

**UNIVERSITY OF NAIROBI**  
**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**“ MEDIATION STYLES AND OUTCOMES OF INTRACTABLE CONFLICT  
RESOLUTION: A COMPARATIVE ANALYSIS OF SUDAN AND SOMALIA  
PEACE PROCESSES ”**

**MWAGWABI LAWRENCE WESLEY**

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**A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILMENT OF THE  
REQUIREMENTS OF THE DEGREE OF MASTER OF ARTS (M.A.) IN  
DIPLOMACY**

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**DECLARATION**

**I, Lawrence Wesley Mwangwabi hereby declare that this research project is my original work and has not been submitted for a degree in any other university.**



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## **DEDICATION**

**This research project is dedicated to the memory of my father, Henry Francis Mwagwabi and  
the encouragement from my dear mother, Judith Kaburi Mwagwabi**



## **ACKNOWLEDGEMENTS**

First, I would like to thank the Almighty God upon whom I drew a lot of inspiration. This research project would not have been completed without the advice, guidance and assistance of Professor Joshua D. Olewe Nyunya who unreservedly gave me motivation: academic, intellectual, technical and moral support without which, this study would not have made any headway. I owe the greatest intellectual debt for this study to you Professor Nyunya. I would also like to thank Dr. Ibrahim Farah who triggered my interest in the Somali and Sudan conflicts and through his encouragement I was able to do extensive research on this topic.

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## **ABSTRACT**

The study provides an overview of the Sudan and Somali conflicts. It analyzes critically the importance of mediation styles in a mediation process, the impact of mediation styles on disputant relationship and whether there is a relationship between mediation styles and outcomes of resolving intractable conflicts. The study explores the linkages between mediation styles and outcomes of intractable conflict resolution. The study answers the question on the extent to which mediation styles have managed to transform both Sudan and Somali conflicts, the behaviour of the mediators, their strategies and skills in resolving intrastate conflicts and more so intractable ones like the Sudan and Somali conflicts. This study also examines the various peace processes in the two cases and identifies elements that made the mediation process a success or failure. The study explores the three mediator styles: communication-facilitation, formulative (procedural) and directive (manipulative) styles and their effectiveness in resolving conflicts. The theoretical framework for this study is based on three theories: mediation theory by Jacob Bercovitch; Ripeness Theory by Ira William Zartman; and, Spoiler Management Theory by Stephen Stedman. This study argues that the nature of the conflict dictates the mediation style to be used and the conflict's likely outcome. Thus, the study contends that mediators in the Sudan and Somali conflicts adopted mediation styles that were dictated by the nature of the two conflicts. Indeed, the study also postulates that relative to other styles of mediation, directive mediation style is more likely to bring about negotiated agreements that are more formal and comprehensive. The study finds, amongst other things that while directive mediation style was the most dominant of the three strategies adopted by mediators to settle the Sudan conflict that culminated in a formal and comprehensive agreement, the Somali case was dominated by communication-facilitative and procedural mediation styles that contributed to failure as an outcome to the mediation process.

## **ABBREVIATIONS**

<b>ABC</b>	<b>Abyei Border Commission</b>
<b>AMIS</b>	<b>African Union Mission in Sudan</b>
<b>AMISOM</b>	<b>African Union Mission in Somalia</b>
<b>ARS</b>	<b>Alliance for the Re-liberation of Somalia</b>
<b>ARS-A</b>	<b>Alliance for the Re-liberation of Somalia – Asmara (faction)</b>
<b>ARS-D</b>	<b>Alliance for the Re-liberation of Somalia – Djibouti (faction)</b>
<b>CNN</b>	<b>Cable News Network</b>
<b>CPA</b>	<b>Comprehensive Peace Agreement</b>
<b>DDR</b>	<b>Disarmament, Demobilization and Reintegration</b>
<b>DoP</b>	<b>Declaration of Principles</b>
<b>DRC</b>	<b>Democratic Republic of Congo</b>
<b>EC</b>	<b>European Commission</b>
<b>ELF</b>	<b>Eritrean Liberation Front</b>
<b>GoSS</b>	<b>Government of South Sudan</b>
<b>GoS</b>	<b>Government of Sudan</b>
<b>IGAD</b>	<b>Intergovernmental Authority for Development</b>
<b>IGADD</b>	<b>Inter-Governmental Authority on Drought and Development</b>
<b>ICU</b>	<b>Islamic Courts Union</b>
<b>JLEI</b>	<b>Joint Libyan and Egyptian Initiative</b>
<b>LRA</b>	<b>Lord’s Resistance Army</b>
<b>NCP</b>	<b>National Congress Party</b>
<b>NFD</b>	<b>Northern Frontier District</b>
<b>NDA</b>	<b>National Democratic Alliance</b>
<b>NIF</b>	<b>National Islamic Front</b>
<b>OAU</b>	<b>Organization of African Unity</b>
<b>OLF</b>	<b>Oromo Liberation Front</b>

<b>SDA</b>	<b>Somali Democratic Alliance</b>
<b>SLA</b>	<b>Sudan Liberation Army</b>
<b>SNM</b>	<b>Somali National Movement</b>
<b>SPLM</b>	<b>Sudanese People’s Liberation Movement</b>
<b>SPLA</b>	<b>Sudanese People’s Liberation Army</b>
<b>SPF</b>	<b>Somali Patriotic Front</b>
<b>SPM</b>	<b>Somali Patriotic Movement</b>
<b>SDM</b>	<b>Somali Democratic Movement</b>
<b>SNRP</b>	<b>Somali National Reconciliation Process</b>
<b>SRGS</b>	<b>Special representative of the Secretary General</b>
<b>SSDF</b>	<b>Somali Salvation Democratic Front</b>
<b>SSF</b>	<b>Somali Salvation Front</b>
<b>SSIM</b>	<b>South Sudan Independence Movement</b>
<b>SRRC</b>	<b>Somali Restoration and Reconciliation Council</b>
<b>SYL</b>	<b>Somali Youth League</b>
<b>TFG</b>	<b>Transitional Federal Government</b>
<b>TNG</b>	<b>Transitional National Government</b>
<b>UNDPA</b>	<b>United Nations Department for Political Affairs</b>
<b>UNITAF</b>	<b>Unified Task Force</b>
<b>UNOSOM</b>	<b>United Nations Mission to Somalia</b>
<b>UNPOS</b>	<b>United Nations Political Office for Somalia</b>
<b>UNSCR</b>	<b>United Nation Security Council Resolution</b>
<b>USC</b>	<b>United Somali Congress</b>
<b>USSR</b>	<b>Union of Soviet Socialist Republic</b>
<b>WNBF</b>	<b>West Nile Bank Front</b>
<b>WSLF</b>	<b>Western Somalia Liberation Front</b>

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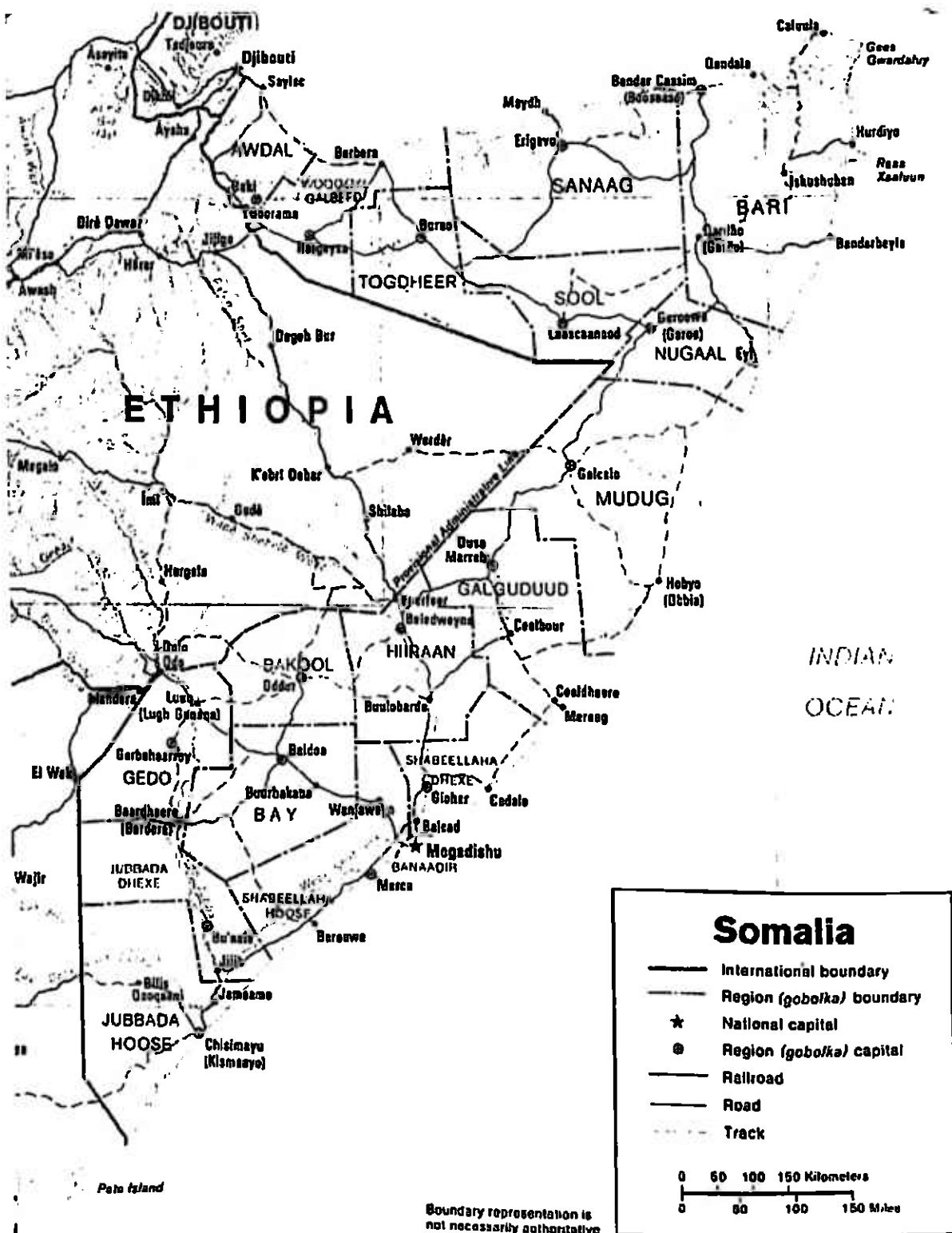
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# Map of Sudan



Map 1: Map of Sudan

# Map of Somalia



Map 2: Map of Somalia

## Chapter One: Introduction to the Study

### 1.0 Introduction

There are arguably various key elements of conflict in Sub-Saharan Africa that can be used to examine the impact of conflict. These include the scale of conflict, uneven social and geographical impact, historical variations, embeddedness of conflict in social, economic and political structures, transformations in the political economy of war, survival of the state and the global and regional connectedness<sup>1</sup>. These exceptions are not an exception when one examines these elements in two contexts, Sudan and Somalia.

In the case of Sudan, it is estimated that the Sudan's War (1983 to 2004) killed at least two million people, uprooted four million more (the largest internally displaced population in the world) and forced more than half a million others to flee to neighbouring countries<sup>2</sup>. Particularly vicious and deadly, this protracted war, often referred to as Africa's longest running conflict, also seemed never ending, partly because it was deeply rooted in the dual – in fact, plural identity of Africa largest country<sup>3</sup>. According to Ali, Elbadawi and El-Batahani<sup>4</sup>, Sudan has suffered two civil wars since it became independent 1956. The first started in 1955 and was settled in 1972. The peace that followed lasted a little more than a decade. The two wars are not unrelated and peace interlude may have provided grounds for better articulation of grievances from the first war.

Sudan's civil wars have been long and have caused untold suffering and destruction. Its most devastating characteristics include its intractability, long duration and ethno-religious

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<sup>1</sup> R. Luckham, I. Ahmed., R. Muggah, and S. White, "Conflict and Poverty in Sub-Saharan Africa: An Assessment of Issues and Evidence", *Institute of Development Studies Working Paper 128*, (Brighton: Institute of Development Studies, 2001), Chapter One, pp 1 - 20

<sup>2</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, (Hague: Netherlands institute of International Relations, 2005), p. 1

<sup>3</sup> *Ibid.*, p. 1

<sup>4</sup> A. A. G. Ali, I. A. Ibrahim and A. El-Batahani, "The Sudan's Civil War: Why Has It Lasted So Long?" Chapter 10, in P. Collier and N. Sambanis (eds.), *Understanding Civil War: Evidence and Analysis. Volume 1: Africa*, (Washington DC: World Bank, 2005), pp 193-220: 193

nature that pits “Animists and Christian Southern Sudanese against the Moslem Arab and Arabized North Sudan”<sup>5</sup>. International Crisis Group report notes that, Sudan has been sharply divided by, “... geography, culture, race, ethnicity and religion”, and “is the world foremost example of a seemingly intractable and endless civil war.”<sup>6</sup>

The conflict in Sudan started prior to the country’s independence during the last days of the Anglo-Egyptian colonial administration (1898 -1956). Ali and Mathews<sup>7</sup> describe the atmosphere during this period, “societal anxieties and tensions, coupled with administrative overreaction and ineptness, created a highly volatile situation in Southern Sudan. Violence erupted in 1955, when the southern part of the Torit garrison mutinied and was joined by southern civilians, police and prison guards. For about two weeks, Equatoria Province became the dying fields for northerners, most of whom were civilians, including women and children. Government punishment was brutal, though many mutineers had fled into the bush or to neighbouring countries.” This tragic massacre and what was perceived as a miscarriage of justice by the northern dominated administration following these events set the stage for a civil war that devastated the country for all but eleven years (1972 – 1983) of its independence since 1956.

Various attempts were made to resolve the Sudan conflict. The first peace initiative culminated in Addis Ababa Agreement signed in 1972. This agreement lasted a little more than a decade when the second war erupted in 1983. There were subsequent regional attempts to resolving the conflict that resulted in failure in the 1990s. This was followed by post – ‘9/11’ developments that led to the signing of the Machakos Protocol in 2002. This process was led by Intergovernmental Authority for Development. The “Naivasha Process”, a 30-

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<sup>5</sup> Ibid., p. 194

<sup>6</sup> International Crisis Group (ICG), *God, Oil and Country: Changing the Logic of War in Sudan*, (Brussels: ICG Press, 2002), p. 3

<sup>7</sup> A. G. Ali and O. Mathews, “Civil War and Failed Peace Efforts in Sudan”, in T. M. Ali and O. Mathews (eds.), *Civil Wars in Africa*, (Montreal: McGill University Press, 1999), p. 193

month negotiation cycle leading from Machakos Protocol to the signing of the Comprehensive Peace Agreement (CPA) then followed. During the peace processes whose outcome was the CPA, there were contextual factors that influenced the process, on one hand, and the mediator styles and strategies on the other. The US policy on Sudan under the Clinton and Bush administrations had a bearing in the peace processes.

In the case of Somalia, the conflict was initially triggered by the dictatorial tendencies of the Mohammed Siyad Barre regime in 1991. Subsequently, the conflict has become more destructive with negative consequences for the country's moral and social fibre as is manifested by wanton killing of innocent people, particularly women and children. Presently, the conflict has intensified with new actors emerging; complicating the mediation process because of the ever changing issues driving it. Previous research provides the theoretical framework that is relevant for the analysis of the Somali conflict. In addition, a definition of conflict is provided together with the dimensions of conflict to allow one to understand at which stage a conflict has actually been resolved. Furthermore, the theoretical definition of "intractable conflicts" lays the foundation for reviewing the characteristics of the Somali conflict, its causes and characterizations, and if indeed, it has elements of intractability.

Fourteen peace processes have failed since the collapse of the Somali state in 1991. For any expectation of peace in Somalia, the recognition of these failures should be used as a basis of the study. Furthermore, mediation styles adopted would be examined the extent to which they contributed to negative outcomes. In other words, this study will examine the extent to which mediation styles have positive or negative outcomes in resolving intractable conflicts and if the failure of Somali peace processes can be attributed to mediation styles adopted.

Menkhaus<sup>8</sup> argues that state building and peace-building are two separate, and in some respects, mutually antagonistic enterprises in Somalia. Peace has to be built with and between the warlords and the state should also be rebuilt with the assistance of clans and with the help of interested Islamic parties. Møller<sup>9</sup> describes the current situation in Somalia where the Transitional Federal Government (TFG) of Somalia is a government without governance as opposed to the anarchic situation of governance without government.

In the case of Somalia, the fall of Siyad Barre's regime in 1991 has created a political power vacuum resulting in anarchy, which has led to a state of civil wars between clans, warlords, Islamists, nomads, agriculturalists that are still ravaging Somalia. It seems as if the conflict has developed into what some scholars would call an "intractable conflict", also known as a "protracted social conflict" or "enduring rivalries". Coleman<sup>10</sup> describes an intractable conflict as destructive as it persists for a long period, resists every attempt to be resolved constructively and appears to take a life of its own. The Somali conflict is therefore, very complex. Apart from the obvious benefits that would result from the resolution of complex Somali conflict, other advantages hold potential to impact positively on the Ethiopian and Eritrean conflict and to contribute to the reduction in proliferation of small arms in Kenya, Uganda, Ethiopia and Eritrea. Peace in Somalia would have the potential and positive impact in ending the plundering of the country's marine resources to safeguard the sea route, which has become the centre of the piracy by armed militants. This study explores the complex terrain of finding a resolution to the Somali conflict in an attempt to learn some lessons from the failure of range of conflict resolution attempts.

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<sup>8</sup> See K. Menkhaus, "Warlords and Landlords: Non-State Actors and Humanitarian Norms in Somalia", Draft Paper Presented at the *Curbing Human Rights Violations by Armed Groups Conference*, Liu Institute for Global Issues, University of British Columbia, Canada, 14 – 15 November 2003), p. 12

<sup>9</sup> See B. Møller, "The Somali Conflict: The Role of External Actors", *Danish Institute of International Studies Report*, (Copenhagen: Danish Institute of International Studies, 2009), p. 15

<sup>10</sup> P. T. Coleman, "Cooperation and Competition", Chapter One, in *The Handbook of Conflict Resolution*, edited by J. Bercovitch, V. Kremenyuk and I. W. Zartman, (Washington, DC: Sage Publications, 2006), p. 533

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

The conflicts that have affected Sudan and that which plagues Somalia have been described as intractable. Burgess and Burgess<sup>11</sup> have identified three causes of intractable conflicts: intolerable moral differences; high stakes distributional issues; and domination, status or pecking - order conflicts. Intolerable moral differences arise from conflicts of fundamental values based on differences in religion, culture or world view. High stakes distributional issues are a conflict over who gets what and when; the "what" is so valuable it justifies the costs of an all-out confrontation. Domination conflicts are over power, status and one's position in the social and political hierarchy. To be able to genuinely resolve an intractable conflict, the solution must go beyond just satisfying the parties' interests. Bercovitch<sup>12</sup> points that mediation offers parties in a conflict the prospects of a better outcome and leaves the ultimate decision on any outcome on the parties themselves. These aspects of mediation make it a very attractive method for dealing with intractable conflict.

This study will critically analyze the role of mediation style and outcomes of intractable conflicts resolution. Special attention will be given to two cases; the Sudan and Somalia conflicts which are intractable conflicts.

## **1.2 Objectives of the Study**

In this inquiry, information available on the Sudan and Somalia peace processes will be used. The aim of this study is to examine when and how mediation styles can result in positive outcomes, and when and why it fails to do so, in order to determine strategies for increasing the probability of positive outcomes in resolving intractable conflicts. The results specific objectives are thus summarized;

- To critically analyze the place of mediation styles in resolving of intractable conflicts.

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<sup>11</sup> G. Burgess and H. Burgess, "Constructive Confrontation: A Transformative Approach to Intractable Conflicts", in *Mediation Quarterly*, Vol. 13 (4) (1996), pp 304 - 322

<sup>12</sup> J. Bercovitch, "International Mediation and Intractable Conflict", in G. Burgess and H. Burgess, *Beyond Intractability*, (Colorado: University of Colorado, 2004 )



- To examine the impact of the mediation styles on disputants' relationship
- To analyze whether there is a relationship between mediation styles and outcomes of intractable conflict resolution

### **1.3 Justification of the Study**

Sudan and Somali conflicts are both intractable conflicts. However, whereas the Sudan conflict was resolved through a mediation process that culminated in the Comprehensive Peace Agreement that subsequently stabilized Sudan, Somalia continues to be ravaged by lawlessness and chaos despite the many peace processes. This study is geared to examining the mediation style and its outcomes when resolving intractable conflicts. In this regard, the study will provide the structures relevant to resolving intractable conflicts and more specifically how mediation styles contribute to those outcomes. It is also anticipated that a thorough review of the two cases and the parties involved will be significant. Furthermore, in examining the main actors of the two conflicts, the study will be able to suggest possible avenues to successful mediation of these intractable conflicts. This study will also provide foundations for appropriate and proper actions that are necessary to resolve intractable conflicts. The study is expected to provide useful information to academicians especially on the mediation methods and style. The study will also form basis for conduct further research.

### **1.4 Literature Review**

The literature review is classified under seven sub-headings: literature on definition of mediation, third party intervention and third party involvement, previous studies on mediation success, nature of the parties and their relationships, nature of the conflict, nature of the mediation process, and the mediator characteristics. The literature review will help one to contextualize this study within existing research and help to demonstrate the correlation between mediation styles and resolution of intractable conflicts. The overview of the

literature in the field of conflict will also be placed in relation to international mediation and a clear framework for analysis established in the study.

### **Mediation: An Introduction**

Mediation is a principle component of international relations. Mediation is most likely to occur when a conflict is protracted, the parties are at an impasse, neither party is prepared to absorb further costs or escalate the dispute, and they are ready to engage in dialogue and welcome mediation<sup>13</sup>. Many theorists and practitioners have argued that effective mediation can play a critical role in conflict resolution. Mediators can have considerable influence through promoting and facilitating dialogue, building trust and confidence, setting agendas, exploring possibilities, proposing solutions using leverages.

There are several ways to resolve a conflict. Bercovitch further notes that, "... numerous devices, mechanisms and institutions have been invented to manage, deal or resolve disputes between antagonistic actors. These devices and mechanisms range from simple avoidance through stylized competition to verbal confrontations, duels and many other forms of direct violence."<sup>14</sup> Mediation is one of these devices that occupies a significant position since it does not involve any sort of physical force but adopt peaceful means.

### **Third Party Intervention and Third Party Involvement**

The term 'third party intervention', is currently used in conflict management literature to refer to any of the situation where a third party becomes engaged in the conflict, either in the capacity of a court, an arbitrator (or arbitration tribunal), a mediator, a conciliator, a

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<sup>13</sup> J. Bercovitch, *Social Conflicts and Third Parties: Strategies of Conflict Resolution*. (Boulder, CO: Westview Press, 1984)

<sup>14</sup> J. Bercovitch, "The Structure and Diversity of International Mediation in International Relations", in J. Bercovitch and J. Z. Rubin (eds.), *Mediation in International Relations – Multiple Approaches to Conflict Management*, (London: MacMillan Press Limited, 1992), p. 1

facilitator, or a provider of good offices<sup>15</sup>. Bercovitch and DeRouen<sup>16</sup> draw on the work of Fisher and Keashly in identifying the following five different types of third party interventions: conciliation, which refers to a trusted third party provides an informal communication link between the warring parties with purposes of identifying issues, reducing tensions and encouraging parties to shift their negotiation positions; arbitration and adjudication, which is a legitimate and authoritative third party renders a binding judgment to the parties; consultation or problem solving, which involves a third party facilitating analysis of the conflict and development alternatives through communication and diagnosis based on an analysis and understanding of conflict issues; peacekeeping, which involves a provision of military personnel by a third party (or parties) to supervise and monitor a ceasefire, to undertake humanitarian activities, or attempt to prevent open hostilities between parties; and, mediation: involves the intervention of a third party that attempts to facilitate a negotiated settlement of the substantive issues in the conflict.

Bercovitch and DeRouen point out that mediation is often a favoured form of peaceful third party intervention<sup>17</sup>. Rosenau points out that a third party's attitude to a conflict can be tantamount to intervention<sup>18</sup>. However, 'intervention' connotes force and a lack of choice on the part of the parties in the conflict<sup>19</sup>. There are diverse perspectives in which the term, 'intervention' is used, but even its use to refer to the rendering of humanitarian aid suggests a certain amount of lack of consultation between the parties in the conflict and the intervener<sup>20</sup>.

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<sup>15</sup> M. Mwangi, *The International Management of Internal Conflict in Africa: The Uganda Mediation, 1986*, (PhD Dissertation, Canterbury: University of Kent, 1994), p. 31

<sup>16</sup> J. Bercovitch and K. DeRouen, "Mediation in Internationalized Ethnic Conflicts: Assessing the Determinants of a Successful Process", *Armed Conflicts and Society*, Vol. 30 No. 2, (2004), pp. 170 – 202: 152 -153

<sup>17</sup> *Ibid.*, p. 153

<sup>18</sup> J. N. Rosenau, "Foreign Intervention as Adaptive Behaviour", in J. N. Moore (ed), *Law and Civil War in the Modern World*, (Chicago: John Hopkins Press, 1974), pp. 129 - 151

<sup>19</sup> M. Mwangi, *The International Management of Internal Conflict in Africa: The Uganda Mediation, 1986*, (Canterbury: University of Kent, 1994), p. 31

<sup>20</sup> *Ibid.*, p. 31

The general language of intervention in international relations is the language of interest, power, and the use of coercion<sup>21</sup>. When the term is applied to mediation, it reduces it (and almost does away with) the tradition, to the consensual nature of mediation.

### **Mediation: Towards a Definition**

In determining a useful definition of mediation, Wilkenfeld, Young, Quinn and Asal note that intervention by a mediator in the context of intra-state conflicts is best understood as a “necessary step to help parties to move beyond profound disagreements as well as mutual mistrust and resentment.”<sup>22</sup> In two notable studies of intermediaries in the strategic interactions of principle parties in world politics, Oran Young referred to mediation in much the same sense, as efforts by, “third parties attempting to facilitate a settlement of the issues at stake among the original players and the actions third parties take to achieve this objective”<sup>23</sup>. As the two most notable experts of conflict management, Ira William Zartman and Saadia Touval, aptly summarize: “Mediation is a form of third-party intervention in a conflict. It differs from other forms of third-party intervention in conflicts in that it is not based on the direct use of force and it is not aimed at helping one of the participants to win. Its purpose is to bring the conflict to a settlement that is acceptable to both sides and consistent with third-party interests.... Mediation is best thought of as a mode of negotiation in which a third-party helps the parties find a solution that they cannot find themselves.”<sup>24</sup>

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<sup>21</sup> J. S. Nye, *Understanding International Conflicts: An Introduction to Theory and History*. (New York: Harper Collins, 1992), pp. 132 - 139

<sup>22</sup> J. Wilkenfeld, K. J. Young, D. Quinn and V. Asal, *Mediating International Crises*, (London and New York: Routledge, 2005), p.

<sup>23</sup> O. R. Young, “Intermediaries: Additional Thoughts on Third Parties”, in *Journal of Conflict Resolution*, Vol. 16, No. 1. (1972), pp 51 – 55: 52; see also O. R. Young, *The Intermediaries: Third Parties in International Crises*, (Princeton, NJ: Princeton University Press, 1967)

<sup>24</sup> J. W. Zartman and S. Touval, “International Mediation”, in C. Crocker, F. Hampson and P. Aall (eds.), *Unleashing the Dogs of War: Conflict Management in a Divided World*, (Washington, DC: United States Institute of Peace, 2007), pp. 437 - 438

Bercovitch's definition is what this study would use as its working definition. Bercovitch defines mediation as, "a process of conflict management, related to but distinct from the parties' own efforts, where the disputing parties or their representatives seek the assistance, or accept an offer of help, from an individual, group, state or organization to change, affect or influence their perceptions or behaviour without resorting to physical force or invoking the authority of the law."<sup>25</sup>

These definitions provide conceptual clarification of mediation as a form of conflict management and allow one to identify and isolate certain features that distinguish mediation from other forms of conflict management behaviour. Mediation is an approach to conflict resolution whereby a neutral third party assists conflicting parties to reach an agreement that both parties feel is fair. Mediation is a highly complex and dynamic process. Every mediation process shares some common features: there are parties to the conflict, one or more mediators, a process of mediation and the context in which the mediation occurs<sup>26</sup>.

Mediations can range from informal to formal depending on the nature of the conflict, his or her style, his or her role in the conflict, and the setting. Whether formal or informal, mediators' purpose is to help the conflicting parties to reach an agreement. Scholars have identified three models of mediation, evaluative, facilitative and transformative<sup>27</sup>.

Wilkenfeld, Young, Quinn and Asal<sup>28</sup> point out that observers and analysts of mediation and its effects often cluster all mediation activities together as one type of third-party intervention, without regard to different ways in which mediation might be employed. One of the most notable variations among actors is the *style* of mediation used. In other

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<sup>25</sup> J. Bercovitch, "The Structure and Diversity of International Mediation in International Relations", in J. Bercovitch and J. Z. Rubin (eds.), *Mediation in International Relations – Multiple Approaches to Conflict Management*, (London: MacMillan Press Limited, 1992), p.7

<sup>26</sup> J. Bercovitch, "Mediation Success or Failure: A Search for the Elusive Criteria", in *Cardozo Journal of Conflict Resolution*, Vol. 7 No. 2 (2006), pp. 289 – 302: 290-1

<sup>27</sup> R. Bush, and J. P. Folger, *The Promise of Mediation: Transformative Approach to Conflict*, (San Francisco: Jossey-Bass, 2004)

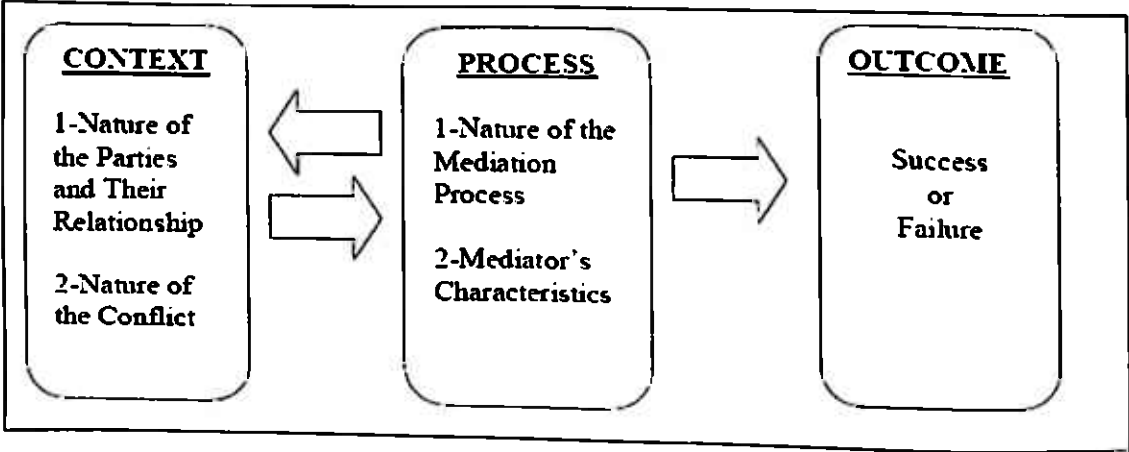
<sup>28</sup> J. Wilkenfeld, K. J. Young, D. Quinn and V. Asal. *Mediating International Crises*, (London and New York: Routledge, 2005), p. 69

words, to what degree does the mediator try to direct discussions of the crisis actors? Is a mediator willing and able to propose a solution to the conflict under discussion? Or does a mediator adopt a more “restrained” approach, serving as a go between among the parties to the crisis? The style a mediator employs in a given situation can have a pronounced impact on the mediator’s effect on the conflict or crisis.

**Previous Research on Mediation Success**

Bercovitch, Anagnoson and Wille designed the contingency model for the purpose of systematically studying mediation. One of its basic tenets is that the outcome of mediation, whether successful or not, is contingent upon a number of contextual and process variables<sup>29</sup>. That is, a number of variables related to the mediator and their strategies can be clustered as process variables. This method of organizing these variables is depicted on the diagram below.

**Figure 1.1: A General Contingency Model of Mediation**



Source: adapted from Bercovitch, Anagnoson, and Wille (1991).

<sup>29</sup> J. Bercovitch, T. Anagnoson and D. Wille, “Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations”, *Journal of Peace Research*, Vol. 28, No. 1 (Special Issue on International Mediation, 1991), pp. 7 – 17: 9

The next section of this chapter discusses previous research on successful mediation and is structured according to the nature of the parties and their relationship, the nature of the conflict, the nature of the mediation process, the mediator's characteristics, and classification of mediation styles.

### **Nature of the Parties and Their Relationship**

Two variables reflect the nature of the parties is the previous relationship and the power differences between them. One variable which reflects the nature of the parties is their previous relationship. A conflict has at least two or more parties who are in adversarial relationship. The 'primary parties' are those that are directly engaged in the adversarial relationship and their decisions or behaviour can be influenced by other 'indirect parties' to the conflict<sup>30</sup>. The primary parties may or may not have had a previous relationship that may or may not have been conflicting. One way to categorize the previous relationship is to distinguish whether it was friendly, antagonistic (without experiencing conflict), conflictual (experiencing low intensity conflicts in the past), and one dispute in the past, or had more than one dispute in the past<sup>31</sup>.

One view holds that when the parties had a previously friendly relationship, then the chances of a successful mediation are more likely and this finding has been confirmed by mediation of international disputes<sup>32</sup>. More succinctly, these researchers found that mediation between previously friendly parties are almost twice as likely to be successful compared to mediation between parties with any other types of previous relationships. Furthermore, these same researchers found that parties which have more than one dispute in the past receive the

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<sup>30</sup> C. Crocker, F. O. Hampson and P. Aall, *Taming Intractable Conflicts: Mediation in the Hardest Cases*. (Washington, DC: United States Institute of Peace Press, 2004), p.97

<sup>31</sup> J. Bercovitch, T. Anagnoson and D. Wille, "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations", *Journal of Peace Research*, Vol. 28, No. 1 (Special Issue on International Mediation, 1991), pp. 7 – 17: 12

<sup>32</sup> *Ibid.*, p. 12

most mediation attempts but have the lowest chance of success. Therefore, these researchers concluded that a previously conflictual relationship may exacerbate a current conflict and hinder efforts to settle it<sup>33</sup>.

A second variable which reflects the characteristics of the parties is the difference of power between them. Crocker, Hampson and Aall<sup>34</sup> point out that mediation does not take place in a vacuum, but in a wider context and understanding the context involves assessing the balance of power between the parties.

There are several forms of power. For instance, "... military power, external diplomatic and political support, the financial wherewithal to sustain a struggle, international legitimacy or isolation, 'soft power' resources (such as domestic legitimacy and cohesion, and legitimacy in the eyes of the international community), or skilled manpower and able leadership ..."<sup>35</sup>

Moreover, a distinction is made between the forms of power and sources of power. The sources of a party's power can either be internal or external, and the external sources of power can determine a party's behaviour, interests, and interactions<sup>36</sup>. Moreover, according to Bercovitch and Houston, because the external sources of power are based on the party's position and relationship in the international system, "the ability of a party to defend and negotiate its interests in a conflict is conditional in the way it can manoeuvre to obtain additional forms of aid and assistance to enhance its position in the conflict management situation"<sup>37</sup>.

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<sup>33</sup> See J. M. Grieg, "Moments of Opportunity: Recognizing Conditions of Ripeness for International Mediation between Enduring Rivals", *Journal of Conflict Resolution*, Vol. 45, No. 6 (2001), pp. 691 - 718

<sup>34</sup> C. Crocker, F. O. Hampson and P. Aall, *Taming Intractable Conflicts: Mediation in the Hardest Cases*, (Washington, DC: United States Institute of Peace Press, 2004), p. 101

<sup>35</sup> *Ibid.*, p. 101

<sup>36</sup> J. Bercovitch and A. Houston, "Why Do They Do It Like This? An Analysis of the factors Influencing Mediation Behaviour in International Conflicts", *Journal of Conflict Resolution*, Vol. 44, No. 2, pp. 170 – 202: 179

<sup>37</sup> *Ibid.*, p.179



Different forms of power are often distributed asymmetrically between the parties<sup>38</sup> and there are two views on the role of power asymmetries and the success of mediation. The first view holds that, “in cases of clear power disparity, the stronger adversary may not be prepared to countenance any concessions or compromises which are essential to the mediation success.”<sup>39</sup> Whereas, the second view contends that, “... the presence of a fairly unambiguous advantage by one of the parties makes the path of settlement clearer by indicating which side will be expected to make the greater concessions”<sup>40</sup>. However, one study has found that when the distribution of power between parties is equal, mediation is more likely to be successful<sup>41</sup>. Therefore, one role of the mediator is to address these differences to create a level and fair playing field for mediation<sup>42</sup>.

### **Nature of the Conflict**

A second set of variables used for research on mediation outcomes relate to the nature of the conflict. Each conflict can have unique characteristics that distinguish it from others. The characteristics of the conflict are, “... the conditions that reflect the nature of disagreement, the parties’ perception of it, and the level and type of conflict behaviour”<sup>43</sup>. Two aspects that are fundamental for understanding the characteristics of the conflict include

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<sup>38</sup> C. Crocker, F. O. Hampson and P. Aall, *Taming Intractable Conflicts: Mediation in the Hardest Cases*. (Washington, DC: United States Institute of Peace Press, 2004), p. 101

<sup>39</sup> J. Bercovitch, T. Anagnoson and D. Wille, “Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations”, *Journal of Peace Research*, Vol. 28, No. 1 (Special Issue on International Mediation, 1991), pp. 7 – 17: 10

<sup>40</sup> *Ibid.*, p. 11

<sup>41</sup> See J. Bercovitch, T. Anagnoson and D. Wille, “Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations”, *Journal of Peace Research*, Vol. 28, No. 1 (Special Issue on International Mediation, 1991), pp. 7 – 17

<sup>42</sup> J. Bercovitch and A. Houston, “Why Do They Do It Like This? An Analysis of the factors Influencing Mediation Behaviour in International Conflicts”, *Journal of Conflict Resolution*, Vol. 44, No. 2, pp. 170 – 202: 178

<sup>43</sup> *Ibid.*, p. 177

intensity and the issues<sup>44</sup>. Both these factors will be examined in order to determine their role in affecting mediation outcomes. Some reviews of these factors are presented below.

### **Conflict Issues**

One variable which reflects a characteristic of conflict is the conflict issues. Bercovitch, Anagnoson and Wille<sup>45</sup> state that the, “issues in a conflict refer to the underlying causes of a dispute. They may not always be clear. There may also be more than one issue involved, and parties themselves may not agree on what constitutes a disputed issue.” Crocker, Hampson and Aall<sup>46</sup> also point out that the issues form the shape or structure of the conflict, and that, “the issues tell us not only what drives the conflict but also what needs to be settled for the conflict to cease.”

To this effect, Crocker, Hampson and Aall<sup>47</sup> suggest that issues are a reflection of the parties’ underlying interests and therefore they often become the basis for the discussions of any possible settlement. They further assert that creating a new peace agreement involves identifying working with overlapping interests. However, these authors warn that conflicts may become intractable in cases where interests are mutually exclusive.

Therefore, “the starting place, for the mediator, is to develop with the parties an agreed upon definition of what conflict is about, what needs to be settled and what will appear on the endgame negotiating agenda. This requires achieving explicit or tacit agreement on which issues belong in the settlement and, by implications which do not”<sup>48</sup>.

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<sup>44</sup> Ibid., p. 177

<sup>45</sup> J. Bercovitch, T. Anagnoson and D. Wille, “Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations”, *Journal of Peace Research*, Vol. 28, No. 1 (Special Issue on International Mediation, 1991), pp. 7 – 17: 14

<sup>46</sup> C. Crocker, F. O. Hampson and P. Aall, *Taming Intractable Conflicts: Mediation in the Hardest Cases*, (Washington, DC: United States Institute of Peace Press, 2004), p. 99

<sup>47</sup> Ibid., pp. 99 - 100

<sup>48</sup> Ibid., p. 155

This implies that there could be more conflict issues than what can and should be addressed by mediation.

Some scholars assert that mediation should limit the number of issues which it addresses. For instance, Crocker, Hampson and Aall stress that not all of the issues in the dispute should appear on the negotiating agenda, otherwise the process may stall. Likewise, the same authors also note that an agreement which includes provisions on every issue may place too much burden on the parties and settlement itself, thereby making its failure imminent. Therefore, it can be concluded that there are several reasons to limit the number of conflict issues that mediation will address.

There are several ways in which a mediator can decide which issues to address and which ones to leave off the table. Crocker, Hampson and Aall assert that the negotiating agenda must, "... cover those issues that are politically essential to the sides and are logically essential to the viability of the settlement."

### **Different Types of Issues and Outcomes of Mediation**

Some studies have examined whether different types of issues are associated with different mediation outcomes since, "it would seem logical that issues at the heart of the dispute will be quite influential in determining the outcome of mediation."<sup>49</sup> There are various ways to distinguish different types of issues and one way is to distinguish whether the conflict is either inter or intra-state<sup>50</sup>. Bercovitch and Houston argue that the issues are subjective and emotional in intrastate conflicts and this makes mediation more difficult. They note that in these cases, the parties are not in a position to think creatively about solutions to

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<sup>49</sup> J. Bercovitch and J. Langley, "The Nature of the Dispute and the Effectiveness of International Mediation," *Journal of Conflict Resolution*, Vol. 37: 670 – 699: 670

<sup>50</sup> J. Bercovitch and A. Houston, "Why Do They Do It Like This? An Analysis of the factors Influencing Mediation Behaviour in International Conflicts", *Journal of Conflict Resolution*, Vol. 44, No. 2, pp. 170 – 202: 177

the conflict and therefore the mediator may have to build confidence and trust in order to bring them together and identify the others' interests.

Similarly, Bercovitch and Langley<sup>51</sup> found a very strong correlation between tangible issues and low complexity in international disputes. In other words, international disputes involving tangible issues which were included in their study also often had low complexity (as indicated by a number of disputed issues) and were therefore likely to result in positive outcomes, that is, successful mediation. As such, they suggest that mediators should focus on the tangible issues in order to enhance the likelihood of reaching an agreement<sup>52</sup>. They further suggest that mediators should reduce the complexity of the dispute by repackaging and reducing the number of issues. The same scholars found that disputes over territory or security were more likely to result in successful mediation than those over issues of ideology or independence.

### **Intensity of the Conflict**

Intensity of the conflict is a second characteristic that can influence mediation outcomes. For example, Bercovitch and Houston<sup>53</sup> point out that "the intensity of a conflict is recognized as a fundamental determinant of how amenable a conflict will be to mediation and how effective a given strategy may be. Bercovitch, Anagnoson and Wille<sup>54</sup> note that there are two contradictory views in the literature on how conflict intensity relations to mediation outcomes. The first view holds that high intensity conflicts are more likely to result in successful mediation because the parties may wish to cut their losses by negotiating a new

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<sup>51</sup> J. Bercovitch and J. Langley, "The Nature of the Dispute and the Effectiveness of International Mediation," *Journal of Conflict Resolution*, Vol. 37: 670 – 699: 686

<sup>52</sup> *Ibid.*, 689

<sup>53</sup> J. Bercovitch and A. Houston, "Why Do They Do It Like This? An Analysis of the factors Influencing Mediation Behaviour in International Conflicts", *Journal of Conflict Resolution*, Vol. 44, No. 2, pp. 170 – 202: 177

<sup>54</sup> J. Bercovitch, T. Anagnoson and D. Wille, "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations", *Journal of Peace Research*, Vol. 28, No. 1 (Special Issue on International Mediation, 1991), pp. 7 – 17: 13

agreement or, in contrast, a second view contends that high intensity conflicts result in polarized positions, thus reducing chances for successful mediation.

Crocker, Hampson and Aall provide a second hypothesis concerning why high intensity conflicts may be more likely to lead to mediation success by linking three different levels of violence to a number of possible entry points that a mediator has into the conflict, the barriers to making the entry, and the mediator’s opportunity for exercising procedural control<sup>55</sup>. They note that procedural control refers to the mediator’s ability to have leverage over negotiating process. The relationship between these factors is illustrated below in Figure 1.2.

**Figure 1.2: Entry Points in the Conflict Cycle**

Level of Violence	Number of Potential Entry Points	Barriers to Entry	Opportunity to Exercise Control
Low	Many	Low-Moderate	Low
Medium	Moderate and Declining	Moderate-High	Low
High	Few	High	Moderate-High

Source: Adapted from C. Crocker, F. O. Hampson and P. Aall<sup>56</sup>

Based on the above table, Crocker, Hampson and Aall state that, “in sum, the notion of a conflict cycle suggests that while the level of violence is low (a condition that may occur at the beginning and end of a conflict cycle), there are greater opportunities for a variety of mediators to engage both parties and the larger society in a wide range of activities, investing on long-term basis for peace. These conditions, however, present fewer opportunities for real movement towards settlement on disputed issues. As one approaches higher levels of

<sup>55</sup> C. Crocker, F. O. Hampson and P. Aall, “Two’s Company But is Three a Crowd? Some Hypothesis about Multiparty Mediation,” in J. Bercovitch, (ed)*Studies in International Mediation: Essays in Honor of Jeffrey Z. Rubin*. (New York: Palgrave MacMillan, 2002), p. 238

<sup>56</sup> C. Crocker, F. O. Hampson and P. Aall, “Two’s Company But is Three a Crowd? Some Hypothesi about Multiparty Mediation,” in J. Bercovitch, (ed)*Studies in International Mediation: Essays in Honor of Jeffrey Z. Rubin*. (New York: Palgrave MacMillan, 2002), p. 238

violence, the opportunities for mediators to engage the parties diminish and the likelihood of mediation success, that is, helping the parties to negotiate an agreement increases.”<sup>57</sup>

In other words, as violence levels increase, there are fewer chances for mediator to enter into the conflict and the parties may block the entry of new mediators into the conflict, but if the mediator can gain entry into the conflict when it is high-intensity, then the parties may easily accept a new agreement because the alternatives to mediation, such as maintaining the status quo of continuing to wage the conflict, have become less attractive to the parties and the mediator entering the conflict at this point would therefore be viewed by the parties as having more leverage because they offer a new “way out” of the conflict.

One way of gauging the intensity of a conflict uses the number of fatalities, and low intensity disputes have been found to be more likely to result in successful mediation outcomes<sup>58</sup>. Similarly, Fretter<sup>59</sup> points out that of the 615 total United Nations mediation attempts made during the period 1945 – 1995, 451 of them occurred after 10,000 or more fatalities had reached 73% and that the number of fatalities has a negative impact on the success rate of the United Nations mediation<sup>60</sup>. More specifically, Fretter reports that one of, “the most significant findings in these results are seen in the success rate of the mediation attempts during conflicts where a high rate of fatalities has occurred ...”<sup>61</sup>

In summary, there are two main propositions regarding the intensity of the conflict and how it influences mediation outcomes. One view holds that high-intensity conflicts will be more likely to contribute to mediation success, whereas the other holds that mediation will be more successful if the conflict is low intensity. Existing literature tends to support the

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<sup>57</sup>Ibid., p. 238

<sup>58</sup> J. Bercovitch, T. Anagnoson and D. Wille, “Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations”, *Journal of Peace Research*, Vol. 28, No. 1 (Special Issue on International Mediation, 1991), pp. 7 – 17: 17

<sup>59</sup> J. Fretter, “International Organization and Conflict Management: The United Nations and Mediation of International Conflicts,” in J. Bercovitch, (ed), *Studies in International Mediation: Essays in Honour of Jeffrey Z. Rubin*, (New York: Palgrave MacMillan, 2002), pp. 98-126: 103

<sup>60</sup> Ibid., p. 121.

<sup>61</sup> Ibid., p. 121

notion that achieving positive mediation outcomes, that are successful, will likely be more difficult in high-intensity conflicts. This is very true of intractable conflicts.

### **Nature of the Mediation Process**

Mediation is a complicated social process. For instance, Bercovitch and DeRouen state that, “mediation is a dynamic and reciprocal form of social interaction. It is affected by numerous factors and conditions.”<sup>62</sup> A third set of factors which have been used for research on outcomes of mediation relate to the mediation process. Two factors related to the mediation process and successful mediation outcomes will be presented. They are number of previous mediation attempts and timing of mediation.

One factor related to the mediation process is the number of mediation attempt. A conflict may experience one or more mediation attempts by the same or different mediators.<sup>63</sup> For instance, Bercovitch and DeRouen state that, “the feedback from previous events includes information gathered, experience, and learning and understanding gained by mediator and parties. These factors can be examined empirically by looking at the number of previous mediation attempts, their duration, the outcome and durability of mediation events, mediators’ experiences and history of mediation in specific dispute.”<sup>64</sup>

Moreover, Bercovitch and Houston argue that the factors from previous mediation attempts, “may directly affect the expectations of both parties and the mediators of how current mediation should be carried out or how effective it will be.”<sup>65</sup> Therefore the number of mediation attempts may influence the outcome of a current mediation process. Indeed, Bercovitch and DeRouen found evidence that suggests multiple mediation attempts by the

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<sup>62</sup> J. Bercovitch and K. DeRouen, “Mediation in Ethnic Conflicts: Assessing the Determinants of a Successful Process,” in *Journal of Conflict Resolution* Vol. 44 No. 2 (2004), pp. 170-202: 166

<sup>63</sup> *Ibid.*, pp. 170 - 202

<sup>64</sup> *Ibid.*, p. 159

<sup>65</sup> J. Bercovitch and A. Houston, “Why Do They Do It Like This? An Analysis of the factors Influencing Mediation Behaviour in International Conflicts”, *Journal of Conflict Resolution*, Vol. 44, No. 2 (2000), pp. 170 – 202: 172

same mediator may decrease the likelihood of a successful outcome in the case of internationalized ethnic conflicts<sup>66</sup>.

A second factor related to the mediation process and successful mediation concerns the timing of the mediation. Crocker, Hampson and Aall note that, “in an ideal world, the best moment for third-party intervention is the preventive stage, before a conflict becomes violent.”<sup>67</sup> However, Zartman and Touval argue that because mediators are motivated by self-interest, they will intervene only when they believe a conflict threatens their interests or it presents an opportunity to advance their interests, and this usually occurs after a conflict escalates<sup>68</sup>. In their view, early mediation is not likely to occur.

Even if early intervention is not possible, there are other points which are attractive for initiation of mediation, including shortly after violence has broken out, in the immediate wake of a dramatic event, after the parties have reached a stage of reciprocal exhaustion, or when a new third-party has been introduced to the conflict”<sup>69</sup>. Bercovitch and DeRouen note that there are two views on when mediation should begin in order to occur at the most propitious moment: “one view states that mediation is more likely to be effective if it is attempted early on in a conflict, and certainly well before the parties experience increasing costs and their positions become entrenched. Another view contends that successful mediation if attempted later on in the conflict, once the parties have gone through some ‘hurting behaviour’ and are then prepared to revise their motivation and expectation.”<sup>70</sup>

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<sup>66</sup>Ibid., p. 172

<sup>67</sup> C. Crocker, F. O. Hampson and P. Aall, *Taming Intractable Conflicts: Mediation in the Hardest Cases*. (Washington, DC: United States Institute of Peace Press, 2004), p.102

<sup>68</sup> I. W. Zartman and S. Touval, “International Mediation in the Post-Cold War Era,” in C. Crocker, F. O. Hampson and P. Aall, (eds), *Managing Global Chaos: Sources of and Responses to International Conflict*, (Washington, DC: United States Institute of Peace Press, 1996), pp. 463-473: 452

<sup>69</sup> C. Crocker, F. O. Hampson and P. Aall, *Taming Intractable Conflicts: Mediation in the Hardest Cases*. (Washington, DC: United States Institute of Peace Press, 2004), p.102

<sup>70</sup> Bercovitch and K. DeRouen, “Mediation in Ethnic Conflicts: Assessing the Determinants of a Successful Process,” in *Journal of Conflict Resolution* Vol. 44 No. 2 (2004), pp. 170-202: 161



There are some studies that are in favour of early mediation. For example, Bercovitch and DeRouen found that mediators who initiate mediation early in the lifecycle of a conflict have a better chance of producing a successful outcome in cases of internationalized ethnic conflict<sup>71</sup>. In another study, Fretter found that the majority of United Nations mediation attempts (65%) were made after 36 months of hostilities had already occurred<sup>72</sup>. Fretter concludes that, “frequently, UN mediation is employed far too late ... to be considered successful,”<sup>73</sup> because by this far into the conflict, the hostilities have increased antagonism and mistrust between the parties to the extent that they disregard dialogue as a means to achieving their objectives. Crocker, Hampson and Aall also argue in favour of early mediation because parties’ position may still be flexible since they have not established vested interests in their wartime pursuits<sup>74</sup>. Moreover, these same researchers argue that initiating mediation during a state of grinding exhaustion, which would likely occur much later in the conflict, is not necessarily going to lead to successful mediation outcomes because leading research suggests that a mutually hurting stalemate and prospect that things will get worse is the moment when the parties will be ready to negotiate<sup>75</sup>.

Zartman and Touval state that, “a mutually hurting stalemate begins when one side realizes that it is unable to achieve its aims, resolve the problem, or win the conflict itself; the stalemate is completed when the other side reaches a similar conclusion.”<sup>76</sup> In other words, the conflict is, “ripe for resolution” if these conditions are present. Thus, there is increasing

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<sup>71</sup> Ibid.,

<sup>72</sup> J. Fretter, “International Organization and Conflict Management: The United Nations and Mediation of International Conflicts,” in J. Bercovitch, (ed), *Studies in International Mediation: Essays in Honor of Jeffrey Z Rubin*. (New York: Palgrave MacMillan, 2002), pp. 98-126: 119

<sup>73</sup> Ibid., 119

<sup>74</sup> C. Crocker, F. O. Hampson and P. Aall, *Taming Intractable Conflicts: Mediation in the Hardest Cases*. (Washington, DC: United States Institute of Peace Press, 2004), p.102

<sup>75</sup> Ibid., p. 103

<sup>76</sup> I. W. Zartman and S. Touval, “International Mediation in the Post-Cold War Era,” in C. Crocker, F. O. Hampson and P. Aall, (eds), *Turbulent Peace: Challenges of Managing International Conflict*. (Washington, DC: United States Institute of Peace Press, 2001), pp. 427 – 443: 434

evidence that initiating mediation early is ideal because the parties have not become too deeply entrenched in their position.

### **Mediator Characteristics**

Mediators can be drawn from a variety of backgrounds, use a range of approaches, and have different interests in the outcome of the conflict. These and other variables related to the mediator's characteristics are discussed below. One characteristics of a mediator used in the study of outcomes of mediation and their success or failure concerns the mediator's alignment and impartiality. There are very different types of mediators. One of the most basic ways to distinguish between different types of mediators is to determine whether they are third-party or not. That is, one of the conflicting parties can also be the mediator. However, if the mediator is not one of the conflicting parties then they are considered a third party mediator.

Third party mediators can vary according to their alignment. It is sometimes stated that mediators should maintain a neutral alignment and not side with one of the parties. In other words, mediators should be impartial. However, Bercovitch and Houston observe that, "there is some disagreement in the literature about the essence and importance of mediator impartiality or neutrality in international conflict."<sup>77</sup> Moreover, another researcher states that there is a growing body of literature which argues against the need for mediator impartiality<sup>78</sup>. In summary, there is no consensus in the literature on the role of mediator alignment and impartiality in creating successful mediation; even though there may be more research in favour of the view that the mediator does not need to remain impartial.

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<sup>77</sup> J. Bercovitch and A. Houston, "Why Do They Do It Like This? An Analysis of the factors Influencing Mediation Behaviour in International Conflicts", *Journal of Conflict Resolution*, Vol. 44, No. 2 (2000), pp. 170 – 202: 181

<sup>78</sup> J. Smith, "Mediator Impartiality: Banishing Chimera," *Journal of Peace Research*, Vol. 30 No. 4 (1994), pp. 445 – 450: 445

## **Mediation Strategy and Classification of Mediation Styles**

A second characteristic of the mediator concerns their strategy. Bercovitch and DeRouen note that, "... a mediation strategy is a goal or a means to the overall objective of managing a conflict constructively and effectively."<sup>79</sup> More specifically, "mediation strategies are designed to change, impact, or modify aspects of a conflict and the interactions of the parties involved"<sup>80</sup>. Some of the literature on mediation strategies and outcomes of mediation is reviewed in the following section of this chapter. Various authors use the term 'mediation strategies' to refer to 'mediation style', which is the term adopted in this study<sup>81</sup>.

Much of the literature on international mediation obscures the fact that mediators can play a variety of different roles in international conflicts. Touval and Zartman<sup>82</sup> argue that a true understanding of the dynamics of mediation requires systematic consideration of mediator style. Towards this goal, they have identified three basic styles that mediators can adopt in their efforts to resolve a conflict; that of communicator-facilitator, the formulator (or procedural), and the manipulator (directive)<sup>83</sup>. The style employed in a given conflict will reflect the preferences and capabilities of crisis actors as well as mediators will be a determinant of the impact of mediation on the crisis or conflict. Bercovitch further notes that

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<sup>79</sup> J. Bercovitch and K. DeRouen, "Mediation in Ethnic Conflicts: Assessing the Determinants of a Successful Process," in *Journal of Conflict Resolution* Vol. 44 No. 2 (2004), pp. 170-202: 160

<sup>80</sup> J. Bercovitch and A. Houston, "Why Do They Do It Like This? An Analysis of the factors Influencing Mediation Behaviour in International Conflicts", *Journal of Conflict Resolution*, Vol. 44, No. 2 (2000), pp. 170 – 202: 174

<sup>81</sup> Bercovitch and Houston use the term strategies and have identified the three main types of mediation strategies as directive, procedural and communication-facilitative. They further summarize the differences between the three strategies. See J. Bercovitch and A. Houston, "Why Do They Do It Like This? An Analysis of the factors Influencing Mediation Behaviour in International Conflicts", *Journal of Conflict Resolution*, Vol. 44, No. 2 (2000), pp. 170 – 202: 175

<sup>82</sup> S. Touval and I. W. Zartman, "Introduction: Mediation in Theory," in S. Touval and I. W. Zartman (eds.), *International Mediation in Theory and Practice*, (Boulder, CO: Westview Press, 1985)

<sup>83</sup> *Ibid.*,

mediators in inter-state conflicts generally follow one of the three unique, though not mutually elusive and sometimes overlapping styles<sup>84</sup>.

### **Communication – Facilitation Mediation Styles**

The mediator as a facilitator or communicator serves as a channel of communication among disputing parties<sup>85</sup>. According to Wilkenfeld, Young and Asal<sup>86</sup> mediator as facilitator may simply provide the physical space for negotiations, an activity classically conceptualized as “good offices”. However, the mediator as facilitator can also organize additional logistics of the negotiation process, collect information, set the agenda regarding which issues will be discussed and in what order, and assist conflicting parties in understanding the messages being conveyed among the parties. A facilitator can also serve as a conduit of messages between disputants, especially when face-to-face communication is not possible or desired. Under these circumstances, the facilitator can assist efforts by all sides in a conflict to “save face” by presenting each party’s concerns and stances to their fellow disputants. Hopmann<sup>87</sup> discusses facilitation as a composite of several roles: the facilitator (i.e., good offices); the facilitator of communication, compromise and convergence; and the facilitator of cognitive change, attempting to induce the parties to see the problem in a new light and view each other empathetically, without making specific suggestions regarding potential solutions. The mediator as facilitator makes no *substantive* contribution to the

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<sup>84</sup> J. Bercovitch and P. Regan, “Mediation and International Conflict Management: A Review and Analysis,” in Z. Maoz, A. Mintz, T. C. Morgan, G. Palmer and R. J. Stoll, (eds), *Multiple Paths to Knowledge in International Relations*, (Lanham, MD: Lexington, 2004), pp. 249 - 272

<sup>85</sup> See L. Keashley and R. J. Fisher, “A Contingency Perspective on Conflict Interventions: Theoretical and Practical Considerations,” in J. Bercovitch (ed.), *Resolving International Conflicts: The Theory and Practice of Mediation*, (Boulder CO: Lynne Rienner, 1996)

<sup>86</sup> J. Wilkenfeld, K. J. Young, D. Quinn and V. Asal, *Mediating International Crises*, (London and New York: Routledge, 2005), p.70

<sup>87</sup> P. T. Hopmann, *The Negotiation Process and the Resolution of International Conflicts*, (Columbia, SC: University of South Carolina Press, 1996)

negotiation process but, rather, is restrained to ensuring continued and hopefully constructive, discussion and dialogue among disputants.

Some analysts maintain that restrained intervention style of facilitation does not qualify as “true” mediation<sup>88</sup>. This position is particularly common among scholars who discuss facilitation solely as a conflict resolution endeavour, labelled as a third party consultation<sup>89</sup> or interactive problem solving<sup>90</sup>. Bercovitch and Langley<sup>91</sup> contend, though, that a broad definition of mediation – one that includes facilitation as a type of mediation, is more useful and appropriate when trying to gain holistic understanding of the dynamics of international mediation. The inclusive threefold typology of international mediation allows for a more direct comparison and evaluation of those situations in which crisis actors themselves arrive at solutions and in which the role of the third party is, “primarily facilitative and diagnostic, but also non-evaluative, non-coercive, and non-directive over outcomes.”<sup>92</sup>

Wilkenfeld et al<sup>93</sup> point out that it would be important to adopt Touval and Zartman’s typology of mediation style but the terminology facilitation is used instead of their terminology communication. This because it incorporates a wide range of scholarly typologies of such activities where the “facilitator” role in the context of problem-solving

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<sup>88</sup> G. R. Berridge, *Diplomacy: Theory and Practice*, 4<sup>th</sup> edition, (London: Palgrave MacMillan, 2010), pp 235 – 238; see also W. J. Dixon, “Third Party Techniques for Preventing Conflict Escalation and Promoting Peaceful Settlement”, *International Organization*, Vol. 50 (4), pp. 653 - 681

<sup>89</sup> See R. J. Fisher, “Third Party Consultation: A Method for the Study and Resolution of Conflict,” *Journal of Conflict Resolution*, Vol. 16 (1972), pp. 67 – 94; see also R. J. Fisher and L. Keashly, “Distinguishing Third Party Interventions in Intergroup Conflict: Consultation is not Mediation,” *Negotiation Journal*, Vol. 4 (1988), pp. 381 - 393

<sup>90</sup> H. C. Kelman, “Informal Mediation by Scholar/Practitioner,” in J. Bercovitch and J. Z. Rubin, *Mediation in International Relations: Multiple Approaches to Conflict Management*, (New York: St. Martin’s Press, 1992); see also J. W. Burton, *Conflict and Communication: The Use of Controlled Communication in International Relations*, (New York: The Free Press, 1969)

<sup>91</sup> J. Bercovitch and J. Langley, “The Nature of the Dispute and the Effectiveness of International Mediation,” *Journal of Conflict Resolution*, Vol. 37: 670 - 699

<sup>92</sup> L. Keashly and R. J. Fisher, “A Contingency Perspective on Conflict Interventions: Theoretical and Practical Considerations,” in J. Bercovitch (ed.), *Resolving International Conflicts: The Theory and Practice of Mediation*, (Boulder CO: Lynne Rienner, 1996), p. 238

<sup>93</sup> J. Wilkenfeld, K. J. Young, D. Quinn and V. Asal, *Mediating International Crises*, (London and New York: Routledge, 2005), p.71

workshops, as conceived by Burton and Kelman; the third-party consultant role developed by Fisher and associates; and a synthesis of Hopmann's three-fold categorization of facilitative activity. Bercovitch and his associates used the terminology of "communication" and "facilitation" interchangeably<sup>94</sup>.

### **Formulation (Procedural) Mediation Styles**

The second mediation style is *formulation*. Wilkenfeld, Young, Quinn and Asal<sup>95</sup> point out that unlike facilitation, formulation involves substantive contribution to negotiations by the mediator. This substantive participation involves the mediator conceiving and proposing new solutions to the disputants. Such activities are especially useful when the parties reach an impasse in the negotiation process or, according to Hopmann<sup>96</sup>, when the parties' emotions are running high. Zartman and Touval note that mediator – as – formulator usually tries to redefine the issues at hand in a conflict and generally attempts to employ innovative strategies aimed at "unblocking the thinking of the conflicting parties"<sup>97</sup>. While a formulative mediator will encourage the parties to move towards agreement and will try to convince them of the costliness of unilateral action<sup>98</sup>, the mediator – formulator is not empowered to pressure the actors to accept or pursue any particular outcome – a capability explored and associated with formulative mediators.

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<sup>94</sup> J. Bercovitch and A. Houston, "The Study of International Mediation: Theoretical Issues and Empirical Evidence", in J. Bercovitch (ed.), *Resolving International Conflicts: The Theory and Practice of Mediation*, (Boulder CO: Lynne Rienner, 1996).

<sup>95</sup> J. Wilkenfeld, K. J. Young, D. Quinn and V. Asal, *Mediating International Crises*, (London and New York: Routledge, 2005), p. 72

<sup>96</sup> P. T. Hopmann, *The Negotiation Process and the Resolution of International Conflicts*, (Columbia, SC: University of South Carolina Press, 1996)

<sup>97</sup> I. W. Zartman and S. Touval, "International Mediation in the Post-Cold War Era", in C. A. Crocker, F. O. Hampson and P. Aall (eds.) *Managing Global Chaos: Sources of and Responses to International Conflict*, (Washington, DC: United States Institute of Peace Press, 1996), p. 454

<sup>98</sup> S. Touval and I. W. Zartman, "International Mediation in the Post-Cold War Era", in C. A. Crocker, F. O. Hampson and P. Aall, *Turbulent Peace: The Challenges of Managing International Conflict*, (Washington, DC: United States Institute of Peace Press, 2003),

## Manipulation (Directive) Mediation Styles

*Manipulative mediators* also provide substantive contribution to mediation. Touval and Zartman note that in addition to formulating potential solutions, this mediator uses its position and leverage to “manipulate the parties into agreement.”<sup>99</sup> Wilkenfeld, Young, Quinn and Asal note that the manipulative mediator can offer incentives (that is, carrots) to conflict actors to persuade them to adopt specific outcome and can threaten or actually impose penalties or sanctions (that is, sticks) on those parties that do not accept a proposed agreement<sup>100</sup>. Hoppman indicates that mediators that have adopted this style can also influence the direction of the negotiations by manipulating the international environment<sup>101</sup>. While it is often the case that only powerful mediators can play the manipulator role, the parties to a conflict do determine, in part, the extent of a manipulator’s role in the case of specific disputes<sup>102</sup>. Touval and Zartman also argue that in its most active form, the mediator as manipulator can become a party to a solution, if not the dispute itself<sup>103</sup>. Under these circumstances, as the mediators become advocates, a mediator’s perceived neutrality and objectivity might be threatened<sup>104</sup>.

Of the three mediation styles, directive mediation styles have been associated with successful mediation outcomes. For example, one study states that, “clearly, the more effective strategies in international mediation are the more active strategies. Mediators employing directive or substantive strategies are successful, on average, 41% of the time.

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<sup>99</sup> S. Touval and I. W. Zartman, “Introduction: Mediation in Theory,” in S. Touval and I. W. Zartman (eds.), *International Mediation in Theory and Practice*. (Boulder, CO: Westview Press, 1985), p. 12

<sup>100</sup> J. Wilkenfeld, K. J. Young, D. Quinn and V. Asal, *Mediating International Crises*. (London and New York: Routledge, 2005), p. 73.

<sup>101</sup> P. T. Hopmann, *The Negotiation Process and the Resolution of International Conflicts*. (Columbia, SC: University of South Carolina Press, 1996)

<sup>102</sup> I. W. Zartman and S. Touval, “International Mediation in the Post-Cold War Era”. in C. A. Crocker, F. O. Hampson and P. Aall (eds.) *Managing Global Chaos: Sources of and Responses to International Conflict*. (Washington, DC: United States Institute of Peace Press, 1996).

<sup>103</sup> S. Touval and I. W. Zartman, “Introduction: Mediation in Theory,” in S. Touval and I. W. Zartman (eds.), *International Mediation in Theory and Practice*. (Boulder, CO: Westview Press, 1985).

<sup>104</sup> J. Wilkenfeld, K. J. Young, D. Quinn and V. Asal, *Mediating International Crises*. (London and New York: Routledge, 2005), p. 73.

Mediation strategies that can prod the adversaries and strategies that allow mediators to introduce new issues suggest new ways of seeing the dispute or alter the motivational structure of the parties, are more positively associated with successful outcomes than any other type of intervention.”<sup>105</sup>

Similarly, another study found out that, “directive strategies, which enable mediators to balance negotiating powers and suggest alternative approaches to issues, are important when dealing with parties that pursue rigid bargaining positions or are associated with bloc or regional alliances that affects their interests and sources of power”<sup>106</sup>. Thus, there is consensus that directive mediation styles are associated with successful mediation outcomes.

In summary, these two cases; Sudan and Somali, would be examined critically with a view of comparing and contrasting the mediation styles used by the various mediation efforts to resolve the two conflicts. This research project will propose ways through which mediation styles can assist in getting positive and durable outcomes, and more importantly how these styles (or strategies) can be used to resolve the Somali conflict and other intractable conflicts.

### **Mediator’s Experience**

Another characteristic of the mediator is their experience. Bercovitch and Houston assert that, “a mediator’s experience and record may provide information about his or her ability to manage a given conflict,”<sup>107</sup> and it would logically follow that a mediator who is highly-experienced would be more likely to achieve mediation success because they can draw upon this experience. Similarly, Bercovitch and DeRouen point out that, “an important dimension of mediation success is mediator experience. The conflict management experience

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<sup>105</sup> J. Bercovitch, T. Anagnoson and D. Wille, “Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations”, *Journal of Peace Research*, Vol. 28, No. 1 (Special Issue on International Mediation, 1991), pp. 7 – 17:16

<sup>106</sup> J. Bercovitch and A. Houston, “The Study of International Mediation: Theoretical Issues and Empirical Evidence”, in J. Bercovitch (ed.), *Resolving International Conflicts: The Theory and Practice of Mediation*, (Boulder CO: Lynne Rienner, 1996), p. 189

<sup>107</sup> *Ibid.*, p. 184



of mediators has been suggested as an important factor in influencing style and effectiveness of their mediation”<sup>108</sup> These scholars further note that, Carnevale and Pegnetter and Kochan and Jick found that more experienced mediators obtained more settlements; and Pearson, Thoennes and Vanderkooi found that more experienced mediators achieved high quality settlements. This outcome could perhaps be attributed to the degree of trust, credibility and legitimacy parties place in the ability of the mediator and parties over successive mediation efforts, enabling the mediator to manage the process effectively.”<sup>109</sup> By utilizing original dataset, these scholars also found that experienced mediators are more likely to produce successful mediation outcomes in cases of internationalized ethnic conflicts.

Moreover, this same study revealed that a highly experienced mediator using directive mediation styles should greatly increase the chances of success. This study illustrated the importance of a mediator’s experience level in affecting the outcome of mediation. Thus, one could argue that the mediator’s experience does affect likelihood of achieving mediation outcomes that are positive, that is, successful, and that an experienced mediator employing directive mediation style should greatly improve the odds of success.

### **Key Themes from Literature and Conclusion**

The review of some of the previous research on styles and their outcomes reveals three themes: 1) that there is convergence within literature on mediation styles and how they impact on conflict resolution, 2) there is convergence within the literature of what constitutes mediation outcomes, and 3) there has been little or no effort to link mediation styles and mediation outcomes of intractable conflicts where traditional structures like clan based systems are involved in the mediation process.

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<sup>108</sup> J. Bercovitch and K. DeRouen, “Mediation in Ethnic Conflicts: Assessing the Determinants of a Successful Process,” in *Journal of Conflict Resolution* Vol. 44 No. 2 (2004), pp. 170-202:159

<sup>109</sup> *Ibid.*, p. 159

## 1.5 Theoretical Framework

This study will explore the extent to which theories of conflict resolution can help inform efforts to achieve peace, defined both as an end to the core conflict and a more tolerant, congruent and stable society. These theories will be focused on the two cases under the study, namely the Sudan and Somali peace processes. Three theories on, or approaches to resolution of conflicts that have relevance to the two cases will be discussed and explore their applicability. These theories are: ripeness theory; mediation; and management of spoilers. They are not necessarily mutually exclusive and many aspects overlap and are interrelated, but they each emphasize different elements of conflict resolution.

Theories are by definition non-specific and the two conflicts, Sudan and Somalia, are multifarious and complex, with significant variation between one area and another, such as in local actors, causation, intensity, impact and dynamics.

This theory, expounded by Ira William Zartman, centres on the concept of a “mutual hurting stalemate”<sup>110</sup>. It contends that when warring parties are locked into a conflict that is mutually painful and both believe that they cannot escalate to victory, the prospects of a negotiated outcome improve significantly. Zartman notes that, “negotiations take place where both parties lose faith in their chances of winning and see opportunity for cutting losses and achieving satisfaction through accommodation.”<sup>111</sup> The theory posits that such an outcome is especially likely when there is an impending or recently avoided catastrophe, such as a civil war. It also posits that a “mutually enticing opportunity” can arise during the course of

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<sup>110</sup> I. W. Zartman, (ed.), *Elusive Peace, Negotiating an End to Civil Wars*, (Washington, DC: The Brookings Institution, 1995), p. 18

<sup>111</sup> *Ibid.*, p. 18

negotiations, which mediators can help create, where an attractive formula for settlement is perceived and pursued by all parties.”<sup>112</sup>

According to ripeness theory, it is the parties' perception of the stalemate that matters. Regardless of the objective conditions, if adversaries do not believe that they are in an impasse and believe that they can escalate to a position of strength or even victory, then a mutually hurting stalemate does not exist<sup>113</sup>. The theory, however, acknowledges that some escalations can produce a stalemate<sup>114</sup>.

The second theory that will be examined and applied to this study is the mediation theory. Many theorists such as Jacob Bercovitch, Chester Crocker, Fen Osler Hampson, Pamela Aall, have argued that effective mediation can play a critical role in conflict resolution. It should be noted that mediators can have considerable influence through promoting and facilitating dialogue, building trust and confidence, setting agendas, exploring possibilities, proposing solutions and using leverage<sup>115</sup>. Some theorists emphasize the value of multi-track process: track I entailing official diplomacy; track II entailing unofficial mediators; and what is sometimes known as track III, indigenous actors who directly or indirectly support the process<sup>116</sup>.

Some analysts argue that partial or biased mediators can also be effective, but that, “partiality or mediator bias is an effective or desirable trait only if the mediator is willing to

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<sup>112</sup> See I. W. Zartman, *Negotiations and Conflict Management – Essays on Theory and Practice*, (Oxford: Routledge, 2008); see also I. W. Zartman, “Timing of Peace Initiatives; Hurting Stalemates and Ripe Moments”, in J. Darhy and R. MacGinty, (eds.), *Contemporary Peacemaking: Conflict Peace Processes and Post War Reconstruction*, (London, Palgrave MacMillan, 2008), p. 22

<sup>113</sup> I. W. Zartman, *Negotiations and Conflict Management – Essays on Theory and Practice*, (Oxford: Routledge, 2008), p. 233

<sup>114</sup> *Ibid.*, p. 204 - 207

<sup>115</sup> See J. Bercovitch and A. Houston, “The Study of International Mediation: Theoretical Issues and Empirical Evidence”, in J. Bercovitch (ed.), *Resolving International Conflicts: The Theory and Practice of Mediation*, (Boulder CO: Lynne Rienner, 1996); see also C. Crocker, F. O. Hampson and P. Aall, (eds.), *Grasping the Nettle – Analyzing Cases of Intractable Conflict*, (Washington, DC: United States Institute of Peace Press, 2007), and I. W. Zartman, (ed.), *Elusive Peace, Negotiating an End to Civil Wars*, (Washington, DC: The Brookings Institution, 1995)

<sup>116</sup> S. A. Mason, *Mediation and Facilitation in Peace Processes*, (Zurich: International Relations and Security Network, 2007), p. 5

exercise its leverage by delivering the party to the negotiating table ... and coaxing or forcing it to make concessions.”<sup>117</sup>

Theorists underscore the importance of the calibre of mediators, “poor or weak statecraft by third-party interveners has the potential to exacerbate the problem and further deepen an intractable conflict.”<sup>118</sup> Mediators are likely to have an important role in determining which parties and groups are represented. Zartman observes that, “the most important tactical judgement concerns the size of excluded segments.”<sup>119</sup> Theorists like Louis Kriesberg and Jacob Bercovitch warn that the type of mediated intervention should be adjusted to the particular circumstances and dynamics of a conflict. The intervention may not even aim to resolve the conflict, but rather alleviate or contain the violence<sup>120</sup>.

The third approach to conflict resolution considered by this study is articulated by Stephen Stedman<sup>121</sup> and centres on factors that affect peace implementation. It emphasizes the importance of conflict environment and argues that prospects for sustainable peace are significantly affected by, among other things, internal spoilers and hostile neighbours. It observes that spoilers vary in motivation and intent, and can be “limited” or “greedy” spoilers, whose demands can be managed; or “total” spoilers, who have fixed, indivisible goals and will seek to sabotage the process. Strategies are required to deal with each, as appropriate, such as inducements, “socialization” (meaning outreach, dialogue and other measures which increase a party’s willingness to participate in a political process) or

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<sup>117</sup> *Grasping the Nettle-Analyzing Cases of Intractable Conflict*, (Washington, DC: United States Institute of Peace Press, 2007), p. 379

<sup>118</sup> *Ibid.*, p. 381

<sup>119</sup> I. W. Zartman, (ed.), *Elusive Peace, Negotiating an End to Civil Wars*, (Washington, DC: The Brookings Institution, 1995), p. 22

<sup>120</sup> L. Kriesberg, “Nature, Dynamics and Phases of Intractability”, and Jacob Bercovitch, “Mediation in the Most Resistant Cases”. In C. Crocker, F. O. Hampson and P. Aall, (eds.), *Grasping the Nettle-Analyzing Cases of Intractable Conflicts*, (Washington, DC: USIP Press, 2007), pp. 65 - 122

<sup>121</sup> See S. Stedman, “Peace Processes and the Challenges of Violence”, in John Darby and Roger Mac Ginty (eds.), *Contemporary Peacemaking: Conflict, Peace Processes and Post-War Reconstruction*. (London: Palgrave MacMillan, 2008); see also S. Stedman, D. Rothschild, E. Cousens, (eds.), *Ending Civil Wars – The Implementation of Peace Agreements*, (Boulder, CO: Lynne Rienner, 2002)

coercion<sup>122</sup>. As the theory suggests, strategies will be required to induce or integrate certain spoilers, yet marginalize or contain others.

## **1.6 Hypotheses**

For the purpose of this study, a perspective that permits one to evaluate how mediation affects and is affected by the context, the participants, the strategies and the nature of conflict will be adopted. The perspective suggested here recognizes two hypothetical dimensions involved in the critical analysis of mediation styles in outcomes of protracted conflicts resolution. These are:

1. There is no relationship between mediation styles and the outcomes of intractable conflict resolution
2. The nature of the conflict dictates the mediation style to be used and the conflict's likely outcome
3. Relative to all other styles of mediation, directive mediation style is more likely to bring about negotiated agreements that are more formal and comprehensive

The outcomes may have been caused by direct mediator's strategies or styles, or they may have been facilitated directly by mediators removing barriers to their occurrence, permitting them to occur or not preventing them from occurring. This allows one to embrace a spectrum of outcomes and not just the binary success against or versus failure. It is recognized that mediation outcome is an independent variable upon which several dependent variables revolve. In this study, the independent variables are: the nature of the mediator (s) – their identity, rank, and relationship with the parties; mediator styles, whether communication facilitative, procedural or manipulative; the nature of disputes – duration and timing of the intervention, facilities and intensity of the issues; the nature of the parties – political and

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<sup>122</sup> See S. Stedman, "Peace Processes and the Challenges of Violence", in John Darby and Roger MacGinty (eds.), *Contemporary Peacemaking: Conflict, Peace Processes and Post-War Reconstruction*, (London: Palgrave MacMillan, 2008), pp. 147 - 158

cultural systems, power status and previous relationship with the parties; and the process – the initiator and environmental strategies.

### **1.7 Definition of Concepts**

There are various concepts that must be defined to help one to understand conflicts, negotiation, mediation and mediation styles. More importantly one would be interested to find out how these concepts are applied to the two cases, namely the Sudan and Somali conflicts.

#### **Conflict Management**

Generally involves taking action to keep a conflict from escalating further. It is defined as, “any management process by which parties to the conflict are encouraged to come together and do something about their conflict”<sup>123</sup>.

#### **Conflict Resolution**

This is a conflict management process that undertakes to address the underlying causes of conflict to come up with outcomes that satisfy the inherent needs of all<sup>124</sup>. Galtung sees it as a process that involves peacekeeping, peacebuilding and peacemaking<sup>125</sup>. Peacemaking aims to halt and reduce the manifest of violence of the conflict through the intervention of military force in an interpository role. Peacebuilding involves practical implementation of peaceful social change through socio-economic reconstruction and development. Peacemaking is a political and diplomatic activity directed at reconciling political and strategic attitudes through mediation, negotiation, arbitration or reconciliation.

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<sup>123</sup> M. Mwagiru, “Contextualizing Conflict,” in M. Mwagiru, *Conflict: Theory, Processes and Institutions of Management*, (Nairobi: Watermark Publications, 2000), p. 12

<sup>124</sup> J. Burton, “Conflict Resolution as a Political Philosophy,” in Dennis, J. D. Sandole and H. Van De Merwe, (eds.), *Conflict Theory and Practice: Integration and Application*, (New York: Manchester University Prss, 1993), p. 55

<sup>125</sup> J. Galtung, “Three Approaches to Peace: Peacekeeping, Peacemaking and Peacebuilding,” in *Essays in Peace Research*, Vol. 2, (Copenhagen: Christian Ejlert, 1976)

### **Conciliation**

Conciliation involves a trusted party providing an informal communication link between the antagonists for the purpose of identifying major issues, lowering tension, and encouraging them to move towards direct interaction such as negotiations to deal with their differences. In this process, the third party does not propose alternatives for settling disputes; he or she act as a go between <sup>126</sup>.

### **Consultation**

It is also called problem-solving. It involves the intervention of a skilled and knowledgeable third party (usually a team), who attempt to facilitate creative problem solving through communication and analysis using social scientific understanding of conflict etiology and processes <sup>127</sup>.

### **Intractable Conflicts**

Intractable conflicts are prolonged; involve great animosity and vicious cycles of violence.

This type of conflict seems irreconcilable and self-perpetuating <sup>128</sup>.

### **Mediation**

Mediation is a process of conflict management, related to but distinct from the parties' own efforts, where the disputing parties or their representatives seek the assistance, or accept an offer of help, from an individual, group, state or organization to change, affect or influence

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<sup>126</sup> L. Keashley and R. J. Fisher, "A Contingency Perspective on Conflict Interventions: Theoretical and Practical Considerations", in J. Bercovitch, (ed.), *Resolving International Conflicts: The Theory and Practice of Mediation*, (London: Lynne Rienner Publishers, 1996), pp. 241 - 242

<sup>127</sup> Ibid., p. 242

<sup>128</sup> L. Kriesberg, "Intractable Conflicts," in *Peace Review*, Vol. 5, (1993), pp. 417 - 421

their perceptions or behaviour without resorting to physical force or invoking the authority of the law.”<sup>129</sup>

## **Negotiation**

Negotiation is a process in which explicit proposals are put forward ostensibly for the purpose of reaching an agreement on an exchange or realization of a common interest where conflict interests are present.<sup>130</sup>

### **1.8 Research Methodology**

This study is concerned with examining mediation style which results in either positive or negative outcomes, in resolving intractable conflicts. To achieve this aim, the study will adopt a case study approach. The case study approach has been chosen because it has several distinct strengths thus makes it valuable for testing hypotheses and useful for theory development<sup>131</sup>. Moreover, according to George and Bennett<sup>132</sup>, case study approach enables a researcher to achieve high levels of conceptual validity. In other words, to identify and measure the indicators that best represent the theoretical concepts the researcher intends to measure. This is especially important in the social sciences because variables such as “democracy” or “power” are extremely difficult to measure. This study will utilize a structured and focused case study approach, using both within – case analysis and comparison between cases.

The study employs documentary sources to provide relevant context information for the study. Document analysis is used for the two cases as means for supplementing the data.

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<sup>129</sup> J. Bercovitch, “The Structure and Diversity of International Mediation in International Relations”, in J. Bercovitch and J. Z. Rubin (eds.), *Mediation in International Relations – Multiple Approaches to Conflict Management*, (London: MacMillan Press Limited, 1992), p.7

<sup>130</sup> F. C. Ikle, *How Nations Negotiate*. (New York: Harper and Row, 1964), pp. 3 – 4.

<sup>131</sup> A. George and A. Bennett, *Case Studies and Theory Development in Social Sciences*, (Cambridge: MIT Press, 2005). p. 19

<sup>132</sup> *Ibid.*, p. 19



Tim May establishes criteria for evaluating quality of the evidence available through an analysis of documentary sources<sup>133</sup>. Briefly, the criteria include authenticity, credibility and representativeness. Whatever methods used, when multiple techniques are triangulated, as the case of the Sudan and Somali peace processes reported here, it is argued that the strength of research findings validity and possibility of generalization or extrapolation are increased<sup>134</sup>.

Consequently, this study is essentially documentary, hinging majorly on secondary sources of information. Primary sources including policy documents by IGAD such as the Declaration of Principles, the Machakos Protocol, the Comprehensive Peace Accord, the Federal Charter and the Djibouti Agreements respectively, speeches and other official documents will be analyzed to determine which mediation strategies have successful outcomes. The secondary sources of information will include journals, articles, magazines, books, newspapers, statistical abstracts, public documents, periodicals, and any other such literature that shall be deemed adequate in giving appropriate information. Logical references will be made from secondary sources of data. Where necessary, the national media of relevant countries is used as it relates to the case studies. These sources form part of the evidential value required for this study explaining what actually took place and why international mediators acted the way they did.

Attributes of the study are not quantitative and therefore qualitative measures of data analysis will be used. This includes data organization, creation of categories in the data that is distinct from each other establish their relationship. Thus, themes will be generated then evaluated to ensure adequacy of the information, credibility, usefulness, consistency and

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<sup>133</sup> See T. May, *Social Research: Issues, Methods and Process*, 3<sup>rd</sup> Edition, (Buckingham and Philadelphia: Open University Press, 2002)

<sup>134</sup> A. E. Bryman, "Research Methods and Organization Studies, (London: Unwin Hyman, 1989); see also M. Hammersley, "The Relationship Between Qualitative and Quantitative Research: Paradigm Loyalty versus Methodological Eclecticism," in J. T. E. Richardson (ed.), *Handbook of Qualitative Research Methods for Psychology and the Social Sciences*, (Leicester: The British Psychological, 1996), pp. 159 - 174

validation of the hypotheses<sup>135</sup>. Particular emphasis will be placed on the Sudan and Somalia peace processes with the aim of illuminating on the mediation styles and how they impact on outcomes of intractable conflict resolution.

## **1.9 Structure of the Study**

### **Chapter 1: Introduction to the Critical Analysis of Mediation Styles and Outcomes of Intractable Conflict Resolution**

This chapter constitutes the research proposal. It comprises the skeleton of the entire study. It points out the study objectives, justification, hypothesis and methodology adopted.

### **Chapter 2: Mediation as an Instrument of Conflict Resolution**

Aspects and dynamics of mediation are analyzed in this chapter. It gives an overview on conflict situation with specific emphasis on intractable conflicts, objectives of mediation, interventions and appreciates the best way to manage intractable conflicts is mediation.

### **Chapter 3: The Sudan Peace Process, 1993 to 2005**

This Chapter addresses the dynamics, involvement and styles of various mediators and their impact in the Sudan Peace Process. The apparatus and options available to the mediators are also analyzed.

### **Chapter 4: The Somalia Peace Process, 1991 to 2009**

This Chapter addresses the dynamics, involvement and styles of various mediators and their impact in the Somalia Peace Process. The apparatus and options available to the mediators are also analyzed.

### **Chapter 5: A Critical Analysis of the Mediation Styles: A Comparative Analysis of the Sudan and Somalia Peace Processes**

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<sup>135</sup> See O. M. Mugenda and A. G. Mugenda, *Research Methods: Quantitative and Qualitative Approaches*, (Nairobi: ACTS Press, 2003), Chapter Twelve, pp. 197 - 208

This Chapter critically analyzes comparatively mediation styles of various mediation efforts and their impact in the two cases presented. An in-depth analysis of the key contributory factors of success or failure of mediation and outcomes of intractable conflict resolution processes will be made. This chapter will also examine the hypotheses basic to the study in as far as they are approved and disapproved. Thus, the validity of the hypotheses proposed is tested in this chapter.

#### **Chapter 6: Summary, Conclusions and Recommendations**

This Chapter offers general recommendations, policy recommendations, besides raising issues for further research. The chapter will also draw final conclusions to the study.

## **Chapter 2: Mediation as an Instrument of Conflict Resolution**

### **2.0 Introduction**

Chapter One presented a background to the Sudan and Somali conflicts and the various international peace processes. The Chapter also discussed the problem, the study's justification, the hypothesis, and literature on both mediation and its application to the Sudan and Somali conflicts, and a detailed theoretical framework. This Chapter is mainly concerned with presenting a theoretical discussion on mediation as a tool of conflict management. A general overview on conflict will be presented. There will also be a discussion on conflict management in general. A distinction between conflict settlement and conflict resolution will be made. A specific focus will be given to intractable conflicts simply because the Sudan and Somali conflicts are intractable.

The Chapter will demonstrate the relevance, importance and suitability of the various mediation styles in resolving intractable intrastate conflicts like the cases to be researched on by this study from a theoretical perspective. This chapter will also examine the reciprocal relationship between the context of mediation and mediation outcomes. An examination on mediation the context of intrastate conflicts will also be examined since the Sudan and Somali conflicts are intrastate conflicts. The Chapter will explore why intrastate conflicts are difficult to resolve but more importantly examine the impact of mediation styles on three conflict resolution outcomes namely; mutual compromise, negotiated agreements and tension reduction. This chapter will also form useful background knowledge when analyzing mediation, its context and outcomes in Chapter Five.

### **2.1 Conflict: An Overview**

Conflict as a phenomenon, defies space and time, and is an inevitable and persuasive feature of all social systems and its management must be directed towards maximising its

potential benefits and minimising its destructive consequences<sup>1</sup>. According to Mitchell<sup>2</sup>, a conflict arises when two or more parties have incompatible goals about something. For instance, in a simple conflict involving two people, the incompatibility arises because they may both have different perceptions, goals and ideas about how to achieve them.

Conflict as a phenomenon has multifarious definitions and different scholars have viewed this phenomenon differently. Dicke, for instance, provides a good introduction to conflicts, exploring the notion as a paradigm of social science research in the 20<sup>th</sup> Century<sup>3</sup>. He defines conflict as, “an opposition of interest between social actors’ that is a source of social change.” Conflict is, therefore, a process that one can increase or decrease tensions between actors involved.

Link elaborates Singer’s definition of conflict, that is, “critical tension between opposing interests”, providing three conflict definitional criteria, as a process of generating critical tension in which the tension is realized by the actors, the tension becomes a determining factor of their action and the tension endangers the organization or structure of the unit which integrates the respective actors<sup>4</sup>.

On the other hand, Mazrui views conflicts as a struggle between two or more groups of power contenders in which each party seeks to advance its interest and goals. Thus, conflicts are characterized by competition arising out of interdependence. He points out that increased interactions and contacts brought about by interdependence characterized by incompatibility of interests’ cause conflicts<sup>5</sup>. This view is shared by Mitchell<sup>6</sup> and Deutsch<sup>7</sup>.

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<sup>1</sup> J. Bercovitch and A. Houston, “The Study of International Mediation: Theoretical Issues and Empirical Evidence, in J. Bercovitch (ed.), *Resolving International Conflicts: The Theory and Practice of Mediation*, (London and Colorado: Lynne Rienner Publishers, 1996), pp. 11 - 35

<sup>2</sup> C. R. Mitchell, *The Structure of International Conflict*, (London: MacMillan, 1998), pp. 15 - 25

<sup>3</sup> K. Dicke, “Conflicts and Conflict Resolution”, in R. Wolfrum and C. Philip (eds.), *United Nations: Law, Policies and Practice*, Vol. 1, (London, Boston and Dordrecht: Martinus Nijhoff Publishers, 1995), pp. 189 - 199.

<sup>4</sup> *Ibid.*, p. 190

<sup>5</sup> A. Mazrui, *The Diplomacy of Dependency and Change*, (London: Heinemann, 1977), p. 129

<sup>6</sup> C. R. Mitchell, *The Structure of International Conflict*, (London: MacMillan, 1998), pp. 15 - 25

Hill views conflict as a social phenomenon, capable of positive as well as destructive manifestations<sup>8</sup>. Burton concurs with Dicke in that they both view conflict as a vehicle for social change, the means by which personal and societal values of security, welfare justice and development opportunities can be realized. In Burtons analysis, suppression of conflict may render society to be static and encourages that conflicts be accepted rather than feared or avoided<sup>9</sup>.

Another scholar, Nicholson, views conflict as a human activity and argues that a state of conflict exists wherever two people decide to carry out mutually inconsistent acts. As an activity, conflict takes place between sentient but not necessarily rational human beings and extends to groups and nations. The core of his argument is the fact that parties' wants and needs, values and interests must rationally be perceived as conflicting<sup>10</sup>.

Mwagiru<sup>11</sup> suggests that conflicts, as opposed to disputes are about non-negotiable needs, both ontological and biological. Such needs include the need for recognition, participation and dignity. He further notes that they are, "the heart and centre of all conflicts."<sup>12</sup> To him, conflicts are inherently non-negotiable and can only be resolved. Mwagiru further points out that conflicts, as opposed to disputes, involves values and needs that cannot be traded, compromised or repressed<sup>13</sup>. Disputes, on the other hand, are about

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<sup>7</sup> M. Deutsh, "Subjective Features of Conflict Resolution: Psychological, Social and Cultural; Influences", in R. Vayrynen, (ed.), *New Directions in Conflict Theory: Conflict Resolution and Conflict Transformation*. (London: Sage Publications, 1991), pp. 26 - 56

<sup>8</sup> J. B. Hill, "Analysis of Conflict Resolution Techniques: From Problem Solving Workshops to Theory," in *Journal of Conflict Resolution*, in *Journal of Conflict Resolution*, Vol. 26. (March, 1982), p. 113

<sup>9</sup> J. W. Burton, *World Society*. (Cambridge: Cambridge University Press, 1972), pp. 137 - 138

<sup>10</sup> M. Nicholson, *Conflict Analysis*. (London: English Universities Press, 1970), pp. 2 - 3

<sup>11</sup> M. Mwagiru, *Conflict in Africa: Theory, Processes and Institutions of Management*. (Nairobi: Watermark Publications, 2000), p. 5

<sup>12</sup> *Ibid.*, p. 5

<sup>13</sup> M. Mwagiru, *The International Management of Internal Conflict in Africa: The Uganda Mediation, 1986*. (Canterbury: University of Kent, 1994), p.37

interests that do not touch on sensitive issues at the heart of the conflict and thus can be bargained for by parties, negotiated or arbitrated<sup>14</sup>.

Zartman's view of conflict emphasizes the underlying issues in a dispute between the parties to a conflict. He introduces the notion of 'crisis', which he employs to refer to the active outbreak of armed hostilities<sup>15</sup>. Abdul Aziz *et al*, dichotomize conflict into either armed or unarmed, with the former type of conflict characterized by military activity while non-military and thus pacific activities characterize attempts at accommodation of interests of the parties in dispute. The objectives, rationale, purpose and conduct of both avenues, however, remains similar<sup>16</sup>.

The area between war and peace constitute structural conflict. Mwagiru points out that the existence of structural conflict means that it is necessary to look beyond physical violence and take into account the structure that underlies social relationships which might itself be a source of conflict<sup>17</sup>. In this situation, there is neither peace nor overt violence. The prevailing situation is 'unpeaceful'<sup>18</sup>. Relationships in this situation are such that the potential for individual as well as group development and self-actualization are severely limited and constrained by economic, social and psychological among other structures embedded in social patterns of relationships. Mwagiru further notes that structural conflict is characterized by structural violence, which is imperceptible by the parties but in which individuals and group are unable to attain their full somatic mental potential<sup>19</sup>. There is, however, no overt physical violence and can be managed if the offending structures are identified and corrected. However, if left intact, these skewed structures lead to overt behavioural and destructive

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<sup>14</sup> M. Mwagiru, *Conflict in Africa: Theory, Processes and Institutions of Management*, op. cit, pp. 42 - 43

<sup>15</sup> I. W. Zartman, *Ripe for Resolution: Conflict and Intervention in Africa*, (New York: Oxford University Press, 1985), p. 8

<sup>16</sup> S. Abdul Aziz, C. Lerche Jr., and C. O. Lerche III, *Concepts of International Politics in Global Perspective*, (4<sup>th</sup> Ed.), (New Jersey: Prentice Hall, 1995), p. 126

<sup>17</sup> M. Mwagiru, *Conflict in Africa: Theory, Processes and Institutions of Management*, (Nairobi: Watermark Publications, 2000), p 24

<sup>18</sup> See A. Curle, *Making Peace*, (London: Tavistock Publications, 1971)

<sup>19</sup> M. Mwagiru, *Conflict in Africa: Theory, Processes and Institutions of Management*, op.cit., pp. 26 - 31

violence. The solution to structural conflict and violence lie in changing the structures responsible. This may entail empowering the victims of violence, a notion that echo a revolution. Alternatively, the causes may be the object and subject of negotiation between the people undergoing the violence.<sup>20</sup>

It is evident that conflict researchers concur on certain aspects of conflict as a phenomenon. Firstly, conflict is a powerful and ubiquitous phenomenon, potentially with both socially destructive and constructive outcomes. There is broad consensus that conflict management approaches should take cognisance of particular characteristics of each case and that dispute resolution techniques may result to socially unjust outcomes. In this regard, conflict managers should be well versed on social justice aspects of conflict resolution and on ethical considerations. There also exists concurrence in conflict literature that the application of conflict resolution processes can improve the functioning of the system in which they are implemented. Conflict resolution processes should aim at increasing gains for all parties. Although conflicts appear in varying areas, they share common characteristics to warrant a common theoretical approach and development of methods of resolution<sup>21</sup>.

## **2.2 Literature on Conflict Management Methods: Resolution and Settlement**

The process of introducing third parties<sup>22</sup> to a conflict to mediate in a conflict and the introduction of external factors like provision of humanitarian assistance constitute conflict management. This view is presented by Bercovitch and Mwangi. Mwangi's heterogeneous conflict manager departs from the sharp distinction between endogenous and exogenous

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<sup>20</sup> Ibid., pp. 30 - 31

<sup>21</sup> A. Vranesky, *Conflict Management in Urban and Regional Planning*, (Haifa: Centre for Urban and Regional Studies, Technion, 1992), pp. 112 - 128

<sup>22</sup> J. B. Hill, "An Analysis of Conflict Resolution and Techniques: From Problem Solving to Theory" in *Journal of conflict resolution*, Vol.26 (March 1982), p. 118; J. Bercovitch, "International Mediation: A Study of Incidence, Strategies and Conditions of Successful Outcomes", *Conflict and Cooperation*, Vol. 21, (1986), p. 156; J. H. Laue, "The Emergence and Institutionalization of Third Party Roles in Conflict", in J. Burton and F. Dukes, (eds.), *Conflict: Readings in Management and Resolution*, (London: Macmillan, 1990), pp. 256 - 252



conflict managers<sup>23</sup> and is characteristically prevalent in regional conflict management processes. Mwangiru presents the inevitability of this characterization given the notion of a conflict system<sup>24</sup>.

The distinction between settlement and resolution is best provided by Burton, who advances in arguing a case for resolution, that settlement addresses negotiable interests whereas conflict resolution has to do with negotiable values such as recognition and identity. The resolution of conflict requires the full understanding of the shared goals and an appreciation of the environmental constraints<sup>25</sup>. Sindole highlights the diversity of views about conflict resolution. He notes that conflict resolution means different things to different people. For many, "... the term means .... processes designed to achieve negative peace, the prevention, cessation, or absence of war or hostilities in general."<sup>26</sup>

Resolution, however, is not limited to the search for "negative peace" that essentially is concerned with putting "out fires". The process integrates aspects of "positive peace", that is underlying "combustible" bones of contention<sup>27</sup>, the trees, the woods, the symptoms and the ailment. In other words, peace must not only encompass the absence of violence, but rather it must correct the structural sources giving rise to the conflict. The settlement or resolution of a conflict is possible through among other forms of third party involvement, mediation, which is pertinent to this study.

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<sup>23</sup> M. Mwangiru, *The International Management of Internal Conflicts in Africa: The Uganda Mediation, 1985*. (Canterbury: University of Kent, 1994), p. 27

<sup>24</sup> M. Mwangiru, "Conflict and Peace Management in the Horn of Africa: Re-defining Africa-US Relations", Paper presented at the 6<sup>th</sup> Kenyan-American Colloquium, "The Future of US-Africa Relations", Egerton University, 7<sup>th</sup> to 12<sup>th</sup> July 1997 in J. S. Oketch, *A Critical Evaluation of Sanctions As Third Party Leverage in the Management of Internal Conflict: The Burundi Peace Process, 1993 – 2000*, (Nairobi: University of Nairobi, 2001), p. 19

<sup>25</sup> J. W. Burton, "Unfinished Business in Conflict Resolution", in J. W. Burton and F. Dukes, (eds.), *Conflict: Readings in Management and Resolution*, (London: Macmillan, 1990), pp. 328 – 335: 329

<sup>26</sup> J. D. Sindole, "Conflict Resolution: A Unique US Role for the 21<sup>st</sup> Century", in *Electronic Journal, US Foreign Policy Agenda, Preventive Diplomacy*, Vol. 1, No. 19 (December 1996), pp. 12 – 24: 12

<sup>27</sup> *Ibid.*, 12

### 2.3 Literature on Intractable Conflicts

Bar-Tal notes that conflicts are a natural part of human interaction. In his view, people in conflicts, whether individual or group level, perceive their goals or interests as being contradicted by the goals and interests of the other party. When one focuses on intergroup conflicts, they concern contradictory, concrete goals in the domains of territories, resources, trade, self-determination, religious rights, and cultural values and so on.<sup>28</sup>

It should be noted that conflict cannot be viewed as a unitary phenomenon. Different types of conflicts can be classified in different ways. For instance, conflicts can be classified according to their severity and longevity. Azar for instance, advanced the concept of protracted conflict<sup>29</sup>. Other social scientists introduced additional concepts such as enduring rivalries<sup>30</sup>, malignant conflicts<sup>31</sup>, or deep rooted conflicts. Bar-Tal contends that conflict cannot be looked at as a unitary phenomenon. There are several types of conflicts which are classified in different ways according to their severity and longevity.<sup>32</sup> Over time, different concepts have been proposed to describe the negative pole in understanding severe and long standing conflicts. Azar<sup>33</sup> advanced the concept of protracted conflict. Other social scientists have introduced additional concepts such as enduring rivalries, malignant conflicts, or deep rooted conflicts<sup>34</sup>. These concepts not only differ in semantics but also in the classification

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<sup>28</sup> D. Bar-Tal, "From Intractable Conflict Through Conflict Resolution to Reconciliation: Psychological Analysis," in *Political Psychology*, Vol. 21, No. 2 (2000), p.351.

<sup>29</sup> See E. E. Azar, *The Management of Protracted Social Conflict*, (Hampshire: Dartmouth Publishing, 1990)

<sup>30</sup> See G. Goertz and P. F. Diehl, "Enduring Rivalries: Theoretical Constructs and Empirical Patterns," in *International Studies Quarterly*, Vol. 37, (1993), pp. 147 – 171; see also P. Huth and B. Russett, "General Deterrence Between Enduring Rivals: Testing Three Competing Models," in *American Political Science Review*, Vol. 87, (1993), pp. 61 - 72

<sup>31</sup> See M. Deutsch, *Distributive Justice: A Social Psychological Perspective*, (New Haven: Yale University Press, 1985)

<sup>32</sup> D. Bar-Tal, "Societal Beliefs In times of Intractable Conflict: The Israeli Case", in *International Journal of Conflict Management* Vol. 9 No. 1,(1998), p. 22

<sup>33</sup> E. E. Azar, E. E. "Protracted International Conflicts: Ten Propositions" in *International Interactions*, Vol. 12. (1985), pp. 59 -70.

<sup>34</sup> G. Goertz, and P. F. Diehl, "Enduring Rivalries; Theoretical Constructs and Empirical Patterns," in *International Studies Quarterly* Vol. 37 (1993), p. 147

criteria which they constitute. However, these definitions have been quite vague and their use has often been inconsistent.

Kriesberg suggested elaborated criteria for classifying conflicts on the intractable – tractable dimension<sup>35</sup>. *Tractable conflicts* are those that parties in dispute attempt to resolve them through negotiation. They avoid violence, recognize mutual interests and accept each other's identity and rights. The other pole is constituted by *intractable conflicts*, which are prolonged; involve great animosity and vicious cycles of violence. This type of conflict seems irreconcilable and self-perpetuating<sup>36</sup>.

Kriesberg<sup>37</sup> suggested that four features characterize the extreme cases of intractable conflicts. Intractable conflicts are protracted and therefore they persist for a long time, at least a generation. Attempts to resolve such conflicts have failed and parties have accumulated animosity, hatred and prejudice. Parties involved in intractable conflicts view their goals as radically opposite and irreconcilable. Each side sticks to its own goals, perceiving them as essential to their own survival; neither side sees a possibility of making concessions, or anticipates a peaceful resolution to the conflict. Both sides expect that the conflict will last indefinitely.

Parties have an interest in conflicts continuation. The parties engaged in intractable conflicts make very vast military, economic and psychological investments which later impede its resolution. By having vested interests in the conflict, individuals have great difficulties in changing the perceptions, beliefs and behaviours that perpetuate conflict. The fourth feature of intractable conflicts as identified by Kriesberg is that intractable conflicts are violent. Wars are fought, limited military engagements take place and terrorist attacks

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<sup>35</sup> L. Kriesberg, "Intractable Conflict", in *Peace Review*, Vol. 5 (1993), pp. 417 - 421

<sup>36</sup> See also L. Kriesberg, T. A. Northrup, and S. J. Thorson (eds.), *Intractable Conflicts and Their Transformation*, (Syracuse: Syracuse University Press, 1989)

<sup>37</sup> L. Kriesberg, "Intractable Conflicts", a paper presented at the conference organized by The Tami Steinmetz Centre for Peace research at Tel-Aviv University in 1995 cited in D. Bar-Tal, "Societal Beliefs of Intractable Conflicts", in *International Journal of Conflict Management*, Vol. 9 (1998), pp. 22 – 50: 25

occur with fluctuating frequency and intensity. Intractable conflicts result in soldiers being wounded, civilians being hurt and property destroyed and they frequently create refugee problems<sup>38</sup>. Atrocities may be perpetrated by either or both sides.

In addition to Kriesberg's features, three characteristics further elaborate the nature of extreme intractable conflict. According to Ordeshook<sup>39</sup>, intractable conflicts are perceived as being zero-sum in nature. Parties engaged in intractable conflict perceive any loss suffered by the other side as their own gain, and conversely, any gains of the other side as their own loss. Each side tries to inflict as many losses as possible on the opponent and prevent any gains.

Bar-Tal<sup>40</sup> notes that intractable conflicts are total in the sense that they are perceived by the parties involved as concerning needs and values that are absolutely essential for the party's existence and or survival. Intractable conflicts, therefore, addresses a plurality of issues such as territory, resources, identity, economy, culture, religion and so on. Bar-Tal, Raviv and Freund<sup>41</sup> note that another characteristic of intractable conflict is the fact that they are central. In other words, members of the society involved in intractable conflict are continuously and constantly preoccupied by it. This preoccupation reflects the centrality in the cognitive repertoire of society members.

The characteristics outlined above describe the intractable nature of the Somalia and Sudan conflicts. The characteristics will help one to understand the kind of changes needed to resolve these types of conflict and transforming them to peace.

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<sup>38</sup> Ibid., pp 25 - 26

<sup>39</sup> See P. C. Ordeshook, *Game Theory and Political Theory*, (Cambridge: Cambridge University Press, 1986)

<sup>40</sup> D. Bar-Tal, "Societal Beliefs of Intractable Conflicts", in *International Journal of Conflict Management*, Vol. 9 (1998), pp. 22 – 50: 26

<sup>41</sup> D. Bar-Tal, A. Raviv and T. Freund, "An Anatomy of Political Beliefs: A study of Their Centrality Confidence, Contents and Epistemic Authority", in *Journal of Applied Social Psychology*, Vol. 24, (1994), pp. 849 - 872

## 2.4 Mediation: A Conflict Management Tool

According to Munévar<sup>42</sup>, conflicts constitutes an intrinsic element of social interactions that can be traced from personal to international conflict and permeates all aspects of our lives and generates an infinite number of dynamics around it. Due to their confrontational nature, people have instinctively sought ways to reduce the negative effects of conflicting attitudes. As a result, the practice of mediation has emerged as a feature in management of conflicting relations. Thus, mediation is a common form of conflict management in international relations. In structural terms, it can be conceived of as an extension of negotiations in which a third party enters a conflict between two or more states or other actors to affect a course of it and help them find a mutually acceptable solution. In all ages, conflict has been part and parcel of the international system, negotiations and mediation has been extensively used to deal with it. Zartman and Touval<sup>43</sup> note that most international conflicts become subject to third party mediation. Edward Levine found 322 mediation attempts in a survey on a wide variety of international conflicts in the period from 1816 to 1960<sup>44</sup>. Bercovitch notes that in the post-Cold War era, a plethora of violent conflict, these methods of peaceful settlement have come to be seen as even more relevant and appropriate than resort to violence fraught with destructive consequences<sup>45</sup>.

In a general sense, mediation is a non-coercive and voluntary form of peaceful conflict management that involves an outsider, a third party, responsible for helping the parties to resolve a conflict. Folger and Taylor see mediation as, “ a process by which the

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<sup>42</sup> J. C. Munévar, “A New Framework for the Evaluation of Mediation Success”, *BSIS Journal of International Studies*, Vol. 2 (2005), pp. 70 – 93: 70

<sup>43</sup> I. W. Zartman and S. Touval, “Mediation: The Role of Third-Party Diplomacy<sup>6</sup> and Informal Peacemaking”, in S. J. Brown and K. M. Schraub (eds.), *Resolving Third World Conflict Challenges for a New Era*, (Washington, DC: United States Institute of Peace Press, 1992), pp. 241 – 261:241

<sup>44</sup> E. P. Levine, “Mediation in International Politics: A Universe and Some Observations”, *Peace Research Society (International) Papers*, Vol. 18 (1972), pp. 33 - 43

<sup>45</sup> J. Bercovitch, “Understanding Mediation Role in Preventive Diplomacy”, in *Negotiation Journal*, Vol. 12, No. 3 (July 1996), pp. 241 – 258. See also J. Bercovitch, “Mediation in International Conflict: An Overview of Theory, A Review of Practice”, in I. W. Zartman and J. L. Rasmussen, (eds.), *Peacemaking in International Conflict: Methods and Techniques*. (Washington, DC: United States Institute of International Peace Press, 1997), p. 131

participants , together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives and reach a consensual settlement that will accommodate their needs”<sup>46</sup>. Other definitions stress on the objectives of mediation, in mediator’s attributes, or in its dynamic structure. Lall, for instance, considers that mediation in international relations “is the injection of a third state or states, individual or individuals, at the request of or with the consent of the parties to a dispute or situation, with the view to assisting in obtaining a settlement, adjustment or amelioration”<sup>47</sup>. Mitchell agrees with Lall by explaining that “in any intermediary activity .... undertaken by a third party with primary intention of achieving compromise settlement of the issues at stake between the parties, or at least ending disruptive conflict behaviour”<sup>48</sup>.

In contrast with those definitions, Cormick draws attention to the role of the mediator and abilities in his definition. He suggests that mediation “is a voluntary process in which those in a dispute jointly explore and reconcile their differences. The mediator has no authority to impose a settlement. His or her strength lies in the ability to assist the disputants in resolving their own differences. The mediated dispute is settled when disputants themselves reach what they consider a workable solution.”<sup>49</sup>

As had been already mentioned in Chapter One, Bercovitch provide a more comprehensive definition. They see international mediation as, “a reactive process of conflict management whereby parties seek the assistance of, or accept an offer of help from, an individual, group, or organization to change their behaviour without resorting to physical

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<sup>46</sup> See J. Bercovitch and A. Houston, “The Study of International Mediation: Theoretical Issues and Empirical Evidence”, in J. Bercovitch (ed.), *Resolving International Conflicts: The Theory and Practice of Mediation*, (Boulder CO: Lynne Rienner, 1996), p. 13

<sup>47</sup> A. Lall, *Modern International Negotiation: Principles and Practice*, (New York and London: Columbia University Press, 1966), p. 12

<sup>48</sup> See J. Bercovitch and A. Houston, “The Study of International Mediation: Theoretical Issues and Empirical Evidence”, op. cit., p. 13

<sup>49</sup> G. W. Cormick, “The Theory and Practice of Environmental Mediation”, in *The Environmental Professional*, Vol. (1980), pp. 24-33.

force or invoking the authority of the law”<sup>50</sup>. For the purposes of this study, Bercovitch’s research is the overall perspective of mediation. Undoubtedly, the empirical framework he offers enables one to have sufficient understanding of the mediation system, its elements, conditions and outcomes. Moreover, Bercovitch’s work provides criteria in assessing outcomes and failure in mediation.

What sets international mediation apart from other types of mediation efforts is the common requirement for disputant consent to the mediation process. Although mediation differs from negotiation in its inclusion of a third-party, mediation, like negotiation, remains largely voluntary, allowing the disputants to preserve the right to veto any suggestions made by the mediator<sup>51</sup>.

Bercovitch and Kadayifci<sup>52</sup> note that mediation is affected by the context and characteristics of each of the conflict situation. The specific rules and strategies of each context, the beliefs, attitudes, behaviours and symbols that make up international conflict affect the mode of behaviour adopted by a mediator, and to a large extent explain the success or failure of the mediation. There is a contingent, reciprocal relation between the nature of the conflict, the performance of the mediators, and conflict outcomes<sup>53</sup>. Each influences, and in turn, influenced by the other. Considering the above mentioned definitions, there are three basic components of mediation: disputing parties, a specific conflict within a context and a mediator. From the analysis, of each one and the relationship between them, it is possible to predict a certain level of influence on the mediation process and outcomes<sup>54</sup>.

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<sup>50</sup> J. Bercovitch, “The Structure and Diversity of International Mediation in International Relations”, in J. Bercovitch and J. Z. Rubin (eds.), *Mediation in International Relations – Multiple Approaches to Conflict Management*, (London: MacMillan Press Limited, 1992), p.7

<sup>51</sup> See D. Pruitt and P. Carnevale, *Negotiation in Social Conflict*, (Pacific Grove, CA: Brooks/Cole Publishing Company)

<sup>52</sup> J. Bercovitch and A. Kadayifci, “Exploring the Relevance and Contribution of Mediation to Peace-Building”, in *Peace and Conflict Studies*, Vol. 9, No. 2 (December 2002), pp. 21 – 40: 26.

<sup>53</sup> *Ibid.*, p. 26

<sup>54</sup> J. Bercovitch, J. T. Anagnoson and D. Wille, “Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations”, in *Journal of Peace Research*, Vol. 28, No. 1 (1991), pp. 29 –

In the international arena, Bercovitch considers that mediation is likely to occur when a conflict has developed for some time; the efforts of the involved actors have reached an impasse; neither actor wants further consequences, costs and escalation of the dispute; and both parties agree with some form of mediation and are ready to communicate in a direct or indirect manner<sup>55</sup>. The scope of mediation is immense in the international field. Due to particularities of international relations, mediation, as a form of conflict management seems to be specifically suited for peaceful resolving of intra-state conflicts. Bercovitch<sup>56</sup> notes that in an interdependent multi-state system, where actors pursue their own self-interests and not always reach successful negotiations, mediation appears as an attractive and useful process. It is so because mediation is a voluntary mechanism that emphasizes consensus, autonomous decision making and mutual gains. It is also cheap, flexible, and offers the prospect of a satisfactory outcome. It cannot be enforced, and in this sense, the disputants retain the right to accept or reject suggestions made by the mediator<sup>57</sup>.

Since conflict is a dynamic process rather than a static situation, the complexity of a conflict may vary in terms of the nature and the issues in question, the response, and possible outcome. The different relationships arise from the combination of these factors in particular makes mediation a unique process.

## **2.5 Mediation Context**

As discussed in Chapter One and taking a contingency model of mediation, Bercovitch and other scholars assess and explain the effectiveness of mediation in

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42. See also L. Keashly and R. J. Fisher, "A Contingency Perspective on Conflict Interventions: Theoretical and Practical Considerations," in J. Bercovitch, (ed.), *Resolving International Conflicts: Theory and Practice of Mediation*, (Boulder, CO: Lynne Rienner, 1996).

<sup>55</sup> J. Bercovitch, J. T. Anagnoson and D. Wille, "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations", *op. cit.*, p. 37

<sup>56</sup> J. Bercovitch, "International Mediation", in *Journal of Peace Research*, Vol. 28, Issue 1 (February 1991), pp. 3 – 6; 4

<sup>57</sup> *Ibid.*, p. 4



international relations<sup>58</sup>. Mediation outcomes are linked to various factors with specific operational criteria, each of which may influence the process of mediation and its effectiveness. From this perspective, there is a reciprocal relationship between the context of the dispute and the process of mediation, which determines mediation outcomes. The context of any mediation may be described according to three clusters of variable: the nature of the disputes; the nature or characteristics of the parties; the nature of the mediator; whereas the mediation process is defined by the mediation behaviour, which is basically determined by actual mediator strategies. All these factors combined are affected by cultural differences and influence success or failure of mediation<sup>59</sup>.

## 2.6 Mediation Outcomes

Conflict Management ultimately leads to certain outcomes. According to Mitchell and Banks, conflict resolution is outcomes that address satisfactorily the issues at the root of the conflict. The outcomes must be durable and self-sustaining<sup>60</sup>. Conflict settlement on the other hand, involves power bargaining and is short lived because it is coerced and imposed, serving only to reduce destructive manifestation and hostile attitudes in conflict.

Zartman points out that elimination of the underlying causes of conflicts constitutes the resolution of conflicts. He further adds that this is with the agreement of the parties to the conflict and cautions that this is a drawn out process<sup>61</sup>. Mwangi argues that the process of resolving a conflict involves mutual analytical process in which parties to a dispute review the source of the conflict and establish a basis for the post-conflict relationships. The parties

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<sup>58</sup> J. Bercovitch, "International Mediation", in *Journal of Peace Research*, Vol. 28, No. 1 (February 1991), pp. 3 – 6: 4

<sup>59</sup> J. Bercovitch, J. T. Anagnoson and D. Wille, "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations", in *Journal of Peace Research*, Vol. 28, No. 1 (1991), pp. 7 – 17

<sup>60</sup> C. Mitchell and M. Banks, "A Note on Terminology", in *Handbook of Conflict Resolution: The Analytical Problem Approach*, (London: Redwood Books, 1996), pp. 17 - 19

<sup>61</sup> L. W. Zartman, *Ripe for Resolution: Conflict and Intervention in Africa*, (New York: Oxford University Press, 1989), pp. 8 - 9

undertake this process together without coercion, legitimising the outcome. By implication, the role of a third party is reduced to facilitation and is not directive<sup>62</sup>, thus resolution and not settlement. Hill and Burton further argue that the coercive nature of settlement lacks sustainability<sup>63</sup>.

The measurement of the degree of success or otherwise outcome of conflict management efforts is a difficult task. This is noted by Bercovitch who points out three principal problems, especially the temporal dilemma. The other two explore the criteria to be used in determination of outcomes and perception of outcomes. Bercovitch's view is that mediated successful outcomes are more likely to be achieved in low intensity disputes<sup>64</sup>. Another measurability dilemma arises when there is a lack of perfect harmony between the environmental background against which mediation is carried out and the exercise itself<sup>65</sup>. The aspect of outcomes is very pertinent to this study.

However, Anagnoson, Bercovitch and Wille success index provides a tentative starting point. According to this index, a successful mediation is one which settlement of dispute is attained. The initiation of negotiations and or dialogue between the parties is classified as partial success and the mediation exercise leading to cessation of armed hostilities without addressing underlying grievances of the parties to the dispute is classified as having attained limited success<sup>66</sup>.

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<sup>62</sup> M. Mwangi, "The Role of Diplomacy in Peace and Conflict Management", A paper presented at the ACCE/WACC Seminar on *Communication for Human Dignity: Towards A Culture of Rights in Africa*, 1997, Nairobi.

<sup>63</sup> J. B. Hill, "An Analysis of Conflict Resolution Technique: From Problem Solving Workshop to Theory", op. cit, pp. 114 -115

<sup>64</sup> J. Bercovitch, "International Mediation: A Study of Incidence, Strategy and Conditions for Successful Mediation", in *Journal of Co-operation and Conflict*, (1986), pp. 155 – 168: 161

<sup>65</sup> See L. Kriesberg, "Formal and Quasi Mediators in International Disputes: Exploratory Analysis", in J. W. Burton and F. Dukes (eds.), *Conflict Readings in Management and Resolution*, (1990), pp. 328 – 335

<sup>66</sup> J. Bercovitch, T. Anagnoson and D. Wille, "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations", *Journal of Peace Research*, Vol. 28, No. 1 (Special Issue on International Mediation, 1991), pp. 7 – 17

Touval and Zartman prefer to view a successful mediation outcome as the, “conclusion of an agreement promising the reduction of conflict”<sup>67</sup>. They hold the view that what constitutes a successful mediation is a subject of debate. However, since the interests and or the motives of the mediator are an integral part of the exercise, they must be factored into any evaluation of mediation outcome<sup>68</sup>.

Burton prefers to view a successful mediation as one in which a resolution rather than a settlement is the result. Whereas the latter result addresses negotiable interests, is power-based and unlikely to outlive balance of power shifts between the parties to the conflict, the former involves non-negotiable, is a win-win agreement, is sustainable and enduring<sup>69</sup>. Touval and Zartman, who posit that success is a function of the nature of the issues being negotiated, also adopt this position. They point out that these can either be ‘core values’ or non core values, non-bargainable and bargainable respectively<sup>70</sup>.

The success or failure of mediation is contingent on whether the mediation reflect and affect the wider conflict system, the behaviour of the mediators, the resources mediators bring to bear on the conflict, the conflict’s nature and the content and characteristics of the protagonists<sup>71</sup>.

## 2.7 Mediation of Intractable Conflicts

Understanding the intractable nature of the conflict requires that one to lay out the issues that have ‘frozen’ progress towards a resolution over the decades.

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<sup>67</sup> S. Touval and I. W. Zartman, “Introduction: Mediation in Theory,” in S. Touval and I. W. Zartman (eds.), *International Mediation in Theory and Practice*, (Boulder, CO: Westview Press, 1985), p. 14

<sup>68</sup> *Ibid.*, p. 14

<sup>69</sup> J. W. Burton, “History of Conflict Resolution”, in A. Azar and I. W. Burton (eds.), *International Conflict Resolution: Theory and Practice*, (Brighton: Wheatsheaf Books, 1986), p. 40

<sup>70</sup> S. Touval and I. W. Zartman, “Introduction: Mediation in Theory,” in S. Touval and I. W. Zartman (eds.), *International Mediation in Theory and Practice*, (Boulder, CO: Westview Press, 1985), pp. 266 – 268. See also M. C. Ott, ‘Mediation as a Method of Conflict Resolution’, in *International Organization*, Vol. 26, (1972), pp. 595 - 618

<sup>71</sup> J. Bercovitch, “Introduction”, in J. Bercovitch and J. Rubin, (eds.), *Mediation in International Relations: Multiple Approaches to Conflict*, (London: Macmillan, 1992), pp. 18 - 19

According to Bercovitch<sup>72</sup>, intractability has five phases within these dimensions, which help frame the cycle of intractability: It tends to be long-lasting; it persists for twenty or more years; and, it is characterized by ever-present tension and violence. The victims of violence in intractable conflicts include combatants as well as civilians; there is a long set of unresolved or apparently irreconcilable issues at stake. The parties may reach temporary cessations of violence and they cannot reach a fundamental and genuine resolution of their issues; psychological manifestations of enmity and deep feelings of fear and hatred generally underlie the relationship between parties. Continuous conflict tends to induce stereotypes and suspicions, and these reinforce antagonistic perceptions and behaviour; an intractable conflict attracts many actors and institutions that want to deal with, treat, manage or resolve the conflict. There are many futile attempts at management or resolution. Only few of these actors or institutions are successful.

Before detailing the utility of the intractable conflict, Bercovitch uses Edward Azar's definition of protracted conflicts. According to Azar, "Protracted conflict takes place between communal groups but quickly transcend national boundaries, it is usually linked to some intangible needs (e.g., identity, recognition, ethnicity), and it tends to generate or reinforce a high level of violence"<sup>73</sup>.

According to Bercovitch, mediation is an effective and useful way of dealing with intractable conflicts. This is not to suggest that every intractable conflict can be mediated. He argues that many conflicts are just too intense, the parties too entrenched and the behavior just too violent for any mediator to achieve very much. Some intractable conflicts go on and on with little signs of abatement. They cease to become intractable only when there is a major

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<sup>72</sup> J. Bercovitch, "Mediation in the Most Resistant Cases", in Crocker, C. A., Hampson, F. O., and Aall, A. (eds.) *Grasping the Nettle: Analyzing Case Intractable*, (Washington: United States Institute of Peace Press, 2007), p. 100

<sup>73</sup> Azar, E. (1986), "Protracted International Conflict: Ten Propositions", in E. Azar, and J. W. Burton, (eds), *International Conflict Resolution*, (London: Wheatsheaf, 1986), pp. 27 - 39

systemic change (e.g. change of leaders, collapse of country, etc.). He poses several questions on how mediation can be used to enter an intractable conflict. For instance, how then can we distinguish between conflicts that can be mediated and those that cannot? When should mediators enter an intractable conflict, and how can they increase their chances of success? Bercovitch provides seven points how mediators can intervene in intractable conflicts<sup>74</sup>.

Mediators can engage in an intractable conflict only after a thorough and complete analysis of the conflict, issues at stake, context and dynamics, parties' grievances, etc. Intractable conflicts are complex and multi-layered. A mediation initiative is more likely to be successful if it is predicated on knowledge and understanding rather than on good intentions only. A good analysis and a thorough understanding of all aspects of the conflict are important prerequisites for successful mediation in intractable conflicts<sup>75</sup>.

Bar-Tal and Halperin, using the classic conception provided by Lewin<sup>76</sup> suggest that the process of unfreezing which usually begins as a result of appearance of a new idea (or ideas) that is inconsistent with the held beliefs and attitudes and therefore creates some kind of tension, dilemma or internal conflict which might stimulate people to move away from their basic position and look for alternative ideas<sup>77</sup>. They point out that mediating belief helps to reevaluate held beliefs and leads to the unfreezing on the way to possible adoption of alternative beliefs which leads to establishing a peaceful context that leads to a new ethos of peace<sup>78</sup>.

Bercovitch further notes that mediation must take place at an optimal or ripe moment. Early mediation may be premature and late mediation may face too many obstacles. A ripe

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<sup>74</sup> J. Bercovitch, "International Mediation and Intractable Conflict", in G. Burgess and H. Burgess, *Beyond Intractability*, (Boulder, CO: Conflict Research Consortium, 2004), p. 4

<sup>75</sup> *Ibid.*, p. 4

<sup>76</sup> See K. Lewin, "Frontiers in Group Dynamics", in D. Cartwright (ed.), *Field Theory in Social Science: Selected Papers By Kurt Lewin*, (Chicago: University of Chicago, 1976)

<sup>77</sup> D. Bartal and E. Halperin, "Overcoming Psychological Barriers to Peace Making: The Influence of Mediating Beliefs and Losses", in M. Mikulincer and P. R. Shaver (eds.), *Prosocial Motives, Emotions and Behaviour: The Bette Angels of Our Nature*, (Washington, DC: American Psychological Press, ), p. 7

<sup>78</sup> *Ibid.*, pp. 7 – 8

moment describes a phase in the life cycle of the conflict where the parties feel exhausted and hurt, or where they may not wish to countenance any further losses and are prepared to commit to a settlement, or at least believe one to be possible. In destructive and escalating conflicts, mediation can have any chance of success only if it can capture a particular moment when the adversaries, for a variety of reasons, appear most amenable to change. Timing of intervention in an intractable conflict is an issue of crucial importance, and one that must be properly assessed by any would be mediator<sup>79</sup>.

Given the nature and complexity of intractable conflicts, successful mediation requires a coordinated approach between different aspects of intervention. Mediation here requires leverage and resources to nudge the parties toward a settlement, but also acute psychological understanding of the parties' feelings and grievances. The kind of mediation we are talking about here is mediation that is embedded in various disciplinary frameworks, ranging from problem-solving workshops to more traditional diplomatic methods. No one aspect or form of behavior will suffice to turn an intractable conflict around<sup>80</sup>. Diverse and complementary methods, an interdisciplinary focus, and a full range of intervention methods responding to the many concerns and fears of the adversaries, are required to achieve some accommodation between parties in an intractable conflict.

Mediating intractable conflicts require commitment, resources, persistence, and experience. Mediators of high rank or prestige are more likely to possess these attributes and thus are more likely to be successful in intractable conflicts. Such mediators have the capacity to appeal directly to the domestic constituency and build up support for some peace agreement. Influential, high ranking or prestigious mediators have more at stake, can marshal more resources, have better information, and can devote more time to an intractable conflict.

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<sup>79</sup> J. Bercovitch, "International Mediation and Intractable Conflict", *op. cit.*, p. 5

<sup>80</sup> See M. Kleiboer, "Understanding Success and Failure of International Mediation", in *Journal of Conflict Resolution*, Vol. 40, No. 2 (June 1996), pp. 360 – 389: 371

Such mediators can work toward achieving some visible signs of progress in the short term, and identify steps that need to be taken to deal with the issues of a longer term peace objectives. Influential mediators can work better within the constraints of intractable conflicts, and more likely to elicit accommodative responses from the adversaries<sup>81</sup>.

Mediation in intractable conflicts is more likely to be successful when there are recognizable leaders within each party, where the leaders are accepted as legitimate by all concerned, and where they have considerable control over their territory. An intractable conflict between parties with competing leaders and constituents (for example, Northern Ireland) can prove very difficult to deal with. Where there are recognizable leaders, each from the mainstream of their respective community, and where each embodies the aspirations and expectations of their respective community, provides mediators with individuals who may have a serious impact on official diplomacy. Where there are competing leadership factions, state institutions, and governance capacity are all too uncertain, and the chances of successful mediation decline sharply.

Mediation in intractable conflicts is more likely to be effective if there are no sections in each community committed to the continuation of violence. Such parties are usually described as spoilers. Spoilers in such a context have much to lose from a peaceful outcome and much to gain from the continuation of violence. Their presence and activities constitute a major obstacle to any mediation effort. Where an intractable conflict involves a major power, or major powers have interests (vital or otherwise) at stake, it is very unlikely that mediation will be attempted, and if attempted, very unlikely that it will succeed. The involvement of major powers in any capacity in an intractable conflict poses too serious a constraint on any mediation effort. A major power involvement in an intractable conflict provides a clear

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<sup>81</sup> J. Bercovitch, "International Mediation and Intractable Conflict", *op. cit.*, p. 5

indication of the difficulty of initiating any form of mediation<sup>82</sup>. Nathan points out that involvement of state mediators tend to focus on the solutions rather than the process by endeavoring to win the parties consent and press for rapid results. The extreme version of this approach entails the application of sanctions or use of military force. Nathan further argues that these state mediators undermine their credibility and effectiveness when they take such steps; the consequences of this approach are alienating the targeted party and the unlikelihood of attaining any outcome that requires long-term cooperation of that party<sup>83</sup>.

All these factors provide some guidance on when mediation might make a contribution to intractable conflicts, and when this will be extremely difficult. To Bercovitch, other factors are present too, factors such as commitment to mediation and willingness to achieve a suitable outcome, desire to stop a cycle of violence, etc. These may be hard to identify and assess, but their presence or absence will surely affect the process and outcome of any mediation effort. According to Deng, a mediator's declaratory proposals may be perceived as prejudicial even when made in good faith as is exemplified by the fate that befell the Declaration of Principles issued by IGAD in 1994. The document synthesized the main demands of the protagonists in the Sudanese conflict in order to specify the key elements of ensuring a lasting peace. It appeared to address the root causes of the war in a fair and pragmatic fashion. However, two of the principles were anathemas to the Sudanese government which denounced the mediator's abandoning their impartial stance<sup>84</sup>.

Nyakyi notes that accords concluded under duress will have a scant value in the absence of genuine commitment to peace and reconciliation and cites the Liberian civil war

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<sup>82</sup> J. Bercovitch, "International Mediation and Intractable Conflict", op. cit., p. 5

<sup>83</sup> L. Nathan, "When Push Comes to Shove: The Failure of International Mediation in African Civil Wars", in *Track Two*, Vol. 8, No. 2 (November, 1999), pp. 1 – 23: 9

<sup>84</sup> F. Deng, "Preventive Diplomacy: The Case of Sudan", in *Preventive Diplomacy Series Series 1*, (Durban: ACCORD, 1997), p. 27



where ECOMOG's enforcement operations led to as many as fourteen short-lived peace agreements between 1990 and 1995<sup>85</sup>.

Less extreme versions of a peremptory approach can have unhappy consequences. This is exemplified by Henry Kissinger's bid to broker peace in the former Rhodesia. According to Stedman<sup>86</sup>, Kissinger arrived in Southern Africa in April 1976 confident that his diplomatic skills and the strength of the United States would lead to the success where others had failed. He insisted publicly that he was merely an interlocutor and would not be prescriptive. He had devised a formula for majority rule. His objective was to co-opt the programme of 'moderate evolutionary reform' and isolate the 'ideological radicals'. His goal was to obtain Ian Smith's approval of the plan, through various threats and promises, before the US presidential election in November 1976. This initiative was counterproductive because his proposals emboldened the minority regime and were rejected by the liberation movements and culminated in what his British counterparts described as a "mess"<sup>87</sup>.

Thus, intractable conflicts are driven by antagonists with a strong sense of identity, grievance of some sort (economic or political), and a desire to use violence to change the status quo. These conflicts threaten regional order and international stability. It is hard to get out of an intractable situation but not impossible. There is nothing pre-ordained about the path of any conflict, intractable or otherwise. Mediation may offer the prospect of escaping the dilemmas of intractability<sup>88</sup>.

Mediation offers the possibility of a jointly acceptable outcome without giving in on one's core values and beliefs. Under some conditions mediation can actually break through an

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<sup>85</sup> A. Nyakyi, *Untitled Paper*. Presented at Learning from Conflict Resolution in Africa: Workshop on the Experience of Individual and Institutional Mediators, Mwalimu Nyerere Foundation and the Tanzanian Ministry of Foreign Affairs and International Co-operation, Arusha, 21 – 23 January 1998, p. 1

<sup>86</sup> S. J. Stedman, *Peacemaking in Civil War: International Mediation in Zimbabwe, 1974 – 1980*. (Boulder, Co: Lynne Rienner, 1991), pp. 85 - 125

<sup>87</sup> *Ibid.*, pp. 105 - 106

<sup>88</sup> J. Bercovitch, "International Mediation and Intractable Conflict", *op. cit.*, p.6

intractable cycle of violence. The availability of suitable mediators may help to transform an intractable conflict and produce a sustained agreement. For this to happen certain conditions have to be present. When the circumstances are indeed propitious, few processes can do more to reduce intractability of a conflict than a well planned mediation. One should be aware of these conditions and do their best to bring intractable conflicts to an end.

Kriesberg notes that transforming intractable conflicts is not an event but rather a process that occurs over an extended period of time that changes the character of the conflict from an intractable to a more constructive tractable conflict<sup>89</sup>.

## **2.8 Mediation in Intrastate Conflicts**

According to Kemper, intrastate conflicts refer to such violent armed conflicts which in which in the scientific literature might be called (ethnic) civil wars, or ethno-political conflicts<sup>90</sup>. Furthermore, such conflicts can involve issues like secessionism, autonomy, or religion<sup>91</sup> and therefore may include questions of identity, security and a feeling of well-being<sup>92</sup>. Intrastate often take place between the state and the civilian population, whereby the civilian population may belong to a different ethnicity or a minority group than the dominant elite<sup>93</sup>. However, intrastate conflicts often develop into cross border wars and become regionalized, for example, due to influx of refugees, or the building of refugee camps on territory close to the border of neighbouring states<sup>94</sup>. Thus Sudan and Somalia conflicts are intrastate conflicts because it involves civilian populations within a state and has become regionalized.

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<sup>89</sup>See L. Kriesberg, "Transforming Intractable Conflict", in *Desafios*, Vol. 10, (2004), pp. 188 – 199: 196

<sup>90</sup> B. Kemper, "Mediation in Intrastate Conflicts: The Contribution of Track-Two Mediation Activities To Prevent Violence in the Aceh Conflict", *Institute for Development and Peace Report*, Vol. 88 (2007), pp.5 – 57: 10

<sup>91</sup> J. Bercovitch and K. DeRouen, "Managing Ethnic Civil Wars: Assessing the Determinants of a Successful Mediation", in *Civil Wars*, Vol. 7, No. 1 (2005), pp. 98 – 116: 98

<sup>92</sup> See K. Rupesinghe, "Conflict Transformation", in K. Rupesinghe, *Conflict Transformation*, (New York: Palgrave Macmillan, 1995), p. 71

<sup>93</sup> B. Kemper, "Mediation in Intrastate Conflicts: The Contribution of Track-Two Mediation Activities To Prevent Violence in the Aceh Conflict", *op. cit.*, p. 10

<sup>94</sup> *Ibid.*, p. 10

Mitchell further categorizes intrastate conflicts as being either centralist or regionalist, where centralist conflicts are disputes over the central authority, where insurgents fight in order to replace the government or be included in it, and the government fight back to resist being replaced or sharing power with the insurgents; while regionalists conflicts aim for self-determination through secession or regional autonomy<sup>95</sup>. Both centralist and regionalist conflicts involve high stakes so that left on their own, the parties strive for zero-sum outcomes usually attained at a very high cost; both parties in a centralist conflict want to rule the state exclusively while both parties in a regionalist conflict want to rule part of the state exclusively<sup>96</sup>.

According to Maundi et al, it is within a zero-sum that intermediaries try to intervene and their objective is not to assist either party to gain outright victories over its adversaries, but to break the impasse and bring the parties to a level where they would be able to settle for a win-win outcome. They further note that mediators help the parties to move from the generally desirable but untenable zero-sum victories to relatively malleable compromise solutions and that mediation makes sense when parties in the conflict abandon the option of a zero-sum outcome and embrace a desire for a compromise outcome<sup>97</sup>. Dudouet suggests that any decision to intervene in intrastate conflicts should be preceded by extensive analysis of the constantly evolving context and looking for windows of opportunity, and in deciding when to intervene, they should pay attention to the need to intervene early before the conditions worsen; on the other hand, potential mediators might test the waters through

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<sup>95</sup> C. R. Mitchell, "External Peace-Making Initiatives and Intra-National Conflict," in M. I. Midlarsky (ed.), *The Internationalization of Communal Strife*. (London, UK: Routledge, 1992), pp. 274-296: 274: see also I. W. Zartman (ed.), *Elusive Peace: Negotiating an End to Civil Wars*. (Washington, DC: Brookings Institutional Press, 1995)

<sup>96</sup> M. O. Maundi, I. W. Zartman, G. Khadiagala and K. Nuamah, *Getting In: Mediator's Entry into the Settlement of African Conflicts*. (Washington, DC: United States Institute of Peace Press, 2006), p. 5

<sup>97</sup> *Ibid.*, p. 5

bilateral exploratory talks with each party before facilitating joint dialogue<sup>98</sup>. Quin et al point out that there are a few empirical studies of mediation in intrastate conflict<sup>99</sup>. Regan and Aydin argue that a bias in the discipline toward the study of military and economic interventions is one of the reasons that empirical work on outside intervention in a domestic conflict has generally amassed an unconvincing set of evidence on success of intervention<sup>100</sup>.

Quin et al further note that there have been no systematic studies of mediation in interstate conflicts simply because the efforts of mediators in these conflicts are rarely successful, and thus this phenomenon has been both underexplored and often unfairly discounted<sup>101</sup>. This view is also adopted by Maundi et al by noting that in theory, when parties in an intrastate conflict are committed to mediation a compromise settlement becomes the most rational outcome of the mediation process; in practice however, mediation may take place when some parties are not fully committed to compromise and thus a major “conundrum”<sup>102</sup>.

### 2.8.1 Difficulties of Resolving Intrastate Conflicts

Fearon notes that violence is very costly and since victory is not guaranteed, it is too risky, so there always exists a negotiated settlement that rational actors prefer war<sup>103</sup>. One reason why violent intrastate conflicts are difficult to resolve has to do with the heightened levels of stress and threat present in these events and the insecurity and commitment problems influenced by these conditions. During periods of conflicts, political and military

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<sup>98</sup> V. Dudouet, “Mediating Peace with Proscribed Armed Groups”, *Unites States Institute of Peace Special Report*, No. 239, (May 2010), pp. 1 -12: 6

<sup>99</sup> See D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLaughlin and M. Brecher, “Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intra-State Crises in Africa”, Prepared for the Annual Meeting of American Political Science association, (September 2009), pp. 1-38: 6

<sup>100</sup> See M. Regan and A. Aydin, “Diplomacy and Other forms of Intervention in Civil Wars”, in *Journal of Conflict Resolution*, Vol. 50, No. 5 (2006), pp. 736 - 756

<sup>101</sup> D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLaughlin and M. Brecher, “Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intra-State Crises in Africa”, op. cit., p. 6

<sup>102</sup> M. O. Maundi, I. W. Zartman, G. Khadiagala and K. Nuamah, *Getting In: Mediator's Entry into the Settlement of African Conflicts*, op. cit., p. 5

<sup>103</sup> See D. Fearon, “Domestic Political Audiences and Escalation of International Disputes,” in *American Political Science Review*, Vol. 88, No. 3 (1994), pp. 577 - 595

threats are at their most salient and states experience significant stress to respond in some finite period of time<sup>104</sup>. These problems are likely to be acute in crises that occur within ethnic protracted conflicts in Africa. Africa's population of states with low capacity and weak institutions provide few mechanisms or incentives for cooperation<sup>105</sup>. Such environment typically promotes insecurity<sup>106</sup> and intense competition for scarce resources or access to territorial or territorial power<sup>107</sup>.

At the same time, the prevalence of anocratic<sup>108</sup> regimes in Africa offers disadvantaged groups to advance claims and organize strong autocracies<sup>109</sup>. When opposition groups feel threatened, perceive little opportunities for advancement via conventional means<sup>110</sup>, have predatory motives or devious objectives<sup>111</sup>, or act as spoilers<sup>112</sup>, the likelihood of armed mobilization is high, given a sufficient degree of group resource capacity. There is also increased probability that such groups will be articulating highly radical and indivisible goals such as succession or regime removal. Ethnic-based conflicts exacerbate the situation, often raising the stakes and making issues even less divisible<sup>113</sup>. Once violence occurs, and often before this escalation point is even reached, states signal the willingness to use force and an unwillingness to credibly commit to protecting their non-state adversary security.

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<sup>104</sup> See C. F. Hermann, "International Crisis as a Situational Variable," in J. N. Rosenau (ed.), *International Politics and Foreign Policy: A Reader*, Revised Edition (New York: Free Press, 1969), pp. 409 – 421

<sup>105</sup> See B. F. Walter and J. Snyder, *Civil Wars, Insecurity and Intervention*, (New York: Columbia University Press, 1999)

<sup>106</sup> See B. R. Posen, "The Security Dilemma and Ethnic Conflict," in *Survival*, Vol. 35, No. 1 (1993), pp. 27 - 47

<sup>107</sup> See V. P. Ganon, Jr., "Ethnic Nationalism and International Conflict: The Case of Serbia," in *International Security*, Vol. 19, No. 3, (1994/1995), pp. 130 - 166

<sup>108</sup> An anocracy is a hybrid regime containing both democratic and authoritarian institutional features. See J. Fearon and D. Laitin, "Ethnicity, Insurgency and Civil War," in *American Political Science Review*, Vol. 97, No. 1 (2003), pp. 75 - 90

<sup>109</sup> See H. Hegre, T. Ellingsen, S. Gates and N. P. Gleditsch, "Toward A Democratic Peace? Democracy, Political Change and Civil War, 1816 – 1992," in *American Political Science Review*, Vol. 95, No. 1 (2001), pp. 33 - 48

<sup>110</sup> See T. R. Gurr and D. Kholsa, "Domestic and Transitional Strategies for Managing Separatist Conflicts: Four Asian Cases," in H. R. Alker, T. R. Gurr and K. Rupasinghe (eds.), *Journeys Through Conflict: Narratives and Lessons*, (Lanham, MD: Rowman and Littlefield, 2001), pp. 240 – 287

<sup>111</sup> O. Richmond, "Devious Objectives and the Disputants' View of International Mediation: A Theoretical Framework," in *Journal of Peace Research*, Vol. 35, No. 6 (1998), pp. 707 – 722

<sup>112</sup> S. J. Stedman, "Spoiler Problems in Peace Processes," in *International Security*, Vol. 22, No. 2, pp. 5 – 53

<sup>113</sup> H. Buhag, C. Lars-Erik and J. K. Rod, "Disaggregating Ethno-Nationalist Civil Wars: A Dyadic Test of Exclusion Theory," in *International Organization*, Vol. 62, No. 3 (2008), pp. 531 – 551

Even if one or more sides are not articulating zero-sum goals, conflicts that escalate to violence tend to influence perceptions of the stakes as zero-sum, particularly if the conflict is embedded in a larger protracted conflict<sup>114</sup>. Protracted conflicts are by nature the most intractable; past failed peace efforts and long term rivalries influence self-reinforcing hostility and enduring negative perceptions of an opponent's resolve and intentions<sup>115</sup>.

If combined with severe information problems, conditions of intense threat, perceived zero-sum stakes and insecurity lead to competitive self-help situation or "an ethnic security dilemma", where the rebel and the state have incentives to increase or preserve their relative gains and power and ensure their own security<sup>116</sup>. Trust between parties is lowered. Each side adopts more hard-line bargaining positions, jeopardizing negotiations and increasing the chances of a bargaining stalemate<sup>117</sup>. The perception that one's opponent may be unable or unwilling to commit to any agreements that are signed<sup>118</sup>. Commitment problems are barriers to lasting peace<sup>119</sup>.

Information problems and relatedly, the types of decisions that actors tend to make in the face of uncertainty and stress, also present barriers to resolving violent intrastate conflicts. In any bargaining situation, conflict actors have private information about their own resolve and capabilities and often have incentives to withhold or misrepresent this information in order to try and gain a better deal. Therefore, conflict actors in bargaining game almost

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<sup>114</sup> D. Carment, Y. Samy and S. E. Achkar, "Protracted Conflict and Crisis Mediation: A Contingency Approach," in J. Bercobitch and S. S. Gartner (eds.), *International Conflict Mediation: New Approaches and Findings*, (London: Routledge, 2009), pp. 216 – 239

<sup>115</sup> J. M. Grieg and P. F. Diehl, "Softening Up: Making Conflicts More Amenable to Diplomacy," in *International Interactions*, Vol. 32, No. 4 (2006), pp. 355 – 384

<sup>116</sup> See B. R. Posen, "The Security Dilemma and Ethnic Conflict," *op. cit.*, pp. 27 – 47

<sup>117</sup> *Ibid.*

<sup>118</sup> See P. M. Reagan and A. Aydin, "Diplomacy and Other Forms of Intervention in Civil Wars," in *Journal of Conflict Resolution*, Vol. 50, No. 5, (2006), pp. 736 – 756

<sup>119</sup> See V. G. Fortna, "Scraps of Paper? Agreements and Durability of Peace," in *International Organization*, Vol. 57, No. 2 (2003), pp. 337 – 372

always operate with incomplete information. This inhibits the identification of mutually acceptable alternatives to violence<sup>120</sup>.

The elements of acute threat, surprise, stress and time pressure makes information problems more severe during crises than other times of the conflict, thereby increasing uncertainty. In an effort to save time and cope with complexity and high information costs under these conditions, crisis actors typically compress their decision-making processes by using various psychological or organizational shortcuts, such as premature cognitive closure or reliance on prior beliefs and expectations<sup>121</sup>. This limits a crisis actor's ability or desire to consider all possible alternative perspectives or avenues of action<sup>122</sup>. The outcome of this process is a policy choice that is simply "satisficing", that is, settling for an adequate solution, rather than optimizing<sup>123</sup>. Actors typically reassess their utility functions in the aftermath of a crisis, one would expect a higher likelihood of dissatisfaction with a negotiated agreement, and the durability of this outcome may be decreased if the actors stopped searching for more optimal outcomes when they arrived at one that was only minimally satisfactory<sup>124</sup>.

Actors' disposition toward risk during intrastate conflicts acts as a final barrier to resolution. A central theme in the earliest studies of intrastate conflicts is that conflicts are exercises in competitive risk taking<sup>125</sup>. As crisis escalates, actors resort to costly signals that demonstrate an increasing willingness to accept the costs of war and the audience costs

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<sup>120</sup> S. Kraus, J. Wilkenfeld and G. Zlotkin, "Multiagent Negotiations Under Time Constraints", in *Artificial Intelligence*, Vol. 75, No. 2, (1995), pp. 297 – 345

<sup>121</sup> O. R. Holsti and A. L. George, "The Effects of Stress on the Performance of Foreign Policy Makers," in C. P. Cotter (ed.), *Political Science Annual: An International review*, Vol. 6, (Indianapolis: Bobbs-Merrill, 1975), pp. 255 -319; see also R. Jervis, *Perception and Misperception in International Politics*, (Princeton, NJ: Princeton University Press, 1976)

<sup>122</sup> See O. R. Holsti, *Crisis Escalation War*, (Montreal: McGill-Queen's University Press, 1972)

<sup>123</sup> See Graham T. Allison, *Essence of Decision: Explaining the Cuban Missile Crisis*, (Boston, MA: Little and Brown, 1971)

<sup>124</sup> D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLaughlin and M. Brecher, *Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intrastate Crises in Africa*, A Paper prepared for delivery at the Annual Meeting of the American Political Science Association, September 2009, pp 4 – 5

<sup>125</sup> *Ibid*, p. 5

provide incentives for crisis decision-makers not to back down<sup>126</sup>. Crisis actors are typically more concerned about losses than gains because of the heightened stakes, that is, potential for serious losses, and perceived likelihood of one's opponent launching a first strike<sup>127</sup>. In this context, risky behaviour is more likely<sup>128</sup>.

The characteristics of intrastate conflict make these events most prone to risk-acceptant behaviour. First, ethnic non-state actors are less likely to be risk averse than the states that they fight against, since they operate from a position of disadvantage. Fearon<sup>129</sup> acknowledges that audience costs can provoke weaker actors to stand up to a perceived bully regardless of the weaker actors' intentions to remain steadfast in its position. Furthermore, whether based on reality or contrived, ethnic non-state actors usually advance a narrative wrought with historical grievances against the state<sup>130</sup>, ethnic non-state actors usually, often reinforced by perceptions of recent status quo losses<sup>131</sup>. When combined with threats, to the actor's identity and survival, these perceptions tend to make actors more loss averse<sup>132</sup> and more likely to engage in risky behaviour<sup>133</sup>. As for the state actors, even though they are generally more risk averse than their non-state counterparts, they are deeply concerned with survival<sup>134</sup>. Since regimes are much more likely to suffer losses through rebellion than internal conquest, potential losses will be much more salient when regimes are faced with

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<sup>126</sup> See J. S. Levy, "Loss Aversion, Framing and Bargaining: The Implication of Prospect Theory for International Conflict," in *International Political Science Review*, Vol. 17, No. 2 (1996), pp. 179 – 195

<sup>127</sup> D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLaughlin and M. Brecher, *Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intrastate Crises in Africa*, op. cit., p. 5

<sup>128</sup> See D. Kahneman and A. Tversky, "Prospect Theory: An Analysis of Decision Under Risk," in *Econometrica*, Vol. 47, No. 2, (1979), pp. 263 – 292; see also J. S. Levy, "Loss Aversion, Framing and Bargaining: The Implication of Prospect Theory for International Conflict," op. cit. pp. 179 – 195

<sup>129</sup> D. Fearon, "Domestic Political Audiences and Escalation of International Disputes," in *American Political Science Review*, Vol. 88, No. 3 (1994), pp. 577 – 595

<sup>130</sup> See T. R. Gurr, *Minorities At Risk: A Global View of Ethnopolitical Conflicts*, (Washington, DC: United States Institute of Peace Press, 1993), p. 292

<sup>131</sup> See M. I. Lichbach, *The Rebel's Dilemma*, (Ann Arbor, MI: the University of Michigan Press, 1995) pp. 167 – 241

<sup>132</sup> See R. N. Lebow and J. G. Stein, "Beyond Deterrence," in *Journal of Social Issues*, Vol. 43, No. 4 (1987), pp. 5 - 71

<sup>133</sup> J. S. Levy, "Loss Aversion, Framing and Bargaining: The Implication of Prospect Theory for International Conflict," op. cit., pp. 189 – 190

<sup>134</sup> See J. J. Mearsheimer, *The Tragedy of Great Power Politics*, (New York: Norton, 2001)



internal opponents that articulate zero-sum goals and that are perceived by the state as being capable of achieving said goals. This leads to shrinkage of the bargaining space, a greater tendency to risk is the consequences of non-agreement, and a lower chance of making concessions<sup>135</sup>.

## **2.8.2 Mediation Styles and Intrastate Conflict Resolution Outcomes**

As already discussed in Chapter One, three mediation styles were identified, namely: communication-facilitation, formulation (procedural) and directive (manipulator) styles. The literature on impact of mediation styles will be reviewed on three conflict resolution outcomes namely; mutual compromise, negotiated agreements and tension reduction<sup>136</sup>.

### **2.8.2.1 Mutual Compromise:**

Compromise is an inseparable component of the peaceful resolution of violent conflict. Even intrastate conflicts do not terminate with a negotiated agreement, the process of peaceful resolution is advanced when disputants at the very least reduce their reservation and make basic concessions<sup>137</sup>.

Each style of mediation can help disputants to make concessions, though not all styles are equally adept at this task. Even in the most basic form, mediators assist parties to overcome the myriad of information problems that influence bargaining<sup>138</sup>, thereby reducing uncertainty. *Communication-facilitation* mediators can provide safe environments for exchange of information. They can also structure the negotiation agenda in such a way that

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<sup>135</sup> J. S. Levy, "Loss Aversion, Framing and Bargaining: The Implication of Prospect Theory for International Conflict," op. cit., p. 191

<sup>136</sup> Quinn et al suggest that mediation styles have the following three outcomes, mutual compromise, negotiated agreements and tension reduction in the resolving intrastate conflicts. See D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLaughlin and M. Brecher, *Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intrastate Crises in Africa*, op. cit., pp. 7 - 15

<sup>137</sup> Ibid., p. 8

<sup>138</sup> See D. Filson and S. Werner, "A Bargaining Model of War and Peace: Anticipating the Onset, Duration and Outcome of War," in *American Journal of Political Science*, Vol. 46, No. 4 (2002), pp. 819 - 838

they ensure that discussions of key issues are not prematurely expedited before sufficient opportunities for disclosure have been provided.

*Facilitators* can play an even active role by serving as trustworthy conduit that exchanges sensitive information between parties that are unable to meet face-to-face. In some case facilitators may independently collect information themselves and share it with the parties or clarify previously revealed information and bargaining positions, which help to prevent misperception or deliberate misrepresentation of positions and capabilities by one or more parties<sup>139</sup>.

The role of the *communication-facilitator* as an independent provider of information may be particularly important when parties operate under the time-sensitive and highly uncertain conditions that conflicts present. By employing various mechanisms, communication-facilitators attempt to ensure that the parties have the necessary information to best estimate the range of mutually preferable outcomes and select compromises that fall within this range. Communication-facilitators can also attempt to open the bargaining space by getting states and rebels to redefine seemingly indivisible issues, often through creative problem-solving exercises<sup>140</sup>. Communication-facilitators can build trust among disputants by helping them to alter their negative perceptions of each other<sup>141</sup>, allowing concessions to be made with more confidence that the other side will be committed to its new bargaining position.

*Formulative or procedural* mediators improve on facilitation with regard to the chances of mutual compromise. Formulators often employ the same information tactics as

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<sup>139</sup> See A. H. Kydd, "When Can Mediators Build Trust?" in *American Political Science Review*, Vol. 100, No. 3 (2006), pp. 449 - 462; see also R. Rauchhaus, "Asymmetric Information, Mediation and Conflict Management," in *World Politics*, Vol. 58, No. 2 (2006), pp. 207 - 241

<sup>140</sup> See H. C. Kelman, "Informal Mediation by the Scholar or Practitioner," in J. Bercovitch and J. Z. Rubin (eds.), *Mediation in International relations*, (New York: St. Martin's Press, 1992), pp. 64 - 96

<sup>141</sup> See J. Agusti-Panareda, "Power Imbalances in Mediation: Questioning Some Common Assumptions," in *Dispute resolution Journal*, Vol. 59, No. 2 (2004), pp. 24 - 31

facilitators, but they are also able to actively and more subjectively evaluate this information<sup>142</sup> and use it to steer disputants toward particular ends. Formulators can identify and advocate for specific concessions that exist within the disputants' overlapping bargaining ranges, helping to focus their attention on workable compromises when the threat is heightened, complexity and uncertainty of the conflict situations clouds their ability to accurately perceive the bigger picture. Furthermore, in cases where zones of agreement do not exist or at least one of the parties views the issues in zero-sum terms, a formulative mediator can facilitate problem redefinition in a more powerful way than a facilitator<sup>143</sup>. Formulators can use suggestion and persuasion to try and re-define or re-conceptualize the substance of the bargaining game in order to reveal acceptable concessions that were not perceived previously as such. This may be especially helpful during bargaining stalemates, when disputants tend to equate concession with capitulation and view each other's proposals for resolution as invalid<sup>144</sup>. Each of these formulator tactics has the potential to shift bargaining positions to an even greater degree than those of their more limited third-party counterparts.

*Manipulative (directive)* mediators should be the most successful mediation style at bringing mutual compromise. Not only are manipulative mediators able to propose solutions and help solve information problems, but they have added ability to aggressively press parties to adopt their favoured solution and to actively filter and manipulate information toward this end<sup>145</sup>. What really distinguishes directive mediation styles from the other forms of is the

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<sup>142</sup> Ibid.

<sup>143</sup> D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLauchlin and M. Brecher, *Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intrastate Crises in Africa*, op. cit., p. 8

<sup>144</sup> See T. C. Schelling, "The Strategy of Conflict: Prospectus For Reorientation of Game Theory", in the *Journal of Conflict Resolution*, Vol. 2, No. 3 (September 1958), pp. 203 – 246: 203; see also T. C. Schelling, *The Strategy of Conflict*, (Cambridge, MA: President and Fellows of Harvard College, 1960)

<sup>145</sup> J. Bercovitch, "Mediation in International Conflict: An Overview of Theory, A Review of Practice," in I. W. Zartman and J. L. Rasmussen (eds.), *Peacemaking in International Conflict: Methods and Techniques*, (Washington, DC: United States Institute of Peace Press, 1997) pp. 125 – 153: 145

manipulator's ability to apply leverage to "ripen" unripe situations for resolution<sup>146</sup>. By applying negative sanctions, mediators can raise the costs or decrease the benefits of continued conflict<sup>147</sup> and induce a "mutually hurting stalemate", a situation wherein the parties can no longer tolerate their current positions and are unable to achieve unilateral victory. They can offer what ripeness literature refers to as "way out"<sup>148</sup> by using positive leverage to increase the benefits or decrease the costs of cooperation<sup>149</sup>. In doing so, manipulators expand the zone of agreement<sup>150</sup> and increase the potential gains of concessions. This can change the disputants' utility frames from a focus on losses to a focus on gains, inducing them to reframe their attitudes towards risk aversion<sup>151</sup>.

Given the exceptionally severe levels of insecurity, threat and uncertainty that accompany violent, ethnic, intra-state conflicts, the ability of manipulative mediators to provide security guarantees is particularly important<sup>152</sup>. Because parties are preoccupied with ensuring their own security and trying to achieve relative gains under these conditions, concessions of any type are increasingly unlikely, even if manipulative mediators are able to expand the set of potential outcomes by other means<sup>153</sup>. Manipulative mediators can help to temper the parties' security concerns when they agree to either enforce or monitor peace via

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<sup>146</sup> See J. Z. Rubin, "The Timing of Ripeness and Ripeness Timing," in L. Kriesberg and S. J. Thorson (eds.), *Timing the De-escalation of International Conflicts*, (Syracuse, NY: Syracuse University Press, 1991), pp. 237 - 246

<sup>147</sup> See I. W. Zartman and S. Touval, "International Mediation: Conflict resolution and Power Politics," in *Journal of Social Issues*, Vol. 41, No. 2 (1985), pp. 27 - 45

<sup>148</sup> See I. W. Zartman and Touval, "International Mediation in the Post-Cold War Era." in C. A. Cocker, F. O. Hampson and P. Aal (eds.), *Managing Global Chaos: Sources of and Responses to International Conflict*, (Washington, DC: United States Institute of Peace Press, 1996), pp. 445 - 461:455

<sup>149</sup> See P. J. D. Carnevale, "Strategic Choice in Mediation," in *Negotiation Journal*, Vol. 2 No. 1 (1986), pp. 41-56

<sup>150</sup> I. W. Zartman, "The timing of Peace Initiatives: Hurting Stalemates and Ripe Moments," in *Global Review of Ethnopolitics*, (2001), pp. 8 - 18: 6

<sup>151</sup> J. S. Levy, "Loss Aversion, Framing and Bargaining: The Implication of Prospect Theory for International Conflict," op. cit., pp. 179 - 195

<sup>152</sup> D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLaughlin and M. Brecher, *Overcoming Barriers to Peace: Mediating Violent Ethnic, Intrastate Crises in Africa*, op. cit., p. 9

<sup>153</sup> Ibid., p. 9

oversight committees or the provision of actual peacekeepers<sup>154</sup>. In the role of security guarantee provider, a manipulative mediator attempts to decrease the parties' perceived costs of cooperation by shifting the onus of security provision responsibilities from the parties themselves to the mediator and or by threatening punishment for continued conflict. Such guarantees help to foster a bargaining environment where parties can feel safer and less fixated with achieving unilateral relative gains, increasing opportunities for compromise<sup>155</sup>.

### 2.8.2.2 Negotiated Agreements

The negotiated (or formal) settlement is one type of compromise<sup>156</sup>. Formal (negotiated) agreements typically have a higher degree of sustainability in comparison to other non-unilateral, peaceful conflict resolution outcomes. This is because agreements are binding and more costly to renege on. The creation and implementation of formal agreements require ample resources, so disputants will try to avoid incurring wasted costs brought about by signing an agreement that they project will collapse<sup>157</sup>. Formal agreements also frequently contain specific punishment provisions for non-compliance, and contractual norms and audience costs legitimize retaliation should the agreement be violated<sup>158</sup>. Because formal agreements are costly, such agreements tend to be signed only when their provisions lie within parties' overlapping range of mutually acceptable outcomes. Evidence exists that more comprehensive agreements are also durable overtime<sup>159</sup>. While ceasefires are necessary and important steps in the piecemeal process of resolving protracted intrastate conflicts, challengers to the state remain in the absence of some agreement on the issues at stake, unless

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<sup>154</sup> See F. O. Hampson, *Nurturing Peace: Why Peace Settlements Succeed or Fail*, (Washington, DC: United States Institute of Peace Press, 1996)

<sup>155</sup> P. M. Reagan and A. Aydin, "Diplomacy and Other Forms of Intervention in Civil Wars," op. cit., p. 741

<sup>156</sup> D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLauchlin and M. Brecher, *Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intrastate Crises in Africa*, op. cit., p. 10

<sup>157</sup> Ibid., p. 10

<sup>158</sup> See V. P. Fortuna, "Scraps of Paper? Agreements and Durability of Peace," in *International Organization*, Vol. 57, No. 2 (2003), pp. 337 – 372: 345

<sup>159</sup> See B. F. Walter, "The Critical Barrier to Civil War Settlement," in *International Organization*, Vol. 51, No. 3 (1997), pp. 335 – 367: 361; see also V. P. Fortuna, "Scraps of Paper? Agreements and Durability of Peace," op. cit., p. 363

one side is able to achieve a conflict terminating military victory<sup>160</sup>. Agreements that attempt to resolve political, economic, territorial, or even more extensive security issues contain all of security requirements of ceasefires but also require concessions of a much wider scale<sup>161</sup>. Consequently, the overlapping range of mutually preferable outcomes usually needs to be expansive for such agreements to be signed. At their essence, more comprehensive agreements attempt to institutionalize broader degrees of commitment to resolving the underlying issues at stake in conflict situation. Hence, the costs and prescribed commitments associated with agreements, as well as the audience effects and repercussions of non-compliance, also increase as the set of issues addressed by the agreement increases<sup>162</sup>.

Studies of intrastate conflicts have shown that there is a substantial relationship between mediation and likelihood of a formal agreement being signed<sup>163</sup>. Mediators help parties to negotiate such agreements by opening up lines of communication, expanding the range of outcome options under consideration, incentivizing risk aversion and commitment to peace, disincentivizing competitive, self help conflict management techniques<sup>164</sup>. Some of these mediation techniques should prove more successful than others. The general argument about compromise is thus extended to the specific, focused context of the negotiated settlement.

*Facilitative* mediators' encourage disputants to share information and help them to alter their embedded images of each other and therefore provide an environment in which

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<sup>160</sup> Ibid., p. 361

<sup>161</sup> D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLauchlin and M. Brecher, *Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intrastate Crises in Africa*, op. cit., p. 10

<sup>162</sup> Ibid., p. 10

<sup>163</sup> See J. Wilkenfeld, K. Young, V. Asal, and D. Quinn, "Mediating International Crises: Cross-National and Experimental Perspectives," in *Journal of Conflict Resolution*, Vol. 47, No. 3 (2003), pp. 279 – 301; see also K. C. Beardsley, D. Quinn, B. Biswas, and J. Wilkenfeld, "Mediation Style and Crisis Outcomes," in *Journal of Conflict Resolution*, Vol. 50, No. 1 (2006), pp. 58 – 86; see also D. Quinn, J. Wilkenfeld, K. Smarick and V. Asal, "Power Play: Mediation in Symmetric and Asymmetric International Crises," in *International Interactions*, Vol. 32, No. 4 (2006), pp. 55 - 73

<sup>164</sup> D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLauchlin and M. Brecher, *Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intrastate Crises in Africa*, op. cit., p. 10

distrustful and self-disinterested parties can begin opening themselves up and becoming more acclimated to the idea of committing to arguments that have higher potential costs. Nevertheless, pure facilitative mediation can only be supportive of the disputants' bilateral efforts<sup>165</sup>.

In contrast, *formulative (procedural)* mediators can actively promote or advocate for particular types of negotiated agreements. Third parties with suggestive powers are often needed to create bargaining focal points in order to overcome haggling over small gains and deadlock in the negotiation processes. In some cases, formulative mediators may use their powers of persuasion and suggestion to alter the parties' basic perceptions of what constitutes a mutually acceptable set of agreement provisions<sup>166</sup>. With greater influence over interpretation of information, than facilitators, formulators can also advocate for agreements that more accurately account for differences in goals and capabilities among conflict actors. Parties may also sign on to agreements advocated by formulators in order to avoid potential audience costs for going against the mediator's wishes, to maintain a good relationship with the mediator, or more insincerely, to use the mediator as a scapegoat if the agreement fails<sup>167</sup>.

*Manipulative* mediation has been found to have an even more profound effect on agreements than less intrusive forms of mediation<sup>168</sup>. This relationship seems to hold even in most unstable, dangerous and hostile environments<sup>169</sup> such as violent intrastate conflicts in Africa<sup>170</sup>. There is a widely held perception that mediators with leverage are most able to

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<sup>165</sup> Ibid., p. 11

<sup>166</sup> Ibid., p. 11

<sup>167</sup> See T. Princen, *Intermediaries in International Conflict*, (Princeton: University of Princeton, 1992), pp. 3 - 66

<sup>168</sup> See J. Bercovitch and A. Houston, "Why Do They Do It Like This? An Analysis of the Factors Influencing Mediation Behavior in International Conflicts," *op. cit.*, p.192

<sup>169</sup> See T. C. Morgan, *Unifying the Knot of War: A Bargaining Theory of International Crises*, (Ann Arbor: University of Michigan Press, 1994), pp. 136 - 137

<sup>170</sup> See D. Rothchild, *Managing Ethnic Conflict in Africa: Pressures and Incentives for Cooperation*, (Washington, DC: Brookings Institution Press, 1997),

alter parties' incentives for fighting or force them into signing more agreements<sup>171</sup>. They can also increase the incentives of settlement by agreeing to pay some high costs of setting up and maintaining more formal and comprehensive peace accords, possibly including side payments to induce their cooperation<sup>172</sup>. By offering to sweeten potential peace deals, manipulators can induce disputants to become risk averse, causing them to adopt a more conservative approach to military action and opening up additional possibilities for agreement<sup>173</sup>.

However, not all manipulative mediation tactics are effective at inducing disputants to sign agreements. Quinn et al point out that conflict actors have incentives to hold out for more concessions in the future, especially when states perceive zero-sum threat or when non-state actors are dedicated to achieving indivisible goals<sup>174</sup>. They may also do so out of vulnerability or fear that the other side will renege on the agreement in the future<sup>175</sup>. In order to get full cooperation from disputants, manipulative mediators will often need to help resolve commitment problems by agreeing to monitor or enforce compliance with the terms of agreement. This can also assist parties to move beyond security issues and craft agreements containing commitments on the political and economic issues under dispute<sup>176</sup>.

### **2.8.2.3 Tension Reduction**

Despite the fact that humanitarian and security concerns dictate that any respite in violence and mitigation of conflict conditions are positive outcomes, the best case scenario would be sustained reduction in tensions between parties following the conflict. Significant

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<sup>171</sup> See O. Richmond, "Devious Objectives and Disputants' View of International Mediation: A Theoretical Framework," op. cit. pp. 707 - 722

<sup>172</sup> P. A. Schrodt and D. J. Gerner, "An Event Analysis of Third-Party Mediation in the Middle East and Balkans," in *Journal of Conflict Resolution*, Vol. 48, No. 3 (2004), pp. 310 - 330: 320

<sup>173</sup> D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLaughlin and M. Brecher, *Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intrastate Crises in Africa*, op. cit., p. 11

<sup>174</sup> Ibid., p. 11

<sup>175</sup> B. F. Walter, "The Critical Barrier to Civil War Settlement," op. cit., p. 349

<sup>176</sup> D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLaughlin and M. Brecher, *Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intrastate Crises in Africa*, op. cit., p. 11



threats to durable peace in civil wars and conflict is the fact that their resolution is a piecemeal process and civil wars are in themselves protracted situations. Such conflicts are punctuated by intermittent crisis in the midst of extended hostile interaction, much like protracted conflicts and enduring rivalries at intrastate level<sup>177</sup>. The agreement implementation is prone to delays or collapse<sup>178</sup>. The problems of durable peace are particularly acute in Africa, where weak institutions and economies provide few incentives for states and non-state actors to play by the rules and commit to upholding agreements that they sign. With a propensity for espousing radical goals and adopting risk acceptant dispositions, armed opposition organizations in these weak states have fewer incentives to remain committed to compromise. These regimes challenged by these groups have fewer incentives to practice restraint toward or follow through with ceding some degree of power to such groups in the aftermath of the agreements<sup>179</sup>.

Emerging from a period of intense hostile interactions, parties often continue to experience elevated insecurity in the immediate aftermath of conflict situations. Several circumstances in particular increase the likelihood of post-conflict tension escalation: when one or more of these actors sign a pact whose terms are barely above reservation points, when these actors experience change in capabilities after the conflict terminates, or when they reassess how the distribution of capabilities among themselves and their opponents matches with the distribution of benefits provided by the agreement<sup>180</sup>.

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<sup>177</sup> See E. E. Azar, P. Jureidini and R. McLaurin, "Protracted Social Conflict: Theory and Practice in the Middle East," in *Journal of Palestine Studies*, Vol. 8, No. 1 (1978), pp. 41 – 60; see also G. Goertz and P. F. Diehl, "The Empirical Importance of Enduring Rivalries," in *International Interactions*, Vol. 18, No. 2 (1992), pp. 151 - 163

<sup>178</sup> See T. R. Gurr and D. Kholsa, "Domestic and Transnational Strategies for Managing Separatist Conflicts: Four Asian Cases," in H. R. Alker, T. R. Gurr and K. Rupesinghe (eds.), *Journeys Through Conflict: Narratives and Lessons*, (Lanham, MD: Rowman and Littlefield, 2001), pp. 240 - 287

<sup>179</sup> D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLaughlin and M. Brecher, *Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intrastate Crises in Africa*, op. cit., p. 12

<sup>180</sup> See S. Werner, "The Precarious Nature of Peace: Resolving the Issues, Enforcing the Settlement and Renegotiating," in *American Journal of Political Science*, Vol. 43, No. 3 (1999), pp. 912 – 933; see also R. Powell, "Bargaining Theory and International Conflict," in *Annual Review of Political Science*, Vol. 5, No. 1 (2002), pp. 1 - 30

In each of these cases, if one or more of the parties are satisfied, with the terms of a conflict outcome and believe they will maximise their utility by returning to the battlefield, peace agreements are likely to breakdown. Conversely, peace agreements are most durable when they lie well above each side's reservation level and the parties receive benefits in accordance to their distribution capabilities<sup>181</sup>. Thus, contrary to the argument that peace agreements in intrastate conflicts are generally prone to failure<sup>182</sup>, evidence exists that some negotiated outcomes are likely to endure<sup>183</sup>.

A number of studies have found evidence that mediation has important positive influence on the durability of peace in civil wars<sup>184</sup>. Unaided by mediators, disputants are likely to experience the adverse effects of insecurity and commitment and information problems in a more severe manner. Through various styles of involvement, mediators utilize specific tools that should help alleviate these problems and increase the likelihood of long-term tension reduction in intrastate conflicts.

The ability of *communication-facilitative* mediation encourage the communication between disputants should be beneficial in reducing uncertainty and helping parties to share information on their goals, resolve and capabilities. Problem-solving approaches to facilitation can play an important role towards this end by helping the parties to sign agreements that attempt to redefine their relationship and issues at stake in positive terms<sup>185</sup>. Facilitation advocates content that disputants will be more likely to commit themselves to maintaining agreements which they craft themselves. Disputants' investment of their own

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<sup>181</sup> Ibid.

<sup>182</sup> See F. O Hampson, *Nurturing Peace: Why Peace Settlements Succeed or Fail*. (Washington, DC: United States Institute of Peace Press, 1996)

<sup>183</sup> D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLauchlin and M. Brecher, *Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intrastate Crises in Africa*, op. cit., p.

<sup>184</sup> See B. F. Walter, *Committing to Peace: The Successful Settlement of Civil Wars*. (Princeton, NJ: Princeton University Press, 2002); see also A. H. Kydd, "When Can Mediators Build Trust?" in *American Political Science Review*, Vol. 100, No. 3, (2006), pp. 449 – 462; A. Aydin and P. R. Regan, "Diplomacy and Other Forms of Intervention in Civil Wars", in *Journal Of Conflict Resolution*, Vol. 50, No. 5 (2006), pp. 736 - 756

<sup>185</sup> See H. C. Kelman, "Informal Mediation by Scholar or Practitioner", in J. Bercovitch and J. Z. Rubin (eds.), *Mediation in International Relations*. (New York: St. Martin's Press, 1992), pp. 64 - 96

resources and reputations in these agreements will provide disincentives for renegeing on them at a later point<sup>186</sup>.

Previous research on interstate conflicts has shown that *formulative* mediators are less effective than *facilitative* mediators at ensuring post-conflict reduction between disputants<sup>187</sup>. Quinn et al suggest that formulative mediation plays out differently at the intrastate level, particularly in Africa and when violence and ethnicity are involved. This is because the actors will likely have a higher tolerance in engaging in risky behaviour and articulate hardline bargaining position based on goals that are highly zero-sum in nature<sup>188</sup>. In such cases, discovering any kind of overlapping bargaining zone is difficult, let alone identifying and reaching agreement on an outcome that leaves both parties reasonably satisfied and committed. Hence, bargains in such cases will have a higher chance of settling near the periphery or even outside the zone of agreement when parties are largely or fully left to their own devices. In such circumstances, formulation should prove to be more successful than facilitation because mediators that can highlight common ground, and more actively attempt to resolve information problems will be especially helpful<sup>189</sup>. The suggestive and coordinative powers of formulative mediators can be effective at getting parties to reframe their “fairness” quotient (share) in the bargaining game and break stalemates that tend to be the commonplace and that threat post-conflict relations in protracted intrastate conflicts<sup>190</sup>.

*Directive or manipulative* mediators are effective at reducing tension for many of the same reasons as formulation. But the leveraging abilities of manipulative mediators should have an even more profound effect. With greater abilities to pool and provide information

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<sup>186</sup> D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLauchlin and M. Brecher, *Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intrastate Crises in Africa* op. cit., p 13

<sup>187</sup> See J. Wilkenfeld, K. Young, D. Quinn and V. Asal, *Mediating International Crises*, (London: Routledge, 2005), p. 86; see also K. C. Beardsley, D. Quinn, B. Biswas and J. Wilkenfeld, “Mediation Style and Crisis Outcomes,” in *Journal of Conflict Resolution*, Vol. 50, No. 1 (2006), pp. 58 - 86

<sup>188</sup> D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLauchlin and M. Brecher, *Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intrastate Crises in Africa*, op. cit., p 13

<sup>189</sup> *Ibid.*, p. 13

<sup>190</sup> J. Wilkenfeld, K. Young, D. Quinn and V. Asal, *Mediating International Crises*, op. cit., p. 86

and “force” specific outcomes, manipulative mediators theoretically have an advantage with regard to getting parties to perceive the true parameters of zone agreement and select an outcome that lies firmly within that zone<sup>191</sup>. Manipulative mediators can also promise or, if necessary, threaten “to keep the peace” in the post-conflict period.

Nevertheless, scholars like contend and have shown evidence that more directive mediation styles are detrimental or at the very least, diminished effects on long-term conflict resolution. Explanations for this vary. Through aggressive substantive contribution, manipulative mediators can have damaging effects on disputants’ level of trust and goodwill toward their opponents and the mediator<sup>192</sup>. Powerful mediators may use their leverage in an expedient manner, deflating bargaining points without ensuring that the distributions of capabilities and benefits match one another or that the outcomes are perceived as fair and reasonable by disputants<sup>193</sup>. Some manipulative mediators may also focus solely on altering power balances between the parties and ignore other issues that will have long-term effects on the parties relations like improving information sharing<sup>194</sup>. In addition, selection of manipulative mediation into the conflict may itself be an indicator that conditions are very

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<sup>191</sup> See T. Princen, *Intermediaries in International Conflict*, (Princeton: Princeton University Press, 1992); See also J. Bercovitch, “Mediation in International Conflict: An Overview of Theory, A Review of Practice,” in I. W. Zartman and J. L. Rasmussen (eds.), *Peacemaking in International Conflict*, (Washington, DC: United States Institute of Peace Press, 1997), pp. 125 – 153; A. H. Kydd, “Which Side Are You On?: Bias, Credibility and Mediation,” in *American Journal of Political Science*, Vol. 44, No. 4 (2003), pp. 597 - 611

<sup>192</sup> P. J. D. Carnevale and R. Peggnetter, “The Selection of Mediation Tactics in Public Sector Disputes: A Contingency Analysis,” in *Journal of Social Issues*, Vol. 41, No. 2 (1985), pp. 65 – 81; see also H. C. Kelman, “Informal Mediation by Scholar or Practitioner”, in J. Bercovitch and J. Z. Rubin (eds.), *Mediation in International Relations*, (New York: St. Martin’s Press, 1992), pp. 64 – 96; T. Princen, *Intermediaries in International Conflict*, (Princeton: Princeton University Press, 1992)

<sup>193</sup> See O. Richmond, “Devious Objectives and the Disputants’ View of International Mediation: A theoretical Framework,” in *Journal of Peace Research*, Vol. 35, No. 6 (1998), pp. 707 – 722; K.. Aggestam, “Mediating Asymmetrical Conflict,” in *Mediterranean Politics*, Vol. 7 No. 1 (2002), pp. 69 – 91; S. Werner and A. Yuen, “Making and Keeping Peace,” in *International Organization*, op. cit., pp. 261 – 292

<sup>194</sup> See P. M. Regan, “Third-Party Interventions and Duration of Intrastate Conflicts,” in *Journal of Conflict Resolution*, Vol. 46, No. 1 (2002), pp. 55 - 73

uncertain and the conflict is very difficult to resolve, diminishing the prospect for long-term mediator success from the start<sup>195</sup>.

Despite the potential negative effective of manipulation mediation style, evidence exists that manipulative mediators have success at bringing about long-term resolution of civil and ethnic wars when they focus on resolving commitment problems and security dilemmas in particular<sup>196</sup>. According to Hartzell, Hoddie and Rothschild<sup>197</sup>, high intensity conflict events are often less amenable to stable, long-term resolution due to “feelings of insecurity (that) will prevail given the fears, memories, and sunk costs associated with high levels of casualties”<sup>198</sup>. They argue that this will lead to a likelihood of “trigger-happy” responses to what would seemingly be minor ceasefire violations. In this scenario, what are often needed are mediators who try and reduce commitment problems by arranging for the provision of peacekeepers, serving on verification and monitoring committees, and or acting as guarantors of agreements. These mechanisms entrust that parties with parsing out who is to blame for violations of peace accords, raising the costs of defections<sup>199</sup>. Even Werner and Yuen, who provider a highly negative view of the long-term success of directive mediation style, imply that mediators committed to ensuring peace through the threat of future negative sanctions have an important deflating effect on the risk of ceasefire failure<sup>200</sup>. Thus, when mediators act as guarantors of agreements, they can help ensure that agreements are being implemented according to plan and in a timely manner.

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<sup>195</sup>See J. Bercovitch and S. S. Garner, “Is There Method in the Madness of Mediation? Some Lessons for Mediators from Quantitative Studies of Mediation,” in *International Interactions*, Vol. 32, No. 4 (2006), pp. 329 - 354

<sup>196</sup> See D. A. Lake and D. Rothschild, “Containing Fear: The Origins and Management of Ethnic Conflict,” in *International Security*, Vol. 21, No. 2 (1996), pp. 41 - 75

<sup>197</sup> See C. Hartzell, M. Hoddie and D. Rothschild, “Stabilizing the Peace After Civil War: An Investigation of Some Variables,” in *International Organization*, Vol. 55, No. 1 (2001), pp. 183 – 208

<sup>198</sup> *Ibid.*, p. 190

<sup>199</sup> V. P. Fortuna, “Scraps of Paper?” *Agreements and Durability of Peace*, op. cit., p. 363

<sup>200</sup> See S. Werner and A. Yuen, “Making and Keeping Peace,” in *International Organization*, Vol. 59, No. 2 (2005), pp. 261 - 292

## 2.9 Conclusion

This chapter has made a broad ranging assessment of the literature on mediation and various concerns relevant to this study. The literature on mediation as a tool of conflict management has highlighted its importance. The literature also points out that the overall context affects mediation and is, in turn, affected by it; thus, as Bercovitch<sup>201</sup> notes that mediation can be viewed as an extension of bilateral conflict management.

The literature on outcomes has largely remained at a theoretical level and the few concrete cases are limited to 'failure' or 'successes without a critical evaluation of attempts at particular conflict management. Existing literature demonstrates what constitutes a successful mediation outcome or how to identify it. Thus, the success of a process of mediation may be perceived very differently by the parties involved, the mediator and an observer. The literature assessment provided in this chapter points out that success in mediation is not attributable to a single cause or factor. The literature also suggests that there are varying degrees to which mediating efforts contribute to failure. This is very important when determining success or failure in the context of the Sudan and Somali peace process.

The literature has demonstrated that in intractable conflicts, international mediators are ineffective, if not counter-productive, when they deviate away from the logic of mediation and apply undue pressure to the parties. This inhibits conflict resolution and lowers a party's trust to the mediator. Indeed, resolving intractable conflict is a process and not an event. Successful outcomes are closely associated with the nature and characteristics of the conflict as well as the mediator's background and styles.

Literature reviewed in this chapter also reveal that *directive(manipulative)* mediation style has the most powerful effect on the set of outcomes that exist at the termination point of

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<sup>201</sup> J. Bercovitch and A. Houston, "The Study of International Mediation: Theoretical Issues and Empirical Evidence", in J. Bercovitch (ed.), *Resolving International Conflicts: Theory and Practice of Mediation* (Boulder, CO: Lynne Rienner, 1996), pp. 11 – 38: 22

a conflict. Thus it has an effect on the content of the outcome, the form of the outcome and comprehensiveness of the agreement. Through their use of leverage, manipulative mediators are most adept at shifting bargaining positions because they can provide clear incentives for compromise and agreement and disincentives for continued violence. By doing so, they alter their zero-sum and risk-acceptant frames and overcome the severe commitment problems and lack of institutional incentives that inhibit cooperation in violent intrastate conflicts. Manipulative mediation is especially effective at bringing about mutual compromise and agreements when they provide security guarantees. Such guarantees only increase the likelihood of agreements in general, but are particularly effective in getting the disputants to move beyond security issues alone and sign pacts that deal with larger political, economic, territorial or security issues at stake.

The literature<sup>202</sup> also reveals that there is little evidence that mediators can successfully produce any outcomes of the outcomes (mutual compromise, negotiated agreement and tension reduction) when they limit themselves to the substantively less intrusive styles of communication-facilitation and formulation. Conflicts in which mediators adopt manipulative tactics are most likely to end in formal agreement, and the relationship between manipulation as the highest mediation style and both mutual compromise and comprehensiveness of agreements is significant. It is also apparent that mediators are best served by adopting styles that include manipulative strategies while focusing their efforts on formulative tactics if their primary concern is to bring both short-and long-term mutually acceptable outcomes. Pure facilitative approach to mediation is less likely to get parties to compromise than if they were left to their devices. On the other hand, this could be additional evidence in support of recent findings that disputants with devious objectives will select

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<sup>202</sup> For instance, see studies by Quinn et al on the impact of mediation on conflict resolution outcomes by examining data that covered 91 intrastate conflicts in Africa from 1990 to 2005. See details in D. Quinn, P. Eralp, J. Wilkenfeld, V. Asal, T. McLauchlin and M. Brecher, *Overcoming Barriers to Peace: Mediating Violent, Ethnic, Intrastate Crises in Africa*, op. cit., pp. 15 – 23

facilitators when they have long-term incentives to continue fighting or little desire to commit to a significant shift in their bargaining positions<sup>203</sup>. Pure facilitative mediators are simply ill equipped to deal with the significant roadblocks to resolution faced by actors in violent, intrastate conflicts even if these actors ultimately desire a negotiated solution.

This literature on mediation styles and their outcomes provides important background to this study and will be useful when analyzing the two cases: the Sudan and Somali peace processes particularly understanding difficulties of resolving their intractability but more importantly, relating the issues being addressed by mediation process and the outcomes of the mediation styles in Chapter Five. This study will also examine the effect of the three mediation styles on the outcomes of both Sudan and Sudan and Somali peace process. Furthermore, the study will attempt to identify which of the three mediation styles is the most effective in resolving conflicts in this case the Sudan and Somali conflicts.

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<sup>203</sup> O. Richmond, "Devious Objectives and Disputants' View of International Mediation: A Theoretical Framework," in *Journal of Peace Research*, Vol. 35, No. 6 (1998), pp. 707 - 722



## **Chapter 3: The Sudan Peace Process, 1994 to 2005**

### **3.0 Introduction**

This Chapter will discuss the roots of the Sudan Civil War before and after independence. It will provide an overview of the complexity and multiplicity of the issues underlying the protracted war mainly between the southerners and the northerners. An in-depth examination of the issues at the centre of the conflict will also be reviewed. The nature of the dispute will also be discussed with a view of contextualizing their intricacies and complexities and how this impacted on the various mediation strategies used by various mediation initiatives. These will include: the Nigerian Peace Initiative, the first Intergovernmental Authority for Development (IGAD) attempt, the Joint Libyan and Egyptian Initiative, and the second IGAD peace process that culminated in the signing of the Comprehensive Peace Agreement. The chapter will also provide the context under which the mediation efforts by various actors after independence and during the two major civil wars that took place in post-independence Sudan. The dynamics, involvement and styles of various mediators and their impact in the Sudan Peace Process will also be reviewed. Similarly, the various interests of the parties will be assessed. How these interests influenced the outcomes of the mediation process will also be analyzed. The apparatus and options available to the mediators are also analyzed. The various outcomes of these mediation efforts will also be reviewed.

### **3.1 The Sudan Conflict: A Historical Overview**

Sudan occupies a unique position in African and Middle Eastern regional affairs. A member of the Arab League and African Union (AU), Sudan borders seven sub-Saharan countries while also having an 853 kilometre coastline on the Red Sea, and also borders Libya and Egypt. According to Rogier, Sudan is unique in the sense that it is the only African

state that is the product of European colonialism, but colonialism by Ottoman Egypt; and one of the few African countries to be torn by a conflict of self determination<sup>1</sup>. Physical distances have profound implications in Sudan; the centralized regime in Khartoum is inherently challenged in extending its rule within a marginal and often neglected infrastructure, in which the country is administratively divided into 26 states and 133 districts.

The geographical borders of contemporary Sudan were defined at the forefront of African post-colonialism. The country has been historically divided into northern and southern regions, with a physical separation delineated by people and not terrain, a political declaration of semi-autonomy that both preceded independence and was institutionalized by a Line of Demarcation on January 1, 1957<sup>2</sup>. The population in the south is mainly African Christian and animist. The majority Arab population of northern central Sudan is Muslim, while a predominantly African Muslim population lives in western Darfur region. Religious affiliations are further divided into ethnic divisions, thereby exacerbating “the difficulty of achieving consensus within the Sudan concerning its national identity”<sup>3</sup>.

### **3.1.1 Colonialism to Independence**

As already noted, as with much of Africa, Sudan’s current geographical borders were drawn with the departure of colonialism and the onset of independence after the Second World War. Located at the nexus of trade routes linking the Middle East with the caravans of the Trans-Sahel, the provinces of Sudan have been subject to a rich and diverse history. Niblock<sup>4</sup> notes that by the Sixteenth Century, governments were largely involved in the administration regulation of trade, as exemplified by Sennar and Keira sultanates that

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<sup>1</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*. (The Hague: Netherlands Institute of International Relations Clingendael, 2005), p. 6

<sup>2</sup> See Tim Niblock, *Class and Power in Sudan: The Dynamics of Sudanese Politics, 1898 – 1985*, (Albany, NY: State University of New York, 1987)

<sup>3</sup> A. M. Lesch, *The Sudan: Contested National Identities*, (Indianapolis, IN: Indiana University Press, 1998), p. 3: See also E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 6

<sup>4</sup> See Tim Niblock, *Class and Power in Sudan: The Dynamics of Sudanese Politics, 1898 – 1985*, op. cit., pp 1 - 11

eventually led to the emergence of a merchant class that was fostered by involvement of foreign trade which ultimately weakened these administrative authorities. The Ottoman Egyptian forces under Muhammed Ali conquered the disintegrating Sennar sultanate in 1821; and Ali was in turn overthrown by Mahdist forces in 1885. Woodward further notes that the Mahdist regime was defeated in the Battle of Omdurman in 1898, and the Anglo-Egyptian Condominium in Sudan was established<sup>5</sup>. Thus, Sudan came under joint British – Egyptian administration with the signing of the Anglo-Egyptian Treaty of 1899<sup>6</sup>. The Authority of the condominium was vested in the appointment of a governor-general, appointed by the Egyptian Khedive on the recommendation of the British government. Great Britain, at the time, had immense imperial interest in protecting upper Nile and maintained some colonial authority of Egypt<sup>7</sup>. The disparities in were codified with the “Closed Districts Ordinance” of 1924, which guaranteed the complete administrative separation of North and South Sudan into “separate entities with formal and consular arrangements between them,” and was not reversed until 1947<sup>8</sup>.

Colloton et al note that the political changes in the Middle East following the First World War, during which the Sudanese government re-conquered the Sultanate of Darfur, fostered nationalist movements in both Egypt and Sudan<sup>9</sup>. While Britain unilaterally accorded independence to Egypt, Sudan’s nationalist movement was judged to be fragmented and largely urban based in the north. This resulted in a distinct schism in the British colonial policies. The British considered the south a fractured appendage to the largely unitary north, with no recognizable system of local governance. Instead of fostering a local government as they did in the north, the British became intricately involved in ruling the south; political

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<sup>5</sup> P. Woodward, *Condominium and Sudanese Nationalism*, (New York: Harper and Row, 1979), p. 2

<sup>6</sup> R. Collins, *A History of Modern Sudan*, (New York: Cambridge University Press, 2008), p. 10

<sup>7</sup> *Ibid.*, p. 33

<sup>8</sup> P. A. Nyaba, *The Politics of Liberation in South Sudan*, (Kampala: Fountain Publishers Limited, 1994), p. 14

<sup>9</sup> P. T. Colloton, B. R. Maitre and T. E. Stoner, *An Adaptive Security Construct: Insurgency in Sudan*, (Monterey, CA: Naval Postgraduate School, 2007), pp. 35 - 36

separation between the north and south was formalized by default<sup>10</sup>. Daly explains that “since the north promised a return on foreign capital, it had a claim on the government’s disbursement of funds for education, health services, and general development which the south had not.”<sup>11</sup>

The movement for the Sudanese independence has been described as “less a product of nationalist mobilisation than of international diplomacy, arising out of Sudan’s *de facto* status as a colony of two countries.”<sup>12</sup> As Egyptian nationalists struggled for independence against Great Britain, a pan-Arab proposal for “Unity of the Nile Valley” spread throughout the region including northern Sudan<sup>13</sup>. Northern elites began to believe that the south was “necessary for economic prosperity of the north”, and thus that territorial integrity of Sudan was of premier importance<sup>14</sup>. Up until that time, the British Foreign Office, which administered colonies, had considered linking southern Sudan with present day Kenya – a move that would have given strength to the pan-Arab movement<sup>15</sup>. Instead, in an effort to keep Sudan out of Egyptian hands, the 1947 Administration Conference was held between the British, Northern Sudanese and Southern Sudanese delegates to create a plan for the transition to an independent Sudan<sup>16</sup>.

When transition for independence for a unified Sudan was outlined in 1953, distrust of new authority was immediate. Indeed, E. H. Nightingale, a Governor of Equatoria, offered a prescient warning: “The shock of discovering that the British propose to withdraw and abandon them within the next three years to other administrators who are distrusted and even

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<sup>10</sup> Ibid., p. 35

<sup>11</sup> M. W. Daly, “Broken Bridge and Empty Basket: The Political and Economic Background of the Sudanese Civil War,” in M. W. Daly and A. Sakainga(eds.), *Civil War in Sudan*, (New York City: St. Martin’s Press, 1993), pp. 1 – 26: 10

<sup>12</sup> D. H. Johnson, *Root Causes of Sudan’s Civil Wars*. (Bloomington, IN: Indiana University Press, 2003), p. 21

<sup>13</sup> A. Tuchman, “Fate of Millions: The Origins of the Second Sudanese Civil War”, in *University of Florida International Review*. (Winter 2011), pp. 49 – 60: 50

<sup>14</sup> Ibid., p. 50

<sup>15</sup> D. H. Johnson, *Root Causes of Sudan’s Civil Wars*, op. cit., pp. 23 - 25

<sup>16</sup> A. Tuchman, “Fate of Millions: The Origins of the Second Sudanese Civil War”, op. cit., p. 51

hated by the majority of the population will, I believe, leave them bewildered and resentful”<sup>17</sup>. These words were to be perhaps typically British understatement of the discord to come.

From then until full independence was achieved in 1956, few of the arrangements to develop the South’s education, infrastructure, or governing systems were implemented<sup>18</sup>. Instead, the Northern elites that had reaped the benefits of modernization under the Condominium Regime held on to their power<sup>19</sup>.

### **3.1.2 The First Sudanese Civil War, 1955 - 1972**

The first fourteen years of independence were tumultuous, exemplified by alternating periods of parliamentary (1956-58, 1964-68) and military rule (1959 to 1964)<sup>20</sup>. Throughout this period, “political influence and authority rested with those social groupings which had benefitted from distribution of resources under the Condominium.”<sup>21</sup> This separation of interests had distinct repercussions regarding the concept of social identity in the Sudanese population: “The creation of Sudanese consciousness developed only once outsiders had defined the country’s territorial boundaries for it. Similarly, the growth of regional consciousness amongst the heterogeneous peoples of the South resulted in part from the British policy of seeking to develop it in a way which would retain, indeed accentuate, its differences from the North.”<sup>22</sup> Southern Sudanese were excluded from the formal political process; southern political parties were outlawed in 1958 and civil strife escalated for the next ten years, a period during which southern opposition was ill organized and largely

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<sup>17</sup> P. Woodward, *Condominium and Sudanese Nationalism*, op. cit., p. 148

<sup>18</sup> M. W. Daly, “Broken Bridge and Empty Basket: The Political and Economic Background of the Sudanese Civil War,” op. cit., p. 10

<sup>19</sup> Ibid., p. 13

<sup>20</sup> P. T. Colloton, B. R. Maitre and T. E. Stoner, *An Adaptive Security Construct: Insurgency in Sudan*, op. cit., 36

<sup>21</sup> Tim Niblock, *Class and Power in Sudan: The Dynamics of Sudanese Politics, 1898 – 1985*, op. cit., p. 204

<sup>22</sup> P. Woodward, *Condominium and Sudanese Nationalism*, op.cit., pp. 181 - 182

ineffective, with the exception of the Anya-Nya rebels, who were later supplanted by the Sudanese People's Liberation Movement (SPLM)<sup>23</sup>.

Exacerbating the informal separation of north and south were policies of nationalization embarked on by the Numeiry regime after 1969<sup>24</sup>. According to Niblock, there were apparent implications of Sudan's international relations: "the attempt to pursue a development policy geared towards greater self-sufficiency and a more egalitarian distribution of rewards, so it was believed, a re-orientation of foreign trade."<sup>25</sup> Ironically, and perhaps suggestive of possible arbitative solutions to the conflict, Numeiry's desire to foster external support required concessions towards the south<sup>26</sup>. Initial negotiations towards a cooperative outcome and federal autonomy for Southern Sudan began in 1969<sup>27</sup>. Still, the revolutionary agenda that Numeiry initially professed based upon "an ideological attachment to the nebulous concept of 'Arab socialism' and a flirtation with the Soviet Union" was supplanted by a decade-long period "of 'neo-conservatism' or so called 'pragmatic orientation,'" both domestically and abroad<sup>28</sup>.

The first Sudanese Civil War began during the period immediately preceding independence in 1955, and was brought to a precarious close by the Addis Ababa Agreement in 1972<sup>29</sup>. The general consensus among scholars on Sudan is that the first war was initiated by the Anya-Nya, a guerrilla movement formed, as a result of its isolation from political

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<sup>23</sup> P. T. Colloton, B. R. Maitre and T. E. Stoner, *An Adaptive Security Construct: Insurgency in Sudan*, op. cit., 36

<sup>24</sup> *Ibid.*, p. 36

<sup>25</sup> Tim Niblock, *Class and Power in Sudan: The Dynamics of Sudanese Politics, 1898 – 1985*, op. cit., p. 246

<sup>26</sup> P. T. Colloton, B. R. Maitre and T. E. Stoner, *An Adaptive Security Construct: Insurgency in Sudan*, op. cit., p. 37

<sup>27</sup> *Ibid.*, p. 37

<sup>28</sup> D. M. Wai, "The Sudan: Domestic Politics and Foreign Relations under Numeiry," in *African Affairs*, Vol. 78 No. 312 (July, 1979), pp. 297 – 317: 297

<sup>29</sup> A. Tuchman, "Fate of Millions: The Origins of the Second Sudanese Civil War", op. cit., p. 51

affairs, imposition of unity through uniformity and ‘Arabization’<sup>30</sup>, and uneven economic development of the South<sup>31</sup>.

### 3.1.3 A Decade of Peace? (1972 -1983)

The coming to Ga’afar Numiery to power in 1969 eventually led to the 1972 Addis Ababa Accord between the Southern rebels (Any-Nya) and Khartoum as the southern demand for regional autonomy within a united Sudan was finally accepted<sup>32</sup>. Mulu notes that in retrospect, the period 1972 to 1983 appeared to be more of a truce than an end of war<sup>33</sup>. Colloton et al argue that the Numeiry regime found that a cohesive reform agenda was easier claimed than achieved<sup>34</sup>. According to Wai, in attempting to provide a social platform for everyone, Numeiry’s party, the Sudan Socialist Union became “a tatterdemalion collection of miscellaneous supporters that seemed to exist only in the rhetoric of its leaders”<sup>35</sup>.

### 3.1.4 Numeiry’s Abrogation of the 1972 Addis Ababa Agreement

Mulu and Colloton et al both agree that Numeiry contradicted himself and went against the spirit of the 1972 Addis Ababa Accord. For instance, Colloton et al note that the appearance of a strong military government “was belied by its hollow character; a state unable to effectively project its policies in either political depth or breadth”, that lead to the beginning of Sudan’s second civil war in 1983<sup>36</sup>. Mulu, on the other hand, points out that

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<sup>30</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and The Sudanese Civil War*, (Nairobi: Catholic University of East Africa Publishing Dept., 2008), p. 35

<sup>31</sup> *Ibid.*, p. 51; See also S. L. Kwaje, “The Sudan Peace Process: From Machakos to Naivasha,” in M. Mwagiru (ed.), *African Regional Security in the Age of Globalization*, (Nairobi, Heirich Boll Foundation, 2004), pp.96 – 105:96; F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and The Sudanese Civil War*, op.cit., p. 35; P. T. Colloton, B. R. Maitre and T. E. Stoner, *An Adaptive Security Construct: Insurgency in Sudan*, op. cit., 36

<sup>32</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and The Sudanese Civil War*, op.cit., p. 35

<sup>33</sup> *Ibid.*, p. 35

<sup>34</sup> P. T. Colloton, B. R. Maitre and T. E. Stoner, *An Adaptive Security Construct: Insurgency in Sudan*, op. cit., p. 37

<sup>35</sup> D. M. Wai, “Revolution, Rhetoric, and the Reality in the Sudan”, in the *Journal of Modern African Studies*, Vol. 17, No. 1 (March, 1979), pp. 71 – 93: 76

<sup>36</sup> P. T. Colloton, B. R. Maitre and T. E. Stoner, *An Adaptive Security Construct: Insurgency in Sudan*, op. cit., p. 37

Numeiry's actions should be viewed against a background of two factors. Firstly, he isolated the North and their followers, a major constituency and source of support, because he embraced the South. Because of this, he survived several coups by the Northerners, thus convincing him of the seriousness of the threat he faced in his continued leanings towards the South. This led to reconciliation in 1977<sup>37</sup>. Secondly, oil was discovered in the South by Chevron, an American subsidiary of Standard Oil Company, which whetted his appetite and led to efforts to redraw provincial boundaries so that the findings could be in the North, thus allowing him unhindered access<sup>38</sup>.

Tuchman suggests a third factor that led to the second civil war. He notes that because of the series of attempted coups and subsequent 'national reconciliation', he brought leaders of the right-wing, anti-Southern Umma Party and Muslim Brothers out of exile and into the government<sup>39</sup>. To maintain their support, Numeiry shifted his alliance away from the South and towards the right-wing, pro-Islam groups<sup>40</sup>. According to Sidahmed, "nothing better than Islam, the religion of the majority and the ideology of the opposition, could serve the purpose of Numeiry. Hence, the pragmatist or opportunist president lost no time in adhering to the latter, sacrificing in the process the populist character of his regimes and institutions."

<sup>41</sup> In September 1983, Numeiry declared himself an *Imam* (religious leader) and imposed a new penal code on the whole of Sudan on the five sanctions of Islamic *Shari'a* Law (commonly referred to as September Laws)<sup>42</sup>. In other words, "what started as a victory of radical secularism appeared to have ended up as a victory for conservative Islamism."<sup>43</sup> With the imposition of the September Laws, Numeiry ultimately broke from the Addis Ababa

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<sup>37</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and The Sudanese Civil War*, op.cit., p. 35

<sup>38</sup> *Ibid.*, pp. 35 – 36

<sup>39</sup> A. Tuchman, "Fate of Millions: The Origins of the Second Sudanese Civil War", op. cit., p. 53; see also A. S. Sidahmed, *Politics and Islam in Contemporary Sudan*, (New York City: St. Martin's Press, 1996), p. 121

<sup>40</sup> *Ibid.*, p. 53

<sup>41</sup> A. S. Sidahmed, *Politics and Islam in Contemporary Sudan*, op. cit., p. 121

<sup>42</sup> A. Tuchman, "Fate of Millions: The Origins of the Second Sudanese Civil War", op. cit., p. 53

<sup>43</sup> A. S. Sidahmed, *Politics and Islam in Contemporary Sudan*, op. cit., p. 132



Agreement, for three reasons: to quell the right-wing opposition groups, to turn citizens' attention away from the failures of the government and to divert attention from government corruption to the corruption of the individuals."<sup>44</sup> An-Na'im explains that while the September Laws were not the cause of the violence, they signified a "culmination of a series of violations of the Addis Ababa Agreement", that ultimately led to the outbreak of war<sup>45</sup>. Similarly, Sikainga agrees that beyond imposing *Shari'a* law, Nimeiri's decisions to dissolve the Southern Regional Government, re-divide the South into three virtually powerless regions, and redraw the borders between the North and the South in favour of the Northern economy entirely ultimately led to the civil war<sup>46</sup>.

While still citing Numeiry's shift away from the Addis Ababa Agreement as a cause of war, some scholars have focused on the political situation in the South. For instance, Khalid explains that the disloyalties of Southern politicians are typically left out in the analysis in favour of Northern politicians<sup>47</sup>. Nyaba, on the other hand, sees the Southern Regional Government as no more than a puppet of Numeiry and argues that the Southern elite defended "the national unity of Sudan", not because they really believed in the unity, but simply in order not to offend Numeiry and put their privileged position in jeopardy."<sup>48</sup> Khalid makes similar observations about the Southern elite, claiming, "the demeaning Northern attitudes towards the South could not have been made easy without collaboration of a string of Southern political nomads .... those kept migrating from the laps of one Northern party or government to another."<sup>49</sup>

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<sup>44</sup> Ibid., p. 134

<sup>45</sup> A. A. An-Na'im, "Constitutional Discourse and Civil War in Sudan", in M. W. Daly and A. A. Sikainga (eds.), *Civil War in the Sudan*. (New York City: St. Martin's Press, 1993), pp. 97 – 116: 113

<sup>46</sup> A. A. Sikainga, "Northern Sudanese Political Parties and the Civil War", in M. W. Daly and A. A. Sikainga (eds.), *Civil War in the Sudan*. (New York City: St. Martin's Press, 1993), pp. 78 – 98: 84

<sup>47</sup> M. Khalid, *War and Peace in Sudan*, (New York City: Columbia University Press, 2003), p. xxiii

<sup>48</sup> P. A. Nyaba, *The Politics of Liberation in South Sudan*. (Kampala: Fountain Publishers Limited, 1994), p. 20

<sup>49</sup> M. Khalid, *War and Peace in Sudan*, op. cit., xxii

Tuchman also points out that the Southern Regional Government failed to address a number of problems with the implementation of the Addis Ababa Agreement, ranging from lack of funding for development programs to interference of Numeiry in Southern politics<sup>50</sup>. Instead, the government in Juba was concerned with petty conflicts along tribal lines, exacerbated by Numeiry's policy of 'divide and rule'<sup>51</sup>. Consequently, several violent riots led to the creation of a loose creation of Southern paramilitary groups under the name "Anyanya II" and ultimately to the formation of SPLM/A under John Garang in 1983<sup>52</sup>.

Nyaba points out that the mobilization of SPLM/A, at least initially was based on an understanding of the political situation in Sudan than on frustration with South's economic backwardness, which many blamed on the unitary 'Arab North'. Thus, if they were not simply trying to obtain arms to protect their cattle, the majority of the people who joined SPLM/A were fighting for secession<sup>53</sup>. In contrast, the leadership of SPLM/A set forth the agenda promoting the liberation of the entire Sudanese state under a secular, prosperous democracy<sup>54</sup>. As a result of this serious discrepancy, Nyaba notes, much violence and subversion occurred within SPLM/A, particularly in its early days<sup>55</sup>. This is because the agenda set by John Garang was less an attempt to rally South Sudanese than appeal to those outside of the South – both in Northern Sudan and internationally. Here, Khalid takes a slightly more idealist view, assuming that Garang's decision to fight separatist motives within the SPLM/A was due to his "ardent belief in African unity."<sup>56</sup>

Another group of scholars have emphasized that factors extrinsic to the political situation within Sudan as having ultimately caused the Second Sudan Civil War. For

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<sup>50</sup> A. Tuchman, "Fate of Millions: The Origins of the Second Sudanese Civil War", op. cit., p. 55

<sup>51</sup> Ibid., p. 55

<sup>52</sup> P. A. Nyaba, *The Politics of Liberation in South Sudan*, op. cit., p. 22

<sup>53</sup> Ibid., pp. 24 & 38

<sup>54</sup> M. Khalid, *War and Peace in Sudan*, op. cit., pp. 155 -156

<sup>55</sup> P. A. Nyaba, *The Politics of Liberation in South Sudan*, op. cit., pp. 30 - 31

<sup>56</sup> M. Khalid, *War and Peace in Sudan*, op. cit., p. xiv

instance, Johnson argues that the Cold war played a part in allowing an initially small group of disorganized poorly equipped rebels to challenge the Sudanese Army. He explains that in 1976 the Ethiopian Foreign Minister explicitly threatened that unless Sudan stopped aiding the Eritrean separatist movement, Ethiopia would begin supporting limited number of former Southern soldiers who had rejected the Addis Ababa Agreement. After President Numeiry ignored the threat, Ethiopia began training and arming Southern rebels, even allowing their leader to broadcast into Sudan using Ethiopian radio station<sup>57</sup>. To Johnson, the international political context was crucial to the formation of the SPLM/A. Indeed, the situation between North and South Sudan was evidently moulded into the Cold War polarity. Johnson suggests that because the United States supported anti-communist Northern Sudan, the SPLM had practically no option but to request aid from the communist bloc<sup>58</sup>.

Economist Yongo-Bure emphasizes the failure of Addis Ababa Agreement to promote the development of the South, which eventually led the population to become “willing to fight the status quo”<sup>59</sup>. Interestingly, he contends that the Addis Ababa Agreement signified the first serious attempt to develop the South<sup>60</sup>. The ensuing failure resulted from a combination of problems, namely, shortage of technical capacity, resource scarcity, lack of basic infrastructure and financial assistance from Khartoum were never realized, thus contributing to failure of the Addis Ababa Agreement<sup>61</sup>.

Regardless of what factors one may feel caused the outbreak of the Second Civil war, several authors have recognized that the North’s obsession with maintaining territorial integrity of Sudan that, began prior to independence, has played a major role in the country’s

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<sup>57</sup> D. H. Johnson, *Root Causes of Sudan's Civil Wars*, (Bloomington, IN: Indiana University Press, 2003), p. 59

<sup>58</sup> *Ibid.*, p. 60

<sup>59</sup> B. Yongo-Bure, “The Underdevelopment of Southern Sudan Since Independence”, in M. W. Daly and A. A. Sikainga (eds.), *Civil War in the Sudan*, (New York City: St. Martin's Press, 1993), pp. 51 -77: 51

<sup>60</sup> *Ibid.*, p. 65

<sup>61</sup> *Ibid.*, p. 56

violent past<sup>62</sup>. According to Snyder, the “myth of empire” holds that a state’s security can only be guaranteed through territorial expansion<sup>63</sup>. Ismail az-Azhari, one of the leaders of the pan-Arab independence movement, propagated the idea that territorial integrity of Sudan was vital to Northern interests a notion the British accepted “the insistence of a united Sudan”<sup>64</sup>. Daly explains that because the North came to see the condominium administration’s Closed District Ordinance of 1924 to 1947 as “a scheme to satisfy either Christian conscience by reserving Southern souls or by European imperialism by reserving the sources of the Nile,” all Northern pro-independence parties were united in the endorsement of Sudan’s territorial integrity<sup>65</sup>. Sikainga uses a similar analysis to explain why Khartoum’s post-independence policies towards the South were based on “Arabization and Islamization”<sup>66</sup>. Even John Garang, the leader of the SPLM, fought for revolution within a united Sudan rather than secession<sup>67</sup>.

The failure to end the war in the South coupled with economic downturn led to Numeiry’s downfall in April 1985 and a transitional government coaxed the country back to parliamentary democracy within a year<sup>68</sup>. Mulu notes that between 1986 and 1989, efforts were made to end the war in the South but disunity and instability of the ruling coalition ruled out possibilities of meaningful gains that could have been made. Further, a radical moslem outfit called the National Islamic Front led by Hassan Turabi, was behind the 1989 coup d’etat and was opposed to any concessions to the SPLM/A, especially over the issue of

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<sup>62</sup> J. Snyder, *Myths of Empire: Domestic Politics and International Ambition*, (Ithaca, NY: Cornell University Press, 1991), p. 1

<sup>63</sup> *Ibid.*, p. 1

<sup>64</sup> D. H. Johnson, *Root Causes of Sudan's Civil Wars*, op. cit., pp. 23 - 24

<sup>65</sup> M. W. Daly, “Broken Bridge and Empty Basket: The Political and Economic Background of the Sudanese Civil War,” in M. W. Daly and A. Sakainga(eds.), *Civil War in Sudan*, (New York City: St. Martin’s Press, 1993), pp. 1 – 26: 10

<sup>66</sup> A. A. Sikainga, “Northern Sudanese Political Parties and the Civil War”, in M. W. Daly and A. A. Sikainga (eds.), *Civil War in the Sudan*, (New York City: St. Martin’s Press, 1993), pp. 78 – 98: 81

<sup>67</sup> M. Khalid, *War and Peace in Sudan*, op. cit., p. xiv

<sup>68</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and The Sudanese Civil War*, op.cit., p. 36

*shari'a* law<sup>69</sup>. Adar notes that General Omar al Bashir took over with a military coup in 1989 and fully implemented *shari'a* law<sup>70</sup>, thus resulting in further polarization and complexity by prompting unlikely domestic alliances and intensifying internalization of the conflict.

### **3.2 The Sudan Peace Process 1994 – 2004; An Overview**

Throughout the 1990's peace initiatives were successively by unsuccessfully launched by African countries or organizations, namely Nigeria in 1992 – 1993, Intergovernmental Authority for Development (IGAD) in 1994 – 1997, and Egypt and Libya in 1991<sup>71</sup>. Although they provided building blocks towards the final settlement, these efforts results in “a traffic jam of peace initiatives”, that complicated instead of facilitating the resolution of conflict<sup>72</sup>.

#### **3.2.1 Nigerian Initiatives**

The Nigerian President then who was also the Organization of African Unity chairman, Ibrahim Babangida launched a peace initiative in 1992 in the hope that the break up and ensuing weakening of SPLM/A would facilitate the conclusion of the negotiations<sup>73</sup>. According to Rogier, Khartoum was not interested in a negotiated settlement since it expected military victory and anticipated instead playing the southern factions against each other. The government's delegation refused to discuss security issues and took an assimilationist vision of Sudan, where Arabic would become the unique language in the

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<sup>69</sup> Ibid., p. 36

<sup>70</sup> K. G. Adar, “A State Under Siege: The Internationalization of the Sudanese Civil War,” in *African Security Review*, Vol. 7, No. 1 (1998), pp. 45 – 53: 48

<sup>71</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, (The Hague: Netherlands Institute of International Relations Clingendael, 2005), p. 38

<sup>72</sup> Quoted from ICG, *God, Oil and Country: Changing the Logic of War in Sudan*, (Brussels: ICG Press, 2002), Chapter 6

<sup>73</sup> The Nigerian Peace Initiative is also called Abuja I and Abuja II, see A. M. Lesch, *The Sudan: Contested National Identities*, (Bloomington and Indianapolis: Indiana University Press, 1998), pp. 172 – 179; See also F. K. Mulu, *The Role of Regional Organizations in Conflict Management*, op. cit., 44

country and Islam would equally spread southwards, thus leaving very little to negotiate<sup>74</sup>. Mulu notes that the two factions of the SPLM/A pressed for a secular democratic system and right of the South to a referendum on self-determination (SPLM/A-Mainstream still opted for a secular and decentralized Sudan as its preferred outcome while the Nassir faction claimed full independence for the South), but Khartoum rejected secularism and would not countenance the proposed referendum. The Government of Sudan was anyhow confident of its impending victory to concede to either of the two factions. Thus, the talks collapsed rapidly<sup>75</sup>.

The government's hard stance combined with Nigerian mediation efforts had the effect of inducing the two southern factions to finally accept merging into a single delegation and put greater emphasis on self determination<sup>76</sup>. A second series of talks (Abuja-II) were held a year later in the Nigerian capital. The SPLM/A - Mainstream faction was at this time the only participating rebel movement, but was even weaker militarily<sup>77</sup>. With very little change, Khartoum proposed a power-sharing and balanced development and rejected secession, and proposed a constitution that did not refer to Islam as the state religion and exempted the South from certain provisions of the *Shari'a*. The SPLM/A-Mainstream rejected Khartoum's federalist approach and called for a confederation or separation and a secular, democratic "New Sudan". If this objective was not achievable, the SPLM/A then demanded the South and the 'marginalized territories' (the Nuba Mountains and Southern Blue Nile), together with Abyei, should have a vote on the confederation or separation. There were other differences between the parties, but the critical issues of the separation of the state, religion and self-determination proved conclusive in causing the collapse of the

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<sup>74</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 38

<sup>75</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management*, op. cit., 44; See also African Security Analysis Programme, "The Sudan – IGAD Peace Process Signposts for the way Forward", in *Occasional Paper 86*, (March 2004), pp 1 – 15: 3

<sup>76</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 38

<sup>77</sup> *Ibid*, p. 38

negotiations<sup>78</sup>. Meanwhile, the Government of Sudan held separate discussions with SPLM-United in Nairobi, which concluded with a joint (and vague) communiqué similar to the one adopted earlier in Frankfurt<sup>79</sup>.

The SPLM/A was so weak that clinging to unreachable objectives remained its only *raison d'être*, while the Government of Sudan was too confident in the success of its war strategy by proxy. The Nigerian initiative probably failed because the mediators unrealistically hoped to benefit from the strategic imbalance instead of seeking to transform the peace process into a more conducive setting. There was also the feeling that the lack of international involvement to bring pressure to bear on the stronger, rather than the weaker party was critical<sup>80</sup>. In the wake of the failed Nigerian initiative, and perhaps out of fear that the 18,000 US troops stationed in Somalia in the early 1990s could carry out a similar operation in Sudan, the Government of Sudan (GoS) proposed that the Intergovernmental Authority on Drought and Desertification (IGADD, forerunner to today's IGAD) take up the peace process<sup>81</sup>.

Adar suggests that the countries of IGADD had a clear interest in containing Sudan's civil war and containing the spread of political Islam, and with the elevation of President Isaias Aferworki and Prime Minister Meles Zenawi of Ethiopia to power, the organization had two particularly competent and dynamic leaders ready to assume the task.<sup>82</sup>

### 3.2.2 The IGAD Peace Initiatives

The Intergovernmental Authority on Drought and Development (IGADD) as stepped in to mediate a new peace talks between the government of Sudan and the SPLM/SPLA at the

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<sup>78</sup> African Security Analysis Programme, "The Sudan – IGAD Peace Process Signposts for the way Forward", in *Occasional Paper 86*, op. cit., p. 3

<sup>79</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., pp. 38 - 39

<sup>80</sup> *Ibid.*, p. 39

<sup>81</sup> African Security Analysis Programme, "The Sudan – IGAD Peace Process Signposts for the way Forward", op. cit., p. 3

<sup>82</sup> K. Adar, "Conflict Resolution in a Turbulent Region: The Case of the Intergovernmental Authority on Development (IGAD) in Sudan", in *African Journal in Conflict Resolution*, Vol. 2 (2000), pp. 39 -66: 47

annual IGGAD summit in the late 1993<sup>83</sup>. Oricho notes that that IGADD was established in 1986 by the then drought afflicted six East African countries of Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda. Eritrea was admitted as the seventh member of the Authority at its fourth Summit of Heads of State and Government in Addis Ababa in September 1993<sup>84</sup>.

Mwagiru notes that in 1996, IGADD re-invented itself as a body for regional security and development and formed a sub-committee made up of Ethiopia, Eritrea, Uganda and Kenya to broker peace talks in Sudan and Somalia. The role of IGADD was then defined and shortened to Intergovernmental Authority on Development, which then signaled its mandate towards conflicts prevention and resolution<sup>85</sup>. This view is also shared by Adar and El-Effendi. Adar suggests into the 1990s, insecurity pressures in the region forced the IGADD member countries (Sudan, Uganda, Djibouti, Kenya, Somalia, Ethiopia and Eritrea) to expand their mandate to include conflict management, prevention and resolution based on the realization that they could not achieve any sustainable development without peace<sup>86</sup>.

Rogier notes that it is at this time that IGADD dropped the 'D' for drought and adopted conflict prevention and resolution as top priority. Ironically, however, IGAD's efforts at resolving the conflict then seemed to have reached a stalemate<sup>87</sup>. El-Affendi also adds by pointing out that IGAD re-invented itself as a conflict prevention and resolution entity, and further suggests IGAD became gradually involved in peacemaking activities, focusing first on Somalia and, after United States intervention in Mogadishu, on the Sudan. This transformation fitted well into the post-Cold War thinking, emphasizing the role of

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<sup>83</sup> P. Woodward, *The Horn of Africa: Politics and International Relations*, (London: Tauris Academic Studies, 1996), p. 23

<sup>84</sup> D. O. Oricho, "Sudan Conflict and Signing of Conventional Peace Agreement in Nairobi", In *European University Centre for Peace Studies Research Papers*, Issue No. 1, (January 2007), pp. 2 – 22: 6

<sup>85</sup> M. Mwagiru, "Towards A Security Architecture In The IGAD Region", in M. Mwagiru (ed.), *African Regional Security in the Age of Globalisation*, (Nairobi: English Press Limited, 2004), Chapter 11, pp. 140 - 141

<sup>86</sup> K. G. Adar, "Conflict Resolution in a Turbulent Region: The Case of Intergovernmental Authority on Development (IGAD) in Sudan", a Paper written for the International Studies Unit of the Political Science Department at Rhodes University, Grahamstown, South Africa, 2000, p. 43

<sup>87</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p 39



regionalism and regional organizations in fostering peace<sup>88</sup>. The creation in 1994 of 'Friends of IGADD', a group of Western donors later renamed IGAD Partners Forum, marked international recognition of the organizations new role.

In contrast to the Nigerian initiatives, the process launched by IGADD from 1994 onwards reflected a greater multilateral involvement and a more, possibly excessively committed approach. IGAD did not get involved in the Sudan's conflict because it was fashion but rather because Kenya, Uganda, Ethiopia and Eritrea were concerned about the negative repercussions of the war<sup>89</sup>. Whereas the Government of Sudan presumed that Ethiopia and Eritrea were well disposed since they had been assisted by National Islamic Front (NIF) of Sudan in overthrowing Mengistu,<sup>90</sup> the three countries (Uganda, Ethiopia and Eritrea) were increasingly worried about Khartoum's support to Islamist groups in the Horn<sup>91</sup>. Thus, El-Affendi suggests, that these 'frontline states' tried to mediate the Sudan conflict with a view to countering the NIF's destabilizing policy and containing political Islam in the region<sup>92</sup>. The session on the standing committee (this committee was entrusted with ending the Sudanese conflict through a negotiated settlement) chaired by President Moi convened a meeting in Nairobi in March 1994 to define the principles that constituted the framework for negotiation known as the Declaration of Principles (DoP)<sup>93</sup>. The Declaration of Principles (DoP)<sup>94</sup> is a set of seven brief propositions that were to form the basis of subsequent negotiations. The DoP envisioned a peace agreement structured around a

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<sup>88</sup> A. El-Affendi, "The Impasse in IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?", in *African Affairs*, Vol. 100, (2001), pp. 581 – 599: 583

<sup>89</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 39

<sup>90</sup> The government preferred mediation in order to extricate itself from regional and international isolation. See M. O. Maundi, I. W. Zartman, G. Khadiagal and K. Nuamah, *Getting In: Mediators Entry Into the Settlement of African Conflicts*. (Washington, DC: United States Institute of Peace Press, 2006), pp. 148 - 149

<sup>91</sup> *Ibid.*, pp. 39 – 40

<sup>92</sup> A. El-Affendi, "The Impasse in IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?" op. cit., p. 586; See also M. O. Maundi, I. W. Zartman, G. Khadiagal and K. Nuamah, *Getting In: Mediators Entry Into the Settlement of African Conflicts*, op. cit., p. 148

<sup>93</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management*, op. cit., p. 47

<sup>94</sup> The declaration of principles has been fully outlined in *Inside Sudan*, "The Story of People-to-People Peacemaking in Southern Sudan", magazine by the New Council of Churches, October, 2002, p. 82

democratic and secular Sudan where the national wealth and resources were shared<sup>95</sup>. It also had a provision for the modalities of an interim period, followed by a self-determination referendum for the south. In summary it provided that:

“The right of self-determination of the people of South Sudan to determine the future status through a referendum must be reaffirmed ..... Maintaining of unity of Sudan must be given priority by all parties provided that the following principles are established in the political, legal, economic and social framework of the country: Sudan is a multi-racial, multi-ethnic, multi-religious and multi-cultural society. Full recognition and accommodation on the basis of federation, autonomy ..... to the various peoples of Sudan must be reaffirmed. A secular and democratic state must be established in Sudan.”<sup>96</sup>

Following the declaration of DoP as a democratic basis of resolving the conflict, the government backed out of the IGAD peace talks between it and SPLM/A<sup>97</sup>. Dr. Ghazi Salauddin El Artabani, the then leader of the Sudan Government Delegation was especially angered by the self-determination clause and arrogantly responded to the DoP by stating that:

“... ‘self-determination’ ... the fate of Sudan has been determined way back in 1956, when Sudan attained independence. The Southern part of the country which had deliberately been underdeveloped and culturally isolated by the British has never been dealt with as a political entity by any regional and international authority ... self determination or any other term that might cloak separatism is a non-issue and the government is not ready to dwell upon it ...”<sup>98</sup>

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<sup>95</sup> International Crisis Group, “God, Oil and Country: The Changing Logic of War in Sudan”, in *African Report*, No.39, (Brussels: ICG Press, 2002), p. 155

<sup>96</sup> *Horn of Africa Bulletin*, Vol. 6, No. 5 (Sept.-Oct. 1994), p. 27

<sup>97</sup> P. A. Nyaba, “The Political Charter: No Act of Chivalry”, in P. A. Nyaba, (ed.), *The Politics of Liberation in Southern Sudan: An Insider's View*, (Kampala: Fountain Printers, 1997), p. 156

<sup>98</sup> *Ibid.*, pp. 158 - 159

In the background, NIF was also working to sabotage any efforts of reconciliation and reunification of Garang and Machar<sup>99</sup>. Machar's SPLM/A – United had experienced internal problems causing another split with Machar forming South Sudan Independence Movement (SSIM) and SPLM/A-United continued under the leadership of William Nyuon Bany and Carabino Kuany Boi. The NIF also made sure groups did not re-unite by conducting separate talks with individual commanders of SPLMA/A-United and SSIM in the field making it easy for those who wanted peace deals. Amid all these activities, the NIF signed different 'Declaration of Principles' with Mohammed Haroun Kafi, a renegade Nuba SPLA officer, another indication that the regime was not keen to take the peace process and external mediation seriously<sup>100</sup>.

Mulu<sup>101</sup> further notes that in July 1994, the third session of the standing committee was convened in Nairobi to deliberate the draft Declaration of Principles that identified the key issues of disagreement, namely separation of state and religion, and the right to self determination. In the same year, the fourth session of the standing committee was held in September in Nairobi, but the positions of the parties to the conflict, namely the Sudanese government and SPLM/A, continued to harden and becoming further polarized. The hardening or polarization of positions led to the convening of the second IGAD Heads of State Peace Committee in Nairobi in September 1994, which resolved that the IGAD peace process should continue and the Declaration of Principles (DoP) should form the basis of negotiations. However, due to unforeseen circumstances, namely disagreements over the Declaration of Principles, the negotiations stalled for 33 months as the Khartoum government refused to accept some points of the Declaration of Principles (DoP). Both sides tried to reinforce politically and militarily – SPLM/A by strengthening links with National

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<sup>99</sup> Following the SPLM/A split, Garang and Machar had parted ways with Machar forming his own organization called SPLM/A-United.

<sup>100</sup> P. A. Nyaba, "The Political Charter: No Act of Chivalry", op. cit., p. 156

<sup>101</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management*, op. cit., p. 47

Democratic Alliance (NDA) partners (the 1995 Asmara Declaration) and the Government of Sudan by seeking a deal with southern splinter groups (1996 Political Charter and 1997 Khartoum Peace Agreement)<sup>102</sup>.

Rogier suggests that the sub-committee showed in the four rounds of talks held in 1994 “a highly proactive conception of their role” as a result of their fear of NIF destabilizing policy. As to the form of talks, the standing committee did not limit themselves to helping the parties in working out the terms of a compromise, but circulated their proposals or the Declaration of Principles to the substance, the mediators did not seek a middle-ground option between the parties’ positions but showed strongly supportive of two principles by the SPLM/A: self determination and secularism. There were two reasons for that; first, Eritrea championed the application of the right to self determination from which it was born before; and second, secularism was seen as antidote to political Islam and a possible way towards overthrowing Khartoum’s Islamist regime<sup>103</sup>.

Directly drawn from the SPLM/A’s platform, the DoP was built on the same articulation put forward by the southern delegation during the Abuja-II talks and qualifying the right to self-determination, that unless Sudan was transformed in a secular and democratic state recognizing and accommodating its society’s diversities, the people of the south should have the option to determine the future, including independence through a referendum<sup>104</sup>.

Rogier notes that the DoP had its own virtues and vices. On the one hand, the logic it was based on probably offered the best chance of maintaining the Sudan’s unity. As realized by the Umma Party and other National Democratic Alliance (NDA) partners at about the same time, reforming the Sudan and integrating the south were necessary steps to curtail the latter’s secessionist tendencies. The DoP further implied that the right to self determination

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<sup>102</sup> E. Rogier, *No More Hills Ahead? The Sudan’s Tortuous Ascent to Heights of Peace*, op. cit., p 41

<sup>103</sup> *Ibid.*, p. 40

<sup>104</sup> A. M. Lesch, *The Sudan: Contested National Identities*, op. cit., p. 182

should be a legitimate claim, and granted as such, when the group concerned is subjugated to systematic discrimination and persistent exclusionary policies<sup>105</sup>. By qualifying the right to self-determination to such political, and not legal, criteria, conditioning in return the supposedly absolute sovereignty of the state, IGAD's Declaration of Principles conveyed a ground breaking message of universal and potentially revolutionary value. The DoP was unsurprisingly endorsed by the SPLM/A<sup>106</sup>.

The DoP was weakened by a serious shortcoming, however. There was no chance that the Government of Sudan would accept it because the choice given to it was indeed limited to secularism and secession. For the government of Sudan, because it had abolished the Southern Regional Government in the early 1980s, re-established central control on natural resources in the south and staged and staged a *coup* to safeguard, *inter-alia*, the Islamic character and spread of Islam throughout Africa, for the ruling party neither unity of Sudan nor the Islamic state were negotiable. It rejected the DoP completely<sup>107</sup>.

In 1997, an Extraordinary Summit of IGAD member states was convened in Nairobi, which called for the revival of the negotiations. It was only then that the Government of Sudan took a positive step by accepting the DoP as the basis for future negotiations<sup>108</sup>. Rogier points out that Ethiopia, Uganda and Eritrea were allied militarily with the SPLM/A during this period, thus the IGAD process had been perceived by Khartoum as being biased and hostile initiative. On the other hand, IGAD countries tried to secure international support through the Partners Forum. Under intensified regional pressure from the frontline states and their sponsor the United States, and faced with a series of military setbacks, the Sudanese

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<sup>105</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 40

<sup>106</sup> *Ibid.*, p. 40

<sup>107</sup> African Security Analysis Programme, "The Sudan – IGAD Peace Process Signposts for the way Forward", in *Occasional Paper 86*, op. cit., p. 3; See also Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 41; and F. K. Mulu, *The Role of Regional Organizations in Conflict Management*, op. cit., p. 47

<sup>108</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management*, op. cit., p. 47

government returned to the negotiating table and then accepted without reservations the Declaration of Principles<sup>109</sup>. With hindsight, however, it would appear the Sudanese government's move was merely tactical and forced by events, but did not mirror any evolution on substance<sup>110</sup>. Thus, the Government of Sudan back-pedalled as soon as the situation improved, in particular when the frontline states went to war with each other (Ethiopia and Eritrea) or shifted focus elsewhere (Uganda in the DRC)<sup>111</sup>. From then on, the Sudan was solicited, not stigmatized, by neighbours and began to re-integrate itself into the region without having to make peace with south<sup>112</sup>. The IGAD peace initiative began to falter<sup>113</sup>.

Consequently, the negotiations resumed in September 1997 under the IGAD Ministerial Sub-Committee on the Sudan Peace Process<sup>114</sup>. Members of the IGAD Ministerial Sub-Committee agreed on the establishment of a permanent IGAD secretariat and appointment of a special envoy from Kenya; each of the member states provided an envoy<sup>115</sup>. IGAD turned its attention to gaining Western financial and political support and ensuring that other peace processes were not endorsed by the international community<sup>116</sup>. The second session of the Ministerial Sub-Committee meeting was held in Nairobi in May 1998 where it agreed that self-determination would be exercised in the South during an interim period. The

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<sup>109</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 41

<sup>110</sup> *Ibid.*, p. 41

<sup>111</sup> ICG, *God, Oil and Country: Changing the Logic of War in Sudan*, (Brussels: ICG Press, 2002), p. 156

<sup>112</sup> See African Security Analysis Programme, "The Sudan – IGAD Peace Process Signposts for the way Forward", in *Occasional Paper 86*, op. cit., pp. 3 - 4; Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 41

<sup>113</sup> J. Young, "Sudan IGAD Peace Process: An Evaluation", in *Sudan Tribune, Plural News and Views of Sudan* (28<sup>th</sup> January 2008), pp. 1 – 64: 10

<sup>114</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, op. cit., p. 47

<sup>115</sup> *Ibid.*, p. 48; see also J. Young, "Sudan IGAD Peace Process: An Evaluation", op. cit., p. 10

<sup>116</sup> J. Young, "Sudan IGAD Peace Process: An Evaluation", op. cit., p. 10

parties further agreed to facilitate free and unimpeded flow of humanitarian assistance to areas affected by famine<sup>117</sup>.

At third session of negotiations convened in Addis Ababa in August 1998, it was agreed that the boundaries of the South should be determined by the border of 1 January 1956. However, Khartoum did not sign the communiqué reaffirming this<sup>118</sup>. The fourth session of IGAD Ministerial Sub-Committee was held in July 1999 in Nairobi. This session agreed to the establishment of a permanent structure for conducting the negotiations. It was decided that negotiations under the secretariat were to be conducted under two technical committees, namely the Political and Transitional Committees<sup>119</sup>. The Political Committee meeting held in January 2000 where the common areas of understanding and points of differences were established<sup>120</sup>. The points of differences were highlighted as state and secularism; the issue of marginalized areas – Abyei, Southern Kordofan and Southern Blue Nile; the right to self-determination, wealth and power sharing, and the status of the two armies, SPLA and Sudan Armed Forces<sup>121</sup>.

The second and third Political Committee meetings were convened in February and April 2000. The fourth Political Committee meeting, IGAD envoys presented to the parties a proposal that attempted to derive a common ground position on state and religion, the issue of marginalized areas - Abyei, Southern Kordofan and Southern Blue Nile, self administration and wealth sharing. However, no agreement was reached. It became apparent that since the

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<sup>117</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, op. cit., p. 48; See also S. L. Kwaje, "The Sudan Peace Process: From Machakos to Naivasha," op. cit., p.96

<sup>118</sup> Ibid., p. 48; see also S. L. Kwaje, "The Sudan Peace Process: From Machakos to Naivasha," op. cit., p.96

<sup>119</sup> A. El-Affendi, "The Impasse in IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?" op. cit., p. 591

<sup>120</sup> S. L. Kwaje, "The Sudan Peace Process: From Machakos to Naivasha," op. cit., p.96; See also E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 42

<sup>121</sup> S. L. Kwaje, "The Sudan Peace Process: From Machakos to Naivasha," op. cit., p.96

inception of the Sub-Committee in 1994, there was no breakthrough in the peace process<sup>122</sup>. After the ultimate meeting at Lake Bogoria in Kenya, in October 2000, there would be no further IGAD-sponsored talks until July 2002 in Machakos<sup>123</sup>. El-Affendi notes that the nature of institutional arrangements (confederation or federal), areas where a referendum should be held (the south only or the other marginalized areas as well), and the separation of state and religion remained issues of contention so much so that however overconfident the mutual acceptance of the DoP would significantly smooth the negotiations, the mediators were unable to structure the talks so as to avoid deadlocks<sup>124</sup>.

### 3.2.3 The Joint Libyan – Egyptian Initiative

In response to the perceived weaknesses of the IGAD process, a number of other peace efforts were launched. Foremost among these was the Joint Libyan and Egyptian initiative (JLEI), which was concerned with absence of the northern opposition participation, African domination of the peace process, and the lack of a formal role for Egypt, given its considerable interest in Sudan<sup>125</sup>. Rogier notes that this peace initiative reflected the Arab view on the Sudan peace process and in particular Arab countries' concerns at the limited participation of northern parties (reduced to National Islamic Front) and correctively, the exclusion of a historically interested neighbour, Egypt. In addition, Rogier points out that this initiative was driven a lot by national interest of its promoters as was the IGAD process<sup>126</sup>. The Egyptians resented even further their marginalization as they had, historically as well, opposed possible separation of the south from Khartoum and the IGAD process seemed

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<sup>122</sup> Ibid., p. 96: See also F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, op. cit., p. 48

<sup>123</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, op. cit., p. 48; S. L. Kwaje, "The Sudan Peace Process: From Machakos to Naivasha," op. cit., p.96; African Security Analysis Programme, "The Sudan – IGAD Peace Process Signposts for the way Forward", in *Occasional Paper 86*, op. cit., p. 4; J. Young, "Sudan IGAD Peace Process: An Evaluation", op. cit., p.11; and Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 42

<sup>124</sup> A. El-Affendi, "The Impasse in IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?" op. cit., p.588

<sup>125</sup> J. Young, "Sudan IGAD Peace Process: An Evaluation", op. cit., p.11

<sup>126</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 42



precisely to be encouraging this outcome. Thus, the JLEI should essentially be seen as an attempt to checkmate IGAD's emphasis on self-determination<sup>127</sup>. This does not mean, however, that its promoters fully aligned with the Government of Sudan. Egypt has always feared that a radical change in the Sudan might threaten access to the Nile's water (such as a north south split, a Somalia-type collapse or a non-Arab government), but equally concerned with Islamic fundamentalism as professed by the National Islamic Front<sup>128</sup>. In other words, Egypt opposed restructuring of the Sudan, but not to contain or even change the Islamist government.

Started in 1999, the JLEI in 2001 delivered only a written proposal consistent with these views. It was a declaration in nine points, more remarkable for its omissions than its fairly vague contents<sup>129</sup>. In particular, the proposal excluded all reference in self-determination and secularism but stressed the need to preserve the Sudan's unity and envisaged *inter alia*, "recognizing Sudan's diversity, establishing a decentralized government and forming an interim government"<sup>130</sup>. Khartoum could not reject proposal far more sensitive to northern concerns, and therefore agreed to it unconditionally, although the expected formation of a transitional government probably was a cause for concern<sup>131</sup>. The SPLM/A accepted it too but with reservations amounting to a rejection<sup>132</sup>. This is because SPLM/A had declared that it would not be party to an initiative that did not incorporate the separation of state and religion, the right to self-determination, and an interim constitution with interim government<sup>133</sup>.

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<sup>127</sup> See ICG, *God, Oil and Country: Changing the Logic of War in Sudan*, (Brussels: ICG Press, 2002), pp. 160 - 165

<sup>128</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 42; see also African Security Analysis Programme, "The Sudan - IGAD Peace Process Signposts for the way Forward", op. cit., p. 4

<sup>129</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 43

<sup>130</sup> *Ibid.*, p. 43

<sup>131</sup> *Ibid.*, p. 43

<sup>132</sup> ICG, *God, Oil and Country: Changing the Logic of War in Sudan*, op. cit., p. 163

<sup>133</sup> *Ibid.*, p. 163

Yet, the SPLM/A was widely criticised in the south for having made this step<sup>134</sup>. The Libyan-Egyptian proposal was just a reversed Declaration of Principles (DoP), offering the government the exact opposite of what IGAD had provisioned for SPLM/A<sup>135</sup>. Although the Joint Libyan-Egyptian Initiative withered, it represented a strong statement of Egyptian fears about Sudanese self-determination, as well as, the need to bring the northern opposition forces into the peace process. It also made clear that the engagement of Libya and particularly Egypt which has the closest relation with Sudan and the most significant interests in the country and the peace process should not be overlooked<sup>136</sup>. Thus, the two initiatives, IGAD and JLEI ended up in failure.

#### **3.2.4 The Eritrean Manoeuvre**

Asmara repeatedly attempted to initiate negotiations with National Democratic Alliance (NDA) and Khartoum. With sympathetic concerns of the southerners, Eritrea only shares a border with northern Sudan and it feared the northern opposition was being marginalized in the unfolding IGAD process<sup>137</sup>. However, the weakness of the NDA forces (non SPLM/A) and the international legitimacy given to the IGAD peace process meant that the Eritreans made little progress<sup>138</sup>. However, these efforts were rejected, and while Khartoum was faulted for not permitting the NDA to participate in the IGAD negotiations, the SPLM/A was equally reluctant to support participation of erstwhile allies<sup>139</sup>.

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<sup>134</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 43

<sup>135</sup> *Ibid.*, p. 43

<sup>136</sup> The Sudan – IGAD Peace Process Signposts for the way Forward”, in *Occasional Paper*, op. cit., p. 4

<sup>137</sup> J. Young, “Sudan IGAD Peace Process: An Evaluation”, op. cit., p.11

<sup>138</sup> African Security Analysis Programme, “The Sudan – IGAD Peace Process Signposts for the way Forward”, op. cit., p. 4

<sup>139</sup> J. Young, “Sudan IGAD Peace Process: An Evaluation”, op. cit., p.11

### 3.3 The Machakos Peace Process

#### 3.3.1 The Road to Machakos

In mid-2001, the prospects for peace in Sudan seemed fairly remote<sup>140</sup>. The Joint Libya-Egyptian Initiative, the IGAD process was further challenged by unilateral efforts launched respectively by Eritrea (as already discussed) and by Nigeria (President Obasanjo acting through the auspices of the Millennium Action Plan. The latter two initiatives came to nothing and only served to intensify the “traffic jam of peace initiatives” while IGAD process seemed largely in a limbo<sup>141</sup>.

Many point to the terrorist attack on 11 September 2001 to explain the heightened US interest in Sudan, but if nothing else, the American Bombing of the Al-Shiifa Pharmaceutical Plant in August 2000 on the basis of a faulty intelligence information that it was producing chemical weapons, makes a clear interest, one that focused on connections between Khartoum and Islamist terrorism<sup>142</sup>. Moreover, President George Bush appointed special envoy, Senator Danforth, five days before the September 11 attack, thus demonstrating US commitment to the peace process. Interest in Sudan by a number of key constituencies –the Congressional Black Caucus, the influential Christian right, liberals, human rights activists, American humanitarian agencies and the oil lobby upset at being denied entry into the potential lucrative Sudan market – combined with heightened concerns about international terrorism after 11 September, all contributed to increased engagement of the US in Sudan<sup>143</sup>.

Indeed, the US engagement in Sudan steadily increased from President Clinton’s Executive Order of November 1997 which imposed comprehensive trade and economic sanctions, through to Sudan Peace Act of October 2002 which stipulates further sanctions if

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<sup>140</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 45

<sup>141</sup> ICG, *God, Oil and Country: Changing the Logic of War in Sudan*, (Brussels: ICG Press, 2002), pp. 165 - 168

<sup>142</sup> African Security Analysis Programme, “The Sudan – IGAD Peace Process Signposts for the way Forward”, op. cit., p. 4; see also E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., pp. 45 – 56; and J. Young, “Sudan IGAD Peace Process: An Evaluation”, op. cit., pp. 12 - 13

<sup>143</sup> *Ibid.*, p. 4; see also E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 52

the Government of Sudan was found to be not participating in the peace negotiations in good faith. Further pressure came to bear by Sudan being identified as one of the seven countries on the State Department list of state sponsors of terrorism<sup>144</sup>.

Young<sup>145</sup> and other scholars<sup>146</sup> suggest that the one sided American pressure on the Government of Sudan had the effect of signalling to Sudan a powerful impetus to bring the war to an end. Indeed, Rogier notes that it is for these reasons that the Sudanese government began precisely to envisage a peace settlement as an option<sup>147</sup>.

### **3.3.2 The Machakos Protocol**

#### **3.3.2.1 Machakos I**

Kwaje<sup>148</sup> notes that an extraordinary summit meeting of the IGAD Sub-committee on the Sudan Peace Process was convened in June 2001 to chart the way forward in establishing a new mechanism and an innovative approach to the negotiations. Apart from the heads of state of Kenya, Djibouti, Eritrea, Ethiopia and Uganda, the Chairman of SPLM/A and the President of Sudan also attended the summit. The final communiqué of the summit also recognized the outstanding issues that constitute a stumbling block to the negotiations and recommended serious dialogue. The Machakos Peace process began in November 2001 when Lt. Gen Lazaro Sumbeiywo was appointed as a special envoy to IGAD Peace Process in Sudan, replacing Ambassador Daniel Mboya. Given his position in Kenya as a senior man in the military with direct access to President Moi. Lt. Gen. Sumbeiywo reconvened the process with the hope of trying to make a difference.

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<sup>144</sup> Ibid., p. 4; see also E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., pp. 47 - 52

<sup>145</sup> J. Young, "Sudan IGAD Peace Process: An Evaluation", op. cit., p. 13

<sup>146</sup> See E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 52; and African Security Analysis Programme, "The Sudan – IGAD Peace Process Signposts for the way Forward", op. cit., p. 4

<sup>147</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p.

<sup>148</sup> S. L. Kwaje, "The Sudan Peace Process: From Machakos to Naivasha", op. cit., pp. 98 - 99

In May 2002, Sumbeiywo drew up an agenda and a programme of work for the negotiations. In July 2002, the parties succeeded in reaching an agreement on the issues of the right to self-determination, and the separation of state and religion<sup>149</sup>. This agreement came to be known as the Machakos Protocol. This most significant breakthrough can be explained by three factors: first, a new context created by the September 11 2001 terrorist attacks (the '9-11' effect) as well as internal military and political developments; second, a new diplomatic process characterized by greater international involvement; and third, new proposals crafted by qualified mediation team on the basis of previous initiatives<sup>150</sup>.

Contrary to previous IGAD-led talks, Sumbeiywo envisioned a more hands-off approach to the negotiations, based on sustained rather than sporadic discussions and a discrete timeline with specific deadlines<sup>151</sup>. Furthermore, the IGAD chief mediator was supported by envoys from Eritrea, Ethiopia and Uganda, and for the first time observers representing the United States, the United Kingdom and Norway, as well as Italy<sup>152</sup>. Although they disagreed initially on the modalities of their participation – unable to appoint a single envoy, the *troika* (US, UK and Norway) members sent one each – the representation of these extra regional countries was unprecedented and contributed significantly to reasserting the value and seriousness of the IGAD process<sup>153</sup>.

Yet the context in which the talks started did not seem conducive simply because fighting escalated on the ground as a consequence of the dry season's offensive that the Government of Sudan had launched, apparently to push SPLA below the traditional north-south line<sup>154</sup>. In addition, there had been no serious discussions on the substantive issues

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<sup>149</sup> Ibid., p. 99

<sup>150</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 45

<sup>151</sup> ICG, "Dialogue of Destruction? Organizing For Peace As The War in Sudan Escalates", in *Africa Report*, No. 48, (27<sup>th</sup> June 2002), pp. 3 – 26: 9

<sup>152</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., pp. 64 - 65

<sup>153</sup> Ibid., p. 65

<sup>154</sup> ICG, "Dialogue of Destruction? Organizing For Peace As The War in Sudan Escalates", op. cit., p. 5

before convening the conference. On the contrary, the positions seem to harden on the crux of the matter: self-determination<sup>155</sup>. However, both the military operations and the uncompromising rhetoric might have been triggered by the prospect of the talks and the parties' willingness to improve their negotiating position<sup>156</sup>. Thus, the Machakos conference ended up on 20 July 2002 with a landmark agreement.

The Machakos Protocol endorsed a historical compromise that can be summarized as follows: *Shari'a* for the north; self-determination for the south<sup>157</sup>. Under the terms of agreement, the SPLM/A accepted that *Shari'a* would remain at the source of the legislation in the northern Sudan, while the south would be ruled by a secular administration. In exchange, Khartoum accepted an internationally monitored referendum to be held at the end of the six-and-a-half-year transition period in which the people of Sudan will either confirm unity of Sudan by voting to adopt the system of government established under the peace agreement or vote for secession. Above all, the parties agreed to 'give unity a chance' – that is, to promote unity as the most desirable outcome of the referendum<sup>158</sup>.

Mulu notes the protocol provided for an interim period that had two phases: pre-transitional period of six months and main transitional/ interim period of six years. During the pre-transitional period, the parties were to work out a legal framework for the agreement and establish institutions of governance as provided for by the peace agreement with a view of implementing a comprehensive ceasefire while assistance and resources were mobilized and secured for the peace process and reconstruction. The interim period entailed

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<sup>155</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 65

<sup>156</sup> Ibid., p. 65

<sup>157</sup> Intergovernmental Authority on Development, *Machakos Protocol Framework*, Machakos, Kenya, 20<sup>th</sup> July 2002

<sup>158</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 65; see also S. L. Kwaje, "The Sudan Peace Process: From Machakos to Naivasha," op. cit., pp. 99 – 100; <sup>158</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, op. cit., pp. 49

operationalization of institutions of governance both in Khartoum and in the south and implementation of all the arrangements and principles set out in the peace agreement<sup>159</sup>.

Rogier notes that the Sudanese government had previously recognized the right of the south to self determination in several documents (such as the DoP and Khartoum agreement in 1997, and 1998 constitution). However, the Sudanese government only conceded to that principle under heavy military pressure and never in a way that compelled its compliance. Thus, the relevant provisions were never implemented. But in contrast, the Machakos Protocol was concluded between the two belligerent parties directly, and was given international exposure that would make it harder for the signatories to backtrack from its provisions. Furthermore, the Protocol used far concrete and operational language; whereas the Declaration of Principles stated the theoretical right of the southerners to self determination in event that inclusive governance structures are not set up in Sudan, the Machakos Protocol entitled the southern to assess the arrangements established by the peace agreement and to decide accordingly whether or not to secede<sup>160</sup>. The agreement was remarkable in the sense that it endorsed the parties' mutual renouncement of their respective historical aims: Islamization of southern Sudan on the one hand; secularization of the entire country on the other.

Both the SPLM/A and the ruling National Congress had a common incentive of reaching a compromise, with the conviction that delivering peace to the Sudan would enable them to dominate Sudanese politics in the years to come<sup>161</sup>. Rogier notes that each side had additional motives and their own grounds for satisfaction. Khartoum's signing of the agreement was viewed as a survival decision, in the sense that, the Sudan government

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<sup>159</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, op. cit., p. 49

<sup>160</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., pp. 65 - 66

<sup>161</sup> ICG, "Sudan's Best Chance for Peace: How Not To Lose It", *Africa Report*, No.51, (17<sup>th</sup> September 2002), p. 3

envisioned ending of the war as the best way of prolonging its political existence, normalizing relations with United States, unlocking development assistance and debt relief, and expanding oil exploitation<sup>162</sup>. The referendum was scheduled to end a fairly long transitional period and, if actually held, may not automatically translate into the south voting to secede-as the Government of Sudan was keen to emphasize to its constituency. For its part, SPLMA opened negotiations under strong pressure from most southerners who were expecting an independence referendum and it was therefore satisfied with being able to meet that demand<sup>163</sup>.

In summary, Machakos Protocol was a milestone, in that, it granted the south the right to self-determination after a transitional period, irrespective of any changes within the central state<sup>164</sup>. In addition, a long considered improbable compromise solution was finally found in between radically opposed views<sup>165</sup>. Machakos was also viewed as the first step towards the end of the conflict<sup>166</sup>. This is because further rounds of negotiations were needed to work out the details of the compromise and transform the framework agreement into a comprehensive settlement. Mason also notes that the advantage of the Machakos Protocol was that it set a broad frame, within which the details could later be added. Thus, without this framework, it is likely that the subsequent negotiations would have been more difficult<sup>167</sup>. The outstanding issues on the agenda related to security, power-sharing and wealth sharing arrangements during the interim period, as well as the status of the three contested areas of Abyei, Nuba Mountains and Southern Blue Nile<sup>168</sup>.

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<sup>162</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 66

<sup>163</sup> *Ibid.*, p. 66

<sup>164</sup> J. Young, "Sudan IGAD Peace Process: An Evaluation", op. cit., p. 15

<sup>165</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 66

<sup>166</sup> *Ibid.*, pp. 66 - 67

<sup>167</sup> S. A. Mason, "Learning from the Swiss Mediation and Facilitation Experiences in Sudan," in *Working Paper Mediation Support Project*, (Zurich: Centre for Security Studies, 2007), p. 19

<sup>168</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p.67



### **3.3.2.2 Machakos II**

Kwaje<sup>169</sup> notes that the second session of the Machakos Process began in 2002. Gen. Lazaro Sumbeiywo and other envoys from Eritrea, Ethiopia, Uganda and Djibouti were joined by observers, from the United States, United Kingdom, Norway and Italy. The agenda that was adopted by the parties was as follows: the structures of government; power sharing, human rights, the judiciary and the rule of law; security arrangements, comprehensive cease-fire; modalities for implementing the peace agreement and regional and international guarantees<sup>170</sup>.

In order to assist the parties in their discussions, the mediators drew a two weeks programme of lectures and seminars where experts and distinguished resource persons from UK, Norway, United States of America, South Africa and Kenya, delivered lectures and seminars on the structure of government, and wealth sharing during the interim period. Subsequently, the mediators and the resource persons then used the proceedings to come up with a draft paper, the Draft Protocol on Power Sharing within the Framework of a Broad based Transitional Government of national Unity between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A)<sup>171</sup>. This document focused on the organization of government and the creation of institutions at the national, state, and southern Sudan levels.

In September 2002, the IGAD mediators informed the SPLM/A delegation that the Government of Sudan had decided to recall its delegation from Machakos, because they (the Sudanese delegation) could not continue with the negotiations based on the SPLM/A position regarding power sharing, status of the national capital, and the issue of Nuba Mountains,

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<sup>169</sup> S. L. Kwaje, "The Sudan Peace Process: From Machakos to Naivasha," *op. cit.*, pp. 100 - 101

<sup>170</sup> *Ibid.*, p. 100

<sup>171</sup> *Ibid.*, p. 100; see also F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, *op. cit.*, p. 51

Abyei, and Funj<sup>172</sup>. The SPLM/A had proposed a structure of power sharing at three levels of government namely, national government, South Sudan government, and state governments; it also proposed a *Shari' a* – free capital for the central government; and, on the question of the three areas of Nuba mountains, Abyei and Funj, SPLM accepted the proposal of the mediators that the status of these areas be dealt with under IGAD mediation as part of an overall solution to the Sudanese conflict<sup>173</sup>. The Sudanese government demanded that IGAD limits the peace process to southern Sudan in accordance with the borders of 1 January 1956<sup>174</sup>.

Both parties made presentations that were a response to the requirements of the mediators, where none of the parties object, and were intended to form basis for negotiations. However, as Kwaje notes, the Sudanese government withdrawal from the negotiating table was a strategic design to avoid discussion of substantive issues<sup>175</sup>. The Sudanese government wanted the negotiations to deal with the question of cease-fire as the first item on the agenda, contrary to the agenda worked out by the mediators, and in addition, they wanted to drag their feet on the negotiations so that they could earn revenue from oil in southern Sudan<sup>176</sup>. The SPLM/A saw this as a pretext to attack Bahr el Ghazal, Western Upper Nile, Eastern Equatoria and Southern Blue Nile so as to create pressure on the SPLM/A<sup>177</sup>.

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<sup>172</sup> See K. G. Adar, "Conflict Resolution in a Turbulent Region: the Case of the Inter-governmental Authority on Development (IGAD) in Sudan" in *African Journal on Conflict Resolution*, Vol.1, No. 2 (2000) pp.39-66: 62; see also F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, op. cit., p. 51; and S. L. Kwaje, "The Sudan Peace Process: From Machakos to Naivasha," op. cit., p. 101

<sup>173</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, op. cit., p. 52

<sup>174</sup> *Ibid.*, p. 52

<sup>175</sup> S. L. Kwaje, "The Sudan Peace Process: From Machakos to Naivasha," op. cit., p. 101

<sup>176</sup> See F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, op. cit., p. 52; and S. L. Kwaje, "The Sudan Peace Process: From Machakos to Naivasha," op. cit., p. 101

<sup>177</sup> *Ibid.*, p. 101

The Government of Sudan returned to the negotiations with SPLM/A in October 2002<sup>178</sup> and the two parties signed a Memorandum of Understanding (MoU) on Cessation of Hostilities on 15 October 2002, in order to create and maintain a conducive atmosphere throughout the negotiations until outstanding issues were resolved<sup>179</sup>. The MoU stipulated that the two parties must maintain a period of tranquillity during negotiations by ceasing hostilities in all areas of Sudan and ensuring a military stand down for the forces including allied forces and affiliated militia<sup>180</sup>. The MoU was later reinforced by an addendum<sup>181</sup> to it after repeated violation. The addendum among other things established a Verification and Monitoring Team (VMT) which was empowered to travel to any area where the violation was reported and filed by the parties and made its findings public and to the international community<sup>182</sup>. Kwaje notes that both the Memorandum of Understanding and the Addendum contributed to the maintenance of current ceasefire and consequently a conducive environment for negotiations<sup>183</sup>.

### **3.4 Preliminary Agreement on Power-Sharing, Wealth Sharing and Security Arrangements**

Mason notes that the IGAD process can be divided into five phases, namely: the talks from 1994 to 1997, with little outcome; the IGAD talks starting in 2002 leading to the Machakos protocol in July 2002, a major breakthrough; the Nakuru talks from October 2002 to July 2003, with little headway made; the subsequent Naivasha talks, with the signing of the security arrangements on 4<sup>th</sup> September 2003; and the talks during 2004 leading to the

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<sup>178</sup>Ibid., p. 101; see also F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, op. cit., p. 52

<sup>179</sup> See Memorandum of Understanding between GoS and the SPLM/A resumption of negotiations on peace in the Sudan dated 15<sup>th</sup> October 2002.

<sup>180</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, op. cit., p. 52

<sup>181</sup> See Addendum to the MoU on Cessation of Hostilities between GoS and SPLM/A dated 4<sup>th</sup> February 2004

<sup>182</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 72

<sup>183</sup> S. L. Kwaje, "The Sudan Peace Process: From Machakos to Naivasha," op. cit., p. 102

signing of CPA in January 2005<sup>184</sup>. The discussions in this section will focus on the latter three phases in Nakuru and Naivasha talks.

According to Rogier, the negotiation process that followed the Machakos negotiations was protracted negotiations in the sense that, they proved to be laborious and lengthier than expected. This could be attributed to three factors: first, the mechanisms that were established in the support of the talks may have helped to keep the process on track but hardly impacted on its speed or fruitfulness; second, the 'details' upon which the parties had to agree were where the devil was, thereby requesting much time and attention from the delegations; and three, the crisis in Darfur grew gradually to tragic proportions, created increasing confusion and perplexity among international actors, and almost caused the negotiation process to abort<sup>185</sup>.

Mason further contends that the Nakuru talks did not move smoothly because, in part, there was a backlash from hardliners on either side of the Machakos Protocol, the form of involvement of the international community and the decision-making power of the negotiation delegation<sup>186</sup>. In this phase, Lt. General Sumbeiywo introduced a 'holistic approach' to the process as a new strategy to the process to facilitate compromises where many issues that had not been agreed on would be bracketed and may be used by the parties to trade-off one thing for another<sup>187</sup>. A likely consequence of this approach was to step up top leaders' involvement in the process, since 'some issues of trade off would be decided at a much higher level than at the table'<sup>188</sup>.

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<sup>184</sup> S. A. Mason, "Learning from the Swiss Mediation and facilitation Experiences in Sudan," in *Working Paper, Mediation Support Project*, (Zurich: Centre for Security Studies, 2007), p. 18

<sup>185</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., pp. 71 - 72

<sup>186</sup> S. A. Mason, "Learning from the Swiss Mediation and facilitation Experiences in Sudan," op. cit., p. 19

<sup>187</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p.91; see also J. Prendergast and D. Mozersky, "Going to Hell?" in the *The Observer*, 24 August 2003

<sup>188</sup> IRIN, "Interview With Lazarus Sumbeiywo, Chief Mediator in the Peace Talks", 30 May 2003, in E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 92

Although promising on paper, the holistic approach did not result in the long hoped breakthrough but rather an unexpected breakdown. At the opening of the Nakuru talks on 6 July 2003, the mediator's plan was to submit a compromise text addressing the all issues whose details were to be worked out by the delegations during the subsequent three weeks. Even though the document was drawn from the parties stated positions, Khartoum vehemently rejected the draft as unbalanced, biased and far removed from the Machakos Protocol<sup>189</sup>. President Bashir even invited the IGAD mediators to 'go to hell' and, should they not come up with an alternative, to 'dissolve the document in water and drink it'<sup>190</sup>.

In Khartoum's view the draft was unbalanced because it addressed southern concerns exclusively, in a manner harmful to the unity of the Sudan; the power sharing provisions limited the role of the Sudanese President and the national government in the south while giving much power to the regional southern government and failing to address linkages between the two. Likewise, wealth provisions made the Bank of Southern Sudan 'look like an independent entity' whereas it was supposed to be only a branch of the central bank; security arrangements provided for two separate armies during the interim period instead of a single united National Armed Force; and the status of Islam in the capital city was put into question and a '*shari'a* enclave' seemed to be suggested<sup>191</sup>. In other words, the Sudanese government reading of the Nakuru draft, the Sudan would be run by two separate administrations during the interim period, which is an incongruous way of promoting unity.

Khartoum's reaction revealed a problem of timing: President Bashir then became aware of the extent of concessions to be made and realized that he had not prepared his constituency for this type of outcome. Thus, despite a seemingly irrevocable position, the Government of Sudan probably appreciated that it would ultimately have to accept provisions

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<sup>189</sup> Ibid., p. 91

<sup>190</sup> J. Prendergast and D. Mozersky, "Going to Hell?" in *The Observer*, 24 August 2003

<sup>191</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., pp. 92 - 93

like the Nakuru draft but wanted them to be as unspecific as possible and needed time to make that step<sup>192</sup>. As a result, Khartoum tried to build domestic support for the rejection of the Nakuru draft, and sought to engage Egypt and the Arab League in playing the mediation role. However, the regional support for IGAD process then excluded any exist strategy from, or alternative option to, IGAD-led negotiations.

The talks resumed in mid-August 2003 in the Kenyan town of Nanyuki but stalled on procedural grounds; the SPLM/A insisting negotiating on the basis of Nakuru draft and the Sudanese government opposing it<sup>193</sup>. The idea of face-to-face discussions, which had been tried by President Obasanjo without success, was therefore re-launched by Kenyan foreign minister, Kalonzo Musyoka. Ali Osman Taha, the vice president of Sudan, who was widely viewed as a hardliner in Khartoum and abroad volunteered while John Garang, who had not attended any session so far, accepted in his turn; and the two principals met at the Banks of Lake Naivasha in early September 2003 and engaged in hours of a face to face talks, almost getting out of the mediation<sup>194</sup>.

This resulted in the signature of the security arrangements framework agreement on 25 September 2003<sup>195</sup>. This partial peace agreement called for a cease-fire to take place once the CPA was signed and for the Sudanese Armed Forces and the SPLA to be the two legal armed groups in the country; but should remain spate, and some Joint Integrated Units consisting of troops from both SAF and SPLA should be created and be placed in South Sudan, Khartoum, the Nuba mountains and the Blue Nile during the interim period<sup>196</sup>. The agreement also required the government of Sudan to withdraw 91,000 troops from the South

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<sup>192</sup> Ibid., p. 93

<sup>193</sup> See S. L. Kwaje, "The Sudan Peace Process: From Machakos to Naivasha," op. cit., p.102; and E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 94

<sup>194</sup> Ibid., p. 94

<sup>195</sup> S. A. Mason, "Learning from the Swiss Mediation and facilitation Experiences in Sudan," op. cit., p. 19

<sup>196</sup> J. Broschè, *Sharing Power- Enabling Peace? Evaluation Sudan's Comprehensive Peace Agreement 2005*, (Uppsala & New York: Uppsala University Press, 2009), p. 22

within two and a half years, and SPLA should withdraw its troops from the North within eight months<sup>197</sup>. Following the successful and jubilantly received security agreement, the conflict parties and the international community were optimistic that negotiations would be successfully completed by the end of 2003, yet it took another year<sup>198</sup>.

The change of format had an important implication on the conduct of the negotiations: first, the influence of hardliners was reduced on the government side because they were directly involved in the person of Ali Osman Taha; second, the two leaders allegedly became accustomed to one another and built a relationship of mutual confidence that helped work out the compromise solutions; and third, the face-to-face role changed drastically the role of the outsiders<sup>199</sup>.

The next phase of the Naivasha talks resulted in the signing of the wealth sharing protocol on 7 January 2004, the protocol on power-sharing and the three areas (Abyei, Nuba Mountains and Blue Nile) in 26 May 2004<sup>200</sup>. The Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile States was signed in May, 2004. This agreement stipulates how the contested areas on the border between the north and south Sudan would be administered. They were seen as federal states within Sudan and in the interim period National Congress Party and SPLM with have 55% and 45% of legislative seats within these regions.

The Protocol on the Resolution of the Conflict in Abyei Area was signed on the same day as that of the Protocol on the Resolution of Nuba Mountains (Southern Kordofan) and Blue Nile States. This agreement provided for a joint battalion from SPLM/A and the Government of Sudan would be stationed in the region during the interim period and that an Abyei Area Security Committee will be created. Simultaneously with the referendum of the

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<sup>197</sup> Ibid., p. 22

<sup>198</sup> S. A. Mason, "Learning from the Swiss Mediation and facilitation Experiences in Sudan," *op. cit.*, p. 19

<sup>199</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, *op. cit.*, p. 94

<sup>200</sup> S. A. Mason, "Learning from the Swiss Mediation and facilitation Experiences in Sudan," *op. cit.*, p. 19

future southern Sudan, the people of Abyei will cast separate ballot to decide if they want to keep its special administrative status or become part of southern Sudanese state of Bahr el Ghazal. Furthermore, the boundaries of Abyei area are contested and therefore an Abyei Border Commission (ABC) will define and demarcate where the exact border is. The agreement also includes economic power sharing in the form of division of oil revenues from the Abyei area, 50% to the National Government and 42% to the Government of South Sudan (GoSS) and the rest shared locally. This agreement gave Abyei area a special status that was not given to Nuba Mountains (Southern Kordofan) and Blue Nile States<sup>201</sup>. The IGAD mandate, however, was only to deal with the resolution of North and South Sudan.

The Darfur conflict began to overshadow the Naivasha talks in 2004<sup>202</sup>. The IGAD mandate, however, was to only deal with the resolution of the North-South conflict<sup>203</sup>. Rogier notes that the conflict in Darfur that erupted in February 2003 interfered with the IGAD negotiations in two ways. Firstly, the insurrection added military and political pressure on Khartoum to conclude a deal with southerners before other marginalized regions and people from the north and undertook to voice their demands and 'shoot' their way on the negotiating table. For this reason, the Darfur insurrection was initially welcomed and supported (politically as well as logistically), until the southern leadership became increasingly concerned about its negative impact on the IGAD process. Secondly, Khartoum's response to insurgency indicates that elements from the ruling elite were greatly unhappy with the course of the negotiations and the extent of the concessions made, in their view, to the SPLM/A<sup>204</sup>. For the security officials surrounding Ali Osman Taha, it was out of the question to concede

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<sup>201</sup> Ibid., p. 23

<sup>202</sup> See S. A. Mason, "Learning from the Swiss Mediation and facilitation Experiences in Sudan," op. cit., p. 19; E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., pp. 95 - 98; and J. Young, "Sudan IGAD Peace Process: An Evaluation", op. cit., p. 37

<sup>203</sup> J. Mulama, "Darfur Overshadows the Peace Process in South Sudan," in *Sudan Tribune*, 2 September 2004.

<sup>204</sup> E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., pp. 97 - 98



even more power than had already been given away, and thus, the vice-president was expected to wipe out the Darfur rebellion and deter other insurgencies<sup>205</sup>.

Finally, the Comprehensive Peace Agreement (CPA) was signed on 9 January 2005. Mason points out that a peace process and peace agreement face innumerable challenges, including, the negotiation delegations need to agree, and get support from their governments and constituencies; the agreement has to be clear on implementation, who does what, when and how, otherwise it remains only a piece of paper; the agreement needs to create a political and institutional dynamic that makes peace increasingly irreversible; mechanisms have to be created in the agreement to bring further actors and issues on board at later stages, as the parties negotiating the agreement often do not fully represent the various political communities; the international community has to give support to the agreement, otherwise the implementation would be difficult (for instance, finances)<sup>206</sup>.

To answer these challenges, the CPA agreement had some issues worked out to their very last detail, while for other issues a more flexible mechanism was created. Furthermore, a detailed schedule was needed for the implementation, including clarity on what to do if one step was not carried out. The basic frame was a start of interim constitution (based on the CPA) six months after signing the CPA. Elections within four years after signing, and the referendum on unity of Sudan six years after signing. The referendum date could be postponed by a joint decision of the SPLM/A and National Congress Party<sup>207</sup>.

Mason summarizes the CPA along the three key areas that it addresses namely security, power sharing and wealth sharing<sup>208</sup>. On the issue of security, the CPA provided for

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<sup>205</sup> A. De Waal, "Tragedy in Darfur: On Understanding and Ending the Horror", in *Sudan Tribune*, (13 October 2004), in E. Rogier, *No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace*, op. cit., p. 98

<sup>206</sup> S. A. Mason, "Learning from the Swiss Mediation and facilitation Experiences in Sudan," op. cit., p.20

<sup>207</sup> Comprehensive Peace Agreement between the Government of Sudan and Sudan Peoples' Liberation Movement 9<sup>th</sup> January 2005; see also S. A. Mason, "Unpacking the Mystery of Mediation in African Processes", in *Mediation Support Project*, (Zurich: Centre for Security Studies, 2008), p. 75

<sup>208</sup> S. A. Mason, "Learning from the Swiss Mediation and facilitation Experiences in Sudan," op. cit., pp. 20 -21

the North and South to keep separate armed forces. In addition, there are to be joint integrated units composed of equal numbers of soldiers from the Sudanese Armed Forces and SPLA, for the protection of the border and sensitive areas. The disarmament, demobilization and reintegration (DDR) system tried to avoid some of the problems encountered by other DDR programs, like for instance, if funds went directly to the former combatants, they would use it up and be in the same place as before. The idea in CPA was to give money to the communities for training and integration activities<sup>209</sup>.

On power sharing, early on the parties agreed to a federal system of government. The joint presidency consisted of a president and two vice presidents. In the interim phase the presidency was to be held by the National Congress Party, the first vice president by SPLM/A, and the second vice president held by the National Congress Party. Major decisions have to be taken in “collegial decision-making”<sup>210</sup> and by joint presidency. The first vice president in the interim phase was at the same time the president of South Sudan. The legislative assembly at the national level consists of the National Assembly (with pre-election quotas for NCP, SPLM and other parties) and Council of States (two representatives from each state)<sup>211</sup>. Non-Muslims in the joint capital of Khartoum were not subjected to *Shari'a* law<sup>212</sup>.

The third key aspect of the CPA is wealth sharing. One of the most contested issues was on how to share oil. Then oil benefits were to be shared 50 per cent north and 50 per cent for South, after having given 2 per cent to the states or region of production. Furthermore, in the wealth sharing protocol was the issue of having a double banking system, (a “double window” model), a *Shari'a* system and a commercial banking system<sup>213</sup>.

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<sup>209</sup> Ibid., p. 20

<sup>210</sup> Art. 2.3.4 of the CPA power sharing protocol

<sup>211</sup> Art.2.2 and 2.2.3.2 of the CPA power sharing protocol

<sup>212</sup> Art. 2.4.5.4 in the CPA power sharing protocol

<sup>213</sup> See S. A. Mason, “Learning from the Swiss Mediation and facilitation Experiences in Sudan,” op. cit., p. 21

Brosch  identifies a number of challenges presented by the CPA. For instance, on the power sharing, the number of representatives at the assembly that should be given to the south is problematic in the sense that there is no reliable data on the population of Sudan<sup>214</sup>. Furthermore, during the negotiations, the emphasis was placed on the structure of the Presidency with little attention to mechanisms of processes for exercising the functions of the presidency, thus how this would work in reality is omitted. Another weakness is the Abyei Protocol that leaves the border demarcation to a board. Any decision it takes is likely to be contested<sup>215</sup>. In addition, Mason also points out that has put the implementation process in a bind where the NCP are hesitant to implement the agreement, in part because they believe that independent of such steps, the south will inevitably vote for secession. This would mean fresh negotiations which then present challenges such as further tensions<sup>216</sup>.

However, peace agreement should not viewed as ideal solutions but rather as an effort to make the best out of a conflictual situation, making the outcome viable by basing the agreement on the existing power constellation, while creating mechanisms for change such as provision of quotas for other parties not included in the negotiations.

### **3.5 Current Status of the Agreement**

Brosch  notes that it is difficult to judge the current status of the CPA because many aspects of the implementation and assessments by parties changes on a regular basis<sup>217</sup>. For instance, Salva Kiir, the President of Southern Sudan , in June 2009 he accused the National Congress Party (NCP) of being behind the increase in intra-ethnic violence in the South and

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<sup>214</sup> J. Brosch , *Sharing Power- Enabling Peace? Evaluation Sudan's Comprehensive Peace Agreement 2005*.op. cit., p. 24

<sup>215</sup> Ibid., pp. 25 - 26

<sup>216</sup> S. A. Mason, "Learning from the Swiss Mediation and facilitation Experiences in Sudan," op. cit., p. 21

<sup>217</sup> J. Brosch , *Sharing Power- Enabling Peace? Evaluation Sudan's Comprehensive Peace Agreement 2005*,op. cit., p. 27

assassinating the spirit of CPA; less than a month later, however, he commented that Abyei can be a role model for creating peace in Sudan<sup>218</sup>.

De Waal<sup>219</sup> also suggests that the CPA means different things to different people and is another interim arrangement that specifies a six year time frame. It postponed rather than resolve the ambiguities of Sudan's identity. In the context of NCP, the CPA represented the best deal for the South and the last best chance for unity which gives the southerners privileged status: the SPLM not only controlled the South but also have a major stake in the North, including veto power over key aspects of national political life. To the ruling party and the security elites, "making unity attractive" entailed implementing the wealth- sharing and power sharing formulae of CPA, enabling the SPLM to govern the South, while also offering material inducements to Southern elites to encourage them to believe that their financial interests lay in the continued union.

On the other hand, John Garang and his closest followers genuinely supported the agenda of the "New Sudan" which aimed at overturning the historical legacy of minority rule and enable the majority of Sudan's people, who are marginalized and do not identify themselves as Arab, to be fully represented at the centre of state power. But in contrast, most southerners saw the CPA as the waiting room for independence, with formal commitment to unity no more than a ruse to ensure that the deal was acceptable to the international community, including African governments that have been strongly averse to tampering with colonial borders<sup>220</sup>.

The trend of implementation of the CPA has also been characterized by unmet deadlines and it is far behind schedule in many areas of the agreement, namely: census, which was a prerequisite for elections – which according to the CPA should have taken place

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<sup>218</sup> ICG, "Sudan: Justice, Peace and the ICC," in *Africa Report No. 152*, (17 July 2009), pp. 23 - 24

<sup>219</sup> A. De Waal, "Sudan's Choices: Scenarios Beyond the CPA," in R. Furlong and B. Herrmann, (eds.) *Sudan – No Easy Ways Ahead*, Vol. 18 ( Berlin: Heinrich Boll Foundation, 2010), p. 11

<sup>220</sup> *Ibid.*, p. 11

before 9 July 2007 was not finalized until mid-2009 and the election rescheduled to April 2010; the withdrawal of Sudan Armed Forces failed to take place on 9 July 2007 but this deadline passed without international reaction; delayed demarcation of the border between the north and south; and, there has been no war but three major clashes have occurred since the signing of the peace accord<sup>221</sup>. This shows how fragile the situation is on the ground<sup>222</sup>.

On a positive note, The NCP and SPLM made significant achievements in 2008, such as the Road Map and National Electoral Commissions<sup>223</sup>. There has not been a return to war between the signatories, thus viewed as the greatest achievement of the CPA<sup>224</sup>. The formation of the Government of National Unity and appointment of SPLM leader as the First Vice President is another positive example. However, despite all these achievements, the transitional period remains fragile and subject to challenges from within the south and from political crises in Khartoum, and can be derailed by turbulence within the horn<sup>225</sup>. The biggest threat to the peace process, and indeed the stability of Sudan, lies outside the nexus of North-South and instead demands for justice and democracy by regional and ethnic groups, for instance Sudan Liberation Movement (SLM) and Justice and Equality Movement (JEM) of Darfur; these groups will take heart from the successful example of the SPLM/A armed struggle, while at the same time fearing that further division of material and political assets between the former belligerents will deepen their marginalization<sup>226</sup>.

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<sup>221</sup> J. Broschè, *Sharing Power- Enabling Peace? Evaluation Sudan's Comprehensive Peace Agreement 2005*, op. cit., pp. 27 - 29

<sup>222</sup> See Human Rights Watch, "Abandoning Abyei: Destruction and Displacement", (May 2008), pp. 13 - 22

<sup>223</sup> J. Broschè, *Sharing Power- Enabling Peace? Evaluation Sudan's Comprehensive Peace Agreement 2005*, op. cit p. 30

<sup>224</sup> Ibid., p. 29

<sup>225</sup> <sup>225</sup> African Security Analysis Programme, "The Sudan – IGAD Peace Process Signposts for the way Forward", in *Occasional Paper 86*, op. cit., p. 14

<sup>226</sup> Ibid., p. 14

### **3.6 Conclusion**

The prevalence of internal conflicts in most part of the third world, particularly in Africa, has spawned an academic and policy industry. However, the discussion on most conflicts in Africa has tended to focus on the causes rather than the means to end these conflicts. This is probably because the continent has witnessed very few successful cases of conflict resolution through third parties. Indeed, the trend across Africa has been for most conflicts to end through outright military victory for either of the protagonists. This study aims at explain how the Sudan's intractable conflict was brought to an end and draw some lessons from the mediation efforts of IGAD through its mediators. This conclusion recapitulates the main findings in this respect.

Based on the historical assessment of the conflict, the civil war in Sudan was inevitable soon after its independence. The long prevalence of the Sudanese civil was due to the social polarization between the North and South. In addition, the Sudan case is an example of conflict that seems truly intractable until a 'geopolitical shift' alters fundamentally the parameters and parties calculations. This conflict teaches outsiders to be modest because certain situations are simply not amenable to a negotiated settlement without fundamental change, and yet not to lose hope, as even seemingly desperate cases can be ultimately be rescued and solved.

The CPA provides for a fair settlement of Africa's oldest war by addressing legitimate grievances of the Southern Sudanese whose right to self-determination is recognized. What is emerging is the fact that in the process leading to the signing of the Comprehensive Peace Agreement is that, it can be fruitful to combine the knowledge of the area from the neighbouring countries with the negotiations.

The adjacent countries should have a high level of dedication in providing peace as they suffer from war in the form of refugees and destabilizing the region. In addition, they are

in a useful position to know the circumstances well, and this can be a way of securing long-term commitment as it is not possible to withdraw their engagement as easily as other actors. Furthermore, neighbouring countries sometimes constitute the risk of being spoilers, a risk that can be reduced if the neighbours are involved in a positive manner. Furthermore, where Sudan is located, support to rebel groups in neighbouring countries has been widespread; for instance, the Government of Sudan (GoS) has supported the Ugandan rebel group, Lord's Resistance Army (LRA), and the Ugandan Government has supported SPLM/A<sup>227</sup>. Hence, to steer neighbouring countries into a more peace-enhancing direction is a prerequisite for peace. However, other skills, both in form of 'carrots', for instance increased aid, and 'sticks', perhaps enhanced pressure on the parties, are probably better provided by extra-regional actors such as the European Union and the United States. For the Comprehensive Peace Agreement (CPA) process, combined commitment by the region, especially Kenya, and other actors from the international community such as the Troika (the US, UK and Norway) was crucial throughout the negotiation period. Thus, a combination of 'carrots' and 'sticks' from strong western powers together with local knowledge that can be provided by neighbouring states is an important consideration.

The skills used by the IGAD mediators contributed immensely to the outcomes of the Sudan peace process. Specifically, the mediator's enunciation of the Declaration of Principles provided the structure for the negotiations by identifying key points of disagreements among the parties. The mediators adhered to the Declaration of Principles as the basis of negotiations and its portrayal as the irreducible minimum increasingly isolated Khartoum government from major sections of the international community. Indeed, over a period, Khartoum which clung to its insistence on *Shari'a* law, was perceived as promoting an Islamic agenda and forcing it on the southerners. With material and political western support provided, only the

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<sup>227</sup> See J. Broschè, *Sharing Power- Enabling Peace? Evaluation Sudan's Comprehensive Peace Agreement 2005*. op. cit., p. 38

IGAD-led mediation process was legitimate and the international community did not endorse other peace initiatives. In this regard, Khartoum had little room to exit from the talks or engage other states to mediate as was observed in Nakuru.

It should also be noted that before IGAD initiated the peace process, few extra-regional actors had made any progress since the conflict re-erupted in 1983. No other extra-regional actor displayed the patience and persistence shown by the IGAD mediators in their attempts to move the parties towards a negotiated peace. This may be due to the fact that as a neighbour countries, IGAD member states felt the brunt of the negative effects of the Sudanese conflict , including small arms proliferation, rising of insecurity, problem of refugees and a general distaste of the region by international investors who felt uncertain and insecure. Consequently, it can be asserted that the IGAD mediators played a significant role in facilitating the Comprehensive Peace Agreement.

The CPA is undeniably a historic achievement, and southern Sudanese should be assisted to fully realize their right to self-determination.



## **Chapter 4: The Somalia Peace Process, 1991 to 2009**

### **4.0 Introduction**

Somalia has experienced an almost constant civil conflict since the collapse of Mohamed Siyad Barre's regime in 1991. A confluence of factors including colonial legacy, external intervention, clannism, Siyad Barre's dictatorship, and the intensification of armed opposition contributed to the disintegration of Somalia in 1991. Somalia has been struggling since then, with the complete absence of a functioning central government and consequently, law and order. In recent times, Somalia and its intractable conflict appears daily in the international media and not only is the international community concerned with the numerous acts of piracy which have occurred off the coast of Somalia during the past few years but as the conflict between the fragile transitional government and the Islamic insurgents has re-intensified in recent months, all eyes are once again upon this troubled East African country.

According to the Uppsala Conflict Programme/Peace Research Institute in Oslo (UCDP/PRIO) Armed Conflict Dataset, the country has experienced 20 years of armed conflict since 1978. Following the end of Mohammed Siyad Barre's dictatorship and the collapse of the state, Somalia has had a climate of instability and periodic violence, where "clan-based political dynamics have consistently worked against the re-establishment of a central government"<sup>1</sup>.

While regions of Somaliland and Puntland have managed to maintain some form of a working government, and stayed relatively stable and secure, south-central Somalia has remained volatile and deeply fragmented between warring factions. In this area, and particularly in the capital Mogadishu, the politics of certain clans degenerated into warlord politics, and competing clan factions and leaders attempting to take control of business

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<sup>1</sup> S. Healy, *Lost Opportunities in the Horn of Africa: How Conflicts Connect and Peace Agreements Unravel*, (London: Royal Institute of International Affairs, 2008), p. 20

opportunities<sup>2</sup>. Over the years, the war has transformed from a war between rival clan-based liberation movements to one where political Islam gradually has become more central.

This chapter will discuss the Somali conflict. It will provide an overview of Somalia's historical background overview of the country, before moving on to focus on the timeline and characteristics of the current intractable conflict. The mediation styles adopted by the various actors and their impact in the Somalia Peace Process are also examined. The chapter will also review the various peace processes that have been geared towards finding a peaceful resolution to the conflict.

## **4.1 The Somali Conflict: A Historical Overview**

### **4.1.1 Conflict in Colonial Somalia**

Somalia has always been considered an exception with regard to the rest of Africa on the account of its extraordinary ethnic, cultural, religion and linguistic homogeneity<sup>3</sup>; it is for this reason that Somalia, prior to its independence, was referred to as the nation without a state<sup>4</sup>. Somalia's historical background has many implications for the Somali conflict<sup>5</sup>. It created tensions between an ancient pastoral culture and demands of modern statehood. The Somali loved animals in pre-colonial times and were, according to Mazrui, usually members of stateless societies. They had ordered anarchy and ruled through consensus rather than coercion as opposed to farming communities who experienced statehood since pre-colonial times and therefore experienced elaborate political and social hierarchical structures even before the impact of the modern state. The European colonization and with it the idea of state, which includes concepts like territorial sovereignty and consciousness of frontiers and

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<sup>2</sup> Ibid., p. 20

<sup>3</sup> I. Farah, *Foreign Policy and Conflict in Somalia, 1960 – 1990*, (Ph.D. Dissertation, Nairobi: University of Nairobi, 2009), p. 68

<sup>4</sup> A. A. Botan, "Somalia: Regional State or Cantonization of Clans," in H. M. Adam and Richard Ford, *Rips in the Sky: Options for Somali Communities in the 21<sup>st</sup> Century*, (Asmara: The Red Sea Press Inc., 1997), pp. 255 – 270: 255

<sup>5</sup> A. Mazrui, "Crisis in Somalia: From Tyranny to Anarchy," in H. M. Adam and Richard Ford, *Rips in the Sky: Options for Somali Communities in the 21<sup>st</sup> Century*, (Asmara: The Red Sea Press Inc., 1997), pp. 5 – 11: 8

borders, was often a severe constraint for the nomadic section of the Somali people. The Somali people as a whole found themselves split in five different areas by the scramble for Africa. Colonialism led them to become more conscious of themselves as one Somali family instead of individual clans. Thus, the partition both divided and united Somalia, bringing about the paradox of high emotions of nationalism combined with a low sense of nationality.

#### **4.1.2 Post Independence: Conflict with Neighbouring States**

According to Farah et al, in 1960, Somalia was granted independence from Italy, and Italian Somalia was merged with the British Somaliland in accordance with the United Nations trusteeship agreement<sup>6</sup>. Soon after independence, Somalia engaged in border hostilities with Kenya and Ethiopia in the mid 1960s, and again with Ethiopia in 1977-78 during the Ogaden War. Various reasons underlie these wars<sup>7</sup>. According to Lewis, the first stirrings of nationalism occurred in the 1930s and 1940s in urban centres, especially Mogadishu<sup>8</sup>. In this rapidly growing urban centre, the impact of Western influence was experienced more keenly and the collective indemnification of wrongs was now less necessary than in the nomadic world of the interior. Amongst the merchants and traders, especially, there emerged a new feeling of dissatisfaction with particularism of the past. This together with the experience of Italian patriotic fervour presented in a new light and the long suppressed reaction of alien rule, provided conditions favourable to the emergence of new aspirations. Thus, in the last few years of the short-lived Italian East African Empire, the first definite steps towards the creation of a modern nationalist movement began in Somalia.

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<sup>6</sup> I. Farah, A. Hussein and J. Lind, "Degaan, Politics and War in Somalia," op. cit, p 326; World Bank Report, *Conflict in Somalia: Drivers and Dynamics*, (January 2005), p. 324

<sup>7</sup> I. Farah, *Foreign Policy and Conflict in Somalia, 1960 – 1990*, op. cit., p. 71

<sup>8</sup> I. M. Lewis, *A Modern History of the Somali: Nation and State in the Horn of Africa*, op. cit., p. 113

Following the Italian defeat, the whole Somali Peninsula with the exception of French Somaliland) came under British military administration and continued for almost a decade<sup>9</sup>. The most notable development under the British military administration was the growth of a new and fervent sense of national awareness. A number of factors helped to foster this new attitude. The memory of *Dervish* nationalist resistance<sup>10</sup>, the unification of the country and the spectre of dismemberment, the public humiliation of colonial masters (first by the British then by the Italians) hitherto presumed invincible, the progression in education and economic complexity, the growth of an articulate elite, and the lifting of the ban on open political debate by the new administration were some of the forces that served to give rise to the new nationalist climate<sup>11</sup>. The other reasons were proposals for eventual independence, since the country was placed under the United Nations Trusteeship and Britain's project for a "Greater Somalia" and its encouragement of political parties and eventually, the country's repartition<sup>12</sup>.

The Somali Youth League (SYL) promoted the idea of Somali unity with neighbouring African territories namely: French Somaliland, the Ogaden under Ethiopian rule, the Northern Frontier District (NFD) in Kenya and British Somaliland. The Somali Youth League activists carried flags and banners depicting a white five point star on a blue

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<sup>9</sup> D. D. Laitin and S. S. Samatar, *Somalia: Nation in Search of a State*. (Colorado: Westview Press, 1987), p.763

<sup>10</sup> In the colonial period, this brought about resistance and revolt known as the 1900 to 1920, *Dervish* rebellion led by Sayyid Mohammed Abdulle Hassan. After the British Consul-General for the coast received a letter accusing the British of oppressing Islam and denouncing those who obeyed or cooperated with the administration as liars and slanderers, he denounced him as a rebel and urged his government in London to prepare an expedition against the *Dervishes*. Although Sayyid Mohammed was defeated both by rival Somali factions and the British, he was celebrated as a popular hero and still stands out as a major figure of national identity to many Somalis. Aw Jama Isse, a Somali historian argues that the *Dervish* movement was the first in the history of colonial Africa in which the British used their air force to attack and defeat their adversaries and credits this to Sayyid Mohammed. See I. M. Lewis, *A Modern History of the Somali: Nation and State in the Horn of Africa*, 4<sup>th</sup> Ed., (Hargeisa: Btec Books, 2002), p. 70; See also I. Farah, *Foreign Policy and Conflict in Somalia, 1960 – 1990*, op. cit., p. 71

<sup>11</sup> D. D. Laitin and S. S. Samatar, *Somalia: Nation in Search of a State*, op. cit., p. 763

<sup>12</sup> R. Adolf and V. Thompson, *Djibouti and the Horn of Africa*, (California: Stanford University Press, 1968), p.

sky<sup>13</sup>. This “Greater Somalia” was at the core of Somali Foreign Policy, leading to wars with Ethiopia and Kenya. As the people in the disputed areas shared the same culture, language and religion, Somali leaders believed that by merging them into one country under a strong central government, the Somali people would be better off<sup>14</sup>.

Attempts to unify all the Somali people in the 1960s did not succeed as the French, Ethiopian and Kenyan British segments could not join with the two larger groupings – Italian in the south and British in the north – to form a new state. Despite independence of the Somali Republic in 1960, the Somali nationalist dream remained unfilled<sup>15</sup>. Because of this pan-Somali nationalism, Somalia’s relations with its neighbours became sticky, and even belligerent, with Somalia supporting proxy-type guerrilla war in northern Kenya (usually referred to as *Shifita*) between 1963 and 1967 and the conflict with Ethiopia both in 1963, and later on in 1977 to 1978 by militarily supporting the Western Somali Liberation Front (WSLF) liberation movement in Ethiopia.

Apart from Somalia, its neighbours also precipitated the wars. On Ethiopia’s eastern side, its 19<sup>th</sup> Century acquisition of territory brought it into conflict with Somalia’s claims<sup>16</sup>. As an independent state at the time, the Somali-Ethiopian border had been established; Ethiopia was a participant in the negotiations. In other words, the country had not been helpless victim of dealings of European colonial powers, but rather a party of conquest of the Horn of Africa. Most of the Ogaden was annexed to Ethiopia only in the 1890s and the contested borders were simply variants of those established treaties between Ethiopia and Italy in 1908. The problem was further complicated by the fact that Somalia demanded not a

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<sup>13</sup> J. Drysdale, *Stoics Without Pillows: A Way Forward for Somalilands*, (London: HAAN Associates Publishing, 2000), p. 71

<sup>14</sup> I. Farah, *Foreign Policy and Conflict in Somalia, 1960 – 1990*, op. cit., pp. 72 - 73

<sup>15</sup> See H. M. Adam, R. Ford and A. J. Ahmed, *Removing Barricades in Somalia: Options for Peace and Rehabilitation*, (Washington, DC: United States Institute of Peace, 1998), p. 9

<sup>16</sup> P. Woodward, *The Horn of Africa: Politics and International relations*, (London and New York: Tauris Academic Publishers, 1996), p. 125

minor boundary adjustments but a drastic change, one which would have resulted in its annexation of about one third of the present Ethiopian territory, including the major towns of Hara and Dire Dawa<sup>17</sup>. Up to the present times, there is not an internationally recognized border, only a provisional administrative line<sup>18</sup>.

It is typically colonial, a line arbitrarily drawn on the map without regard for ethnic and cultural or economic factors, a situation which currently remains contentious<sup>19</sup>. Consequently, the two states engaged in hostilities, with the Ethiopian army proving its superiority in 1963, and in a matter of days. Ethiopia's motivation being the protection of its national interest, the country resisted ceding a part of its territory to Somalia as this would mean that it would lose its status and prestige, territory being a major variable of power in international politics. Ethiopia also had the concern of being a land-locked state. Due to these imperial inclinations, the Emperor was not satisfied with the 1950 United Nations resolution to federate Eritrea into Ethiopia, granting it greater freedom and self governance<sup>20</sup>. This again meant that Ethiopia would be reduced to a land-locked state. Therefore, it abrogated the federation in 1962, annexed Eritrea and fought rebel forces such as Eritrean Liberation Front (ELF).

This had several implications for the conflict with Somalia: it deepened the suspicions between the two states over their respective intentions; it prompted clientelism in order to acquire weapons; and it brought about proxy wars into each other's country<sup>21</sup>. Indeed, Somalia supported Eritrean liberation movements while Ethiopia supported rebel groups. Somalia's concerns laid both in the quest to open different fronts of war to wear out the

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<sup>17</sup> See E. J. Keller, *Revolutionary Ethiopia: From Empire to People's Republic*, (Bloomington and Indianapolis: Indiana University Press, 1988), p. 162

<sup>18</sup> M. H. Mukhtar, "Historical Dictionary of Somalia," in *African Historical Dictionary*, Series No. 87, (Maryland and Oxford: Scarecrow Press, 2003), p. 176

<sup>19</sup> I. Farah, *Foreign Policy and Conflict in Somalia, 1960 – 1990*, op. cit., p. 74

<sup>20</sup> See M. Ottaway, *Soviet and American Influence in the Horn of Africa*, (New York: Oxford University Press, 1989)

<sup>21</sup> I. Farah, *Foreign Policy and Conflict in Somalia, 1960 – 1990*, op. cit., p. 74

Ethiopian army and in its pan-Arab nationalism sympathy, while Ethiopia's lay in the Eritrean port which was an economic asset and was strategic for supply of weapons. This Ethiopian concern to gain direct access to the sea by preventing control of coastal areas from foreigners led it to claim both Eritrea and Somaliland, precipitating war in the Horn of Africa<sup>22</sup>.

As far as Kenya is concerned, Somali nationalism constituted a challenge to its territorial integrity as Somali nationalists claimed that the eastern portion of northern Kenya should be detached from Kenya and annexed to Somali republic. The area in question covers some 45,000 square miles and comprises one fifth of the total territory that belongs to Kenya<sup>23</sup>. During independence, Britain had a certain level of sympathy towards Somalia's dilemma. However, the British diplomats were guilty of double dealing in the 19<sup>th</sup> Century. Having signed treaties of protection with Somali leaders, they then signed a treaty with Menelik. Putting their 'protected' peoples under the jurisdiction of the Ethiopian emperor, to expedite this British sin, Lord Bevin attempted to fashion a united Somali colony in the wake of World War II at a time when the British military administration had control of virtually all Somali lands with the exception of the French colony (presently Djibouti). This proposal, however, failed amid considerable opposition in the United Nations, especially by Soviets who saw the plan as another British attempt to expand its empire.

The British promised the Somali people that the popular will in Kenya's Northern Frontier District (NFD) would determine whether it became a part of Kenya or Somalia. When the British team travelled to NFD, it reported overwhelming desire of the people to

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<sup>22</sup> M. Wubneh and Y. Abate, *Ethiopia: Transition and Development in the Horn of Africa*, (Colorado: Westview Press, 1988), p. 164

<sup>23</sup> S. Touval, *Somali Nationalism: International Policy and Drive for Unity in the Horn of Africa*, (Cambridge and Massachusetts: Harvard University Press, 1963), p. 147

join the Somali Republic<sup>24</sup>. The Kenyan Somali have sympathized with the Somali nationalist movement since its inception. However, Somali nationalists were increasingly concerned that Kenya's constitutional progress might frustrate their hopes for ultimate unification with the Somali republic and were reluctant to become subject to an African government when Kenya attained independence<sup>25</sup>. For their part, the Kenyan African nationalists were determined to safeguard the country's territorial integrity and oppose the secession of territory to the Somali Republic. At this time, British double-dealings resurfaced. In order to make peace with Kenyan nationalists, seen as essential to an orderly transition of the agricultural ownership of the white highlands, the British agreed to keep the NFD as part of Kenya notwithstanding the aspirations of Kenyan Somali. This intervention prompted secessionist feelings among Somali people in the Northern Frontier District (NFD)<sup>26</sup>.

In reaction to the Kenyan nationalists' refusal to entertain any territorial adjustments in their final negotiations with the British before independence, the Somali government invited Jomo Kenyatta and Ronald Ngala to Mogadishu and showered them with Somali hospitality in order to gain their support in granting the NFD its right to self-determination. In March 1963, when the British announced on Kenyan radio that NFD would be an integral part of Kenya, it provoked riots in Somalia and in the NFD. Consequently, Kenyan authorities dubbed the Somali nationalists *Shiftas*, or bandits, while their kin in Somali republic characterized them as freedom fighters. This led Kenya to fight its own citizens in the short *Shifita* war. As the Kenyan army was well trained in insurgency warfare during the Mau Mau insurgency, it put down the rebellion quickly.

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<sup>24</sup> D. D. Laitin and S. S. Samatar, *Somalia: Nation in Search of A State*, (Boulder, CO: Westview Press, 1987), p. 133

<sup>25</sup> S. Touval, *Somalia Nationalism: International Policy and Drive for Unity in the Horn of Africa*, (Cambridge and Massachusetts: Harvard University Press, 1963), p. 150

<sup>26</sup> I. Farah, *Foreign Policy and Conflict in Somalia, 1960 – 1990*, op. cit., p. 76



A key element in the relationship between Kenya and Ethiopia was Somalia's territorial claims in both and Ethiopia, which made them targets of Somali guerrilla insurrection. The countries signed an agreement of cooperation and mutual defence assistance in 1964 in order to contain the pan-Somali claims. The agreement resulted in the Ethiopian-Kenyan border administration commission, which met annually. In its January 1983 meeting, the commission condemned Somalia's expansionist designs and urged all countries to refrain from arming the Somali regime.

Several events point to the strong ties between Kenya and Ethiopia. During the 1977 to 1978 drought in Ethiopia, Kenya provided food assistance to its ally. When Sudan and Somalia supported the Eritrean Somali guerrillas that attacked and disrupted Ethiopia's access to the Red Sea ports, Kenya came to Ethiopia's aid and offered its embattled neighbour the use of the Kenyan port of Mombasa. This also made the completion of the Addis Ababa – Nairobi highway possible<sup>27</sup>. In addition, during the Somali invasion of the Ogaden, Kenya detained aircrafts from Egypt to Somalia to the detriment of its relations with Egypt. Kenya was also partly instrumental in preventing Somalia from enlisting United States and western military assistance after its losses in the 1977-1978 Ogaden War. Kenya, which was also a close ally of the United States at the time, was indeed opposed to any United States military assistance to Somalia as it was concerned that such arms may be used to invade NDF. As a result, in 1978, Kenya warned that its Indian Ocean port may be closed to United States warships if Washington sent arms to Somalia<sup>28</sup>.

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<sup>27</sup> M. Wubneh and Y. Abate, *Ethiopia: Transition and Development in the Horn of Africa*, op. cit., p. 165

<sup>28</sup> *Ibid.*, p. 165

### 4.1.3 The Ogaden War and Its Impact on Somalia

The Cold War triggered the Ogaden War of 1977 – 1978. Among other things, the two superpowers poured armament on Somalia and Ethiopia<sup>29</sup>. Cold War Somalia initiated the Ogaden War on 13 July 1977 with a strong Western Somali Liberation Front (WSLF) drive towards Godey in the southern part of Ethiopia<sup>30</sup>. The Somali decision to invade Ogaden may be explained in part by Somali government's miscalculation. The Somali leadership believed that the Soviets were treaty-bound to Somalia and that they would not provide aid to its adversaries, notably Ethiopia. They could not see why the Soviets would risk what was at the time a secure position in Somalia to support the unstable Ethiopian regime<sup>31</sup>. It also appeared that Somalis had tacit encouragement and support from the Carter administration for their planned invasion of Ogaden<sup>32</sup>.

Barre took advantage of the internal problems of Ethiopia, especially the change of guard coupled with the turmoil arising from the nationalist movements in Eritrea who launched an attack in the provincial capital of Asmara in January 1975. In 1975 – 1975, massive drought had also weakened Ethiopia and pushed emperor Haile Selassie's government to a state of collapse. Therefore, Somalia launched an offensive to liberate the

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<sup>29</sup> According to Farah, as the superpowers competed with each other, they fuelled conflict between the two client states, Somalia and Ethiopia. Prior to the shift in alliance in 1977, the Soviet Union used Somalia to fight Ethiopia while the United States used the latter to fight the former, and vice versa after the shift of alliances. Copson agrees that the two powers foreign policy ambitions and designs could be pursued more easily in Africa, and more so in the Horn of Africa, than in many other parts of the world. In the Horn, the risk of dangerous reactions was small and affordable commitments of power could have a great impact. See I. Farah, *Foreign Policy and Conflict in Somalia, 1960 – 1990*, op. cit., p. 80; see also R. C. Copson, *African wars and Prospects for Peace*, (New York and London: ME Sharp, Inc., 1994), p. 112

<sup>30</sup> Lederach posits that the reality of Cold war meant weapons and the loans needed to finance their purchase as well as ideologies came from the north while the south contributed its environment: mainly people and national economies. See J. P. Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, (Washington, DC: USIP, 1997), p. 7

<sup>31</sup> I. Farah, *Foreign Policy and Conflict in Somalia, 1960 – 1990*, op. cit., p. 81

<sup>32</sup> M. Wubneh and Y. Abate, *Ethiopia: Transition and development in the Horn of Africa*, op. cit., p. 81

Somali people in Ethiopia on the basis that the war with a weakened Ethiopia was winnable<sup>33</sup>.

However, as Somalia was on the verge of victory, Cuba and the Soviet Union came to the rescue of Ethiopia. With the help of thousands of Cuban troops operating sophisticated Soviet weapons, the Soviet Union nursing an opportunistic war strategy, ruptured its long-term relations with Somalia to give political, diplomatic and military backing to its new Ethiopian ally. Hence, the Ethiopians were able to eject the Somali army from the displaced territories<sup>34</sup>. It is estimated that the offensive destroyed 75 percent of the Somalis tanks and 50 percent of its combat air force while 800 of its best troops were killed. It is against this backdrop that the Somali civil war broke out<sup>35</sup>.

Farah points out that following this war, Somalia faced a number of problems: the defeat of the Ogaden war led to the disintegrating of the Somali army; there were issues of identity and recognition, participation, marginalization and foreign-supported armed opposition<sup>36</sup>. Somalia descent into chaotic lawlessness did not occur overnight and could have long been predicted<sup>37</sup>. The civilian administration that assumed power after independence became hopelessly corrupt and inept and was overthrown by Siad Barre in a bloodless coup. In an attempt to regain popularity and legitimacy, Barre turned to pan-Somali nationalism, leading to the Ogaden War with Ethiopia, as already highlighted. The defeat of the Somali forces in Ogaden in turn brought to the fore opposition elements within the Somali forces. These elements failed in an attempt to overthrow Barre in April 1978<sup>38</sup>. These were mainly officers from Majerten sub-klan, some of whom consequently escaped and fled

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<sup>33</sup> A. Simons, "Somalia: A regional Security Dilemma," in E. J. Keller and D. Rothschild (eds.), *Africa in the New International Order*, (Boulder, CO: Lynne Rienner Publishers, 1996), p. 76

<sup>34</sup> H. M. Adam, et al, *Removing Barricades in Somalia Option for Peace and Rehabilitation*, op. cit., p. 3

<sup>35</sup> M. Robbins, "The Soviet-Cuban relationship," in R. R. Kanel, (ed.), *Soviet Foreign Policy in the 1980s*, (New York: Praeger, 1982), p. 161

<sup>36</sup> I. Farah, *Foreign Policy and Conflict in Somalia, 1960 – 1990*, op. cit., pp. 82 - 83

<sup>37</sup> G. B. N. Ayyitey, "The Somali Crisis: Time for an African Solution," in *Policy Analysis*, No. 205, (28 March 1994), p. 3

<sup>38</sup> M. Wubneh and Y. Abate, *Ethiopia: Transition and development in the Horn of Africa*, op. cit., p. 166

abroad, especially to Ethiopia, and played a major role in forming the Somali Salvation Front (SSF), later the Somali Salvation Democratic Front (SSDF) after merging with the Somali Democratic Action (SDA) in October 1981<sup>39</sup>. The SSDF soon began to launch Guerrilla raids on Somali army bases and civilian targets across Ethiopian – Somali Border. Further, the Barre regime violently suppressed opposition movements and clans, particularly the Isaq sub-clan in the northern region using the military and elite security forces to quash any hint of rebellion<sup>40</sup>. Another consequence of the Ogaden debacle was the arrival, from Ethiopia, of more than one million refugees, most of who settled in the north, which only further exacerbated the increased sense of alienation among the Isaq clan<sup>41</sup>. This, compounded with their perception of inadequate representation in Barre's government, led to Isaq dissidents living in London to form the second armed Somali rebel group, The Somali National Movement (SNM), with the sole aim of toppling the regime and it moved its headquarters to Addis Ababa in 1982. The SNM organized and directed its first military operations against Barre from Ethiopian bases.

However, it was only in July 1984 that the movement became a serious threat to the Somali government. During this period, the SNM strengthened its relations with other insurgent movements such as SSDF since both groups had political and military wings. Proclaiming itself as a nationwide opposition movement, the SNM developed alliances with other sub-clans in the north as well as with non-Isaq sub clans in the south<sup>42</sup>. The Somali government's response to the guerrilla movements included increased nationwide repression of suspected political dissent and brutal collective punishments in Majerten and Isaq regions. These measures only intensified the opposition to the regime. The government further

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<sup>39</sup> US Army Department "Analysis of Somalia," (December 1993), p. 2

<sup>40</sup> I. Farah, *Foreign Policy and Conflict in Somalia, 1960 – 1990*. op. cit., p. 83

<sup>41</sup> R. Cornwell, "Somalia Fourteenth Time Lucky?" in *Occasional Paper, No. 87*, Institute of Security Studies, (April 2004), p. 2

<sup>42</sup> M. H. Mukhtar, "Historical Dictionary of Somalia", op. cit., p. 25

prevented the opposition from forming a unified front, a situation which had the effect of intensifying both inter-intra-clan antagonisms. For instance, in 1989, the Hawiye leaders who had previously cooperated with SNM decided to form their own-clan based opposition movement, United Somali Congress (USC), in Rome, Italy. Almost immediately after its formation, the united Somali Congress split along sub-clan lines within the Hawiye and between Ali Mahdi and the General Aideded. The latter later received weapons from SNM with which it became allied. Barre's uneven persecutions and strategies, therefore, forced the opposition to utilize its own clan structures as organized armed forces<sup>43</sup>.

Farah notes that the divisions within the opposition, however, did not work to the government's advantage in the long term as it was gradually alienating an increasing number of the countries clans and sub-clans, including the very lineage of the Dhulbahante and Ogaden sub-clans that had provided the government's most loyal support<sup>44</sup>. This is true of the Ogaden sub-clan living in both Somalia's neighbouring countries Ethiopia and Kenya and which was strongly interested in the pan-Somali issues tended to blame the Somali government for the country's defeat in the Ogaden War. The deteriorating relations between Siyad Barre and former Ogaden supporters climaxed in 1990 with a mass desertion of Ogaden supporters climaxed in 1990 with a mass desertion of Ogaden officers from the army leading to the formation of a new opposition movement: the Somali Patriotic Movement (SPM)<sup>45</sup>. Subsequently, in 1990 the Digil-Mirifle, in Bay and Bakol region, formed their own rebel group known as the Somali Democratic Movement (SDM). Motivated by the Isaq domination of areas captured from government forces, the SDM aimed to essentially protect the unarmed

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<sup>43</sup> H. M. Adam, et al, *Removing Barricades in Somalia Option for Peace and Rehabilitation*, op. cit., p. 3; See also R. Cornwell, "Somalia Fourteenth Time Lucky?" in *Occasional Paper, No. 87*, Institute of Security Studies, (April 2004), p. 2

<sup>44</sup> I. Farah, *Foreign Policy and Conflict in Somalia, 1960 – 1990*, op. cit., p. 83

<sup>45</sup> H. M. Adam, et al, *Removing Barricades in Somalia Option for Peace and Rehabilitation*, op. cit., p. 3; See also R. Cornwell, "Somalia Fourteenth Time Lucky?" in *Occasional Paper, No. 87*, Institute of Security Studies, (April 2004) p. 2

and defenceless Digil-Mirifle peasants in the inter-riverine region from the violence of the warring factions<sup>46</sup>.

Elmi and Barise<sup>47</sup> point out that mere difference in clan identities themselves did not cause the conflict. Indeed, clan identity is not static, but changes depending on the situation. Clan identity is also flexible. The emphasis on one level over another reflects the interests and goals of the elites at that level. For instance, when the opposition leaders in Somalia wanted to mobilise forces, they emphasized the most inclusive identities: the Somali National Movement leaders emphasized the grievances of the Isaq clan, whereas the United Somali Congress leaders mobilized the Hawiye clan. The Somali Democratic Movement (SDM), on the other hand, organized Digil and Mirifle clans in the south. General Mohammed Siyad Barre depended heavily on his own Mareehan sub-clan of the Darod clans. Opposition leaders from Darod clan could not use the Darod banner because General Siyad Barre was himself a member of the Darod clan. Therefore, the Somali Salvation Democratic Front (SDDF) leaders depended on the Majerten sub-clan of the Darod clans, while the Somali Patriotic Movement (SPM) drew its supporters from the Ogaden sub-clan of the Darod clans.

Elmi and Barise identify causative factors that fuelled the Somali conflict: clan identities, availability of weapons, Somalia's large number of unemployed youth and some features of Somali culture<sup>48</sup>. After 1992, following the fall of Siyad Barre's government, the emphasis changed from inclusive clan identities (for example Darod or Hawiye) to sub-clan identities such as Harti, Mareehan, Habar Gidir or Mudullood. So, for instance, when the power struggle broke out in 1991, between Ali Mahdi Mohammed and General Mohammed Farah Aideed (who both belong to the Hiraab sub-clan), the clan identities that mattered

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<sup>46</sup> M. H. Mukhtar, "Historical Dictionary of Somalia," in *African Historical Dictionary*. (Maryland: Scarecrow Press, 2003), p. 126

<sup>47</sup> A. Elmi and A. Barise, "The Somali Conflict: Root Cause, Obstacles and Peacebuilding Strategies," in *African Security Review*, Vol. 15, No. 1 (March 2006), pp. 32 - 54

<sup>48</sup> *Ibid.*, pp. 37 - 38

became those of and the Habar Gidir (their respective sub-clans). These clan identities fuelled the conflicts in Somalia, but did not, by themselves, cause the war. In other words, clan identity became an instrument for mobilisation.

The availability of the weapons exacerbated the Somali conflict. The Somali people were well armed. There were two major sources of weapons: the two superpowers of the time (the Soviet Union and the United States) competed to arm the former dictator; and the second source was the Ethiopian regime, which was arming opposition groups. The availability of weapons, combined with all the above grievances and disputes, resulted in an all out civil war in 1988.

Somalia's large number of unemployed youth added fuel to the conflict. There was an increase in the Somali youths between 1970s and 1980s; this increase created a young population with no employment opportunities because the government could not provide meaningful education or employment and the private sector was underdeveloped as well. Their despair provided the greed-driven elites, who wanted to pursue their own interests, with readily available human resources with grievances in a collapsed state context. Ultimately, the elite capitalized on this opportunity and organized the young men in a way that appealed to them<sup>49</sup>.

Some features of the Somali culture played a significant role in providing the rationale for creating or perpetuating conflict. As Kriesberg notes, people use their culture as a "standard when judging what is fair and just"<sup>50</sup>. In addition, Galtung argues that cultural violence legitimises other forms of violence (direct and structural). He writes, "Cultural violence makes direct and structural violence look, even feel, right – or at least not wrong"<sup>51</sup>. He identifies four classes of basic needs; survival, well being needs, identity needs, and

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<sup>49</sup> Ibid., p. 38

<sup>50</sup> L. Kriesberg, *Constructive Conflicts: From Escalation to Resolution*, (New York: Rowan and Littlefield, 1998), p. 39

<sup>51</sup> J. Galtung, "Cultural Violence," in *Journal of Peace Research*, Vol. 27, No. 3 (1990), p. 291

freedom needs. Elmi and Barise argue that three features of Somali culture reward violence, namely clan rivalry, collective punishment and negative competition. At times, a destructive conflict between clans starts over a mere expression of hostility. One may kill a member of another clan simply because the victim's clansmen have killed a person from the perpetrator's clan<sup>52</sup>. The situation between Dir and the Mareehaan clans in Heraale district in 2003 is a recent example of such a conflict. A member of the Mareehaan clan had killed a businessman from Dir clan about thirteen years before. The victim's son took revenge by killing a wealthy businessman from the Mareehaan clan in 2003. Unfortunately, this conflict exploded and many people (some estimated four hundred) lost their lives, while thousands were displaced<sup>53</sup>.

In the countryside, young men used to attack other clans and steal their camels. In the cities, thousands of armed men benefit from using violence to force people to pay them illegally, and then justify their aggression by arguing that Somali clans have been fighting and robbing each other since time immemorial. Moreover, Somali literature provides many examples of poets defending the use of violence against other clans, or least attempting to legitimize stealing their camels. Use of force is an acceptable strategy and is therefore rooted in Somali culture. In fact, one could argue that some features of the Somali culture reward criminals who engage in violent activities. Somalia's political elite were driven by greed for power and resources, as observed by Abdi Samatar<sup>54</sup>. However, most of Somali's people have legitimate grievances. The state failed to provide basic services such as security, education, health care and jobs. Moreover, the military government used force to repress the people.

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<sup>52</sup> A. Elmi and A. Barise, "The Somali Conflict: Root Cause, Obstacles and Peacebuilding Strategies," *op. cit.*, p. 38

<sup>53</sup> *Ibid.*, p. 38

<sup>54</sup> A. I. Samatar, "Leadership and Ethnicity in the Making of African State Models: Botswana versus Somalia", in *Third World Quarterly*, Vol. 18, No. 4 (1997), pp. 687 - 707



#### **4.1.4 The Volatile 1990s and the Somali Civil War**

Conflict in Somalia intensified in the late 1980s and throughout 1990, and in December that year rebel forces struck Mogadishu. By this time, Siyad Barre no longer had the resources to maintain his system of patronage politics, nor the capacity to suppress and contain the numerous resistance movements, and in January 1991, he was finally ousted by forces primarily from Hawiye supported United Somali Congress (USC), but also from the Somali Patriotic Front (SPF) and the Somali Salvation Democratic Front (SSDF). This event is generally viewed as the start of the two decade long conflict and protracted complex emergency from which Somalia is yet to emerge. The most intense violence, however, erupted later in the year, in November 1991, as tensions escalated and clan based factions became embroiled in a fierce struggle for control of urban and rural assets, perhaps ultimately, the remnants of the state<sup>55</sup>.

Before spreading south, the armed conflict largely concentrated in Isaq dominated northern parts of the country. Here, the Somali National Movement (SNM) were among the most persistent opponents of the central government, and following its collapse, the SNM announced the regions' secession from Somalia in May 1991, signifying the birth of the Republic of Somaliland<sup>56</sup>. While Somaliland embarked on a more peaceful path, the war in southern Somalia raged on. To make matters worse, looting of assets, destruction of social and economic infrastructure and disruption of food supplies – combined with a serious drought-gave rise to famine in which an estimated 250,000 Somalis died<sup>57</sup>.

During this turbulent time, the Hawiye-dominated United Somali Congress (USC) had split into two factions of the sub-clans Agbal and Habar Gidir. The USC militia was led

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<sup>55</sup> R. W. Copson, *Africa's wars and Prospects for Peace*, (London: M. E. Sharpe, 1994), pp. 49 – 54; see also M. Bradbury and S. Healy, "Endless War: A Brief History of the Somali Conflict," in M. Bradbury and S. Healy (eds.), *Whose Peace Is It Anyway? Connecting Somalia and International Peacemaking*. Accord No. 21, (London: Conciliation Resources, 2010), p. 10

<sup>56</sup> R. W. Copson, *Africa's wars and Prospects for Peace*, op. cit., p. 52

<sup>57</sup> M. Bradbury and S. Healy, "Endless War: A Brief History of the Somali Conflict," op. cit., p. 10

by General Mohammed Farah Aideed, a member of the Habar Gidir clan and a former general in Siyad Barre's army. When Barre fled from Mogadishu in January 1991, General Aideed pursued him, while the Agbal faction of USC set up an interim government in Mogadishu under the leadership of Ali Mahdi, a well-known Agbal businessman and warlord<sup>58</sup>. The government was however short lived; and as antagonisms between the two factions rapidly deepened, a violent struggle ensued. An all out war broke out in the streets of Mogadishu in November 1991; the start of fur months of continuous bloodshed and destruction of property. Mogadishu was effectively split into two parts, controlled by Aideed and Mahdi, respectively, and separated by the so called 'green-line'<sup>59</sup>. The 'green line' was in fact a road which had become a dividing line between the south and the north districts of Mogadishu; the north controlled by Ali Mahdi's militia and the south by Farah Aideed's.

The international community reacted slowly to what was happening in Somalia, however, the media started spreading the images across the globe of the terrible suffering caused by famine and war, it soon became difficult for anyone – the United Nations and the West included - to ignore the deteriorating state of affairs in the country. The United Nation's first attempt at peace-keeping, the United Nation Mission to Somalia (UNOSOM), was a small operation aimed at monitoring a ceasefire between the opposing factions. Lacking military and logistical capacity, the United Nations soon had to turn to the remaining superpower, the United States, for assistance<sup>60</sup>. Consequently, on 9 December 1992, the United States led Unified Task Force, better known as UNITAF, was launched under the title 'Operation restore Hope'. This operation eventually brought a total of 37,000 troops, 26,000 of them American, to Somalia. UNITAF's original mandate was originally limited to

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<sup>58</sup> Ibid., p. 10

<sup>59</sup> B. Møller, *The Somali Conflict: The Role of External Actors*. (Copenhagen: Danish Institute for International Studies, 2009), p. 11; see also J. Drysdale, *The Somalia Dispute*, (London and Dunmow: Pall Mall Press, 1994),

p. 16

<sup>60</sup> J. Drysdale, *The Somalia Dispute*, (London and Dunmow: Pall Mall Press, 1994), p. 1

securing the delivery of food aid and general peacekeeping, but the security situation in Mogadishu degenerated and engaging in actual combat became necessary<sup>61</sup>.

In March 1993, during a quiet period in the inter-clan fighting around Mogadishu, it was decided that UNITAF was to be replaced by United Nation Mission to Somalia II (UNOSOM II), consisting of troops from a wider range of countries, but also of a large number of Americans staying on from UNITAF. By June 1993, UNOSOMII was caught in an all-out war against General Aideed's forces<sup>62</sup>. In October, the US President, Bill Clinton had to announce the withdrawal of American troops, following the unfortunate incident later known as "Black Hawk Down"<sup>63</sup>. An American helicopter was shot down, and eighteen US soldiers were killed and the pictures of the dead American soldiers being dragged through the streets of Mogadishu were broadcasted on US television. Less visible in the international media was the fact that between 300 and 1,000 Somali people were also killed in the incident<sup>64</sup>.

With the Americans gone, the rest of UNOSOM force also quickly started dissolving, leaving the UN leadership desperately trying to negotiate and restore the peace-agreement between Mahdi, Aideed and other warlords, but to no use. Aideed himself was killed in a clash in Mogadishu in April 1996<sup>65</sup>. Political instability continued throughout the latter part of the 1990s, with internationally-mediated peace talks in Ethiopia and Egypt yielding little results. This lack of progress eventually led to political leaders in the north east creating self governing, semi-autonomous state of Puntland in August 2008. The President of Puntland, Colonel Abdullahi Yusuf, was formerly military leader of the SSDF, and later became the

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<sup>61</sup> P. Gilkes, *Conflict In Somalia and Ethiopia*, (East Sussex: Wayland Publishers, 1994), p. 35; see also I. M. Lewis, *Understanding Somalia and Somaliland: Culture, History, Society*, (London: Hurst Publishers Limited, 2008), p. 78; and see also R. W. Copson, *Africa's wars and Prospects for Peace*, op. cit., p. 53

<sup>62</sup> I. M. Lewis, *Understanding Somalia and Somaliland: Culture, History, Society*, op. cit., p. 78

<sup>63</sup> M. Bradbury and S. Healy, "Endless War: A Brief History of the Somali Conflict," op. cit., p. 12

<sup>64</sup> B. Møller, *The Somali Conflict: The Role of External Actors*, (Copenhagen: Danish Institute for International Studies, 2009), p. 12

<sup>65</sup> I. M. Lewis, *Understanding Somalia and Somaliland: Culture, History, Society*, op. cit., p. 79

president of Somalia's Transitional Federal Government (TFG)<sup>66</sup>. Meanwhile, in war-ravaged south-central Somalia, there were certain elements that helped to preserve some form of order in the midst of political chaos, most notably the previously mentioned *Xeer* law; mediation of clan elders; and the existence of various charitable Islamic institutions and *Shari'a* courts<sup>67</sup>.

#### **4.2 United Nations Involvement in Somalia, 1992 to 1995**

As already pointed out in the preceding sections, the political fragmentation, socio-economic disasters were also destroying the Somali lives in horrific numbers. The fighting in the inter-riverine zones led to crops being destroyed and farmers killed, so that 300,000 Somali people died from the resulting famine<sup>68</sup>. Humanitarian aid agencies rallied to the plight of starving Somalis, but their efforts were also impeded by heavy fighting and parochial clan interests. Food relief was just another source of revenues to the warlords, one that could back military efforts against other clans. In a way, food aid exacerbated the collective security dilemma already existing between the clans. Warlords charged international food relief agencies 10 to 20% tariffs on their supplies before they would allow them to transit their territories to reach famine victims<sup>69</sup>. Mogadishu became an even bigger prize, as the majority of distribution infrastructure being used by relief efforts was centralized in that city. Controlling relief made the difference between life and death for both the warlords and their subjects.

It is in this context that the United Nations intervened in Somalia. After more than a year, the United Nations had succeeded in brokering a ceasefire agreement between Mahdi

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<sup>66</sup> M. Bradbury and S. Healy, "Endless War: A Brief History of the Somali Conflict," *op. cit.*, p. 12

<sup>67</sup> B. Møller, *The Somali Conflict: The Role of External Actors*. (Copenhagen: Danish Institute for International Studies, 2009), p. 13

<sup>68</sup> I. M. Lewis, *A Modern History of the Somali*, (Athens, OH: Ohio University Press, 2002), pp. 265 – 265

<sup>69</sup> *Ibid.*, p. 267

and Aideed in March 1992<sup>70</sup>. Preceding this agreement, Saalax and Ibrahim note that there were two international meetings that were aimed at re-establishing a Somali government that took place in Djibouti in June and July 1991. Six organizations participated, all representing a clan or a sub-clan constituency. But in reality, the clan served as an instrument to further ambitions of individuals, most of whom had held influential positions in the past and were competing for similar ranks in a possible a new administration. An agreement was endorsing Ali Mahdi as president. This deal was immediately rejected by General Aideed, who was from a different (Hawiye) sub-clan to that of Mahdi and was contesting Mahdi's leadership of the United Somali Congress. As a result a bloody civil war in Mogadishu and the south ensued<sup>71</sup>.

Following this agreement, the expectation was that the humanitarian aid tap would be turned on for Somalia, but be monitored by the UN observers to ensure it is safely delivered to the famine victims. In April 1992, the United Nations Security Council Resolution (UNSCR) 751<sup>72</sup> authorized the UN operation in Somalia. Its mandate was to protect relief operations aimed at approximately 1.5 million starving Somalis. The original deployment contained only fifty ceasefire monitors, but by November, the United Nations deployed about 3,500 armed troops in response to reports of inadequate protection of convoys<sup>73</sup>. The United States and European transports airlifted the food aid starting in August 1992, but its dissemination to needy Somalis continued to be blocked by Mahdi and Aideed. By November, the ceasefire was in tatters as fighting in Mogadishu resumed, famine was out of control, and UNOSOM could not live up to the United Nations mandate.

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<sup>70</sup> L. H. Brune, *The U.S. and Post-Cold War Interventions*, (Claremont, CA: Regina Books, 1998), p. 13

<sup>71</sup> W. C. Salaax and A. A. Ibrahim, "Somali Peace Agreements: Fuelling Factionalism," in M. Bradbury and S. Healy (eds.), *Whose Peace Is It Anyway? Connecting Somali and International Peacemaking*, Accord No. 21, (London: Conciliation Resources, 2010), pp. 32 – 33: 32

<sup>72</sup> The Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia was established on 24 April 1992 to oversee the general and complete arms embargo imposed by resolution 733 (1992) and to undertake the tasks set out by the Security Council.

<sup>73</sup> L. H. Brune, *The U.S. and Post-Cold War Interventions*, op. cit., pp. 18 - 19

Scholars attribute the American response to the humanitarian situation on a theory that has elicited a lot of debate called, *the CNN effect*<sup>74</sup>. Many of them acknowledge the impact the CNN effect carries and agree with a famous statement of UN Secretary General Boutros Boutros-Ghali who named CNN the sixteenth member of the Security Council<sup>75</sup> underlining its global recognition or with the former Secretary of State Madeleine Albright: "Television's ability to bring graphic images of pain and outrage into our living rooms has heightened the pressure both for immediate engagement in areas of international crises and immediate disengagement when events don't go according to plan"<sup>76</sup>.

As it is conventionally claimed, shocking television images performed in late 1992 ensured domestic legitimacy. Americans could not stomach the plight of the Somali people, and demanded a more direct United States action. As a result, in December the Bush administration agreed on sending Marines to suppress the chaos. However nothing proves it solely determined a forcible response to the Somali crisis. Apparently it was largely a merit of USAID and its allies in Congress to change the stance of other politicians on Somali disaster and convince them that this short-term, risk free military intervention is a relatively easy task for American army to cope with.

Moreover, considering the facts that first, some of President's senior advisers were for resorting stronger measures over starvation and chaos spread in African country. Even than Chairman of the Joint Chiefs of Staff, Colin Powell changed his initial opposing attitude and affirmed that the suffering in Somalia had reached a critical point where the U.S. forces should intervene in a massive military operation<sup>77</sup>. Secretary of State Lawrence Eagleburger

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<sup>74</sup> E. Gilboa, "Global Communication and Foreign Policy," in *Journal of Communication* Vol. 52. No. 4, (December, 2002), pp. 731 - 748

<sup>75</sup> See F. H. Cate, "CNN Effect Is Not Clear - Cut", in *Reuters Foundations*, 18 October 2002,

<sup>76</sup> E. Gilboa, "The CNN Effect: The Search for a Communication Theory of International Relations," in *Political Communication*. Vol. 22, No.1 (2005), pp. 27-44:28.

<sup>77</sup> N. J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society*, (Oxford University Press, Oxford, 2000), p. 180.

claimed that “this is a tragedy of massive proportion, and underline this, one that we could do something about”<sup>78</sup>. As well as President Bush’s National Security Advisor, Brent Scowcroft, commented that Somalia was looked upon as “very limited, doable”<sup>79</sup>.

The UN had reported 300,000 people dead and 1.5 million people at risk of famine. With 700,000 refugees spilling over into the neighbouring countries, the Somali crisis constituted “a threat to international peace and security”<sup>80</sup>. President George Bush authorized 28,000 American troops under Operation Restore Hope to lead a multinational force in bolstering security conditions in southern Somalia so that food aid could be delivered. On 3 December 1992, UN Security Council Resolution 794<sup>81</sup> approved the United Nations Task Force (UNITAF) concept, authorizing member countries to offer an additional 9,000 troops. UNITAF provided the threat of credible force so that aid shipments would no longer be impeded<sup>82</sup>. Significantly, the UN Security Council Resolution 794 called for Chapter VII operations, recognizing that there was no legitimate state government in Somalia which could either request or deny UN operations there<sup>83</sup>. The wishes of the warlords, theoretically, were immaterial to what the UN chose to do in Somalia.

In practical terms, however, the cooperation of Mahdi and Aideed would be crucial to the success of the mission. The UNITAF brokered another ceasefire between the two warlords once it arrived, allowing UNITAF forces to spread within the southern Somalia. The forces gained control over Mogadishu airport and seaport, as well as the key roads linking these ports with eight major cities in the south. In doing so, it protected the delivery of food

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<sup>78</sup> M. A. Baum, “How Public Opinion Constrains the Use of Force”, in *Presidential Studies Quarterly*, (June 2004), pp. 187 – 226:199

<sup>79</sup> *Ibid.*, p. 199

<sup>80</sup> United Nations, “Operation Restore Hope,” *UN Chronicle*, Vol. 30, No. 1 (March 1995), p. 14

<sup>81</sup> Resolution 794 (1992) adopted by the Security Council at its 3145<sup>th</sup> meeting on 3<sup>rd</sup> December 1992, decides that the operations and further deployment of 3,500 personnel of the United Nations Operation in Somalia should proceed at the discretion of the Secretary General in the light of assessment of conditions on the ground. See S/RES/794 (1992), 3 December 1992

<sup>82</sup> L. H. Brune, *The U.S. and Post-Cold War Interventions*, op. cit., pp. 19 - 21

<sup>83</sup> I. M. Lewis, *A Modern History of the Somali*, op. cit., p. 268

aid to the tune of 100,000 lives saved. It stabilized the security situation in the south, and then quickly withdrew, handing a simmering Mogadishu back to the UN proper in May 1993<sup>84</sup>.

The renewed UN peacekeeping and humanitarian aid mission, dubbed UNISOM II, assumed that relative security would last and shifted its focus to state-building. Aideed decided to no longer cooperate with intervention forces, however, and the UN was swiftly caught up in containing his aggressions. In June 1993, attempts to close down Aideed's anti-UN propaganda machine and to inventory his weapons depot led to a battle in which 24 Pakistani peacekeepers were killed. Aideed also seized the UN food distribution warehouse in Mogadishu. The UN Security Council responded by passing Resolution 837<sup>85</sup>, which shifted the focus of UNOSOM II forces to disarming militia. Assisted by the US Special Forces remaining in Mogadishu, UN forces tracked Aideed between June and October of 1993, believing that if they arrested him, attacks against UN forces would halt. Finally, on October 3, the infamous "Black Hawk Down" assault on Aideed's location resulted in the deaths of 18 US service members, between 700 and 1,500 Somalis dead<sup>86</sup>, and widespread media attention. The political backlash caused the US to withdraw its forces by March 1994; the UN was forced to do the same by March 1995<sup>87</sup>.

Fox notes that the Somali intervention was problematic because it was an attempted to solve a political problem militarily. In hindsight, it has been recognized that humanitarian crises caused by war cannot be solved by humanitarian relief alone. The political situation that engendered the humanitarian crisis must be dealt with simultaneously, thus, tackling the

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<sup>84</sup> L. H. Brune, *The U.S. and Post-Cold War Interventions*, op. cit., pp. 23 - 24

<sup>85</sup> Resolution 837 (1993) adopted by the Security Council at its 3229<sup>th</sup> meeting on 6<sup>th</sup> June 1993 and acting under Chapter VII of the United Nations Charter noted that the situation in Somalia threatened peace and security in the region and re-emphasized the crucial importance of early implementation of disarmament of all the Somali parties, including movements and factions. See S/RES/837(1993), 6<sup>th</sup> June 1993

<sup>86</sup> See M. Bowden, *Black Hawk Down: A Story of Modern war*, (New York: Monthly Press, 1999)

<sup>87</sup> L. H. Brune, *The U.S. and Post-Cold War Interventions*, op. cit., pp. 27 - 33



root causes of the conflict instead of just treating the symptoms<sup>88</sup>. In the case of Somalia, the famine was not spread primarily by natural disaster, but instead by the collapse of the state into civil war and complete breakdown of political institutions<sup>89</sup>. When, in UNITAF and UNOSOM II, the international community embarked upon peace enforcement operations, it was following a conflict of abeyance model based on separating the factions, by use of force if necessary, to protect the lives of Somali civilians. Peace enforcement, however, cannot make peace. In order to actually end the humanitarian crisis, the international community need to address the longer-term, underlying causes of the conflict alongside their short-term political-military operations<sup>90</sup>.

Thus, in 1992, there was no long-term plan for Somali and even short-term plan demonstrated a decided lack of congruence between peace enforcement and the political process. The differing interpretations of UNITAF's mandate between the US and the UN, as well as the mandate's shift from convoy protection to enforcing peace-building operations under UNOSOM II, prevented military operations from deterring spoilers like Aideed. In some cases, UNITAF actually strengthened spoilers due to planner's misunderstanding of Somali power politics. Even when successful on a tactical level, peace enforcement operations failed to support the political process. As a lesson learned from intervention in Somalia demonstrate, failure to deter spoilers leads to a failure to complete a political settlement process and end conflict.

With or without UN and US support, many states - among them Djibouti, Egypt, Ethiopia, Kenya, Italy, and Yemen – have since tried to bring Somalia's factions together. An

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<sup>88</sup> John G. Fox, "Approaching Humanitarian Intervention Strategically: The Case of Somalia," *SAIS Review*, Vol. 21, No. 1 (Winter-Spring 2001), p. 147

<sup>89</sup> W. Clarke and J. Herbst, *Learning from Somalia: The Lessons of Armed Humanitarian Intervention*, (Boulder, CO: Westview Press, 1997), p. 13

<sup>90</sup> *Ibid.*, p. 4; see also R. Thakur. "From Peacekeeping to Peace Enforcement: The UN Operation in Somalia," in the *Journal of Modern African Studies*, Vol. 32, No. 3 (September 1994), pp. 487 – 410: 401

examination of the various conferences aimed at promoting national reconciliation, disarmament, and elections will be discussed.

#### **4.3 The Addis Ababa Conference on National Reconciliation: January to March 1993**

According to Menkhaus<sup>91</sup>, of the dozen failed national reconciliation conferences on Somalia since 1991, the Addis Ababa Agreement of 27 March 1993 stands out as the most consequential both for Somalia and the world. The Addis Ababa Agreement formed the centrepiece of the political strategy for reconciliation and state-building for ambitious UN Operation in Somalia. Had the Agreement succeeded, Somalia would have been spared 15 years of war-fare, fragmentation, and state collapse and the global support for the emerging doctrine of multilateral peace enforcement would have been solidified. Instead, the failure of the Agreement and UNOSOM mission provoked a strong backlash against the UN peace enforcement which contributed directly to international inaction in the Rwandan genocide of 1994 and which took years to rectify. The failure of the Addis Ababa Agreement also produced a backlash against Somalia, which came to be viewed as an intractable crisis and which was largely ignored by the international community<sup>92</sup>.

The 1993 Addis Ababa Conference on National Reconciliation was convened by the UN based on what Bradbury<sup>93</sup> contends was the analysis of Operation Restore Hope's dramatic changes brought about by the US military presence in Somalia. Whilst UNITAF was underway and UNOSOM II had not been created, the efforts of the international community were directed towards the assistance of the people of Somalia to create and maintain law and order and to form new institutions. In order to facilitate "the process of political settlement," as outlined in S/RES/794, the Secretary General decided to initiate a

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<sup>91</sup> K. Menkhaus, "The Addis Ababa Agreement of 1993", in P. Johnson (ed.), *A History of Mediation in Somalia Since 1988*, (Nairobi: Interpeace, 2009), pp. 24 – 38: 24

<sup>92</sup> Ibid., p. 24; see also K. Mulugeta, "The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD," A Paper Submitted to Friedrich Ebert-Stiftung, Addis Ababa (December 2009), p. 47

<sup>93</sup> M. Bradbury, *The Somali Conflict, Prospects for Peace*, (Oxford: Oxfam GB, 1994), p. 22

meeting in January 1993 in Addis Ababa, as he termed it, to prepare “a framework that will enable the Somali people themselves to develop ideas and suggest arrangements for the formation of a Government in accordance with their own traditions and values”<sup>94</sup>. Fourteen Somali political movements attended<sup>95</sup>. Lewis argues that the UN Secretary General at the time, Boutros Boutros-Ghali, took advantage of the relative lull in fighting, which the considerable American presence had produced and pressed ahead with the so-called ‘reconciliation’ process<sup>96</sup>. UNOSOM II’s expanded mandate allowed institution-building and the establishment of police forces and civil authorities<sup>97</sup>. Representatives of the League of Arab States, the predecessor of AU (African Union), the Organization of African Unity (OAU) and the Islamic Conference participated. Consequently, three agreements were concluded and signed, and an immediate ceasefire was declared in all parts of the country. The three agreements were: a general agreement, an agreement implementing a ceasefire and one on modalities of disarmament. This meeting also agreed to convene another Conference on National Reconciliation, which then took place in March 1993, also in Addis Ababa.

After two weeks of intensive negotiations, on the 27<sup>th</sup> March 1993, the leaders of all attending Somali political movements adopted an agreement which consisted of several parts and reaffirmed their commitment to comply fully with the ceasefire agreement, including handing over of all weapons and ammunition to UNITAF and later on UNOSOM II<sup>98</sup>. According to this agreement, this process was to begin immediately. The Agreement further provided for a transitional period of two years from 27 March 1993 and the transitional mechanisms was to consist of the following four basic organs of authority: a Transitional

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<sup>94</sup> Doc. S/24992 of 19 December 1992

<sup>95</sup> See Do. S/25168 of 26 January 1993 for a list of the political movements that attended the conference

<sup>96</sup> I. M. Lewis, *A Modern History of the Somali*. (Athens, OH: Ohio University Press, 2002), p. 270

<sup>97</sup> See Ganzglass, M. R., “The Restoration of the Somali Justice System,” in J. Herbst and Walter Clarke (eds.), *Learning from Somalia: The Lessons of Armed Humanitarian Intervention*, (San Francisco: Westview Press, 1997)

<sup>98</sup> See C. E. Philip, “Somalia: A Very Special Case,” in *Max Planck Yearbook of United Nations Law*, Vol. 9 (2005), pp. 517 – 554: 539. She gives a very succinct summary of what is contained in the Addis Ababa Agreement

National Council (TNC) consisting of 74 members, which should vest Somali sovereignty and prime authority, and have legislative powers. The Council would appoint a committee to draft a transitional Charter, which would be guided by the basic principles of the Universal Declaration of Human Rights and Somalia's traditional ethics. The other organs would to be established were the Central Administrative Departments preparing the restoration of a formal government; as well as Regional and District Councils, which should be developed<sup>99</sup>.

The Addis Ababa process was not informed by any strategic planning on the part of the UN. At times failure to analyze the actors involved in the Somali conflict or the nature and scope of the conflict, has obscured the need to ensure that the strategies employed are indeed appropriate for finding a durable solution to the conflict. The process of conflict resolution is as important as the outcome, although this viewpoint is open to debate by conflict managers<sup>100</sup>. Kriesberg notes that conflict resolution managers have different perceptions on the matter. Frequently, conflict resolution analysts stress long-term changes and strategies for conflict transformation; while conflict practitioners tend to focus on short-term conflict management policies<sup>101</sup>. The Addis Ababa Peace Conference was a classical example of the conflicting conceptual approaches to the conflict where the conflict resolution practitioner played a dominant role.

The UN Department for Political Affairs (UNDPA) and the Special Representative of the Secretary General (SRSG) for Somalia, Ismat Kittani, began preparatory work for the national peace conference as soon as United Nations Task Force (UNITAF) forces arrived in Somalia in 1992. Unfortunately, the UN's political team in Somalia had just gone through a period of turmoil in October 1992, when Mohamed Sahnoun, a diplomat with considerable

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<sup>99</sup> Ibid., pp. 539 -540

<sup>100</sup> See Chapter 2 for detailed discussion. Also see Bercovitch, T. Anagnoson and D. Wille, "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations", *Journal of Peace Research*, Vol. 28, No. 1 (Special Issue on International Mediation, 1991), pp. 7 – 17

<sup>101</sup> L. Kriesberg, "Evolution of Conflict Resolution," in J. Bercovitch, V. Kremenyuk and I. R. Zartman (eds.), *The Sage Handbook of Conflict Resolution*, (London: Sage Publications, 2009), p. 29

knowledge of Somalia, resigned as Special representative of the Secretary General under pressure following his public criticism of the United Nations. His replacement, Kittani, delegated the day to day direction of the UN mediation of Addis Ababa Agreement to an official from the UN Department of Political Affairs (DPA), Dr. Leonard Kapungo, whose understanding of Somalia was limited and whose leadership style deeply alienated Somali faction leaders. In January 1993, the UN convened fourteen faction leaders for an Informal Preparatory Meeting in Addis Ababa as a rump session to a humanitarian meeting. It was at this meeting that the first General Agreement was reached between the faction leaders, committing them to a ceasefire and to a consultation process that would lead to a major national reconciliation conference in March 1993<sup>102</sup>.

The 15 March Addis Ababa Agreement had four parts: security and disarmament, reconstruction and rehabilitation, restoration of property and settlement of disputes, and transitional mechanisms<sup>103</sup>. Furthermore, building democracy was a stated objective for UNOSOM II. This was reflected in the UN Security Council Resolution 814, which noted that it was an important step to set up “transitional government institutions and consensus on the basic principles and steps leading to the establishment of representative democratic institutions”<sup>104</sup>. These efforts lapsed in implementation, in part because UNOSOM II devoted little time or effort to achieving societal change or a political settlement between the fighting factions. As a result, preconditions for post-conflict reconstruction were never met.

#### **4.4 Major Obstacles to the UN Peace Initiative**

The UN political team had, under the leadership of Mohamed Sahnoun and the facilitation of the Life and Peace Institute, sought input from country experts and Somali

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<sup>102</sup> K. Menkhaus, “The Addis Ababa Agreement of 1993”, in P. Johnson (ed.), *A History of Mediation in Somalia Since 1988*, (Nairobi: Interpeace, 2009), pp. 24 – 38: 26

<sup>103</sup> UN Department of Public Information (1996), p. 299

<sup>104</sup> Resolution 814 (1993) Adopted by the UN Security Council adopted by the Security Council at its 3188<sup>th</sup> Meeting on 26 March 1993. See S/RES/814 (1993), 26 March 1993

intellectuals in mid 1992, prior to the intervention. The consultative group of Somalia experts met with UN officials five times between mid-1992 and 1994 and the UN was consistently advised by both the external experts and the Somali intellectuals to create more space for Somali civil society leaders in political dialogue and negotiations – the potential role of elders and women were emphasized. The UN was also warned that convening only the “warlords” for the peace talks would not succeed. Kapungo’s team came under mounting criticism from the Somali civil society and intellectuals in January to March 1993, and thus opted to convene fourteen Somali factional leaders as representatives to negotiate the General Agreement and the Addis Ababa Agreement. This was the genesis of an enduring debate in Somalia and the international community about the core question of representation in Somali national reconciliation talks, the legitimacy of militias leaders, and the appropriate role of the amorphous actor known as Somali “civil society”<sup>105</sup>.

Menkhaus<sup>106</sup> notes that there were a number of general observations worth reinforcing about the unique context in which the Addis Ababa Agreement was negotiated and implemented. First, the agreement was the centre piece of the most ambitious UN peace enforcement mission and was seen as a test case for UN “peacekeeping with teeth” as means of managing the rise of regional brushfires in post-Cold War era; and thus it was under heavy international scrutiny and the subject of media headlines around the world, making this reconciliation process the only one to have been subjected to this kind of external pressure.

Second, the external actors with the greatest stakes in the outcome – especially the UN, the US and Western states – were “sailing in uncharted waters” as they attempted to define the role of UNOSOM and shape the Somali political process at the Addis talks. The

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<sup>105</sup> See K. Menkhaus, S. Quinn and I. Farah, “Somali Civil Society: Peace-Building in a Collapsed State”, in T. Paffenholz (ed.), *Civil Society and Peace-Building: A Critical Assessment*, (Boulder, CO: Lynne Rienner, 2010), pp. 321 - 350

<sup>106</sup> K. Menkhaus, “The Addis Ababa Agreement of 1993”, in P. Johnson (ed.), *A History of Mediation in Somalia Since 1988*, (Nairobi: Interpeace, 2009), pp.27 - 28

Somalia intervention was unprecedented, and external actors were improvising and making up rules as they went; thus mistakes in the Addis Agreement such as a two year mandate for such an ambitious state-building project were not self-evident in 1993. It is worth noting that the UN Department of Peace Operations were not even established in 1992, and a strategy for an expanded UN role in peace-building not developed until the release of *An Agenda for Peace* in 1992<sup>107</sup>.

Third, planning of the Somalia intervention reflected a surprising lack of attention by the US government and the UN to the critical question of post-conflict reconciliation and state building. In the critical first three months (December 1992 to February 1993), US diplomats were mainly focused on ensuring hostilities broke out between UN forces and the largest armed faction in south Mogadishu, General Aideed's Somali National Alliance (SNA). Critical decisions about representation and other aspects of national reconciliation were left largely in the hands of Dr. Kapungo and team, thus making Somalia to become a recurring problem for international diplomats to mediate an end to a messy, post-Cold War "complex political emergencies" – namely, who has the right to represent whom in critical initial talks to establish a process for the creation of a transnational government?

Fourthly, UN and other diplomats working on the Somalia intervention in early 1993 were also handicapped by a paucity of knowledge about Somali political dynamics, because most of them had limited experience in and on Somalia and even Somali and foreign observers and experts with long experience in the country's politics were perplexed by the transformation of political dynamics there: the Somalia they knew prior to 1990 was not the same country in 1993, because none had the experience of dealing with a country with no central government for two years<sup>108</sup>. The combination of weak country knowledge,

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<sup>107</sup> UN-Secretary General, report to the UN Security Council, "An Agenda for Peace", A/47/277 – S/24111 (17 June 1992)

<sup>108</sup> K. Menkhaus, "The Addis Ababa Agreement of 1993", *op. cit.*, p. 27

institutional resistance in the UN to learning processes about a country, new conflict dynamics in the post-Cold War era, the new context of state collapse, and the unprecedented nature of the UN intervention in Somalia made external diplomacy at the Addis Ababa talks very susceptible to errors. Menkhaus and Prendergast further contend that diplomats from the UN contributed to the persistence of state collapse by pursuing inappropriate diplomatic strategies in premature efforts to revive a central state system<sup>109</sup>.

Bradbury contends that there were concerns regarding the fifteen political faction leaders, who were the warlords that had been responsible for much suffering in Somalia and regarded as criminals by many Somalis. The warlords were invited to the conference as UNITAF need to protect its own forces in Somalia and not because of the need to ensure a successful outcome, thereby conferring some level of legitimacy on the warlords<sup>110</sup>. Time pressures were acute both at Addis Ababa negotiations and in the implementation of the accord due to external actors concerns about a speedy handover from UNITAF to UNOSOM, and due to concerns about keeping costs of the very expensive operation limited; thus, the rushed time table for Agreement was driven entirely by foreign, not Somali, needs, and resulted in a rushed process and a flawed document.

Furthermore, a lack of commitment to the process on the part of Somali leaders and factions presented the UN with the problem of spoilers, and presaged an enduring problem in Somali reconciliation efforts, namely, spoilers joining peace processes to sabotage them, not to advance them. Indeed, Clapham notes that there was no provisional settlement that existed in Somalia, and the United Nations was attempting to force Aideed and other warlords to be at the negotiating table by bringing massive peace enforcement mission that threatened their

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<sup>109</sup> See K. Menkhaus and J. Prendergast, "Governance and Economic Survival in Post-Intervention Somalia," in *Trocaire Development Review*, (Dublin: Trocaire, 1995), p. 47 - 61

<sup>110</sup> M. Bradbury, *The Somali Conflict, Prospects for Peace*, (Oxford: Oxfam GB, 1994), p. 23; see also M. Seifulaziz, *Causes and Consequences of Somalia Conflict*, (Nairobi: UNICEF Somalia, 1997), p. 42



grip on power<sup>111</sup>. There was awareness on the part of the US and UN diplomats that some faction leaders were likely to wait until the peace operation were handed over to the UN before they would seek to undermine the mission, but there was little agreement on strategy to address this within the UN and US government<sup>112</sup>.

The location of negotiations, at a luxury hotel in a foreign capital, was viewed by UN diplomats as a good choice, as it isolated the faction leaders and allowed them to devote full attention to the proceedings. Holding the talks in Mogadishu would have presented a logistical and security challenges as well. But the choice to convene the talk in Addis Ababa also isolated the faction leaders from Somali traditional and civic leaders, whose inputs and approval was critical to the legitimacy of the agreement in the eyes of the Somali public. This is one of the many instances in which an important aspect of Somali political culture was disregarded, at some cost to the process and which set a precedent for future Somali reconciliation processes<sup>113</sup>.

Several other arguments have been advanced with regard to major obstacles to the UN operation in Somalia. The UN itself argued that the failure of the Somali factions to commit themselves to peace and cooperate adequately with the United Nations and its agencies made it possible for the operation to carry out its mandate fully<sup>114</sup>. This contributed to the Security Council's decision to withdraw United Nations forces from Somalia in March 1995. The UN did not have a clear road map for reconciliation as Clarke and Herbst argue<sup>115</sup>. They further argue that the US and the UN officials were guilty of not persuading their leaders that the

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<sup>111</sup> C. Clapham, "Peacemaking and Peacekept: Developing Mandates for Potential Interveners," in *Peacekeeping and Peace Enforcement in Africa: Methods of Conflict Prevention*, (Cambridge, MA: World Peace Foundation) pp. 34 – 56: 46-50

<sup>112</sup> K. Menkhaus and L. Ortmyer, "Somalia: Misread Crises and Missed Opportunities," in B. W. Jentleson (ed.), *Opportunities Missed, Opportunities Seized: Preventive Diplomacy in the Post – Cold War World*, (New York: Rowman & Littlefield Publishers, 1995), p. 236

<sup>113</sup> K. Menkhaus, "The Addis Ababa Agreement of 1993", op. cit., p. 28

<sup>114</sup> K. Menkhaus, "Stateless Somalia", UNDO/LAS Unit. Nairobi, 1997

<sup>115</sup> W. Clarke and J. Herbst, "Somalia and the Future of Humanitarian Intervention: Learning the Right Lessons," in *Foreign Affairs*, Vol. 75, Issue. 2, (March-April, 1996) pp. 1 – 7:

mission had been so sharply curtailed at the outset that any later action to alter the balance of power in Somalia would have been met with violent resistance. A policy that allowed unarmed Somalis to emerge as political players and change the Somalia balance of power should have been in effect from the start<sup>116</sup>.

Thus, “the most common change about Somalia intervention is that the mission changed”<sup>117</sup>. The general argument is that the extremely limited US-led intervention initiated by President Bush to feed the starving Somali people in December 1992, UNITAF was a success, the operation began to flounder when the second UN Operation in Somalia (UNOSOM II), took over in May 1993 and expanded the mission to include rebuilding of basic institutions. The Addis Ababa talks offer a lot of invaluable lessons about national level peace processes in Somalia.

#### **4.5 Initiatives After the UN Peace Initiative**

##### **4.5.1 European Commission Involvement in Somalia, 1995 to 1996**

Farah *et al* note that, in addition to the United Nations initiatives in Somalia, the European Commission (EC) was pursuing its own approach for peace and reconciliation<sup>118</sup>. The EC commission the London School of Economics and Political Science in 1995 to conduct a comparative study to assess the implications of various types of political and administrative decentralisation in Somalia, and to avail this information to both the general public and decision makers<sup>119</sup>. The report, *Study of Decentralisation Structure for Somalia: A Menu of Options*, focused on four models: confederation; federation; a decentralised unitary state; and, a community-based type of power sharing known as consociation. The EC

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<sup>116</sup> Ibid., p. 5

<sup>117</sup> Ibid., p. 1

<sup>118</sup> I. Farah, A. Hussein and J. Lind, “Degaan, Politics and War in Somalia,” in J. Lind and K. Sturman, (eds.), *Scarcity and Surfeit: The Ecology of Africa's Conflict*, (Pretoria: Institute of Security Studies, 2002), pp. 328 - 329

<sup>119</sup> See S. Illing, *Helping Rebuild Somalia: The EC in Somalia 1993 – 1996*, (Nairobi: Majestic Printing Works, 1997)

sponsored two seminars in Naivasha and Nakuru in Kenya, in June and November 1996 to discuss the study's findings. Somali traditional and religious leaders, intellectuals, professionals, women and other representatives of Somali civil society attended the seminars, and supported the concept of establishing "a decentralised state with constitutional guarantees for the full autonomy of the constituent units"<sup>120</sup>.

In addition to the seminars held in Kenya, three follow up seminars were held in Somalia. Aside from establishing "Puntland" regional government in north-eastern Somalia, Somali sentiment and the nature and extent of the civil war remained unchanged. The limited effectiveness of the EC initiative was probably due to the fact that it focused on constitutional debates, rather than on conflict management, and did not include the grass-roots people or warring factions.

#### **4.5.2 Sodere and Djibouti Peace Processes, 1996 to 2000**

Mulugeta<sup>121</sup> notes that following the failed Addis Ababa peace process, IGAD was mandated to coordinate the peace dialogue and mediation process. Ethiopia hosted the Sodere Peace Process in 1996. It was given recognition by the IGAD heads of state and government. Many political actors-including twenty seven factions leaders-participated, although a few boycotted the peace talks. The participants of the peace process established a National Salvation Council "as part of a preparatory course of action leading to the establishment of a Provisional Central Government of Somalia"<sup>122</sup>. Before the Sodere agreement could be implemented, however, the Egyptian government convened another meeting of the same Somali faction leaders and those who boycotted the process. The Cairo process also collapsed

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<sup>120</sup> I. Farah, A. Hussein and J. Lind, "Degaan, Politics and War in Somalia," *op. cit.*, p. 328

<sup>121</sup> K. Mulugeta, "The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD," A Paper Submitted to Friedrich Ebert-Stiftung, Addis Ababa (December 2009), p. 26

<sup>122</sup> United Nation Security Council Press Release No. SC/6327, 1997 (27 February 1997)

when several Somali allies of Ethiopia withdrew and convened another peace process in Bossaso, Somalia in 1998<sup>123</sup>.

In response to Egypt's action, IGAD members expressed their serious concern on the proliferation of initiatives with regard to Somalia, during the 6<sup>th</sup> IGAD Summit and Ministerial Session that took place in Djibouti from 14 – 18 March 1998. In this meeting, all concerned partners were asked to channel all assistance to Somalia through the IGAD machinery. IGAD members further expressed their support for Ethiopia during the 1998 summit, by unanimously endorsing Ethiopia's new proposal which underscored the need to strengthen the bottom-up approach of the peace process in Somalia. The new approach was based on the autonomous regional administration as building blocks for reconciliation. Ethiopia changed the approach it followed during the 1996 Sodere process, because faction leaders lacked a national agenda and were rightly regarded as highly opportunistic. Following the endorsement of the approach, IGAD prepared a strategic paper called "New Approaches to Somalia Reconciliation Process".

The IGAD paper led Ethiopia and IGAD to convene a number of meetings including the First and the Second International Consultative Meetings on Somalia in late 1998. At these meetings, most of the Somali faction leaders and representatives of the international community were able to attend. As a result of the meetings, IGAD was able to establish a Somalia Standing Committee and a Fact Finding Mission, which was able to visit Somalia<sup>124</sup>. When Ethiopia was caught in a fierce border conflict with Eritrea between 1998 and 2000, Djibouti again took over the lead in 2000.

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<sup>123</sup> See T. Dagne, "Somalia: Current Conditions and Prospects for A Lasting Peace," in *Congressional Research Service Report for Congress*, (8 October 2009), p. 24

<sup>124</sup> A. Kiefe, "Somali Which Way? The New Conflict between TFG and UIC and Its Challenges to Peace and Security in the Horn of Africa" in *EHPD Occasional Paper*, No. 24 (2006), pp. 360 – 361

### 4.5.3 Arta Conference, 2000 to 2002

Kamudhayi<sup>125</sup> suggests that the Arta Conference held in Arta, Djibouti, was the most crucial process in resolving the Somali conflict. Indeed, Djibouti sponsored the Arta Conference, which resulted in the formation of the Transitional National Government (TNG) led by Abdikassim Salaad. Djibouti proposed a new initiative, taking Civil Society as a base. The leaders expressed their full support for the initiative, claiming that it was in line with the bottom up approach endorsed by IGAD in 1998. Accordingly, IGAD declared that “there is no alternative for peace in Somalia to pushing forward with the building block and bottom up approach in which the role of the warlords is contained and the civil society is enhanced”<sup>126</sup>.

Farah et al note that, preceding this meeting, President Guelleh of Djibouti had initiated a long-awaited peace process in 1999 when he appealed to Somali leaders and the IGAD member states to join him in addressing Somalia’s situation. The Djibouti president hosted a preliminary conference in Djibouti with over 60 intellectuals to discuss how best to approach the reconciliation process. He focused on the civil society, traditional clan leaders, community elders and prominent political figures from past Somali governments, and also asked IGAD member states to provide him the necessary support and back up the peace process<sup>127</sup>.

Because President Guelleh’s focus, the conference invited members of the civil society and traditional elders together with representatives of professionals, economists, teachers, farmers, health care workers, jurists and writers among others. The other crucial group of actors, those who are armed, did miss out and this had an implication on the outcome of the Arta Conference: the results of Arta conference could not be implemented because the armed factions effectively blockaded and confined the activities of the new

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<sup>125</sup> O. Kamudhayi, “The Somali Peace Process,” in M. Mwagiru (ed.), *African Regional Security in the Age of Globalisation*, (Nairobi: Heinrich Boll Foundation, 2004), Chapter 9, pp. 107 – 123: 109

<sup>126</sup> K. Mulugeta, “The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD,” op. cit., p. 27

<sup>127</sup> I. Farah, A. Hussein and J. Lind, “Degaan, Politics and War in Somalia,” op. cit., p. 329

government to a section of Mogadishu<sup>128</sup>. Furthermore, Arta process was boycotted by other several powerful faction leaders as well as by Somaliland and Puntland, who labelled it unrepresentative and externally imposed<sup>129</sup>.

Kamudhayi further notes that, although the peace process took into consideration clan balance particularly in terms of numbers, it ignored the number issue in terms of individual and corporate actors involved. Arta was an attempt to move away from the earlier agreements which focused on the parties as corporate entities, and which had led to failure of earlier peace conferences. As a result, the Somali Restoration and Reconciliation Council (SRRC) alliance emerged after Arta and effectively sabotaged the resolutions of the agreement. The show of strength by the armed faction leaders buried the hope of Djibouti and its allies to run a government in Somalia. Arta also ignored the interests of regional stakeholders like Kenya and Ethiopia. As such, Ethiopia gave full support to SRRC and rallied support for it in Somalia<sup>130</sup>.

Mulugeta notes that even though member states of IGAD formally supported the process, their level of commitment to the process and its outcome was dissimilar. Djibouti and Eritrea were close allies of the TNG. Though the logistics of the Arta Conference were covered by Ethiopia, it became hostile towards it, alarmed by the alleged links with Islamists and terrorist groups. Hence, Ethiopia started to back a rival of the coalition of factions SRRC. Kenya and Uganda were anxious about the risk of Somalia being used as a launching ground for hostile operations under TNG. TNG lacked the necessary political support from most

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<sup>128</sup> O. Kamudhayi, "The Somali Peace Process," *op. cit.*, p. 109; see I. Farah, A. Hussein and J. Lind, "Degaan, Politics and War in Somalia," *op. cit.*, p. 329. Farah et al note that the first interim government was overwhelmingly received by the residents of Mogadishu, although its interim authority was confined to environs of Mogadishu.

<sup>129</sup> K. Mulugeta, "The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD," *op. cit.*, p. 26

<sup>130</sup> O. Kamudhayi, "The Somali Peace Process," *op. cit.*, p. 109

members of IGAD. Instead, “regional powers lined up behind proxies, funnelling arms and ammunition into the country”<sup>131</sup>.

Furthermore, the architects of Arta based their process on the 1960 constitution, thus failing totally to recognize that the awareness level had radically changed and that clans were more informed than they were then in matters of political representation. Farah et al contends that the interim government continued to receive resistance because the opposition groups believed that labelling warlords as criminals and sidelining them prevented them from participating and contributing to the peace process, and thus, its failure. In addition, like the EC initiative, the delegates of the Arta conference focused on institutional and constitutional solutions to the conflict, instead of reconciliation<sup>132</sup>.

#### **4.5.4 Eldoret Process, 2002 to 2003**

Mulugeta points out that Eldoret Conference convened in 15 October 2002 was the most inclusive Somali forum, though Somaliland remained aloof<sup>133</sup>. Kamudhayi notes that prior to the Eldoret conference, the pre-negotiation phase of the conference involved the identification of actors in the conflict. IGAD sent a team to Somalia for this purpose. However, the letters of invitation sent out did not reach all the identified parties as arranged which then presented a problem at the beginning<sup>134</sup>.

The conference was conceptualized in three phases: the pre-negotiation, negotiation and the power-sharing phase<sup>135</sup>. The first phase involved identification of actors through a visit by IGAD representatives, identification of issues and agreeing on the venue. Invitations

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<sup>131</sup> K. Mulugeta, “The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD,” op. cit., p. 26; see also International Crisis Group (ICG), *Somalia: The Tough Part is Ahead*, ICG Policy Briefing n, No. 45 (Brussels: ICG, 2007), pp. 2 – 3

<sup>132</sup> I. Farah, A. Hussein and J. Lind, “Degaan, Politics and War in Somalia,” op. cit., p. 329

<sup>133</sup> K. Mulugeta, “The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD,” op. cit., p. 28

<sup>134</sup> O. Kamudhayi, “The Somali Peace Process,” op. cit., p. 110

<sup>135</sup> S. Fisher, J. Ludin, S. Williams, S. Williams, R. Smith and D. I. Abdi, *Working with Conflict, Skills and Strategies*, (London: Zed Books, 2000), pp. 115 - 117

were sent out and that concluded phase I. The Conference originally progressed to phase II, which was then officially closed by IGAD Council of Ministers. The ministers then officially launched the preliminary part of phase III<sup>136</sup>.

#### **4.5.4.1 Phase I: Agreement on Federal Structure and Cessation of Hostilities**

The Eldoret Declaration signed in 27 October 2002 provided for a Cessation of Hostilities and For the Specification of Structure and Principles of the Somali National Reconciliation Process. The Declaration committed the signatories, *inter alia*, to cease hostilities, to agree on a new federal charter, commit to the principle of decentralization and federalism, to abide by the conclusions of the process, and to support establishment of enforcement mechanisms<sup>137</sup>.

This document became the reference point of who is a leader and who is not. In the view of Somali Restoration and Reconciliation Council (SRRC), the G8 Alliance of factions and the TNG (there were two TNGs, that led by Hassan Abshir and that led by Abdikassim Salaad; the group mentioned above is the former), it is signed by those who signed the Declaration that are the authentic leaders of Somali people. Those who did not sign the document and who mainly formed the TNG of Abdikassim and the National Salvation Council contend this view. The stalemate was now around two groups. Without having any serious issue the two sides took to opposing any suggestion made by their opponents. The issue of numbers again featured strongly as each group tried to set the pace for the reconciliation process. While the numbers favoured the signatories, they pushed for a quick

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<sup>136</sup> IGAD Council of Ministers Meeting, Joint Communiqué, Issued in Nairobi on 12<sup>th</sup> March 2004 in O. Kamudhayi, "The Somali Peace Process," op. cit., p. 110

<sup>137</sup> See Eldoret Declaration Entitled. Somalia National Reconciliation Process Eldoret, Kenya: Declaration on Cessation of Hostilities, Structures and Principles of the Somalia National Reconciliation signed on 27 October 2002, Articles 1 to 6 for details of provisions in this agreement.



conclusion of the conference. Later, when the numbers fell in their disfavour, they called for a recess of the conference<sup>138</sup>.

Another problem faced by the conference was the excess number of delegates who had come uninvited. This complicated representation on the Reconciliation Committees thus making it a complicated and difficult issue<sup>139</sup>. The Somali political leaders arrived with a higher number of delegates that did not correspond with the records of the secretariat. Independent Somalis complained about marginalization and demanded seats. Consequently, instead of 300 delegates envisioned by the organizers, over 1000 Somali's were present in Eldoret<sup>140</sup>.

This confusion was clearly "the failure of the Technical Committee to establish clear criteria for delegates and to abide by them"<sup>141</sup>. Moreover, the two members of the Technical Committee and Ethiopia fought over seat allocation for their respective Somali client<sup>142</sup>. The stalemate over participation was resolved when the Technical Committee proposed a formula for clan representation known as the 4.5 formula. The formula envisioned 400 seats divided equally between four major clan groups, and minority groups collectively received half as many seats as the major clan, that is, eighty four seats for each major clan, forty two seats for minorities, and twenty two additional seats to be allocated to the discretion of the Technical Committee<sup>143</sup>. Here, the intention was to show that all clans were equal and the power of decision making is fairly distributed.

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<sup>138</sup> O. Kamudhayi, "The Somali Peace Process," op. cit., p. 110

<sup>139</sup> K. Mulugeta, "The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD," op. cit., p. 28

<sup>140</sup> Ibid., p. 28; see also O. Kamudhayi, "The Somali Peace Process," op. cit., p. 110

<sup>141</sup> International Crisis Group, *Salvaging Somalia's Chance for Peace*, Africa Brief No. 11, (Brussels: ICG, 2002), p. 4

<sup>142</sup> Ibid., p. 4

<sup>143</sup> Ibid., p. 5

#### **4.5.4.2 Phase II: Reconciliation Issues**

In the second phase, the process began with six committees dealing with different issues. Committee One examined issues to do with the Charter and the transitional government, while Committee Two looked at issues to do with disarmament, demobilisation and re-integration; Committee Three's mandate was to discuss land and property rights; Committee Four was on economic recovery and reconstruction; Committee Five and Six dealt with issues of regional and international relations, and conflict resolution and reconciliation respectively<sup>144</sup>. Kamudhayi also notes that the committees work was not smooth because some delegates were unfamiliar with the issues involved either due to illiteracy which made them unable to effectively participate in debates or because others were away in self-exile and were unfamiliar with the current realities that continued to change rapidly<sup>145</sup>. No committee was able to sustain a quorum and thus the drafts failed to represent consensus<sup>146</sup>. As a result, the reconciliation remained a stalemate from September to December 2003. Mulegeta<sup>147</sup> notes that the TNG and its allies withdrew from the Eldoret peace process. The Technical Committee undertook several consultations to end the deadlock.

#### **4.5.5 Mbagathi Process, 2003 to 2004**

The 10<sup>th</sup> IGAD Summit, which took place from 24 to 25 October 2003 tried to address the cause of the stalemate. During this summit, the Somali leaders raised their concerns regarding the ownership and management of the conference. Most Somali leaders complained that it was the Technical Committee, and not themselves who were dictating terms and pace on the peace process. They complained that there were conflicting interests

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<sup>144</sup> O. Kamudhayi, "The Somali Peace Process," op. cit., p. 111

<sup>145</sup> Ibid., p. 111

<sup>146</sup> International Crisis Group, *Negotiating a Blue-Print For Peace in Somalia*, Africa Report No. 59, (Brussels: ICG, 2003), p. 5

<sup>147</sup> K. Mulugeta, "The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD," op. cit., p. 28

and approaches among the three front line states namely Djibouti, Ethiopia and Kenya, which constituted the Technical Committee, thereby creating confusion among the Somali delegates<sup>148</sup>.

Given the concerns raised by the Somalis, the Summit decided “to expand the Technical Committee, now renamed as the Facilitation Committee on the Somali Peace Process led by Kenya, to include Djibouti, Eritrea, Ethiopia, Uganda and Sudan”<sup>149</sup>. The Summit also ordered the newly formed Facilitation Committee to take immediate steps towards convening of a leader’s retreat, with the objective of resolving all outstanding issues relating to the peace process<sup>150</sup>.

The Facilitation Committee was able to return the Somali leaders who had withdrawn from the peace process. However, the sense of failure<sup>151</sup> of yet another Somali peace process was heightened by the new IGAD Facilitation Committee to convene the leaders retreat in December 2003; the reasons included a disagreement over Somali participants and a split between Kenya and Uganda over the issue of leadership and venue. The Leaders’ Retreat began in 9 January 2004 at Nairobi Safari Park Hotel and 29 January 2004. After three weeks of strenuous bargaining, the Declaration on Harmonization of Various Issues, proposed by the Somali delegates at the Somali consultative meetings at State House (the Kenyan presidential residence), was signed on 29 January 2004. The Somali leaders agreed on the name of the government and charter, the size of parliament, and the duration of the transitional period<sup>152</sup>.

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<sup>148</sup> African Union Peace and Security Council 6<sup>th</sup> Session, *Report of the Chairperson of the Commission on the Situation in Somalia*, (29<sup>th</sup> April 2004), p. 2

<sup>149</sup> Communiqué by 10<sup>th</sup> Ordinary IGAD Summit of Heads of State and Government 24<sup>th</sup> October 2003, Kampala Uganda, p. 4

<sup>150</sup> *Ibid.*, p. 4

<sup>151</sup> International Crisis Group, *Biting the Somali Bullet*, Africa report No. 79, (Brussels: ICG, 2004), p.10

<sup>152</sup> African Union Peace and Security Council 6<sup>th</sup> Session, *Report of the Chairperson of the Commission on the Situation in Somalia*, (29<sup>th</sup> April 2004), pp. 3 - 4

The signing of this declaration was supposed to be the entry point to the third and last phase of the conference. However, confusion over the 29 January 2004 Declaration emerged virtually before the ink could dry. Fresh misunderstandings surfaced as a result of attempts by some Somali leaders to restructure certain sections in the Draft Charter as stated in Part 4 of the report the Chairperson of the Commission on the Situation in Somalia, “... fresh misunderstandings surfaced as a result of attempts by some Somali leaders to visit, again, certain sections in the draft Charter. Col. Abdullahi Yusuf, leader of the Puntland delegation, later joined by some faction leaders from SRRC, called for the revision of article 30 of the draft Federal Charter for the purpose of giving it more clarity with respect to who exactly qualified to participate in the selection of the members of parliament <sup>153</sup>.

The IGAD Ministers expressed “concern at the unacceptable absence of certain Somali leaders from the third and final phase of the conference” and warned the leaders to come back without conditionality<sup>154</sup>. The Facilitation Committee warned the Somali leaders by stating: “Spoilers and those who obstruct the process from within and outside the Somali National reconciliation Process (SNRP) will be named publicly and subjected to international sanctions”<sup>155</sup>. This meeting also marked Ethiopia’s return to the talks. The Kenyan Chair of the Ministerial meeting made it clear that the talks were utterly stalled and could only be concluded successfully with the full support of all IGAD states. The ministers agreed to share responsibility for bring key leaders back to the process. The IGAD foreign affairs ministers held another four meetings, demonstrating for the first time senior level commitment to concluding the Somali peace talks successfully. This new found cohesion of frontline states led Ethiopia to persuade a number of leaders to return to the talks and the Kenyan Special

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<sup>153</sup> Ibid., p. 4.

<sup>154</sup> K. Mulugeta, “The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD,” op. cit., p. 29

<sup>155</sup> Joint Communiqué Issued by the 5<sup>th</sup> IGAD Ministerial Facilitation Committee Meeting on the Somali Peace Process, 7<sup>th</sup> May 2004, pp. 1 -2

envoy called for smart sanctions against General Morgan. Encouraged by the revival of the talks, international donors began to prepare a Rapid Assistance Programme for the new government<sup>156</sup>.

A third and final stage the source of division was how to select the 275 member Transitional Parliament. Somali traditional leaders arrived to oversee selection of 275 members of parliament according to the '4.5 formula' and formed a Somali arbitration Committee in June 2004 to mediate any disputes over MP selection. However, many traditional leaders complained of being sidelined and that the selection was manipulated by faction leaders in collusion with the IGAD Facilitation Committee<sup>157</sup>. Though the divergent interpretations of the formula led to bitter divisions between the TNG and SRRC, the Transitional Parliament was established based on the so-called 4.5 formula<sup>158</sup>.

On 22 August 2004, 206 selected members of the Transitional Federal Parliament took oath of office at a ceremony held in the United Nations in Nairobi. Eight members did not appear and another sixty-one seats were yet to be allocated due to disputes with sub-clans<sup>159</sup>. The parliament held its first session on 2 September 2004 and on 15 elected the speaker, Sharif Hassan Sheikh Aden<sup>160</sup>. The parliament elected Abdullahi Yusuf Ahmed as President of the Transitional Federal Government (TFG) on 10 October 2004 after he secured a convincing victory in three rounds of voting among 26 candidates<sup>161</sup>. The new Transitional Federal parliament ratified the Charter, which created institutions, assigned responsibilities, roles and obligations. Major political agreements reached by different factions for political dispensation in the Charter included: election of the president by parliament, traditional

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<sup>156</sup> K. Menkhaus, "The IGAD-led Somali National Reconciliation Conference: the Mbagathi Process", in P. Johnson (ed.), *A History of Mediation in Somalia Since 1988*, (Nairobi: Interpeace, 2009), pp. 52 – 62: 59

<sup>157</sup> *Ibid.*, p. 59

<sup>158</sup> K. Mulugeta, "The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD," *op. cit.*, p. 29

<sup>159</sup> IRIN, "Somalia: Swear in Remaining MPs, US Urges", 24 August 2004

<sup>160</sup> K. Menkhaus, "The IGAD-led Somali National Reconciliation Conference: the Mbagathi Process", *op. cit.*, p.59

<sup>161</sup> *Ibid.*, p. 60

leaders to elect parliamentarians in consultation with the political leaders, parliament to be composed of states and regional administrations, and the interim period to be five years<sup>162</sup>.

Menkhaus<sup>163</sup> notes that, it needs to be emphasized that the Ethiopian support of the process was critical in ensuring the success of the Mbagathi process as indicated by IGAD desire to address Ethiopia's interests without due regard to interests of the disputants. When Abdillahi Yusuf Ahmed was elected President of TFG, his first act was to appoint a pro-Ethiopia Prime Minister, namely Ali Ghedi<sup>164</sup>. This nomination violated the Charter's provision that the prime minister and cabinet should be drawn from the parliament, accommodated by the first instance of 'seat swapping' when an MP from the same sub-sub-clan, Mohammed Dhere, gave his seat to Ali Ghedi. The nomination was initially rejected in a raucous parliamentary session but approved after heavy bargaining amongst faction and clan leaders on 23 December 2004. The Prime Minister appointed a large 82 person cabinet, eventually approved on 7 January 2005, which brought key faction leaders for the first time since 1991 but this cabinet was neither lean nor inclusive and balanced. Indeed, the cabinet was heavily weighted in favor of the SRRC alliance, some key positions were held by members of the President's own clan. Amidst accusation of Ethiopia's influence in selection of the cabinet, a video was leaked of an Ethiopian diplomat reportedly dictating cabinet appointments in a meeting with the President and Prime Minister<sup>165</sup>. The Somali public was unimpressed by the return of faction leaders as cabinet ministers and both Somali and international observers were dismayed by the cabinet's very large size and were not persuaded by references to a 'disarmament cabinet'<sup>166</sup>. Thus, Abdullahi was viewed as a

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<sup>162</sup> K. Mulugeta, "The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD," op. cit., p. 29

<sup>163</sup> K. Menkhaus, "The IGAD-led Somali National Reconciliation Conference: the Mbagathi Process", op. cit., p. 60

<sup>164</sup> H. Adam, *From Tyranny to Anarchy*. (Asmara: The Red Sea Press, 2008), p. 180

<sup>165</sup> See International Crisis Group, *Biting the Somali Bullet*, Africa report No. 79, (Brussels: ICG, 2004)

<sup>166</sup> K. Menkhaus, "The IGAD-led Somali National Reconciliation Conference: the Mbagathi Process", op. cit., p. 60

client of Ethiopia and his immediate call for a military force from African Union (AU) to help establish his authority in the capital alienated his slender support base in Mogadishu. Without dogged international financial and military support the TFG would not have survived either its internal divisions or the rise of Islamic Courts Union in 2006<sup>167</sup>.

#### **4.7 Djibouti Initiative, 2008 to 2009**

Mcghie<sup>168</sup> notes that the conclusion of the Mbagathi peace process in 2004 ushered in a Transitional Federal Government (TFG) in Somalia and renewed hope that through a political arrangement in the country would be the path toward stability; this hope was short lived. In 2006, opposition to the TFG in the form of the Islamic Courts Union (ICU) took control of Mogadishu and within six months, on invitation of the TFG, the Ethiopian military moved in and pushed the ICU out. Further destabilization ensued and attempts at national reconciliation failed to draw in any opponents of the TFG and little progress was made.

As the situation on the ground got worse, so did the political deadlock. A coalition of disaffected MPs, Somali Diaspora and the ICU leadership came together under umbrella of the Alliance for the Re-liberation of Somalia (ARS) and established themselves in Asmara. Fighting escalated in Mogadishu between the ARS and Ethiopian backed TFG (which was also protected by an African Union peacekeeping force from May 2007), and the security situation continued to deteriorate. Amid calls for a political solution to the crisis, a number of external actors began to make discreet moves to try and build a constituency for political dialogue between these two groups. This developed formally into the Djibouti mediation process that lasted, in its official form, from May 2008 to February 2009, and resulted in a new TFG that brought together the ARS and former TFG within one transitional

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<sup>167</sup> M. Bradbury and S. Healy, "Endless War: A Brief History of the Somali Conflict," *op. cit.*, p. 14

<sup>168</sup> M. P. Mcghie, "Mediating Djibouti," in M. Bradbury and S. Healy (eds.), *Whose Peace Is It Anyway? Connecting Somalia and International Peacemaking*, Accord No. 21, (London: Conciliation Resources, 2010), pp. 20 – 23: 20

government<sup>169</sup>. This was an outcome of a shift in the international community's thinking about the crisis since the beginning of 2008<sup>170</sup>.

The key aim of the Djibouti architects was to create a powerful alliance capable of stabilizing Somalia, marginalizing the radicals, and stemming the tide of Islamist militancy. But this was quickly undermined by insurgency elements that rejected the process. Consequently, Djibouti became a dialogue between weak parties with little weight on the ground<sup>171</sup>. Mcghie<sup>172</sup> notes that the first months of 2008 represented a pre-mediation phase, with quiet shuttle diplomacy and outreach to the ARS leadership in Asmara through various channels in order to secure an agreement, in principle, to dialogue. There was also behind the scenes work by the Special Representative of the Secretary General (SRSG) and other key actors to secure a similar commitment from the TFG. There was a common understanding that discreet steps needed to be taken, as the situation was not yet ripe for a larger and more open process.

The official Djibouti process began in earnest in June 2008 with the convening of a meeting between the TFG, under the leadership of Prime Minister Nur Adde, and the ARS, led by Sheikh Sharif Ahmed. In the early stages of the talks, confidence was low, with the parties not ready to meet directly. The SRSG again used shuttle diplomacy to secure agreement on a basic agenda. When they first brought to Djibouti, the parties refused to stay in the same hotel or meet directly<sup>173</sup>. Djibouti was an important player, not as the host, but also as key supporter to the talks. Pressure on the parties by President Ismail Oumar Guelleh at key junctures helped advance the process. Djibouti facilitated the convening of the Somali

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<sup>169</sup> See T. Keck, "Somalia: Any Chance for Peace," in *Friends Committee on National Legislation Policy Brief* (July 2009), p. 2

<sup>170</sup> International Crisis Group, *Somalia: To Move Beyond The Failed State*, Africa Report No. 147, (Brussels: ICG, 2008), p. 23

<sup>171</sup> *Ibid.*, p. 23

<sup>172</sup> M. P. Mcghie, "Mediating Djibouti," *op. cit.* p. 20

<sup>173</sup> See T. Keck, "Somalia: Any Chance for Peace," in *Friends Committee on National Legislation Policy Brief* (July 2009), p. 2



Parliament, offering the use of the Djiboutian Parliamentary premises as well as the provision of security and accommodation. This was particularly important given the time pressures that developed during the final phases of the process<sup>174</sup>.

There was no formalized strategy for the mediation, but Ambassador Ould Abdallah had a vision of where he wanted to direct the talks. From a tactical perspective, four key principles threaded through the process and dictated how it played out: the constructive use of deadlines to push the process along (although control over the deadlines, crucially lost in January 2009 when Ethiopian troops delayed their withdrawal); building mechanisms that would allow Somali leadership and ownership; managing regional and international actors; and ensuring flexibility to respond and adapt to the changing situation. During early sessions at Djibouti, the parties agreed to the establishment of two committees broken down into political and security elements: under the High Level Political Committee and the Joint Committee, respectively. These committees were made up of 15 representatives from each of the two parties, each having their own chair.

The United Nations Political Office for Somalia (UNPOS) was the official chair of the meeting, but much of the time, the sessions were managed without external actors present. The committees had minimal terms of reference, which allowed them to be used and adapted as required. The committees were also used for capacity building through brief workshops during each session on substantive issues, and they allowed space for parties to become more comfortable with discussions<sup>175</sup>.

Previous mediation processes in Somalia before the Djibouti talks had been drawn out affairs, with months spent, in contrast to the Djibouti talks which moved quickly and often surprisingly so. To generate momentum and avoid stagnation, the Djibouti process was initially arranged so that the parties would meet for a limited period, that is, once a month to

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<sup>174</sup> M. P. Mcghie, "Mediating Djibouti," op. cit. p. 20

<sup>175</sup> Ibid., p. 20

advance the agenda. The remaining time was spent addressing political issues, building consensus and preparing the ground for the next round of talks. This gave the SRSG better control over the speed of the process. It allowed him to bring parties together at a pace that enabled both consultation and time for agreements to percolate internally within constituencies of the two parties, while still ensuring that the momentum was not lost<sup>176</sup>.

A critical element in Djibouti was the need to maintain the pace and momentum of the talks. It was necessary to demonstrate regular progress in order to convince detractors of the process the benefits of 'coming on board'. This required both successes in the monthly rounds of talks as well as sustained external pressure to highlight the negative consequences of hindering them. In practice, this meant carefully managing the statements and communiqués that resulted from each round of talks so that they demonstrate success, but not giving too much out publicly before the parties had consolidated with their constituencies' support behind agreements. For instance, following the agreement in principle in November 2008 to political cooperation, the delegates of the two parties needed to return to their constituencies and talk through what this would mean and to get support for details that would then be agreed in the next round of discussions<sup>177</sup>.

However, the unprecedented resignation of President Abdillahi Yusuf on 29 December 2008 affected the ability of the mediator to control the pace of the talks due to this political development. This set in motion new deadlines under the Transitional Federal Charter whereby a new President needed to be elected within 30 days. Rather than managing and controlling deadlines, the mediation compressed the political cooperation dialogue into

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<sup>176</sup> See S. A. Dersso, "The Somali Conflict: Implications for Peacemaking and Peacekeeping Efforts," in *ISS Paper*, No. 198 (September 2009), p. 8. Dersso notes that many Somalis consider the Djibouti process as the only process that carries some hope for the political future in Somalia, albeit the uncertainties and serious challenges.

<sup>177</sup> M. P. Mcghie, "Mediating Djibouti," *op. cit.* p. 20

revised and curtailed timeframe, and to contend with new realities that the President's resignation brought with it.

The first phase of the talks resulted in an agreement on the formation of a newly formed Transitional Federal Government, established in early 2009. This included the expansion of parliament from 275 to 550 members to accommodate ARS MPs and an expanded cabinet. What was not agreed in Djibouti, however, was how this new coalition would function in terms of day to day operations. Many power sharing agreements end at the water's edge of the 'big picture' – the drawing of two opposing groups<sup>178</sup>.

The Djibouti process was one step in the broader process of political settlement and peacemaking in Somalia, which entered a new phase with formal conclusion of the Djibouti process in February 2009. The subsequent period has been exceptionally difficult for the continuation of political dialogue – both within TFG to cement the gains that have been made, and to draw others into constructive dialogue and out of the cycle of violence.

#### **4.8 Assessing Mediation Styles in the Somali Peace Processes**

For much of the past mediation efforts geared towards resolving the Somali conflict can be explained and be understood from a confluence of internal and external interests and pressures. Menkhaus notes, for instance, that the Somali crises can broadly be viewed from two perspectives: one that emphasizes the broad structural factors driving political catastrophes and seeks to explain the Somali conflict as a predictable and inevitable product of "forces majeures" such as environmental degradation, demographic pressures, warlordism,

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<sup>178</sup> See K. Mulugeta, "The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD," A Paper Submitted to Friedrich Ebert-Stiftung, Addis Ababa (December 2009), p.34

ethnic mobilization and external spoilers; and, the missed opportunities and miscalculations of the leaders<sup>179</sup>.

Based on Menkhaus' approach an examination of the various mediation efforts and the mediation styles will be reviewed. Absence of major power interest in Somalia is one of the factors that have affected Somalia's peace process. Indeed, Winston Tubman, the UN Secretary General's political representative to the Somali peace conference in Kenya noted, "one of the five permanent members of the UN Security Council – China, Britain, France, the United States and Russia – could make a difference in Somalia .... The African Union can be interested, the European Union can help, but what you need is some driving force (by a big power) in my experience"<sup>180</sup>. Many experts on peace building share Tubman's observations that Somalia has no friends internationally<sup>181</sup>. The level of American commitment to helping create a stable regime in Somalia has not been sufficient because Washington has been perceived to give the green light to Ethiopia to spoil Somalia's peace efforts<sup>182</sup>. US pressure on Ethiopia to stay out of Somali's internal affairs would solve much of the Somali crisis.

Views differ as to why mediation efforts and styles (strategies) have consistently failed<sup>183</sup>. Apart from the lack of coordination and resulting contradictions among simultaneous regional initiatives, the failure of regional and international efforts to settle the Somali conflict include the nature of Somalia as a "failed state", clan-driven divisions and local disputes, as well as external spoilers as has been discussed in the various peace initiatives in this chapter.

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<sup>179</sup> See K. Menkhaus, "The Crisis in Somalia: Tragedy in Five Acts," in *African Affairs*, Vol. 106, No. 204, (2005), pp. 358 - 359

<sup>180</sup> W. Maclean, "Somalia Needs Big Power Involvement – UN Official," *Reuters*, Nairobi, 4 September 2003

<sup>181</sup> S. J. Stedman, "Policy Implications," in S. J. Stedman, D. Rothschild and E. Cousens (eds.), *Ending Civil Wars: Implementation of Peace Agreements*, (Boulder, CO: Lynne Rienner, 2003), p. 667

<sup>182</sup> A. A. Elmi and A. Barise, "The Somali Conflict: Root Causes, Obstacles and Peace-Building Strategies," *op. cit.*, p. 44

<sup>183</sup> See K. Menkhaus, "Mediation Efforts in Somalia," in Background Paper, Africa Mediation Retreat, April 2004, pp. 38 - 41

Examining all the peace processes that have attempted to resolve the Somali conflict, various styles and tactics emerge. The Addis Ababa Conference held in 2003 exhibits characteristics of aspects of *directive (manipulative)* mediation styles because of the American presence on the ground which UN mediators used to press for the reconciliation process<sup>184</sup>. However, the turmoil that had been caused by Mohamed Sahnoun's departure from brought in mediators who had limited knowledge of Somalia and whose approaches deeply alienated Somali faction leaders and therefore the Addis Ababa Agreement lapsed in implementation.

The European Commission (EC) attempted to pursue its own approach for peace and reconciliation in Somalia. The European Commission mediators used *communication-facilitation* and *formulative (procedural)* mediation styles where they initially conducted a study to assess the implications of various types of political and administrative decentralisation in Somalia which they then presented the study in two seminars they sponsored in Naivasha and Nakuru in Kenya. As already discussed<sup>185</sup> the EC initiative focused on constitutional debates rather than conflict management and did not include grassroots communities in these processes. In addition, the EC did not apply any leverage that would put pressure on the parties to implement the outcomes of their deliberations resulting in failure.

The Sodere peace process which was convened by IGAD resulted in the establishment of a National Salvation Council which was intended to lead to the formation of a Provisional Central Government of Somalia. However, Sodere agreement was not implemented because of proliferation of other peace initiatives involving the same actors. In this case, *communication-facilitation* mediation style emerges as the dominant mediation strategy.

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<sup>184</sup> See I. M. Lewis, *A Modern History of the Somali*, op. cit., p. 270; see also discussion in Chapter Four, 4.3 *The Addis Ababa Conference on National Reconciliation: January to March 1993*.

<sup>185</sup> See 4.5.1 *European Commission Involvement in Somalia, 1995 to 1996*

Indeed, this strategy resulted in failure because the Somali faction leaders expected to implement the Soderre Agreement either participated in the Cairo process or boycotted it. The Cairo process collapsed because several Somali allies of Ethiopia withdrew and convened another peace process in Bossaso in Somalia. In effect, the mediators could not push the parties to implement the peace process by applying tactics that are associated with *communication-facilitation* mediation styles. Subsequently, IGAD member states supported the “bottom up” approach that had been proposed by Ethiopia as a strategy to addressing the conflict in Somalia. This approach emphasized autonomous regional administration as building blocks for reconciliation.

The Arta Conference (2000 to 2002) results could not be implemented because armed factions were not invited and therefore blockaded and restricted the activities of the new Transitional National Government to a section of Mogadishu<sup>186</sup>. In essence, a lack of a powerful entity both in the sub-region or a big power to put pressure on the disputants to implement the agreement coupled with internal divisions among IGAD states which was more conspicuous in Arta and made it very difficult for the parties to be pressured to implement the terms of the Arta Conference<sup>187</sup>. Furthermore, as Sally Healy correctly notes, “until 2002 IGAD played no institutional role in the Somali reconciliation beyond endorsing Ethiopian and Djiboutian initiatives”<sup>188</sup>. This implied that the mediation strategies adopted by the two states could not guarantee a positive outcome because *communication-facilitation* mediation strategies lack tactics that enable full cooperation from the disputants and may not

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<sup>186</sup> See 4.5.3 Arta Conference, 2000 to 2003

<sup>187</sup> K. Mulugeta notes that institutional involvement of IGAD was minimal because the Soderre and Arta peace processes were hosted and mediation provided by Ethiopia and Djibouti governments. Consequently, the IGAD secretariat role was minimal and was reduced to endorsing decisions of members. On the other hand, there were divisions. Ethiopia sponsored the establishment of the Somali Restoration and Reconciliation Council (SRRC) as counterbalance for TNG which was the brainchild of Djibouti, while Eritrea (which was at fierce war with Ethiopia between 1998-2000) supported TNG as the Ethiopian rejection of the TNG became well known. See K. Mulugeta, *The Role of Regional and International Organizations in resolving the Somali Conflict: The Case of IGAD*. op. cit., pp. 27 - 28

<sup>188</sup> S. Healy, “Peacemaking in the Midst of War: An Assessment of IGAD’s contribution to regional Security, in *Crisis State Paper*, No. 2, (2009), p. 10

help to resolve commitment problems because the mediators applying *communication-facilitation tactics* may not monitor or enforce compliance with the terms of agreements. This situation is further worsened when not all the parties are invited to the negotiating table or the mediators (Ethiopia and Djibouti) have competing interests.

With the failure of Arta Conference, IGAD led yet another effort to broker Somali peace in 2002. The peace talks were held for two years in Kenya. The talks were structured by mediators from Kenya. They were mainly Kenyan government officials (track I mediators) with close support from IGAD, the UN and the European Commission.

Menkhaus points out that the Eldoret and Mbagathi processes attempted to address reconciliation issues which had not happened in the past processes. Past processes were focused more on what Menkhaus calls crude “cake-cutting” exercises over which clans and leaders laid claim to positions in a transitional government. However, despite these improvements, the outcome of the Kenyan process was a government of national unity which neither governed nor unified<sup>189</sup>. The Kenyan mediators had hoped that the Somali leadership would be persuaded to address the core issues in the Somali conflict. These hopes were grossly dashed. As has been noted in the Eldoret and Mbagathi processes in preceding parts of this chapter the parties to the conflict exhibited little interest in addressing the conflict issuers and constantly abrogated the cease-fire they signed. In desperation, IGAD mediators declared phase two talks completed and proceeded to power-sharing negotiations. This rekindled the attention of the militia and political leaders. Sustained pressure of IGAD member states succeeded in naming a 275 member parliament in August 2004 using a selection process that applied the ‘4.5 formula’<sup>190</sup>.

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<sup>189</sup> See K. Menkhaus, “The Crisis in Somalia: Tragedy in Five Acts,” *op. cit.*, p. 360

<sup>190</sup> *Ibid.*, p. 360; This is a Somali variation on the Lebanese consociational democratic model in which each of the four major clan-families are equally represented, so negotiations over representation occur within rather than between the clan-families, each of which elects 61 MPs from their lineage. According to the 4.5 formula, a residual category of ‘minority groups’ receives one-half of the seats accorded to each of the major-clans, hence, the

Eldoret and Mbagathi<sup>191</sup> reconciliation processes applied both *communication-facilitation* and *formulative (procedural)* mediation styles where the mediators adopted a phased approach to the negotiations. This involved conceptualization of the conference into three phases: pre-negotiation, negotiation and power-sharing. These mediation styles by the mediators improved the peace process significantly though the mediators were faced with a number of challenges, namely: excessive numbers of delegates pointed to a failure on the part of the mediators to establish clear criteria for identifying delegates; the work of the committees that was set up for phase which tackled reconciliation issues were hampered by unfamiliarity with the issues due to illiteracy of some of the delegates and could not effectively participate in debates; and other delegates who had been away in exile were unfamiliar with prevailing realities that were changing rapidly in Somalia. Thus, drafts failed to represent consensus because none of the committees could sustain a quorum. This resulted in a stalemate.

Though Mbagathi processes addressed the causes of the stalemate and saw a new found cohesion of the frontline states and Ethiopia's return to the talks, there were challenges that were faced by this process. The mediators were unable to manage spoilers who were part of the negotiations<sup>192</sup>. Though threats were issued to spoilers it did not change the situation on the ground. In addition, the divergent interpretation of '4.5 formula' led to bitter divisions among the conflict parties. IGAD mediators were keen to address Ethiopia's interests without regard to interests of the disputants thus compromising their neutrality which is a key quality required of mediators.

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'0.5'. The 4.5 formula was first conceived in the 2000 Arta talks in Djibouti by the Somali delegates as a way to reduce conflict between clan-families over allocation of seats. See discussion on Arta, Eldoret and Mbagathi Conferences in this Chapter.

<sup>191</sup> See 4.5.4 *Eldoret Process, 2002 to 2003*

<sup>192</sup> Col. Abdillahi Yusuf could be categorized as a "situational" spoiler because he called for the revision of article 30 of the draft Federal Charter causing confusion after signing of the Declaration on Harmonization of Various Issues. General Morgan was a "greedy" spoiler who wanted the status quo to remain. See 4.5.5 *Mbagathi Process, 2003 - 2004*



In electing Col. Abdillahi Yusuf President of Somalia, International Crisis Group considered Yusuf as a 'divisive' choice because of his close links with Ethiopia, his staunch anti-Islamist positions and his heavy handed tactics against political opponents in his own clan earned him a reputation as a leader who tended to polarize rather than unite the Somali people<sup>193</sup>. The selection of Ghedi was not only a missed opportunity to create a unity government and reduce the possibility of spoilers but it reflected the indifference on the part of the president towards the transitional charter given that Ghedi was appointed prime minister despite the fact that he was not an MP and yet the charter required that members of cabinet to be drawn from the 275 cabinet.

Foreign actors were partly to blame for the disastrous outcome of the Kenyan peace process. Ethiopia was behind the TFG's hard line stance and by all accounts a party to voter buying. Donor and lead agencies particularly United Nations Development Programme (UNDP), the European Commission (driven by forceful Italian diplomacy) and the World Bank were far too quick to commit uncritically to support President Yusuf by entering into questionable arrangements with TFG officials to pay salaries of parliamentarians and other expenses. The UN was viewed as having forfeited its neutrality in the conflict, a perception that became the source of tension between humanitarian oriented UN agencies and UN agencies engaged in support of governance<sup>194</sup>.

Other perspectives that need to be given attention are the role of warlords as spoilers. Elmi and Barise point out those warlords who are benefitting from the *status quo* lead most of Somalia's factions. This is because some of them have committed heinous crimes and therefore are uncertain about their futures. These warlords have used violence and

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<sup>193</sup> International Crisis Group, "Somalia: Continuation of War by Other Means?" *African Report*, No. 88, (Brussels: ICG, 2004), p. 1

<sup>194</sup> See K. Menkhaus. See K. Menkhaus, "The Crisis in Somalia: Tragedy in Five Acts," *op. cit.*, p.361

intimidation after peace accords were signed<sup>195</sup>. For instance, General Morgan refused to accept a parliamentary seat and attacked Kismayo in 2001<sup>196</sup>. Muse Sudi, Hussein Aideed and Osman Ato used violence to undermine the Transitional National Government (TNG). Col. Shatigudud and Col. Abdullahi Yusuf engaged in violence in their respective areas<sup>197</sup>. Thus, Somalia had many internal spoilers who were willing to use violence and intimidation making implementation of an agreement impossible.

The Djibouti initiative (2008 – 2009) that was led by a United Nations Representative of the Secretary General, Ambassador Ould Abdallah adopted both *communication-facilitation* mediation styles. For instance, Ambassador Abdalla did not have a formalized mediation strategy; he allowed building mechanisms that allowed Somali leadership and ownership; he managed regional and international actors; and ensured flexibility to respond to the changing situation<sup>198</sup>. Sessions were managed without external actors being present. Strategies like meeting once a month to advance the agenda and building consensus on political issues in the next round of talks are akin to *communication-facilitative* style of mediation. The mediator also applied elements of *formulative* mediation styles particularly in facilitating the establishment of two committees: the High Level Political Committee and Joint Committee. So were elements of *directive* mediation style which was used to convince detractors to ‘come on board’ while applying external pressure to highlight the negative consequences of hindering the process. However, Djibouti initiative was affected by the resignation of President Abdillahi Yusuf which had the effect of affecting the mediator’s ability to control the pace of the talks due to this political development. The mediation compressed the political cooperation dialogue into revised and curtailed timeframe.

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<sup>195</sup> See A. A. Elmi and A. Barise, “The Somali Conflict: Root Causes, Obstacles and Peace-Building Strategies,” in *African Security Review*, Vol. 15, No. 1 (March 2006), pp. 32 – 55: 43

<sup>196</sup> BBC, *More Fighting in Somalia*, 27 July 2001

<sup>197</sup> A. A. Elmi and A. Barise, “The Somali Conflict: Root Causes, Obstacles and Peace-Building Strategies,” *op. cit.*, p. 43

<sup>198</sup> See *Djibouti Initiative, 2008 to 2009*

The *communication-facilitation* mediation style was the most dominant strategy though elements of *formulative* and *directive* strategies were also used in the Djibouti initiative. This explains why Al Shabaab and Hizbul Islam emerged as a group left out in the process and whose interests were not addressed in the initiative. Indeed, they are spoilers to the Djibouti process. These two groups are an indication of failure on the part of the mediator to manage spoilers and to provide incentives for these groups to participate in the peace process.

In summary, all the Somali peace processes were dominated by *communication-facilitation* and *formulative* mediation strategies with some aspects of *directive* strategies being applied by mediators. All the agreements that were reached through all these peace processes failed because they relied heavily on external actors to drive the processes rather than get the Somalis to own the processes. There were other challenges. The key ones include: failure by mediators to make the processes inclusive enough to bring all factions on board, failure to manage both internal and external spoilers, lack of trust on mediators by the disputants, lack of resources and capacity to create effective institutions and gradual build up of local resources while taking into account what the needs of the Somali people and finally, mediators lacking leverage through engagement of external actors in the form of international pressure which would have been essential if peace was to be achieved<sup>199</sup>.

#### **4.9 Conclusion**

Somalia, as the only case of state failure in modern times has gone from crisis to crisis making peace very difficult to achieve. The total disintegration of the state made the issue of representation, power, resource sharing and reconciliation a difficult task in Somalia. Moreover, sustainable peace primarily requires committed internal actors.

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<sup>199</sup> Åberg gives a list of key challenges that are associated with failure of Somali processes. See A. Åberg. "Somalia: Khartoum Negotiations 2006," op. cit., p. 71

The Somalia conflict is driven by a plethora of issues, revolving around human security challenges and survival of the cohesive structures of governance. The clan political structure has been at the centre of the Somali conflict. Clan loyalty has been a major obstacle to the process launched after 1991. Zero-sum clan contest coupled with an intractable conflict only deepen divisions and make reconciliation and power sharing a difficult task in Somalia. The peace efforts were made difficult or interrupted by opportunist warlords, other groups and individuals who benefitted from chaos. These groups lack national interest and they breach and disown several agreements they have even signed<sup>200</sup>. Thus, one can conclude that the vacuum in the political space created by the collapse of the Somali state provides fertile fodder for political opportunism. Interestingly, the clan structures have been ignored by peacemakers though the conflict is closely linked to clan battle lines.

The nature and roles played by neighbouring countries in the Somali conflict resolution process has become an impediment and needs to be addressed. Their roles should be limited to providing support to the process without taking an active role in determining or influencing the direction of the process. Successive Ethiopian governments' paranoia with Somali irredentism has obscured the fundamentals of peaceful coexistence between two countries as they share a common ethnic identity. Irredentism was driven by the Pan-Somali ideology that espouses the ideal of a "Greater Somalia" found in the pre-colonial partitioning of Somalia; and was intended to unify Somalis in territories outside what was colonized by the Italians. Siyad Barre used the Pan-Somali ideology to justify 1977-78 Ogaden War that helped trigger and re-ignite the protracted Somali conflict.

What emerges in the Somali conflict is that there are no substantive issues in the conflict. The areas of contention still remain at the level of the individual and clan interests on economics, property and political space. All these are tied to a complex web of regional

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<sup>200</sup> See C. J. Coyne, "Reconstructing Weak and Failed States: Foreign Intervention and Nirvana Fallacy" in *Foreign Analysis*, Vol. 2, No. 4(2006), pp. 343 - 360

interests. The objective of the movements that followed Siyad Barre's departure was the removal of the intolerable dictatorship and the re-establishment of unity and democracy. What emerged instead were gangsters randomly plundering and sabotaging all peace effort. The way forward would require tying together both interests that replace the old regime and that of unifying fragmented groups.

Somali ownership of the process is also critical if any peace process is to succeed. What one can conclude is that because the negotiations were driven by external actors, they lost the legitimacy of the Somali factions and conflicting parties. For the peace process to succeed, Somalis themselves should determine agendas, timetables and procedures. Furthermore, peace processes that tap into traditional Somali reconciliation practices, especially the essential practices of having negotiators extensively vet the positions with their constituencies; this approach will stand a better chance of success. National reconciliation processes in Somalia need to combine the most effective traditional and contemporary peace initiatives. Innovations at the Arta talks established some best practice in this regard.

Another emerging issue is the unique context of Somalia, given that it is a failed state. Mediating conflicts in a context of complete state collapse creates unique negotiations problems. The absence of the state removes a key actor and political-legal framework that mediators are accustomed to working with. This tends to result in highly fragmented and disputed representation; and means that reconciliation efforts must be intertwined with daunting challenges of reviving collapsed state structures.

Most of the national reconciliation conferences convened on Somalia since 1991 privileged the brokering of a power-sharing agreement for a transnational central government over actual conflict resolution. At their worst, some of the conferences have degenerated into crude "cake-cutting" exercises in which the agenda is reduced to allocation of cabinet positions by clan or faction. On the other hand, external mediators have been consistently

tempted to use the revival of a central government as the benchmark of success rather than less tangible but equally important resolution of conflict. The one peace conference which systematically sought to promote reconciliation of key conflict issues as precondition for power-sharing discussions, the 2003 to 2004 Mbagathi talks in Kenya, met with frustration when Somali political rivals demonstrated no interest in addressing matters such as land and stolen property; thus, the result has been transitional governments of national unity that neither governed nor united the people of Somalia.

A challenge identified with the Somali peace process has been the identification of a suitable and effective mediator. Many of the countries' most eager to play the role of the mediator are not seen as neutral inside Somalia, or have a history in Somalia which renders them suspect in the eyes of some Somalis. For instance, the United Nations itself has a controversial and difficult history in the country, eroding its potential to broker peace talks. Because the Somali crisis increasingly reflected the divide between factions backed by African states versus those backed by the Arab world, both the African Union and the League of Arab States are viewed as less neutral on Somali affairs. The regional organization, IGAD, is itself divided and viewed by many Somalis as dominated by Ethiopia and Kenya. Whichever state or organization serves as mediator, it stands a much better chance of winning the confidence of all Somali parties when international community makes a concerted effort to close ranks and provide a unified support to that mediator. When external actors have pursued competing agendas, Somali actors have exploited the divisions.

Somalia's case has revealed a wide array of spoilers, warlords, businesspeople profiteering from the war economy, clans unhappy with their allocation of seats in a new government, has never been adequately managed by external mediators. Spoilers are willing to ply along with peace processes, sign accords, and temporarily join transitional governments even as they intend to sabotage the effort. Somali spoilers generally prefer to

undermine peace-building initiatives and governments of national unity by joining them and destroying them from within. Menkhaus calls these “situational spoilers” who oppose any and all peace accords and revived governments because of how these processes harm their interests<sup>201</sup>. These are different from “intrinsic” spoilers who are individuals or groups with an existential reason to oppose peace any and all peace accords and efforts to revive the government. The Somalia case has demonstrated conclusively that those interests can and do change over time. For instance, many of the business community in Mogadishu that seeks the rule of law and presently, were a part of the war economy. By focusing on the interests of potential spoilers, one then opens the door for mediation strategies that are designed to reshape their perceptions of their interests.

There have been cases of proxy wars and external spoilers. Ethiopia played a very constructive part in helping to convene Somali parties during the 1993 to 1995 periods. Since then, however, external spoilers have become an important additional obstacle to peace in Somalia. Because of these obstacles, this places a premium on mediators correctly identifying the real parties to the Somali conflict, that is, Ethiopia and its Mogadishu based Somali adversaries, working with them to agree on some form of coexistence.

Finally, it is evident that since the turmoil began in Somalia in 1991 and fifteen peace processes later, the conflict in Somalia remains. This has been despite the region and international community trying various and sometimes contradictory solutions to resolve it. The Somali situation remains precarious. Somalia still lacks a well functioning government with the Transitional Federal Government restricted to parts of Mogadishu and radical Islamic groups like Al Shabaab and Hizbul Islam, continue to threaten the very existence of

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<sup>201</sup> K. Menkhaus, “Local-level Impact of External Peace Interventions in Somalia,” A Paper presented to the Panel “Rethinking International Peace Interventions in Sub-Saharan Africa” at the American Political Science Annual Conference, Washington DC, September 2 – 3, 2010, p. 16

**internationally backed government by waging a series of attacks and controlling most of the central and southern territories of Somalia.**



## **Chapter 5: Mediation Styles and Outcomes of Intractable Conflict Resolution: A Comparative Analysis of the Sudan and Somalia Peace Processes**

### **5.0 Introduction**

The Sudan and Somali conflicts, as discussed in the preceding chapters are a part of the Horn of Africa conflict system that includes Djibouti, Eritrea, Ethiopia, Sudan and Kenya. The main problem was not why the conflict began but how it was approached and the mediation styles the international actors used in the reconciliation initiatives. Chapter One discussed the relevant literature on the Sudan and Somali conflict in general and attempts to manage it, while laying the basic foundation, the theoretical framework of analysis for the study. Chapter Two discussed mediation as a tool of conflict resolution and its relevance to the two case studies, while Chapter Three and Four presented an overview and the various peace initiatives by different actors, in an attempt to bring a lasting resolution to the two cases.

This chapter present findings and critically analyzes the issues that have emerged from the previous four chapters. There will be a special focuses on emerging mediation styles and how they have contributed to the resolution of the Sudan and Somalia conflicts. The chapter will make comparisons and distinctions in the two peace processes.

### **5.1 Mediation Styles and Resolution of Sudan and Somali Conflicts**

As discussed in Chapter One<sup>1</sup>, mediators are drawn from a variety of backgrounds, use a range of approaches and have different interests. Two key characteristics that were identified in Chapter One are: mediator's alignment and impartiality, and 'mediation strategy', which in this study are referred to as 'mediation style'. It was noted that, "... a mediation strategy is a goal or a means to the overall objective of managing a conflict

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<sup>1</sup> See Chapter One for details.

constructively and effectively”<sup>2</sup>. More specifically, “mediation strategies are designed to change, impact, or modify aspects of a conflict and the interactions of the parties involved”<sup>3</sup>. Furthermore, three basic styles that mediators can adopt in their efforts to resolve a conflict; that of *communicator-facilitator*, *the formulator (or procedural)*, and *the manipulator (directive)*<sup>4</sup>. Mediators in intrastate conflicts generally follow one of the three unique, though not mutually elusive and sometimes overlapping styles<sup>5</sup>.

It was also noted that there are specific tactics that are associated with each of the three main mediation strategies and these tactics provides the differences between the three strategies<sup>6</sup>. *Communication-facilitation style* uses the following tactics: make contact with parties, gain the trust and confidence of the parties, arrange for interaction between the parties, identify underlying issues and interests, clarify the situation, supply missing information, transmit messages between parties, and fact finding. *Procedural (Formulation) style* uses the following tactics: control the pace and formality of the meetings, control the physical environment, ensure privacy of the mediation, highlight common interests, control

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<sup>2</sup> J. Bercovitch and K. DeRouen, “Mediation in Ethnic Conflicts: Assessing the Determinants of a Successful Process,” in *Journal of Conflict Resolution* Vol. 44 No. 2 (2004), pp. 170-202: 160

<sup>3</sup> J. Bercovitch and A. Houston, “Why Do They Do It Like This? An Analysis of the factors Influencing Mediation Behaviour in International Conflicts”, *Journal of Conflict Resolution*, Vol. 44, No. 2 (2000), pp. 170 – 202: 174

<sup>4</sup> In summary, the three styles can be explained as follows: *communication-facilitation styles* are a characteristics of low-level mediation (or low end of the involvement of a third party) where the mediator acts in a fairly passive role, providing information and facilitating cooperation the parties, and this style works well in complex recurrent and intractable conflicts where parties lack direct channels of communication, possess different conceptions of what issues are at stake and do not have the willingness to explore mutually advantageous outcomes; *procedural styles* involve effort by the mediator to exert more formal control over the mediation process with respect to the environment of the mediation process such as agenda formulation, time tables, media access, overall tenor of the meetings and requires power as well as creativity in introducing ways to remove obstacles and circumvent constraints to progress; and *directive (or manipulative) styles* which constitute the most robust and intense form of mediation where the mediator affects the content and substance of the bargaining process by providing incentives to the parties to negotiate by providing ultimatums, thus directive styles tends to change the ways issues are framed and behaviors associated with them. See M. J. Butler, *International Conflict Management*, (London & New York: Routledge Francis and Taylor Group, 2009), pp. 128 - 131

<sup>5</sup> J. Bercovitch and P. Regan, “Mediation and International Conflict Management: A Review and Analysis,” in Z. Maoz, A. Mintz, T. C. Morgan, G. Palmer and R. J. Stoll, (eds.), *Multiple Paths to Knowledge in International Relations*, (Lanham, MD: Lexington, 2004), pp. 249 - 272

<sup>6</sup> K. Beardsley, D. Quinn, B. Biswas and J. Wilkenfeld, “Mediation Styles and Crisis Outcomes,” in *Journal of Conflict Resolution*, Vol. 50, No. 1 (2006), pp. 58 – 86: 66

timing, help devise a framework for acceptable outcome, help parties save face, keep the process focused on the issues, makes substantive suggestions and proposals, and suggest concessions parties could make. *Directive (or manipulative) styles* have tactics such as: keeping parties at the table, change parties' expectations, take responsibility for concessions, make parties aware of the costs of non-agreement, supply and filter information, help negotiators undo a commitment, reward concessions made by the parties, press the parties to show flexibility, promise resources, threaten withdrawal of resources, offer to verify compliance with the agreement, add incentives, threaten punishments, and threaten to withdraw mediation.

As it has been noted in Chapter Two, conflict management leads to certain outcomes that address satisfactorily the issues at the root of the conflict. These outcomes must be durable and self-sustaining. When underlying causes of conflict are eliminated, this constitutes conflict resolution. This process is normally drawn out. The process of resolving a conflict involves mutual analytical process in which parties to a dispute review the source of the conflict and establish a basis for the post-conflict relationship. Some successful mediation outcomes identified in Chapter Two include conclusion of an agreement promising reduction of conflict and a resolution rather than a settlement is a result<sup>7</sup>. Indeed, the success or failure of mediation is contingent on whether the mediation reflects a wider conflict system, the behaviour of the mediators, the conflicts nature, and, the content and characteristics of the

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<sup>7</sup> See Chapter Two, pp. 14 – 16; See also C. Mitchell and M. Banks, "A Note on Terminology", in *Handbook of Conflict Resolution: The Analytical Problem Approach*, (London: Redwood Books, 1996), pp. 17 -- 19; I. W. Zartman, *Ripe for Resolution: Conflict and Intervention in Africa*, (New York: Oxford University Press, 1989), pp. 8 – 9; M. Mwangi, "The Role of Diplomacy in Peace and Conflict Management", A paper presented at the ACCE/WACC Seminar on *Communication for Human Dignity: Towards A Culture of Rights in Africa*, 1997, Nairobi; J. B. Hill, "An Analysis of Conflict Resolution Technique: From Problem Solving Workshop to Theory", op. cit, pp. 114 -115; J. Bercovitch, "International Mediation: A Study of Incidence, Strategy and Conditions for Successful Mediation", in *Journal of Co-operation and Conflict*, (1986), pp. 155 – 168: 161

protagonists<sup>8</sup>. In this section, analysis of the mediation styles used and their effects on the outcome of the conflict will be assessed.

### **5.1.1 Assessment Mediation Style in the Sudan Peace Process**

#### **5.1.1.1 Assessing Mediation Style in the First IGAD Involvement**

The Nigerian initiative, initial IGAD (then known as IGADD)<sup>9</sup> peace initiative, the Joint Libyan-Egyptian initiative and the Eritrean gambit had no mechanism or any meaningful coordinated leverage to compel the parties to negotiate seriously. The initial peace initiatives involved mediators applying *procedural* styles to resolve the Sudan conflict. In examining the Nigerian mediation, the mediators had prioritized unity and rejected self-determination if that meant secession of the South for fear of setting a dangerous precedent for Nigeria itself<sup>10</sup>. And yet, self-determination of the South was a key issue at the heart of the conflict with the North. This resulted in failure.

The 1994 IGAD (then IGADD) involvement demonstrated greater multilateral participation and a more committed approach. The IGADD mediation team took a radically opposed view where unity was *conditional* upon secularism, short of this condition; the South would have a right to secede<sup>11</sup>. The IGAD mediators were proactive in the conception of their role and they did not limit themselves to helping the parties in working out terms of a compromise and circulated their own proposal known as the Declaration of Principles (DoP)

<sup>12</sup>

The first IGAD mediation conformed to *procedural style*, in the sense that, the mediators controlled the pace of the meetings (IGAD held four rounds of talks before arriving

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<sup>8</sup> J. Bercovitch, "Introduction", in J. Bercovitch and J. Rubin, (eds.), *Mediation in International Relations: Multiple Approaches to Conflict*, (London: Macmillan, 1992), pp. 18 - 19

<sup>9</sup> Chapter Three for details.

<sup>10</sup> A . M. Lesch, *The Sudan: Contested National Identities*, (Indianapolis, IN: Indiana University Press, 1998), p. 182

<sup>11</sup> *Ibid.*, p. 182

<sup>12</sup> See Chapter Three for details.

at the Declaration of Principles) and helped devise a framework for an acceptable outcome. They made substantive proposals to the parties that were outlined in the Declaration of Principles which were seven brief propositions that were to form the basis of subsequent negotiations. The DoP had envisioned a peace agreement structured along democratic and secular Sudan where the national wealth and resources would be shared<sup>13</sup>.

However, IGAD's first peace initiative did not obtain a peace agreement. Indeed, the first IGAD initiative was devoid of any real negotiation between the conflicting parties to shape compromises through to face-to-face discussions; delegations of either side came with pre-prepared and hardened positions that would be exchanged followed by press releases at the end of the sessions<sup>14</sup>. Furthermore, the number of peace initiatives that were running parallel to the IGAD mediation only served to counteract its efforts. As Odera notes, competing mediation initiatives while not uncommon, are counterproductive, "mediation should be focused, continuous and sustainable till parties reach a settlement."<sup>15</sup> An International Crisis Group report commented on the mediation and noted that "the efforts have not been coordinated and have succeeded only in undermining one another. None of the processes in the sense of continuous negotiations is coordinated ... all there is, is a trading of well-worn positions and obligatory release of duelling press releases. The negotiations are not backed by consistent pressure from the international community and no one – particularly the warring parties – believes that they have any chance of producing peace."<sup>16</sup>

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<sup>13</sup> Ibid., p. 18

<sup>14</sup> ICG, "God, Oil and Country: Changing Logic of War in Sudan", in *African Report*, No. 39, (Brussels: ICG Press, 2002), p. 157

<sup>15</sup> Paper by Josephine Odera, "Patterns and Processes of Post Cold War Intervention in African Conflicts: 1990 – 1999", p. 28

<sup>16</sup> ICG, "God, Oil and Country: Changing Logic of War in Sudan", in *African Report*, No. 39, (Brussels: ICG Press, 2002), p.

### **5.1.1.2 Assessing Mediation Style in the Second IGAD Involvement**

The second IGAD mediation, on the other hand, is an example of the multiple use of *communication-facilitative, formulative and directive mediation styles*. Though there was a multiple use of these mediation styles, the *directive mediation style* was the most dominant style used by the mediators. This finding can be evaluated from the following perspectives: the role played by the United States, the effect of regional pressure on the conflicting parties, IGAD as mediator, and the character and skills of Kenya's special envoy, Lt. Gen. Lazarus Sumbeiywo throughout the mediation process. As already noted in Chapter Three, Sudan's acceptance of the IGAD mediation process in the late 1993 owes much to Khartoum's concern throughout the first half of 1993 about a possible US intervention in the country. The heightened anxiety was as a result of the close cooperation between the United Nations and the United States in addressing the situation in Somalia.

The presence of high military profile of the United Task Force (UNITAF) after sanction by the United Nations Security Council and subsequent authorization by the United States President was perceived by Khartoum as a mission more concerned about Islamic fundamentalists than a humanitarian intervention in Somalia<sup>17</sup>. It can also be asserted that US involvement in the Sudanese peace process helped to push the initiative forward at a time when it seemed to have stalled. For instance, US engagement with Sudan increased from President Clinton's Executive Order of November 1997 which imposed a comprehensive trade and economic sanctions; the legislation of the Sudan Peace Act of October 2002 which stipulated further sanctions if Sudan government was found not to be participating in the peace negotiations in good faith (and in addition authorized the United States President to provide increased assistance to areas of Sudan not controlled by Khartoum to prepare the

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<sup>17</sup> See Details in Chapter Three; See also F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, (Nairobi: CUEA Publications Dept., 2008), p. 59; See also M. H. A. Hama, "IGAD's Trojan Horse: Containing Sudan's Regional Ambitions", A Paper Presented at the 22<sup>nd</sup> Annual Meeting of Sudan Studies Association, 3<sup>rd</sup> International Conference, Georgetown, USA from 31<sup>st</sup> July to 4<sup>th</sup> August 2003, pp. 11 - 12

population for peace and democratic governance and recognized that a resolution of the conflict was best made through a peace process based on the Declaration of Principles reached in Nairobi, Kenya on 20 July 1994 and the Machakos Protocol of July 2002)<sup>18</sup>; the appointment of Danforth was seen as a sign of US approval to the peace process; interest by the Congressional Black Caucus, the influential Christian right, liberals, human rights activists combined with heightened international terrorism following 11 September 2001, all increased US engagement in Sudan<sup>19</sup>.

Senator Danforth played a great part in increasing US pressure on Khartoum. When IGAD-sponsored talks appeared to have collapsed at Lake Bogoria, in Kenya in October 2000, it became clear to both IGAD mediators and IGAD Partners' Forum that outside support and pressure, ideally by the US was necessary. In the late 2004 when the final agreement was proving difficult to negotiate, US pressure proved invaluable in pushing the parties towards an agreement. At this time the US was holding the chairmanship of the Security Council and Senator Danforth had been appointed US Ambassador to the UN, and substantively the chairman. Danforth suggested that the UN Security Council meeting be held in Nairobi. This gave the peace process the match needed boost and a dramatic change in the spirit of negotiations. Indeed, a meeting between the Security Council and the two negotiating parties confirmed 31 December 2004 as the final day of negotiations and 7 January 2005 as the day of signing the agreements, dates which the two parties would not have been willing to endorse earlier as they continued to negotiate amid mutual suspicion and hostility<sup>20</sup>.

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<sup>18</sup> See United States Public Law 107 – 245, 21 October 2002, *Sudan Peace Act*, section 5 entitled, "Assistance For Peace and Democratic Governance" sub sections (a) and (b) and section 6 entitled, "Support For An Internationally Sanctioned Peace Process" sub sections (a) to (e)

<sup>19</sup> See also F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, op. cit., p. 61

<sup>20</sup> W. Waihenya, *The Mediator: Gen. Lazaro Sumbeiywo and the Sudan Peace Process*, (Nairobi: Kenway Publications, 2006), p. 138

Collectively, these measures by the US sent a powerful message to Sudan to end the war<sup>21</sup>. This was leverage necessary to push the conflict parties to the negotiating table, and more so, the Sudanese government. It is this leverage that the mediators needed to be able to facilitate a peace process that would culminate in an agreement and eventually resolve the Sudanese conflict. In fact, the articles (or sections) in the Sudan Peace Act of 2002 are concomitant with *directive* style tactics. For instance, section 6 sub article (b) of the Sudan Peace Act provides for measures to be taken if certain conditions are not met such as (b) (2) (A) to (D) provides voting in international financial institutions to sanction against providing loans or credit to Sudan, suspension of diplomatic relations between US and government of Sudan, deny government of Sudan access to oil revenues and seek a UN Security Council Resolution to impose an arms embargo on military activities of Sudan<sup>22</sup>. This is consistent with threats of punishment if the government of Sudan does not commit to the peace process.

Regional pressure on the two parties to the conflict also contributed to the Comprehensive Peace Agreement. This can be observed on various instances. IGAD members desired to activate its development agenda. IGAD membership is comprised of some of the poorest countries in the world and thus needed external resources to meet its development objective. However, the spill over effect of the conflict affected the whole region; thus, implicit pressure was placed on the Sudanese government to end the conflict. A number of countries in the region responded to both security and threat to sovereignty Sudanese Islamist designs. These countries are Ethiopia, Eritrea and Uganda. They stepped

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<sup>21</sup> See Chapter Three; see also F. Kornegay, "Regional and International Implications of the Sudanese Peace Agreement," in K. G. Adar, et al (eds.), *Sudan Peace Process: Challenges and Future Prospects*. (Pretoria: Africa Institute of South Africa, 2004), pp. 59 - 67

<sup>22</sup> See United States Public Law 107 – 245, 21 October 2002, *Sudan Peace Act*



up significantly military assistance to SPLM/A and late 1995 sent their armed forces in Sudan<sup>23</sup>.

For instance, by June 1995, Eritrea, in reaction to support for Eritrean Islamic Jihad, affirmed absolute support to the National Democratic Alliance, an opposition outfit opposed to the regime in Khartoum, to overthrow the government in Khartoum<sup>24</sup>. With Uganda, both Sudan and Uganda had backed each other's dissidents for decades, with Uganda supporting Southern Sudanese people while Sudan supported the Lord's Resistance Army (LRA) led by Joseph Kony and the West Nile Bank Front (WNBF)<sup>25</sup>. Uganda severed diplomatic relations with Sudan in April 1995 when Sudanese diplomats refused to hand over a cache of weapons presumably belonging to LRA to Ugandan soldiers. However, the two countries restored diplomatic relations in 1996 after Iranian President mediated a peace deal between the two countries in 1996, normalizing relations after a seventeen month break in diplomatic ties<sup>26</sup>.

On the part of Ethiopia, it took about three months to link Sudan to the plot against the life of Egyptian President, Hosni Mubarak, in 1995 while attending an OAU Summit meeting in Addis Ababa. Thus, Ethiopia joined the alliance of anti-fundamentalism. Meles Zenawi renewed his support to the SPLA and from Ethiopia, the SPLA managed to capture Al-kormuk and Gisan. This was against the background of Sudan's support to Ethiopian dissident parties, namely Sudan's linkages to Oromo Liberation Front (OLF), Oromiyia Islamiah, and Alitihad Al-Islami<sup>27</sup>.

Consequently, in 1997, with a combination of regional isolation and military support of neighbouring countries to SPLM/A, which culminated in victories on the ground, the

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<sup>23</sup> See F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, op. cit., p. 64

<sup>24</sup> See *Africa Confidential*, Vol. 36 No. 4 (1995), p. 8

<sup>25</sup> See K. G. Adar, "A State Under Siege: The Internationalization of the Sudanese Civil War," in *African Security Review*, Vol. 7 No. 1 (1998)

<sup>26</sup> S. L. Green, "Sudan and Uganda Restore Diplomatic Relations", *Voice of America Report*, 9<sup>th</sup> September 1996

<sup>27</sup> See F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*, op. cit., p. 65

Khartoum government was finally forced to be pragmatic and return to the negotiating table. Khartoum revised its refusal of IGAD's Declaration of Principles, (which it had rejected in March 1994<sup>28</sup> due to a clause affirming the right to self-determination for the South, leading the talks to be suspended for 33 months), and accepted the document as a basis for negotiation. However, two key events decreased the regional pressure that led to the collapse of Lake Bogoria talks in October 2000. There was the Ugandan government engagement in Democratic Republic of Congo war, resulting in Khartoum's concentration on a military offensive in the south and they even contemplated withdrawing from the talks in 2001<sup>29</sup>.

Khartoum's action was an outcome of regional countries lacking any form leverage to bring the parties back to the negotiating table apart from military support to SPLM/A. A lack of any mechanism from IGAD to coordinate leverage and compel the parties to negotiate was a major weakness. As pointed out in Chapter Three, Eritrea, fearing Sudan's support to local dissidents while at war with Ethiopia launched its own efforts to bring the parties together<sup>30</sup>. Ethiopia was keen for the duration of its war with Eritrea to secure pledges of neutrality from Sudan<sup>31</sup>. It was only after the end of the Eritrea – Ethiopia war and Uganda's withdrawal from DRC that some form of regional pressure was mounted on the Sudanese government in form of military support to Khartoum's opponents that contributed to the government's decision to go back to the negotiating table.

On the other hand, IGAD as a mediator received international support which enabled it to have legitimacy. As a regional body, it was able to communicate and convince the SPLM/A and the Sudanese government to negotiate peace. It derived its power from Article 33 of the United Nations Charter that states that, "parties to any dispute, the continuance of

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<sup>28</sup> See Chapter Three, p. 25

<sup>29</sup> See International; Crisis Group (ICG), "God, Oil and Country: Changing the Logic of War in Sudan," in *Africa Report*, No. 39, (Brussels: ICG, 2002), p. 156

<sup>30</sup> See Chapter Three for details.

<sup>31</sup> See International; Crisis Group (ICG), "God, Oil and Country: Changing the Logic of War in Sudan," op. cit., p. 145

which is likely to endanger the international peace and security, shall first seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice”<sup>32</sup>. Further, Chapter VIII articles 52 and 53 affirms that the Security Council may utilize such regional arrangements or agencies to achieve pacific settlement of local disputes on the initiative of the parties concerned or by reference from the Security Council<sup>33</sup>. It can be discerned here that IGAD received its legitimacy from the international community including the United Nations. Thus it provided the platform for the mediation process to take place and to involve external actors to support the process that culminated in the Comprehensive Peace Agreement (CPA).

IGAD’s articulation of the Declaration of Principles in 1994 was creative and innovative as it provided a structure for negotiations. The Declaration of Principles identified the core issues at the heart of the dispute between the North and South<sup>34</sup>. These were the separation between state and religion, the right to self-determination for the South, the system of governance during the interim period, sharing of resources and security arrangements. This was a good negotiating strategy because points of convergence between the parties were agreed on before focusing on the contentious ones. This strategy built momentum in the peace process by letting the parties perceive and understand the issues that divide them are fewer than those that divide them, thus building on common areas of understanding while moving towards the contentious issues<sup>35</sup>.

IGAD spent considerable time and energy to gain western material and political support which took the form of IGAD’s Partners’ Forum and was formerly known as Friends

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<sup>32</sup> *Charter of the United Nations and Statute of the International Court of Justice 1945*

<sup>33</sup> *Ibid.*

<sup>34</sup> C.H. Ofuho, “Negotiating Peace: Restarting A Moribund Process”, in M. Simmons and P. Dixon (eds.), *Peace By Piece: Addressing Sudan’s Conflicts*. (London: Conciliation Resources, 2006), pp 20 – 21: 21

<sup>35</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*. op. cit., p. 67

of IGADD<sup>36</sup>. Their sustained engagement proved vital to the breakthrough of CPA. They, for instance, pushed IGAD to create a secretariat focused on the peace process, with technical experts to help craft compromise positions between 1998 and 2000. Their effort culminated in production of substantial papers for parties' consideration<sup>37</sup>.

The success of the Sudanese peace process can be attributed to Kenya's special envoy, Lt. Gen. Lazaro Sumbeiywo. Though he did not have any experience in conflict management, he actively sought advice from a range of experts, parties to the conflict accepted his integrity as a mediator, he could be brusque at times and he tried to be assertive on the process but left the substance to the parties<sup>38</sup>. He had the ability to convince the parties that peace was the best option and his impartiality earned him hatred and admiration from both the Sudanese government and SPLM/A. He also had the ability to use his authority and closeness to the Kenyan government to influence SPLM/A to see his view of the issue<sup>39</sup>.

Sumbeiywo had the courage of standing up to the Americans when they appeared to be interfering with the mediation process which earned him the respect of the other observer countries in the talks. A case in point is when the Americans rejected the single negotiating text that led to the Machakos Protocol in June 2002 because they had not been involved in its preparation. As a mediator, he did not cede his authority and told an American observer who had wondered whether Washington was aware of the Protocol and responded that he (Sumbeiywo) was not answerable to Washington. His position was supported by the Sudanese, British, Italians and Norwegians who all wondered why the US was interfering with the negotiations<sup>40</sup>. Indeed, the US eventually supported the Machakos Protocol and

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<sup>36</sup> See Chapter Three

<sup>37</sup> International Crisis Group, "God, Oil and Country," op. cit., p. 169

<sup>38</sup> See an Interview with Nicholas Fink Hayson on "Reflecting on the IGAD Peace Process," in M. Simmons and P. Dixon (eds.), *Peace By Piece: Addressing Sudan's Conflicts*, (London: Conciliation Resources, 2006), pp. 28 - 31

<sup>39</sup> See Chapter Three for details

<sup>40</sup> See W. Waihenya, *The Mediator: Gen. Lazaro Sumbeiywo and the Sudan Peace Process*, (Nairobi: Kenway Publications, 2006), p.90

hailed the role of Sumbeiywo in a document entitled, "Memorandum of Justification Regarding Determination Under the Sudan Peace Act" which read *inter alia*,

"The mediator, General Lazaro Sumbeiywo has shown exceptional leadership in moving both sides past three hurdles. His dynamic approach has tested both parties' resolve to remain in the talks and has allowed observers to witness the results first hand."<sup>41</sup>

He was fully aware that diverse interests could ruin the progress that had been made in the peace process and thus locked out other parties that wanted to be included in the peace process because of the success achieved by the Machakos Protocol such as the Arab League, the French, African Union, United Nations, Egyptians, Sudanese Women's Association, National Democratic Alliance among others<sup>42</sup>. His mediation tactics, therefore, is a perfect fit for *directive mediation strategies*.

Furthermore, the pressure did not come alone, but together with a relationship of trust had been built in the pre-negotiation stages, thus making it (pressure) acceptable. Without some degree of pressure, it was unlikely that the parties would have come to the negotiating table. The role of mediation, in this case consisted of being receptive, listening, understanding, and then reflecting perceptions of common ground, which was also complemented by a degree of openness on the conflict parties to agree to modifications. The team nature of mediation in the Sudan case is noteworthy: it involved both African and Western mediators. In addition, a variety of roles were involved, such as that of a low profile *facilitator* in the pre-negotiation phase, the chief mediator acting as a moral guarantor in the negotiation phase, and the mediator dealing with the nuts and bolts during the negotiations.

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<sup>41</sup> Ibid., p. 91

<sup>42</sup> Ibid., p. 93

In the Sudan case, negotiations were possible with certain degree of power symmetry between the parties. Knowledge is one form of power. Thus, when mediators perceived an asymmetry in knowledge about certain issues to be negotiated, they slowed down the process and introduced external experts to coach both parties. This brought the parties to the same level of expertise, to then resume negotiating on a level playing field<sup>43</sup>.

### **5.1.2 Assessment of Mediation Styles in the Somali Peace Process**

In the Somali case, the mediation process did not yield outcomes that fit the indicators provided in Chapter Two, namely: conclusion of agreement promising to reduce conflict and a resolution rather than a settlement; and, whether the mediation reflects the wider conflict system. For instance, some of the mediation efforts failed because of mediators misunderstanding the Somali conflict and context, and hence proceeding with inappropriate mediation techniques. This is exemplified by the two Addis Ababa conferences<sup>44</sup>. In this mediation attempt, the process was not informed by any strategic planning on the part of the UN. At times failure to analyze the actors involved in the Somali conflict or the nature and scope of the conflict, has obscured the need to ensure that the strategies employed are indeed appropriate for finding a durable solution to the conflict. Kriesberg notes that conflict resolution managers have different perceptions on the matter. Frequently, conflict resolution analysts stress long-term changes and strategies for conflict transformation; while conflict practitioners tend to focus on short-term conflict management policies<sup>45</sup>. The Addis Ababa Peace Conference was a classical example of the conflicting conceptual approaches to the conflict where the conflict resolution practitioner played a dominant role. This is exemplified by an official from the UN Department of Political Affairs (DPA), Dr. Leonard Kapungo,

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<sup>43</sup> See Chapter Three for details

<sup>44</sup> See Chapter Four for details

<sup>45</sup> L. Kriesberg, "Evolution of Conflict Resolution," in J. Bercovitch, V. Kremenyuk and I. R. Zartman (eds.), *The Sage Handbook of Conflict Resolution*, (London: Sage Publications, 2009), p. 29

whose understanding of Somalia was limited and whose leadership style deeply alienated Somali faction leaders.

The other challenge associated with “misdiagnosis”<sup>46</sup> of the Somali conflict is related to the issue of clannism and Somali representation as part of pre-negotiation decisions. For instance, the Arta Conference peace process took into consideration clan balance particularly in terms of numbers but it ignored the number issue in terms of individual and corporate actors involved<sup>47</sup>. Furthermore, the architects of Arta based their process on the 1960 constitution, thus failing totally to recognize that the awareness level had radically changed and that clans were more informed than they were then in matters of political representation<sup>48</sup>. The Eldoret conference faced the challenge of the excess number of delegates who had come uninvited. This complicated representation on the Reconciliation Committees thus making it a complicated and difficult issue<sup>49</sup>.

The Somali peace process experienced a number of missed opportunities. The United Nation can be criticised harshly, and rightly so, in the analysis for its attention on Somalia in the early years of crisis, that is, between 1988 and 1992. For instance, as already mentioned in Chapter Four, the UN political team had, under the leadership of Mohamed Sahnoun and the facilitation of the Life and Peace Institute, sought input from country experts and Somali intellectuals in mid 1992, prior to the intervention. The consultative group of Somalia experts met with UN officials five times between mid-1992 and 1994 and the UN was consistently advised by both the external experts and the Somali intellectuals to create more space for Somali civil society leaders in political dialogue and negotiations – the potential role of elders

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<sup>46</sup> “Misdiagnosis” is a term coined by Ken Menkhaus; see K. Menkhaus, “Diplomacy in a Failed State,” in M. Bradbury and S. Healy (eds.), *Whose Peace Is It Anyway? Connecting Somalia and International Peacemaking*. Accord No. 21, (London: Conciliation Resources, 2010), pp. 16 – 19: 18

<sup>47</sup> See Chapter Four, p. 48

<sup>48</sup> *Ibid.*, p. 48

<sup>49</sup> See K. Mulugeta, “The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD,” *op. cit.*, p. 28

and women were emphasized. The UN was also warned that convening only the “warlords” for the peace talks would not succeed. This advice was ignored and indeed, the UN sponsored Addis Ababa peace process failed.

Eldoret phase of the peace talks in 2002 to 2004 faced this similar challenge where the mediators bungled the peace talks due to their incompetence, lack of neutrality, conflicts of interest, insistence on inappropriate time frames, and a lack of understanding of the Somali culture<sup>50</sup>. Related to the missed opportunities challenge was a lack of follow through and the failure of international actors to provide timely, robust support for newly established transitional governments. As noted in Chapter Four, though member states of IGAD formally supported Arta Conference, their level of commitment to the process and its outcome was dissimilar. Djibouti and Eritrea were close allies of the Transitional National Government (TNG). Though the logistics of the Arta Conference were covered by Ethiopia, it became hostile towards it, alarmed by the alleged links with Islamists and terrorist groups. Hence, Ethiopia started to back a rival of the coalition of factions Somali Restoration and Reconciliation Council (SRRC). Kenya and Uganda were anxious about the risk of Somalia being used as a launching ground for hostile operations under TNG. TNG lacked the necessary political support from most members of IGAD. Instead, “regional powers lined up behind proxies, funnelling arms and ammunition into the country”<sup>51</sup>. Indeed, the IGAD members were divided between those who argued for a “wait and see” approach to the TNG versus those who advocated for immediate aid in order to build confidence in the fledgling government. A similar situation was also observed in the Mbagathi process (2003 – 2004) and the Djibouti initiative (2008 – 2009)<sup>52</sup>. What can be stressed here is that months

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<sup>50</sup> See Chapter Four

<sup>51</sup> K. Mulugeta, “The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD,” *op. cit.*, p. 26; see also International Crisis Group (ICG), *Somalia: The Tough Part is Ahead*, ICG Policy Briefing n, No. 45 (Brussels: ICG, 2007), pp. 2 – 3

<sup>52</sup> See Chapter Four for details.



immediately following peace accords constitute windows of opportunity which is lost if external assistance is delayed and the fledgling government fails to earn performance legitimacy in the eyes of the Somali public.

Leverage<sup>53</sup> in terms of political power was one of the basic elements the United Nations lacked in Somalia operations. The United Nations could neither force nor threaten militarily factions to accept and implement a peace deal. Instead, it took a back seat and played the role of a facilitator in the peace and reconciliation talks and it begged warlords to respect and implement Addis Ababa Agreements. This strengthened the warlords' position. In terms of economic power, the UN had mismanaged the resources at its disposal. There were no viable projects towards peace and reconciliation, which would otherwise help as leverage. This was a major problem since political acts often have far reaching social and economic effects and conversely social and economic factors greatly influence politics<sup>54</sup> thus making the process very complicated. Also, there was no special fund for the follow up and implementation of peace agreements apart from some logistical support.

Lack of leverage has also featured all through the subsequent mediation processes. The Eldoret process, for instance, produced a framework that was promising in that it gave priority to substantive issues<sup>55</sup> over power sharing. It was considered the most inclusive process though representatives from Somaliland did not attend and remained aloof. However, despite coming up with Eldoret Declaration, signed on 27 October 2002 (which provided for Cessation of Hostilities and for the Specification of Structure and Principles of the Somali National Reconciliation Process), and the subsequent Mbagathi process, IGAD lacked the leverage to put pressure on the conflict parties to implement the accords that these

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<sup>53</sup> See M. Mwagiru, *Conflict: Theory, Processes and Institutions of Management*, (Nairobi: Watermark Publications, 2000), pp. 132 - 133

<sup>54</sup> E. Nwabazor and M. Mueller, *An Introduction to Political Science for African Students*, (London & Basingtoke: MacMillan Education Limited, 1985), p. 20

<sup>55</sup> See Chapter Four. The substantive issues include federal charter/constitution, disarmament, demobilisation and reintegration, land and property, local conflicts, economic recovery, regional and international issues.

conferences produced. Insurgency intensified particularly after Union of Islamic Courts was defeated by Ethiopia when Al Shabaab emerged to wage guerrilla war against the Ethiopian and TFG forces. Al Shabaab inflicted a series of attacks including suicide bombings for the first time in Somali history<sup>56</sup>. Furthermore, a lack of a regional power to put pressure on the Somali to implement the various peace processes. Though, Ethiopia has the military might and large number of people, it lacks the economic muscle to exercise regional leadership. Kenya does not have the military supremacy to set the tone of regional agendas. And Sudan, despite its oil wealth and territorial supremacy is weakened by internal conflicts<sup>57</sup>.

In addition, the international community demonstrated less interest in IGAD-led process in Somalia. For instance, the TNG which was a product of the Arta peace process was not recognized by European Union and the United States. In Eldoret, despite their modest financial contributions, the US and EU remained largely less diplomatically engaged. The United Nations through a Special Representative of the Secretary General kept a low profile. This coupled with a lack of interest from the UN Security Council, made the role of the United Nations symbolic and limited to keeping track of the process. The huge financial debt incurred during the Eldoret conference is a clear indication of the lack of international support.

In examining mediation styles in the Somali case, what clearly emerges as a finding is that from the Somali peace process, mediators used tactics associated with *communication-facilitation* and *procedural styles*. Despite the use of these styles by the mediators, the mediation process was a failure. Since mediation depends a great deal on influence<sup>58</sup>, it is often recommended that mediators have some leverage to be able to influence disputant's

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<sup>56</sup> See K. Mulugeta, "The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD," op. cit., p. 32

<sup>57</sup> See B. Møller, *The Somali Conflict: The Role of External Actors*, (Copenhagen: Danish Institute of International Studies, 2009)

<sup>58</sup> P. J. Carnevale and S. Arad, "Bias and Impartiality," in J. Bercovitch (ed.), *Resolving International Conflicts: Theory and Practice of Mediation*, (Boulder, CO: Lynne Rienner Publishers, 1996), p. 49

decisions. Zartman contends that, “it is the most important key to obtain welcome mediation ... beyond it the mediator has no power.”<sup>59</sup> Leverage facilitates the role of the mediator as a “manipulator” – to sharpen the stalemate and sweeten the proposed outcome<sup>60</sup>.

## 5.2 Assessing Ripeness Sudan and Somalia Peace Processes

Chapter One dealt with the notion of ripe moments in detail, as moments where crises are highly conducive to resolution by an outside actor, as Zartman succinctly explains. Indeed, Zartman points out that a settlement is achieved when the *moment is ripe* and belligerents reach a *mutually hurting stalemate* (MHS)<sup>61</sup>. Thus, in the Sudan case, it can be observed that it was towards the last phase of the talks that eventually gave rise to the peace deal. It can then be argued that the Sudan conflict had taken some time but not all the conditions necessary for negotiations as given by experts in the field. Drawing from Bercovitch<sup>62</sup>, he suggests conditions that exist when: a conflict has gone on for some time; efforts by individuals have reached an impasse; neither actor is prepared to countenance further costs or escalation of the dispute and when both parties become receptive to some form of mediation and are ready to engage in directly or indirect dialogue. Zartman<sup>63</sup> identifies conditions necessary for negotiations to include: a mutually hurting stalemate (MHS); a deadline; valid spokespersons; and a vision of acceptable compromise. These two scholars essentially capture the same gist although they use different indicators to the same

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<sup>59</sup> I. W. Zartman, “Dynamics and Constraints in Internal Conflicts,” in I.W. Zartman (ed.), *Elusive Peace: Negotiating an End to Civil Wars*, (Washington, DC: The Brookings Institution, 1995), Chapter 1, p. 21

<sup>60</sup> *Ibid.*, pp. 8 - 10

<sup>61</sup> See I. W. Zartman, “The Strategy of Preventive Diplomacy in Third World Conflicts,” in A. George (ed.), *Managing US-Soviet Rivalry*, (Boulder, CO: Westview Press, 1993), pp. 341 – 364: 341; see also I. W. Zartman, “The Timing of Peace Initiatives : Hurting Stalemates and Ripe Moments,” in *The Global Review of Ethnopolitics*, Vol.1, No.1 (September 2001), pp. 8 – 18: 9

<sup>62</sup> J. Bercovitch, “Conflict Resolution: Parameters and Possibilities,” in *Negotiations Journal*, (1991), p. 12

<sup>63</sup> I. W. Zartman, “Negotiations in South Africa,” *Washington Quarterly*, Vol. 2 (Autumn 1998), pp. 141 - 158

thing. Starting with the existence of a stalemate, the Government of Sudan and opposition forces in 1998 are said to have experienced a mutually hurting stalemate<sup>64</sup>.

In the Sudan case, the government of Sudan and rebel forces alike were raiding and burning villages, raping women and abducting children. Most of the revenue generated from oil sales were used to buy military hardware, some of which was used to protect the oil fields whose pipelines were often blown up by the SPLA rebel forces. By 2002, the disruptive effects of warfare greatly affected food production, along with adverse weather leading to appeals for aid by the UN and other NGOs for increased aid to avert catastrophic famines<sup>65</sup>- the conflict had reached a stalemate but the human costs continued to soar. On valid spokesman, Dr. John Garang of SPLM/A was the main representative of Southern Sudan while the government of Sudan could either select a representative of its choice or have the president himself attending. Despite the fact that there was no deadline, it can be argued that the approach taken by IGAD, where observers were also included from the international community at the peace talks and the appointment of Lt. Gen. Sumbeiywo to take charge facilitated an acceptable compromise which marked the beginning of areas of agreement on contentious issues that culminated with the Comprehensive Peace Agreement in January 2005. The Comprehensive Peace Agreement (CPA) was signed, the moment was ripe and the government of Sudan and SPLM/A had indeed reached a mutually hurting stalemate, largely due to external pressure, especially as the United States had given the issue priority<sup>66</sup>.

Explaining the Somali peace process based on Zartman's explanation regarding the ripe moment, the United Nations (as an initial third party involvement to resolving the Somali conflict) did not intervene at the right moment when the situation was highly conducive to

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<sup>64</sup> See discussion in D. Petterson, *Inside Sudan: Political Islam, Conflict and Catastrophe*, (Boulder, CO: Westview Press, 1999 updated in 2003), p. 230; see also E. O'Ballance, "Stalemate," in E. O'Ballance, *Sudan, Civil War and Terrorism, Superpower Peacemaking in A Troubled Continent*, (New York: St. Martin Press, 2000), p. 86

<sup>65</sup> D. Petterson, *Inside Sudan: Political Islam, Conflict and Catastrophe*, op. cit., p. 230

<sup>66</sup> See Chapter Three for details

resolution. The United Nations was more for a settlement than a resolution for the Somali conflict. On the other hand, the factions were in serious battles and none was willing to come to the round table for any kind of talks. Stedman<sup>67</sup> points out, the concept of deadlock and deadline can lead to different assumptions. He argues that ripeness in a military situation can be a function of internal changes, like for instance, the emergence of new leaders, the consolidation of a divided leadership and so on. Based on Stedman's argument, it is evident that in the Somali conflict, the situation was not ripe enough for a third party involvement. This is because each factional leader was capable of defending their territory and those leaders who lost their territories to other factional leaders were prepared to use force as nobody was going to give up an inch of its controlled area and factional reputation for any other leader.

In addition, as every historical occurrence is unique<sup>68</sup>, the Somali conflict itself was itself new and warlords had the trust and confidence of their followers. Furthermore, no factional splits neither existed nor new emerging leaders within factions. Instead, there were factional alliances to enable a group of factions, in a main group, to bargain hard for a bigger and more significant role in the future of Somali politics as was the case with General Aideed's Somali National Alliance, which brought together several other factions including his faction, United Somali Congress.

Coleman emphasizes that the need to locate and comprehend the various paths to ripeness in a conflict as it constitutes a valuable attempt to understand the dynamic forces that keep a conflict in a state of "unripeness"<sup>69</sup>. The Somali mediation process negated this fundamental maxim of understanding conflict at the conflict resolution stages. Indeed,

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<sup>67</sup> See S. J. Stedman, *Peacekeeping in Civil War: International Mediation in Zimbabwe 1974 – 1980*, (Boulder, CO and London: Lynne Rienner Publishers, 1987), pp. 25 - 28

<sup>68</sup> K. Holsti, *International Politics: A Framework for Analysis*, (New Delhi: Prentice-Hall, 1992), p. 2

<sup>69</sup> P. T. Coleman, "Cooperation and Competition," in M. Deutsch, P. T. Coleman and E. C. Marcus (eds.), *The Sage Handbook of Conflict Resolution*, (San Francisco: Jossey-Bass, 2006), Chapter 8, p. 550

mediation failed to devise a mechanism to deal with spoilers, who stand to benefit from the war economy of the Somali conflict. For instance, though Ethiopia sponsored the Soderre peace process in 1996 and international consultative meetings in the 1990s, Ethiopia had a darker agenda and its objective was to ensure that no government of national unity was formed. This evident when in Ethiopia's relationship with Abdillahi administration and their invasion of Somalia by declaring war on Union of Islamic Courts, which it alleged were linked to terrorists, irredentist rhetoric, support to Ethiopian rebel groups and dependence on Eritrea. Thus, Ethiopia created an "unripe" moment by escalating the situation in Somalia. Indeed, to the Somali public, President Abdillahi was viewed as a client of Ethiopia and his call for a military force from the African Union (AU) further alienated his slender support base in Mogadishu<sup>70</sup>. Because of the Ethiopian backing, the TFG faced an increase in the emergence of opposing factions.

Furthermore, the Djibouti process (2008 – 2009) held between the TFG and Alliance for the Re-liberation for Somalia-Djibouti (ARS-D) were recognized by United Nations mediators as legitimate players and eventually agreed to form a power-sharing government of representative parties. This set a dangerous precedent in which parties like ARS-A and Al Shabaab were excluded and labelled as illegitimate and irrelevant, and forced to achieve their goals through other methods, such as physical violence. This further exacerbated "unripeness".

### **5.3 Assessing Spoiler Management in Sudan and Somalia Peace Processes**

Stedman points out that "spoilers", factions or individuals, who resort to derail the peace processes, pose the greatest threat to negotiated peace processes<sup>71</sup>. In Stedman's framework, knowing the four factors that assist third party involvement in determining the

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<sup>70</sup> See Chapter Four for details.

<sup>71</sup> S. J. Stedman, "Spoiler Problems in Peace Processes," in *International Security*, Vol. 22, No. 2 (1997), pp. 5 -

best strategy best suited to deterring them. The first factor is the position of the actor in regard to the peace process, that is, is the individual or group currently included or excluded from the negotiations for a political settlement? Secondly, how many spoilers are there in the conflict resolution process? Thirdly, what type of goals does the spoiler have with regards to the peace process—does he/she insist on a small bundle of specific rewards or allocations (“limited”), does his/her goals change based on changes on his/her strength *vis-à-vis* other actors (“greedy”, or does he/she have grandiose goals that he/she will stop at nothing to achieve (“total”)? Finally, wherein does the locus of the spoiler problem lie – is it the leader of a rebel group who spurs their followers on to renew conflict, or is it a case of disenfranchised rebels ignoring orders to down arms?<sup>72</sup> Not all of these characteristics are equally relevant in any given spoiler situation but at least one of them will provide the key to identifying the nature of the spoiler problem, which will in turn help third party involvement to determine an appropriate strategy for deterring spoilers.

From the findings of this study, when government decision makers perceive the costs of both peace and non-participation in peace processes as higher than the costs of continued war as is the case for the Sudan peace process. This scenario is not common for governments of weak or failing states which tend to manipulate peace processes to their own advantage by co-opting certain insurgent factions while excluding others, in the process “creating” spoiler problems, as is the case in the various attempts that have been made so far to resolve the Somali conflict.

A deeper analysis of spoiler management in the Sudan peace processes demonstrates that the Sudanese government responded to international diplomatic pressure and domestic military pressure by manipulating the goals of the peacemakers and co-opting some insurgent factions while isolating others. The Sudanese government bargained hard to exclude relevant

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<sup>72</sup> Ibid., p. 8

factions in Darfur and in eastern Sudan while it negotiated a settlement with SPLM/A<sup>73</sup>. This is exemplified when during the peace process and signing of the Machakos Protocol in 2002; Darfurians came to understand that they would be excluded<sup>74</sup>; thus, they realized that a continued policy of non-violent resistance would yield no dividends<sup>75</sup>. Under this belief, the local leaders in Darfur switched to a violent strategy.

The Darfur insurgents timed their initial attacks in 2002 and 2003 to coincide with key moments of the North-South peace negotiations. The Darfur insurgents' decision to rebel was directly linked to its exclusion from the North-South peace process. There were fears that excluding other Sudanese minority movements from the peace process would fail to produce an enduring peace<sup>76</sup>, the Sudanese government made it clear that its willingness to negotiate at Naivasha was conditional on exclusion of these movements<sup>77</sup>. If outsiders refused this condition, Khartoum threatened to deny international actors their primary objective in Sudan, and that is a solution to the North-South conflict<sup>78</sup>.

As little military leverage as the government of Sudan had, its threats to abandon the North-South peace processes alarmed international peace builders consequently ensuring that Darfur's exclusion from the process was easy. In any case, other parties at Naivasha, that is, the SPLM/A and international mediators, were disinterested in demanding Darfur's inclusion

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<sup>73</sup> See Chapter Three for details

<sup>74</sup> The Darfur insurgencies had lay I the self defense militia that local militia had formed during the 1980s in response to violent incursions by the nomadic Arab 'tribes' armed by Khartoum and Libya. Although there was sporadic localized violence in Darfur during parts of 1980s and 1990s, there was no significant government rebellion. The African population in Darfur had been led to believe that the results of the Sudan peace process would include nationwide benefits for repressed minorities in all Sudan's peripheral regions, including Darfur. See for more details, J. Flint and A. de Waal, *Darfur: A Short History of a Long War*, (New York: Zed Books, 2005); A. Haggar, "The Origins and Organization of Janjawid in Darfur," in A. de Waal (ed.), *War in Darfur and the Search for Peace*, (Cambridge, MA: Global Equity Initiative-Harvard University, 2007), p. 117; D. H. Johnson, *The Root causes of Sudan's Civil Wars*, (Oxford: James Currey, 2003), pp. 137-141

<sup>75</sup> See E. Chenoweth and M. S. Chenoweth, "Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict," in *International Security*, Vol. 33, No. 1 (Summer 2008), pp. 7 - 44

<sup>76</sup> See International Crisis Group, "Darfur: Towards an Incomplete Peace," in *Africa Report No. 73*

<sup>77</sup> D. H. Johnson, *The Root causes of Sudan's Civil Wars*, (Oxford: James Currey, 2003), pp. 141 - 142

<sup>78</sup> J. Flint and A. de Waal, *Darfur: A Short History of a Long War*, (New York: Zed Books, 2005), p. 129



because resolving North-South conflict was important<sup>79</sup>, including other movements threatened SPLM/A's attainment of primary goal of resolving a twenty-year conflict, self-determination of southern Sudan; while for the international mediators, other movements threatened any potential North-South agreement. As a result, all parties in Naivasha wilfully neglected the nascent insurgents' movements.

Indeed, Khartoum's strategy was not lost to the insurgents in Darfur and as a matter of fact, in October 2003, Minni Minawi, the leaders of the Sudan Liberation Army (SLA) Zaghawa wing, explained his understanding of the Sudanese government strategy: "The government is negotiating with the South because of the pressures from international community and military pressure from the South, in the west, and in the east. A peace accord with SPLM/A will be a way to regroup to suppress the other marginalized areas, including the west and our movements in particular. We want comprehensive peace for all."<sup>80</sup>

This confluence of interests made it possible for the Sudanese government to manipulate the peace in a way that facilitated its own political survival and escalated the war against Darfur's insurgencies<sup>81</sup>. Sudan's government divide and rule strategy ultimately succeeded at preventing an inclusive national peace process but failed to defeat the remaining insurgents at the periphery. The CPA included provisions for a transitional government that would include SPLM/A, as well as, referendum for the people of southern Sudan, but was silent on the status of Darfur. SPLM/A leader John Garang, despite his unrelenting pursuit for self-determination southern Sudan and Sudan's other marginalized peoples, does not fit Stedman's ideal-type definition of a greedy or total spoiler. He was not determined to destroy

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<sup>79</sup> See Chapter Three for details.

<sup>80</sup> See International Crisis Group, "Darfur: Towards an Incomplete Peace," in *Africa Report* No. 73 p. 19. This is consistent with evidence presented by G. Prunier, *Darfur: The Ambiguous Genocide*, (Ithaca, NY: Cornell University Press, 2005), p. 106

<sup>81</sup> See M. W. Daly, *Darfur's Sorrow: A History of Destruction and Genocide*, (New York: Cambridge University Press, 2007), p. 272

Khartoum militarily. Because of his reasonable character, Stedman's model would likely predict that he would sign a peace deal if his aims were met. And indeed, this is what happened.

In the case of Sudan, therefore, spoiler problems in Sudan cannot be understood without reference to a manipulative government strategy that plays on the vulnerability of the international actors tasked in brokering peace accords and insurgent factions that stand to lose if they do not cooperate with the government. The strategy successfully alleviated international pressure on the government. International pressure to broker an agreement with SPLM/A led to wilful neglect of government atrocities in Darfur. The Sudanese government isolated Darfur insurgencies outside the peace process as "spoilers" who could be addressed militarily. Thus, in the Sudan peace process, international pressure for an agreement led mediation teams to play into the Sudanese government's strategy by offering an agreement to which the government would likely agree but to which insurgents with relatively modest objectives would assent, thereby creating "spoiler" factions who would have to be addressed militarily.

In the case of the Somalia peace process, the spoilers are best typified as "greedy". These are actors who seek to maximise their benefits throughout the conflict and even the conflict resolution process, whose ambitions inflate or deflate depending on their strength relative to the other actors. In Somalia, political environment during Operation Restore Hope did not favour a comprehensive peace process. No provisional settlement existed in Somalia, and the United Nations attempted to force Aideed and the other warlords to the negotiating table by bringing massive peace enforcement mission that threatened their grip on power<sup>82</sup>.

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<sup>82</sup> See Chapter Four; also see C. Clapham, "Peacemaking and Peacekept: Developing Mandates for Potential Interveners," in *Peacekeeping and Peace Enforcement in Africa: Methods of Conflict Prevention*, (Cambridge, MA: World Peace Foundation) pp. 46-50

The Addis Ababa accords were on the horizon but nothing had been settled. In this situation, Aideed knew he would be included in any political negotiations due to his superior forces in Mogadishu as the negotiations proceeded. Aideed's stalling tactics epitomized the greedy spoiler as he instigated horrific bloodshed in Mogadishu in an effort to stall or prevent peace enforcement operations from reducing his power. Others who join Aideed in this categorization are Mogadishu based clans and Islamists such as the Al Shabaab and Hizbul Islam.

Aideed can arguably also be deemed a "legitimate spoiler". As had been noted in Chapter Four, the central state under Siyad Barre had been responsible for the brutal repression of people outside of his own ethnic group. He had used the state as a tyrannical weapon, and Aideed, among many others, had lost out on opportunities for political representation and economic development under Siyad Barre's administration. Memories of this regime, along with general decentralized nature of the Somali society, gave people reason to resist the imposition of a new central state under the United Nations auspices. Somalis wanted a return to peace, but not necessarily state building along the Western model. In this respect, Aideed appeared to be a "legitimate" spoiler in the eyes of the populace.

As already pointed out in Chapter Four<sup>83</sup>, Menkhaus calls Somali peace processes have had "situational spoilers"<sup>84</sup> who oppose any and all peace accords and revived governments because of how these processes harm their interests. These are different from "intrinsic" spoilers who are individuals or groups with an existential reason to oppose peace any and all peace accords and efforts to revive the government. Col. Abdillahi Yusuf, who later became the president of the Transitional National Government (TNG), can be categorized as a "situational spoiler". This is because, Col. Yusuf together with some faction

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<sup>83</sup> Chapter Four for details

<sup>84</sup> This is a categorization provided by K. Menkhaus. See K. Menkhaus, "The Addis Ababa Agreement of 1993", in P. Johnson (ed.), *A History of Mediation in Somalia Since 1988*, (Nairobi: Interpeace, 2009), pp. 24 –

leaders of Somali Restoration and Reconciliation Council (SRRC), called for the revision of article 30 of the draft Federal Charter for the purpose of giving it more clarity with respect to who qualified to participate in the selection of the members of parliament, that is after signing of the Declaration on Harmonization of Various Issues on 29 January 2004.

Ethiopia is categorized as a “total” spoiler according to Stedman’s framework. Ethiopia, despite helping to convene Somali parties to constructively resolve their dispute between 1993 and 1995, it has deep seated fears that a revived Somali state due to Somalia’s history of irredentism and war with Ethiopia. Ethiopia has been blamed on sabotaging the Transitional National Government (TNG) between 2000 and 2002, and attacking Union of Islamic Courts (ICU) in 2006. It has been party to proxy wars in Somalia, particularly with Eritrea, by sponsoring various factions to the Somali conflict against each other. By identifying the existence of powerful external interests in perpetuating the Somali conflict, like those of Ethiopia, has important implications for mediators in the sense that even the most effective mediation efforts are likely to be undone by outside spoilers. For the Somali conflict to be resolved, region-wide security guarantees are necessary. Thus, no sustained peace can be reached until Ethiopia and its principal Somali adversaries, the Mogadishu based clans and Islamists, are brought together to iron out ways of resolving the Somali conflict. Failure to convene these two main antagonists means that a peaceful resolution to the conflict is unlikely.

The Somalia case has also demonstrated conclusively that those interests can and do change over time. For instance, many of the business community in Mogadishu that seeks the rule of law presently were part of the war economy. By focusing on the interests of potential spoilers, one then opens the door for mediation strategies that are designed to reshape their perceptions of their interests.

#### **5.4 The Impact of the Mediation Styles on Disputants' Relationship**

In examining the two cases, it would be important to examine the extent to which the mediation styles/strategies impacted on the relationship between disputants. First, as was discussed in Chapter One, mediation between previously friendly parties is almost twice as likely to be successful compared to mediation between parties with any other types of relationships. Furthermore, parties which have more than one dispute in the past receive the most mediation attempts but have the lowest chance of success. Thus previous conflictual relationship may hinder efforts to settle it. Secondly, understanding the sources of a party's power is important in determining successful outcomes of a mediation process. As was observed in Chapter One, sources of power can either be internal or external, and the external sources of power can determine a party's behaviour, interests, and interactions<sup>85</sup>. When the distribution of power between parties is equal, mediation is more likely to be successful<sup>86</sup>. The mediator's role is to address these differences to create a level and fair playing field for mediation.

In the Sudan case, following the signing of the Comprehensive Peace Agreement in January 2005, the agreement put an end to a civil conflict of more than twenty years. The CPA is viewed as being much more than a peace agreement between two warring parties. It is a peace deal that has paved the way for changes in the underlying power relations, both political and economic, and, as a result, altered the structure of the state of Sudan.

The CPA has changed the relationship between the two dominant political groupings, NCP and SPLM/A: it stopped a war and set the rules for sharing the disputed resources and

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<sup>85</sup> J. Bercovitch and A. Houston, "Why Do They Do It Like This? An Analysis of the factors Influencing Mediation Behaviour in International Conflicts", *Journal of Conflict Resolution*, Vol. 44, No. 2, pp. 170 - 202: 179

<sup>86</sup> See J. Bercovitch, T. Anagnoson and D. Wille, "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations", *Journal of Peace Research*, Vol. 28, No. 1 (Special Issue on International Mediation, 1991), pp. 7 - 17

powers between two parties (representation in the state and control of wealth and territory)<sup>87</sup>. Consequently, the CPA has contributed to intensifying ethnic claims and competition over resources within both Northern and Southern Sudan, which has in turn threatened the hegemony of SPLM and NCP.

The nature of the political deal included in the CPA contributes much to shaping relations between the two signatories, and more importantly: the quality of implementation. The right to self-determination, the accepted existence of the army of the SPLM (the SPLA), the guarantee of a wide political autonomy for Southern Sudan (even in the case of Southern Sudan opting for unity) and the equal sharing of the oil resources, are important incentives for SPLM to accept agreement and to feel their fundamental political war claims secured. On the part of NCP, its leadership is wary of a new power centre in the South and has little incentive to move fast on the CPA implementation agenda. As was noted in Chapter Three, many of the CPA's most important provisions are far from being implemented. Disarmament and demobilization programmes are massively delayed, the election was postponed twice and there were challenges in preparing for the referendum. What is more significant, however, is that as an outcome of the mediation strategies and process, the interaction between the SPLM/A and the NCP both within and beyond the CPA institutions has gradually changed the way both signatories deal with each other. These power politics have resulted in a new partnership that has had a positive impact on the implementation of the deal itself and on the transition process as a whole.

To be able to understand how implementation of the CPA has created this partnership, it is important to understand that the context of the signing of the CPA has changed dramatically. Garang and Taha, who had acted as guarantors of the agreement are no longer

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<sup>87</sup> See Chapter Three; see also E. Ahmed, "The Comprehensive Peace Agreement and Dynamics of Post-Conflict Political Partnership in Sudan," in *Africa Spectrum*, Vol. 3, (2009), pp. 133 - 147

in the driving seat<sup>88</sup>. With Garang gone, the unionist faction within the SPLM crumbled. The unionist faction was strong because of strong leadership and Garang's ability to hold together an ethnically divided and politically factionalized SPLM. However, many of the party's key leaders have always been secessionist more than unionist. This secessionist and separatist section of the SPLM gained significant ground after Garang's death. This, however, is not to say that if Garang had lived, the unionist trend would have been stronger. Relations within the party would have been more complex and internal struggles more acute. On the other hand, relations with NCP would have been more tense and confrontational given Garang's strong personality, his political ambitions in the North and support from the African communities in the North as well as his good relations with the Northern opposition parties. His project of "New Sudan" would have encountered extreme resistance from all the conservative political forces in the North<sup>89</sup>.

Within NCP, the death of Garang led to a reshuffling of positions. Many among the party's top brass had always been against concessions given to SPLM/A (particularly army officers), and many were against Taha. Thus, Taha was sidelined (although he kept his position as the vice-president). His marginalization became more apparent in 2006 when he took a conciliatory stance contrary to the position of his government regarding the deployment of United Nations forces in Darfur after the failure of the African Union Mission in Sudan (AMIS)<sup>90</sup>.

Together with increasing pressure from the international community after the crisis in Darfur, the demise of Garang and marginalization of Taha quickly led to greater prominence

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<sup>88</sup> See E. Ahmed, "The Comprehensive Peace Agreement and Dynamics of Post-Conflict Political Partnership in Sudan," in *Africa Spectrum*, Vol. 3, (2009), pp. 133 – 147: 143; see also J. Broschè, "CPA – New Sudan, Old Sudan or Two Sudan? A Review of the Implementation of the Comprehensive Peace Agreement," in *Journal of African Policy Studies*, Vol. 3, No. 1 (2007), pp. 231- 251: 235

<sup>89</sup> See E. Ahmed, "The Comprehensive Peace Agreement and Dynamics of Post-Conflict Political Partnership in Sudan," in *Africa Spectrum*, op. cit., p. 143

<sup>90</sup> *Ibid.*, p. 143

of “hardliners” in the decision making circles. While this in turn led to major controversies and continuous mistrust between the two signatories, it also created mutual interests. After all, the ultimate goal of the new SPLM leadership to establish a separate state is not incompatible with the ultimate aim of NCP to rule in the North. This, in fact, allowed both parties to cooperate on various fronts. This is what Rothschild would have labelled an evolution “from defection to cooperation”<sup>91</sup> the two belligerents found a common ground for joint action.

In the case of Somalia, the Djibouti peace process (2008 to 2009) facilitated by the Special Representative of the Secretary General (SRSG) , Ambassador Ahmed Ould-Abdalla failed to broaden the reconciliation process by excluding key actors from the peace process<sup>92</sup>. By taking such a divisive approach of unilaterally eliminating major players of the conflict and key leaders of the Alliance for the Re-liberation of Somalia (ARS) from the peace process, he inadvertently contributed to the widening of the complex political schism in Somalia, severely impairing any potential compromise. The practical approach would have been to include all the stakeholders. However, Ambassador Ould-Abdalla viewed reconciliation as a short term political goal by leaving out key stakeholders of the conflict out without foreseeing their potential influence in the peace process. Furthermore, when the dispute within ARS became irreconcilable, the envoy failed to present an alternative plan or work out a strategy to manage potential spoilers, which ostensibly was then predictable when key leaders of ARS and the government of Eritrea rejected the peace process and attempts to reconcile ARS leadership in Yemen failed. The extreme wing of ARS (ARS-A) and Al

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<sup>91</sup> D. Rothschild, “On Implementing Africa’s Peace Accords: From Defection to Cooperation,” in *Africa Today*, Vol. 42, No. 1 & 2, (1995), pp. 8-30

<sup>92</sup> See Chapter Four.



Shabaab refused to participate in the Djibouti peace process by claiming that critical national decisions have been made on the fringes without any consultation<sup>93</sup>.

Another political mistake during the peace process has to do with the selection of parliamentarians and expansion of parliament. The parties to the conflict were not negotiating genuinely and the SRSG envoy opted for the easy way out. This has had the effect of doubling the number of parliamentarians. Thus, its implementation has been problematic because the TFG cannot sustainably pay the salaries of the parliamentarians.

The use of 4.5 clan formula by the SRSG envoy and the President of Somalia, Sheik Sharif with respect to parliamentary seat allocation process is erroneous. Indeed, this has changed the public view of Sheik Sharif for having accepted such a proposition. ARS commitment in the run up to the Djibouti peace process was to eliminate such a clan formula selection stipulated in the Transitional Federal Charter. The Somali people have questioned this formula and have viewed it as a discriminatory system that cannot offer a unified agenda to the Somalis.

The agreement signed in 2009 in Djibouti stipulated that the TFG continues the reconciliation process which is consistent with conflict transformation approach. Peace building is a process of slow transformation of conflicts through relationship building among hostile parties and communities that would moved them to a desirable future. However, the TFG has not made any genuine effort to engage in dialogue with its adversaries and instead relied heavily on protection by AMISOM forces in Mogadishu.

With the withdrawal of Ethiopian troops in Somalia at the end of January 2009, the celebration of Somali people was short-lived when armed insurgent groups of Al Shabaab and Hizbul Islam have taken over all the areas withdrawn from by the Ethiopian troops, including large sections of the capital, Mogadishu. The surge of AMISOM peacekeeping

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<sup>93</sup> See Somali Cause, *Somalia: A Comprehensive Review on the Transitional Federal Government of Somalia. Analysis and Recommendation*, February 2010, pp 2 – 15: 5

troops was a missed opportunity for TFG and the international community in the sense that the troops arrived late and failed to help the TFG to hold positions previously held by Ethiopian forces. The armed opposition groups took advantage of the arrival of AMISOM troops by firing at them from populated neighbourhoods. AMISOM troops response back at the populated areas only further isolated Sheik Sharif from the Somali people.

In a nutshell, the conflict parties' relationship in Somalia has not improved at all despite the mediation of the United Nations through its SRSG envoy. Indeed, security in Somalia is getting out of hand because Al Shabaab and Hizbul-Islam has adopted killing innocent people and creating insecurity as a military strategy. Furthermore, piracy has escalated and the number of piracy incidents have increased since the current TFG government was formed in Djibouti in 2009. In the case of Somalia, the situation continues to be fragile and calls for greater international response.

## **5.5 Hypotheses Revisited**

This study set out to test three hypotheses. This section critically casts the findings against the hypotheses.

**There is no relationship between mediation styles and the outcomes of intractable conflict resolution.**

The findings of this study illustrate that there is a direct link between mediation styles or strategies and outcomes of intractable conflicts. Both the Sudan and Somalia peace processes had outcomes that were a product of the mediation styles adopted by international mediators. In the case of Sudan, it is evident that this case exemplifies multiple uses of mediation styles. These are *communication-facilitative, formulative and directive (manipulative)* styles. These styles or approaches involved both pressure (leverage) and dialogue. Thus, the outcome was a comprehensive peace agreement, the Comprehensive

Peace Agreement that addressed the underlying issues in the conflict, namely; secularism versus *Shari'a*, self-determination of South Sudan and wealth sharing between the conflicting parties.

In the Somalia case, mediators used tactics associated with *communication-facilitation* and *procedural styles*. Despite the use of these styles by the mediators, the mediation process was a failure. This is exemplified by the number of mediation attempts undertaken to resolve the Somalia crisis, “misdiagnosis” of the Somali conflict, use of weak and unskilled mediator, and a lack of external pressure to influence outcomes such as a comprehensive peace agreement that would be acceptable to all parties in the conflict, cessation of hostilities and a complete halt to the conflict.

**The nature of the conflict dictates the mediation style to be used and the conflict’s likely outcome.**

In the case of Sudan, the chief mediator, Lt. Gen. Sumbeiywo drew up an agenda and programme of work for the negotiations<sup>94</sup>. Parties agreed in reaching an agreement on issues of right to self determination and separation of state and religion. This is what culminated into the Machakos Protocol. This was viewed as a significant milestone. The agreement granted the South the right to self determination regardless of any changes within the central government. In the last phase of the negotiations, Sumbeiywo introduced a ‘holistic approach’ to the process to facilitate compromises where many issues that had not been agreed on would be bracketed and may be used by the parties to trade-off one thing for another. This approach also involved getting the top leaders in the process, since the issues of trade off would be decided at a much higher level than the negotiating table. The Sumbeiywo brought in the Foreign Affairs Minister of Kenya who facilitated Taha and Garang to meet.

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<sup>94</sup> See Chapter Three

This resulted in the signing of the security arrangements framework which called for a ceasefire to take place once the CPA was signed and withdrawal of 91,000 troops from the South amongst other issues. Arriving at the Comprehensive Peace Agreement involved working on issues to their last detail while creating a more flexible mechanism for others.

Thus, a schedule was facilitated by mediators that were agreed on by the parties. Indeed, a basic frame was a start of an interim constitution six months after signing the CPA, elections within four years after signing, and a referendum on unity of Sudan six years after signing. The mediators had succeeded to build a relationship of mutual confidence which helped to work out the compromise solutions. As has been noted, all the three styles were used in mediating the Comprehensive Peace Agreement. The *directive mediation style* appeared to be the most dominant strategy adopted by the mediators though *communication-facilitation* and *procedural (formulative) styles* were used. *Directive styles* were responsible for the pressure and assertiveness applied to the parties to nudge them to negotiate and to resolve the North – South conflict. Thus, the finding is that the nature of the conflict dictated the strategies adopted by the mediators and ultimately the outcome, which was cessation of hostilities between the conflicting parties and a comprehensive peace agreement.

In the case of Somalia, the misdiagnosis of the issues by mediators resulted in failure to identify the issues at the core of the Somali conflict. In effect, wrong mediation strategies were applied. The effectiveness of mediation efforts in Somalia is tied to the intractability of the Somali conflict. There were series of missed opportunities for external mediators. There was failure to bring all the parties to the negotiating table and also inability to manage spoilers. Mediators also bungled the peace talks due to incompetence, weak capacity, lack of neutrality, conflicts of interest, insistence on inappropriate timeframes and a lack of understanding of Somali political culture. These weaknesses cut across all the peace initiatives that have taken place on the Somali conflict. The outcome of these mediation

efforts include establishment of the Transitional Federal Government which was established through brokering a power-sharing agreement over actual conflict resolution. Indeed, some of the conferences like the Eldoret, Mbagathi and Djibouti peace processes were reduced to what Menkhaus calls “crude cake-cutting” exercises<sup>95</sup> in which the agenda is reduced to allocation of cabinet positions by clan and faction. The Somali peace processes lacked unified international support and the necessary pressure on the conflict parties. External actors pursued competing agendas which only was a blessing in disguise for the Somali actors who have exploited the divisions to pursue their own goals. Thus, Somalia presents a case where the mediation strategies failed not because mediation strategies have no link to outcomes of the mediation process, but more so because of poor mediation skills and failure to understand the Somali conflict. In the final analysis, because the nature of the issues was not clearly identified, mediation strategies adopted failed to yield positive outcomes. Had the lessons from some of the mistakes identified in previous mediation efforts adopted by subsequent peace processes, the probability of a positive outcome to the Somali conflict would have been tenable and comprehensive.

**Relative to all other styles of mediation, directive mediation style is more likely to bring about negotiated agreements that are more formal and comprehensive.**

Indeed, in the Sudan case, *directive mediation style* was the most dominant of the three strategies adopted by mediators. Not only did it culminate in a formal agreement but the agreement was comprehensive enough to address the core issues in the North-South conflict. There were various tactics adopted by mediators commensurate with *directive styles* which included using pressure on the conflicting parties to negotiate. The international community

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<sup>95</sup> K. Menkhaus, “Diplomacy in A Failed State: International Mediation in Somalia,” in M. Bradbury and S. Healy (eds.), *Whose Peace Is It Any Way? Connecting Somalia and International Peacemaking*, Accord No. 21, (London: Conciliation Resources, 2010), p.19

only recognized on peace process, the IGAD-led peace process. The US led the pack in passing legal measures to force the government of Sudan to participate in the negotiations and giving it little options to do otherwise. Thus, this hypothesis has been validated.

In the Somali case, by mediators not using *directive mediation styles* culminated in continuing of hostilities. The agreements were formal but not comprehensive. This is partly because not all parties participated in the various peace initiatives and therefore continued with hostilities. There was a lack of leverage such as use of sanctions from the international community to force the various conflicting parties to the negotiating table. The mediators also failed to manage spoilers who not only interfered with the peace process from within but also spoilers who were parties that were not invited to the various peace processes. Thus, one can conclude that the strategies adopted by the mediators were a failure. The outcomes of all the Somali peace processes have not been durable and neither have they been self-sustaining. The pre-conditions necessary for *directive mediation styles* to produce formal and comprehensive peace agreements lacked, hence the continuation of conflict in Somalia.

## **5.6 Conclusion**

A critical appraisal on the issues arising from the measures undertaken by regional states and the international community in imposing leverage on the Government of Sudan played a vital role in the its commitment to the peace process. Furthermore, the use of a mix of mediation strategies with directive mediation strategies taking a more dominant role by the mediators in this process resulted in a formal and comprehensive peace accord. The regional states through IGAD played a commendable effort in stemming the tide for a potentially explosive internal conflict that had negatively impacted on the Horn of Africa's stability and security. In the Somali case, the failure to apply leverage and poor mediator skills were not a panacea for resolving the Somali conflict and therefore contributed to the outcomes which are: that they have not provided a comprehensive peace agreement; and, they have failed to

resolve the Somali conflict. Indeed, the Somali case only goes further to affirm the importance of *directive (manipulative)* mediation styles and leverage in managing an intractable conflict such as the Somali case. Furthermore, international support and international institutional backing is necessary to lend legal legitimacy and political credibility that is necessary if leverage particularly use of sanctions is imposed on recalcitrant parties to a conflict at a regional level is to have the desired effect or elicit sought for outcomes. This was significantly absent in the case of the Somalia peace process.

The last chapter ties up this study. It outlines areas for further research arising from the findings of this study and provides a tentative way forward for the comprehensive management of Sudan, Somalia and other intractable conflicts.

## Chapter 6: Summary, Conclusions and Recommendations

### 6.0 Introduction

The goal of this final chapter is to examine more broadly the findings of the study and its implications to resolution of intractable conflicts. In Chapter One, the study had set out to analyze critically mediation styles in a mediation process, the impact of mediation styles on disputant relationship and whether there is a relationship between mediation styles and outcomes of resolving intractable conflicts. Chapter Two made a broad ranging assessment of the literature on mediation and various concerns relevant to this study. Chapter Two pointed out that the overall context affects mediation and in turn, mediation affects the context. This chapter suggested that *directive* mediation style has the most powerful effect on the outcomes that exist at the termination point of a conflict. The chapter further revealed that there is little evidence to demonstrate that mediators can produce any outcomes (mutual compromise, negotiated agreement and tension reduction) when they limit themselves to substantively less intrusive styles of *communication-facilitation* and *formulation (procedural)*.

Chapter Three provided a historical assessment of the Sudan Conflict. The Sudan case demonstrates that a conflict that that seems truly intractable can be altered fundamentally if a 'geopolitical shift' exists which then changes the parameters and calculations of the parties to the conflict. The Comprehensive Peace Agreement (CPA) was a fair settlement of Africa's oldest conflict because it addressed legitimate grievances of the Southern Sudanese whose right to self determination was recognized. Positive involvement of neighbouring countries minimized the risk of spoilers and was fruitful because the mediators from these states combined the knowledge of Sudan in managing the course of the negotiations. Skills, both in the form of 'carrots' and 'sticks' enhanced pressure on the parties and were better provided by extra-regional actors such as the European Union and the United States.



Chapter Four gave a critical analysis of the Somali peace processes. It was noted that the Somali conflict is driven by a plethora of issues that revolve around human security challenges and survival of the cohesive structures of governance. It was pointed out that the vacuum in the political space created by the collapse of the Somali state provided fertile fodder for political opportunism. Mediators ignored clan structures despite the fact that the Somali conflict is closely linked to the clan battle lines. Warlords, opportunists and individuals benefitted from the conflict and made the peace effort difficult. It was also observed the nature and role played some of the neighbouring countries in the Somali conflict resolution process, and the role played Ethiopia in particular became an impediment to the peace process and future peace processes must address this challenge. It is also noted that the Somali conflict lacks substantive issues while the areas of contention remain at the individual and clan levels. These interests are economic, property and political space. Mediators have failed to resolve the Somali conflict because they have focused on revival of a central government as the benchmark of success rather than the less tangible but critical resolution of the conflict. In some cases, mediator lacked neutrality, were incompetent and lacked understanding of the Somali culture amongst other challenges.

Chapter Five made an appraisal of the issues by comparing the mediation strategies in the two cases: Sudan and Somali peace processes. Whereas in the Sudan case, *directive* mediation strategies took a more dominant role by mediators resulting in a formal and a comprehensive peace agreement, the Somali peace processes faced the challenge of poor mediator skills and failure to apply leverage which is requisite in resolving an intractable conflict as is the case with the Somali conflict. Thus, in the case of Somalia, mediators failed to provide a comprehensive peace agreement that would have resolved the conflict. The Somali case only affirmed the importance of *directive (manipulative)* mediation styles and the use of leverage in managing intractable conflicts. In addition, international institutional

backing is necessary in providing legal legitimacy and political credibility that is necessary for if leverage to be imposed on parties to a conflict.

Lastly, Chapter Six is therefore structured as follows: the first section will discuss a number of implications arising from the findings; the next section will discuss some policy recommendations that follow from this study; the third section will discuss how the study has contributed to the literature; and the final section concludes this study with recommendations for further research.

### **6.1 Implications Arising From the Findings**

This study has not only looked at mediation styles and tactics in resolving intractable conflicts such as the Sudan and Somali conflict but also outcomes associated with these strategies. Directive mediation styles were observed to have the most positive outcomes. Indeed, they produce formal and comprehensive peace agreements. It was also observed that for formal and comprehensive agreements to be attained, pressure and leverage is necessary. This was clearly observed in the North-Sudan peace processes where the mediation was used and culminated in the Comprehensive Peace Agreement that guaranteed the right to self-determination of the South. The lack of directive mediation styles contributed to the numerous failed international mediation attempts to resolve the Somali conflict that has now lasted twenty years since the departure of President Siyad Barre. Though directive mediation styles are most dominant and tend to produce positive outcomes such as cessation of hostilities, formal and comprehensive agreements, and improve disputant relationships, communication-facilitative and formulative styles were employed at the various stages in a mediation process. Communication-facilitative styles occur when the mediator adopts a "hands-off" approach and plays a passive role. Formulative (procedural) styles was also used and involved mediators controlling certain aspects of the process such as agreeing schedule, setting the agenda for the meetings and controlling the environment under

the mediation occurs. This is typified by some of the strategies employed by the Chief Mediator, Lt. Gen. Sumbeiywo, in the IGAD-led mediation of the Sudan peace process and the numerous peace processes held to resolve the Somali conflict.

Based on these observations, a number of factors are important strategic considerations for identifying requisite mediation styles and realizing positive outcomes in resolving intractable conflicts.

### **6.1.1 The need for Mediators to be non-partisan**

Parties locked in an intractable conflict regard each other with extreme mistrust and animosity. They may hold very deep positions and view the conflict from a zero-sum perspective. Negotiations would entail talking to an enemy and the prospect of compromising core values in order to reach an agreement. Parties fear losing face in the eyes of their constituencies and being outmanoeuvred by their opponent's negotiating tactics. Consequently, they become reluctant to engage in peace talks even when they have begun to contemplate a resolution of the conflict.

The presence and support of a trusted third-party, mediation can provide a relatively calm and safe environment for adversaries to articulate and explore ways of meeting their respective concerns. Because of the anxiety that negotiations may lead to an unfavourable outcome, their trust in a mediator is crucial. Parties expect the mediator to be non-partisan and fair. Any substantial bias by a mediator will be viewed as a breach of trust and may derail the mediation initiative.

In the Sudan case, earlier peace processes saw rejection of mediators because of actual or perceived bias. This was the case when the Movement for Colonial Freedom was rejected as a mediator in Sudan in 1970. However, the IGAD-led Sudan peace process (between 2002 and 2005) through the chief mediator was trusted by the conflicting parties provided a conducive environment for negotiations to take place. He cultivated the trust of

the two conflicting parties and managed to shield the process from interference from observers of the process (for instance, the US prior to the signing of the Machakos Protocol in October 2002). Because of this trust, he became a guarantor to the peace process whose outcome was a comprehensive peace agreement that granted the South its clamour for self-determination, secularism in the South, a power-sharing arrangement, sharing of wealth from contested territories and creation of new and integrated forces. On the other hand, the numerous mediation attempts in Somalia peace processes failed partly because of perception by the conflicting parties that mediators were partisan. Thus the peace agreements lacked legitimacy and could not be upheld.

The best example is typified by the 1993 launch of UNOSOM II in Somalia with a view of promoting reconciliation among the warring factions. Following the killing of Pakistani peacekeepers, the UN embarked on a military campaign against General Aideed, the faction leader deemed responsible. In a bid to hunt him down, UN bombed a house and killed over fifty clan members<sup>1</sup>. Menkhaus asserts that these efforts to arrest the warlords, "failed to account for the notion of collective responsibility in Somali political culture .... Actions taken against a clan's militia leader were seen by Somalis not as justice done to an errant individual but as hostile action against the entire clan."<sup>2</sup> Having compromised its impartial standing; the UN became too discredited to pursue its mediation efforts and departed Somalia in ignominy<sup>3</sup>.

### **6.1.2 The Need for a Confidence Building Approach to Mediation**

The key to effective mediation lies in understanding, managing and transforming the political and psychological dynamics of protracted conflicts that make disputants fiercely

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<sup>1</sup> Chapter Four gives a detailed discussion of the UN intervention in Somalia and its failure.

<sup>2</sup> K. Menkhaus, "International Peacebuilding and Dynamics of Local and National Reconciliation," in *International Peacekeeping*, Vol. 3, No. 1 (1996), p. 59

<sup>3</sup> K. Menkhaus and A. Jan, "Peacebuilding in Somalia," in *IPA Policy Briefing Series*, (New York: International Peace Academy, 1996)

resistant to negotiations<sup>4</sup>. These dynamics can be described in general terms: the parties regard each other with deep mistrust and animosity; they believe their differences are irreconcilable; they consider their own position to be non-negotiable; and they fear that a negotiated settlement will lead to unacceptable compromises<sup>5</sup>. The consensual and voluntary nature of mediation is so fundamental that it can be regarded as a defining feature of the process<sup>6</sup>. A mediator seeks to facilitate agreements in an even handed fashion and on terms acceptable to the parties. These features of mediation render the process a non-threatening venture and mitigate distrust. In the Mozambican process, for instance, RENAMO agreed to engage in talks with FRELIMO but refused to proceed without a mediator, insisting that a mediator would compensate for the absence of trust between the parties<sup>7</sup>. Most protracted conflicts are wracked by large-scale violence, one or more parties pursues an illegitimate cause and violates fundamental human rights and other international norms. Thus, the key assumption of confidence-building in mediation is practical in the sense that in the absence of an outright victory, a peace agreement and its long term sustainability require the consent and cooperation of belligerents<sup>8</sup>.

In civil wars, as is the case with both the Somali and Sudan conflicts, the belligerents and their constituents co-exist within the same territory. Indeed, as has been observed in the two cases, the total defeat of a community be they South Sudanese or a Somali faction is seldom possible. Furthermore, the suppression of a disputant is unviable. Thus, to enable some form of enduring stability, mediation facilitates positive interaction between the parties. As was observed in the Sudan case, some measure of stability was attained through a

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<sup>4</sup> L. Nathan, "Mediation and the African Union's Panel of the Wise," in *Crisis States Development Research Centre, Discussion Paper No. 19*, (London: Development Destin Studies Institute, 2005), p. 1

<sup>5</sup> Ibid., p. 2

<sup>6</sup> See United Nations, *Handbook on the Peaceful Settlement of Disputes between States*, (New York: United Nations, 1992), pp. 33-45

<sup>7</sup> C. Hume, *Ending Mozambique's War*, (Washington, DC: United States Institute of Peace, 1994), pp. 33 - 34

<sup>8</sup> L. Nathan, "Mediation and the African Union's Panel of the Wise," op. cit., p. 2

negotiated settlement that addressed the fears of the North and aspirations of the South. In the Somali case, a negotiated settlement would have been achieved if the mediation was cognisant of these facts, was able to discern the issues in the conflict and build trust between the various conflicting parties.

### **6.1.3 Use of Knowledge to Complement Leverage**

Mediators should refrain from the narrow perception of leverage as propounded by Zartman<sup>9</sup> who contend that leverage is the “ultimate” bargaining chip in mediation. It must be recognized that there could be instances where leverage is available but not open to use. For instance, in the analysis of the Uganda mediation, Mwagiru notes that Kenya was unable to use the leverage it had to effect a blockage on Uganda, a landlocked country, because it was aware that this could hurt both countries equally<sup>10</sup>. Mediators need to have knowledge about conflicts and the analytical capacity to enable them to determine their resolution to supplement their limited source of leverage. In the Sudan case, in addition to using leverage where necessary, Sumbeiywo and his mediation team also used workshops and introduced experts to address power asymmetry issues between the parties. With these workshops, the parties were brought to the same level of expertise, to then resume negotiating on a level playing field<sup>11</sup>. To some extent, therefore, knowledge was used to complement leverage to improve the relationship between the conflict parties and to “smoothen” the negotiation process. A similar approach was used in the Djibouti peace process by Ambassador Ould Abdalla to generate momentum and avoid stagnation of the negotiations, which when compared to past peace processes, were a long drawn out affair. Ambassador Ould Abdalla

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<sup>9</sup> I. W. Zartman, “Conflict in Chad,” in A. A. Day and M. W. Doyle (eds.), *Escalation and Intervention*, (Boulder, CO: Westview, 1986), p. 27

<sup>10</sup> See detailed analysis in M. Mwagiru, *The International Management of Conflict in Africa: The Uganda Mediation, 1985*. (Ph.D. Dissertation, University of Kent at Canterbury, 1994), pp. 433 - 434

<sup>11</sup> See Chapter Three for details

also used workshops during sessions on substantive issues which created space for parties to be comfortable with discussions<sup>12</sup>.

#### **6.1.4 The Need for an “All Inclusive” Peace Process**

Agreements generally have very short life span that often collapsed soon after they have been signed. It is important to introduce strong mechanisms that ensure that agreements endure<sup>13</sup>. This begins by the design of a negotiation process that includes all parties who have a stake in the outcome<sup>14</sup>. The peace agreements in the various mediation attempts on the Somalia conflict were not comprehensive. This is because they did not include all the parties to the conflict. Some of the conflict parties did not own the peace processes. These presented problems during implementation and to a large extent the emergence of spoilers. Thus, those left out of the process continued with hostilities and further sustained the conflict. On the other hand, the Comprehensive Peace Agreement (CPA) was a product of negotiations between the two principle parties in the North-South Sudan conflict, namely SPLM/A and the Government of Sudan. It addressed core issues that could be traced from both pre and post-independence periods. It provided for a power-sharing arrangement for the parties in the conflict, sharing of wealth and resources, addressed security issues, and provided for self-determination of the Southerners.

#### **6.1.5 Mediators Must Develop Additional Strategies for Deterring Spoilers**

In the cases examined in this study, an in-depth analysis of the characteristics of the spoiler problem and the dynamics of the conflict and dynamics of the conflict reveal that where pressure needs to be applied in order to effectively deter spoilers. Greedy spoilers like Aideed and others who have emerged in subsequent peace processes like Al Shabaab, ARS-A

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<sup>12</sup> See Chapter Four for details

<sup>13</sup> J. Ashworth, *Five Years of Sudan Focal Point Briefings*, (Pretoria: Sudan Focal Point-Africa, 2004), p. 8

<sup>14</sup> P. A. Nyaba, “The Political Charter: NO Act of Chivalry,” in P. A. Nyaba, *The Politics of Liberation in Southern Sudan: An Insider’s View*, (Kampala: Fountain Publishers, 1997), pp. 151 - 152

and Hizbul Islam, can be dealt with by meeting their core demands and simultaneously reducing opportunities for them to create impediments to conflict resolution throughout the negotiating process<sup>15</sup>. This strategy combines positive inducement, they offer rewards in the political settlements, with coercion, threat and use of punitive action against anyone who does not comply with the political settlement or break agreements made during the negotiating process. The effective balance between positive inducement and coercion greatly depends on the circumstances of the conflict resolution process, and may not be readily obvious due to the shifting dynamics of the negotiation process. Stedman calls this strategy socialization, as it is used to shape spoilers' attitudes toward the peace process and induce compliance with political settlement underway<sup>16</sup>.

An important strategy of socialization is recognizing the balance of power that prevails on the ground at the time mediation occurs. Because greedy spoilers demand as many concessions from political negotiations as they can get away with based on their military dominance, the opportunity structure of the negotiations must be shaped to offer them a better deal in peace than in war. Normally, throughout the entire negotiating process, both real and potential spoilers are constantly analyzing their decision calculus, weighing the risks versus gains from continuing the conflict<sup>17</sup>. Positive inducements or concessions may be included in the process to reward compliant behaviour on the part of the parties to the conflict. This may include agreement to recognize grievances that provoked one party to turn to an armed struggle, such as guarantees of social equality for a party's ethnic group in a new state constitution, or an ethnic quota system for a new parliament. However, rewards alone may not keep actors on track on a peace process.

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<sup>15</sup> K. M. Greenhill and S. Major, "The Perils of Profiling: Civil War Spoilers and Collapse of Intrastate Accords," in *International Security*, Vol. 31, No. 3 (Winter 2006/2007), pp. 7 - 40: 9

<sup>16</sup> S. J. Stedman, "The Spoiler Problem in Peace Processes," in *International Security*, Vol. 22, No. 2 (Winter 2003), pp. 5 - 53: 19

<sup>17</sup> K. M. Greenhill and S. Major, "The Perils of Profiling: Civil War Spoilers and Collapse of Intrastate Accords," op. cit., pp. 8 - 11



Greedy spoilers may demand further concessions or default on their promises altogether with the hope that they will win greater rewards for prolonging the conflicts. Coercion is used to deter the spoilers and “relies on the use or threat of punishment to deter or alter unacceptable spoiler behaviour or reduce the capability of spoiler to disrupt the peace process”<sup>18</sup>. Coercion prevents an actor’s intransigence from reigniting the conflict and spoiling the entire peace process. As a tool, coercion must be used to maintain the opportunity structure based on the balance of power on the ground, in place when actors begin negotiations<sup>19</sup>.

#### **6.1.6 Strive To Keep the Moment “Ripe” During Implementation**

As has been observed, Zartman argues that settlements are reached when the *moment is ripe* and belligerents reach a *mutually hurting stalemate*<sup>20</sup>. This normally takes place when belligerents agree to sit down at the negotiating table and consider resolving their conflict politically; it is because they have reached a “mutually hurting stalemate” in the conflict: they believe they have more to gain from a political settlement than from a prolonged violence because they are not winning the armed conflict<sup>21</sup>. When “hurting stalemate” has been achieved, the parties are “ripe” for a negotiated settlement, but if the negotiations unravel or the implementation of a peace agreement fails, the factions are said to “unripen”<sup>22</sup>. In other words, conflicting parties are quick to sense the vulnerabilities of peace agreements and their subsequent implementation. Indeed, greedy spoilers take advantage. Thus, decisions they made a few months (or even years) ago may seem counterproductive to them later on as their

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<sup>18</sup> S. J. Stedman, “The Spoiler Problem in Peace Processes,” *op. cit.*, p. 13

<sup>19</sup> K. M. Greenhill and S. Major, “The Perils of Profiling: Civil War Spoilers and Collapse of Intrastate Accords,” *op. cit.*, p. 13

<sup>20</sup> See I. W. Zartman, “The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments,” in *The Global Review of Ethnopolitics*, Vol. 1, No. 1 (2001), p. 1

<sup>21</sup> I. W. Zartman (ed.), *Collapsed States: The Disintegration and Restoration of Legitimate Authority*. (Boulder, CO: Lynne Rienner, 1995), p. 18

<sup>22</sup> O. Ramsbotham, T. Woodhouse, and Hugh Miall, *Contemporary Conflict Resolution*. (Cambridge: Polity, 2005), p. 167

relative situation change. If pressures that brought the parties to the negotiating table are withdrawn, they may attempt coercion of their own against mediators in order to reshape the contours of the negotiations to their benefit.

In the Sudan peace process after the Comprehensive Peace Agreement was signed, the moment was ripe and Government of Sudan and SPLM/A had indeed reached a mutual hurting stalemate, largely due to external pressure, especially from the United States who had given priority to the issue as mentioned in Chapter Five. However, when major deadlines in the CPA were missed (for instance, Sudan Armed Forces-SAF-troops to have left the South by 9 July 2007) were missed, this did not lead to any international reaction<sup>23</sup>. Similarly, failure to keep the moment ripe and to exert “mutually hurting stalemates” among the parties in the Somali conflict only resulted in continued civil war. In the Somali case, there was a complete lack of external pressure and the peace enforcement provided by the United Nations lacked the requisite credibility, thus, failing to tilt the balance of power on the ground. International actors tend to focus so much on the peace agreements that they do not have any commitment left for implementation, which can have tragic results because non-implemented agreements makes the situation worse instead of better. In an implementation process it is hoped that trust would be sufficient to keep the moment ripe but external assistance is necessary through external pressure because the goal is not to keep parties in a “mutually hurting stalemate” but rather to have them in a more positive “ripe” moment. This is where positive inducement can be used. Hence, ripeness can be maintained to punish the parties for non-implementation of peace agreements and rewarding parties for fulfilled agreements.

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<sup>23</sup> International Crisis Group, “A Strategy for Comprehensive Peace in Sudan,” in *Africa Report*, No. 130, (Brussels :ICG Press,2007), p. 5

### **6.1.7 The Role of Sub-Regional Organization in Managing Conflicts**

Examining the role of regional organizations and management of the Sudan and Somalia conflicts, IGAD's involvement on these two cases is varied. In the Sudan case, IGAD made the Comprehensive Process possible as a mediator. It also had the relevant skills to facilitate a peace agreement<sup>24</sup>. Various factors enabled IGAD involvement to be successful. IGAD got the requisite support both by UN and major western countries, including the United States, that afforded the organization a moral standing with the two belligerents<sup>25</sup>. Such legitimacy ensured that all the other mediation efforts outside the IGAD framework were irrelevant. Indeed, throughout the negotiations process that lasted eleven years, neither belligerent ever questioned IGAD's mandate to mediate in the conflict, even though Khartoum government more than once raised doubts in IGAD's ability to bring about a negotiated settlement that would meet the demands of the North. It was such legitimacy that enabled IGAD to persuade the Sudanese government and SPLM/A to negotiate.

As noted by Zartman, the entry of third party actors as mediators in internal conflicts is perceived by states as affording legitimacy to grievances of rebels; hence its unwillingness to entertain mediation as an option<sup>26</sup>. Khartoum's acceptance of IGAD as a mediator afforded the SPLM/A leaders the legitimacy as valid spokespersons for southerners. IGAD mediation made it very difficult for Sudan government to operate outside the IGAD framework due to international pressure which asserted that it had a responsibility to end conflict. Thus, regional organizations enjoy unparalleled legitimacy in their attempts to resolve disputes within member states because regional organizations are formed through treaties that obliges states to abide by the terms of the treaty. Legitimacy of the regional organization can be lost if their skills and conduct raise questions from either belligerents. This can be the case

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<sup>24</sup> See Chapter Four

<sup>25</sup> See Chapter Four; See also F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudan Civil War*. (Nairobi: CUEA Publications Dept., 2008), pp. 76 -79

<sup>26</sup> I. W. Zartman, "Dynamics and Constraints in Negotiations in Internal Conflicts," in I. W. Zartman (ed.), *Elusive Peace: Negotiating an End to Civil Wars*. (Washington, DC: Brookings Institution, 1995), pp. 3 - 30

because, as noted earlier, mediation is a voluntary process, the outcome may not be binding to either party and a mediator must be acceptable to parties in a conflict.

It should be noted that, as discussed in Chapter Three and Five, the potential for a regional organization to successfully engage in mediation is also dependent on externalities. In the Sudan case, US pressure, regional actors helping the SPLM/A and the military situation helped to bring about a negotiated settlement. Furthermore, before the IGAD initiated peace process, few extra-regional actors made any progress to resolve the conflict since it erupted in 1983<sup>27</sup>. The lesson that one can draw from IGAD and the potential of regional organizations is its commitment, patience and the success of securing a formal and comprehensive peace agreement, such as the Comprehensive Peace Agreement (CPA), demonstrated the greater role that regional organizations can play in conflict management.

The Somali case provides the challenges that IGAD faced in resolving the conflict and its challenges provides lessons that can be used to strengthen IGAD further. In this case, though it raised the issue of the Somali conflict when the rest of the international community had become ambivalent to the issue, as was the case with the other mediation efforts, IGAD suffered from legitimacy issues because of being viewed as lacking neutrality; it was unable to determine genuine partners for peace because of the intractability of the Somali conflict; regional instability due to other conflicts in the region which made it difficult for IGAD to focus in addressing the anarchic situation on Somalia; and, IGAD's capacity being challenged by drought, desertification, and poverty, which has only divided IGAD's energy, focus and capacity; and limited its capacity at the secretariat<sup>28</sup>. To further make IGAD effective in managing other conflicts in the region, it needs to develop a peace and security

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<sup>27</sup> F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudan Civil War*, op. cit., p. 78

<sup>28</sup> See also K. Mulugeta, "The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD," A Paper Submitted to Friedrich Ebert-Stiftung, Addis Ababa (December 2009), for details.

strategy which will enhance mutual benefits to all member states and have a common policy to enable it effectively address conflicts in the region.

## **6.2 Policy Recommendations from this Study**

Various prescriptions for policy makers follow from this research. These can be organized along the lines of considerations which are relevant to stages of the mediation process.

### *Directive Mediation Style Has Greatest Probability of Achieving Formal and Comprehensive Peace Agreements*

From the study policy makers are advised to adopt *directive mediation style* while applying both *communication-facilitation* and *procedural (formulative) styles* where relevant during the various stages of the mediation process. *Directive styles* were responsible for the pressure and assertiveness applied to the parties to nudge them to negotiate and to resolve the North – South conflict. Thus, the finding is that the nature of the conflict dictated the strategies adopted by the mediators and ultimately the outcome, which was cessation of hostilities between the conflicting parties, and a formal and comprehensive peace agreement. Through their use of leverage, *directive mediators* are most adept at shifting bargaining positions because they can provide clear incentives for compromise and disincentive for continued violence. By doing so, they help disputants to alter their zero-sum positions and overcome commitment problems. Directive (manipulative) mediators are effective at bringing about mutual compromise and agreements when they provide or arrange security guarantees. Such guarantees increase the likelihood of agreements in general, but particularly effective in getting the conflicting parties to move beyond security issues alone and sign accords that deal with larger political, economic, territorial, or security issues at stake. This study also found that mediators who use *directive mediation styles* while applying *communication-facilitation*

and *formulation (procedural) mediation styles* can increase the prospect of signing formal agreements and reducing post-conflict tensions between parties.

#### *Mediators Should Consider the Political Implication of Their Involvement*

Mediation in intra-state conflicts, like the two case studies examined in this research, is a political involvement and policy makers should consider the political implications of their involvement. This implies that mediators need to be politically apt. As Hare<sup>29</sup> notes that one of the greatest personal strengths that the UN mediator Alioune Blondin Beye brought to the Angolan peace process was his experience with diplomatic forms and protocol. In other words, he knew the world of foreign politics and how to properly function within that realm.

#### *Mediators Should Emphasize That Signing of an Agreement Is Not an End of Peace Building*

This study reveals that signing peace agreements is not an end of peace building but emphasis should shift to the implementation. As has been noted, key implementation deadlines may not be attained if international community does not react or if external pressure is not kept on the parties. For durable peace to be achieved, it is essential that peace-enhancing efforts increase after an agreement is signed.

#### *Mediators Should Focus on Design of Comprehensive Agreements*

Mediators need to focus on designing comprehensive peace agreements. Agreements that are not comprehensive should not be implemented. This study has reinforced the perspective that comprehensive agreements are better crafted to settle a conflict than those that are not. Comprehensive peace agreements are a step closer to having durable peace. The study also has identified challenges emanating from peace agreements that are not comprehensive.

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<sup>29</sup> P. Hare, *Angola's Last Chance for Peace: An Insider's Account of the Peace Process*, (Washington, DC: United States Institute of Peace, 1998), p. 23

*Focus on Power-Sharing Arrangements in Peace Processes Undermines Resolution of Core Conflict Issues*

As was noted in the Somali peace processes, mediators should not succumb to “quick fix” approaches that favour state building at the expense of peace building undercuts traditional conflict resolution systems and local governance initiatives, undercuts grassroots ownership, and reinforces the general public’s apprehension about a return to an imposed government.

*Mediators Should Scrutinize the Effects of Exclusion and Inclusion of Various Parties to the Conflict*

As has been noted in this study, power-sharing agreements can be an intricate matter. At the negotiating table, most focus is usually put on how power should be divided between the parties seating at the table. This relates both to regions within the state not actively involved in the parties, and different stakeholders within the region. In the context of CPA in Sudan, the upsurge in Darfur was caused partly by CPA negotiations. This is also true of all the Somali peace processes where some parties were left out. The dilemma of including or excluding armed actors in a negotiation process is a problem. It has been argued that that the inclusion of non-military actors is a pre-condition for durable peace, and, at the same time, a solution without men holding guns means no peace will prevail at all<sup>30</sup>. These issues are normally complicated and the options available to resolve them are often limited. However, as power-sharing agreement in one part of the country can result in unintended effects on other places, potential effects have to be carefully examined. Furthermore, as has been observed in this study, exclusion of stakeholders can create severe long-term effects, thus, the

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<sup>30</sup> J. Brosch , *Sharing Power- Enabling Peace? Evaluation Sudan’s Comprehensive Peace Agreement 2005*, (Uppsala & New York: Uppsala University Press, 2009). p. 41  
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issue of inclusion and exclusion has to be given critical attention by mediators when it comes to representation of different constituencies.

### **6.3 Contribution of the Study to Further Research**

As discussed below, this study makes a novel and useful contribution to the field. First, this study is one of studies on international mediation that examines in depth the mediation styles and its relationship its outcomes. The study identified the various mediation styles and how they influence mediation outcomes. The study also examined both positive and negative outcomes where positive outcomes are not only formal agreements between parties but the comprehensiveness of the agreement which contributes to mediation success. Positive outcomes include cessation of hostilities and addressing the underlying issues to the conflict. Another important issue that has emerged related to mediation style and outcomes of the mediation process endurance of the agreements and durable peace. These two dimensions are important for creating long-term mediation success.

Secondly, this study identified *directive mediation strategies* as having the greatest probability of achieving formal and comprehensive agreements. Indeed, *directive mediation strategies* cannot be used on their own but rather application of *communication-facilitation* and *formulative (procedural) mediation styles* have the effect of increasing the prospect of signing formal agreements and reducing post-conflict tensions between parties. This is an important finding and international mediation must take cognisance of this fact when applying strategies to resolve intractable conflicts particularly those that are intrastate conflicts.

Third, the implications arising from the findings of this study and the application of the mediation styles challenges mediators to both widen and improve their practice. In other words, while this study explicitly recognizes the obstacles and limitations mediators face, it also adds to a recently growing trend in literature which urges practitioners to improve their



skills, become more creative, and 'raise the bar' on their practice<sup>31</sup>. Mac Ginty takes a critical stance on contemporary peacemaking and current research on implementation of peace accords, argues that practitioners must not adopt a 'cookie cutter' approach to peacemaking and they must be self-critical of their efforts. Likewise in an article by Martin Griffiths<sup>32</sup>, he argues the need for 'maverick' and creative mediators.

In summary, this study makes important contributions to the field. Both the topic of research and some element of the research design are unique (for instance, comparing mediation styles and their outcomes). The research project fills an important gap in conflict management of intrastate conflicts in Africa by examining which *mediation styles* work within these contexts and what factors are necessary for positive outcomes to be achieved from these styles. Lastly, this study adds to a growing trend in literature which challenges mediators to widen and improve their practice from the lessons drawn from the case studies researched on.

#### **6.4 Recommendations for Further Research**

Based upon some of the research findings, a number of topics for future research can be identified. These suggestions are presented as a number of research questions.

##### **1. Which factor is the most important for the creation of durable peace?**

If mediators knew which factors are important for creation of durable peace when resolving intrastate and intractable conflicts, they would spend their energy and resources to address those and thus enhance probability of durable peace from the peace agreements they facilitate. Despite the achievement of a Comprehensive Peace Agreement in Sudan and its implementation, for instance, it emerged that the relationship among the conflicting parties did not change because of the mediation style used or the formality of the agreement or its

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<sup>31</sup> For details see R. Mac Ginty, *No War, No Peace: The Rejuvenated Stalled Peace Processes and Peace Accords*, (Houndmills and New York: Palgrave Macmillan, 2006)

<sup>32</sup> See M. Griffiths, *Taking Peace in a Time of Terror: United Nations Mediation and Collective Security*, (Geneva: Centre for Humanitarian Dialogue, 2005)

comprehensive nature but because mutual interests has kept the parties together<sup>33</sup>. However, this situation has not guaranteed durability of the peace and an enduring agreement.

## **2. Which type of mediator strategy (style) is most likely to lead to durable peace?**

This study set out to determine which mediation styles were effective (that had positive outcomes such as having a formal agreement that is comprehensive and creates a cessation of hostilities between conflicting parties) but faced a limitation in the sense that it only distinguished between three different types of mediator styles, namely: communication-facilitative, formulative/procedural, directive/manipulative styles. As was observed in the two cases, mediators used a combination of mediation styles: Sudan IGAD led mediators used communication-facilitative, formulative/procedural and directive/manipulative styles; while Somalia peace process used a combination of communication-facilitative and formulative/procedural styles. The mix of styles needs to incorporate tactics that take into account spoiler deterrence. A more precise taxonomy that applies a combination of mediator styles that are forceful and non forceful styles could be developed. This new taxonomy could be used to redress the question of which type of mediator strategy is more probable to lead to the creation of durable peace in order to have more precise mediation outcomes.

## **6.5 Conclusion**

This chapter concluded this study by discussing implications arising from the findings, identifying and discussing a number of policy recommendations and identifying ways in which this study has made a contribution to the field, and lastly making suggestions for further research.

In general, this study generated a number of important findings on the role of mediation styles in mediation process and how mediation styles can play a part in resolving

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<sup>33</sup> See Chapter Five for details.

intractable conflicts. A mix of mediation styles has the highest probability of resolving a intractable conflict. Importantly, though there was a mix of mediation styles, directive mediation style has to be the most dominant style for probability of success by mediators. Indeed, directive mediation styles tend to have a higher probability of obtaining a formal and comprehensive agreement and establishing a cessation of hostilities and violence. The agreements are also more likely to be owned by the conflicting parties as opposed to mediation styles that rely on communication-facilitation and formulative (procedural) mediation styles as has been exemplified by the numerous peace processes held to resolve the Somali conflict. In addition, a mediation process must include spoiler deterrence strategies which then increase the probability of positive outcomes in a conflict resolution process.

Finally, both the IGAD led mediation process in Sudan and the peace initiatives held to address the North-South conflict, on one hand, and Somali conflict, on the other only marked the *settlement* and *not* the resolution of the conflict. This is backed by the cliché that negotiations, which is a central part of mediation, even in the presence of a mediator may result in a settlement. The real work towards conflict resolution depends on how the processes of peace building and peacemaking will be executed.

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