UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

MEDIATING CONFLICTS IN AFRICA: COMPARING INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD) MEDIATION PROCESSES IN SOUTH SUDAN AND SOMALIA: LESSONS FOR REGIONAL ORGANISATIONS

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A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILMENT OF REQUIREMENTS FOR THE AWARD OF MASTER IN INTERNATIONAL CONFLICT MANAGEMENT FROM THE INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES (IDIS), OF THE UNIVERSITY OF NAIROBI
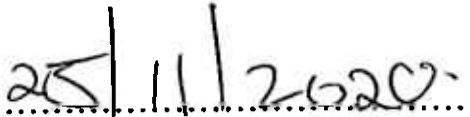
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DECLARATION

This research project is my original work and has not been submitted for the award of a master degree to any other university

Signature...Date....25 | 11 | 2020....

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This research project has been submitted for examination with my approval as the university supervisor

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DEDICATION

I dedicate this project to my parents , Mr. Elijah Moriasi and Rose Bosibori Moriasi,

Brother Esbon Moriasi and Sister Linda Kerubo, for being a source of inspiration in my

life and for their continued encouragement and support during my studies.

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LIST OF ACRONYMS AND ABBREVIATIONS

AMIB	-	African Mission in Burundi
AMISOM	-	African Mission in Somalia
AMU	-	Arab Maghreb Union
APSA	-	African Peace and Security Architecture
ARCSS	-	Agreement on the Resolution of the Conflict in South Sudan
AU	-	African Union
CENSAD	-	Community of Central African States
CIC	-	Council for Islamic Courts
COMESA	-	Common Market for East and Southern Africa
CPA	-	Comprehensive Peace Agreement
EAC	-	East African Community
ECCAS	-	Economic Community of Central African States
ECOWAS	-	Economic Community of West African States
IGAD	-	Intergovernmental Authority on Development
IMC	-	Implementation Monitoring Commision
IMC	-	Implementation Monitoring Commission
JCC	-	Joint Ceasefire Commission
NEPAD	-	New Partnership for Africa's Development
ODM	-	Orange Democratic Movement
PNU	-	Party of National Unity
RECs	-	Regional Economic Communities
SADC	-	Southern Africa Development Community
SPLM/A	-	Sudan People's Liberation Movement/Army
TFG	-	Transitional Federal Government

TFG - Transitional Federal Government

UN - United Nations

UNOCI - United Nations operations in Cote d'Ivoire

UNOSOM - United Nations Operation in Somalia

SPLM/A - Sudan People Liberation Movement/Army

PSC - Peace and Security Council

ABSTRACT

Generally, this study is about mediating conflicts in Africa: comparing Intergovernmental Authority on Development (IGAD) mediation processes in South Sudan and Somalia: lessons for regional organizations. It analyses, interrogates, compares and contrast the IGAD mediation processes in South Sudan and Somalia. The study further sets out two hypotheses namely that Sub-regional organizations in Africa must be supported with enough resources for them to be effective in their mediation efforts, and secondly that influences and interference by external forces affect and shape mediation efforts in Africa.

The study which has depended on both primary and secondary data has been situated within the analytical framework of third party intervention.The analytical framework assists in the analysis and deep knowledge and assessment of the conflict and mediation process.In South Sudan and Somalia, it was necessary for IGAD to take all factors and dynamics into account through inclusion of all stakeholders for an amicable lasting solution to be found. The study further revisits mediation processes in Africa by analyzing the IGAD mediation processes in South Sudan and Somalia and found out that mediation is an essential tool of conflict management within the African context. The IGAD as a sub-regional organization needs to be institutionalized to improve its capacity to handle mediation processes effectively and in quick response to prevent escalation. There is also a need for IGAD mediators to work together, complement and support each other. To this end, a combined IGAD strategy mechanism from stakeholders and the international community in South Sudan and Somalia is a better roadmap towards achieving negotiated agreement through mediation.

Lastly, the study has given recommendations to enhance mediations in Africa that include coordinated pressure and inducement is necessary for mediation processes within the region to be effective and bring parties to an agreement. The IGAD should prioritize developing of expertise to enable informed mediation processes.The willingness to use professionals and knowledgeable voices has become a modality used in mediation to depoliticize conversations and keep them focused. Moreover, regional organizations should build institutional mediation capacity to enable proper, quick and timely response to manage further escalation of conflict. IGADs weak capacity needs additional support from the AU and the international community to effectively play the role of mediation in the region.The consolidation and integration of approaches of the AU and RECs in mediation is also necessary for sustainable conflict resolution.The IGAD can be complemented for maintaining a commitment to intervening and resolving the conflict in both South Sudan and Somalia through mediation.

CHAPTER ONE

INTRODUCTION TO THE STUDY

1.1 Introduction and Background to the Study

This chapter entails a brief Introduction and Background to the study, statement of the research problem, objectives, research questions, hypotheses, justification and significance of the study, literature review, analytical framework and research methodology.

Maintenance of stability and peace is at the forefront of policy of state and non-state players in the international community. Unity and its attempts can be observed and applied at the domestic, regional and international levels. The political economy of military confrontation and civil war beyond greed and grievance can be related to other influences that involve political, logistical and factors that form the beginning, character and length of secessionist and non-secessionist conflicts in Africa.[1] The African Regional Economic Communities (RECs) comprise eight sub-regional institutions which are the main components of the African Economic Community defined by the Treaty of Abuja 1991, which offers a basis for continental economic cooperation, peace and national sovereignty.

The Arab Maghreb Union (AMU, UMA) caters for countries up in the North of the continent while the Economic Community of West African States (ECOWAS) draws most of its members from West Africa. The East African Community (EAC) founded in 1999 draws its members from East Africa together with the Intergovernmental Authority on Development (IGAD). The Southern African Development Community (SADC) which has its headquarters in Botswana caters for

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[1] Autesserre, Severine (2014).Peace land: Conflict Resolution and the everyday Politics of International Intervention. Cambridge University Press. P.22

African countries in the South. The Common Market for Eastern and Southern Africa popularly known as COMESA has most of its members from the South West of Africa. Finally, there is the Economic Community of Central Africa States (ECCAS)that caters to countries in the center[2]

Furthermore,these African regional blocs are the main players in crisis prevention by working together and in collaboration with the continents umbrella organization, the African Union (AU) to ensure peace and prosperity in their regions. They also derive their mandate from Article 52 of Chapter VIII of the Charter of the United Nations (UN) which provides for the participation of regional bodies in the peaceful settlement of disputes. Article 53 provides for the application of mandate, but only with the formal authorization of the Security Council. In addition, Chapter VI Article 33 of the Charter of the United Nations provides for a negotiated resolution of conflict through mediation.[3]

Beardley argues that the mission of the RECs is anchored in International law and thereby enables them to develop International Legal Personality. African RECs are and have always been central to numerous developmental initiatives on the continent, including the New Alliance for Africa 's Growth (NEPAD) implemented in the early 2000s and the AU 's Agenda 2063 which was adopted at its summit in January 15 and is in its first decade since adoption.[4] Mediation has also been proposed as the most effective method of resolving disputes through use of a third party. A mediators position as an objective third party that is open-minded , devoid of any nascent personal interest or influence in the dispute or conflict, is crucial to mediation and conflict

[2]Beardley, Kyle; Cunningham, David E; White, Peter B. (2018). "Mediation, Peacekeeping and the severity of Civil wars?". Review of International Organizations (4): 613-641
[3] Doyle, Michael W.; Sambanis, Nicholas (2007). 'The UN record On Peace Keeping Operations". International journal. 63(3)
[4] Ibid

resolution, hence is brought out in the comparative analysis. However, according to Touval, a biased mediator is not a detriment to the mediation, but a possible benefit if willing to shift the party to which it was prejudiced in achieving a consensus process.

Scholars such as Zartman have analysed mediation techniques marked by a third party's personal interest, as well as a particular power that the intermediary might use to settle the conflict. In addition, as in South Sudan and Somalia, mediation can be performed by foreign parties, individual, state, regional and global organizations with resources of standing or importance. In order to ensure success, intermediaries need to adopt their method (strategy) to the severity of the conflict. This is important in the ultimate contrast of the mediation mechanism in South Sudan and Somalia. The essence of RECs mediation is informed by the mediator, how they mediate and how the mediation process has taken place in the past. The most active strategy used is termed directive (if a particular solution is sought) manipulative (if the input or outcome needs to be sweetened) or coercive (force is used).

Doyle notes that, these terms are alternatively used to describe a process in which the mediator has a degree of control over the parties to permit them to proceed towards a resolution.[5] In South Sudan, for example, coercive approach was for the most part, effective in achieving a structured resolution, whereas facilitation is more productive in establishing a long-term reduction in friction between opposing parties. However, whenever the power factor is added between contestants, the effectiveness of coercion and formulation techniques become more than promoting consensus and conflict resolution under the circumstance of power symmetry.[6]

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[5] Doyle, Michael W.; Sambanis, Nicholas (2010). 'Making war and Building Peace:United Nations Peace operations. Princeton University Press. Pp.336-337.
[6] Allred, KJ (2006). "Peace keepers and prostitutes: How deployed Forces Fuel the Demand for trafficked Women and New Hope for stopping it". Armed Forces And society.33 (1):7

The Intergovernmental Authority and Development (IGAD) was founded in 1996 by the Heads of State of the East African Sub-Region for improved cooperation. It succeeded IGADD, established in 1986 by the then drought-affected Eastern African countries of, Ethiopia, Djibouti, Kenya,Sudan, Somalia , and Uganda. The goal of the IGADD was to have concerted efforts to control drought and growth throughout the sub-region of Eastern Africa with an emphasis on food and security. [7] IGAD has been granted a wider mandate to resolve basic economic, social, environmental and humanitarian concerns. With an expanded mandate to include peace and security, IGAD took initiative of mediation efforts in the crises in South Sudan and Somalia to try resolve the crisis through diplomacy. This comparative analysis of IGAD in South Sudan and Somalia aims to study mediation processes and offer a critical view of the structure in pre-mediation and mediation stages in order to provide vital lessons for regional and sub-regional organizations in the management of conflict in Africa.

1.2 Statement of the Research Problem

Mediation as a means to end conflicts has gained traction in areas of conflict management in Africa. The mediation processes in South Sudan and Somalia were difficult and problematic in nature as several peace talks collapsed due to several factors that transformed the conflict hence the prospect of peace diminishing as both countries experienced elevated levels of violence. In the African continent RECs do engage in different conflicts with varying results and outcomes. For instance, ECOWAS engaged in Cote d'Ivoire from 2002-2010, Liberia in 1990 and Sierra Leone in 1993-2005. The varying results of the mediation processes can partly be attributed to various varieables that include lack of political will and resources to sustain the mediation efforts by both regional and international actors but one of the factors is the process of mediation. The

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[7] Ibid

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mediation structure in these processes has taken the inclusivity factor very significantly by ensuring parties to the conflict are well represented at the mediation table.

These mediations are structured in terms of pre-mediation, mediation and post-mediation stage. In the pre-mediation parties agree to mediate and choose an acceptable impartial mediator who facilitates and guides the process. Parties agree on the modalities to guide the process by agreeing on the rules of procedure. Mediation stage is structured in a way that key issues within the conflict are discussed and ironed out. If the parties agree on the contentious issues the mediation ends with the signing of an agreement that will be implemented post mediation. Mediation thus is a tool of conflict management that when effectively used resolves the problems of civil wars and conflict in Africa. Therefore, this study compares and contrasts IGAD mediation in South Sudan and Somalia with a view of understanding why regional organizations achieve different results in different conflicts.

1.3 Objectives of the study

Broadly,the study examines mediation processes in Africa with lessons learned for regional organisations.

Specifically,the study:

    i.   Examines Mediation Processes in Africa.

    ii.   Analyzes the IGAD mediation process in South Sudan.

    iii. Interrogates IGAD's mediation process in Somalia.

    iv. Compares and contrasts the IGAD Mediation process in South Sudan and Somalia: Lessons for regional organizations in mediating conflict.

1.4 Research Questions

i. How are mediation processes conducted by the African Union and sub-regional organizations on the African continent?

ii. How was the South Sudan mediation process conducted?

iii. Was mediation as a tool of conflict resolution able to resolve the conflict in Somalia?

iv. What lessons can regional organizations learn from the South Sudan and Somalia mediation processes?

1.5 Study Hypotheses

I argue that a mediation process should be linked to the outcome in order to determine its success or failure. This study proceeds with two hypotheses namely;

1. Sub-regional organizations in Africa must be supported with enough resources for them to be effective in their mediation efforts.

2. Mediation outcomes in African conflicts are partly attributed to external influences and interference by global powers.

1.6 Justification and Significance of the Study

This study has both academic and policy justification and significance, which are mutually reinforcing.

1.6.1 Academic Justification

This study is critical to students of international relations and conflict management as it enables understanding of mediation processes through the Problem Solving Theory and an analytical framework. This opens the mind to a wider scope towards the principle of sustainable peace through cooperation build on trust among state institutions and warring parties to promote peace diplomacy through proper

management of conflict.[8] It also enables researchers and scholars to write academic papers on the significance of peace studies and its impacts from an academic stand point.

1.6.2 Policy Justification

This study informs policy formulation at the international, regional and domestic levels of mediation and conflict management. The experience of Regional governments in solving civil war conflicts through mediation and maintaining peace and security through cooperation in collective securitization processes is fundamental to policy formulation.[9] Therefore, states within a region must harmonize their policies with regards to conflict management in order to realize their full potential. In this regard, commitment to implementation is key to the overall success of formulated mediation policies. This ensures that good peace and security policies guide the various intervention mechanisms required at both the national, regional and international levels to overcome any unforeseen challenges.

1.7 Literature Review

1.7.1 Theoretical Literature Review

1.7.1.1 Problem Solving Theory

Mediation as a tool of conflict is used where conflicts are long drawn out and complicated. It is often used where the disputers' own conflict mediation efforts have reached a stalemate, no party is prepared to face more costs or worsening of the disagreement, and the disputers are prepared to break their standoff by working with each other and participating in a certain degree of cooperation and communication.

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[8] Fearon, James D; Laitin,David D (2004). "Neo-trusteeship and the Problem of Weak states". International Security. 28(4);5-43
[9] Zartman, I. William (2009) 'Interest, leverage and Public Opinion in Mediation,' International negotiation 14:1-5.

Furthermore, mediation is also a general method of interference by a third party and is not a single mechanism. It is instead a continuous series of linked events concerning actors, actions and circumstances. [10]

This research uses the problem-solving theory, which implements a functionalist approach to conflict issues by recognizing that conflict is part of human nature and aims to find means of mitigating the effect of conflict on life through mediation. It aims to build frameworks and institutions for regional bodies that offer rapid response and use mediation as a mechanism for dispute resolution. The Problem-Solving Approach to conflict mediation opposes the use of force in conflict management. It asserts that the power road to conflict settlement, indeed resolution, lies in the parties to the conflict re-perceiving their opposing relationships and creating bridges that contribute to a self-sustaining post-mediation partnership. [11]

The Problem Solving approach is ideally applicable to the South Sudan and Somalia mediation. This approach is most effective and used during the pre-mediation phase of the conflict as it prepares parties for the formal mediation stage. Problem solving workshops during pre-mediation help highlight conflicted differences and aim to reframe and guide mediation stage dialogue. These workshops try to contribute to the creation of a political environment conducive to mediation and help parties more towards negotiation and settlement of disputes. [12]

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[10] Shearer,David (1997). "Exploring the Limits of Consent: Conflict Resolution in Siera Leone". Millenium-jounal of International studies. 26(3):845-860

[11] Brito, D. and M. Intriligator. 1989. "An Economic Model of Guerrilla Warfare," International Transaction, 15(3), 319-29.

[12] Collier, P. 1998. 'The Economics of Civil Wars' Development Research Group, The World Bank, mimeo.

Collier notes that the Problem Solving Approach encourages parties to talk about the history of their conflict. It further encourages them to accept responsibility for any harm they have suffered from the conflict, and it encourages them to agree on what their future relationship will be. This is necessary before the process of resolution can begin as they prepare the ground for the healing process to start, and provide the atmosphere in which parties can meet without accusing each other. This strategy aims to find a common truth between the groups in dispute with the reasons at hand without triggering a greater collapse in the social order.[13]

The significance of this approach is that it aims to find a common truth between the opposing groups for the reasons at hand without triggering a further collapse of the social order. It provides for the process of settlement by mediation by laying down the groundwork for the process of reconciliation to continue and providing the proper atmosphere for the parties to meet without clashing with each other. To this end therefore, the problem solving approach is relevant to this study as it brings out the deep seated feeling of the conflicting parties during mediation with the aim of resolving the conflict.[14]

In addition, the scope and duration of mediation in a given conflict is dictated by considerations that include the nature of the dispute, mediator's nature and other contextual and historical variables. This thesis widely emphasizes mediation as a form of dispute management where the parties request or acknowledge the help of a specific party, state or entity to settle their disagreement and overcome their disputes without resorting to physical action or using the legal jurisdiction of the IGAD in this situation.[15]

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[13] Brito, D. and M. Intriligator. 1989. "An Economic Model of Guerrilla Warfare," International Transaction, 15(3), 319-29.
[14] Collier, Paul and Anke Hoeffler. 1999. "Justice-Seeking and Loot-Seeking in Civil War," (February) Working Paper, World Bank.
[15] Interview with Dr.Patrick Maluki of the University of Nairobi on 28th October,2020.

1.7.2 Empirical Literature Review

The African state structure has repeatedly acknowledged a clear desire for African responses to African disputes. Paradoxically, however, third party mediation strategies were usually alluded to as inadequate in scholarly literature. Khadiagala suggests that proximity to rivals and a greater comprehension of the tensions in the regions are no substitution for the realistic diplomatic and political instruments that make successful mediation possible. In comparison, domestic-grown mediation methods rather than foreign ones have performed well in Africa with leading regional bodies such as ECOWAS in Cote d'ivoire, IGAD in South Sudan and Somalia and SADC in Burundi.[16]

African mediation mechanisms have always been funded by non-African third actors and always combine to control the results of joint mediation attempts. This is because African systems lack the tools to settle disputes themselves. The outcome of a peace agreement is also perhaps the most common method of assessing negotiating performance, since it presents an objective and measurable benchmark. In the sense of African mediation, the possession of resources and an aggressive plan provide the basis for fruitful mediation, as material rewards may drive opposing parties towards consensus. Thus, only strong mediators can drive the mediation process forward by a mixture of pressures, benefits, compliance and promises.[17]

The legitimate authority of the mediator derives from the understanding of the group that the mediator has the authority to serve as a third party and to call for a change

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[16] Elbadawi, Ibrahim (1999), "Civil Wars and Poverty: The Role of External Interventions, Political Rights and Economic Growth," presented at the World Bank's Conference on "Civil Conflicts, Crime and Violence," Washington, DC, Feb. 22- 23.

[17] Rachel,Julian;Schweitzer,Christine (2015). "The origins and Development of Unarmed Civilian Peace keeping."Peace Review. 27(1):1-8

of action or enforcement. Moreover, Africa 's normative climate is characterized by a firm adherence to the autonomy and territorial integrity of African states and the implementation of a strict African system. The authority of the African Union has allowed it to intervene to mediate several conflicts in Africa, from the civil wars in Sierra Leone, Liberia, to political struggles in the Ivory Coast and Kenya. Its use of the RECs is also important in the handling of certain disputes.

1.8 Analytical Framework

This study uses an analytical framework to understand mediation processes and third-party interventions in the resolution of strife of conflict. The basis of mediation is an amicable solution to the problem that is usually arrived at by the parties themselves with assistance from a third party. There is belief that what the parties mutually agree on is easier to implement on the ground. It is on this basis that mediation is preferred as a tool to conflict resolution. Thus both short and long term issues should be addressed during mediation. In the South Sudan and Somalia case, the failure to recognize that the Somalis and South Sudanese are not homogenous weakens the search for a comprehensive solution that addresses the ethnic dimension. Ethnicity remains a major obstacle to finding a long lasting solution in both South Sudan and Somalia. [18]

Analytical understanding on conflict resolution is necessary in mediation as it helps in the analysis and deep knowledge and assessment of the conflict itself. Without a proper understanding of the conflict, it is difficult to come up with relevant strategies for a unique mediation process like the South Sudan and Somalia one. These two conflicts were internationalized thus regional and international interests could not be ignored in the conflict resolution. It was necessary for all factors and dynamics to be

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[18] Fortna, Virginia Page (2008). Does Peacekeeping Work? Shaping Belligerents' Choices after Civil War. Princeton University Press.pp.27. Chapter 7.

taken into account and inclusion of all parties was necessary for an amicable lasting solution to be found. However the inclusion of all actors and their interests and issues leads to complexity in the management process leading to the nightmare of coordination. [19]

Fortna argues that mediation relies on diplomatic momentum. This helps in maintaining continuity and moving the process towards conclusion. The Somali mediation process took too long because of changes that impacted negatively on diplomatic momentum. The political changes in the host country led to changes in mediation script, style and dynamics hence slowing down the process and resulting to confusion. The change of mediator midstream at a critical point during mediation affected the momentum of the process and created an opportunity for spoilers and reversed the gains already made and led to undermining of the trust build. A change of the chief mediator is detrimental because thrust that one mediator has built is not transferable to another.

1.8.1 Literature Gaps

Mediation and Peace agendas in Africa influenced by external interventions has in a way been used to fund the various civil wars in Africa. To date, however, the set of measures that has emerged reinforces the level of mediation interventions of states in the periphery, while largely failing to address either the fundamental capacities for Regional organizations.[20] Thus the underdeveloped world in Africa has become the object of mediation strategies of deep reform, sanctioned by aid conditionally leading to control. Regional level mediation initiatives and institutions also need to be

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[19] Rachel,Julian;Schweitzer,Christine (2015). "The origins and Development of Unarmed Civilian Peace keeping."Peace Review. 27(1):1-8

[20] Intriligator, M. and D. Brito. 1988. "A Predator-Prey Model of Guerrilla Warfare," Syntheses, 76(2), 235-49

strengthened and institutionalized to enable them build capacity to manage conflicts in a regional dimension.[21]

1.9 Research Design and Methodology

Research methodology entails a systematic and analytical analysis of the techniques used in the field of study, including research architecture, demographic sampling, data collection procedures, data analysis procedures and variable calculation. The research design used in this study is a hybrid form of research technique, a mixture of qualitative and quantitative research methods to gather the data required for this study. Qualitative data collection approaches is used to research attitudes as well as to consider respondents regarding the topics under consideration, while quantitative methods is used to extract and interpret the data. The research population includes mediators, stakeholders and their mediation members, the IGAD Secretariat, dispute resolution consultants and scholars interested in conflict resolution. This thesis focuses on Mediating conflicts in africa: comparing Intergovernmental Authority on Development (IGAD) mediation processes in South Sudan and Somalia: Lessons for Regional Organisations.

1.9.1 Case Study

A case study is a research that gathers and analyses in-depth information about a specific group, person or community. Research objectives guide the researcher to conduct scientific research in that it uses self-report measures such as questionnaires and interviews to gather information. It also offers comprehensive information on individual topics that cannot be obtained by other forms of studies. In addition, immoral problems can be checked using this tool.[22]

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[21] Ibid
[22] Ibid

As a method of analysis, a case study is unparalleled by the capacity to consider a single or complicated research topic within a setting that is immense with qualitative variables. It is important to grasp dynamic problems, while applying intensity and expertise to what has already been noted in previous studies.[23] A case study is qualitative in nature so as to give a real-life situation and also give a basis for the application of the ideas. However, case studies have been criticized on the basis that the study of small cases makes the findings unreliable. A case study is valuable since its in-depth analysis makes it easier to clarify problems in the general setting and is less costly and time-consuming when exposure results are expensive or difficult to collect.[24]

1.9.2 Data Collection

The study focuses on the IGAD mediation processes in South Sudan and Somalia, in trying to understand peace diplomacy through mediation in ending conflict in Africa. This study uses purposive sampling to produce the maximum outcome as well as variation within the sample. The participants are chosen based on their expertise and experience in the field of mediation, peace and conflict. The study further seeks to attain the best outcome by purposive sampling of the key stakeholders that have been involved or are familiar with the IGAD mediation processes in South Sudan and Somalia.[25]

On primary data collection, this research mainly uses interviews, observation and telephone (video conferencing). The interviews are carried out through use of questionnaires containing questions relevant to the study and answer the research problem. The main respondents to the study were representatives from the IGAD

[24] Walter, Barbara F.(2002) Committing to peace: The Successful settlement of Civil Wars.Princeton, NJ and Oxford: Princeton University Press.
[25] Bercovitch, J., Anagnoson T.J and Wille, D.L (1999) 'Some Conceptual Issues and Empiral Trends in the Study of Successful Mediation in International Relations; Journal of Peace Research 28:pp.7-17

Nairobi Office and policy makers that have been involved in the mediation initiatives in South Sudan and Somalia. [26] The study embraces the use of open ended questionnaire to collect data from the identified respondents. This is used so as to give respondents to add their thoughts to the issues surrounding the study and freely respond. Moreover, the interview questions will be structured to inform the subject of the study from a broader view to a more specific issue of the case study. A pretest of the data collection questionnaires is done to see if the possible outcomes are relevant to the objectives of the study. This is done to ensure that the study follows guidelines and required standards by the university. The respondents used to pretest the questionnaires are classmates who omitted what was irrelevant to the study.[27]

The study uses secondary data that includes reports, newspaper articles, books, protocols and journals that have data on mediation processes, Peace and conflict management in Africa. The study also reviews empirical evidence of mediation in the various RECs in Africa including ECOWAS, SADC and AU to compare the various structures of mediation and tools employed. The data is collected through desk research. The study gathers primary data with the help of interviews. The analysis seeks opinions from expertise of the research project supervisor and other notable scholars from the university department, University of Nairobi, to assess the validity of the content. The comments provided by these specialists also enhanced the wording of the questionnaires.

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[26] Touval, Saadia (1975) 'Biased Intermediaries: Theoretical and Historical Considerations,' Jerusalem journal of International Affairs 1:51-69
[27] Suensson ,Isak (2009). 'Guaranteeing Peace: The credibility of third Party Mediators in Civil Wars,in Jacob Bercovitch and Scott Sigmund Gartner (eds) International Conflict Management: New Approaches and Findings, pp 115-134.London : Routledge.

1.9.3 Data Analysis

The data collected is analyzed, categorized and sorted thematically and processed based on the emerging issues of the study. This is done with the aim of capturing important data collected that directly relate to the research questions focusing on the mediation processes in South Sudan and Somalia. The data collected is interpreted through the objectives of the study and provided in the form of narratives to inform the research questions of the study and to quote the words of the respondents important to the study. Content analysis is a versatile approach that is ideally tailored to evaluating data obtained from open-ended queries that are more difficult to code because the responses are not programmed in advance.

1.9.4 Data Presentation

The data presentation is through quoting the respondents as sources and referencing from the first-hand information given. This forms the basis for the conclusion of the study. [28] The study further, critically examines and interprets data in order to link research objectives with the research questions thus remaining open to new opportunities and insights. This strengthens the research findings and conclusions. It also present the data in a way that simplifies complex issues in chapter form for easier understanding. This allows the reader to question the study and reach an understanding independent of the researcher.

1.9.5 Ethical Issues

This study adheres to the stipulated research procedures by the university, following the guidance of the supervisor and ensured acknowledgement of all the sources of information. This study maintains the full confidentiality of the participants

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[28] Ibid

and only reveal and quote those who gave consent that their identity can be revealed. Further, personal information of the participants will not be used for the study.[29]

1.10 Chapter Outline

This study is organized around six chapters.

Chapter One introduces the study by giving a historical perspective of mediation processes and conflict management on the African continent. The statement of the research problem offers an insight into the problems at hand. The research objectives seek to examine mediation processes in Africa, analyze the mediation process in South Sudan, interogate the IGAD mediation process in Somalia, and compare and contrast the IGAD peace process in South Sudan and Somalia. The chapter also examines the research hypotheses, academic and policy justification, theoretical framework, literature review and research methodology that will enhance the study.

Chapter two offers an overview of mediation processes in Africa. Chapter three analyzes mediation in South Sudan. Chapter four also interrogates and explores the mediation of IGAD in Somalia; Chapter five compares and contrasts the IGAD mediation processes in South Sudan and Somalia and gives the various lessons learned for the effective operation of regional bodies. Chapter six, concludes by giving a summary, conclusion and recommendations for the study.This is followed by a bibliography and an annex of the sample questionare used to collect the primary data for the study.

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[29] Ibid

CHAPTER TWO

MEDIATION PROCESSES IN AFRICA

Introduction

This chapter introduces mediation processes in Africa by studying regional organizations mediation efforts led by the African Union in the Kenyan case and its role as the umbrella body in the management of conflict in Africa. It further analyses mediation in sub-regional organizations led by the ECOWAS in Côte d'ivoire and SADC mediation in Burundi to give an overview of the mediation processes, outcomes and concludes by giving a critical overview.

Conflict as a global concern cuts through worlds, territories and countries. It occurs as a result of conflicting views, divergent desires, competing needs and contrasting interests. There has been a strong initiative in Africa to set up bodies and organizations to resolve and minimize these tensions through nonviolent means, such as mediation. The African Union has African Peace and Security Architecture (APSA) which comprises the Regional Economic Communities (RECs) which are engaged in conflict mitigation, management and post-conflict peace building efforts. Furthermore, the concept of subsidiarity holds as the African Union (AU) is a shield entity with sub-regional organizations such as ECOWAS and SADC having a more particular role in regional geographical areas of conflict resolution.[30]

Chapter 8 of the UN Charter provides a legal framework for regional organisations involvement in International peace for which the Security Council is primarily responsible. The involvement of regional arrangements in the peaceful settlement of disputes is articulated in article 52. Article 53, with the consent of the

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[30] Zartman, I. William (2009) 'Interest, leverage and Public Opinion in Mediation,' International Negotiation 14:1-5.

Security Council, makes it possible for those measures to take enforcement action. Article 53 also provides for a framework to enable the Council to make use of regional agreements to enact its compliance measures. In addition, Article 54 requires regional organisations to notify the Security Council of its efforts for the preservation of international peace at all times. To this end, therefore, the AU sub-regional bodies in Africa derive their legal mandate from the United Nations charter and the AU Constitutive Act which recognizes them under international law.[31]

2.1 AU Mediation in Kenya Post Election Violence (2007-2008)

2.1.1 Introduction and Background to the Mediation

The African Union intervened to mediate the post-election unrest in 2008 in Kenya. The war left a devastating scale of civil and economic devastation and casualties. This would have been even worse had it not been for the mediation action ordered by the African Union. The panel of Eminent African Personalities, headed by former UN Secretary-General Koffi Annan, led the forty-one-day mediation process, resulting in the 'Coalition Government Alliance Agreement on Values' and signed by President Mwai Kibaki and Honorable Raila Odinga on 28 February 2008 to end the standoff.[32] This crisis offered the opportunity to resolve deeply ingrained issues such as the ongoing ethnic migrations and complaints and cycles of disposition that marked Kenya 's colonial and post-colonial years. The mediation tried to resolve the broad inequality in income and the endemic feeling of marginalization.

[31]Walter, Barbara F.(2002) Committing to peace: The Successful settlement of Civil Wars.Princeton, NJ and Oxford: Princeton University Press.
[32] Interview with Fredrick Murefu on 15th August,2020.

2.1.2 Parties in the Mediation Process

The key protagonist in the disputed elections was the National Unity Party (PNU) headed by the incumbent President, Mwai Kibaki and the opposition party, the Orange Democratic Movement (ODM), which had Raila Odinga as the leader. The post-election protest and abuse arose from a variety of motivations. Voting in elections has been overwhelmingly racial in many Kenyan groups. The popular belief that the count of presidential elections had been changed in favour of Kibaki led to demonstrations. The mediation discussions were led by former UN Secretary-General Koffi Annan, who was chairperson of the Panel of Eminent African Personalities comprised of former Tanzanian President Benjamin Mkapa and former South African First Lady Graca Machel.[33]

Khadiagala notes that, key regional players played a key part in handling the mediation process. This enabled forming of attitudes and desires of the participants hence enabling a degree of flexibility at the mediation table. The African Unity, backed by the United Nations, reacted in a timely manner. The UN supported the AU with vital political assistance and capacity building activities. This reinforced Chapter VIII of the UN Charter on Regional Arrangements with Article 52(2), which stresses attempt to be made to ensure a pacific resolution of local conflicts by regional bodies before referring them to the Security Council.[34]

2.1.3 The Mediation Process

Koffi Annan, who was the Chief Mediator, insisted that there would be only one mediation and that there would be no option if the solution offered did not

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[33] Khadiagala, M. Gilbert, Mohammed O. Maundi, Kwaku Nuamah & I. William Zartman. 2006. Getting In: Mediators' Entry into the Settlement of African Conflicts. Washington, DC: United States Institute of Peace Press.
[34] Regan, P. 2000. Civil Wars and Foreign Powers: Outside Interventions and Intrastate Conflicts. Ann Arbor. University of Michigan Press: chapter 2.

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accommodate the parties to the dispute. He also maintained that he was going to be the one to decide who to contact for help and when. The decisive essence of Annan's mediation was a critical factor in preventing further escalation of the situation. Annan balanced vast diplomatic expertise and unique negotiation abilities with the opportunity to carry a large pool of contacts to the negotiating table. It offered a single mediation with absolute undivided support from the international community. It also used an all-encompassing approach and open mechanism including the civil society and the Kenyan media.

Feron argues that although the need for discussion has been acknowledged by both parties, there have been gaps in the terms of entry and perceptions of the result. Odinga claimed election rigging and that the presidency had been taken from him and reiterated that his preconditions for even discussing dialog must begin with Kibaki's departure, the resumption of the presidential election, the establishment of a transitional government and an agreement to implement legitimate constitutional changes especially with regards to the contentious land issue. Odinga was intent on making full use of international negotiations and planned to obtain as many concessions as feasible before proceeding with the talks[35]

On the other hand, Kibaki postponed his first encounter with Annan. He made it known publicly that he would only compromise if Odinga and ODM acknowledged his presidency as valid and Odinga did not come to the table with the desired conditions. He also insisted that his administration was non-negotiable and not a matter for negotiations that should only be questioned in a court of law. Conscious that more and more people were losing their lives each day, Annan pressed the parties for a genuine

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[35] Doyle, Michael W.; Sambanis, Nicholas (2007). 'The UN record On Peace Keeping Operations". International Journal. 63(3)

discussion and an end to the dispute. Annan was able to get the groups to the table, but there was no denying that the divergent and ingrained views would make any possibility of imminent progress impossible to attain.[36]

Within a month, four main powers allied themselves in a concerted campaign to produce a constructive mediation process that led to the signing of the National Agreement and the formation of the Government of the Grand Coalition. Firstly, there was a mediation process that evolved within the sphere of the African Union, in which interest and traction built up over time. Supported on all sides of the controversy, this mechanism has enjoyed legitimacy and has become a focal point for all parties interested in resolving the problem. Secondly, Participation of major players in the Kenya by mounting and sustaining pressure on the conflicting parties and on the mediation team to bring peace to Kenya. By mobilizing through party lines, Kenyans from various political groups engaged in the peace talks from the start to after the signing of the agreement. This has, in many ways, been turned into local ownership of the peace process and has built up a local power base for it. Third, the mediation team embodied the expertise, competence, communication and mediation skills required to address the crisis.[37]

All eminent personalities have enjoyed esteem in Kenya and internationally and, as a result, have increased trust in the process. Moreover, being African, any opposition that may have been associated with Western or other foreign impact on the mechanism was reduced. The final aspect was the unyielding international pressure and leverage exerted largely by the mediation framework. Kenyan mediation produced critical lessons for mediation elsewhere. However, unlike with many other peace

[36] Feron, James D. (1998) 'Commitment Problems and the spread of ethnic Conflict: in David A. Lake and David Rothchild (eds). The International Spread of Ethnic Conflict, pp. 107-26. Princeton, NJ: Princeton University Press
[37] Interview with Kennedy Mokaya, a Mediation, Peace and Conflict expert on 22nd September,2020.

negotiations, there were no procedures in effect to guarantee complete compliance with the terms of the deal.[38] In addition, the parties decided on the need for cross-party peace and reconciliation intervention at the group level to resolve these concerns while still agreeing that, at the national level, mediation headed by the panel was the only method of conflict management the parties would consent to participate in. The willingness to use professionals and knowledgeable voices has become a modality that has been used in mediation at times to depoliticize conversations and clearly keep them focused.

2.1.4 Mediation Outcome

On February, Odinga and Kibaki signed the Agreement that set in motion the formation of the Grand Coalition Government. This agreement outlined the role of the Prime Minister responsible for managing and monitoring the performance of the duties and affairs of the Government. Additionally, each coalition partner was to appoint a Deputy Prime Minister from the National Assembly. The coalition government took into account the concept of portfolio balancing to represent its relative political power. The dismissal of each Minister will be subject to written consultation and rivalry between the two presidents. In addition, the proposed National and Reconciliation Act would be quickly presented to Parliament and incorporated into the constitution.[39]

The transnational model of government was to be in effect for five years until elections were held based on the findings of the Electoral Review Committee. The Kenyan Assembly was able to meet and approve the bills legalizing the grand coalition government. The Kenyan mediation was a compromise, as neither side was willing to satisfy the original demands. The Agreement signing came about as nothing but an act of surrender, as neither side was coerced by outside powers. Annan went to the two

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[38] Shearer,David (1997). "Exploring the Limits of Consent: Conflict Resolution in Siera Leone". Millenium-Jounal of International Studies. 26(3):845-860

[39] Kaufmnann, Chaim (1996), "Possible and Impossible Solutions to Ethnic Conflicts," International Security. Vol. 20, no. 4, pp. 136-175.

primary sides, that had the secret to unlocking the mediation stalemate by negotiation, and to make a final decision in driving the process ahead to reach an agreement. Thus, by signing the pact, the leaders chose reconciliation and not violence.[40]

2.2 ECOWAS Mediation in Côte d'Ivoire (2002-2010)

2.2.1 Introduction and Background

The re-emergence of the political crisis in Côte d'Ivoire following the hotly contested election of November 2010 called on ECOWAS to re-engage in restoring peace in the region. Subsequently, these tensions began in 2002. This poses a few questions that need to be answered. Firstly,is it the mandate of the association to mediate in Member States and where does it derive the mandate? Second, how was this mandate pursued and how successful was it in Côte d'Ivoire? In West Africa, a conflict-ridden region, mediation has been used to control the escalation and spread of regional crisises and promote a conducive environment for good relations between parties in a conflict.[41]

2.2.2 The Mediation Process

The Côte d'Ivoire war began on 19 September 2002, when a section of the army began a revolt in the capital Abidjan. This uprising split the country into the rebel-held north and the state-controlled south. The initial response of ECOWAS culminated in a tentative truce deal that led to the Lomé talks in November 2002. What made the peace process more difficult was the influx of several actors. While ECOWAS was the lead mediator in the dispute, other players, such as France, the African Union (AU) and the United Nations, played a part at various stages of the dispute. The intervention of France led to the Peace Agreement between Linas and Marcoussis in January 2003.

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[40] Crocker, Chester, Hampson, Fen Osler and Aall, Pamela R. (1999) Herding Cats: Multiparty Mediation in a Complex world. Washington, D.C US Institute of Peace Press.
[41] Autesserre, Severine (2014).Peace land: Conflict Resolution and the everyday Politics of international Intervention. Cambridge University Press. P.22

Likewise, the involvement of the AU through Thabo Mbeki, then South Africa's president, culminated in the Pretoria I and II Agreements in 2005.[42] In 2007, the mediation mechanism was returned to ECOWAS's leadership. The then President of ECOWAS, Blaise Compaoré, became the main mediator and brokered another peace deal, the Ouagadougou Peace Agreement of March 2007. This compromise allowed for a power-sharing system in which the leader of the uprising, Guillaume Soro, became the prime minister of the then president, Laurent Gbagbo.

2.2.3 Mediation Outcome

The elections of November/December 2010 marked the last stage of the peace process and were designed to bring about lasting stability. However, such hopes were dashed as violence has broken out over disputed results. Presidential candidates in the 2010 election, Alassane Ouattara and Laurent Gbagbo claimed the presidency. Renewed hostilities in Côte d'Ivoire called for renewed mediation negotiations. The resurgence of conflict in Côte d'Ivoire showed that perhaps the previous peace process never addressed all fundamental issues in the conflict. It can also be argued that the current post-election dispute and violence in Côte d'Ivoire is another example of election-related violence in Africa (identical to that of Zimbabwe and Kenya) and may have nothing to do with the previous peace agreements. Either way, there is therefore the need to ensure that the quest for peace this time around creates the opportunity for lasting stability.[43]

The Ivorian peace process has shown ECOWAS's commitment to mediation in West Africa. Further, it shows that the efforts of ECOWAS always need to be complemented by the AU and UN. For example, through mediation, the involvement

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[42] Bercovitch, J., Anagnoson T.J and Wille, D.L (1999) 'Some Conceptual Issues and Empiral Trends in the Study of Successful Mediation in International Relations; Journal of Peace Research 28:pp.7-17
[43] Ibid

of a UN mission in Côte d'Ivoire has contributed enormously to sustaining a degree of stability in the region. Following the 2010 presidential elections, the United Nations Operation in Côte d'Ivoire (UNOCI) had to collaborate with the French forces, the Security Council and international players in order to pursue a robust approach to peace, and the conflict was settled by force with the overthrow of Gbagbo.[44] Ouattara won the 2010 elections. Both Bagbo and Quatarra began to form independent governments in Abidjan, and the stage was set for a complete stalemate: Gbagbo had power but lacked legitimacy, while Ouattara had legitimacy without control.

The conduct of the political clan of Bagbo led to an unusual circumstance in which the winner of the presidential elections couldn't settle in power and had to seize it by force. In the months that followed, none of the diplomatic and mediation attempts made by African countries and organizations were able to resolve this impasse. After the 2010 mediation process to end the conflict, there was need for further development, after the departure of UNOCI, in the battle against impunity, the development of national reconciliation and social stability, the complete and equitable inclusion of women in government and public institutions, the reform of the security system, the defense of human rights, including through the operation of the National Human Rights Commission. This was required to effectively bring an end to the conflict in Ivory Coast.[45]

2.3 SADC Mediation in Burundi (1995-2004)

2.3.1 Introduction and Background

The African Union, through SADC, immediately intervened in Burundi as OAU in the peace process in 1993, presenting a test ground for the organization to show its

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[44] Collier, Paul and Anke Hoeffler, "On economic causes of civil war," Oxford Economic Papers 50 (1998), 563-573.
[45] Autesserre, Severine (2014).Peace land: Conflict Resolution and the everyday Politics of international Intervention. Cambridge University Press. P.22.

contribution to dispute settlement and resolution on the continent. Nelson Mandela former president of South Africa was named as the new mediator for the peace talks in Burundi at the regional summit in Arusha and called for the participation of all stakeholders in the negotiations. Mandela preferred mediation from where the late Julius Nyerere had entered. The Nyerere led the process of excluding armed rebel groups, including the largest CNDD-FDD rebel group. Mandela had a strong character and personality and was widely recognized by the opposing groups as a voice of reason.[46]

2.3.2 The Mediation Process

2.3.2.1 The Arusha Peace Process

The Arusha mediation process is one of the most fruitful peace efforts on the African continent. Burundi, a state within the Great Lakes region of Africa, plunged into a period of violence after its independence in 1962. The cycles of violence date back to the ethnic division left by Belgium Colonial history profoundly entangled with institutionalized dominance over state authority as well as access to limited economic wealth and influence. The assassination in October 1993 of Burundi's first democratically elected president, Melchior Ndadaye, and a Hutu, set off another era of bloodshed. By mid-1996, many Burundians were killed, contributing to the need for international third-party mediation to achieve a peace settlement. President Julius Nyerere of late Tanzania was assigned to supervise the Arusha peace process in Burundi by the Organization of African Unity and the East African Nations. This system sets the stage for a sustainable and inclusive peace agreement signed in 2000 and fully implemented in 2006.[47]

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[46] Falch, Åshild and Megan Becker (2008). Power-sharing and Peacebuilding in Burundi: Power-sharing Agreements, Negotiations and Peace Processes. Oslo: Peace Research Institute of Oslo (PIRO).
[47] Blaydes, Lisa and Jennifer De Maio (June 2010). "Spoiling the Peace? Peace Process Exclusivity and Political Violence in North-Central Africa." Civil Wars 12, 1: 3–28.

2.3.2.2 Parties in the Mediation

After long talks in 2000, the state and 17 political groups signed the Arusha Agreement, but the fighting escalated as the FDD and the FNL, who were both the major parties to the dispute, did not participate in the long discussions and as a result did not sign the agreement. The changed government agreed to in the agreements was formed in 2001 and comprised 17 political parties and a cautious balance between Hutu and Tutsi. President Buyoya 's Union pour le Progrès National mainly made up of the Tutsi was the major party alongised Vice-President Ndayizeye's Front for Democracy in Burundi (Frodebu), that was dominated by Hutus. It was agreed for Buyoya to be president for one and a half years before turning it over to the then VP.[48]

It was only in 2002 that these two major insurgent groups reached agreements with the state and agreed to a truce and surrender their forces to cantonment areas. However, the peace accord, despite strong reaffirmation by both the Government and the FDD, was regularly broken, both of which blamed the other of being responsible for these abuses. The FNL did not enter into an understanding with the government under Rwasa. There were several players in the Burundi mediation process, some with overlapping positions.[49] This vast number brought misunderstanding and competition between the groups. Apart from the regime and the rebel groups, The key players included: Jacob Zuma South African Vice-President then, who became the mediator of the talks after Nelson Mandela, the heads of government of Rwanda, the DRC, Uganda, , Tanzania, Kenya and South Africa, under the leadership of President Museveni of Uganda, also intended to encourage an end to the issues between the two countries.

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[48] Bentley, Kristina A. and Roger Southall (2005). An African Peace Process: Mandela, South Africa and Burundi. Cape Town: HSRC Press.
[49] Bercovitch, Jacob and Scott Sigmund Gartner (2006). "Overcoming Obstacles to Peace: The Contribution of Mediation to Short-Lived Conflict Settlements." International Studies Quarterly 50, 4: 819–840.

Article 3 of the Arusha Agreement set up an Implementation Monitoring Commission (IMC) to aid in enforcing the Accords reccomendations. It comprised 2 members from the signatory political forces, one delegate drawn from the government of Burundi Government, six Burundians of unquestionable morals, and representatives of the US, the AU and the International Initiative. It is led by Bernahu Dinka, who represented the UN Secretary-General. Additionally, the Joint Ceasefire Commission (JCC) was set up to aid in the enforcement of the negotiated ceasefires and was chaired by General El Hadji Alioune Samba, a UN designate. The Secretary-General and the African Mission in Burundi (AMIB), led by Ambassador Mamadou Bah, the representative of the African Union in Burundi. [50]

2.3 Mediation Process Outcome

A successful mediation process should include all stakeholders. The signing on the Arusha Peace Agreement required that all sides pledge to eradicate the deep-seated causes, that gave rise to war. The signing of the Arusha Peace Agreement allowed both parties to devote themselves to resolving the deep-seated factors that contributed to war. It ended over ten years of armed conflict and sporadic killings, including genocide, going as far back as when Burundi attained self rule. The war set up Hutu insurgents against subsequent governments dominated by Tutsi. "For most Tutsis, leadership of the army was viewed as crucial to their physical existence as a minority. Although for most of the Hutus, the mainly Tutsi-army was the biggest barrier to the realization of their political rights. It was therefore important to mediate and find an agreement on the reconstruction of the political organisations that had been gotten rid with. With time it became more apparent that there was a need to move further, to explore the underlying

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[50] Ibid

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essence of the crisis, and then to formulate ways of reforming the country in ways that would respond to the main causes.[51]

The triumph of Ndadaye in 1993 was significant to Hutus, as many became persuaded that there was a way to get representation without having to fight. His assassination, however, ripped this trust to shreds, replacing it with typical illusions that the army dorminated by the Tutsi was opposing democracy at all costs. These scenarios influenced the mediation approach taken by Mandela and Nyerere. Both their mediation teams new the value of convincing the Tutsi that the mediation process offered a better way to settle the conflict. Under the Arusha Agreement, it was deemed better not to allow the forces be dominated by any one ethnic group. Similarly, no ethnic group was to occupy over 67% of state, county and municipal posts.For Cabinet departments, diplomatic services and democracy-promoting agencies such as the National Electoral Commission (CENI), the Constitutional Court, the National Assembly and the National Human Rights Commission, the ruling party can not have more than 60% representation. This has demonstrated the success of the dynamic resolution of the Burundi crisis.[52]

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[51] Daley, Patricia. (2006). "Ethnicity and Political Violence in Africa: The challenge to the Burundi state." Political Geography, 25:6, 657-679.

[52] Aboagye, Festus. (2004). "The African Mission in Burundi: Lessons Learned from the first African Union Peacekeeping Operation." Conflict Trends, Issue 2, 9-15.

CHAPTER THREE

THE IGAD MEDIATION IN SOUTH SUDAN

Introduction

The violence in South Sudan is rooted in political , social and economic causes. After the outbreak of conflict in December 2013, a substantial part of the population of South Sudan has been displaced. The war took on a barbaric racial twist, leading to the slaughter of civilians, mostly from the Nuer and Dinka nations. This compelled a mechanism of regional mediation headed by the Intergovernmental Development Authority (IGAD) to resolve and end the dispute. This chapter examines the mediation process by critically analyzing the actors, issues, structure, mediation process and concludes by outlining the various dynamics of the South Sudan mediation.

3.1 Key Actors

3.1.1 Internal Actors

3.1.1.1 Sudan's People Liberation Movement/ Army (SPLM/A) in Government and Opposition

As the champion of freedom and liberation, SPLM / A is synonymous with the government of South Sudan. This is because over the last 30 years, the SPLM / A has been the primary independence player hence swallowing all the historic South Sudanese groups.[53] In 2011, when South Sudan became an independent state, SPLM became the governing party. Since 2013, the SPLM in government has been headed by Salva Kiir, President of South Sudan, who oversees the government's security apparatus. Kiir oversees the SPLM / A leadership and is the major decision-maker.

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[53] Autesserre, Severine (2014).Peace land: Conflict Resolution and the everyday Politics of International Intervention. Cambridge University Press. P.22.

The SPLM in opposition is the largest rebel party in South Sudan that broke off from the SPLM in 2013 due to the political tension between Salva Kiir and his deputy Riek Machar over party's leadership. This rebel faction is headed by Riek Machar. The party's platform or lack thereof is basically the same as the original SPLM and varies mainly in the fact that the division between the two was largely regional, with the SPLM-IO representing the Nuer ethnic community as leader Machar. The communities that felt marginalized by the government readily joined the party. The power struggle between Machar and Kiir has led to the ongoing civil war in South Sudan.[54] To this end, this situation definitely poses a significant obstacle to the security adjustment initiative that accompanied the diplomatic resolution of the dispute. This composition makes it impossible for any side to gain a definitive strategic victory.

3.1.2 External Actors

The main foreign players in the mediation of South Sudan are member countries of the Inter-Governmental Development Authority (IGAD), including Uganda, Kenya, Ethiopia and Sudan. In specific, Uganda has given military assistance to the South Sudanese government. This interference is guided by the intimate relationship between Museveni and Kiir, as well as by the obvious economic interest. More is the historically disconcerting relationship between Riek Machar and Joseph Kony of the Lord's Resistance Army of Uganda, and Museveni sees the ascent of Riek Machar to the throne in South Sudan as a possible problem for his regime.[55] Additionally, while Kenya has not sent over any troops to assist Juba, it seems to be helping the president, by playing

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[54] Brito, D. and M. Intriligator. 1989. "An Economic Model of Guerrilla Warfare," International Transaction, 15(3), 319-29.
[55] Clapham, Christopher(1998). "Rwanda: The Perils of Peace". Journal of Peace Reasearch. 35(2):193-210

a major mediating role. Ethiopia is the leading mediating country in the IGAD Member States.[56]

While IGAD is heading the reconciliation effort, the African Union has quietly played a significant part through the ongoing work of the Commission of Inquiry headed by Olusegun Obasanjo a former head of state. The African Union will have to join the global community in putting sanctions to pressure the parties to resolving the crisis.[57] To this end, IGAD has therefore made a lot of progress in making the warring factions to sign the termination of the conflicts agreements and in enabling the two major candidates to work to ensure the execution of the peace agreement.[58] The US and China are both vying for some form of control over the government in South Sudan and thus access better oil deals. The United Nations and the Troika, who were set up during the negotiations of the CPA to offer technical and financial assistance are both important external players.[59]

3.2. Issues in the 2013 Conflict

Within the SPLM faction, the crisis arose as a political challenge, but there were fundamental post-CPA issues which had not been addressed. Three primary factors played a great role in the deterioration of the international crisis into a full-blown war in 2013. This include the history of the phase of emancipation triggered by racial competition, disequilibrium in the army and weak socioeconomic metrics. The social conflicts arising from the division between the unionists and the separatists have forced

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[56] Interview with Wilma Cheruto,Mediaion and Peace expert in the Ministry Of Foreign Affairs Kenya on 20th August, 2020.
[57] Collier, P. 1998. 'The Economics of Civil Wars' Development Research Group, The World Bank, mimeo.
[58] Collier, Paul and Anke Hoeffler. 1999. "Justice-Seeking and Loot-Seeking in Civil War," (February) Working Paper, World Bank.
[59] Collier, Paul, Anke Hoeffler and Mans Soberdom (1999), "On the Duration of Civil War" World Bank, unpublished mimeo.

the Dinka Group to confront the Nuer, and this political conflict has intensified over the years.[60] Deadly battles have been waged over the years, sowing seeds of resentment and hate. In addition, the 1991 split more than any other event left the two communities apart, particularly after the well-known 'Bor Massacre 'that killed thousands of Dinka civilians on Riek 's orders. For this reason, these political feuds have become religious and have become a duel between one ethnic group's supremacy over the other.[61]

3.3 The IGAD Mediation Process in South Sudan

IGAD has been at the foefront of the mediation process of the ongoing conflict in Juba. The mediation initiative is focused on Chapter 8 of the UN Charter, which mandates regional bodies to conduct pacific settlement of disputes through mediation. o In 2014, the peace talks culminated in the sighning of two historic resolutions regarding the end of the conflict and political prisoners. The study argues that the Authority's resolution mechanism risked failure due to a variety of factors, including systemic problems of the Authority and lack of a proper way to impose its will on the disputing factions.At the end, the mediation experience gained by IGAD in South Sudan and Somalia my enable the organisation have high chances of success in other mediations.Moreover, chances of success are even higher with support from the United Nations and the African Union.[62]

3.3.1 The Mediation

The IGAD peace talks for South Sudan were carried out in Ethiopia from early 2014 before the peace deal on the Southern Sudan Dispute Settlement (ARCSS) was

[60] Doyle, Michael W.; Sambanis, Nicholas (2010). 'Making war and Building Peace:United Nations Peace operations. Princeton University Press. Pp.336-337.
[61] Ibid
[62] Duffey,Tamara (2000). "Cultural Issues in Contemporary Peacemaking." 7(1): 146-147

agreed to in late 2015. Further talks on many deployment modalities continued in 2016. A trio of IGAD mediators (Ethiopia, Kenya, and Sudan) was chosen to oversee the talks. Mediators argue that progress towards peace is often made not during official talks but in the pre-mediation days between discussions. The centrality of the political will must be echoed in the peace mechanism analysis and strategy in South Sudan. As a consequence, the success or failure of the mediation process depends heavily on adopting mediation by parties to the dispute and a commitment to a solution.

South Sudan 's principle combatants lacked the moral will to negotiate peace and often opposed the need for a negotiated settlement. This section provides further insight through the first and second phases of the conciliation talks. It addresses seven factors that have influenced the atmosphere and the outcome of the peace process.The aim of mediation was justice and peace, economic and institutional change and democratic responsibility. IGAD then needed mediators to set up a mechanism for dialogue with specific modalities for arrangement, engagement and timetable.

Bercovitch argues that, in light of the recent violence and the demand for a holistic political agenda, the intermediaries needed to consider what kind of mediators they would have to be. Third party intermediaries can hold positions varying from the 'facilitator' (creates the conditions for dialog) to the problem solver (drives the mechanism and proposes solutions) to the power or forceful mediator (uses leverage to push the parties to negotiate a settlement).[63] To this end, however, given the lack of consent of the parties and the limited resources of some stakeholder groups, there was no question that IGAD negotiators would have to effectively form the agenda and

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[63] Suensson ,Isak (2009). 'Guaranteeing Peace: The credibility of third Party Mediators in Civil Wars,in Jacob Bercovitch and Scott Sigmund Gartner (eds) International Conflict Management: New Approaches and Findings, pp 115-134.London : Routledge.

contribute to the process of moving forward with the enormous help of the supporters of the peace negotiations.

3.3.2 Phase 1 (January 2014): Cessation of Hostilities

In 2014, the struggle for Juba, the capital of South Sudan, escalated with government forces fighting it out against Riek Machar's rebel forces. With the opposing parties arriving in Addis Ababa for negotiations, the IGAD mediators agreed that the immediate cessation of hostilities was the first thing to be discussed. The country's army had broken into war in the North of the capital and three other state capitals. Thus, it was agreed that such a cessation would not survive until the fundamental political grievances were resolved. However, the IGAD state leaders agreed that a decrease in the armed war was sufficient to establish a space for negotiations. This pledge was endorsed by diplomats from Africa and the global community.[64]

Through much deliberation, the sides have reached a termination of hostilities deal. This was the culmination of intensive mediation, focused international attention and strong cooperation between intermediaries and supporters of the mediation. The deal assured the government and the opposition groups that they would halt military activities, suspend military forces and refrain from assaults on civilians. It also established a monitoring and verification mechanism and outlined its function, operations and reporting policies. The monitoring mechanism took along time to set up though it was to be lean.However new clashes ensured with both sides accussing each other.[65]

[64] Walter, Barbara F.(2002) Committing to peace: The Successful settlement of Civil Wars.Princeton, NJ and Oxford: Princeton University Press.
[65] Touval, Saadia and Zartman, I. William (1985) International Mediation Theory and Practice.Boulder, CO: Westview Press.

3.3.3 Phase II (February 2014- August 2015): Negotiating the Issues

Step II (February 2014—August 2015) sought to expand the mediation process and its plan for a comprehensive political settlement and structural reforms. In addition to government and opposition, five other stakeholder organizations, including a party of high-profile SPLM figures known as "former prisoners," nine other political parties, civil society, religious leaders, and women's organizations, engaged in the various phases of Phase II. Despite concerted attempts by these sides, mediators, and proponents of the peace process to bring about a "multi-stakeholder" national dialogue, these organizations have never been permitted to participate as full participants.

The cessation of hostilities offered the basis for the commencement of mediation negotiations on the war's root causes, notwithstanding its restriction. This sparked serious questions, including the need for a course correction for South Sudan? Was it the first nation to become a failed state, or did it collapse before it even became a state? What specifically will become the target of phase II of the talks?[66] This process faced difficulties as it was complicated and needed to retain a sense of agency while resisting simple solutions. In addition, pressing diplomatic and military realities could not be ignored. Still, a simple fix of housing within the political elite of South Sudan could set the stage for a return tragedy. In contrast, the immediate response of IGAD leaders and mediators would be to approach the ruling class they were used to working with. But the supporters of the peace process have maintained that mediators would have had a much broader portion of Sudanese society as a result.[67]

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[66] Touval, Saadia (1975) 'Biased Intermediaries: Theoretical and Historical Considerations,' Jerusalem journal of International Affairs 1:51-69

[67] Interview with Hussein Guffu on 6th September,2020.

3.3.4 Dynamics of the Second Phase

Seven critical dynamics have dominated the second phase of reconciliation activities in South Sudan. This include government denial, battlefield status, forum shopping, summit diplomacy and empty threats, a fractious opposition, a soaring mediation, and elite compromise.

3.3.4.1 Government Denial

From the outset, the government of Salva Kiir tried to project a narrative of business as usual amid the existential challenge confronting South Sudan. This enraged South Sudanese backers and international supporters who had campaigned for the independence of South Sudan. The Government's team did not want anything other than a ceizefire and avoided substantive talks by slowing down Phase II after the cycles of roundtable discussions on the terms.[68] Assessing that a political conversation under IGAD could only lead to controls on its own strength the state argued that any political dialogue, if possible, could happen back in Juba where the traitorous opponents would have to surrender their arms. Unsurprisingly, it was a non-starter for the other stakeholders.

In the meantime, Juba dispatched diplomatic teams on a worldwide propaganda, that painted the government as trying to confront a baseless uprising that attempted a coup de tat.[69] However, the truth was that the government of Kiir neither was secure nor in charge of the security environment. Its search of a military solution splited the South Sudanese society, bring the economy to its knees, and lead to famine. As the war dragged on, its reputation, already undermined by the December 2013 massacres

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[68] Rachel,Julian;Schweitzer,Christine (2015). "The origins and Development of Unarmed Civilian Peace keeping."Peace Review. 27(1):1-8
[69] Ibid

committed by its forces, continued to deteriorate. Yet the government leaders were in full denial.[70]

3.3.4.2 Battlefield Status

The January 2014 talks managed to secure a temporary truce three weeks which was a stunning speed relative to many contemporary conflicts. However, when phase II began, this traction declined as offensive and counter-offensive breaches of cease-fire agreements persisted. But the vast battle field was stabilizing and a de factor partition was forming, with both the delegation and the mediators setting up more defined routines in Addis Ababa for the plight of the South Sudanese people, desperately dependent on the outcome.Thus fighting continued as a mutually hurtingstalemate was not yet reached and parties did not want a negotiated compromise.[71]

3.3.4.3 Forum Shopping

The essential rule of international diplomacy and peacekeeping is to prevent a "Forum shopping " in which competing fora emmerge. Opposing parties either pursue a venue more favorable to their needs or participate in two mechanisms against each other.In the spring of 2014, another alternative peace plan was put to find a settlement by reconciling the SPLM ruling party. As it came to be called, the Arusha Process would prove to be ill-conceived in respect to both substance and structure.[72] The Arusha Process was an effort of Tanzania 's leading political party (CCM) and a small European non-governmental organisation (Crisis Management Initiative).Its formation

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[70] Kaufmnann, Chaim (1996), "Possible and Impossible Solutions to Ethnic Conflicts," International Security. Vol. 20, no. 4, pp. 136-175.
[71] Interview with David Deng, a resident of South Sudan on 5th August,2020.
[72] Intriligator, M. and D. Brito. 1988. "A Predator-Prey Model of Guerrilla Warfare," Syntheses, 76(2), 235-49.

represented a lack of clear consensus on the conflict and its ideal resolution and the growing frustrations with the IGAD process. However, facing clear and frequent concerns from foreign players regarding a party-only mechanism and a forum shopping dangers, the organisers proceeded to violate the cardinal rule. Parties played one forum against the other so as to undermine both and went to where there interests could be taken.[73]

3.3.4.4 Summit Diplomacy and Empty Threats

Any time the talks entered a deadlock and the failed shuttle diplomacy, the mediators were forced to request that the IGAD Heads of State to convene. This also led to delays as a short-term synchronization with three or more Heads of State schedules was not straightforward. It further reinforced what the parties already understood that the mediators themselves had no jurisdiction. To frame the issues, the mediation team prepared written and oral briefs. Yet, the unwritten summits have taken a life of their own as well. Often the problems articulated by intermediaries have been addressed; sometimes steps were taken that ignored the advice of mediators or otherwise impede their work. Perhaps more difficult, following the release of official communiqués, the leaders frequently emerged from the summits with differing understandings of what had been agreed, putting the mediators in a tough spot, forcing them to reinforce the distance.

Seven special IGAD summits were held during the IGAD peace process. In five such examples, the ensuing communiqués threatened punitive legislation, including clear references to immigration restrictions, asset freezes and even military

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[73] Fortna, Virginia Page (2008).Does Peacekeeping Work?: Shaping Belligerents' Choices after Civil War. Princeton University Press.p. 175.

intervention. Yet, time and again, the verbal eruption appeared to be rhetorical alarms. This further weakened the mediation team and showed that they were operating without any leverage. Empty threats were ignored by the parties, who continued to fight, flouted their commitments and stonewalled the process without any consequences.[74]

3.3.4.5 Fractious Opposition

Both the government and the opposition had differences, but the fractious existence of Machar's anti-government alliance and its conflicting interests colored the peace talks from beginning to end. Most opposition rebels had more hardline demands than their de facto leader, in addition to seeking revenge for the Nuer civilian massacre in Juba. Others were seeking military achievement, while those who supported a military deal were searching for something somewhat different from what Machar wanted. It was a marriage of convenience, he needed them to demonstrate power, and they needed his political heft.[75] Machar and his deputy kept their backers in line as the talks progressed by providing them with weapons and ammunition. Although they combined enough provisions from outside markets to sustain the war, they would never be enough to overthrow the regime. Later, Machar called opposition conferences occasionally to ease internal pressure. In both times, he retained open support for his government, but mistrust continued to fester.[76]

Mediators faced a tremendous dilemma whether to follow dissident voices from Machar 's camp or not. The chief facilitator wanted talks to reflect on the reality, but determined that targeting Machar's dissatisfied affiliates might make further splintering

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[74] Ibid
[75] Elbadawi, Ibrahim (1999), "Civil Wars and Poverty: The Role of External Interventions, Political Rights and Economic Growth," presented at the World Bank's Conference on "Civil Conflicts, Crime and Violence," Washington, DC, Feb. 22- 23.
[76] Ibid

easier. They both found that they were far less open to (and committed to) a compromise solution. At this point, the IGAD mediators noticed later that both Kiir and Machar were not positioned to make compromises suitable for reconciliation, as the intra-group dynamics had made both men hostages to their representatives.

3.3.4.6 A Soured Mediation

IGAD 's chief mediators in South Sudan; Seyoum and Sumbeiywo were offered a tough job and faced a critically unfavorable mediation background. Most of the problems faced were compounded by the personal animosity between the two men and their nations fueled by the poisoned atmosphere caused by competing national interests of the IGAD countries. As a drawn out operation, the IGAD mediation team wore on with little to no positive results.Moreover, the strains were no surprises in the negotiating corridors between Seyoum and Sumbeiywo reflecting on their secretariate staff, who sometimes worked together effectively and often for cross-cutting purposes. This poor relations complicated information sharing undermining a shorthanded secretariat.[77]

An embittered Sumbeiywo by end of 2014, had antagonised relations with the proponents of the peace process, he tried to keep them out of the meditation process. Untill then, the negotiation team had taken their cues from the diplomats organizing communications, performing particular assignments and delivering professional and strategic guidance on request. By early 2015, the wider divisions between the larger IGAD states couldn't be overlooked no more. National interests dominated over the

[77] Duffey,Tamara (2000). "Cultural Issues in Contemporary Peacemaking." 7(1): 146-147

shared regional interests of IGAD and left IGAD paralyzed. As a result, the parties did not believe that it was appropriate to discuss the concessions needed for peace. [78]

3.3.4.7 Elite Compromise

The natural tendency of IGAD heads of state and their chosen mediators at inception of the peace process was to approach the SPLM / A party leaders who they were used to in the government. This limited focus, however, failed to consider the essence of the conflict, the existence and the goals of the fighters on the field, and the question of the SPLMs' source of legitimacy. However, this is only a narrow emphasis that fails to consider the nature of the war, the life and desires of the fighters in the field, and the greater issue of the legitimacy of the SPLMs' origins. At the beginning of stage II, the mediators were warned of the dangers of a conflict between the same parties whose struggle for power had sparked the conflict. There was a stability need, not only would a going back to the status quo fail to address mismanagement,corruption and weak governance that weakened fragile state institutions, but further will threaten the collapse of government. The mediators were of the opinion that a more inclusive and truly diverse dialogue would be essential for peace to be substantive and lasting.

At the begining of phase II, the mediators were warned about the risks of a hardline position between the parties whose struggle for power had ignited the war. The January 2014 IGAD Communiqué called for an all inclusive dialog involving political and civil society actors,government and its resolutions confirmed the proposal for a multi-stakeholder framework. But the catalyst for transformative and inclusive change was provided by ineffective government, mediators and other outside actors. Therefore, the IGAD Communiqué of 2014 January called for a fully inclusive dialog involving a

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[78] Interview with Onesmus Ogoti, Mediation Expert with the Horn Center on 29th August,2020.

broad spectrum of actors from government, politics and civil society, and its subsequent resolutions confirmed the proposal for a multi-stakeholder system. Yet ineffective government, mediators and other outside actors created the impetus for non inclusiveness and transformative change.

CHAPTER FOUR

THE IGAD MEDIATION IN SOMALIA

Introduction

This chapter analyses the IGAD mediation in Somalia, actors, issues, structure, the mediation process and concludes by outlining the various dynamics of the Somali mediation.

The conflict in Somalia has widely impacted the state and the horn of Africa region as a whole. This led to both internal and external actors taking lead in solving and managing the conflict through mediation. The security condition and the phase of state building in Somali has seen substantial changes over the years. However, the road towards stabilization and peace remains a challenging one, considering the delays in adopting many of the steps envisaged in the six-pillar policy of the Somali compact and federal governments. Warlords and Al-Shaabab remain a challenge in Somalia and the Horn of Africa region. The democratic processes in Somalia continue to expose crucial tensions between institutions of the federal government and regional states, and the mechanism of federalism has mandated external intervention to form the majority of ad-interim administrations.[79]

In 2006, armed clashes broke out between a US-backed alliance of militia leaders and a group of Islamist militias resulting in a decisive Islamic victory, the components of which were organized as the Union of Islamic Courts (ICU). Consolidating power over Mogadishu in June 2006, the ICU soon spread its control over southern Somalia. In six months, the ICU had made remarkable progress in Sustaining social order and the rule of law in Somalia. As a result , the majority of

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[79] Autesserre, Severine (2014).

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Somalis, including those who did not adhere to the Islamist ideology, actively endorsed the ICU. Hardline Islamists have taken a series of inflammatory acts against the USA and Ethiopia in the broad ICU umbrella movement, leading to a full-scale Ethiopian (with US support) military campaign against the ICU at the end of December 2006, which, in turn, gave rise to the ICU in a matter of days. The fragmented ICU and its vanquished militia, including a core group of several hundred well-trained and dedicated soldiers known as al-Shaabab, dispersed throughout the country.

Via the mediation efforts of IGAD, the international community tried to restore the TFG, improve its governance and security capability and enhance its legitimacy. In order to enlarge the appeal of the TFGs amongst Somalis by establishing a more equal power, sharing agreements, IGAD has drawn up plans to deploy a peacekeeping force to provide support for the TFG. While this attempt failed, the subsequent drive grew into the African Union Mission to Somalia (AMISOM). Originally intended to use African troops from non-neighboring countries to Somalia to avoid problems from those neighbors' common history and vested interests in the region, it was problematic finding governments prepared to send forces to such a high-risk mission. [80]

4.1 Actors in the Conflict

4.1.1 Internal Actors

The IGAD mediation process attempted to take a holistic approach to mediation by in co-operating all aggrieved parties. These internal actors included the state, armed groups such as the Islamic Courts, warlords, traditional clan elders who represented their clans and sub-clans, unarmed groups religious groups and the civil society. These

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[80] Interview with Lilian Wamuyu,Director Horn Center on 3rd September,2020.

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actors brought a different dynamics to the mediation process as they could not easily reach a common ground hence prolonging the effort for a lasting peace.

4.1.2 External Actors

The Somali crisis and mediation mechanism concerned foreign players who had vested interest in perpetuating Somali war and failure. These points to the interests and actions of neighboring states such as Ethiopia, who are believed to fear a resurgence due to the past of Somalis' irredentism and incessant war with Ethiopia, the Somali state. Ethiopia accused of working against and sabotaging the Transitional National Government between 2000 and 2002 and targeting the rising Council of Islamic Courts (CIC) in 2006. Strong foreign interests have often perpetuated the Somali problem and hence have disturbing repercussions for mediators.[81]

This implies that outside spoilers are likely to reject even the most promising compromise attempts. It also addresses the need for broad security guarantees in the region if the crisis in Somalia is to be successfully resolved. Until Somalia, Ethiopia and the Mogadishu based clans agree to seek a lasting solution no lasting peace can be achieved in Somalia. Talks that the two major adversaries in the Somali conflict are not likely to bring about reconciliation and are in many ways a waste of time and resources. The United Nations, in cooperation with IGAD, was also a central participant in the negotiating process, both stressing the need for peace.

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[81] Brito, D. and M. Intriligator. 1989. "An Economic Model of Guerrilla Warfare," International Transaction, 15(3), 319-29.

4.2 The IGAD Mediation in Somalia

Elijah Mwangale was the first special IGAD envoy to Somalia and chairperson of the IGAD Technical Committee, headed by the Kenya Frontline States of the Horn of Africa. He had a mandate to oversee the discussions whose main objective was to decide on the structure and functions of the Transitional National Government (TNG).

4.2.1 The Eldoret Peace Conference

Eldoret town in Kenya played host to another peace conference on Somalia. Unlike the previous initiatives that is the Sodere initiative and the Arta initiative, the Eldoret initiative was held in three phases. In the phase I, 300 delegates from political parties, civil society and military leaders were brought on board with expectation that delegates would find consensus on the way forward since it was believed that delegates represented each player in the conflict. Phase two was to address issues of substance in the peace process and it therefore six committees were formed each to tackle the following areas: drafting the federal Charter /constitution, disarming exercise, demobilization and reintegration, land and property, domestic conflicts, economic recovery, and regional and global issues. [82]

In total, seventy-five delegates drawn from the total 300 delegates were selected to sit on these six committees who were supposed to deliberate on the issues before them and table their reports on the plenary. The third phase saw the reports from various committees discussed and approved by the plenary. Besides, power sharing arrangement and other issues of contention under an all-inclusive government were discussed and agreed upon. The Eldoret peace initiative gave preference to substantive issues, and representation rather than power sharing issue.

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[82] Adar,K.G.2000.

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4.3 Core Mediation Issues

The Siad Barre period fueled conflict in Somalia. Some of the key issues brought by aggrieved parties were: first, the state was authoritarian and exploitative, and political leaders used it to control others monopolize wealth and appropriate valuable land. As a consequence, a high degree of hostility and a sum of zero game psychologically aimed at political power and administration hindered mediation and power-sharing talks in Somalia. Second, in over two decades of dividing and regulating politics, leadership has skillfully manipulated and politicized clan philosophies, leaving a legacy of extreme clan conflicts. Third, this time coincided with end of the cold war in the Horn of Africa, causing division as the Somali state was splitted by the super-powers, each following their own selfish interests.

4.3.1 Six Pillar Program

The six pillar programme brought out key issues during mediation that the parties included as priorities for sustainable peace to be achieved. There was a necessity to buld the Somali justice system, police and armyT to effectively manage secuty in the state. However, there are certain challenges in the systems that need to be tackled. Furthermore, the stability of the army and the police can be strengthened by enhancing commitment to the state-building process , as opposed to divisions through clan systems. Secondly, guaranteed wages to troops and police should be enforced which in turn is linked with revenues and state financial management.Thirdly, existing justice systems should be paired with the creation of a central justice system to create trust in new institutions. These are key problems in the Somali state-building phase that can

not be overlooked and can be addressed in synergy with a strengthened peace-building

processes. [83]

4.4 The Mediation Structure

The mediation conference led by special envoy Mwangale was divided into phases, with phase one being the brainstorming session on the components of the required Transitional National Government.

4.4.1 Phase 1: Mediation Brainstorming

Phase I involved agreement between the belligerents to adhere to the negotiation and mediation process and agree on both the form and substance that the negotiation process would take. The concerns accepted were the creation of federal governance mechanisms for Somalia, which are representative, acceptable and inclusive to all parties, the Charter or Constitution, decentralize authority, to cease hostilities in Somalia from 27th October 2002 (the date of signing the agreement), Use only peaceful means to settle all conflicts.The fundamental human rights of the Somali people to access humanitarian assistance are respected by political , military and other groups and respect rights of the people of Somalia to receive humanitarian assistance.[84]

Moreover, it also sought to confirm the outcome of the peace process by keeping, a spirit of cooperation and good faith. Diplomatic talks and technical consultations at each phase of the Somali National Reconciliation Process, by monitoring terrorism and inviting IGAD, the African Union and the global community to assist and observe adoption of the declaration. The process ended with the declaration of a truce on the 27th of October 2002. The mediators led by Mwangale made the

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[83] Healy,Sally,2009.
[84] Ibid

process as inclusive as possible as he sought consensus on the number of delegates to the conference.[85] Initially the number of delegates was to be 360 but later increased to 1000. In addition Mwangale led the process with skill as he was a seasoned politician and he possessed a strong personality that enabled him to push the parties to negotiate a settlement. He was also firm and not very diplomatic and guided the delegates to reconciliation.

The conference was held in Eldoret Kenya so that the delegates who attended the talks were those who had been accepted as delegates by all parties to the conflict in Somalia and not quasi delegates from Kenya. The likelihood of getting local Somalis resident in Nairobi interfering in the peace talks would be high if the talks were held in Nairobi as seen by the Kiplagat led process. The Intergovernmental Authority on Development, Declaration on the cessation of hostilities, mechanisms and principles.The rules of procedure designed to direct the process were adopted by the Somali National Reconciliation Mechanism. However, many uninvited delegates surpassed the original number of 366 required making the process a challenge.

4.4.2 Phase 2: Establishing a Blue Print

The second step was to provide every government emerging from the negotiations with a blueprint. Two years have passed and the peace process has encountered various challenges and delays. Disputes about the scale and structure of participation in the talks and controversy about who supervised selection of parliamentary members have contributed to conflicts that have led to protests and boycotts by some prominent political figures. An fascinating phenomenon has been discovered by Somalia 's experience of warfare, namely that many of the forces that

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[85] Arican Union. 2004.Report of the Chairperson of the Commision on the Situation in Somalia.

intensify violent conflict have played a role in handling, preventing or avoiding battle.[86]
Clanism for example, is a source of violence used to divide Somalis, fan recurring conflicts over property, militias mobilization, and make it very difficult to achieve broad-based conflict resolution.

Most Somali violent conflicts have been fought in the name of clanism since 1991, mainly due to the misuse of clanism by political leaders for their own selfish purposes. The primary source of dispute resolution, however, is Conservative clan leaders. The basis for negotiated settlement is clan-based traditional rule, and clan-based blood payment groups serve to deter armed conflict. Similarly, the central government is usually considered to be a source of rule of law and the distribution of money for peace, but often it has been a source of violence in the history of Somalia, and economic interests also have had an uncertain connection with the crisis in Somalia. Conflict industries have been developed in some places that encourage violence and lawlessness, while corporate objectives have been the fuel behind stability, protection and the rule of law in other circumstances. To this end, in the Somali mediation context, understanding under what circumstances these dynamics serve as de-escalators or escalators of violence, is a barrier to conflict analysis and resolution.[87]

4.4.3 Phase 3: Power Sharing

The third stage of the talks concentrated on power-sharing arrangements. Predictable issues initially emerged with disagreements over the distribution of positions by sub-clans, the supervision of the recruitment process and the naming delays

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[86] Garowe,A.(2004).Op cit.
[87] J Galtung.(1969).

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in the inauguration of the 275-strong Parliament of the Transitional Federal Government (TFG) for each Member of Parliament.

4.5 Challenges of a Unified External Support for Mediators

The selection of an acceptable and active mediator has been an emerging issue in Somalia. Many of the countries most interested in playing Somalia's role of mediator are somehow not impartial or have a history that makes them suspect in the eyes of other Somalis. The UN itself has a controversial and complicated past in the region, undermining its capacity to engage in the peace process. In addition, in Somali relations, the African Union and the League of Arab States are both considered less than neutral since the Somali crisis has increasingly represented a division between the forces of the African states and those of the Arab community assisted by them. IGAD, the regional body, is still divided and viewed as dominated by Ethiopia and Kenya by many Somalis. For that reason, whichever state or organisation acts as a mediator, when the international community makes an effort to step up, the likelihood of gaining the confidence of all Somali parties is far greater. United and give to that mediator unified support. As international actors have sought competing interests, Somali players have manipulated tensions to engage in Forum shopping.[88]

4.6 Sustained, Weighty Mediation Efforts

Many international mediation interventions have resulted to a dabbling by states or organizations uncommitted to a sustained peace efforts . Lack of gravitas by an external mediator brings a bad perception to the Somalis. Observers argue that what Somalia needs is an external intervention for peace that is closer to the sustained South

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[88] J Burton(1990).Conflict: Resolution and Prevention,New York. St Martian's Press.

African commitment in Burundi or the high visibility American role in the talks in Sudan which led to the Comprehensive Peace Accord.[89]

4.7 Identifying Legitimate and Authoritative representatives during Mediation

The 4.5 formula of representation in the Somali case has led to disagreements over the years.Mediators ask that should clans be used as the basic representation unit.In addition, how should Somalis represent themselves.The leadership of delegations should be privillaged in what way?-political leaders,militia,civil society or a combination of all.This was a difficult issue during pre-mediation.Hoewver, this issue has never been concreately resolved but has given important lessons learned by regional organisations.[90]

First, with the Government of National Unity, we can not mix the Clan Proportional Representation formula 4.5. From the 4.5 formula, near government coalitions have consistently been able to emerge. Secondly, traditional clan authorities are more legitimate in mediation negotiations, but that elders are not a panacea and are often misplaced to deal with complicated government problems and can be bribed. Somaliland's history indicates that conventional authorities are more competitive when they are associated with civil society thinkers. The history of UNOSOM underscores both mediation and peace processes including the convening of militias. Members have no legitimacy and any attempt to marginalize the leaders of the militia would have met with resistance.[91]

[89] Interview with Collins Karithi on 31ˢᵗ October,2020.
[90] Touval, Saadia (1975) 'Biased Intermediaries: Theoretical and Historical Considerations,' Jerusalem journal of International Affairs 1:51-69
[91] Ibid

4.8 Externally Situated and Funded Mediation

The issue of holding peace talks outside Somalia proved problematic.Many of the delegates were accussed of only seeking per diems financial gain rather than persuing peace. This further led to the advocating of home grown solutions to ensure full ownership of mediation talks devoid of external influences leading to accountability of thr negotiators to their constituents.[92]

4.9 Managing Mediation Spoilers

The management of mediation spoilers was also a difficult issue on the part of the mediators.The spoiler played with peace protocols and could even sign agreements and briefly enter transitional regimes.They tend to sabotage mediation efforts by entering unity governments and undermining them from within rather than resisting them openly.Situational spoilers who reject mediation because of how they damage their interests are many of these mediation spoilers.Many of the Mogadishu based groups now observing the rule of law and peace had been part of the war economy in the early era.Thus mediation tactics and frameworks should be informed by the awareness of potential spoilers in mediation.[93]

4.10 Proxy Wars and External Spoilers

In the post cold war period,there was a difficulty in attaching involvement of foreign powers in the revival of Somali state.The UNOSOM operation significantly contributed by the international community ensued building of Somalia. Moreover, Ethiopia between 1993-1995 helped in bringing the various factions together.However external forces have subsequently led to the instability in Somalia.Mediators therefore

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[92]Shearer,David (1997). "Exploring the Limits of Consent: Conflict Resolution in Siera Leone".
Millenium-jounal of International studies. 26(3):845-860.
[93] Regan, P. 2000. Civil Wars and Foreign Powers: Outside Interventions and Intrastate Conflicts. Ann Arbor. University of Michigan Press: chapter 2.

had to establish who were the true actors in the Somali dispute and invite them to a mediation process.[94].

Rachel argues that through the IGAD intervention process, 2,000 Ugandan and Burundian forces were dispatched on the AMISOM mission, well short of the 8,000 originally requested. As a result, Ethiopian forces remained stationed in Somalia, and their intervention sparked Somali armed resistance, all of which culminated in the TFG being unable to control most of Mogadishu, along with heavy fighting that devastated the capital. The TFG became the Somali Federal Government in 2012 and was eventually recognised globally.[95]

Dagne contends that AMISOM, which has protected, assisted and continues to provide development space for the restoration of the Somali government in Mogadishu and beyond, was a vital part of this achievement. The peace mediation mechanism culminated in international recognition for AMISOM 's attempts to blur, weaken and kill al-Shaabab. AMISOM and its foreign allies must be alert and implement steps to fight Alshaab 's change of strategy in a battlefield that now stretches beyond Somalia. The defeat of Alshaab is requisite if the federal government of Somalia is to fully rebuild governance and shape lasting peace in the Horn of Africa.

[94] Rachel,Julian;Schweitzer,Christine (2015). "The origins and Development of Unarmed Civilian Peace keeping."Peace Review. 27(1):1-8
[95] T.S, Dagne (2009). "Africa and the War on Terrorism: The Case of Somalia,"Mediterranian DC: United States Institute of Peace Press.

CHAPTER FIVE

LESSONS FOR AFRICAN REGIONAL ORGANIZATIONS IN MEDIATING CONFLICTS ON THE CONTINENT: IGAD EXPERIENCE IN SOUTH SUDAN AND SOMALIA

Introduction

This chapter compares and contrasts mediation in South Sudan and Somalia during pre-mediation and mediation stages and brings out the various lessons for Regional Organizations in mediating conflicts on the African continent.

5.1 Comparisons of IGAD Mediation in South Sudan and Somalia

5.1.1 Pre- Mediation Stage

5.1.1.1 Phase One - Cessation of Hostilities

In both cases, during this stage, the mediators agreed an immediate cessation of hostilities be the first item on the agenda. In South Sudan, the national army had broken into two, each offering allegiance to Salva Kiir and Machar. In Somalia, the national army was divided into clan-based militias dominated by regional militia heads. It was also known that such a cessation would not last until the basic political grievances had been resolved. IGAD mediators recognized a need to minimize violence in order to establish an adequate mediation environment.

Parties signed a Cessation of Hostilities Agreement after mediation committing government and opposition forces to cease offensive operations. In Phase 1 of the mediation in Somalia, the parties agreed to stick to the mediation procedure and to define the form and content of the mediation process. The Parties resolved to develop democratic governance frameworks, reflected in the Constitution, which are integrated, democratic and acceptable to everyone. The mediation was therefore to be carried out in good faith and in a spirit of partnership. The IGAD, AU and the international

community was also invited to support and monitor implementation of the Agreements reached.

The IGAD mediation initiative during the pre-mediation process raised International, Regional and Continental (AU) Strain. In South Sudan, external geopolitical interest by external powers such as the USA influenced the mediation process.The South Sudan oil fields and extraction of oil was used as a tool to drive parties towards the mediation table through putting sanctions prohibiting trade unless progress had been achieved in the mediation process.[96] There was sceptism in intervening in Somalia due to the bad experience the international community had there..The instability in main land Somalia led to external operationalization of operation.The IGAD mediation thus affected under hash political terrain fueled by effects of piracy and terrorism.Therefore, IGAD mediation efforts in South Sudan and Somalia were impacted by the regional and global geostrategic interests.

Collier argues that in both South Sudan and Somalia IGAD needed to manage actions and objectives of key actors.However,member states were in most cases not united in addressing the situation.Kenya and Ethiopia had interests since the 1977 Ogaden crises.Thus external interfearance by regional and global powers is also witnessed in Somalia with Ethiopia intervening in 2006 hence creating the perception that it seeks to meddle in the internal affairs of Somalia.[97] Neighboring countries to Somalia have influenced its internal stability.States such as Eritrea supported insurgents within Somalia.The regional spillover effects are also felt in countries such as Uganda from wouth sudan leading to internationalization of the conflict. In South Sudan case

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[96] Collier, Paul and Anke Hoeffler. 1999. "Justice-Seeking and Loot-Seeking in Civil War," (February) Working Paper, World Bank.
[97] Ibid

regional states concealed their agendas and interests. With Kenya having a sizeable refugee population in Somalia and South Sudan it was fully committed to finding an amicable lasting solution to the crisis through mediation.

5.2 Mediation Stage

5.2.1 Phase Two – Negotiating the Issues

In South Sudan and Somalia process the mediators had to expound the process to allow for structural reforms and an elaborative political settlement.In both cases the cessation of hostilities created a stable environment to begin talks through mediation despite the ceizefire limitation.In South Sudan this phase needed to maintain a sense of agency hencing proving to be complex and had to avoid a quick fix solution.The military and political awareness on the goround could not be ignored and a quick fix accommodation among the ruling elite could lead to a repeat disasters.

In the Somali case, the key issues brought by aggrieved parties were that the state was oppressive and used political leaders to exploit others. The state was also accused of monopolizing resources. In South Sudan the scenario was the same. As a result mediation and sharing of power discussions in both cases were complicated by a zero sum game and a high level of distrust. In Somalia, the leadership manipulated clan identities to divide and rule leaving a legacy of deep clan divisions and grievances. In South Sudan, ethnic mobilization by the elites also complicated the peace process with the Dinka and Nuer being the main antagonists.This study found out that elite leaders use their ethnic card to potray power at the mediation table and negotiate for better deals for themselves.

The second phase of the mediation in Somalia also provided a blue print for whatever government emerged from the mediation; Issues on representations were complex and prompted walk outs of key political leaders. Furthermore dynamics that fuel armed conflicts played a significant role in managing and ending the civil war. Thus clannism and ethnicity are a source of conflict used to divide both Somalis and South Sudanese, fuel resource clashes over power, mobilize militia and make broad reconciliation difficult to achieve.This study potends that it was necessary for mediators to understand the circumstances these variables serve as de-escalators or escalators of conflict in mediation processes.

During the stage of mediation, IGAD maintained due diligence as a federal entity by being present to initiate discussions. However, if the parties did not agree with the IGAD action or position, they would be at risk of withdrawing from the mediation process and would thus engage in concurrent procedures. Despite the willingness of the parties to participate in the 'shopping forum' to enter into the required agreements, IGAD 's presence in South Sudan demonstrates the significance of trying to follow the peace-making mechanisms. Moreover, it underlines the value of respecting regional interests of neighboring countries and foreign parties, who use carrot and stick to influence and entise parties to sign agreements.

Despite the potential for deceptive measures, the actions of Somalia and South Sudan have shown that IGAD has benefited from a coordinated and strategic partnership with stakeholders. Such arrangements, however, need to be carefully orchestrated in a way that the mediator and his or her supporting cast have a coordinated message. The lack of coordination in a mediation process can undermine progress and breed confusion.This brings to loss of life if a ceasefire is not achieved in the short term.The huge logistical and infrastructure constrains undermine IGADs

efforts to realize peace through mediation.In South Sudan,the establishment of IGAD secretarieate initially complicated the starting of the mediation process.In Somalia,IGAD had a challenge to work effectively due to the many groups armed confrontation.However IGAD can be commended for committing itself to intervening and managing the conflicts in Somalia and South Sudan.[98]

The mediation interventions in Somali and South Sudan give vital lessons and demonstrate challenges that face mediation by regional organisations in Africa and the International system at large.The intervention in South Sudan was long and cumbersome but led to the signing of the Revitalised Agreement on the Resolution of conflict hence providing a historic opportunity to end the conflict with the parties commiting to agree.On the other International system support.In addition,with its weak capacity and politics of power the need for additional support is critical to its overall effective operation ot its mediation framework.

The IGAD still remains relevant despite its limited resources and the complex dynamic in the regional complex. As one of the AU peace and security architecture it can address the many challenges of conflict and insecurity through mediation and multilateral means.However critics argue that over relying on IGAD is not a good strategy and resources should rather be channeled to the other organisations such as the AU. [99] Khardiagala argues that conflict management support to IGAD can be justified.He futher notes that IGAD needs to build and develop capacity to ensure it has a professionally trained staff to provide mediation support.This will be done through

[98] Doyle, Michael W.; Sambanis, Nicholas (2007). 'The UN record On Peace Keeping Operations". International journal. 63(3).
[99] Khadiagala, M. Gilbert, Mohammed O. Maundi, Kwaku Nuamah & I. William Zartman. 2006. Getting In: Mediators' Entry into the Settlement of African Conflicts. Washington, DC: United States Institute of Peace Press

the development of strategic partnerships with the International community.This study found out that with enhanced institutional capacity IGAD can effectively play its mediartion role and better manage conflict escalation within its regional framework. [100]

5.3 Actors

The intrastate conflict in 2013 was a result of the sacking of vice president Riek Machar by President Salva Kiir. In the mediation efforts that followed, Kiir represented the government and Machar the Opposition. However, other independent actors such as the civil society were also involved in the mediation efforts. The Somali peace process in 2002 also pitted the government with rebel groups that represented fractured regions of Somalia. From a mediation perspective, the South Sudan mediation was easy to structure as it was clear and only needed the two major actors in the conflict to agree to a mediation. The Somali mediation was more complicated, challenging, and not straightforward due to the massive number of groups representing the various regions of Somali with the government. Thus the mediators had to tailor the pre-mediation and mediation according to the situation at hand, employing high-level mediation creativity.

5.4 Lessons for Regional Organizations

The IGAD mediations in Somalia and South Sudan bring out important lessons for regional organisations in weaknesses and strengths.IGAD played a major role in managing the warring parties as the united nations and the AU played a periphery role.The geographical proximity of the member states to the crisis ensured a quick and consistent engagements in the mediations especially in South Sudan.The Somali case demonstrated the limitations that regional organisations face as neighboring states seek

[100] Shearer,David (1997). "Exploring the Limits of Consent: Conflict Resolution in Siera Leone". Millenium-jounal of International studies. 26(3):845-860

to pursue their interest on one another hence creating an environment of political tension and armed conflict.

In the South Sudan case,this study argues that external pressure was key in ensuring success of the mediation.Furthermore reforms in IGAD should promote trust among its member states so as to effectively intervene without a hitch.This will result to an outlook that is inclusive and not an initiative to serve interests of some actors and not others.In contrast the Somalia mediation was complex as it was multifaceted with many armed groups linked to clans and subclans.The emergence of alshaabab further proved problematic and the differences between the TFG and the ICU for mediation control played out.[101]

This study argues that the substancial success of IGAD in South Sudan was due to the ability of the lead country to be impartial. Kenya being the lead country had cordial relations with Juba and there was no major dispute between Juba and Nairobi.This made the parties to view Kenya as an honest mediator who had no bad hidden motives.In the Somali case on the other hand,Ethiopia being the lead country in the mediation had a bad history with interfearing in the internal affairs of the Somali state hence the mistrust.Furthermore Ethiopia never supported the Arta peace process. To this end ,building of trust and consent is an important factor for any mediation process to begin and progress.[102]

The AU led mediation process in Kenya also brings out key lessons.The maximum support by the international community led to the swift and quick response making the mediation process successful.This AU initiatives brings out the significance

[101] Zartman, I. William (2009) 'Interest, leverage and Public Opinion in Mediation,' International negotiation 14:1-5
[102] Collier, Paul and Anke Hoeffler, "On economic causes of civil war," Oxford Economic Papers 50 (1998), 563-573.

of partnership and regional organisations comparative advantages.Moreover,it reaffirmed the importance of unity of purpose through the use of specific conflict resolution tools with use of a single mediation process.Thus it is important for mediation process to seek support from all quarters and be inclusive with all stake holders being involved.The consultative involvement by stakeholders at pre-mediation helps shape the process by enabling people to air their grievances.[103]

Zartman argues that in a mediation process,the creation of a roadmap by separating the long term issues from the short term is essential in creating an ideal environment for dialogue to take place.In the Kenyan case,seeking the truth about the election process rather than the need for political power led to the management and end of the conflict as the issues were ironed out in the mediation process.Thus short term mediation goals provide a building block for the long term goals.Furthermore,the unpredictability of the mediation process leads to constant reassessment by the mediator by bringing flexibility and creativity making the awareness of timing critically important.Thus the key lesson is that the mediator should remain open to ambiguity and offer new options when necessary.[104]

Several lessons can also be drawn from the history of ECOWAS's mediation in Côte d'Ivoire and West Africa as a whole. First, most of ECOWAS's interventions, especially in the 1990s, began on an ad hoc basis and were backed by a weak mandate. As a result, most often there was lack of consensus among leaders of West Africa on how the crisis should be resolved. In fact, some leaders in West Africa were alleged to have offered support to some rebellions. Second, although ECOWAS's security

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[103] Interview with Josephine Njambi on 22nd October,2020 in Nairobi Kenya.
[104] Zartman, I. William (2009) 'Interest, leverage and Public Opinion in Mediation,' International negotiation 14:1-5.

architecture and mandate to intervene in regional conflicts are now relatively well-developed, there are gaps between its mandate and its capacity to intervene. The mediation processes in the region that have been seen in the past few years have lacked the institutional structures that would have provided expert support for designing peace agreements that could hold in the field. Thus, often, peace agreements have broken down as soon as they were signed.[105]

In West Africa there has been an overreliance on mediators who are presidents. Usually, mediators have been chosen either because they are the chair of ECOWAS or because of a belief that they could use their influence as elders and experienced leaders in the region. For instance, between 2002 and 2006, to be a mediator in the Ivorian conflict was to validate one's own diplomatic credentials and raise the profile of oneself and one's country, and to show oneself a champion of political democracy.[106] To this end therefore, faced with the challenges of conflict and political instability, ECOWAS has undergone the necessary transformation that has positioned it as the leading institution for mediation and conflict management in West Africa. In addition, the organization's involvement in mediation is part of a comprehensive approach to the promotion of peace.[107]

The choice of mediator in a political conflict is significant in determining and shaping the process itself. In general mediators should be effective communicators and listeners with sufficient knowledge of subject, impartial and able to build trust with the parties. In political mediations such as in the Arusha peace process the mediator should

[105] Kaufmnann, Chaim (1996), "Possible and Impossible Solutions to Ethnic Conflicts," International Security. Vol. 20, no. 4, pp. 136-175.
[106] Ibid
[107] Clapham, Christopher(1998). "Rwanda: The Perils of Peace". Journal of Peace Reasearch. 35(2):193-210

poses a political mind and has political gravitas as these processes are usually defined by hierarchy and diplomatic protocol. Nyerere and his successor Mandela were highly respected African statesmen and mediators who possessed enormous gravitas and had large technical support teams.[108] Nyerere was perceived to have an understanding of the intricate dynamics inherent to east Africa and Burundi particulary, legitimacy and international community support. This legitimacy is routed from Nyereres contribution to the independent struggles of many contries in the African continent.This dynamics gave him the impetus to be an authoritative mediator.

Mandela greatly influenced the mediation outcome in Burundi by being forceful and pragmatic,However ,he was criticized of being partial by some of the parties thogh he wanted them to be accountable for any actions they took.His involvement led to internationalization of the talks and wide publications.He also imposed on the parties a deadline for agreement signing hence a bold coercive move by a mediator.To this end therefore,the authoritative mediation style taken by Mandela and Nyerere in the mediation in Burundi succeded in bringing progress though in a complex environment.The gravitus and subject knowledge they brought to the mediation led to its success.The key lesson is that there is always a need to adopt various teams with expertise in different areas of mediation.It is also necessary to engage a mediator with gravitus and high moral and political influence to bring sanity and bring the process to agreement.[109]

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[108] Daley, Patricia. (2006). "Ethnicity and Political Violence in Africa: The challenge to the Burundi state." Political Geography, 25:6, 657-679.
[109] Khadiagala, M. Gilbert, Mohammed O. Maundi, Kwaku Nuamah & I. William Zartman. 2006. Getting In: Mediators' Entry into the Settlement of African Conflicts. Washington, DC: United States Institute of Peace Press.

CHAPTER SIX

SUMMARY, CONCLUSION AND RECOMMENDATIONS

Introduction

This chapter summarizes and concludes key issues that emerge from the study and ends with reccomendations on areas that need more focused attention. The chapter further elaborates what lessons have been learned and what can be drawn from the work in understanding mediation processes for regional organisations.

6.1 Summary

African regional blocks are key actors in conflict management by working in partnership and collaboration with the African union (AU) in ensuring stability in the various regions. They draw their mandate from chapter 8 article 52 of the United Nations (UN) charter that advocates for peaceful resolution of peace through use of regional organisations.[110] This comparative study of IGAD in South Sudan and Somalia has studied mediation processes and given a critical view of the structure in pre-mediation, mediation and given vital lessons that regional arrangements can learn in the management of conflict in Africa.

Mediation thus is a tool of conflict management that when effectively used resolves the problems of civil wars and conflict in Africa. Therefore, this study has compared and contrasted IGAD mediation in South Sudan and Somalia with a view of understanding why regional organizations achieve different results in different conflicts.[111] A good mediation outcome will occur when an agreement is reached and parties are in a win-win situation or even power sharing thus leading to transformative

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[110] Doyle, Michael W.; Sambanis, Nicholas (2007). 'The UN record On Peace Keeping Operations". International journal. 63(3)
[111] Doyle, Michael W.; Sambanis, Nicholas (2010). 'Making war and Building Peace:United Nations Peace operations. Princeton University Press. Pp.336-337.

outcomes. [112] Mediation is viewed as successful if a peace agreement is signed thus providing an observable objective benchmark.Furthere,the availability and application of incentives provide an active strategy for a success in the mediation as this can move conflicting parties towards compromise.To this end tactical mediation strategies through exerting pressures,guarantees and proper use of incentives guide the process towards agreement.In the South Sudan mediation,clear lessons for future mediations are learned. [113]

Mediation elements such as inclusivity,impartiality,use of strategy,good preparedness and consent are crucial for any mediation process to succed.In addition,further analysis brought out key second layer dynamics such as untapped leverage,intra-group tensions,regional competition and bargaining by the elite.This factors make the mediation process difficult and more complex to maneuver.Moreover,partisan intervention by neighbouring states who most of the time have interests and always seek to influence mediation in their favor.Thus they can spoil,shape or support a mediation process. [114]

The IGAD took lead in managing the conflict in Somalia through mediation. However member states that form IGAD have engaged in rivalry amongst themselves through their contradicting approaches slowing down the peace process in Somalia. Member states of IGAD have also had a number of challenges that include intra-state conflicts, supporting rebels in neighboring states, poverty, environmental degradation and refugees. [115] All these factors have affected IGADs capacity to restore lasting peace

[112] Rachel,Julian;Schweitzer,Christine (2015). "The origins and Development of Unarmed Civilian Peace keeping."Peace Review. 27(1):1-8
[113] Rachel,Julian;Schweitzer,Christine (2015). "The origins and Development of Unarmed Civilian Peace keeping."Peace Review. 27(1):1-8
[114] Allred, KJ (2006). "Peace keepers and prostitutes: How deployed Forces Fuel the Demand for trafficked Women and New Hope for stopping it", Armed Forces And society.33 (1):7
[115] Ibid

in the Somalia conflict. To this end, for peace to be sustainably achieved in Somalia a well-coordinated effort by both the internal, regional and international organizations is needed.

The global community has to support a regional strategy centered to fight potential threats and coordinate mediation processes by supporting security arrangements and power sharing by conflicting parties.The IGAD demonstrated that regional organisations can step up and fill the void in ensuring peace is attained at a regional level.It is possible for regional bodies to take and own responsibility with regards to maintaining peace.To this end,there was a willingness to initiate a mediation process in Somalia and South Sudan by the IGAD. Moreover,as part of its reform agenda and institutional transformation IGAD must uphold the principles and norms in its peace and security treaty and tap on its experiences and lessons learned from the mediation processes in Somalia and South Sudan to strengthen itself.To this end therefore,this study found out that the Somali and South Sudan conflicts were different but was a result of the collapse of state institutions.[116]

6.2 Conclusion

This study sought to examine mediation processes in Africa, analyze, interrogate, compare and contrast the IGAD mediation processes in both South Sudan and Somalia to bring out lessons for regional organizations. The study further sets out two hypotheses namely that Sub-regional organizations in Africa must be supported with enough resources for them to be effective in their mediation efforts, and secondly that influences and interference by external forces affect and shape mediation efforts in

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[116] Touval, Saadia (1975) 'Biased Intermediaries: Theoretical and Historical Considerations,' Jerusalem journal of International Affairs 1:51-69

Africa and examined the study within the pretext of third party intervention as an analytical framework.

This chapter brings an end to this study by revisiting mediation processes in Africa and found out that mediation is an essential tool of conflict management within the African context. The study further found out that regional and sub-regional organizations need to be institutionalized to improve their capacities to handle mediation processes effectively and in quick response to prevent further escalation. There is also a need for coordinated pressure, developing expertise, and integrating and consolidating approaches of the AU and RECs such as the IGAD with mediators working together to complement and support each other. To this end, a combined strategy mechanism from stakeholders and the international community is a better framework towards achieving negotiated agreement through mediation.

6.3 Recommendations

The findings of this study prompt for recommendations that intend to be useful in the future conduct of mediation by regional organizations in Africa.

6.3.1 Building Capacity

Institutional capacity building for the RECs such as the IGAD is necessary to promote peace by maximizing on the gains during mediation and building consensus on contentious issues. This will enable the institutions to develop a regional strategy that provides for conflict management to be effective. It is also necessary and essential to boost these institutions' analytical capacities to inform policy formulation and proper decision-making.[117]

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[117] S, Trouval and W.Zartman,W. (1985). International Mediation in Theory and Practice.Boulder,Co: West View Press

6.3.2 Coordinated Pressure

For mediation to be effective and avert further conflict there is need for coordinated pressure from parties at the international,regional and local levels. This will lead to conflicting parties agreeing to seat on the table to mediate. This further reiterates the need for peace and use of mediation as an alternative dispute resolution mechanism. Coordinating organs within regional organizations should play a crucial role in implementation of mediated agreements and lobby parties to implement commitments. [118]

6.3.3 Developing Expertise

It is necessary to develop analysis and research on mediation of various African conflicts to help navigate strategic challenges that may arise during mediation. The African Union in collaboration with strategic partners such as the Regional Economic Communities should develop mediation expertise and systemic mediation practice. In addition, structures and mechanisms at the AU should be well defined and institutionalized. Deep expertise analysis should lead to practical insights that help to formulate policies.

6.3.4 Consolidating and Integrating Approaches of AU and RECs in Mediation

The RECs should continue to take a more prominent role through taking additional responsibilities for conflict resolution and management hence forming the umbrella security architecture of the AU. The African Union should consolidate and integrate its approaches with the regional RECs through formulating mediation frameworks, proper management and funding to enable efficiency of operations. [119]

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[118] J, Bercovitch (ed) (2002). The Theory and Practice of Mediation,171-189. Boulder,CO: Lynne Riener.
[119] Boutros Boutros Ghali: (1992). An Agenda for Peace:Preventive Diplomacy,Peacekeeping and Peacemaking,New York. United Nations.

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APPENDIX

Appendix 1

Questionnaire: Broad Research Questions

Section One

Personal Details

Name of the Respondent:...

Age and Gender of the Respondent:..

Education Level (Highest)...

Profession:..

Location of Interview:..

Date of Interview:..

Section Two

The South Sudan and Somalia Mediation Process - Interview Guide

1. What do you consider to have been your role in the Somalia and South Sudan Peace Process?

2. What were the main Challenges in the Somalia Peace Process and how did you go about overcoming them?

3. What was the effect of the change of regime in Kenya on the Peace Process in Somalia?

4. What was the nature relationship within inter-ministerial council? Did this affect the role of Kenya as a lead mediator of the process?

5. What is your view on Article 30 of the Transitional Federal Charter of Somalia and the contentions raised about it? How were these contentions resolved?

6. What were the Structures of the Somalia National Reconciliation Process? Were they useful for the process?

7. How would you describe the relationship between the various actors in the peace process for example the Ministers, the mediators, the various Somali groups? (Kenya's Special Envoy-Both amb. Bethwel Kiplagat and the late Hon. Elijah Mwangale) and those of the Frontline States?

8. What would you consider as the impact of the expansion of (technical committee to IGAD facilitation committee) on the mediation process?

9. Why did some Somali groups refuse to accept of the Safari Park agreement signed at state house Nairobi?

10. What is your view on IGADs effort to resolve the South Sudan conflict?

11. Why is it seen as if the South Sudan Peace Process was more successful then Somalia yet they were managed under the same mechanism?

12. How effective are regional bodies in mediating conflicts in Africa?

13. What would you consider to be the strong points from the two mediations that can be emulated in future and what are the weak points that need to be improved on?

14. What was the character of the mediating team in South Sudan?

15. How important is the separation of short term and long term issues when drawing a roadmap during mediation?

16. In your opinion what would you say was achieved in both the South Sudan and Somalia mediation processes?

Thank you