conflicts in developing countries. This is done by filling the gaps in other studies on the roles of IGAD and other actors in mediating the ARCISS. This is also done by pointing out the challenges facing effective implementation of the ARCISS. This study may help other scholars and students of different fields who may want to expound and access more information about IGAD role in mediating ARCISS. Furthermore, this study may also influence baseline surveys before conflict management projects are undertaken.

### **Policy Justification**

Policy wise, the study has make recommendations on countering the challenges facing the ARCISS' implementation and in mediating the end of conflict. These recommendations would be available to relevant government institutions in South Sudan, especially the Transitional Government of National Unity (TGoNU); and the Join Monitoring and Evaluation Commission (JMEC), which has the mandate of monitoring ARCISS' implementation. These recommendations may also assist actors involved in making sure that the ARCISS is thoroughly implemented in letter and spirit, so as to ensure a lasting peace in South Sudan.

Furthermore, the study is also pivotal for other RECs in Africa as well as in other parts of the world. The gaps that have been identified in the implementation of peace accords as well as the recommendations that have been made could assist other nations struggling with the enforcement of peace agreement to save such accords. Also, non-governmental organizations could also use these recommendations on how to best offer financial and material support to nations implementing peace agreements.

## **1.6 Literature Review**

This section reviews the discourse on peacemaking in mediation, the roles of regional institutions in mediation, and the role of IGAD in mediating conflicts in the Horn of Africa as well as overseeing the implementation of peace agreements. This study has identified existing gaps and provides the summary.

### **1.6.1 The Performance of Regional Economic Organizations in Mediation**

#### **Processes**

Elgström, Bercovitch and Skau have one of the comprehensive studies on the estimation of the effectiveness of regional institutions in resolving inter and intra-state conflicts.<sup>10</sup> In one of their studies, they argued that regional organizations have distinctive and certain properties, which make them principally effective mediators unlike international organizations.<sup>11</sup> Part of this, according to them is that they are ‘insiders’, closely linked to the conflict at hand, with an extensive knowledge about local situations, and a stake in the outcome.<sup>12</sup> They stated that in Central America, for instance, the OAS negotiated peace agreements in El Salvador and Nicaragua. In West Africa, the ECOWAS mediated the end of civil wars in Liberia and Sierra Leone. The AL, though unsuccessfully, attempted to mediate in the Iraq-Kuwait conflict in 1990s. The EU also was deeply involved in numerous intervention activities, varying from good offices to peacekeeping in the former Yugoslavia.<sup>13</sup> However, the implementation part of any accord achieved through these mediation processes always become a daunting task for these regional organizations.

Analysts observed that at times, most of peace resolution and management activities conducted in the conflict ridden countries by the regional organizations were

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<sup>10</sup> Ole, E., Jacob, B., & Carl, S. (2003). " Op Cit

<sup>11</sup> Ibid

<sup>12</sup> Ibid

<sup>13</sup> Ole, E., Jacob, B., & Carl, S. (2003). " Op Cit

supported by the UN. However, some of these peace processes have failed and regional mediation proved to be futile in most of the third world countries, due to a diminishing desire by the developed countries to get involved physically and monetarily in far-away conflicts.<sup>14</sup>

To prove their argument on the regional mediation, scholars argued that, having more knowledge on the root causes of a conflict creates a favorable environment for regional mediation and negotiation to reach a consensus, unlike international institutions. This presented a glaring statistics outcome. The statistics showed that since the first part of 21th century, regional organizations for mediation achieved a meaningful settlement in many cases, which they were involved, in comparison with that of the UN. Regional organizations achieved greater success with their mediation.<sup>15</sup> Specifically, good results were seen in Europe, NA and WA. In study carried out by the Organization of Security and Cooperation in Europe (OSCE), it is affirmed that through the creation of the European External Action Service (EEAS), it has been possible for the regional body to apply mediation in a more effective way as an efficient and cost-effective instrument of preventing and resolving conflict in their respective region, because it has developed infrastructures that harness communication and functional institutions to the conflict zones.

In the same light, the (LAS) has been involved in peace making process for many years. For instance, it has involved in the Arab–Israeli conflict and that the organization is at the forefront of international mediation efforts in Syria in 2011. The (OIC) has also been offering a platform for political negotiations and decision-making

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<sup>14</sup> Ibid

<sup>15</sup> Ibid.

in all fields of conflict management and resolution. The OSCE has been directly involved in conflict resolution in Central Asia and Eastern Europe countries.<sup>16</sup>

The performance of RECs in the process of peacemaking and conflict management in Africa's main five regions has shown mixed results. These include the ECCAS, South Africa Development Coordination Conference (SADC), and the Arab Maghreb Union (AMU) and ECOWAS. The role of regional and sub-regional Organizations cannot be overstated in conflict resolution, especially in their sphere of influence. The AU and ECOWAS have played significant roles in places like Burundi, Darfur, Chad, Somalia, and Liberia. The regional and sub-regional organizations success in mediating conflicts can also be attributed to the support of the UN, US and EU as the case of AU-UN in Darfur. ECOWAS has made tremendous efforts in resolving conflict in Western African countries, for instance in Liberia. Although, some analysts argues that there is lack of coordination by global powers and RECS in conflict management.<sup>17</sup> All in all RECs play significant roles in brokering lasting peace in many countries. However, they also faced by daunting challenges of implementing those peace accords in letter and spirit.

### **1.6.2 Performance of IGAD in Mediation Processes**

Since the end of WWII, the IGAD region has been one of the most conflict ridden and unstable regions in the world. Inter and Intra-State conflicts have ranged from the Ethio-Somali War, Somali Civil War, Eritrean War of Independence, Djiboutian Civil War, and Djiboutian-Eritrean border conflict, Eritrean-Ethiopian border War, Uganda-Tanzania War, Ugandan Civil War, Sudanese Civil War and South Sudanese Civil War.<sup>18</sup> IGAD has been involved in finding solutions to some of these conflicts

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<sup>16</sup> Ibid.

<sup>17</sup> Mulugeta, K. (2009). *The Role of Regional and International Organizations in Resolving the Somalia Conflict*. Addis Ababa: Friedrich-Ebert-Stiftung

<sup>18</sup> Ibid

and have been measurably successful in finding some of the solutions. However, some of its failures cannot also be denied in these conflicts.

The Inter-governmental Authority on Drought and Development (IGADD) was renamed IGAD in 1996, with an additional mandate that include conflict resolution and mitigation, as well as conflict prevention. According to Memar study, before revitalization of its enhanced mediation mandate, IGAD attempted to mediate between the governments of Ethiopia and Somalia after the end of the 1977-78 border conflict. This was through initiating a peace dialogue between the two countries' leaders, Mengistu and Siad Barre. The peace dialogue led to an agreement in IGAD's first meeting in January 1986 in Djibouti. The leaders later consented and signed an agreement.<sup>19</sup> Some studies have examined the role of IGAD in peace mediation within its member states. In Sudan, the signing of the CPA marked the end of the second civil war between the North and the South, and was considered to be the greatest milestone that the IGAD has ever achieved since its establishment. The agreement was further referred to as a model for peace negotiation process that can be emulated or adopted somewhere else to negotiate peace and bring stability.

In a study by the Institute for Security Studies, on an analysis of IGAD's mediation efforts to see an end to the Second Sudanese civil War, it was found out that the IGAD Peace Initiative achieved what other efforts and processes have failed to do in the last twenty years, including the Abuja Initiative and Joint Libyan and Egyptian Initiative (JLEI).<sup>20</sup> As part of its mandate to prevent, mediate and resolve disputes amongst its member states, IGAD stepped into the Second Sudanese civil

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<sup>19</sup>Memar, D. (2014). *Conflict Resolution Responses of IGAD and AU to the Somalia Crises*, Addis Ababa. Addis Ababa Science Technology University.

<sup>20</sup> Ibid

War in the early 1990s through initiating the Peace Process.<sup>21</sup> The study revealed that one of the strengths of the IGAD Peace Initiative, was reliably identifying the root causes of the conflict and garnered international support especially from the US, to engage and encourage both the SPLM/A and GoS to make the needed concessions.<sup>22</sup>

The study also revealed that very instrumental to IGAD's success was the Declaration of Principles (DoP), which successfully captured the fundamental issues at the heart of the North-South conflict and assigning Kenya as a mediator.<sup>23</sup> In addition, the Machakos Protocol of 2002 was a critical tradeoff. The protocol further provided a framework for negotiation after some long period of disagreement.<sup>24</sup> In Somalia, a study by Memar, analyzed the efforts of IGAD in mediating peace in the Somali Civil War. IGAD has taken a role of brokering peace between the warring parties in Somalia, since the departure of (UNOSOM).<sup>25</sup> Both leaders have made a decision to sponsor EPRC in order to foster peace and establish their own national government.<sup>26</sup>

Furthermore, the EPA culminated in the signing of the "Declaration on Cessation of Hostilities and the Structure and Principle of the Somalia National Reconciliation Process" on 27 October 2002. Some analysts further reported that after two years of negotiations, the MPP, extension of the ERC, established the TFG as a legitimate government of the Somali people. In addition, the Eldoret and MPP of IGAD were unique because the organization pushed the issue of Somalia in the meetings of the

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<sup>21</sup>Institute for Security Studies. (2004, March). "The Sudan-IGAD Peace Process Signposts for the way forward," African Security Analysis Programme ISS, Occasional Paper 86. Available at <http://www.issafrica.org/pubs/papers/86/paper86.html>

<sup>22</sup> Ibid

<sup>23</sup> Memar, D. (2014). Op Cit. p. 21.

<sup>24</sup> Ibid

<sup>25</sup> Memar, D. (2014). Op Cit. p. 31.

<sup>26</sup> Ibid.

AU, the UN, and the UNSC than ever before. It also gained their support to establish IGASOM.<sup>27</sup> This study has assessed and establishes how IGAD has fared in 2013-2015 mediation processes in South Sudan, with a special focus on the 2015 ARCISS.

### **1.6.3 Influence of Mediation Process on the Implementation of the Peace Agreements**

Mediation processes play critical roles in ensuring that unbiased peace accords are attained. This enhances the propensity of such peace accords to be successfully implemented as pointed out by Wallensteen and Svensson.<sup>28</sup> By taking on the role of unbiased mediators, RECs ensure that all warring parties respect and amicably honor peace accords as argued by Kydd<sup>29</sup> and Savun.<sup>30</sup> When the role of RECs is clear and respected by both parties, the peace attained is likely to be enforceable. In some instances, if RECs undertake biased mediation, the result is different.<sup>31</sup> This could bring mixed results. In other instances, peace can be achieved when either the government or oppositions are favored by the mediators. In such situations, one of the groups may walk away from the negotiation table, leading to escalation of the conflict. In this case, military intervention by RECs can be the only option to force the warring parties to lay down their weapons and embrace peace as argued by Favretto (2009).<sup>32</sup>

More often than ever, there is scanty literature on the implementation of peace agreements mediated by IGAD region. While studies have assessed the relationship between mediation efforts and the likelihood of reaching a peace agreement, little has

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<sup>27</sup> Ibid.

<sup>28</sup> Peter, W., & Svensson, I. (2014). Talking Peace: International Mediation in Armed Conflicts. *Journal of Peace Research*, 51 (2), 315–27.

<sup>29</sup> Andrew, K (2003). Which Side Are You On? Bias, Credibility, and Mediation. *American Journal of Political Science*, 47 (4), 597-601

<sup>30</sup> Burcu, S. (2008). Information, Bias, and Mediation Success. *International Studies Quarterly*, 52 (1), 25–47.

<sup>31</sup> Ibid

<sup>32</sup> Katja, F. (2009). Should Peacemakers Take Sides? Major Power Mediation, Coercion, and Bias. *American Political Science Review*, 103 (02), 248–63.

been done to understand whether they are eventually implemented. This necessitates to undertake this study, which investigates the level to which the August 2015 ARCISS has been implemented. In 2003, Caroline Hartzell and Matthew Hoddie argued, using evidence obtained through quantitative analysis, that the inclusion of power sharing provisions within a peace agreement had a desirable and positive effect on the durability of peace accord.<sup>33</sup> In this study, the assessed level to which inclusion of power-sharing agreements fostered peace in South Sudan, has not been the case and vice versa.

RECs also play a key role in ensuring that mechanisms for reducing conflicts are put in place. These can go on to enhance the physical separation of fighting forces, often through the presence of peacekeepers. As a result, there is increased tendency to secure lasting peace, but with painful implementation successes. When RECs send in peacekeeping troops, there is increased likelihood to secure lasting peace as argued by Walter.<sup>34</sup> But this comes at a huge cost, whereby the IGAD region may not be able to do. However, RECS can build the capacity of the state to manage peaceful transition, which has been found to enhance peace agreement implementation as argued by DeRouen and others.<sup>35</sup> On another note, RECs play key roles in assesses and revising the changing roles of conflict drivers in conflicts. This goes on to ensure that the content of peace agreements and the conditions surrounding their implementation enhance lasting peace. However, lasting peace is only one aspect of peace agreement implementation and far less consideration has been given to the implementation of

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<sup>33</sup> Caroline, H & Hoddie, M (2003). Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management. *American Journal of Political Science*, 47 (2), 318-332

<sup>34</sup>Barbara, W (2002). *Committing to peace: The successful settlement of civil wars*. New Jersey: Princeton University Press

<sup>35</sup> Karl, D., Ferguson, M., Norton, S., Jenna Lea, YH, & Streat-Bartlett, A. (2010). "Civil War Peace Agreement Implementation and State Capacity. *Journal of Peace Research*, 47 (3), 333–46.



peace accords in their entirety.<sup>36</sup> As such it is vital to undertake studies such as this one which critically analyses the role played by IGAD in enhancing the implementation of the 2015 ARCISS so as to cast light on the role that RECS can play in ensuring the peace accords they broker are implemented successfully.<sup>37</sup>

#### **1.6.4 Challenges of Implementing Peace Agreements**

Implementing peace is not without challenges. Resistance to change and lacks of political will problems are usually part of the conflict and have to be addressed in the peace agreement. If this is not done, then the peace agreement is very likely to fail. Issues such as disarmament, demobilization, reintegration, elections, human rights, victims' compensations or refugee repatriation among others have the propensity to derail the whole peace agreement. In other cases, the implementation of the peace agreement could be bigger than the peace efforts undertaken. This can go on to make impossible to enforce the peace.<sup>38</sup>In some instances, there is lack of adequate resources to enhance the capacity of the warring parties to observe their obligations towards peace keeping. Mediators often lack enough follow-up mechanisms and the requisite resources to ensure that there is compliance to the peace agreement. In absence of confidence building for both parties and sequential facilitation of the details of the agreement, it is often possible to break peace accords.<sup>39</sup>

There is often failure of peace agreements to take cognizance of the need to ensure ownership of the peace agreement by the warring parties. If all warring parties are not well mapped out and included in an inclusive peace process, there is tendency

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<sup>36</sup> Ibid

<sup>37</sup>Isak, S. (2007). Bargaining, Bias and Peace Brokers: How Rebels Commit to Peace. *Journal of Peace Research*, 44 (2), 177–94.

<sup>38</sup> Steadman, S.J. (2001). *International Implementation of Peace Agreements in Civil Wars: Findings from a Study of Sixteen Cases*, in Crocker, C.A., Hamson, F.O., Aall, P., and Turbulent Peace: the challenges of managing international conflict. Washington DC: United States Institute for Peace

<sup>39</sup> Ibid

for the implementation of peace agreements to be very difficult.<sup>40</sup> RECs should thus integrate the lessons learnt in other peace mediation processes so as to ensure that the peace accord is as water-tight and inclusive as possible. Mechanisms for funding monitoring and evaluation as well as the domestication of the peace accord by all groups should be put in place. Since this often not the case, some peace accords always end up in failures.

Implementing peace agreements as shown in the case of Northern Ireland is also imperiled by lack of inculcating ethical, moral or historical judgment in formulating strategies for dealing with past violent in most cases. It is thus important for RECs to understand the historical contexts and **socio-cultural** values of the warring parties, interests of warlords and other stakeholders in a conflict so as to achieve lasting peace.<sup>41</sup> In this context, this study has examined how these challenges facing IGAD efforts in mediating peace process in South Sudan can be address as well as how to address challenges facing the implementation of the 2015 ARCISS.

### **1.7 Gaps in the Literature**

Countries in Africa have been plagued by unending conflicts ranging from, resource-based, ethnic clashes, political and religious wars, all of which have had devastating effects on the political environment and on the population lived in these countries. Mediation has been identified as one of the most effective process that involves third party intervention and does not involve use of force but aims at helping both of the participants to win. Mediation has being applied in resolving many conflicts ranging from internal War and cross- border war, like Djiboutian-Eritrean border conflict, or internal Sudanese Civil War and South Sudanese Civil War. In this regard, several regional and international organizations for instance IGAD, OSCE,

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<sup>40</sup> Ibid.

<sup>41</sup> Hancock, E. (2008). The Northern Irish Peace Process: From Top to Bottom. *International Studies Review*, 10(2), 203-238

EU, Arab League Of Nations have been involved in resolving conflict in Africa and their respective regions. Despite many challenges that have confronted IGAD, it has been modestly successful in mediating peace processes and resolving most of these conflicts. However, the gaps identified are in several studies that showed there exists scanty literature on IGAD' s Mediation process in South Sudan conflict, implementation of (ARCISS), its achievements and challenges which necessitates this study. Therefore, this study seeks to fill the gaps in the reviewed literature by answering the following questions: what are the challenges facing IGAD in mediating the ARCISS? How successful has the ARCISS been, in terms of its implementation and what are the key challenges facing it?

### **1.8 Conceptual Framework**

Conceptual framework refers to models or presumptions that explain a research problem.<sup>42</sup>This study is based on the concept of facilitation mediation as a means of conflict management. The concept of facilitation mediation as a means of conflict management relates to this study since it looks at how mediation processes can be undertaken and made successful. The key principle here is peace-making and permits the mediators to work with the parties to end the conflict. Mediation can fail if the parties walk away angry and feel abused. The third party aims at establishing a platform for negotiation between the conflicting parties. The main purpose is to seek for a consensus with each party achieving their own interests.<sup>43</sup>

The whole process requires use of facilitative mediation approach and negotiation. The third party assists the conflicting parties in identifying the underlying causes of

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<sup>42</sup>Charlton, R. Dewdney, M. (2004). *The Mediators Handbook. Skills and Strategies for practitioners*

<sup>43</sup>Frenkel, D., & Stark, J. (2015). *Improving Lawyers' Judgment: Is Mediation Training De-Biasing?* Philadelphia, USA: University of Pennsylvania Law School

the conflict, and formulating solutions to end the conflict.<sup>44</sup> The mediator uses different techniques as well as strategies to help the parties reach an agreement, problem-solving, dialogue or the potential for conflict transformation. However, in the IGAD mediation, where the process was under institutional framework, not mere facilitative mediation, there were elements of directive mediation, in which the warring parties were persuaded, coerced and forced to make concessions, and make agreement. The third party that guides the negotiation process were IGAD Envoys entrusted to lead the mediation process. This was due to the fact that, conducting a constructive conversation is challenging under facilitative mediator, especially when people are experiencing tension and conflict.

Regional organizations like IGAD make use of facilitative mediation, subject to institutional incentives or sanctions. This is where directive mediation comes to fore. Member states that formed the regional organization request that the written agreement resulting from mediation be made enforceable and any violation from any party must have consequences.<sup>45</sup> In directive mediation, regional organizations provide for sanctions for unreasonable refusal to consider mediation or for breach of mediation obligations. Thus, the central tenet of mediation becomes mandatory mediation. Therefore, in the directive mediation, parties are obliged to participate in good faith in mediation proceedings, and normally agree that the dispute must be resolved.

According to the concept of facilitative mediation, violent conflicts, whenever they occur, are regarded as an eradicable problem which can be contained.<sup>46</sup> The

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<sup>44</sup>Riskin, L. (1996). *Understanding mediator's Orientations, Strategies-and Techniques: A Grid for the Perplexed*. Gainesville, USA: University of Florida Levin College of Law

<sup>45</sup> Carolyn, M. (2007). *Transformative and Facilitative Mediation Case Studies: Work Place Conflict*. 10(2), Article 8. Available at <http://epublication.Bond.edu.au/adr/vol10/iss2/8>.

<sup>46</sup> Rahim, M. (2002). Toward a Theory of Managing Organizational Conflict. *The International Journal of Conflict Management*, 13(3), 206-235.

foundations of this concept are decision analysis, game theory and negotiations analysis. In this regard, overall conflict management should entail minimizing all forms of affective conflicts; maintain a moderate level of substantive conflict. This should be done through the use of appropriate conflict management strategy, which effectively handles the aspirations and concerns of the parties involved. In a situation like the one in South Sudan, any conflict management strategies should be aims at addressing the concerns of the various stakeholders, such as arm movements, government and opposing politicians among others.

Rahim also points out that conflict management approaches should involve integrating. This involves “opening up, creating dialogue, and exploring differences to choose an effective solution for both conflicting groups.” This has been identified as an effective way of achieving good outcomes for both individuals and organizations in most conflicts. In a national conflicts like the one in South Sudan, there is need to create an environment whereby people effectively open up to one another, air their grievances and come to common grounds on a “give and take” basis. In this regard, the concept of facilitation mediation as a means of conflict management is premised on the assumption that both conflicting parties can be brought to a round table to solve the conflict.<sup>47</sup>

Additionally, Maccoby and Scudder<sup>48</sup> identify different steps in managing conflict. To this end, they argue that the leader is crucial. This emanates from the fact that he or she should be able to obtain information that has the likelihood to generate conflict, prepare strategies prior to the conflict and proactively deal with the conflict in case it arises through dialogue rather than complaining. In this regard, government and opposition leaders should be involved in instituting strategies and policies aimed

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<sup>47</sup> Ibid.

<sup>48</sup> Maccoby, M., & Scudder, T. (2005). Leading in the Heat of Conflict. *International Journal Of Conflict Management*, T+D, 65(12), 46-51

at identifying future potential sources of conflict and mitigation strategies in case such conflicts occur. They should also be involved in employing such strategies if new conflicts arise. This could go a long way to deal with any resurgence of conflict in the country.

Another position advanced on conflict management and resolution was that of Batchedor<sup>49</sup> who argues that there should be mechanisms of ensuring flexibility among all stakeholders in a conflict. For this to succeed, all stakeholders in the conflict must be involved in win-win arrangements. In this case, intrinsic approach to conflict resolution should be promoted since conflicts that are solved internally tend to achieve durable peace. In addition, there should be meticulous attention to conflict transformation. In the case of civil war like the one in South Sudan, there should be effort to study and transform relationships that support non-violence or from zero-sum position towards positive outcome. In this regard, brokering peace and implementing the peace accords should be pegged to efforts that ensure the conflict is well-studied and that the best forms of achieving lasting solutions is achieved. This can be through policies on conflict management as argued by this study, exploration of possible ways of containing conflict beforehand and involvement of stakeholders such as RECs, government leaders and oppositions as envisaged in this study within the process of implementing peace agreements.

### **1.9 Conceptual Model**

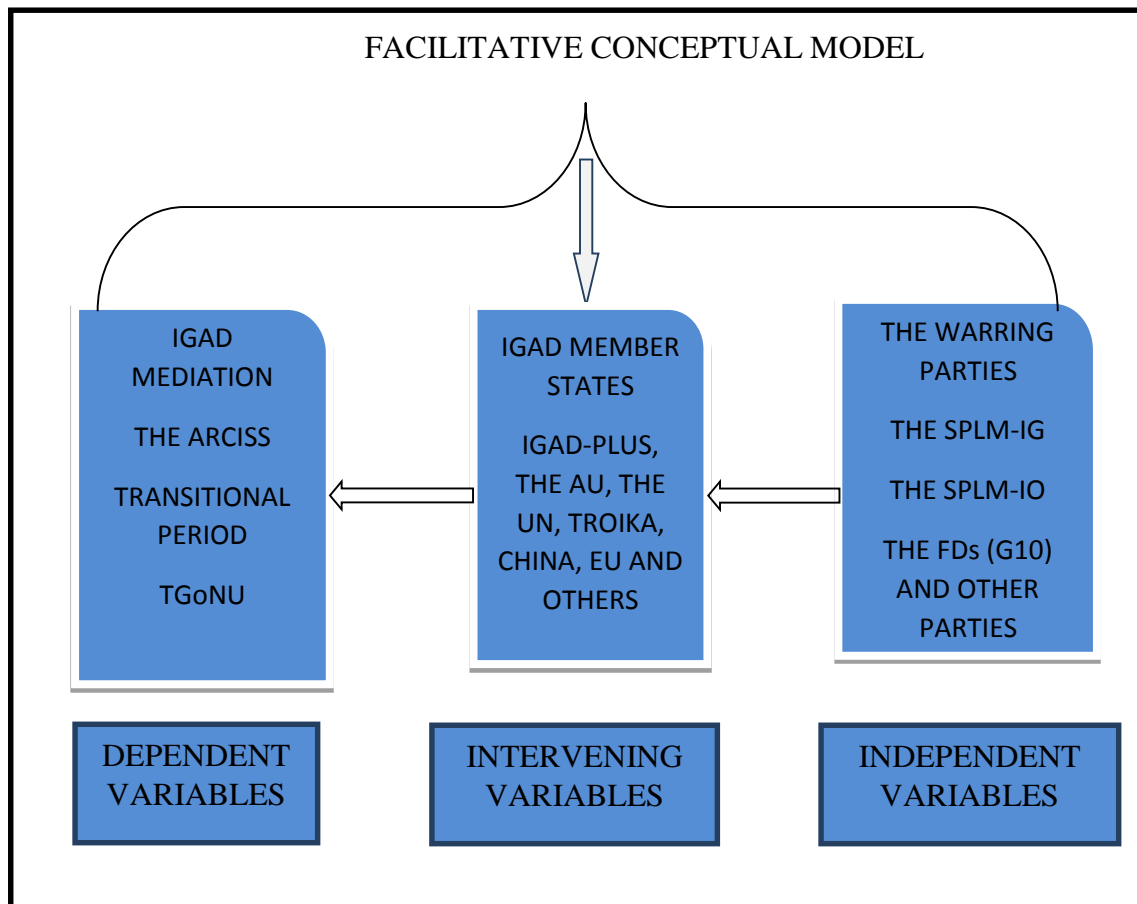
Conceptual Model refers to models or pictographic representation of the study that explain a research problem. The study is based on the facilitative concept as a means for conflict management. However, there is no one theory or facilitative concept that fit to explain the dynamics of IGAD Mediation process that led into the signing of the

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<sup>49</sup> Batchedor, M. (2000). *The Elusive Intangible Intelligence: Conflict Management and Emotional Intelligence in the workplace*. The western Scholar, 7-9.

ARCISS. Therefore, the study proposed the below conceptual model to help in explaining and depicting the dynamics of the 2013-2015 IGAD Mediation in South Sudan conflict and those involved in it. The IGAD mediation produced ARCISS, which established transitional period led by TGoNU. The involvement of IGAD-PLUS was instrumental in arriving at final agreement, which was signed by warring parties and other stakeholders.

**Figure 1.1 Facilitation Model**



**Source: Researcher, 2018**

The above conceptual model depicts dependent variables, which is the IGAD mediation, the ARCISS agreement that resulted from that mediation process and the transitional period, which was established by the ARCISS. The independent variables are the warring parties, the SPLM-IG, SPLM-IO, the Formers Detainees and other

parties. Whereas the intervening variables are the IGAD member states, the expanded IGAD-PLUS that includes the AU, the UN, Troika, EU, and China among others. The conceptual model posits that, South Sudan multi-layers history of conflict cannot be solve by one size-fit all approach. Mediation process that involved IGAD and its partners required well-thought off, well-articulated approach, guided by genuine aspirations of addressing the conflict, its underlying causes once and for all. The IGAD-PLUS mediation model was to overcome challenges posed by regional dynamics and influences.

Therefore, the conceptual model hypothesized that the IGAD success in mediating peace in South Sudan is relatively modest. Thus, the researcher argues that IGAD failures to resolve conflict in the Horn of Africa through mediation is contributing to an entrenched political culture that accept the use of force, violence and mutual intervention on each other's affairs. To that end, the study observed that IGAD member states, despite their mediation efforts, continued to fuel conflict even if they participated in mediation process, and whatever success that have been achieved are due to regional power politics, rather than IGAD's own strength institutionally.

### **1.10 Research Methodology**

This section provides the methodology of the study. It includes the research design, location of the study, the sample size, target population, the sampling procedures, data collection procedures and data analysis and presentation. The study used both primary and secondary data. This study adopted the descriptive research design. In this design, the study collects data through interviewing or administering questionnaires to a selected individuals or respondents.



### **1.10.1 Data Collection**

Primary data was collected through the use of structured questionnaires guides. The questionnaires guides had opened-ended questions for the purpose of capturing relevant and important information from respondents for the clarity of the study. These questions were based on the study variables. Emails were also used as a ways to collect primary data from selected respondents. The questionnaires were tested for reliability and validity before use. According to Kothari and Garg, reliability refers to a process in which same results are obtained from an instrument after repeated trials.<sup>50</sup> Pilot study was conducted to ascertain the relevance of the questions.<sup>51</sup> In order to ensure validity, any ambiguous questions were adjusted to make it easier for the respondents to understand and give correct answer.

### **1.10.2 Respondents**

The target population comprises of 3 groups. The first group consisted of 20 South Sudanese politicians and academicians in Nairobi, Kampala, Khartoum and Juba. The academicians were selected from the fields of Political Science, International Relations and Conflict Studies. Second group consisted of 25 officials, who were knowledgeable about IGAD mediation process, ARCISS implementation and mandates. The third group consisted of 25 South Sudanese elders, church leaders and affected personnel. As such, the total target population was 70 individuals, who were purposively selected. Moreover, the study also utilized academic journals, policy documents, periodicals reports, books, newspapers, and academic papers and magazines, TV documentaries for secondary data analysis.

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<sup>50</sup>Ibid

<sup>51</sup> Malhotra, K. (2004). *Marketing Research: An applied Orientation* (4th edition). New Jersey, USA: Pearson Education, Inc.

### **1.10.3 Data Analysis and Data Representation**

The data collected using structured questionnaires guide was analyzed using the (SPSS) version 24. Content analysis was used to draw conclusions on the role of IGAD in mediating the ARCISS', flaws and opportunities contains in ARCISS, challenges facing ARCISS' effective implementation and how these challenges could be mitigated. Additionally, data were presented in forms of written statements and direct quotes, back up by secondary data, retrieved from secondary sources.

### **1.10.4 Legal and Ethical Considerations**

Legal and ethical considerations are the distinguished sets of standards that guide a researcher when carrying out the research study.<sup>52</sup> The researcher maintained the confidentiality of the respondents by adopting anonymity and only quoted the names of the respondents through their consent. In addition to this, the researcher also sought consent to collect data from the relevant offices and the concerned local authorities.

Another legal and ethical consideration was that other people's ideas and academic work were given appropriate credit through citation and referencing. This ensured that the study recognizes them and does not plagiarize their work. The researcher also acquired a clearance letter from the University of Nairobi after successfully being given permit to collect data and issue a letter from the (NACOSTI) Kenya.

## **1.11 Chapter Outline**

This study is organized into five chapters. Chapter one is an introduction, background to the study, Problem of research statement, the Objectives, the Research Questions and hypotheses, Justification of Research, Literature Review, the concept of Facilitation Mediation and Conceptual model, as well as the methodology of the study. Chapter two has critically analyzes the role of IGAD mediation in South

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52 Bryman, A. (2012). Research Question in Social Research. What is its role? *International Journal of Social Research Methodology*, 10 (4), 54-47.

Sudan conflict between 2013- 2015. This is done by using in-depth analysis of strengths and weakness of IGAD mediation process that led into the signing of ARCISS.

Chapter three has critically examined the August 2015 agreement. This is done by discussing the flaws and opportunities in the ARCISS agreement. Has the ARCISS agreement sufficiently addressed the root causes of the conflict? Has it ended the war and ushered a new era of peace and stability in South Sudan? Those were the questions the researcher tried to find answers to. Chapter Four has thoroughly examined the implementation of ARCISS agreement and vigorously assesses the challenges undermining its effective implementation. This is done to answer questions such as, has all elements contained in ARCISS agreement been implemented? What is it that makes the implementation of ARCISS agreement so difficult? Lastly, Chapter Five presents the Summary, Conclusion and the recommendations.

## CHAPTER TWO

### A CRITICAL ANALYSIS OF THE IGAD MEDIATION IN SOUTH SUDAN CONFLICTS BETWEEN 2013 AND 2015

#### Introduction

This chapter presents the findings based on the first objective, which was to critically analyze IGAD mediation process on South Sudan conflicts between 2013 and 2015. The respondents were presented with numerous questions pertaining to the role of IGAD in mediating South Sudan conflicts between 2013 and 2015. The responses obtained were summarized and thematically analyzed, as presented in the following sections. A brief and short conclusion is presented at the end.

#### 2.1 Overall Performance of the IGAD Mediation in South Sudan

The interviewees were presented with the question, “the IGAD organization intervened in conflict in South Sudan in 2013. What is your general view on its overall performance during the mediation process that led to the 2015 Peace agreement?” To this, respondent A pointed out that the mediation by IGAD was somehow successful since it resulted into agreements such as the ARCISS<sup>53</sup>, although through the help of IGAD-Partners. This is in agreement with point of Svensson, and this showed how IGAD played a vital role in arriving at the ARCISS agreement.<sup>54</sup> Others however differed with this view. They pointed out that IGAD mediation failed to end the conflict in South Sudan. This can be evidenced in the words of Reverend Matai who said that:

“IGAD intervention in South Sudan has escalated the conflict, rather than ended it.”<sup>55</sup>

The failure by IGAD was attributed to challenges of division and divergent interests of the member countries, a challenge also highlighted by scholars such as Hancock.<sup>56</sup>

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<sup>53</sup> Respondent A interviewed on August 13, 2018 in Juba, South Sudan

<sup>54</sup> Isak, S. (2007). Op Cit. P. 44

<sup>55</sup> Rev. Matai Interviewed on 23/08/18 in Juba, South Sudan.

The regional approach to resolve South Sudan conflict through mediation efforts faces numerous challenges. The lack of political capacity of IGAD countries makes the regional organization to depend on economic, political and diplomatic leverages from foreign powers, such as the Troika, the UN, EU and country like China. In addition, IGAD member states pursued different routes, bypassing the IGAD-led mediation and these hindered the efforts to solve South Sudan conflict on regional basis as posited by Beza.<sup>57</sup> This can be evidenced in the words of Gai Wour from SPLM who said that

“The peace process was slow, not free and fair, because of different countries interest; IGAD intervened to stop the continuation of war in South Sudan because of their own interest, not to help ordinary South Sudanese.”<sup>58</sup>

The failure of IGAD was also highlighted by Gai S. Chuol who said that: “IGAD has successfully brought the parties to the negotiations table to end the conflict, but failed to implement the ARCISS agreement.”<sup>59</sup> Conversely, former governor Duer Tut D of SPLM-IO pointed out that:

“The overall performance was not up to standard due to the fact that IGAD countries were seeking solutions to the conflict without addressing the root causes of the problem.”<sup>60</sup>

All these challenges militate against efforts to solve the South Sudanese conflict. In this regard, Respondent G pointed out that “IGAD could not succeed because it is biased...it favors one side, which is the government.”<sup>61</sup>

Still on the same note, Respondent D had this to say: “...the IGAD mediation process lacks coherent and transparency”.<sup>62</sup>

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<sup>56</sup> Hancock, E. (2008). Op Cit

<sup>57</sup> Tekalign Beza, Y. (2015). Challenges for Peace in South Sudan: Problems and Opportunities of solving the current civil war. *International Researchers*, 4(2), Available at [www.iresearchers.org](http://www.iresearchers.org).

<sup>58</sup> Gai Wour (SPLM), Interviewed on 18/8/18 in Juba, South Sudan.

<sup>59</sup> Gai S. Chuol, interview on 18/8/18 in Juba, South Sudan.

<sup>60</sup> Former Governor Duer Tut D (SPLM-IO) interviewed on 20/8/18 in Khartoum, Sudan.

<sup>61</sup> Respondent G interviewed on August 21, 2018 in Juba, South Sudan

These findings show that the respondents had mixed reaction on IGAD mediation process in South Sudan conflict. To this, some saw it as having modestly succeeded while others saw it as having failed. In this regard, it can be deduced that IGAD did not perform well as expected. As such, it is evident that the overall performance of IGAD-led mediation in South Sudan significantly suffered from credibility problems, as the process was marred by interferences from internal as well as external actors. Mediators who were IGAD Envoys were not in full control over the mediation process. They were subjected to unwarranted interferences from IGAD leaders and even from the warring parties. Hence, the IGAD-led mediation process was only brought back to life after the introduction of the mechanism of IGAD-PLUS. Only the IGAD-PLUS succeeded in pushing the warring parties into signing the ARCISS, Awolich<sup>63</sup>.

## **2.2 The Strengths of IGAD in Mediating the South Sudan Peace Process**

The study went on to investigate the strengths of IGAD mediating peace process in South Sudan. To this, the findings obtained show that some of the strengths of IGAD were its experienced mediators, which was an important attribute as posited by Deborah;<sup>64</sup> IGAD mediation process in South Sudan garnered significant support from the international community. This is very crucial attribute as argued by Elgström, Bercovitch and Skau.<sup>65</sup> The capacity of IGAD mediators to convince warring parties to take part in negotiations process was also very essential. Moreover, one of the strengths of a mediator according to Amy<sup>66</sup> was their commitments, interests to resolve the conflict through resilience, a key strength as highlighted by

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<sup>62</sup> Respondent D interviewed on August 15, 2018 in Kampala, Uganda

<sup>63</sup>Awolich, A, (2015). The Mediation Pendulum and the Challenges that underlie the Peace Implementation in South Sudan. Available at [www.suddinstitute.org](http://www.suddinstitute.org).

<sup>64</sup> Deborah, Z. (2004). *Op Cit.p.11*

<sup>65</sup> Elgström, O., Bercovitch, J., & Skau, C. (2003). *Op Cit. p.23*

<sup>66</sup> Amy, D. (1987). *Op Cit.p.19*

Deborah.<sup>67</sup> In addition, IGAD had a history of mediation in the region, which was also seen as a key attribute of mediating organizations and mediators.<sup>68</sup> To this, Respondent K pointed out that:

“IGAD has had a history of mediation...it had successfully mediated the CPA agreement as well as the Somali peace accords.”<sup>69</sup>

Another notable strength of IGAD was geographical proximity and active political leadership of some member states in the region as posited by Respondent L.<sup>70</sup> The organization also performed well due to the support it enjoyed from the African Union (AU).<sup>71</sup> In this regard, it can be deduced that IGAD succeeded due to its experienced mediators, support from the international community including the AU, resilience of its mediators, its interest to solve the conflict and lesson learned from the past experiences among others.

The findings show that the real strength of IGAD-led mediation efforts is that it bore modest success. This includes the release of group of eleven high ranking political detainees and allowed them to join the peace process, the launching of an inclusive symposium that comprised of government, armed opposition, political parties, and faith-based as well as civil society organizations representatives. All of these efforts resulted into temporal low intensity of violence by then, before conflict escalated to new height.

### **2.3 Weaknesses of the IGAD Mediation in South Sudan Conflict**

The study went on to assess the weaknesses of the IGAD mediation in South Sudan Conflict. Herein, various responses were obtained. To begin with, it was found out that IGAD could not impose sanctions on warring parties and that it had no regional

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<sup>67</sup> Deborah, Z. (2004). Op. Cit. P. 43.

<sup>68</sup> Ibid.

<sup>69</sup> Respondent K (community elder), interviewed on August 13, 2018 in Juba, South Sudan

<sup>70</sup> Respondent L Interviewed on 23/08/18 in Juba, South Sudan.

<sup>71</sup> Respondent M (affected personnel), Interviewed on 18/8/18 in Juba, South Sudan.

army. This is a key weakness for mediation organization since they should have capacity to exert political leverage on the warring parties as argued by Savun.<sup>72</sup> In addition, there was failure to tackle the underlying causes of the conflict, as there were conflicting narratives of what causes the war. This makes it hard to secure lasting peace as posited by Steadman<sup>73</sup>. There was also lack of political will to speedily address the problem, which delays the achievement of peace accords as argued by Steadman.<sup>74</sup> It was also made manifest that some IGAD members were parties to the conflict, leading to the division among its members state. This ought not to be so for mediating organizations as posited by Katja.<sup>75</sup>

First, the IGAD quick intervention, which happened within less than two weeks after the violence fighting broke out, was viewed as a right move in the right direction, as it raised hope for quick resolution of the conflict. However, almost two years later, IGAD mediation was seriously weakened by the fact that, the regional organization was unable to meaningfully mediate a peaceful political settlement to end the conflict. This was due to inadequate institutional support and divergent positions adopted by each head of state of IGAD countries, Akol<sup>76</sup>. There was absence of neutral and strategic stance on the part of IGAD mediation process, an apparent ineffective handling of the mediation process by the IGAD envoys charged with facilitating a mediated settlement, as well as the weaknesses in sustained and relentless common pressure from the regional body<sup>77</sup>. Many observers pointed to the ways IGAD leadership and envoys were handling the mediation process.

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<sup>72</sup>Burcu, S. (2008). Op Cit. p.47.

<sup>73</sup> Steadman, S.J. (2001). Op Cit.p.21

<sup>74</sup> Ibid.

<sup>75</sup> Katja, F. (2009). Op Cit.p.63.

<sup>76</sup> Akol, Z. (2014). *Inclusivity: A Challenge to the IGAD-Led South Sudan Peace Process*: Policy Brief: Available at [www.suddinstitute.org](http://www.suddinstitute.org).

<sup>77</sup> Ibid



In this light, respondent H had this to say: “...Some IGAD members’ state had personal interests such as Uganda.”<sup>78</sup> These actions showed that there was a lack of political unity within the IGAD to arrive at the peaceful agreement on South Sudan conflict. In this regard, Duer Tut D of SPLM-IO had this to say:

There was absence of political will to address the root causes of the problem, as some IGAD countries were parties to the conflict and at the same time mediators.<sup>79</sup>

It is thus apparent that IGAD was also faced with political corruption, with some mediators accepting to be bribed. The mediation process was also weak since it adopted a poor model of peace negotiation, which has hindered the success of the process.<sup>80</sup> The organization was also faced with inadequate resources, a key weakness to mediation efforts according to the Institute for Security Studies.<sup>81</sup>

The IGAD mediation process also lack inclusivity as some key actors, such as the genuine political figures and essential civil society groups were excluded, which had also hindered effective contribution during mediation processes.<sup>82</sup> In addition, the evaluation and monitoring commission that oversees implementation and success of the whole process was very weak and ineffective. This is a significant weakness for mediation organization as pointed by scholars such as Steadman.<sup>83</sup>

These findings show that IGAD was faced with weaknesses such as conflict of interest among some member states, corruption among some mediators, lack of adequate resources, poor model to peace negotiation which hinders success of the conflict resolution processes<sup>84</sup>, some stakeholders such as the genuine opposition forces and important civil society were left out, inability to address the root causes of

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<sup>78</sup> Respondent H, interviewed on 21/08/2018 in Kampala, Uganda

<sup>79</sup> Duer Tut D (SPLM-IO) interviewed on 20/8/18 in Khartoum, Sudan

<sup>80</sup> Amy, D, (1987). Op Cit. p.9

<sup>81</sup> Institute for Security Studies. (2004, March). “The Sudan–IGAD Peace Process Signposts for the Way Forward,” African Security Analysis Programme ISS, Occasional Paper 86. Available at <http://www.issafrika.org/pubs/papers/86/paper86.html>

<sup>82</sup> Ibid.

<sup>83</sup> Steadman, S.J., (2001). Op. Cit. P.44.

<sup>84</sup> Amy, D, (1987). Op Cit. p.19

the conflict, inability to enforce sanctions and absence of a regional army to keep peace among others. All these are seen as key factors inhibiting realization of conflict resolution processes, as corroborated by Steadman.<sup>85</sup>

#### **2.4 Challenges that Faces the IGAD Mediation Process**

In addition, the respondents were asked to voice their opinions regarding the major challenges faced by IGAD in mediating a peaceful resolution to South Sudan conflict. To this, various responses were obtained. To begin with, respondent C opined that IGAD lacked cooperation between its members and had partisan interests,<sup>86</sup> which was also seen as a major challenge facing mediators, as pointed out by Katja.<sup>87</sup> In this regard, there were diverging interests between the government, oppositions and the mediators. In most cases, IGAD supported one party that is the government, which back it support with resources. There was also lack of political will from the government, a key challenge facing mediation processes according to Steadman.<sup>88</sup> Hence, there was the challenge of the government preferring military solution rather than mediation. In this light, Peter Gai, a former commissioner pointed out that:

“There is lack of political will from the government to reach a peaceful solution to the conflict. There are also different positions and proposals from different IGAD countries due to different interests.”<sup>89</sup>

IGAD were challenged by incompetent in enforcing their own decisions and applying consequences on violators. Another key challenge was wrong models of approaching conflict. Economic interests of IGAD partners also made it hard for IGAD to carry out its obligations. There was also lack of clear headways for IGAD

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<sup>85</sup> Ibid.

<sup>86</sup> Respondent C, interviewed on 11/08/2018 in Nairobi, Kenya.

<sup>87</sup> Katja, F. (2009). Op. Cit. P. 25

<sup>88</sup> Ibid.

<sup>89</sup> Peter Gai (former commissioner) interviewed on 20/8/18 in Nairobi, Kenya.

mediation as pointed out earlier by Gai Wour.<sup>90</sup> Another challenge as highlighted by the respondent H was institutional constraints.<sup>91</sup> This means that IGAD had enormous challenges that hampered its capacity to carry out mediation successfully. In other instances, this includes challenge to address immense intransigencies among the warring parties.

From these findings it can be concluded that IGAD was faced with challenges such as lack of clear headways, incoherence models to conflict resolution, challenges related to government lacks of political will and its preference of military solutions than mediation, internal challenges, such as the IGAD itself being faced by conflicting interests among member countries and lacks of political unity among others. This is in agreement with Steadman who was also of the same opinion.<sup>92</sup> Akol pointed out that, instead of the mediation team taking a neutral side, they appeared biased by supporting the government, thus other stakeholders has questioned the whole mediation process.<sup>93</sup> Therefore, the IGAD commitment to bring about speedy, durable and comprehensive peace to South Sudan many believed has remained rhetoric than reality<sup>94</sup>.

In this regard, Booth said that interests of regional countries sometimes, complicated the South Sudan peace process. The conflicting interests of these states influenced their approach to the process and at some point, changed the direction of the negotiations process. This is due to the fact that, some of these states are participants, instead of being mediators in the conflict. To this end, South Sudanese warring parties

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<sup>90</sup> Gai Wour (SPLM), Interviewed on 18/8/18 in Juba, South Sudan.

<sup>91</sup> Respondent H, interviewed on 21/08/2018 in Kampala, Uganda

<sup>92</sup> Steadman, S.J., (2001). Op. Cit. P.44.

<sup>93</sup> Akol, Z. (2014). *Inclusivity: A Challenge to the IGAD-Led South Sudan Peace Process*: Policy Brief: Available at [www.suddinstitute.org](http://www.suddinstitute.org).

<sup>94</sup> Ibid

responded to these regional dynamics by seeking support from these divergent states, and this significantly undermined the needed regional unity in ending the conflict.<sup>95</sup>

## **2.5 Influence of Other Actors in the Mediation Process**

Lastly, the study sought to find out the influence of other actors in the mediation process. To this, varied responses were obtained. First and foremost, respondent E pointed out that external actors played a key role such as:

“...calling for cooperation from leaders such as Museveni.”<sup>96</sup>

Furthermore, Rev James K pointed out that external actors were pivotal in providing funding for the peace process.<sup>97</sup>

The findings from external actors involvement shows that there was coercion on the warring parties to end the conflict, such as threatening the South Sudanese leaders with sanctions if they failed to signed peace. External leaders also played a positive role by politically supporting the peace process with one voice, so as to end the conflict, a key supporting factor to mediation processes.<sup>98</sup> There was diplomatic effort from external actors through its offering consultative advisory to the parties, which is a vital contribution as cited by Maccoby and Scudder.<sup>99</sup> This was vital since it lead to the final agreement.

In nutshell, it is evident that external actors enhanced mediation process in South Sudan by reigning in on the leaders to support peace, by providing financial resources, used threat of sanctions and by offering advisory through consultation. This played a vital role in arriving at the final agreement. These key external players such as the AU, EU and Troika pressurized the conflicting parties to amicably find political

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<sup>95</sup> Magdoline Joseph (et al Donald Booth, 2016).

<sup>96</sup> Respondent E, interviewed on 18/08/2018 in Juba, Sudan.

<sup>97</sup> James K Interviewed on 23/08/18 in Nairobi, Kenya.

<sup>98</sup> Ibid.

<sup>99</sup> Maccoby, M., & Scudder, T. (2005). Leading in the Heat of Conflict. *International Journal Of Conflict Management*, T+D, 65(12), 46-51

solution for the conflict. The regional efforts and that of international pressures were all meant to create spaces for peace talks and the mediation process to achieve tangible result. The results of the international pressures and the IGAD-led mediation was recommitment to cessation of hostilities and finally to the ARCISS agreement.<sup>100</sup>

The IGAD-PLUS, which was multi-stakeholders approach, was considered to be a unifying vehicle in engaging and addressing the ever-shifting internal dynamics in South Sudan more effectively, and also a means to tackle the divisions among IGAD member states, so as not to prolong the war<sup>101</sup>. Most analyst believed it was a bridge between an “African solution to African problem approach”, involving high-level and wider international engagements. IGAD-PLUS was meant to overcome challenges that hinder IGAD mediation process. This effort was based on regional agreement to directly engage South Sudanese leaders from sides, using pressure and inducements. Therefore, IGAD-PLUS mediation managed to push the parties in making reasonable compromises that paved the ground for the ARCISS agreement<sup>102</sup>.

## **2.6 Conclusion**

The section makes the conclusions derived from the first objective of the study. To begin with, the finding obtained show that the IGAD mediation, although modest, was successful since it resulted into agreement, the ARCISS. Others however disagreed with this narrative. They pointed out that IGAD mediation basically failed to end the South Sudan conflict. This was attributed to challenges of division and divergent interests of the member countries, a challenge corroborated with finding by scholars such as Hancock.<sup>103</sup>

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<sup>100</sup> Ibid

<sup>101</sup> Ibid

<sup>102</sup> Maccoby, M., & Scudder, T. (2005). Op Cit

<sup>103</sup> Hancock, E. (2008). Op Cit. p.23

The IGAD mediation process was viewed as weak since it adopted a poor model of peace negotiation, which hindered the success of the mediation process. The organization was also faced with inadequate political unity, a key weakness to mediation efforts according to the Institute for Security Studies.<sup>104</sup> There was also lack of inclusion of some key actors, which deprived the mediation processes to hear from critical voices.<sup>105</sup> In addition, there was no proper evaluation and monitoring mechanism to oversee implementation of the whole process, as well as to account violators.

Lastly, the respondents were asked to give their opinions on the influence of external actors in the mediation process. To this, the findings obtained show that external actors played a key role by coercing and threatens the leaders of the conflicting parties to face consequences, if they failed to sign peace. External actors were found to play a positive role by supporting the IGAD mediation process with needed resources, with hope to end the conflict, a key supporting factor to mediation processes.<sup>106</sup> These actors offered consultative advisory to the parties, which is a vital contribution as cited by Maccoby and Scudder.<sup>107</sup> This was vital since it lead to the final agreement, as the joint efforts proved pivotal in arriving at the final agreement.

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<sup>104</sup> Institute for Security Studies. (2003). Op. Cit. P. 88

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> Maccoby, M., & Scudder, T. (2005). Op Cit. p.46

## CHAPTER THREE

### A CRITICAL EXAMINATION OF THE AUGUST 2015 AGREEMENT, ITS FLAWS AND OPPORTUNITIES

#### Introduction

The outbreak of violence conflict on December 15, 2013 in South Sudan, led to the immediate intervention of IGAD which played a pivotal role in mediation process, leading to the signing of the 2015 ARCISS. However the signing of this agreement did not resolved the conflict in South Sudan leading to heavy criticism of how IGAD handled the South Sudanese mediation process and monitored the implementation of the agreement. This chapter presents the finding from the critique of the August 2015 ARCISS, its flaws and opportunities, and finally, presented a brief conclusion.

#### 3.1 The August 2015 ARCISS Agreement

Chapter one of the ARCISS Agreement was about the (TGoNU), which clearly outlines the new re-configured power sharing arrangements in the country. This was an opportunity to break the excessive paradox of power given to President by the Transitional Constitution.<sup>108</sup> However, the flaws are in the structure of the executive of the TGoNU, powers, functions and responsibilities required to be exercised jointly by the president and the then first vice president. The areas of contention were in decision making and consultation procedures in the executive of the TGoNU. The sticking point is that, President Kiir felt that, the agreement made the then First Vice President Dr. Riek Machar co-President to him, with equal powers and functions. This was a huge problem for someone who has been exercising preponderance powers without any constraints. There was also disagreement in the selection of the

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<sup>108</sup> IGAD. (2015, August 17). (ARCISS), *Chapter one on Transitional Government of National Unity (TGoNU)*.

Transitional National Legislative Assembly Speaker, as well as the formation and composition of States Governments in conflict-affected States.<sup>109</sup>

Chapter two of the ARCISS dwelled in permanent ceasefire and transitional security arrangements. The objectives were to silence the guns, formed a unified security forces and demilitarized the National Capital Juba together with other major towns in various states.<sup>110</sup> This was an opportunity, as its enable the safe return for the (IDPs), reconstruction and rebuilding the devastated cities. But the flaws of this chapter are in the permanent security arrangements itself, which put the two competing forces in one center of power, Juba without clear mechanisms of resolving conflicts when they arise. The separation, assembly and containment of the warring forces were problematic, as the two forces were still engaged in territorial occupation. How to go about unification of the forces was challenging, as the dysfunctional body of ceasefire and (CTSAMM), had no capacity to help.<sup>111</sup>

Chapter three and Chapter four talked about Humanitarian Assistance and Reconstruction, Resource, Economic and Financial Management Arrangements respectively. This was a good opportunity for the collapsing economy to be revived, support the needy with humanitarian assistance and rebuilt schools and hospitals, which were destroyed by war<sup>112</sup>. However, the flaws of these chapters are found in agreed principles for Humanitarian Assistance and Reconstruction, (SRF), institutional reforms, resource management, public finance and economic

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<sup>109</sup>Ibid

<sup>110</sup> IGAD. (2015, August 17). (ARCISS), *Chapter two on Permanent Ceasefire and Transitional Security Arrangements*. Op Cit.

<sup>111</sup> Ibid

<sup>112</sup> IGAD. (2015, August 17). (ARCISS), *Chapter three on Humanitarian Assistance and Reconstruction Addis*.



management and environment protection, because these processes can only be done in secure and peaceful political environment<sup>113</sup>.

Chapter five is all about Transitional Justice, Accountability, Reconciliation and Healing, which provided opportunities for the country to combat impunity by addressing historical injustices, prosecuted those who committed heinous crimes and crimes against humanity, so that the country can live in peace once again<sup>114</sup>. But its flaws are in the establishment of the (HCSS) and establishment of (CRA). The government was not only ready to undertake these processes, but also reluctant to implement the concept of accountability, reparation and collective compensation<sup>115</sup>. Chapter seven was about (JMEC), which was formed, but lacks capacity to hold the parties accountable for violating peace<sup>116</sup>. Chapter Six and Chapter Eight are excluded from this study for being parameters of permanent constitution and the supremacy of the agreement, and procedures for amendments of the agreement respectively. The implementation of these chapters can only be done after the six chapters mentioned above are fully implemented.

### **3.2 Presentation of the Study Findings**

The respondents were presented with questions on the August 2015 Agreement. The responses obtained were summarized and thematically analyzed, and presented in the following sections.

#### **3.2.1 Flaws within ARCISS**

In August, 2015, after more than 18 months of intermittent negotiations, South Sudanese stakeholders finally agreed to sign the ARCISS. However, the signing of the

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113 IGAD. (2015, August 17). *(ARCISS), Chapter four on Resource, Economic and Financial Management.*

114 IGAD. (2015, August 17). *(ARCISS), Chapter five on Transitional Justice, Accountability, Reconciliation and Healing.*

115 Ibid

116 IGAD. (2015, August 17). *(ARCISS), Chapter seven on Joint Monitoring and Evaluation Commission (JMEC).*

agreement did not bring an end to the conflict. In this regard, the respondents were asked to air their opinions regarding the reasons for the inability of the ARCISS to end the conflict in South Sudan since its signing. To this, Duer Tut D pointed out that ARCISS was imperiled by challenges such as power wrangling within TGoNU as a result of power sharing problem between the leaders.<sup>117</sup> This was in contravention of the Agreement (Chapter 1, Article 1.6) which states that:<sup>118</sup>

“The power sharing ratio in the Executive of the TGoNU shall be applied as follows: Executive body as 53%, 33%, 7%, and 7 % for the GRSS, the South Sudan Armed Opposition, Former Detainees and other political parties respectively. Whereas power-sharing ratios in the conflict affected States of Jonglei, Unity and Upper Nile as well as in the remaining seven (7) states shall be as reflected in Chapter 1, Articles 15.2 and 15.3 of the Agreement.”

From the above division of powers, it is opined that most elements of ARCISS are vitally important, but those who are interested in maintaining the status-quo were not happy with some provisions in ARCISS agreement, perceived to be a threat to their power monopoly. Immediately after the signing of the ARCISS, previously peaceful states and towns were engulfed in violence conflict, with a proliferation of new arms groups taking up arms against the government. Thus, the dynamics of conflict changed, resulted in widespread insecurity, human rights violations and massive displacement of local population. This arguably was as a result of ARCISS inadequately addressing the needs of broader spectrum, with a large section in the South Sudanese society having a feeling of being excluded from national political arrangements, Lucey and Kumalo<sup>119</sup>. This led to those felt excluded from the agreement taking up arms to demand for inclusion. The warring parties made pronouncements of commitment to peace, while seeking military victory in order to

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<sup>117</sup> Duer Tut D (former governor) interviewed on 20/8/18 in Khartoum, Sudan.

<sup>118</sup> IGAD. (2015, August 17). *ARCISS*. Op Cit.

<sup>119</sup>Lucey, A., & Kumalo, L. (2017). *Democratize or Disintegrate: How the AU can help South Sudan*: East Africa Report 11/March 2017. Available at [www.iss.org](http://www.iss.org).

boosts one position and dictate the terms of agreement. The outcome of these scenarios was a stalemate in peace implementation<sup>120</sup>.

One of the respondents, Gai S. Chuol, pointed out that the ARCISS was finally signed after several intervention initiatives from external actors, when the IGAD mediation failed.<sup>121</sup> This is due to the fact that, the IGAD region did not utilized its institutional tools to significantly deal with the underlying complex problems in South Sudan, because most of processes, efforts to bring back peace and stability in the country have been marred by the IGAD's own institutional weaknesses.

Thus, Respondent F said the challenge faced by IGAD in facilitating a restoration of peace and stability in South Sudan, was because IGAD mediators did not adopt new approaches that deal with historical nature of structural conflict and holistically addresses the root causes once and for all, through mediation process.<sup>122</sup>

Therefore, political negotiations that resulted into mere power-sharing agreement are insufficient by themselves, unless supported by political road map, directed towards transforming governance structures at all levels and takes into consideration inclusivity, fairness and equitability in distributing national resources.<sup>123</sup>

This is evident that despite the power sharing agreement, it was not clear how to ensure that smooth function of the various institutions did not face challenges. The respondents also pointed out that, the government signed the ARCISS with a long list of reservations. This list of reservations led into internal Coup d'états and resulted into collapsing of ARCISS. IGAD was also reported to have done nothing to safe the agreement they painstakingly mediated when renewed fighting occurred in Juba on 8 July, 2016. This was due to division in IGAD countries as a result of vested interest in South Sudan.

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<sup>120</sup> Ibid

<sup>121</sup> Gai S. Chuol, interview on 18/8/18 in Juba, South Sudan

<sup>122</sup> Respondent F, interview on 18/8/18 in Juba, South Sudan

<sup>123</sup> Ibid.

Although Chapter V, Section 2, clause 2.2.2.7 mandates the Commission for Truth, Reconciliation and Healing (CTRH) to: “investigate the causes of conflicts and their circumstances and make recommendations regarding possible ways of preventing recurrence”<sup>124</sup> There was no evidence that the root causes of the conflict were accordingly addressed years after the mediation process was established.

One of the respondents, Rev. James K pointed to the fact that, the 2015 ARCISS places high priority on combating impunities, accountability and reconciliation, but to date, there was no evidence of any progress towards these aims.<sup>125</sup> Many analysts argued that giving financial bailout, development initiatives, investing in peace-meal agreement and disarmament, will be insufficient/inadequate without an accountable and functional government in place, capable of managing the country’s political affairs none-violently, and to break the cycle of patronage networks underlying the conflict. Rev. K also attributed the failure of the ARCISS agreement to end South Sudan conflict to the lack of trust among leaders, lack of commitment by the mediators and lack of political will, as the peace agreement lacks mechanisms for confidence building.<sup>126</sup> On another note, respondent H mentioned that:

“The international community viewed the August 17, 2015 peace agreement (the ARCISS) as the only framework that can bring back durable peace, restore permanent security, reconciliation and national cohesion, but did nothing to enforce its implementation.”<sup>127</sup>

As such the function of the then TGoNU was to restore stability, work on permanent constitution, ensure resettlement of displaced persons to their original place, oversee national reconciliation and healing, and devolve powers to states and local levels, plus other key reforms. These were however never carried out. In this light, respondent H also pointed out that: “Power playing within TGoNU as well as

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<sup>124</sup> IGAD. (2015, August 17). *ARCISS*. Op Cit

<sup>125</sup> James K Interviewed on 23/08/18 in Nairobi, Kenya.

<sup>126</sup> Ibid.

<sup>127</sup> Respondent H, Interviewed on 21/08/18 in Nairobi, Kenya.

immense power sharing problem between the leaders makes it hard to implement the agreements.”<sup>128</sup>

The findings show that it was hard to implement the ARCISS agreement due to visible challenges in the reconfigured TGoNU. This problem was confounded by vested interests of IGAD in South Sudan. In this regard, respondent C had this to say: “How do you expect the agreements to succeed when IGAD has hidden support agenda to the government...?”<sup>129</sup>

The above statement is corroborated with what Mebratu found in his 2015 study.

“IGAD tries to bring peace to South Sudan, but has been undermined by Uganda’s position in supporting only one side, that of Salva Kiir government. With that scenario, how can IGAD mediate peace in South Sudan effectively? Mebratu finding has this to say, “...IGAD cannot help, who is IGAD? It is Museveni, Salva Kiir and Bashir”<sup>130</sup>.

The findings show that there was immense criticism of the ARCISS agreement, which was mediated by IGAD to resolve South Sudan conflict, as the agreement focused too much on splitting powers and wealth between most senior political classes, on the assumption that the rest of conflict dynamics would be sorted out subsequently. However, the signing of the ARCISS agreement resulted into highly unstable political environment.<sup>131</sup> Specifically in those previously stable regions. This was fueled by the president creation of host of new patronage opportunities, through creating new states, which creates more employment and seizing land and assets from other communities, believed not to have sufficient political and military threats to the president, and his tribe.<sup>132</sup>

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<sup>128</sup> Ibid.

<sup>129</sup> Respondent C, interviewed on 11/08/2018 in Nairobi, Kenya.

<sup>130</sup> Mebratu, T. (2015). *Causes, Consequences and Role of External Actors in the current South Sudan conflict*. Unpublished PHD Thesis, Addis Ababa: Addis Ababa University

<sup>131</sup> Ibid

<sup>132</sup> Ibid.

Paul pointed out that, the brutality, cruelty and the level of intensity of the South Sudan conflict was believed to show the entrenched level of antipathy that exceeds or goes beyond political differences.<sup>133</sup> Therefore, the conflict could not be ended by reconciling rival political leaders through the ARCISS alone. The atrocities committed by military against innocent civilians, the level of enmity between political elites, and the deep seated ethnic divisions and communal grievances are all likely to have long-lasting effects on national and social cohesion of the country which is comparable to those found in post-world war two. This is because the ARCISS agreement failed to address them as pointed out by Chuol.<sup>134</sup>

### **3.2.2 The Link between the Flaws in the Mediation Process and Non-Implementation of the ARCISS**

The respondents were asked if there was any link between the flaws in the mediation process and non-implementation of the ARCISS. The findings obtained are presented in the following discourse. To this, respondent B said that the ARCISS failed to end the conflict in South Sudan due to some flaws in the agreement.<sup>135</sup> To begin with, there was unclear modality in the agreement, especially how to address the clear objection to the agreement from Kiir side. This was very obvious; as Kiir signed the ARCISS nine days later after it was signed by opposition parties. Thus, well stated links to the implementation of the agreement was absence, which hinders the implementation of agreement as posited by Hancock.<sup>136</sup> This also contravenes the provisions of the ARCISS that posits that:

“The TGoNU must restructure and reforms the governance institutions, specifically, The Strategic Defense and Security Review (SDSR) process shall be comprehensive, inclusive, and transparent and underpinned by the

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<sup>133</sup> Paul, interview on 20/8/2018 in Nairobi, Kenya

<sup>134</sup> Gai S. Chuol, interview on 18/8/18 in Juba, South Sudan

<sup>135</sup> Respondent B, interviewed on 15/08/2018 in Kampala, Uganda.

<sup>136</sup> Hancock, E. (2008). Op. Cit. p.19

principles and strategies of national interests in promoting and defending the sovereignty and dignity of the country and its people.”<sup>137</sup>

As such, it is evident that vase partisan interests by politicians, contravenes the national interests of the citizens, took pre-eminence, making it hard to resolve the conflict. The agreement was also poorly crafted as it lacks clear mechanism for enforcing its implementation, and this made it hard for it to be implemented. To this, respondent A pointed out that: “...poorly crafted peace Agreement is non implementable.”<sup>138</sup>

Furthermore, respondent A pointed out that, even after the formation of (TGoNU), the disagreement between warring parties remains huge on number of issues. Especially on governance, particularly in areas of composition of the government, structure of the States government during the transitional period, as well as number and size of the states, and the selection of parliament speaker.<sup>139</sup> This is in agreement with Mesfin, who said that parties diverge on the issues of security arrangements, mainly on the time frame for re-integration/re-unification, cantonments areas for the forces, demilitarization of Juba, major states capital and the anticipated security reforms, which may leads into establishment of a new security services all together.<sup>140</sup> In addition, the agreements did not manage to stop hostilities among the various warring groups which were coupled with incidences of violation of law by the government of Salva Kiir by not honoring the agreements. In this line, respondent C said that:

“...there was violation of law, in terms of not honoring the agreements, the government continued to violates the terms and conditions set out in the agreement... which made it hard to stop conflicts in the country.”<sup>141</sup>

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<sup>137</sup> IGAD. (2015, August 17). *ARCISS. Op Cit*

<sup>138</sup> Respondent A interviewed on August 13, 2018 in Juba

<sup>139</sup> Ibid.

<sup>140</sup> Berouk Mesfin. (2015). *The Regionalization of the South Sudanese Crisis: East Africa Report*. Issue 4/6/2015. Extracted on 21/3/2018 from iss.org

<sup>141</sup> Respondent C, interviewed on 11/08/2018 in Nairobi, Kenya.

This shows that there was failure to honor key provisions of the ARCISS and the conflict continued unabated. Another important element was the Functions of the CTRH, which states that:

“Without prejudice to the administration of and access to justice, the CTRH shall inquire into all aspects of human rights violations and abuses, breaches of the rule of law and excessive abuses of power, committed against all persons in South Sudan by State, non-State actors, and or their agents and allies.”<sup>142</sup>

With the government not honoring the CTRH, it was hard for the ARCISS to secure peace in the country. It is also worth mentioning that, Amnesty International has named South Sudan among the countries that have no accountability for crimes under international law. Amnesty says security forces and armed groups have committed crimes without any accountability, et al Shago<sup>143</sup>. Therefore, impunity by the government and those in authority of power remained a key driver of conflict and instability in the country, and this overshadowed the ARCISS successes.

The findings show that the ARCISS did not result into the expected overhaul of enormous institutional deficiencies in South Sudan, as it is known that certain governmental aspects need significant correction. Specifically, the nature of governance structure, the security sector in the country and the ways or attitudes in which political elites behave toward others. To this, Dr. Nyuon Gatjiek, pointed that: “The ARCISS agreement was thought to re-orient the institutions of the state, increase political engagement and foster a culture of political maturity.”<sup>144</sup>

But the influences of tribal elite councils that exist outside the formal system of government threaten the traditional norms and governance systems in South Sudan, as they silenced important voices. Many respondents argued that, the ARCISS was

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142 IGAD. (2015, August 17). *ARCISS*. Op Cit

143 Shago, O. (2016). South Sudan doesn't account for its crime. *Eye Radio on South Sudan*. Retrieved from <http://www.eyeradio.org/sudan-account-crimes-report>.

144 Dr. Nyuon Gatjiek interviewed on 18, 8, 2018 in Nairobi, Kenya



designed to address the power equation between the warring parties, but did not provide guidelines for long-lasting political solutions, how to tackle and avoid ethnicizing South Sudanese politics, and how to cultivate a well-defined national identity, as well as how to tackle loopholes in South Sudan transitional constitution. Respondent J also noticed the absence of provisions on how to build a unified nation state in the post-ARCISS. This view was also stated by respondent H: <sup>145</sup>“In the ARCISS, Efforts were not made to build a unified nation state, through redressing past human rights violations and reframing a new national identity.”<sup>146</sup>

Relative to the above statement, essential and key provisions in ARCISS were largely ignored and not implemented by Kiir government, because of inaction of IGAD member countries, whom are blamed for aggravating and preventing decisive actions. IGAD-driven ARCISS mediation could have been more inclusive as opposed to the theory of that, only those carrying guns should be given a platform to settle their differences. This exclusive theory was based on the thinking that, when involving more parties to the peace talks, it becomes difficult for the parties to reach an agreement, as each party will fight to guarantee their own interests. Thus, this complicated the negotiations process, hence, arriving at an implementable peace settlement become unlikely.

The IGAD-mediated ARCISS was seen and thought as to create conducive atmosphere for meaningful political solution in South Sudan and set off the stage for rooting out the legacy of the devastated conflict. However, the agreement was frustrated by the multiplicity of issues contained in the conflict and divergent interests between the parties involved. Thus, the need to accommodate these often competing

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<sup>145</sup> Respondent J, interviewed on 19/08/18 in Khartoum, Sudan

<sup>146</sup> Respondent H, Interviewed on 11/08/18 in Nairobi, Kenya.

interests makes the implementation of the IGAD-mediated ARCISS always challenging, if not impossible.

### **3.2.3 Opportunities contained in the ARCISS agreement**

Lastly, the study sought to find out if there were opportunities contained in the ARCISS which if implemented could help in mitigation of the South Sudan conflict. The findings obtained show that there were opportunities contained in the ARCISS that could have helped in mitigation of the conflict. To begin with, ARCISS tasks the TGoNU to:

“Undertake detailed legal and institutional reforms to ensure non-repetition of human rights abuses and violations, breaches of the rule of law and excessive use of power.”<sup>147</sup>

If these institutional reforms were implemented, sustainable peace in the country could have taken place. There was also provision that guaranteed the participation of the private sectors, as well as youth and women were also given strong provisions for participation in the peace implementation. This was vital since the youth are the most affected section in the society, because they are the main groups that are recruited to participate in conflicts. The participation of the private sector, which can also influence the economic affairs in the country, was incorporated in the peace agreement. To this, David J posited that:

“The private sector is vital and ARCISS put in place good mechanisms for ensuring its participation in the peace agreements, hence, there was opportunity to ensure they contribute meaningfully toward rebuilding the country infrastructure.”<sup>148</sup>

The opinions of J were in line with the aspirations of the ARCISS agreement that states that:

“The TGoNU shall undertake permanent Constitution-making process, form and reconstitute the (NCRC) to undertake constitutional amendment process.

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<sup>147</sup> IGAD. (2015, August 17). *ARCISS*. Op Cit

<sup>148</sup> David J (former Unity State minister of finance) interviewed on 20/8/18 in Khartoum, Sudan

In order to ensure equality in participation and inclusiveness in the reformulated Constitution review process, the composition of the reconstituted NCRC shall include but not limited to representatives of the TGoNU, Political Parties, faith-based groups, women's bloc, youth, ethnic minorities, representatives of the private sector, CSO groups, academics and other professionals. The process shall be as defined in the ARCISS and enacted legislation governing the constitution-making process.”<sup>149</sup>

In this regard, and based on the opinion of the respondents, there was good provisions to ensure that the private sector, women and youth were actively engaged in the implementation of the ARCISS. Furthermore, there were some mechanisms for supporting infrastructure development. This strengthens the position of Chapter I of the ARCISS which states that as part of its Mandate the TGoNU shall:

“Rebuild the destroyed physical infrastructure in conflict-affected areas and give special attention to internally displaced people and prioritizing the rebuilding of livelihoods of those most affected by the conflict.”<sup>150</sup>

Respondent H also pointed to the good and significant important of the ARCISS tasking the then TGoNU to oversee critical institutional reforms that were negotiated during the peace agreement.<sup>151</sup> This was in line with restructuring the young nation governmental structures and guiding the nation into new elections. These measures were perceived as tools of reducing future political violence and possibly bring about new political dispensation. However, these novel national agendas were challenged by the lacks of political will, specifically from the president Kiir's side who signed the agreement with lots of reservations.

The provisions and mechanisms for implementation of accountability were also clearly mapped out. This was to ensure that justice processes were successful. The frameworks for reconciliation, national healing, reparation and compensation were also good opportunity to offset the culture of violence and impunity in the country. In this light, one of the respondents posited that: “The agreement detailed extensively on

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<sup>149</sup> IGAD. (2015, August 17). *ARCISS*. Op Cit.

<sup>150</sup> Ibid

<sup>151</sup> Respondent H, Interviewed on 11/08/18 in Nairobi, Kenya.

how to ensure that justice for all aggrieved persons was to be undertaken... this made it possible to avoid future conflict.”

This was in line with Chapter I Article 14 that states that:

“During the Transitional Period, the existing Commissions and Institutions shall be reconstituted at the national level, as provided for in this Agreement. Within the first few months of the TGoNU, the Executive shall supervise and facilitate the reforms and reconstitutions of the Commissions and Institutions, paying particular attention to the mandate and appointments, to ensure their independence and accountability.”<sup>152</sup>

As such, it is clear that good elements were put in place to ensure truth and reconciliation through specially formulated bodies as shown by the opinions of the respondent B.<sup>153</sup> The AUCISS therefore, recommended a process of national healing and reconciliation processes, justice and reparation for all the victims because the AUCISS findings pointed to large scale of abuses, committed with impunity, Lucey and Kumalo<sup>154</sup>. But these provisions for transitional justice were met with resistance, specifically from South Sudan government officials, whom are wary of being prosecuted, with some of them stated that they would rather preferred the truth and reconciliation process than retributive justice. Therefore, it should not be a surprise to see the South Sudan government has dragged its feet to domesticated legislation for the establishment of the hybrid court<sup>155</sup>.

### **3.3 Conclusion**

Based on the findings, it can be concluded that ARCISS was faced with challenges related to power sharing.<sup>156</sup> The agreement was also met by lack of political will, divisions within IGAD states, which are consider to favors the government, the resistance to change resulted into internal coup d'états and resulted into inability of

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<sup>152</sup> IGAD. (2015, August 17). *ARCISS*. Op Cit

<sup>153</sup> Respondent B, interviewed on 15/08/2018 in Kampala, Uganda.

<sup>154</sup>Lucey, A & Kumalo, L. (2017). Democratize or Disintegrate: How the AU can help South Sudan. East Africa Report 11/March 2017. Available at [www.iss.org](http://www.iss.org).

<sup>155</sup>Ibid

<sup>156</sup> IGAD. (2015, August 17). *ARCISS*. Op Cit

the ARCISS to ended the conflict. It is evident that divergent and often conflicting interests of IGAD mediators have led to a poorly crafted agreement that lacks mechanisms to guarantee its implementation. This is in line with the findings of Deborah who posited that the commitment of mediators was a vital in ensuring the success of peace agreements implementation.<sup>157</sup> The ARCISS was challenged by continuation of hostilities and dishonoring of the cessation of hostilities agreements by the warring parties in violation of provisions provided for by Chapter V Article 2.2 of the ARCISS. This hindered the success of the ARCISS implementation.<sup>158</sup>

Lastly, the ARCISS, although with some loopholes, have some provisions that could aids in institutional reforms, the inclusion of private sectors, the clear framework of women and youth participation in the ARCISS implementation were of great important<sup>159</sup>, provisions to repair infrastructure and developmental support,<sup>160</sup> and post-conflict construction, as well as mechanisms to ensure accountability and addressing of justice requirements were very fundamental if implemented.

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157 Deborah, Z. (2004). Op. Cit. P. 43.

158 Ibid.

159 IGAD. (2015, August 17). *ARCISS*. Op Cit

160 Ibid

**CHAPTER FOUR**  
**THOROUGHLY ASSESSED CHALLENGES FACING EFFECTIVE**  
**IMPLEMENTATION OF THE ARCISS**

**Introduction**

The implementation of the ARCISS has been met by multi-sectoral challenges hindering the actualization of the agreement and therefore did not end the conflict. This chapter discusses the different dynamics that affect its implementation by evaluating its success and security dilemma, the capacity of JMEC in overseeing its implementation and the way forward. This chapter presents the findings emanating from the third objective of the study which was to thoroughly assess the implementation of ARCISS and the challenges hindering its effective implementation.

**4.1 Evaluation of the Success of the Security Arrangement Component of the ARCISS**

To begin with, the study sought to find out the success of the security arrangement component of the ARCISS and the key factors responsible for its failure. To this,

Gai Wour argues that the security arrangement component was not successful to a large extent. To this he says that: “the security arrangement had not been done, no demilitarization of major cities, no containment of forces that have been implemented.”<sup>161</sup>

Wour also posited that, the availability of two armed forces in one center of power (Juba) led to security dilemma.<sup>162</sup> This was coupled with poor monitoring mechanism and weak institutions, as well as failure to undertake security sector reforms, this made it hard to mitigate the conflict in South Sudan as suggested by Steadman<sup>163</sup>, all of these resulted into security breakdown in the country and the continued of violence. This is in relation with respondent G, who pointed out that there was a resistant

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<sup>161</sup> Gai Wour (SPLM), Interviewed on 18/8/18 in Juba, South Sudan.

<sup>162</sup> Ibid.

<sup>163</sup> Steadman, S.J., (2001). Op. Cit. P.44.

towards the agreement from government circles, precipitated by fear for federalism, loss of central power and fear for hybrid court as well as a strong lust for wealth accumulation through corruption practices.<sup>164</sup>

Thus, it was no secret that president Kiir and his then army chief of staff Gen. Paul Malong were adamantly reluctant to accept the ARCISS peace agreement. This was particularly on the assumption that they were winning the war over the SPLM/A-IO militarily and financially as posited by Lucey and Kumalo<sup>165</sup>. This resulted in stalemate in implementation of the security arrangements agreement. The outcome of that stalemate was July 8 deadly clashes between the two warring factions, which led into expulsion of SPLM/A-IO leadership and its armed forces from Juba. This victory ensures that there is no significant political rival to president Kiir and this also reduced the bargaining power of SPLM/A-IO in political landscape of South Sudan, signaling triumph of Kiir's regime in holding on sovereign entitlements of South Sudan.<sup>166</sup> However, this military and political supremacy of Kiir government was only confined to capital city Juba and the areas in which the president and Gen. Malong have personal loyalty of local elites<sup>167</sup>.

Furthermore, Respondent D contented that:

“Since the signing of the August 2015 peace agreement, the security environment across the country is volatile; violence conflict has increased in areas previously considered relatively stable. This has resulted into massive displacement of local population from their areas, as the violence is continuing non-stop.”<sup>168</sup>

In Juba Presidential Palace clashes (better known as J one), hundreds of innocent South Sudanese soldiers died. That renewed clashes led into international outcry, questioning the viability of the then unity government and the peace agreement itself,

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<sup>164</sup> Respondent G interviewed on August 21, 2018 in Juba

<sup>165</sup> Lucey, A & Kumalo, L (2017). Op Cit. p.14

<sup>166</sup> Ibid

<sup>167</sup> Ibid

<sup>168</sup> Respondent D interviewed on August 15, 2018 in Kampala

especially, after Dr. Riek Machar and his senior officials were chased away from Juba city, and robustly pursued all the way to Congo, where they sought refuge, Blanchard<sup>169</sup>. The Juba renewed violence was precipitated by the failure of mediators and peace guarantors to demilitarized Juba City, with the ceasefire monitors were unable or failed to confirm and attest the government's compliance with the then agreed upon security arrangements. Instead of demilitarized, Juba was heavily militarized by Kiir and his then Chief of staff, Gen. Malong, with intention to abrogate the peace agreement and frustrated its implementation.

#### **4.2 Key Components of the ARCISS that have been implemented**

Some of the key components of the ARCISS that had been implemented were very limited. To this, the findings show that the components that had been implemented were, the formation of TGNU<sup>170</sup>; re-constitution of (TNLA); provision of Amnesty to very limited political detainees, chapter VII on (JMEC)<sup>171</sup>, and selective distribution of power on central government level.

Thus, the evident is that, the ARCISS had been implemented partially with components such as TGoNU and the TNLA<sup>172</sup>, granting of amnesty to small number of political detainees, partially reconstitution of JMEC formation<sup>173</sup>, and realization of ceasefire in Juba and in very limited parts of the country, this was followed with selective and partial distribution of power, mainly to Kiir's friends and political allies.

#### **4.3 Unimplemented Components of the ARCISS**

The study also sought to establish the key components of the ARCISS that have not been implemented and the reasons for failing to do so. To this, the findings

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<sup>169</sup>Blanchard, L. (2016, September 22). *Conflict in South Sudan and the Challenges Ahead*. Congressional Research Service. Specialist in African Affairs. Extracted from [www.crs.gov](http://www.crs.gov).

<sup>170</sup>IGAD. (2015, August 17). *ARCISS. Op Cit*

<sup>171</sup>IGAD. (2015, August 17). *ARCISS, Chapter I, Section 1.*

<sup>172</sup>IGAD. (2015, August 17). *ARCISS, Chapter I, Section 1, Clause 11.*

<sup>173</sup>IGAD. (2015, August 17). *ARCISS, Chapter VII.*



obtained show that the key components not implemented were: unification of army, institutional reforms, SPLM reunification, disarming all militias groups, constituting hybrid courts, compensation and reparation of the victims of atrocities, reinstatement of the civil servants, implementation of Chapter II, III, IV, V of the ARCISS,<sup>174</sup> power sharing protocol partially implemented, lack of funding from the donors, poor monitoring and evaluation (M&E) processes. Therefore, the finding shows the peace agreement was entirely ignored, violated and unimplemented.

#### **4.3.1 The Capacity of the JMEC in Overseeing the Implementation of ARCISS**

In addition, the study sought to find out the capacity of the JMEC in overseeing the implementation of ARCISS. To this, various responses were obtained. Herein, the respondent E elicited that:

“JMEC had no capacity for the successful implementation of ARCISS.”<sup>175</sup>

In the same line, other responses show that it needed to be dissolved and reconstituted.<sup>176</sup> There were no efforts made to build and equip the JMEC body to make it strong and capable to enforce peace implementation;<sup>177</sup> it was toothless and it should have been strengthened by regional and international community support;<sup>178</sup> Respondent J contented that, JMEC staffs were just bunch of job-seekers who prioritized their own interests;<sup>179</sup> they had no clear objectives on how to implement the peace agreement and;<sup>180</sup> they ought to be neutral in implementing its activities as posited by Zutter.<sup>181</sup>

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<sup>174</sup> IGAD. (2015, August 17). *ARCISS, ARCISS, Chapters II, III, IV, V*.

<sup>175</sup> Respondent E, interviewed on 18/08/2018 in Juba, Sudan.

<sup>176</sup> Respondent A interviewed on August 13, 2018 in Juba

<sup>177</sup> Luka Gai B (community leader), Interviewed on 18/8/18 in Kampala, Uganda

<sup>178</sup> Respondent G interviewed on August 21, 2018 in Juba

<sup>179</sup> Respondent J, interviewed on August 18/8/2018 in Juba.

<sup>180</sup> Rev. Matai Interviewed on 23/08/18 in Juba, South Sudan.

<sup>181</sup> Zutter, D. (2004). *Op Cit*. p. 17

In this sense, JMEC, which is a IGAD-led monitoring and verification mechanism remained largely symbolic, they continued helplessly to see the ceasefire being violated, their reports on violations from the warring parties carry no real cost to the violator. Real consequences to deter parties from violating cessation of hostilities and change the behavior of the warring parties were lacking, Awolich<sup>182</sup>. Therefore, no serious actions taken, except the IGAD and other peace guarantors continued to ironically issued statements condemning both parties for violations of the CoH. So there was a continued violation of CoH and the ARCISS with impunity by the parties.

#### **4.3.2 The Question of the Special Hybrid Court**

The study went on to investigate why there was delay by the TGoNU in collaboration with AU and the international partners in establishing the special hybrid court within the first few months of the transitional government as provided for in the ARCISS. To this, various reasons for failure were highlighted. To begin with, Choul posited that:

“The reason for failure to implement the special hybrid court in time was due to fear of prosecution of government officials, army generals, government-allied militia’s commanders and SPLM members.”<sup>183</sup>

The major reason for the delay was the reluctant of the government to institute the hybrid court to speed up the investigation and persecution of those found guilty of committing crimes and abuses on South Sudanese citizens.<sup>184</sup> There was also lack of cooperation between the parties and this in agreement with the position of Ole Elgström and colleagues.<sup>185</sup> Lastly, respondent L pointed out that the delay was

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182 Awolich, A (2015). *The Mediation Pendulum and the Challenges that underlie the Peace Implementation in South Sudan*. Available at [www.suddinstitute.org](http://www.suddinstitute.org).

183 Gai S. Chuol, interview on 18/8/18 in Juba, South Sudan.

184 Respondent K, interviewed on August 17/08/2018 in Juba, South Sudan.

185 Elgström, O., Bercovitch, J., & Skau, C. (2003). Op Cit. p.29

orchestrated by the fear that it could have encouraged unprecedented in future violation of human rights and that of the agreement.<sup>186</sup>

#### **4.3.3 The Creation of an Additional 22 States and the ARCISS Agreement**

The study went on to find out if President Kiir's creation of an additional 22 (32) states were a violation of the ARCISS. To this, all the respondents said yes. In this regard, the respondent L<sup>187</sup> pointed out that it was a violation of not only the ARCISS agreement, but also the Transitional Constitution of South Sudan.<sup>188</sup> It was also an obstacle to success of peace agreements as argued by Duer.<sup>189</sup> Since it reduced the states of their enormousness, it should have been done by a boundary commission to review the boundaries and should have followed consultation and involvement of the public before making decision, to make sure that it is not resulted to conflict over resources.<sup>190</sup> That is why the creation of 32 states was condemned by IGAD Council of Ministers through a statement, saying the Presidential order creating the ten states into twenty eight states is inconsistent with the peace agreement.

#### **4.3.4 Challenges Facing the Effective Implementation of the ARCISS Agreement**

Furthermore, the study sought to find out the major challenges facing the effective implementation of the ARCISS. In this regard, the major challenges facing effective implementation was power wrangling, which goes against the spirit of power sharing agreements.<sup>191</sup> According to respondent B, the implementation was also challenged by tribal interests and affiliations that preceded national interests.<sup>192</sup> There was lack of funding from donors resulted from divided regional and international community action on South Sudan, lack of political will, resistant towards the agreement,

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<sup>186</sup> Respondent L, (community leader) interviewed on August 18/08/2018 in Juba, South Sudan.

<sup>187</sup> Ibid.

<sup>188</sup> IGAD. (2015, August 17). *ARCISS*. Op Cit

<sup>189</sup> Duer Tut D ( former governor SPLM-IO) interviewed on 20/8/18 in Khartoum, Sudan

<sup>190</sup> Ibid.

<sup>191</sup> IGAD. (2015, August 17). *ARCISS, Chapter I, Section 1, Clause 1.6.*

<sup>192</sup> Respondent B, interviewed on 15/08/2018 in Kampala, Uganda.

willingness to maintain power monopoly, failure to demilitarize the national capital juba, poor monitoring and supervisory role of JMEC<sup>193</sup> and IGAD, two armies within one country, poor working relationship between the parties to the agreement, competing neighbor states interests such as Uganda, Kenya, Ethiopia and Sudan, non adherence to ceasefire agreement and the creation of the 32 states, which escalated tribal conflict over land and fueled the violence.

The findings show that the major challenges are above mentioned areas, coupled with that essential and key provisions in ARCISS were largely ignored by Kiir government, because of differing regional positions within IGAD member countries, whom are blamed for aggravating and preventing decisive actions.<sup>194</sup>

#### **4.4 Implementing ARCISS and the Way Forward**

Lastly, the study sought to find out the ways in which the challenges facing the effective implementation of the ARCISS could be mitigated as well as the way forward for South Sudan. To this, extensive responses were provided. The ways suggested were: creating national dialogue to bring south Sudanese together, repairs the broken social fabrics and forge a unified future for the country<sup>195</sup>. This can be done through creating awareness on the effects of negative ethnicity and the goodness of having a united national identity,<sup>196</sup> equal distribution of resources and employment opportunities without any distinction as argued by Memar Ayalew<sup>197</sup>, accepting and implementing the peace accords followed by healing and reconciliation process as

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<sup>193</sup> IGAD. (2015, August 17). *ARCISS, Chapter VII*.

<sup>194</sup> Respondent C, interviewed on 11/08/2018 in Nairobi, Kenya.

<sup>195</sup> Respondent M, interviewed on 18/08/2018 in Juba, South Sudan

<sup>196</sup> Respondent B, interviewed on 15/08/2018 in Kampala, Uganda.

<sup>197</sup> Memar Ayalew, D. (2014). Op Cit. p. 23

posited by Lucey and Kumalo<sup>198</sup> and, having technocrats government and resignation of the President Kiir as argued by respondent M.<sup>199</sup>

The respondents also pointed out that there is also need to establish justice and accountability and addressing the root causes of the conflict as argued by Lucey and Kumalo<sup>200</sup>, disorienting tribal mindset, reducing discrimination and nepotism, and combating corruption practices, adoption of federal systems of governance, creation of unified national army, dissolving JMEC and reconstituting it to become a strong and neutral verification mechanism<sup>201</sup> or creating another body, creating a conducive political environment for all South Sudanese citizens to freely express their opinions<sup>202</sup>, commitment to undertake institutional reforms, embracing democracy and ending bad governance practices in south Sudan, respect for human rights and international humanitarian laws, demilitarization of Juba and major cities, following the rule of law and order, transparency and accountability as well as prosecuting the criminals and perpetrators of war and violence.

#### **4.5 Conclusion**

Based on these findings, it can be concluded that it is evident that the implementation was not successful; this is precipitated by lack of security reforms in line with the suggestions of Steadman<sup>203</sup>, the presence of poor institutions for monitoring, continued violence in the country, fear for federalism, fear for justice and corruption practices are the major hindrances of peace in South Sudan. One more evident is that, the ARCISS had been implemented partially with components such as

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<sup>198</sup> Lucey, A & Kumalo, L. (2017). Op Cit. p. 11

<sup>199</sup> Ibid.

<sup>200</sup> Ibid.

<sup>201</sup> IGAD. (2015, August 17). *ARCISS, Chapter VII*.

<sup>202</sup> Hancock, E. (2008). Op Cit. p.33

<sup>203</sup> Steadman, S.J. (2001). Op Cit

TGoNU and the TNLA formation<sup>204</sup>, releasing of few political detainees, partially implementation of JMEC establishment<sup>205</sup>, half-baked ceasefire and partial distribution of power.

The findings also shows that some of the key components of the ARCISS were not fully implemented, these are unification of army, SPLM reunification, disarmament, establishment of hybrid courts, compensation and reparation, and reinstating of civil servants, chapters II, III, IV of ARCISS,<sup>206</sup> full implementation of power sharing protocol,<sup>207</sup> and permanent constitutional making processes.<sup>208</sup> It can also be concluded that JMEC had no capacity in overseeing the Implementation of ARCISS. Furthermore, opposition forces do not have confidence on it, because it is a toothless body and not neutral in it over sighting work. This made it hard to implement its activities from a neutral standpoint, as posited by Zutter.<sup>209</sup>

It was also found out that the needed reforms within the first few months of the transition government did not happen in time due to fear of prosecution of members of the warring parties, and intransigence in resistant of justice, as highlighted by Steadman.<sup>210</sup> This point is in agreement with the position of Ole Elgström and colleagues,<sup>211</sup> who says that quick implementation of retributory justice has the fear that it could have encouraged continuous violation of the agreement.

The study also found that, the creation of an additional 22 states was a violation of the ARCISS. The answers obtained from respondents shows that this was indeed a violation of the transitional constitution and the agreement<sup>212</sup>. The creation of these

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<sup>204</sup> IGAD. (2015, August 17). *ARCISS, Chapter I, Section 1, Clause 11.*

<sup>205</sup> IGAD. (2015, August 17). *ARCISS, Chapter VII.*

<sup>206</sup> IGAD. (2015, August 17). *ARCISS. Op Cit*

<sup>207</sup> *Ibid*

<sup>208</sup> *Ibid*

<sup>209</sup> Deborah, Z. (2004). *Op Cit. p. 23*

<sup>210</sup> Steadman, S.J., (2001). *Op. Cit. P.44.*

<sup>211</sup> Elgström, O., Bercovitch, J., & Skau, C. (2003). *Op Cit. p. 71*

<sup>212</sup> IGAD. (2015, August 17). *ARCISS. Op Cit*

states was an obstacle to success of peace agreements, as it was not done by a constituted inclusive boundary commission, and through public consultation.

The challenges facing effective implementation of the ARCISS were the struggle to control power and resources, as oppose to power sharing agreements,<sup>213</sup> lack of respect to the agreement itself as a result of divided regional and international community policy towards South Sudan, lack of political will, specifically from the government side, failure to demilitarize the national capital juba and the presence of two armies in one center of power, poor supervisory role of JMEC.<sup>214</sup> The severity of war dented the confidence of South Sudanese people on the TGoNU.

Lastly, the ways of mitigating the challenges facing the effective implementation of the ARCISS and the way forward for South Sudan, the respondents suggested the institution of a national dialogue and reconciliation body; check and combat negative ethnicity and tribal mindset; embrace democracy; having a more functional monitoring body instead of current JMEC<sup>215</sup>; the government should be form of people of technocrats in exclusion of corrupt officials; enhancing accountability and justice; combating corruption; ensure transparency and accountability as advanced by the International Mediation Institute. South Sudan should have a federal system of governance; establish a unify national army; reduce nepotism and discrimination<sup>216</sup>; ensure demilitarization of Juba, civil centers, other major cities and enforce law and order.

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<sup>213</sup> Ibid

<sup>214</sup> IGAD. (2015, August 17). *ARCISS, Chapter VII.1*

<sup>215</sup> Ibid.

<sup>216</sup> Hancock, E. (2008). Op Cit. p. 32

## CHAPTER FIVE

### SUMMARY, CONCLUSION AND RECOMMENDATIONS

#### **Introduction**

This chapter presents the summary, conclusion and recommendations. This is done based on the three objectives, which are analyzing the role of IGAD in mediating South Sudan conflict between 2013- 2015; examining the August 2015 agreement, its flaws and opportunities and assessing the implementation of ARCISS and challenges hindering its effective implementation. Lastly, the study gives some policy recommendation suitable for enhancing the success of mediation processes and the implementation of peace agreements in South Sudan.

#### **5.1 Role of IGAD in Mediating South Sudan Conflict between 2013 and 2015**

The study summarized the findings derived from the first objective of the study, which was to critically analyze the role of IGAD in mediating South Sudan conflicts between 2013 and 2015. To begin with, the study sought to find out the general view of the respondents on the overall performance of IGAD during the mediation process before it was transformed into IGAD-PLUS mediation process. The finding obtained show that the IGAD mediation, although modest, was successful since it resulted into agreements, the ARCISS. Others however differed with this. They posited that IGAD mediation failed miserably. This was attributed to challenges of division and divergent interests of the member countries, a challenge also highlighted by scholars such as Hancock.<sup>217</sup>

Furthermore, the study sought to find out the perceived or the real strengths of IGAD in mediating the South Sudan peace process. To this, the findings obtained show that some of the strengths of IGAD were its experienced mediators, support

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<sup>217</sup> Ibid



from the international community as argued by Elgström, Bercovitch and Skau<sup>218</sup>; the capacity to convince warring parties to participated in mediation process was also one of the strengths of a mediator according to Amy<sup>219</sup>; commitments and interests to resolve the conflict with resilience were key strengths as highlighted by Deborah.<sup>220</sup> In addition, IGAD had a history of mediation, which was also seen as a key attribute of mediating organizations.<sup>221</sup>

On the weaknesses of the IGAD mediation in South Sudan Conflict, it was found out that IGAD could not impose sanctions on warring parties and that it had no regional army. This is a key weakness for mediation organization since they should have capacity to exert political leverage on the warring parties. Moreover, IGAD mediation failed to address the root causes of the South Sudanese conflict. This makes it hard to secure lasting peace. There was also lack of political will to quickly end the war from the conflicting parties, which makes it hard to enforce peace accords. It was also pointed out that some IGAD members were parties to the conflict, leading to division among its members. This ought not to be so for mediating organizations as posited by Katja.<sup>222</sup>

IGAD mediation was also faced with corruption, with some mediators accepting to be bribed. The mediation process was also weak since it adopted a poor model of peace negotiation, which hindered the success of the mediation process. The organization was also faced with inadequate resources, a key weakness to mediation efforts according to the Institute for Security Studies.<sup>223</sup> There was also lack of inclusion of some key actors, such as key opposition figures and civil society groups,

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<sup>218</sup> Elgström, O., Bercovitch, J., & Skau, C. (2003). Op Cit. p. 9

<sup>219</sup> Amy, D. (1987). Op Cit. p. 7

<sup>220</sup> Deborah, Z. (2004). Op. Cit. p. 2

<sup>221</sup> Ibid.

<sup>222</sup> Katja, F. (2009). Op Cit. p. 93

<sup>223</sup> Institute for Security Studies. (2004, March). Op Cit. p.11

which also hindered effective participation during mediation processes.<sup>224</sup> In addition, there was lack of proper evaluation and monitoring body to oversee implementation and success of the whole process as to account violators.

Regarding the major challenges faced by IGAD in mediating a peaceful resolution to South Sudan conflict, the findings show that IGAD lacked cooperation from its members' with some state had partisan interests. This was seen as a major challenge facing the IGAD mediation process. In this regard, the IGAD Heads of State and their mediators pulled differently during mediation process. In most cases, IGAD was seemed to be supportive to one party that is the government, which back up its support with resources. This was a key challenge facing mediation processes according to Steadman.<sup>225</sup> Herein, the government sticks to its preferring military solution than mediation.

Lastly, the respondents were asked to point out their opinions on the influence of other actors in the mediation process. To this, the findings obtained show that other actors played a key role such as calling for cooperation from regional leaders. There was also coercion and threats of sanctions on the leaders of the conflicting parties, if they failed to sign peace. External actors also played a positive role by supporting the IGAD mediation process with resources to end the conflict, a key supporting factor to mediation processes.<sup>226</sup> External actors offered consultative advisory to the parties, which is a vital contribution as cited by Maccoby and Scudder.<sup>227</sup> This was vital since it lead to the final agreement. The joint influence of these efforts played a vital role in arriving at the final agreement.

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<sup>224</sup> Ibid.

<sup>225</sup> Ibid.

<sup>226</sup> Institute for Security Studies. (2004, March). Op Cit. p.11.

<sup>227</sup> Maccoby, M., & Scudder, T. (2005). Op Cit. p. 46

### **5.1.1 Examination of the August 2015 Agreement, Its Flaws and Opportunities**

Based on the study findings, it can be concluded that the ARCISS was faced with challenges related to power sharing, as President Kiir was not happy in the ways the powers were redistributed.<sup>228</sup> It was also faced by lack of political will from the government side, divisions within IGAD states, which was considered to favor the government, the resistance to change resulted into internal coup d'états and the inability of the ARCISS agreement to end the conflict. It is thus evident that divergent and often conflicting interests of IGAD mediators have led to a poorly crafted agreement. This contravenes the findings of Deborah who posited that the commitment of mediators was vital in ensuring the success of peace agreements.<sup>229</sup> The ARCISS was also challenged by continuation of hostilities and dishonoring of the cessation of hostilities agreements by the warring parties, as oppose to the provisions provided for by Chapter V Article 2.2 of the ARCISS. This hindered the success of the ARCISS.<sup>230</sup>

### **5.1.2 Challenges Hindering Effective Implementation of the ARCISS**

On the challenges hindering effective implementation of the ARCISS, it can be concluded that, the implementation was not successful; this is precipitated by lack of security reforms in line with the agreement, as suggested by Steadman.<sup>231</sup> The presence of poorly equipped institutions for monitoring, continued violence in the country, fear for federalism, fear for justice and rampant corruption are the major hindrances of peace in South Sudan. In this regard, it is obvious that the ARCISS had been implemented partially, with components such as TGoNU and the TNLA

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228 IGAD. (2015, August 17). *ARCISS, Chapter V, Section 2, clause 2.2.2.7.*

229 Deborah, Z. (2004). *Op Cit.* p. 8

230 *Ibid.*

231 Steadman, S.J., (2001). *Op. Cit.* P.44.

formation<sup>232</sup> as key areas considered being implemented, coupled with partially JMEC establishment<sup>233</sup>, as well as half-baked ceasefire and partial distribution of power.

The findings also made manifest that some of the components of the ARCISS were not implemented, these are merging of the two armies, SPLM reunification, disarmament of former combatants, establishment of hybrid court, compensation and reparation of war victims, and reinstating civil servants, as outlined in the chapters II, III, IV of ARCISS agreement.<sup>234</sup> The full implementation of power sharing protocol was not implemented as it stress out in the agreement.<sup>235</sup> Also getting funding for economic recovery and post-conflict reconstruction was not follow through.<sup>236</sup> In the absence of these key provisions, it was hard to implement the peace agreement, as posited by Zutter.<sup>237</sup>

It was also found out that although ARCISS mandated the TGoNU in collaboration with AU and with support of international partners and friends of South Sudan to establish a special hybrid court within the first few months of the transitional government, this did not happen either due to fear of prosecution of those who committed crimes and human rights abuses, resistant to change, parties apathy and intransigence, as highlighted by Steadman<sup>238</sup>, as well as lack of cooperation between parties to the agreement. This is in agreement with the position of Ole Elgström and colleagues,<sup>239</sup> who believed that, the fear for prosecution could encourage violation of the agreement.

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<sup>232</sup> IGAD. (2015, August 17). *ARCISS*. Op Cit

<sup>233</sup> Ibid

<sup>234</sup> Ibid

<sup>235</sup> IGAD. (2015, August 17). *ARCISS*. Op Cit

<sup>236</sup> Ibid

<sup>237</sup> Deborah, Z. (2004). Op Cit. p. 19

<sup>238</sup> Steadman, S.J. (2001). Op Cit. p. 96

<sup>239</sup> Elgström, O., Bercovitch, J., & Skau, C. (2003). Op Cit. p. 11

The study finds out that the creation of an additional 22 states was a willful violation of the ARCISS from President Kiir. The findings obtained from respondents shows that this was indeed a violation of the transitional constitution and the agreement<sup>240</sup>. The alteration of the state's boundaries was an obstacle to success of peace agreements, as it was not done through popular consultations to avoid conflict over resources and land.

The challenges facing effective implementation of the ARCISS were the competition to control power and resources, as oppose to power sharing agreement,<sup>241</sup> lack of unified position of the guarantors, as a result of divided regional and international community policy towards South Sudan, lack of political will, specifically from the government side, failure to demilitarize the national capital juba and the presence of two armies in one center of power<sup>242</sup>.

On the ways of mitigating the challenges facing the effective implementation of the ARCISS and the way forward for South Sudan, the respondents suggested several ways such as institution of a national dialogue and reconciliation body; check and combat negative ethnicity and tribal mindset; embrace democracy; having a more functional, strong institutions<sup>243</sup>; the government should be form of people of technocrats; enhancing accountability and justice; combating corruption; ensure transparency and accountability as advanced by the International Mediation Institute,<sup>244</sup>; South Sudan should have a federal system of governance; establish a unify national army<sup>245</sup>; ensure demilitarization of Juba, civil centers, other major cities and enforce law and order.

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<sup>240</sup> IGAD. (2015, August 17). *ARCISS*. Op Cit

<sup>241</sup> Ibid

<sup>242</sup> Ibid

<sup>243</sup> IGAD. (2015, August 17). *ARCISS*. Op Cit.

<sup>244</sup> Institute for Security Studies. (2004, March). Op Cit. p. 19

<sup>245</sup> Hancock, E. (2008). Op Cit. p.10

## 5.2 Conclusion / Findings

This study sought to test the following hypotheses: IGAD played a key role in mediating the ARCISS through its persistence (several trials) to see an end to the bloody war in South Sudan and that; through threats of sanctions from the UN, AU and Troika, the Government of South Sudan was forced to sign the ARCISS; with continuous Ceasefire violations have hindered the effective implementation of the ARCISS. The study was guided by the concept of facilitation mediation. The concept of facilitation argues that the goal is to help parties achieve their interests and to reach a durable (long-lasting) agreement.<sup>246</sup> The objectives of the study was to: critically analyze the role of IGAD in mediating South Sudan conflict between 2013- 2015; critically examine the August 2015 agreement, its flaws and opportunities and; thoroughly examine the implementation of ARCISS and assess challenges hindering its effective implementation.

On the findings of the study, several conclusions can be made. To begin with, the findings show that the mediation by IGAD was somehow successful since it resulted into agreement; (the ARCISS) although the agreement did not widely ended the conflict. This confirms the first hypothesis of the study that stipulates that: IGAD played a key role in mediating the ARCISS through its persistence (several trials) to see an end to the bloody war in South Sudan.

The failure of the ARCISS to end the widespread conflict was attributed to challenges from the agreement itself, division and conflicting interests of the IGAD member countries. IGAD mediation was found to have some strength during the mediation processes. These include its experienced mediators; support from the international community; the willingness to convince the warring parties to participate

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<sup>246</sup> Frenkel, H., & Stark, D. (1996). Op. Cit. p.29

in mediation process, and its commitments to resolve the conflict through resilience. In addition, IGAD historical involvement in mediation process in region such as CPA and Somalia peace accord was also seen as a key attribute of mediating organizations. On the weaknesses of the IGAD mediation in South Sudan Conflict, it can be concluded that IGAD lacks claws as it could not impose sanctions on warring parties, due to the fact that it had no regional army. This is a very significant weakness for mediation organization since they should have capacity to exert political leverage on the warring parties. All these weaknesses from IGAD, makes it hard to secure lasting peace in South Sudan. This was confounded by the fact that some IGAD members were parties to the conflict, leading to division among its members.

Apparently, IGAD mediation process was also weak since it adopted flawed model of peace negotiation, which hampered the success of the process. The organization was also faced with inadequate political unity to support the proper monitoring and evaluation of the peace implementation success. Regarding the major challenges faced by IGAD in mediating a peaceful resolution to South Sudan conflict, it was evident that IGAD countries lacked cooperation among themselves and some of its members had partisan interests, which was a major challenge facing mediators. In most cases, most of the IGAD member countries were supported one party that is the government, which back up its support with resources. Due to that support, the government preferred military solution rather than mediation.

Lastly, it is clear that external actors played a key role, as its acts as a bridge between the African solutions for African problem, back by international partners. IGAD-PLUS also called for cooperation between regional leaders to end the conflict in South Sudan. External actors also played a positive role by supporting with resources the IGAD-led mediation process, and also offered consultative advisory to

the parties. This was vital since the joint influence of these efforts played a vital role in arriving at the final agreement, as IGAD-PLUS coerced and threatened the leaders of conflicting sides with sanctions, if they failed to make compromises.

On the challenges hindering the successful implementation of the ARCISS, it can be concluded that the ARCISS implementation was faced with challenges related to power sharing arrangements. It was faced by lack of political will, lust for power, willingness to maintain power monopoly and this was deepened by the divisions within IGAD, which resulted in inability to address the challenges to end the South Sudan conflict.

It is thus evident that Implementation of the ARCISS was challenged by the continuation of hostilities and dishonoring of the agreements by the government in contradictions with the provisions provided for by Chapter V Article 2.2 of the ARCISS. This hindered the success of the ARCISS implementation.

From the finding of the study, it can be concluded that, the implementation of ARCISS agreement was not successful as envisaged. This was due to lack of security reforms; presence of poorly equipped institutions for monitoring, dictatorship in the country, fear for federalism and fear for prosecution and justice. It is evident that the ARCISS was implemented partially, with components such as establishment of TGoNU and the TNLA were reshaped to suit the political interest of President Kiir, who selectively distributed power to his friends and political allies.

The findings also showed that some of the crucial components of ARCISS were not fully implemented. These include merging of the two armies and disarmament of former combatants, SPLM reunification, establishment of hybrid courts to prosecute those found guilty of committing crimes and human rights abuses, compensation and reparation of victims of the violence, as clearly spelt in chapters II, III, IV of



ARCISS, which call for full implementation immediately after the establishment of power sharing protocol. It can also be concluded that JMEC had no capacity in overseeing the Implementation of ARCISS, and parties did not have confidence on it. This made it hard to implement its activities from a neutral standpoint.

These findings partly confirm the second hypothesis of the study since the UN, Troika and AU played a pivotal role in pushing for the signing of the ARCISS.

The serious challenges that hindered effective implementation of the ARCISS were problem of how to redistribute power, which resulted from the power sharing arrangements, divided international community, divided regional community, lack of political will, failure to demilitarize the national capital juba, two armies within same country, states interests such as Kenya and Uganda, lack of respect to cease fire agreement and the creation of 32 states, which escalated the violence.

On the ways to mitigate these challenges facing the effective implementation of the ARCISS and the way forward for South Sudan, there are various possible ways. This include measures such as institution of a national dialogue and reconciliation body to reconciles the divided communities, combat negative ethnicity politics by embracing democracy, reduce nepotism and discrimination based on tribes, having technocrats government leading the country towards a new election; enhance accountability and justice, tackle ramped corruption and ensure transparency and have federal system of governance establish in the country, with the unify army, demilitarization of Juba and other major cities, fully enforce law and order.

### **5.3 Recommendations**

From the above established findings, this study recommends the following;

#### **5.3.1 Recommendations to IGAD**

IGAD must adopt a comprehensive model of peace negotiation, be a neutral peace mediation, so as to succeed in the mediation process, IGAD must also prosecute and suspend those mediators found accepting bribes from disputant parties, make them known publically and shame them. IGAD needs to revive the idea of having a regional army, equips and empower like NATO to preserve peace throughout the region, by protecting civilians and enforce peace implementation. IGAD also needs to strengthen its partnership with donors and also mobilizes its own resources to fund the implementation of the peace agreements so as to accrue good results.

Additionally, IGAD must use its institutional regulatory to enhance cooperation among its member states, address divergence interests and diplomatically isolated those who acts outside the regional institutional regulatory, so as to realize enforceable peace agreements. IGAD must develop a proper, powerful monitoring and evaluation body to oversee the implementation of peace deal, resulted from IGAD mediation efforts, external actors who meddle with the peace implementation process as well as those nations with partisan interest should be barred from participating in mediation processes.

#### **5.3.2 Recommendations to South Sudan**

For peace to prevail in South Sudan there should be efforts to undertake institutional and security sector reforms by re-constituted a unified, inclusive and strong national army, clearly delineated from politics of tribalism, ethnicity, so as to ensure that the country had the capacity to protect its sovereignty and to domestically protect its citizens and preserve peace. The proposed special hybrid court should be

speedily establish, equips with competent judges of integrity so as to try those who committed war crimes, heinous abuses and crimes against humanity, independently away from political interferences and this must drive by endeavor to end the impunity and the anarchy in the country.

Additionally, a national dialogue and reconciliation body must be instituted to address past grievances, reconcile the divided communities and recommend retributive justices in South Sudan, such body could also check negative ethnicity used by politicians to incite social strife and sow hatred between local communities. There should be regionally and internationally backing efforts to repair infrastructure, economic recovery support and post-conflict construction. Lastly, the dysfunctional anticorruption body mandated with checking corruption, must be re-invigorating to enhance accountability and to ensure transparency.

### **5.3.3 Recommendations for External Actors**

There is need for more support with (financial resources and consultation etc.) to enhance the mediation process in the regions. There should be a continuous pressure on the conflicting parties to resolve the issues that brought conflict. The IGAD-PLUS role is further recommended as a unifying vehicle in engaging and addressing the ever-shifting internal dynamics in the region and in South Sudan more effectively, thus it should be strengthened. The IGAD-PLUS could serve as an example to enhance and encourage African solutions to African problem approach, involving high-level and wider international engagements as well as pushing the parties in making reasonable compromises that can pave the ground for the peace agreement.

#### **5.3.4 Recommendation For further Research**

The area of peace mediation in general is largely uninvestigated fully and there still rooms for scholars to expounded its further. Studies can further investigate the successes and failures of IGAD mediation in the Horn of African. Furthermore, students of social sciences can undertake an in-depth analysis of regional mediation dynamics and the politics within the regional mediation process, where states compete for control of the process, regional hegemony and regional power. Researchers and Scholars can also investigate the September 12, 2018 R-ARCISS agreement, its flaws, opportunities and challenges facing its future full implementation. Hence, there are no shortages in researching on mediation and conflict management.

## BIBLIOGRAPHY

- Akol, Z. (2014). *Inclusivity: A Challenge to the IGAD-Led South Sudan Peace Process*: Policy Brief: Available at [www.suddinstitute.org](http://www.suddinstitute.org).
- Amy, D. (1987). *The Politics of Environmental Mediation*. New York: Cambridge University
- Andrew, K (2003). Which Side Are You On? Bias, Credibility, and Mediation. *American Journal of Political Science*, 47 (4), 597-601
- Awolich, A (2015). *The Mediation Pendulum and the Challenges that underlie the Peace Implementation in South Sudan*. Available at [www.suddinstitute.org](http://www.suddinstitute.org).
- Barbara, W (2002). *Committing to peace: The successful settlement of civil wars*. New Jersey: Princeton University Press
- Batchedo, M. (2000). *The Elusive Intangible Intelligence: Conflict Management and Emotional Intelligence in the workplace*. *The western Scholar*, 7-9.
- Blanchard, L. (2016, September 22). *Conflict in South Sudan and the Challenges Ahead*. Congressional Research Service. Specialist in African Affairs. Extracted from [www.crs.gov](http://www.crs.gov).
- Bryman, A. (2012). Research Question in social Research. What is its role?. *International Journal of Social Research Methodology*, 10 (4), 54-47.
- Burcu, S. (2008). "Information, Bias, and Mediation Success. *International Studies Quarterly*, 52 (1), 25–47.
- Caroline, H & Hoddie, M (2003). Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management. *American Journal of Political Science*, 47 (2), 318-332
- Carolyn, M. (2007). *Transformative and Facilitative Mediation Case Studies: Work Place Conflict*. 10(2), Article 8. Available at <http://epublication.bond.edu.au/adr/vol10/iss2/8>.
- Charlton, R. Dewdney, M. (2004). *The Mediators Handbook. Skills and Strategies for practitioners*
- Cooper, D., & Schindler, S. (2003). *Business Research Methods* (8th ed.). Boston, Massachusetts: McGraw-Hill
- Deborah, Z. (2004). *Preliminary Mediation Practices*. Australia: Bond University
- Elgström, O., Bercovitch, J., & Skau, C. (2003). "Regional Organizations and International Mediation," *African Centre for the Constructive Resolution of Disputes (ACCORD)*. Umhlanga Rocks: South Africa
- Frenkel, D., & Stark, J. (2015). *Improving Lawyers' Judgment: Is Mediation Training De-Biasing?*. Philadelphia, USA: University of Pennsylvania Law School
- Gay, L., Mills, G., & Airasian, P. (2006). *Educational research: Competencies for analysis and application* (8th ed). New York, USA: Prentice Hall.
- Hancock, E. (2008) .The Northern Irish Peace Process: From Top to Bottom. *International Studies Review*, 10 (2), 203-238
- IGAD. (2015, August 17). *Agreement on the Resolution of the Conflict in the Republic of South Sudan*. (ARCISS). Addis Ababa, Ethiopia: Intergovernmental Authority on Development.
- Institute for Security Studies. (2004, March). "The Sudan–IGAD Peace Process Signposts for the way forward," African Security Analysis Programme ISS, Occasional Paper 86. Available at <http://www.issafrica.org/pubs/papers/86/paper86.html>

- Isak, S. (2007). Bargaining, Bias and Peace Brokers: How Rebels Commit to Peace. *Journal of Peace Research*, 44 (2), 177–94.
- Karl, D., Ferguson, M., Norton, S., Jenna Lea, YH., & Streat-Bartlett, A. (2010). Civil War Peace Agreement Implementation and State Capacity. *Journal of Peace Research*, 47 (3), 333–46.
- Katja, F. (2009). Should Peacemakers Take Sides? Major Power Mediation, Coercion, and Bias. *American Political Science Review*, 103 (02), 248–63.
- Kothari, C., & Garg, G. (2014). *Research methodology Methods and Techniques*. New Delhi, India: New Age International (P) Ltd
- League of Arab States .(2014). "*Regional Organizations In Conflict Mediation: Lessons Of Experience & Cooperation With The United Nations*," Report of the Third and Fourth Meetings of Regional, Sub-regional and other International Organizations on Preventive Diplomacy and Mediation Cairo. Vienna Austria: Organization for Security and Co-operation in Europe (OSCE)
- Lucey, A & Kumalo, L . (2017). *Democratize or Disintegrate: How the AU can help South Sudan*. East Africa Report 11/March 2017. Available at [www.iss.org](http://www.iss.org).
- Maccoby, M., & Scudder, T. (2005). Leading in the Heat of Conflict. *International Journal Of Conflict Management*, T+D, 65(12), 46-51
- Magdoline Joseph (at el Donald Booth, U.S Special Envoy to Sudan and South Sudan). February 17, 2016.
- Malhotra, K.. (2004). *Marketing Research: An Applied Orientation* (4th edition). New Jersey, USA: Pearson Education, Inc.
- Mebratu, T.( 2015). *Causes, Consequences and Role of External Actors in the current South Sudan conflict*. Unpublished PHD Thesis, Addis Ababa: Addis Ababa University
- Memar Ayalew, D. (2014)."*Conflict resolution responses of IGAD and AU to the Somalia crises*. Addis Ababa, Ethiopia: Science and Technology University
- Memar, D. (2014). "*Conflict Resolution Responses of IGAD and AU to the Somalia Crises*. Addis Ababa, Ethiopia: Addis Ababa Science and Technology University.
- Mulugeta, K. (2009). *The Role of Regional and International Organizations in Resolving the Somalia Conflict*. Addis Ababa, Ethiopia: Friedrich-Ebert-Stiftung
- Ole, E., Jacob, B., & Carl, S. (2003). "*Regional Organizations and International Mediation*," *African Centre for the Constructive Resolution of Disputes (ACCORD)*. South Africa: Umhlanga Rocks
- Peter,W., & Svensson, I. (2014). Talking Peace: International Mediation in Armed Conflicts. *Journal of Peace Research*, 51 (2), 315–27.
- Rahim, M. (2002). Toward a Theory of Managing Organizational Conflict. *The International Journal of Conflict Management*, 13(3), 206-235.
- Resnik, C. (2011). *Research Methods; Legal and Ethical considerations*. New York, USA: Guilford Press.
- Riskin, L. (1996). *Understanding mediator's Orientations, Strategies-and Techniques: A Grid for the Perplexed*. Gainesville, USA: University of Florida Levin College of Law
- Shago, O. (2016). South Sudan doesn't account for its crime. Eye Radio on South Sudan. Retrieved from <http://www.eyeradio.org/sudan-account-crimes-report>.

- Steadman, S.J. (2001). International Implementation of Peace Agreements in Civil Wars: Findings from a Study of Sixteen Cases”, in Crocker, C.A., Hampson, F.O., Aall, P., and Turbulent Peace: the challenges of managing international conflict. Washington DC: United States Institute for Peace
- Tekalign Beza, Y. (2015). Challenges for Peace in South Sudan: Problems and Opportunities of solving the current civil war. *International Researchers*, 4(2), Available at [www.iresearchers.org](http://www.iresearchers.org).
- Tewodros Mebratu. 2015: Causes, Consequences and Role of External Actors in the current South Sudan conflict. Unpublished PHD Thesis, Addis Ababa University
- The International Mediation Institute, "International Mediation Institute Decision Tree. (2016, April, 17). Retrieved, from <https://www.imimmediation.org/decision-tree>
- Zutter, D. (2004). *Preliminary Mediation Practices*. Australia: Bond University

## APPENDICES

### Appendix I: Letter of Introduction

Date ...../...../2018

TO WHOM IT MAY CONCERN

**Dear Sir/Madam**

REF:                              REQUEST FOR COLLECTION OF DATA

My name is **JAMES CHAK DAR MECHUOL**, a Masters' student at the Institute of Diplomacy and International Studies, College of Humanities and Social Sciences, University of Nairobi.

I am conducting a research study titled "A CRITICAL ANALYSIS OF THE IGAD MEDIATION IN SOUTH SUDAN AND THE 2015 AGREEMENT ON THE RESOLUTION OF CONFLICT IN THE REPUBLIC OF SOUTH SUDAN"

You have been selected to form part of this study. Kindly assist by filling in the attached interview guide. The information given will be treated in strict confidence and will be purely used for academic purposes.

Your assistance and cooperation will be highly appreciated.

*Yours Sincerely*

**JAMES CHAK DAR MECHUOL,**

REG: R50/75245/2014



## **Appendix II – Consent Form**

**Title of the Study:** “A CRITICAL ANALYSIS OF THE IGAD MEDIATION IN SOUTH SUDAN AND THE 2015 AGREEMENT ON THE RESOLUTION OF CONFLICT IN THE REPUBLIC OF SOUTH SUDAN” (ARCISS)

**Institution:** Institute of Diplomacy and International Studies, College of Humanities and Social Sciences, University of Nairobi, P.O.BOX 30197-00400, Nairobi.

**Investigator:** James Chak Dar Mechuol

**Supervisor:** Dr. Kizito Sabala

**Ethical Approval:** University of Nairobi Ethical and Research Committee.

Permission is requested from you to participate in this research study, with principles that, you voluntarily agree to participate in this study;

May wish to withdraw from the study at any point you deem fit;

May seek clarity to understand the nature and importance of this study

**Purpose of the study:** is to critically analyze the role of IGAD in mediating the Agreement for the Resolution of Conflict in the Republic of South Sudan (ARCISS) and also critically evaluate the challenges hindering effective implementation of the ARCISS.

**Procedures to be followed:** With your cooperation, you will answer questions related to the objectives of this study. All information obtained will be handled with confidentiality.

**Risks:** There will be no risks involved in this study to you.

**Benefits:** There may be no direct benefits to you but the results of this study will be useful in analyzing the role of IGAD in mediating the ARCISS and also critically evaluate the challenges hindering effective implementation of the ARCIS.

**Assurance on confidentiality:** All information obtained from you will be kept confidential and used for the purpose of this study only, unless you would like to be quoted.

**Contacts:** you may wish to contact me with regards to issues concerning this study through any of the various addresses provided above.

I now request you to sign the consent form attached:

### Appendix III: Consent Form

“A Critical Analysis of the IGAD Mediation in South Sudan and the 2015 Agreement on the Resolution of Conflict in the Republic of South Sudan”

I \_\_\_\_\_ (respondent) give consent to the investigator to use the information that I provide to him as part of his study and that the nature of the study has been explained to me by

.....

Signature\_\_\_\_\_

Date\_\_\_\_\_

I (field agent/researcher) confirm that I have explained the nature and effect of the study.

Signature\_\_\_\_\_

Date\_\_\_\_\_

**Appendix IV – Interview Guide for South Sudanese politicians, academicians, personnel, Church Leaders and Elders.**

**SECTION A: DEMOGRAPHICS**

Tick and Fill as appropriate

1. Name of the respondent Mr.... Mrs.....Dr.....Prof.....Rev.....
2. Enmity, whether to be quoted or remain anonymous.....
3. Name of organization? \_\_\_\_\_

**QUESTIONS:**

**SECTION B: MEDIATION EFFORTS - THE ROLE OF IGAD IN MEDIATING THE ARCISS**

1. The IGAD organization intervened in conflict in South Sudan in 2013. What is your general view on its overall performance during the mediation process that led to the 2015 Peace Agreement?

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2. What are the perceived or the real strengths of IGAD during mediating South Sudan peace process?

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3. What are the major weaknesses of the IGAD Mediation in South Sudan conflict?

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4. In your opinion, what do you think are the major challenges faced by IGAD in mediating a peaceful resolution to South Sudan conflict?

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5. What do you think was the influence of the external actors and later on IGAD\_PLUS group in the Mediation Process? How did this affect the process and the final Agreement?

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**SECTION C: ANALYSIS OF THE ARCISS, ITS FLAWS AND OPPORTUNITIES**

1. Since its signing, the ARCISS has not ended the conflict in the country. What do you think is the problem?

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2. Is there a link between the flaws in the Mediation process and non-implementation of ARCIS?

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3. Do you think there are opportunities contains in the ARCISS and if implemented can help in mitigation of the South Sudan conflict?

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**SECTION D: CHALLENGES HINDERING EFFECTIVE IMPLEMENTATION OF THE ARCISS**

1. How successful has the security arrangement component of the ARCISS been? What are the key factors that are responsible for its failure?

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2. What are the key components of the ARCISS that have been implemented?

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3. What are the key components of the ARCISS that have not been implemented and why?

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4. How do you rate the roles of JMEC in overseeing the implementation of ARCISS? Do you think JMEC have the capacity to spearheading the implementation of ARCISS? If no, why and what should be done?

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5. The ARCISS mandated the TGoNU, in collaboration with AU and support of international partners and friends of South Sudan, to establish a Special hybrid court within the first few months of the Transition, why it has not been established passed the dateline?

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6. Do you consider President Kiir's creation of an additional 22 states a violation of the ARCIS? YES ( ) or NO ( )

Whether YES or NO, what are the reasons and what should be done?

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7. In your opinions, what are the major challenges facing the effective implementation of the ARCIS?

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8. In what ways do you think that these challenges could be mitigated, and what is the way forward for South Sudan?

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