

UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

SUB-REGIONAL ORGANIZATIONS IN CONFLICT MANAGEMENT:

A CASE OF IGAD IN SOUTH SUDAN

BY

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DECLARATION

I declare to the best of my knowledge that this research project is my original work and all the sources I have used have been acknowledged.

Signature.....

Date.....

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This research project has been submitted for examination with my approval as University Supervisor

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To all I say, may God Bless you in a mighty way.

ABSTRACT

The Sudanese conflict started in 1956 immediately after attaining independence. Several efforts made by successive Sudanese governments and other actors to resolve the conflict failed. The failure led the Government of Sudan (Gos) and the Sudanese People's Liberation Army (SPLA) to invite IGAD sub-regional organization in 1993 to help. The IGAD mediation efforts cumulated in the signing of the CPA in 2005 between the protagonists.

This study objective was to investigate the IGAD sub-regional Organization role in management of the South Sudan conflict. To effectively achieve this objective, the study relied on documents review analysis of secondary data. The research problem was studied through a descriptive research design which enabled the researcher to make inferences over the independent variable as well as the independent variables and the data was analyzed quantitatively. The study concludes that IGAD's mediation role in the Sudan conflict arose out of security interest of the member states and, IGAD effect as a regional organization enhanced the resolution of the Sudan conflict. The study has shown that the support given to IGAD by international actors by the United Nations and Major Western countries, including the US, gave the organization a moral standing with the two belligerents. The study recommends that there is need for sub regional organizations to develop a funding strategy to be independent and self supporting.

Finally there is need for member states of any organization to demonstrate commitment to the organization to facilitate its operations. Membership to multiple organizations, as happens with most of IGAD members' states, tends to dilute commitment to one or the other. The study recommends that IGAD should receive continued support from the governments of the region as they all strive to increase regional capacity to handle matters of conflict management.

ACRONYMS

| | |
|--------|--|
| ASEAN | Association of South East Asian Nations |
| AU | African Union |
| CEWARN | Conflict Early Warning and Response Mechanism |
| CEWERU | Conflict Early Warning Reporting Unit |
| COMESA | Common Market for Eastern and Southern Africa |
| DRC | Democratic Republic of Congo |
| EAC | East African Community |
| ECOMOG | Economic Community of West African States Ceasefire Monitoring Group |
| ECOWAS | Economic Community Of West African States |
| IGAD | Inter-Governmental Authority on Development |
| IGADD | Inter-Governmental Authority on Drought and Desertification |
| IPF | IGAD Partners Forum |
| NGO | Non-Governmental Organizations |
| OAS | Organization of American States |
| OLF | Oromo Liberation Movement |
| ONLF | Ogaden National Liberation Front |
| RECs | Regional Economic Communities |
| SADC | Southern Africa development Community |
| SPLA | Sudanese People’s Liberation Army |
| SSDF | Somali Salvation Democratic Front |
| UN | United Nations |
| UNHCR | United Nations High Commissions for Refugees |
| USA | United States of America |

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CHAPTER ONE

Introduction

1.0 Background to the Research problem

Since the end of the cold war in 1989, there has been an increase in the number of intra State conflicts in Africa that has left devastating consequences. This is contrary to the general expectation that the end of the Cold War would drastically reduce the incidence of political conflicts. Adetula observes that violent conflicts have continued and become even more salient and prevalent across the continent. Most of these conflicts are rooted in disputes over resource sharing arising from gross disparities in wealth among different groups within the same countries, and the consequent struggles for reform of economic systems to ensure equitable distribution of economic power. Kinrinadr S and others posits that other causes of conflicts in Africa include, absence of democratic structures, culture and practice, and the consequent struggle for democratization, good governance and reform of political systems, systemic failure in the administration of justice and inability of states to guarantee the security of the population and issues relating to religious cleavages and religious fundamentalism. The increase of intra state conflicts in Africa has seen most of these conflicts spill over country borders. This often poses a risk to regional stability and undermines the continents economic development. The persistent absence of peace, security and stability has serious consequences for Africa's development and integration. The Economic Commission for Africa and the African Union report of 2006 concluded that violent conflicts and wars have slowed down integration in some regional economic communities. These include during initial years of Economic Community of West African States (ECOWAS) and South Africa Development Cooperation (SADC) and brought to

stand still in others Economic Community of Central African States (ECCAS). Conflicts have also diverted resources from development efforts and prevented countries from participating fully in regional economic activities (for example Burundi and Rwanda). Moreover, unrest in one country can reduce foreign investments in the neighboring countries and throughout a sub-region. This is particularly damaging since such investment is linked to the development infrastructure and productive capacity in regions economic activities. In each sub-region, countries that are not experiencing civil war are dealing with the consequences of wars in the neighboring states. Manifestations of these include the influx of refugees and proliferation of small arms and light weapons. In extreme cases the neighboring states would be destabilized through border incursions. Violent conflicts and the resultant humanitarian tragedies in large parts of the world combined with the United Nations (UNO) insufficient capability to address effectively these cases merited a closer look at the idea of regionalizing peace operations. Moller observes that since the end of the cold war sub-regional organizations have come to play a prominent role in conflict management often agreed as the principle of subsidiarity.

Africa's regional and sub-regional organizations have been called upon to lead in providing security and conflict management either in form of conflict prevention and mediation, or civilian military intervention or post conflict peace building. These regional organizations were initially meant to provide opportunities for establishment of sustainable economic growth. However, cotemporary regionalism in Africa has seen these organizations change their mandate to cover security issues that include conflict and peace management. The conflicts in Africa require proactive response strategies. The reality is that unless the conflicts that have pervaded different sub-regions of the continent are resolved there would be no hope for lofty goals of economic

integration, development and prosperity. It is impossible to achieve such goals in an atmosphere of insecurity.

One such conflict was the Sudan Civil war between the North and the South that has been termed as one of the longest and devastating intra state war in Africa killing an estimated two million people. The conflict pitted the Arab Islamic North against the Non Muslim Southern part. Khalid, Mansour argues that Sudan conflict traces some of its causes from the post independent Khartoum successive governments which sought to impose their hegemony over the South and the dominant political forces in the North. The Islamic fundamentalists in the National Islamic Front (NIF) carried out violent and radical application of Islam that posed challenges to the authority and power base of the established Islamic fraternities. Christians and adherents of African beliefs were systematically harassed and forced to convert to Islam. These can be regarded as triggers that finally caused the war. Sudan achieved independence in January 1956' the same time the Southerners also mobilized for war.

The conflict that followed became Internationalized its effects felt within the region, continent and world and could not be resolved by successive Sudanese governments and other several actors like Nigeria intervened and made efforts to resolve the conflict but failed. This failure influenced the Government of Sudan and the SPLA and other actors who had interests in the conflict to invite IGAD to mediate in the conflict in 1993. The IGAD mediation efforts cumulated in to the signing of the CPA in 2005 between the protagonists. Therefore this study tries; to examine the of IGAD mediation role in the Sudan peace process from 1993 to 2005; and to

identify factors that made it possible for IGAD to successfully bring the warring parties on the negotiation table

1.1 Statement of the Research Problem

The Sudanese conflict started in 1956 immediately after attaining independence. This was according to Khalid Mansour Africa's longest civil war claiming nearly two million deaths. This conflict became internationalized across the region, and several efforts made by successive Sudanese governments and other actors to resolve the conflict failed. The failure led the Government of Sudan (Gos) and the Sudanese People's Liberation Army (SPLA) to invite IGAD sub-regional organization in 1993 to help. The IGAD mediation efforts culminated in the signing of the CPA in 2005 between the protagonists. This study will therefore examine IGAD's mediation role in the Sudan peace process with a view to understanding how and why it succeeded in brokering peace. Equally, the study will identify dynamics that enhanced the prospects of the signing of the Sudanese Comprehensive Peace Agreement in Nairobi 2005.

1.2 Objectives of the Study

The goal of this study is to investigate the significance of Africa's sub-regional bodies such as IGAD in armed conflict management; In order to achieve this, two objectives emerge:

- To examine the role and challenges of IGAD mediation in the Sudanese peace process from 1993 to 2005.
- 2. To identify factors that made it possible for IGAD to successfully bring the warring parties to the negotiation table.

- 3. To provide recommendations for enhancing IGAD's effectiveness in resolving regional conflicts between member states.

1.3 Justification of the Study

This study is tailored to examine the role played by regional organizations in conflict management with particular emphasis on IGAD in managing the North /South Sudan conflict. The study will also seek to suggest ways through which IGAD can enhance its efforts in conflict management to meet future challenges..Findings and recommendations of the study will be beneficial not only to IGAD but also to other Regional Organizations that are involved in conflict management in their regions. The results of this study would also be invaluable to researchers and scholars, as it will add value to the already existing literature on conflict management and provide a framework for further research. Equally the study shall also assist the policy makers in the government and also in the IGAD sub region in considering the proffered suggestions that could assist in addressing some of the issues.

1.4 Literature Review

Africa is a host to a number of regional organizations that have taken upon themselves the responsibility to ensure peace and stability in their region, in addition to other political and economic objectives. Africa's sub-regional bodies have emerged as institutions of mediation in armed conflicts on the continent. Increasingly, regional organizations have emerged as alternatives to the AU and United Nations in conflict resolution and management

The use of regional and global organizations to resolve interstate conflict has a long history. Burton and Fisher posits that, regional organizations help reduce conflict by isolating and dividing local conflicts before they become intractable global issues. There are many generalizations that have been made that make it possible for sub regional bodies to be effective in conflict resolution. Firstly, these sub regional organizations are made up of countries involved in a conflict and those that are not. As a result, Karuru notes that they have the proximity, and at the same time the sense of balance that allows them to politically define the nature of the conflict. In addition, political and geographical proximity allows these organizations to realize the effects and repercussions of a given conflict, and, if necessary, to seek support from extra-regional sources to end the dispute.

Franke, posits that regional and sub regional organizations' geographical proximity can facilitate more rapid and less expensive responses to violent conflict than is possible through a global body such as the UN and their cultural proximity provides them with a better understanding of a conflict's dynamics, key players and context-specific management and resolution options. Moore reinforces this fact and observes that regional organizations may be more effective at mediating conflict because their member states share common interests that make their actions more timely and effective. Wehr and Lederach Share the opinion that, mediators who are “closer” to the disputants are more likely to promote trust-based mediation, which may be effective at creating more binding agreements.

Conflicts in the post-Cold War have become increasingly regionalized and thus need to be tackled at their roots of origin. Isanginvainio, argues that "the interlocking nature of African conflicts has led to the view that political communities are locked in a regional security complex,

hence response and interventions in domestic wars require a regional approach to the containment, management and resolution of these conflicts."

Garnet, and Schnabel, observes that there is often the possibility that warring parties are more willing to or feel more comfortable at managing disputes at a regional level as opposed to the international level through the UN. This is because both states and private actors in a conflict may favour the participation of less intrusive third-parties. Similarly, some countries might resist assistance from outside states and international organizations out of concern for protecting state sovereignty and to shield themselves against outside actors seeking to gain political influence over internal affairs. Bergenas, posits that the President of Sudan's refusal to allow UN troops to replace the African Union (AU) force in that war-torn country is one illustration of this issue.,

Regional organizations, compared to the UN, have the possibility of being more flexible in their treatment of evolving or ongoing wars as they have a limited agenda and are not subject to the use of veto powers from the part of regional hegemonies as is 'the case in the UN Security Council. There is also reason to believe as Bergenas, notes peer pressure applied from other states within regional and sub-regional organizations will be more effective than efforts from outside.

Francis, observes that a combination of proximity and flexibility should, in principle, imply the ability to act faster and, if needed, rapidly deploy peace keeping forces, and regional and sub-regional organizations would spur national governments to action and set a positive example for nations in other regions.

Oloo argues that critical to the success of any regional or sub-regional organization in conflict management is the political interests and commitment by the leadership of each member state. This would essentially entail giving up a certain degree of national sovereignty by each member state for a common good, a matter which is not easy to achieve as most states are highly guarded about their sovereign identity and interests. Moreover, the regional approach to resolving complex problems should also have inter-sectorial linkages, because the totality of human existence consists of interrelated facets of social, cultural, political and economic experience which do not appear in isolated compartments. The combined resources of regional states he observes are also likely to be cost-effective and much more productive to regional development than individual efforts of states which are often replete with duplication of efforts and wastage of scarce resources.

In 2006 Francis, examined building regional peace and security Systems in Africa. and concluded that sub regional organizations arrangements usually lack the operational expertise to handle complex conflict situations and they do not have the capability to prevent violence from breaking out and have not been able to develop a comprehensive peacekeeping capacity.

In 2003 Clement, compared conflict Management in West Africa and the Great lakes region and concluded that the proximity factor could play a negative role as it might generate tensions and undermine impartiality as member states could be involved in the conflict. In 2002 Ghebremeskel, observed that regional actors tend to see conflicts in their region through "the coloured glasses of narrow national self-interest" and are thus likely to be confronted with an incompatibility of interests leading them to put their own political and military gain before a lasting resolution of the conflict. Jackson notes that usually the greatest obstacle in regional

peace efforts is the fact that these organizations lack the resources and the political consensus to carry on effective operations. "The inherent problem is that not only do quick terminations of escalating violence require military backing and political support, they also require long-term post-conflict commitments. It is no longer sufficient to stop the violence. These regiosceptics maintain that the continent's regional and sub-regional organizations suffer from enormous resource and capacity constraints in the areas of training, interoperability, sustained readiness, transportation and logistics as well as funding which will continue to thwart effective action for the foreseeable future. Given that these resource and capacity constraints are directly related to the meagre military capabilities of the organizations' member states and their dire economic situations, the regiosceptics also doubt the potential for substantial improvements in the short-term.

Apart from the literature of sub-regional organizations involvement in conflict management, there is a lot of literature on their involvement in such processes. Such studies have primarily dwelt on mediation processes. Mohamoud examined peace efforts towards the Somalia conflict and concluded that twelve national reconciliation conferences were convened with the goal of restoring a central authority in Somalia yet no success was achieved. He attributes this to the fact that faction leaders and warlords who signed the peace deals, and agreed to form a central government, often failed to honour their pledges and/or promises. This was because they have never trusted each other and feared losing their economic and political power in a national government framework.

Attivor assessed the AU conflict management mechanism through the study of the Chadian and Liberian crises. He observed that in both countries and indeed most of African countries, the

main sources of conflicts have been economic vulnerability and political instability, while AU organs for conflict management have been ad hoc in nature until the establishment, in 1993 of the mechanism for conflict prevention, management and resolution. He concluded that the establishment of the mechanism is an indication that the AU realized the importance of preventive diplomacy and early warning concept as tools for conflict prevention and management.

1.5 Summary of the literature gaps

The foregoing review of literature revealed that the weak socio-economic and political nature of most member nations have been responsible for the high instability in the sub-region. For example, Golwa observed that leadership issues, ethnic or character conflicts, economic dependency coupled with lack of economic growth, bad governance and collapsed structures are factors which lead to conflicts and strained relations. Similarly Lord-Attivor, noted that mismanagement of the economy and polity fuels conflicts along ethnic lines, this is more so since ethnic lines are the most fragile compartments in which nations could crack, the temptation to use ethnic rivalry political gains is equally powerful and is usually exploited. The effect of the situation is most often greater on one section or ethnic group than the others, the result is progressive revolts that, lead to insurgency. Nations in perpetual state of instability have less desire to participate in resolving other nations crisis.

1.6 Theoretical Framework

This study adopts the mediation theory in understanding IGAD's conflict management role in the South Sudan conflict. It helps us examine the key variables affecting the mediation effort.

Bercovitch argues that non – traditional approaches to 3rd party mediation have become more prominent for a variety of reasons which are both positive and negative. These reasons include the development of more negotiation skills and methods coupled with awareness of complexity and intractability of many deep roots internal conflicts and some successes by nongovernmental organizations in facilitating discussions for instance, the facilitation of peace accord once done by Norway between the Israel and the Palestinian. It has also been argued that the traditional forms of bilateral or multilateral diplomacy to resolve internal conflicts cannot be relied on due to its failure and imitating exacerbated by the concepts of non interference and sovereignty in the internal and sovereignty in the internal affairs of states. As a result of this realization both traditional and nontraditional third party approaches have been divided into major realms: namely parties settlement of specific issues or integrative conflict resolution and transformation. In the regard, transformative process is involved with resolving broad social structures/issues and moving towards a social space open for co-operation, more than just relationships and non violent mechanisms for resolving a conflict. When this is applied in a transformative process, non prescriptive method of analyzing root causes and exploring mutually acceptable compromises entail empowerment of local people. The objective of this empowerment is basically to re-establish or secure a democratic space conducive for the transformation of the conflict and attainment of peace. Human needs theory also points that basic needs for security identity and recognition are not negotiable and cannot be comprised furthermore, frustration or suppression of basic needs is perceived as a primary source of Conflict. A promising approach at solving human needs oriented conflict is considered to be transformative and aims reaching outstanding issues as quickly as possible and move on to

secondary issues which may include historical background and the pace of conflict process. The relevance or applicability of this theory to Sudan conflict cannot be discounted. It is the grossly disadvantaged position of the Southerners that forced them to wage war against the north which enjoyed opulence and unbridled power. Transformative is best suited because of its approach to deal with substantive issues first, such as stopping the war which was the case in S/Sudan and tackling the rest later. It is however given that the existence of differences between individuals does not by itself cause conflict. In the majority of conflicts incompatibility of goals which could include dissimilarity in attitudes, perceptions, cultural values and norms, way of life, could foment a conflict. To this end, all these varying differences must be reconciled to achieve a lasting peace.

Mwagiru argues that a culture of “the memory of conflict” in which he emphasizes that a conflict must be put in context of its memory for it to be understood because every conflict has memory that underpins its origin. The underlying causes of the conflict in Sudan which include non-inclusiveness policies, cultural differences, and religious differences, proximate factors include Under deployment, educational neglect and forced islamization. This thesis considers the theory of social inequality as some of the root causes of the conflict to guide this research (transformative approach) using the regional organization (IGAD) to intervene in the Sudan conflict. In view of its vantage position in the region –IGADs intervention is considered relevant to mediate in this conflict. The members of IGAD come from within the region and are knowledgeable in regional matters including the intricacies of this particular conflict.

1.7 Hypothesis

Findings of this study are anticipated based on the following hypothesis.

1. IGAD mediation role arose out security interest of the member states in Sudan conflict .
2. IGAD efforts as a regional organization enhanced the resolution of the Sudan conflict.

1.8 Methodology

This study is intended to investigate the IGAD sub-regional Organization role in management of the South Sudan conflict leading to the signing of the Comprehensive Peace agreement between the Government of Sudan and the Sudan People's Liberation Army in January 2005. To effectively achieve this objective, the study will use documents review analysis of secondary data to be able to understand what is known about regional organizations and the related issue of conflict management. The documents to be reviewed will include Text books, journals, conference papers, web pages, Reports, Journal and Articles, published and unpublished papers internal official report of organizations like the UN, IGAD and the International crisis group will also used. This study will use a descriptive research design which will enable the researcher to make inferences over the independent variable as well as the independent variables and the data will be analyzed quantitatively.

1.9 Chapter Summary

This study consists of five chapters. Chapter one gives background of the study and highlights causes and effects of conflicts, the Sudan conflict and role of regional organizations in conflict management. The problem statement is stated, included also are the objectives of the study and justification. Literature review on conflict management, and theoretical framework this is followed by the methodology adopted by the study, and the hypothesis it seeks to validate or invalidate. Chapter two looks at the role of sub regional organizations within Africans regions.

Chapter three analyzes the IGADs' role in Sudan conflict. Chapter four analyses the factors that facilitated the signing of the CPA. Chapter five is the last chapter summarizing the findings of the study, and makes conclusions and recommendations of the research.

CHAPTER TWO.

Conflict management by sub-regional organizations

2.0 Introduction

This chapter gives an overview of conflict management by five main Regional Economic organizations covering Africa's five main regions. They include the Economic Community of West Africa (ECOWAS), Intergovernmental agency on development(IGAD), Economic community of Central African States (ECCAS),and the Arab Maghreb Union (AMU).

2.1 ECOWA's Approach to conflict management

ECOWAS was established as a vehicle for economic collaboration, however, Adebajo notes that the organization has gradually become rather deeply involved in conflict management, and with some success. One explanation may be that it unites nations facing common challenges and problems' spilling over' from one country to its neighbours, and thus crying out for multilateral

solutions, such as organized crime and small arms proliferation. What also ties the region together is the presence of an obvious hegemony, namely Nigeria, which surpasses all other members in most respects

ECOWAS was founded in 1975 and its membership has remained stable since then, the only exception being Mauritania, which according to Africa Research left the organization in 2000 . The founding Treaty of Lagos was exclusively devoted to economic and social integration and did not even mention peace and security issues, but in 1978 ECOWAS adopted a 'Protocol on Non-Aggression', followed in 1981 by a 'Protocol Relating to Mutual Assistance in Defence'. It was also decided to establish a Defence Council and a Defence Commission, as well as to earmark units from the national armed forces to participate in multilateral forces. Nevertheless, virtually nothing came of this, just as the non-aggression pact was violated on several occasions, for example during the civil wars in Liberia and Sierra Leone.

By the time these two challenges appeared, ECOWAS was readying itself to play a security role, but was still far from ready, necessitating improvisation. Partly drawing on the lessons of these two armed conflicts, the Lagos Treaty was amended in 1993, and the new Treaty of ECOWAS included several innovative measures in the field of peace and security. The preamble thus envisioned a 'partial and gradual pooling of national sovereignties to the Community', and member states committed themselves to strengthen existing mechanisms and to establish 'a regional peace and security observation system and peace-keeping forces where appropriate'.

ECOWAS now has a fairly elaborate organizational structure .Ajulo observes that the main bodies are the Authority, consisting of the Heads of States and Government, a Council of Ministers, a Community Parliament, an Economic and Social Council, a Community Court of

Justice, a Commission (formerly Secretariat) and a Fund for Cooperation, Compensation and Development.

In 1999, Adibe writes that a ‘Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security’ was adopted. Besides the Authority and the Secretariat, it involves a Mediation and Security Council (MSC), in which decisions are taken by a two-thirds majority of states. The MSC is mandated to authorize all forms of intervention and decide on the deployment of political and military missions. Under the auspices of the MSC a number of organs were further established, including: A Defence and Security Commission, consisting of chiefs of staff, officers responsible for internal affairs and security and civil servants from the foreign offices; A Council of Elders, consisting of ‘eminent personalities’ envisaged to serve as ‘mediators, conciliators and facilitators’; ECOWAS Ceasefire Monitoring Group (ECOMOG), comprising armed forces as well as civilian personnel charged with observation and monitoring, peace keeping and restoration of peace, humanitarian intervention, enforcement of sanctions, preventive deployment, peace-building, disarmament and demobilization and policing activities; An early warning system consisting of an Observation and Monitoring Centre in charge of data collection and analyses, and four observation and monitoring zones.

The protocol further envisaged ‘a graduated strategy for building peace’, including such missions as supervision of elections and general support for the development of democratic institutions, disarmament, demobilization and reintegration programmes, also for child soldiers and measures to control the flow of small arms. Murray observes that Considerable effort has gone into the latter problem – e.g. producing a ‘Moratorium on the Importation, Exportation and Manufacture

of Light Weapons' signed in 1998, followed in 2006 by a 'Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials', which has yet to enter into force .

In 2001, an supplementary protocol was adopted, dealing with democracy and good governance, establishing a set of mandatory constitutional principles, including separation of powers, free and fair multi-party elections and a 'zero tolerance for power obtained or maintained by unconstitutional means'. Provisions were made for election monitoring, and sanctions such as suspension from decision making within the organization were foreseen for violation of these norms. That this is not mere talk was demonstrated as banjo observes that when the organization imposed diplomatic sanctions on the new government in Togo, regarded as usurpers because the military had, upon the death of the dictator, Gnassingbe Eyadema, manipulated his son into power.

ECOWAS has also launched military peacekeeping operations. The first was to Liberia, where a chaotic civil war was created by the insurgency of Charles Taylor's National Patriotic Front of Liberia (NPFL) in 1989. Following the signing of a ceasefire with which none of the warring parties complied, and in the conspicuous absence of any UN attempts to solve the crisis, ECOWAS stepped into the breach with a hastily assembled, and predominantly Nigerian, regional peacekeeping force. Euphemistically labeled 'ECOWAS Monitoring Group', ECOMOG was deployed to Liberia in 1990. Alao contends that it was a mixed success, as the peacekeepers even failed to protect the life of the deposed president, Samuel Doe. It was finally withdrawn in 1998 after the rather surprising election of Charles Taylor as president of the country he had

ravaged so mercilessly, and it played only a very insignificant role when the next round of the civil war broke out towards the end of the millennium.

Next came a deployment to Sierra Leone, where a rebellion had been launched by the Revolutionary United Front, supported by Taylor's NPFL. Following several failed mediation attempts and a haphazard deployment of national armed forces of several member states, in 1997 ECOWAS decided to deploy 'ECOMOG II' to Sierra Leone, partly by 'rehatting' forces already there. They managed to reinstate the deposed president Kabbah, even though most of this was in fact a unilateral Nigerian operation. The situation was further complicated as Fowler notes by the overlap between the ECOMOG/Nigerian mission and a small and ineffective UN mission (UNOMSIL), followed by a unilateral British intervention. Following the election of Obasanjo as president of Nigeria, it began a phased withdrawal that forced the UN, to deploy a genuine Peacekeeping mission (UNAMSIL) to Sierra Leone. Even this force, however, needed reinforcement by 3,000 Nigerian troops. Both deployments were arguably reasonably successful and Adebajo posits the performance of the ECOMOG forces largely satisfactory, albeit far from flawless.

The third ECOWAS intervention took place in Guinea-Bissau where an armed conflict broke out in 1998-1999. The first regional response was a joint intervention by Senegal and Guinea without ECOWAS endorsement, which ended in failure. According to Adekeye Adebajo, this failure was partly due to the absence of Nigeria: 'Lacking the regional Gulliver, the Lilliputian peacekeepers had to withdraw from Bissau by June 1999'

The fourth test of the organization came when a civil war broke out in Côte d'Ivoire, which had previously been an anchor of stability in the region. ECOWAS quickly became involved in 2003

and deployed a ceasefire monitoring operation, to supplement a very small UN mission. The ECOWAS troop contributors were Benin, Ghana, Niger, Senegal and Togo, but significantly not Nigeria. An element in this was a rather bizarre military operation, conducted jointly with French forces, the government armed forces and those of the former rebels in pursuit of rogue elements and (mainly Liberian) mercenaries – all with a ‘Chapter VII mandate’ from the UN Security Council. The international Crisis Group observes that in February 2004 the UN mission expanded to a regular peacekeeping mission under which the ECOWAS forces were then subsumed.

In conclusion, ECOWAS has considerably improved its responsiveness to conflict and has become the key player enhancing peace and security in West Africa, as proven by the mission in Cote d'Ivoire.

2.2 SADC’s Approach to conflict Management.

SADC came into being in 1992 through a merger of two other sub-regional organizations, both of which were created as counterweights to apartheid South Africa, the so-called Frontline States and the Southern African Development Coordination Conference. In 1994, South Africa was welcomed as a member of SADC followed by Mauritius in 1995, the DRC and the Seychelles in 1998 and Madagascar in 2005 – of which the Seychelles left the organization from 2004 to 2008, and Madagascar’s membership has been suspended. The founding Treaty of the SADC in 1992 stated several objectives, such as promoting interdependence and integration, as well as basic principles such as sovereign equality of member states, solidarity, peace, human rights and democracy. It also described the organizational structure of the organization with a summit of heads of state and government at the pinnacle, where decisions would be taken by consensus

‘unless otherwise provided’, the quorum being two-thirds of the member states. When the treaty was amended in 2001, the main innovations were the introduction of a ‘troika’ institution under which the incumbent chair would be assisted by both his predecessor and his successor, and constitutional provisions for the Organ on Politics, Defence and Security Cooperation (OPDS). It was further decided that all member states should establish ‘SADC national committees’, including representatives of civil society, albeit merely with a consultative role.

The most important institution is undoubtedly the OPDS, usually referred to as ‘the Organ’. It was established in 1996, but Osei-Heide observes it was initially not subordinated to the ordinary SADC structures, partly because its first chairman, Zimbabwean president Mugabe, obstinately clung to the office until 2001 even though the chair was supposed to have rotated on an annual basis. Berman observes that the Organ was based on a commitment to ‘peaceful settlement of disputes’ and tasked with developing a common foreign policy, joint lobbying in international fora, regional security and defence, conflict-prevention management and resolution, mediation and preventive diplomacy by means of an early warning system, peace-keeping, collective security and collective defence.

In 2001, the Organ was finally subsumed directly under the SADC, and comprises the ministers of foreign affairs, defence and public or state security. Like the SADC summit, it is headed by a troika, the chairman being elected by the summit from its own ranks and on a rotational basis, yet with the stipulation that no state can hold both chairmanships simultaneously. It has two subordinate bodies: the Inter-State Defence and Security Committee (ISDSC), comprising the ministers of defence and of state or public security; and the Inter-State Politics and Diplomacy Committee (ISPDC), consisting of the ministers of foreign affairs. The former has a fairly

elaborate structure, incorporating, for instance, a Southern African Regional Police Chiefs Co-ordination Committee (SARPCCO) .

SADC is officially committed to function as a collective defence organization, and in 2003 a Mutual Defence Pact was signed, committing members to (unspecified) mutual assistance against attack. However, even before this pact was signed, SADC had arguably undertaken two collective defence missions: In response to the joint Rwandan and Ugandan military intervention in the DRC in 1998, when Zimbabwe, Angola and Namibia sent forces to protect the besieged regime of Laurent Kabila, which might be seen as collective defence in the sense of the UN Charter's article 51. Even though the mission had received no formal SADC mandate, it was subsequently granted *ex post facto* endorsement. In 1998, South Africa and Botswana launched an intervention in Lesotho, officially in order to prevent a military coup, which likewise as likoti received an SADC mandate of sorts after the fact, even though the mission failed in most respects.

As far as genuinely multilateral military activities are concerned, the Pact envisions collaboration in military training and joint exercises. Some joint training in peacekeeping activities as observed by De Koenig has taken place –, for example at the (now effectively defunct) Regional Peacekeeping Training Centre (RPTC) in Harare. A couple of military exercises have been conducted, including the 'Blue Hungwe,' 'Blue Crane' and 'Blue. For the foreseeable future SADC's contribution to regional security will thus probably be in the field of 'soft' measures. It has, for instance, taken some steps to address the serious problem of small arms proliferation in the region (e.g. with a 'Protocol on the Control of Firearms, Ammunition and Other Related Materials') and some weapons have actually been collected and subsequently destroyed .

2.3 IGAD's Approach to conflict Management

IGAD was founded in 1996 on the basis of the IGADD (Inter-Governmental Authority on Drought and Development), which had been launched in 1986. Its membership has remained quite stable ever since, comprising Djibouti, Ethiopia, Kenya, Uganda, Somalia, Sudan, Eritrea and South Sudan. The central organs of the organization are the Assembly of Heads of State and Government, the Council of Ministers, the Committee of Ambassadors and the Secretariat, which is located in Djibouti and headed by an Executive Secretary. As with the other RECs, IGAD is based on the principle of sovereign equality of member states and the need for consensus, albeit with the (rather hypothetical) option of taking decisions through two-thirds majority in the Council of Ministers.

IGAD's main objectives were initially economic, but the IGAD Agreement also highlighted the goals to 'promote peace and stability in the sub-region and create mechanisms within the sub-region for the prevention, management and resolution of inter- and intra-state conflicts through dialogue' and to 'facilitate repatriation and reintegration of refugees, returnees and displaced persons and demobilized soldiers'. The agreement also obliged member states to deal with disputes 'within this sub-regional mechanism before they are referred to other regional or international organizations'.

In 2003, an 'IGAD Strategy' was adopted, mainly as a guideline for the work of the Secretariat, enumerating a broad panoply of missions such as promoting good governance and human rights. This may partly reflect the important role played by the donors, on whose support the running of the organization to a large extent depends and who are organized in an IGAD Partners Forum. The same Juma posits may be the case with one of the recent initiatives, the IGAD Capacity

Building Program Against Terrorism (ICPAT). Even though the incidence of terrorism was, at least until the Ethiopian invasion of Somalia in December 2006, quite low. Moller argues that, the United States regards the region as a 'hotspot' of international terrorism. Hence quite generous funds are available for whatever is ostensibly devoted to counterterrorism, allowing states to tap into a rich resource pool for financing their security sectors simply by claiming that the purpose is counter-terrorism.

IGAD's efforts at conflict resolution Woodward observes have focused on Sudan and Somalia .It thus played quite a central role in the peace process between the government of Sudan and the SPLA/M (Sudan People's Liberation Army/Movement) establishing a permanent secretariat, appointing special envoys and hosting negotiations between the two sides. The first main achievement was the 2002 Machakos Protocol, setting out the contours of a settlement featuring power sharing between the North and South, extensive autonomy for the latter followed by a referendum on secession after a six-year transitional period., Then came protracted negotiations on the details, producing a series of protocols that were then wrapped up in the Comprehensive Peace Agreement (CPA) of 2005 . While this was certainly an achievement, Thomas argues that IGAD has neither been involved in the implementation of the CPA, nor done much about the civil war in Darfur, leaving this to the AU.

As for Somalia, various mediation efforts have been undertaken by IGAD mostly intended to somehow create unity among the rivalling clans and factions around the Transitional National Government (*TNG*) which was "elected" by the Arta conference in Djibouti in 2000, attended by two thousand delegates. The Somali Peace Process wa-s initially hosted in Eldoret and began with a gathering of Somali political leaders in October 2002 under the auspices of IGAD before

being moved later to Mbagathi, Nairobi producing an agreement on a federalist political dispensation, followed in 2004 by the establishment (on the basis of clan-quotas) of a transitional federal parliament and government. Having thus served as ‘midwife’ Møller argues that it is hardly surprising that IGAD remained unswervingly on the side of this so-called ‘government’, even though it lacked democratic legitimacy (as none of the delegates had ever been elected) and showed no capacity to govern the country Menkhaus observes that IGAD effectively condoned the Ethiopian invasion in support of the TFG in late 2006, followed by two years of *de facto* occupation, producing one of Africa’s most severe humanitarian emergencies, and left it to the AU to send a peacekeeping force, AMISOM, ostensibly intended to allow for an Ethiopian withdrawal.

In 1998, IGAD embarked on the implementation of a five-point programme on conflict prevention, resolution and management. In 2002, Mwaura observes that an elaborate protocol was adopted on the ‘Conflict Early Warning and Response Mechanism for IGAD Member States’ (CEWARN), and in 2003 a CEWARN unit was actually opened in Addis Ababa (Mwaura and Schmeidl 2002).

CEWARN is very ambitiously intended for both early warning and response, but seems to entail little more than an exchange of information. In addition to the central mechanism, the intention is to establish national conflict early warning and response units (CEWERU), and to liaise with NGOs and civil society organizations involved in the gathering of information. By early 2009, three ‘clusters’ were operational, all devoted to localized and mainly pastoral conflicts, labeled the Afar-Issa, Karamoja and Somalia clusters, the latter focusing exclusively on the border regions of Kenya.

While this may count as a partial success, Mulugeta argues that the organization's efforts at fielding one of the five sub-regional brigades for the AU must be categorized as a complete failure. IGAD initially showed considerable commitment to fielding an Eastern Africa Standby Brigade (EASBRIG) and held numerous meetings on the topic, but eventually it was decided to establish EASBRIG outside the framework of IGAD .

2.4 ECCA'S Approach to conflict Management

The Economic Community of Central African States (ECCAS) was established in 1983 on the basis of two smaller economic organizations. The members are Angola, Burundi, Cameroon, the Central African Republic, Chad, the Republic of Congo, the DRC, Equatorial Guinea, Gabon and Sao Tomé. In its founding treaty ECCAS was mainly intended to create a customs union, but the organization was given a rather elaborate organizational structure, the main bodies being a Conference of Heads of State and Government, a Council of Ministers, a Court of Justice, a General Secretariat and a Consultative Commission, in addition to which the establishment of a number of technical committees was envisioned . However, ECCAS was almost completely dormant until 1999, when efforts were undertaken to revitalize it. In 2000, ECCAS adopted a 'Mutual Assistance Pact' committing member states to come to each other's assistance in the case of aggression and to prepare for this through joint military maneuvers. Furthermore, in 2000 a protocol was adopted on Peace and Security Council for Central Africa' (COPAX), underlining sovereignty and noninterference in internal affairs as guiding principles, but also mentioning confidence-building measures and common approaches to such problems as refugees and internally displaced persons as well as transnational crime and arms trafficking.. Out of this sprung decisions in 2002 to establish a Defence and Security Commission (DSC), a Central

African Multinational Force (FOMAC) and an early warning mechanism (MARAC). FOMAC is described as consisting of ‘inter service, police, gendarmerie contingents and of civilian modules’ with the size of up to three brigades with appropriate naval and air support and tasked with missions such as observation and cease-fire monitoring, preventative deployment, peacekeeping, enforcement of sanctions and even humanitarian interventions, on behalf of , the AU and the UN. MARAC is supposed to be responsible for data collection and analysis about impending crises and conflicts, to be gathered by national bureaus collated in a central data base. It remains to be seen whether anything tangible will come out of these decisions

2.5 The AMU’s Approach to conflict Management

The AMU was founded in 1989 and comprises Algeria, Morocco, Tunisia, Libya and Mauritania. Even though its founding treaty mentions the objective of ‘contributing to the preservation of the peace based on justice and equity’. The organization has been almost moribund ever since its creation, and has not met at the summit level since 1994. A decision was taken in 1999 to re launch the AMU but very little came out of this. The main reason for this is probably the never-ending dispute between Algeria and Morocco over Western Sahara.

2.6 Strengths and weaknesses of the various REC’S approaches to conflict management:

The African RECs have varied strengths and weakness in approach to conflict management. While ECOWAS has a proven capacity to deal with conflicts with its sub-region, the greatest weakness of ECOWAS as observed by Saliu is its critical dependency on the contribution of Nigeria, both in military and other terms. The deployments have all placed severe strains on the capacity of the smaller member states, and there is little reason to expect this to change. The hegemonic position of Nigeria also means that ECOWAS will be unable to do much about a

significant share of the region's conflicts, namely those situated 'in Nigeria which includes the Muslim versus Christian unrest in northern Nigeria and the insurgencies in the southern parts of the country.

For SADC there have been very few armed conflicts between member states, this cannot automatically be attributed to SADC, as there have simply been few issues worth going to war over. According to Ngoma when Namibia and Botswana were on the verge of an armed confrontation over the disputed riverine island of Kasikili, Robert Mugabe, in his capacity as chair of the Organ, sought to mediate, but had to refer the matter to arbitration by the International Court of Justice. The greatest weakness of SADC is that it is a stern defender of state sovereignty, which has precluded the handling of crises between member states. The three main challenges have been the civil wars in Angola and the DRC. SADC played virtually no role in the Angolan war, but three member states did intervene in the civil war in the Congo, just as South Africa played a major diplomatic role in brokering a political solution to the conflict by hosting the inter-Congolese dialogue and subsequently by contributing peacekeepers, but significantly not under the auspices of SADC. The main problem of SADC as observed by Nathan is less to the common values often referred to than meets the eye, with South Africa standing (so far, at least) for values such as democracy and human rights that are not really shared by countries such as Zimbabwe, Angola or the DRC – to say nothing of a country such as Swaziland that does not even pretend to be committed to them. Moreover, some member states may not really belong in this REC as their security concerns lie elsewhere. One may, for instance, make quite a convincing argument to the effect that Tanzania belongs to Eastern Africa and the DRC to the Great Lakes Region or Central Africa, which may in fact also be the case with

Angola. SADC is also hampered by the apparent rivalry between South Africa and the rest based on the fact that South Africa possesses all the wherewithal of hegemony (both in military, political, economic, demographic and geographical terms) or even regional unipolarity. It thus seems unlikely that the other states in SADC will be able to field any major military operations without the participation of South Africa.

It is also conceivable that SADC may play a role in protecting democracy, thereby helping prevent conflict. In sharp contrast to its handling of the Zimbabwe crisis, SADC showed some 'muscle' when Madagascar's president was forcefully removed in a coup in March 2009, not only refusing recognition to the usurpers, but also suspending the country from all SADC institutions.

The IGAD thus seems to be considerably weaker than ECOWAS and even the SADC, having neither a balance of power nor 'ties of amity and enmity' conducive to the creation of a functioning sub-regional organization. The main achievement is the Sudanese peace. Neither with regard to international wars such as that between Ethiopia and Eritrea, nor state collapse and civil war such as that of Somalia, has the IGAD been able to make much of a difference. In fact, in the latter case it may well have inadvertently exacerbated the situation, both by bringing into existence the TFG and by effectively rubber-stamping the Ethiopian invasion. The organization has also been completely passive with regard to the conflicts in Uganda (pitting the government against the Lord's Resistance Army), the conflict in the Darfur region of Sudan, the several conflicts in Ethiopia and the 2007/2008 post election disturbances in Kenya. There seems to be no reason to expect this to change in the foreseeable future and thus few grounds for even cautious optimism.

There is very little basis for hegemony within ECCAS, although there are two obvious candidates – Angola and the DRC – one of which is economically dominant whereas the other is economically weak, but strong in terms of population and troops. Moreover, both these countries have witnessed protracted and nasty civil wars, as have other members such as Burundi. State weakness is thus a prevalent feature of most member states, which bodes ill for the organization. Chouala observes that the protracted and extremely destructive war in the DRC was especially damaging as it pitted two members, Angola and Rwanda (which has since left the organization), against each other on the territory of a third. Nor does it help that several members have divided loyalties, also belonging to other RECs, such as the SADC, to which both Angola and the DRC belong. Another challenge Awoumou observes is the Central African Economic and Monetary Community although not a designated REC, in 2002 it fielded a peacekeeping mission, FOMUC (*Force multinationale en Centrafrique*) to the Central African Republic with the official endorsement of the UN Security Council and lasting until 2008. FOMUC's size was quite limited. Alusala observes that it had around three to four-hundred troops being provided by three member states, the Republic of Congo, Chad and Gabon and in 2008 it was transformed into a Mission for the Consolidation of Peace (MICOPAX), now under the auspices of ECCAS and with the additional participation of Angola and Cameroon and a total size of 640 personnel. The weakest of all the designated RECs is the Arab Maghreb Union (AMU), dominated as it is by the two sub-regional powers of approximately equal strength, Algeria and Morocco. As these two countries are each other's arch-enemies, it is small wonder that AMU is extremely weak, bordering on complete insignificance.

2.7 Conclusion

As the above analysis portrays' conflict management by sub-regional actors in the African continent is a recent phenomenon which African sub-regional organizations have been experimenting with in the last two or so decades. Overall, the AU has been working with the sub regional Organizations and have played a major role in conflict management in Africa as exemplified by by the role played by the Economic Community of West Africa States (ECOWAS) in management of conflicts in Liberia, Sieraleone, and Guinea Bissau. The South African Development Community (SADEC) in Lesotho and Mozambique, the Inter governmental Authority on Development (IGAD) in Sudan. It is apparent that most African conflicts have tendency in starting in one State and eventually engulfing the whole region. This has led to the development of regional approach in conflict management.

Considerable progress has been achieved in building African sub-regional capacity for managing violent conflict and addressing security threats on the continent. However, One overall observation is that existing RECs do not cover the entire continent but, at best, a patchwork with several gaping holes. Besides the REC's face-pervasive shortage of resources, which is a reflection of poverty and low state capacity, the explanation may be that several states are misplaced in the sense that their most urgent security concerns are not addressed by the REC to which they belong. Ideally, the who goes where' question should be approached from scratch by disbanding existing RECs and creating new ones, corresponding to actual security concerns, but this is almost certainly not going to happen, and the best one can hope for is a piecemeal transformation where individual countries gradually switch allegiances. Another problem – likewise related to resource scarcity – is the lack in AMU, ECCAS and IGAD of powers able and

willing to play the role of hegemons with leading roles, but also with responsibilities to provide some of the resources that the rest lack.

CHAPTER THREE

IGAD's mediation in Sudan conflict

3.0 Introduction

This chapter provides an insight in to mediation as an instrument of conflict management, identity and motives of mediators, motives of Disputants, models and of third party intervention, effective third party strategies and the IGAD mediation process in the Sudan Conflict in relationship to theory and practice.

3.1 Mediation as an Instrument of Conflict Resolution Management

In order to appreciate the role and efforts of IGAD in its mediation in Sudan, it is important to discuss as one of the instruments that can be used in conflict resolution and management. Fisher arguing for mediation acknowledges that it is intervention by a skilled and impartial intermediary working to facilitate a mutually acceptable negotiated settlement on the issues that are the substance of the dispute between the parties and that this intervention is basically, non coercive and non-binding approach the parties.

Bercovitch and Rubin also define mediation as “a process of conflict management related to but distinct from the parties, own efforts, where the disputing or their representatives seek assistance, or accept an offer of help, from an individual, group, state or organization to change, effect or influence their perception or behaviour, without resorting to physical force or invoking the authority of the law”. Rious redefines third party intervention as any action taken by an actor is

not a direct party to the conflict and wishes to reduce or remove one or more of the problems of the bargaining relationship to facilitate the termination of the conflict or crisis itself.

A promising approach to solving human needs oriented conflicts is considered to be transformative and aims at reaching outstanding issues as quickly as possible and move on to secondary issues, which include historical background and the pace of conflict process. The relevance or applicability of this theory to the Sudan conflict cannot be discounted. It is the grossly disadvantaged position of the Southerners that forced them to wage a war against the North which enjoyed opulence and unbridled power. Transformative is best suited because of its approach to deal with substantive issues first such as stopping the war which was the case with the South Sudan and tackling the rest later.

Notwithstanding this, it must be noted that third party mediation process does not just happen impulsively or spontaneously, it is a deliberate process initiated when parties to a conflict tried unsuccessfully to negotiate and end in a deadlock and that both parties are prepared to cooperate and break the impasse through the intervention of a third party, when the ripe moment has come, commonly known as the hurting stalemate. After a protracted battle between the GoS and SPLM/A, both sides no doubt had become weary of war and wanted peace. In other words, they had almost reached this hurting stalemate, where both parties must agree or concede to the utility of their continued fighting. They both see no winners emerging from this conflict and that the conflict has reached a plateau and become too costly to go on.

To this end, both parties see no prospect in their fighting and realize that both are about to perish if they do not stop fighting. The conflict would have reached point of precipice, where neither party is prepared to countenance further costs nor loss of life and both parties are more than

willing to co-operate and break this vicious cycle of conflict. The NIF rule had also added other dimension to the conflict that made external intervention inescapable. For instance, interfering on neighbouring countries through their religious mission where they wanted to make everybody convert to Islam by extending this beyond the borders of Sudan and caused alarm to some neighbouring states.

The scale of war unprecedented as it did not merely pitting the north against the south, but virtually the whole Sudan was against itself: South against South, North against South, North against South and North against North. Furthermore, as the regime's blunt interference in the internal affairs of the neighbours increased and the degeneration of the civil war, coupled with untold humanitarian sufferings, the IGAD's intervention was a welcome development.

3.2 Identity and Motives of the Mediators

Fisher- points out that a third- party needs to think carefully about who they are and precisely which attributes and interests they bring to the triadic mediation process. Third party may be influenced by a number of issues when initiating mediation. For instance, the mediator may genuinely be interested in helping to reduce, abate or resolve the conflict but on several occasions, entry into the conflict is seldom precipitated by altruistic interests. It is generally believed that individuals enter- into mediation to satisfy consciously or subconsciously a myriad of interests or GoS, for instance, a genuine desire to be instrumental in the abatement of the conflict, the desire to gain access to political leadership, a desire to test one's ideas in conflict management or to spread one's ideas and enhance personal and professional charisma or reputation. The recent meeting (as an intermediary-informal intervention) between Israel and the HAMAS in April 2008 in Syria, which sought to find out ways to break the deadlock

between the Israel and the Hamas in their protracted land disputes serves as a good example.

Although, the third party is perceived neutral to the conflict, it nevertheless has its own interests that it brings into the conflict, thus making the conflict more complex. For instance, states often partake in mediation as third party in order to advance their own security or economic interests; to maintain or increase their sphere of influence or to keep an alliance on the brink of collapse firmly together. The official mediator may also be involved in the conflict through a clear mandate given by international organizations such as UN or AU to intervene in the disputes seen likely to endanger international peace and security. A state may also be invited to the conflict by one or both parties and asked to mediate.

This is one of the reasons why IGAD intervened in this dispute. Apart from the invitation by the Government of Sudan, IGAD states had been for a decade's host to thousands of Sudanese refugees and therefore had an interest in the stability of Sudan.

3.3 Nature or Motives of Disputants

Entry of the third party in the mediation enriches the conflict by contributing essentially to the transformation of issues, helping to get the parties face to face and gaining trust and confidence, clarifying issues, formulating agreements and guiding parties to unrealized possibilities or opportunities. The presence of the intervener tends to influence the behaviour of the protagonists so much that communication and interaction are enhanced and facilitated. At times, the issues, interests and needs of the contenders become clearer with the help of third parties.

Furthermore, disputants may seek or accept mediation because they believe that this will help them understand their conflict, reduce the risks and get both parties closer to resolving it. They may also be under the impression that the mediator because of his/her leverage will be able to

influence the other disputant and be able to verify, guarantee any agreement that may be arrived at. The other reason is as a public signal that they are both to genuine resolution of the conflict. The irony also here is that they will want the failure of the mediation to be blamed on the mediator. It is therefore imperative that one of the tasks that the mediator should do is to accurately assess the motives of the parties concerned as well as their sincerity and authenticity of their desires to reach a mutually acceptable agreement.

A number of talks were held by National Islamic Front, the National Alliance/SPLM, of which culminated in the Koka Dam Declaration. But peace was still not easy to come by because the NIF wanted peace on its own terms. When Gen Al Bashir took over power, he immediately adopted a hard line approach towards some accords made especially the one between DUP and SPLM' in November 1988. He claimed that the contents were not admissible to them and as far as he was concerned the agreement was null and void and therefore could not solve the Southern problems. Although, Bashir declared an amnesty to all rebels, he also ordered negotiations to start fresh; he showed a lot of arrogance, self-assuredness and disrespect to other parties. As for the SPLMI/A, it experienced an extreme internal fissure in 1991 resulting in the breakup of the movement into two groups, one group, the mainstream SPLM/A led by the late John Garang and the other - loose alliance led by Riek Machar. The split was caused by serious personality and ethnic differences that also worked against the unity of the South.

3.4 Modes of Third Party Intervention

Third party intervention may be done using one or combination of these three different modes; namely, exogenous, endogenous and heterogeneous: In an exogenous mode. the mediators come

from outside the conflict area and therefore are complete strangers to the conflict intricacies. This position puts the exogenous mediators in a somewhat untenable posture as they do not know much about the conflict and as such may be susceptible to misinformation or manipulation. On the other hand, this mode may be advantageous because the objectivity in analyzing the issues at hand may not have been adulterated and therefore the third party may be able to guide the mediation process successfully. On the other hand, the endogenous third party comes from within the conflict area and therefore his/her interests and views may be similar or interconnected with those already involved in the conflict. They understand the conflict issues quite elaborately but the only negative thing about them is that their judgments/analysis or mediation may be construed to be subjective and therefore not trusted.

Lastly, the third mode - the heterogeneous mode is a hybrid of the two modes, exogenic and endogenic. This mode puts the third party on an advantageous position because it has both sides to the conflict; it puts the third party in the conflict area and within the conflict system. Not only is the third party aware of the conflict but also privy to what the region thinks about the conflict. The mode has the best chance to steer the mediation process to fruitful conclusions if it follows meticulously the strategy formulated, which should have also been carefully crafted in the first place to ensure productive and conclusive deliberations.

Bercovitch argues that the choices of conflict management modes and the chances of successful mediation are naturally affected by the importance each protagonist attaches to the issues at play. He further posits that when vital interests, such as sovereignty or territorial integrity is in dispute, intermediaries are unlikely to have any impact. The intervention by IGAD in this dispute is considered fitting in view of its regional position and more importantly due to the fact that the

regional organization was invited by the protagonists to the mediation process

3.5 Types of Intervention.

Rioux observes that intervention can be done under varying levels and different forms as follows: Fact-finding, which involves an inquiry by a third party as to the facts surrounding a conflict ; Good offices, where a third party helps the parties to reinitiate direct negotiations, and has minimal involvement in both the content and the process 'of resolving a dispute;

Condemnation, which includes an implied or explicit demand to desist from hostile activities, and a request for aid to the victims of hostile activity; A call for action by adversaries includes a call for cease-fire, troops withdrawal, negotiation, and action to facilitate termination by the third party; Mediation or conciliation, which involves a third party that actively participate in the settlement process. Mediation is generally constituted by a single third party, while in conciliation there may be a conciliatory commission. In both cases, the aim is to propose an acceptable solution for the parties to a conflict; Arbitration, which is a legislative form of conflict resolution where the contestants select a third party who makes a judgment on the case. There is formal binding settlement by an arbitration body, thus distinguishing it from mediation and conciliation; Sanctions, which may include the complete or partial interruption of economic or political relations, and of rail, sea, air, postal, radio and other means of communication, are measures that often do not involve the use of armed force employed to make effective the decision reached by international organization Peacekeeping or military intervention by

emergency military forces, whose primary task is to encourage conformity among the parties to a cease-fire or armistice. Methods include interposition (stationing troops between the forces of the disputants) and surveillance

3.6 Issues in Third-Party Intervention

There are a number of issues that third party faces when they are- asked to mediate. One such issue is the acceptance of the mediator by both parties and the other is the question of impartiality of the third party. Traditionally, impartiality was seen as one of the main requirements by the parties and as a pre-requisite to establish a relationship of trust. This serves as the basis for the effective carrying out of the role by the third party. Recently, questions on impartiality of the third party have been raised by scholars such as Touval and Zartman, who argue that motives for the mediators are best described in power politics and that mediators always have their own interests and cannot be said to be truly indifferent to the issues and conditions being negotiated. In the same vein, Tillett argues that what matters is the mediator's ability to be aware of values and beliefs, and be able to recognize when they get in the way or when they become unhelpful in a particular.

3.7 Effectiveness of Third party - Strategies

Although third party intervention is used mostly to resolve conflicts at various levels of society, it has not been successful in all its interventions. However, success or lack of it depends largely on the form of intervention adopted since some forms do not in themselves require tangible transformations to be quantifiably shown. Nevertheless, attempts have been -made to indicate success of third party interventions by using indicators such as settlements rates, how satisfied are the parties with the outcome and whether or not there have been any

attitudes and relationships improvement that will support cooperative interaction and enhance conflict transformation as well as the ease by which compliance with the agreements is attained. It is important to identify the dependent variables that are the expected outcomes of a specific form of intervention and to tailor the evaluation of effectiveness to these variables. Savun argues that successful mediation comes about when the likelihood of the conflict has been reduced and states encouraged to make concessions.

However, this definition is only intended to measure short term results of mediation rather than the durability of peace established as a result of the mediation. To this end, mediation will only be termed successful depending on the indicators it shows at the end of the exercise. With the south Sudan peace agreement although some progress has been achieved, there are still areas where much is still to be done, for instance the tensions over the boundary between the North and the South. One of the main disputes has been over the control of oil rich regions, like that of Abyei. An international boundary commission appointed to resolve these issues and delineate the borders of each region placed Abyei in the South, but the North rejected this decision. Fighting has occurred in Bahr-el- Ghazal between Misseriya militias and former SPLA rebels in early March 2008, causing an estimated seventy deaths, The same area suffered violence in December :2007 as well, resulting in approximately one hundred deaths.

Within the South, fighting broke out in December 2013 between the Nuer and the Dinka tribes over the sharing of power. The Nuer believe that they are being marginalised by the dominant Dinka tribe. These developments clearly indicate that the Peace Agreement may have left out some other factions during the deliberations which have now resorted to destabilizing its implementation,

3.8 IGAD Mediation Peace Process-September 1993-January 2005

The Southern Sudan problem had persisted for a long time and some mechanism to resolve it had to be found, hence the intervention by IGAD. IGAD's intervention was premised on the understanding that this is a regional organization best suited to unravel this problem and above all both parties had consented to this third party intervention. In any case, it is believed that mediators tend to function best when they come from the parties' region, although regional identity is open definition by parties themselves. With this in mind, IGAD finally took up the mantle to deal with this issue and launched a sub-committee on peace on Sudan on 7th September 1993. The peace committee comprised of the Heads of States of Eritrea, Uganda, Ethiopia and Kenya with the former Kenyan president Daniel Arap Moi as the chairman. There after a session of the standing committee was convened in Nairobi in march 1994 which defined principles that conceived the frame for negotiations known as the declarations of principles(DOP).

In July 1994 the third session of the standing committee was convened in Nairobi to deliberate on the DOP which was the road map for the negotiations. The DOP identified the key issues of disagreement namely separation of state and religion, and the right of self determination of the Southern Sudan. The DOP was accepted by the SPLM/A but GOS did not embrace this as the basis for negotiations. This led to the hardening and polarization of positions. This situation led to the convening of another IGAD summit of heads of state in Nairobi in September 1994. The summit resolved that the IGAD peace process should continue and that the DOP should form the basis of negotiations. However this did not materialize leading to the talks staling for 33 months.

In 1997 an extra ordinary summit of the IGAD heads of state was conveyed in Nairobi which called for the revival of the talks. This time the GOS agreed to accept the DOP as the basis for future negotiations. The negotiations resumed in September 1997 under the IGAD ministerial subcommittee on the Sudan peace process. Members of the IGAD ministerial subcommittee meeting agreed on the establishment of a permanent IGAD secretariat and appointed a special envoy from Kenya and the other member states each appointed a full time envoy to the peace process.

Under the terms of reference the secretariat was to be based in Nairobi and special envoy was permitted to consult resource persons as and when required and whoever was necessary to consult such as the Executive Secretary of IGAD and the secretariat. The envoy was also mandated to receive and manage funds from IGAD members, partners and from the international community. Daniel Mboya a veteran diplomat was appointed as special envoy by President Moi to establish the secretariat and conduct mediations. The second session of the IGAD ministerial subcommittee was held in Nairobi in May 1998 where it was resolved that self-determination to be exercised in the South during the interim period and the free and uninterrupted humanitarian assistance be allowed to famine affected areas.

During the third session of negotiations held in Addis Ababa in August 1998, it was agreed that the boundary of the South should be the one determined by the border of 1st January 1956, the time Sudan attained independence. The government of Khartoum did not sign a communiqué re-affirming this declaration. The fourth session of IGAD Ministerial committee was held in Nairobi in July 1999. This session agreed on the establishment of a permanent structure of

conducting negotiations. It was further agreed that negotiations under the secretariat were to be conducted under two technical committees, the political and the transitional committees respectively. The points of disagreements and those of understanding were highlighted during the political committee meeting held in January 2000. The points of disagreement were highlighted as State and Religion; the issue of marginalized areas of Abyei, southern Kordofan, and Southern Blue Nile; the right to self determination, wealth and the power sharing and the status of the two armies (the SPLM/A and then Sudan Armed forces. Two more meetings were held in February and April 2000 with envoys presenting a proposal on common ground on issues of, the state and religion, the issue of marginalized areas, Self determination and wealth sharing. However, no agreement was reached. It became clear that 6 years from the establishment of the Sub-Committee, there was no breakthrough in the peace process

3.9 The Machakos 1

In the endeavor to rejuvenate the IGAD Sudan Peace process, an extra ordinary Summit meeting of IGAD-subcommittee was called in Nairobi in June 2001. The aim was to chart a new way of establishing a new mechanism and innovative approach to negotiations. This was attended by the heads of States of member countries and both the chairman of SPLM/A and president of Sudan. The summit recognized the outstanding issues that constituted an obstacle to the negotiations and recommended serious negotiations between the parties. The subsequent meeting in Machakos in November 2001 coincided with the appointment of former Kenya's Army commander Lt General Sumbeiywo, who was appointed as special envoy to the IGAD peace process replacing Ambassador Daniel Mboya. General Sumbeiywo proceeded to draw up an agenda and program of work of negotiating for peace in 2002. As a result the parties succeeded for the first time in

reaching an agreement on the issues of right to self determination and separation of state and religion. This key agreement reached in July 2002 came to be known as Machakos protocol. The two contentious issues over which the belligerents had not agreed before were settled in the first phase of Machakos peace process.

The Machakos protocol agreed that the people of Southern Sudan would have the right to self determination, which was to be exercised through an internationally monitored referendum. The referendum was to confirm whether South Sudan remained part of Sudan or ceded from it exercising the option spelt out in the peace agreement. In addition, the protocol spelt out that there was going to be an interim period of two phases, of a pre-transitional period for six months, followed by the main transition/interim period also of six months. During the transition period, SPLM/A and Government of Sudan were to work out a legal framework for the agreement and establish institutions of governance as provided for in the peace agreement. Steps were also to be taken towards implementing a comprehensive ceasefire while assistance and resources were to be mobilized and secured for the peace process and reconstruction activities. In the main transition period, the parties were to operationalize the institutions of governance and to ensure the implementation of all arrangements and principles contained in the peace agreement.

As pertains the separation of the state and religion, the national constitution was to legislate two distinct laws to guarantee freedom of belief, worship and religious practices to all Sudanese. The law was to be enacted for the North, sharia and customs were to be used as the source of the concerned legislation while legislation for the South was to use non-sharia sources, popular consensus, values and traditional customs of the people of the south. There was the provision for

a bicameral house consisting of members directly elected by the people, while the upper was to comprise equal representation from both the South and the North.

3.10 Machakos II

The second session of the Machakos peace process began in August 2002 under the chairmanship of special envoy Gen. Sumbeiywo. The agenda for the meeting was the structures of the government, power sharing, human rights, judiciary and the rule of law, security arrangements, comprehensive cease fire, modalities for implementing peace agreement and regional and international guarantees. During the meeting the US, UK, Norway and Italy observers attended. This meeting hit a hurdle when the GOS withdraw from the negotiations. The withdrawal was precipitated by the SPLM/A overrunning the Tort area where several GOS troops were killed including officers close to president Bashir. The negotiations resumed on October 2002 and the two parties signed a memorandum of understanding (MOU) on cessation of hostilities to create and maintain a favorable atmosphere throughout the negotiations until all the outstanding issues were resolved.

From Machakos in 2002 progress was made in the process through negotiations that shifted from Machakos to Nakuru in July 2003 and to Naivasha in September 2003.

3.11 The Sudan Peace Process in Kenya-Naivasha

The Naivasha process was characterized by high-level consultations and negotiations between GOS and SPLM/A leaderships. This process started in September 2003 and the negotiation parties were led by their major principals. The GOS delegation was led by first vice president Ali Osman Mohammed Taha and the SPLM/A delegation by SPLM leader Dr. John Garang de

mabior. Many issues were resolved during the process, particularly on security arrangements and wealth sharing.

On security issues it was resolved that the two armies were to remain separate during the interim period, SPLA in South Sudan and Sudan Armed Forces (SAF) in North Sudan. They were to be treated and considered equally as Sudan's National Armed Forces. The agreement also required the formation of Joint Integrated Units consisting of equal number from SAF and SPLA during the interim period. The joint/integrated units were to constitute a nucleus post-referendum army of Sudan should the referendum confirm unity. Otherwise, they would be dissolved and the component parts integrated into their respective forces. The SPLM/A also undertook to demobilize Southern Sudanese soldiers apart from those serving in SAF in Southern Sudan and to absorb them into the various institutions of the government of Southern Sudan. Further no armed group allied to either party was to be allowed to operate outside the two forces and those who desired and qualified were to be incorporated into the organized forces of either party (army police, prisons and wildlife forces) while the rest were to be integrated into the civil service and civil society institutions. In this regard, the parties agreed to address the status of other armed groups in the country with a view to achieving comprehensive peace and stability and to realize full inclusiveness in the transition process.

On wealth sharing during the interim period, the two parties agreed that wealth of Sudan was to be shared equitably to enable each level of government to discharge its legal constitutional responsibilities and duties and that of the National Government was to fulfill its obligation to provide transfers of revenue to the government of Southern Sudan. The parties agreed on the

principles of regulation, management, and the process of sharing wealth from sub terrestrial natural resources.

On the issue of oil it was agreed that after payment to an oil revenue stabilization account and at least 2% allocated to oil producing states, fifty percent of the net oil derived from oil producing wells in Southern Sudan was to be allocated to the government of Southern Sudan(GOSS) and 50% to the National Government(GOS).

The parties also agreed that there should be a dual banking system in Sudan. An Islamic banking system was to operate in the North and conventional banking was to operate in the South. In this regard there was to be one central bank with two windows to cater for the two banking systems and two currencies that were currently operating in the two parts of the country. In confirming to the principle of decentralization, it was agreed that the levels of government (National Government, Government of Southern Sudan and Regional/State Government) were entitled to legislate, raise and collect taxes and revenues as was to be defined by the constitution.

On political and Administrative status of the three conflict areas in Central Sudan namely the Nuba Mountains(Southern Cordofan) Furi Region (Southern Blue Nile) and the Dinka-Nur of the District of Abyei. The two parties agreed that human rights and fundamental freedoms shall be guaranteed to all individuals in each region or shall be presented in the interim constitution, that the diverse cultural heritage and local languages of the people in each region shall be protected and developed, and that the development of human resources and infrastructure region shall be the main goal of each region and shall be conducted to meet human needs in accordance

with the best known practices of sustainable development within a transparent accountable frame work.

It was also agreed that the peaceful resolution of the conflict in the two regions shall form part of the comprehensive peace agreement in Sudan. The parties also affirmed the right of the peoples of Nuba Mountains and the Southern Blue Nile region to be popularly consulted to determine their constitutional, political and administrative status. The parties agreed further that the Nuba Mountains and Southern Blue Nile regions shall enjoy full autonomy to address the injustices suffered by the people of these areas and which meet their aspirations and that during the interim period the autonomous self-governing regions of Nuba Mountains and Southern Blue Nile shall fall under SPLM component of presidency

3.12 Findings on the mediation process

Peace talks between the southern rebels and the government under the leadership of IGAD were concluded by the signing of the comprehensive peace agreement on 9 January 2005 in Nairobi. This also marked the end of war between the combatants. Later that year the Southern autonomy was restored when an Autonomous Government of Southern Sudan was formed.

The terms of the peace treaty were:,The south had autonomy for six years, followed by a referendum on independence (the Southern Sudanese independence referendum, 2011).

Both sides of the conflict would have merged portions of their armed forces into a 39,000-strong force after six years (the Joint Integrated Units), if the Southern Sudanese independence referendum had turned out against secession.

Oil revenues were divided equally between the government and SPLA during the six-year autonomy period.

Jobs were split according to varying ratios (central administration: 70 to 30, Abyei/Blue Nile State/Nuba Mountains: 55 to 45, both in favor of the government).

It is against this background that the next chapter examines the role of the various actors in facilitating the signing of the comprehensive peace agreement.

3.13 Conclusion

IGAD Mediation efforts between the southern rebels and the government under the leadership of IGAD were concluded by the signing of the comprehensive peace agreement on 9 January 2005 in Nairobi and the Southern autonomy was restored when an Autonomous Government of Southern Sudan was formed. Oil revenues were divided equally between the government and SPLA during the six-year autonomy period. It is against this background that the next chapter examines the role of the various actors in facilitating the signing of the comprehensive peace agreement were split according to varying ratios

CHAPTER FOUR

Analysis of factors that facilitated the comprehensive peace agreement

4.0 Introduction

This chapter gives a critical analysis in relationship to the study objectives and hypothesis. It examines the role of the United States of America, role of IGAD member states and the role of IGAD institution that contributed to the signing of Comprehensive Peace Agreement between the Government of Sudan and the Sudan People's Liberation Movement (SPLM/A) on 9th January 2005 in and Nairobi, ending Africa's longest-running civil war.

4.1 The Role of US

After the collapse of communism and the Union Soviet Socialist Republics (USSR) the USA, became the sole superpower and started to exercise tremendous influence in the world. This includes the ability of the US government to impose its will on other States either by the use of diplomacy or coercion and this had a great impact on the IGAD mediation process in the Sudanese conflict.

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 anxiety was as a result of the US in addressing the situation in Somalia. The (GOS) believed that the high military profile of the Unified Task Force (UNITAF) – a 28,000 US military force who headed to Somalia in December 1992 after sanction by the United Nations Security Council and the subsequent authorization from the US president- was a mission more concerned about Islamic fundamentalists than famine relief. Sudan was also worried about the possible

implication of US concept of “safety zones,” introduced by Herman Cohen, former Assistant Secretary of State for African Affairs, in March 1993, and whose key recommendation was for Sudan to be included on the list of sponsors of terrorism. Similarly, at the instigation of the US, the UN put Sudan on Special Rapporteur status due to its human rights record.

After the attempt in 1995 on the life of Hosni Mubarak- president of Egypt and a US ally-in Ethiopia while attending an Organization of African Unity (OAU) meeting, all fingers pointed at Khartoum. Consequently, at the instigation of the US, the UN Security Council imposed non-economic sanctions on Sudan in 1996.

It can there for be argued that US involvement in the Sudanese peace process helped to push the initiative forward at a time when it seems to have stalled for along. For instance, US engagement in Sudan steadily increased from President Clinton’s Executive Order of November 1997 which imposed comprehensive trade and economic sanctions to the early 2000 US legislation which banned any company doing business in Sudan’s oil industry from participation in US capital markets, through to the Sudan Peace Act of October 2002 which stipulated further sanctions if the Sudanese Government was found not to be participating in the peace negotiations in good faith. A further demonstration of US pressure can be seen in the fact that President George W. Bush appointed special peace envoy Senator John Clagget Danforth, thus demonstrating US commitment to the Sudan Peace Process. The appointment of Danforth, who was Bush’s personal friend, was seen as a sign of US approval to the peace process. Further, interest in Sudan by a number of key constituencies- Congressional Black Caucus, the influential Christian right, liberals, human rights activists, American humanitarian agencies, and the oil lobby upset at being denied entry to the potential lucrative Sudan market- combined with heightened concerns

about International terrorism after 11 September, all contributed to the increased engagement of the US to the Sudan. And US commitment led to other donors, notably the UK, jumping to bandwagon of the peace process. Further pressure was brought to bear the Khartoum by Sudan being identified as one of seven Countries on a State Department list of State sponsors of terrorism after September 11. There can be little doubt that collectively these measures by the most powerful country in the world sent a powerful message to the Khartoum government to end the war. Indeed Sudan Peace Process Act had authorized the US president to provide increased assistance to areas of Sudan not controlled by Khartoum to prepare the population for peace and democratic governance, including support for civil administration, communication infrastructure, education, health and agriculture. The Act also recognized that a resolution to the conflict was best made through a peace process based on the Declaration of Principles reached in Nairobi, Kenya on 20th July 1994 and the Machakos Protocol of July 2002.

Against this background, Danforth initiated a series of confidence –building measures, comprising a ceasefire in the Nuba Mountains zones resulting in to tranquility enabling vaccinations and other humanitarian interventions to be carried out, a commission to report on the issues of slavery, and an end to attacks of civilian targets- all of which achieved some, but not complete compliance. These measures oiled the movement in the Sudan Peace Process. Perhaps more importantly, neither party wanted to run afoul of the US, particularly given its increased interest in security after 11 September and its demonstrated willingness to use military force in actions, the US administration repeatedly made it clear that it supported regional efforts led by IGAD.

For instance, Danforth and increased US pressure on Khartoum post-dated the collapse of the IGAD-sponsored peace talks at Lake Bogoria in Kenya in October 2000. However, by then it had become increasingly clear to both IGAD mediators and IGAD Partners 'Forum (IPF) that outside support and pressure, ideally led by the US, would be necessary if the peace process was not to come to a complete halt. Although the IGAD Peace Initiative had some genuine accomplishments- well-through-out Declaration of Principles (DOP), workable relations with the belligerents, an institutional focus in the Sudan IGAD secretariat, and international legitimacy- it had become apparent to most analysts and the belligerents by late 2001 that the process needed invigoration, and this could only come through international engagement led by the US. Such US pressure came after September 11 and helped drive the process forward.

In the late 2004 when the final agreement was proving difficult to negotiate, US pressure proved invaluable in pushing the parties towards agreement. At that time the US was holding the chairmanship of the Security Council and Senator Danforth suggested that the UN Security Council meeting should be brought to Nairobi, on the pretext of concern over the wars in Darfur, to give the peace process much needed support. Once the Council arrived Waihenya observes that there was dramatic change in the spirit of negotiations. A meeting between the Council and the two belligerents confirmed 31st December 2004 as the final day of negotiations and 7th January 2005 as the day of signing the agreements, dates which the two parties had not been willing to endorse earlier as they continued to negotiate and mutual suspicion and hostility.

It is apparent that the Americans did provide critical support when it was needed and this enabled the IGAD peace process move to its logical conclusion.

4.2 The Effect of IGAD Regional States Pressure

Regional pressure from the IGAD member states of; Ethiopia, Eritrea, Djibouti, Kenya and Uganda on the two parties to the conflict contributed to the Comprehensive Peace Agreement. This regional pressure on the belligerents can be seen in various instances. First, the neighboring States, all members of IGAD, desired to activate the Authority's development agenda. Due to lack of resources and given that the Authority comprises of some of the poorest countries in the world, there was need to solicit for outside funding to initiate development projects. However, such funding could not be forth coming so long as there was conflict in Sudan. This was largely because the conflict had a spillover effect that affected the whole region. There was influx of refugees in the region that in turn became a regional security concern. Thus; there was implicit pressure on the Sudanese government to find a way ending the conflict.

Secondly, and in response to both a security and an Islamist threat to their sovereignty, Ethiopia, Eritrea and Uganda stepped up significantly their military assistance to SPLM/A, and by late 1995 were sending their armed forces to Southern Sudan. For instance, by June 1995 Eritrea, in reaction to Sudan's support for the Eritrean Islamic Jihad, affirmed its absolute support to the National Democratic Alliance(NDA), an opposition outfit opposed to the regime in Khartoum, to overthrow the government in Khartoum. With Uganda, the conflict was more complex and protracted. Both countries had backed each other's dissidents for decades, with Uganda supporting the Southern Sudanese people while Sudan supported the Lord's Resistance Army (LRA) led by Joseph Kony and the West Nile Bank Front (WNBF). Added to that in the demographics commonalities across the borders, with both countries sharing common ethnic groups along their border areas, all of them marginalized from the development discourse in

either country. For instance, 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. Relations further deteriorated when Uganda and Sudan both accused the other for supporting anti-government rebels along their common border.

However, the two governments restored diplomatic relations in 1996 following the mediation of Iranian president Akhbar Hashemi Rafsanjani. The agreement was signed in Sudan's capital Khartoum in September 1996, normalizing relations after 17-month break in diplomatic sites.

For Ethiopia, it took Sudan to the plot against the life of Egyptian president, Hosni Mubarak, in 1995 while attending OAU Summit in Addis Ababa. Thus, in September Ethiopia joined the alliance of anti-fundamentalism. Meles Zenawi, the Ethiopian president, renewed his support for the SPLA and from Ethiopia the SPLA managed to capture, -Alkormuk and Gisan. Ethiopia's support too SPLA has to be understood against a background of growing concerns in the country over Sudan's support to Ethiopia dissident parties namely Sudan's linkage to Oromo Liberation Front(OLF), Oromayia Islamiah, and AlitihadAlislami.

Consequently, in 1997, with the combination of regional isolation and the military support of neighbouring countries to SPLM/A, which culminated in victories in the field, the government in Khartoum was finally forced to be pragmatic and return to the bargaining table. Eventually Khartoum revised its refusal of IGAD's Declaration of Principles (DOP),(which it had rejected in March 1994 due to the cause of 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 negotiations.

However, the outbreak of the Ethiopian – Eritrean war in May 1998 markedly decreased regional pressure on the government of Sudan and the IGAD Peace Initiative began to falter. Such intransigence on the part of the Sudanese government could be partly attributed to the Uganda government's commitment/engagement in the Democratic Republic of Congo (DRC) war. It was partly due to this lack of regional pressure that Khartoum concentrated on a military offensive and the IGAD sponsored talks at Lake Bogoria, Kenya in October 2000, collapsed. Khartoum even considered withdrawing from the peace process in 2001. In the words of Presidential Peace Adviser Ghazi Salahuddin Attabani to the Kenyan Press: We do not want to spend another eight years going around in circles. The next round of talks is crucial to satisfy us that the effort is worthwhile. Otherwise there will be no reason for us to continue.

In other words, Khartoum's action signified the fact that regional countries lacked any form of leverage to bring the parties together apart from, of course, military support of SPLM/A. Lack of any mechanism within IGAD to coordinate leverage and compel the parties to negotiate seriously proved a lethal combination. Indeed, Eritrea, fearing Sudan's support for its dissidents while it was at war with Ethiopia, even abandoned IGAD process and launched its own efforts to bring the parties together. It was only after a rebuff from Khartoum that Eritrea continued its covert military support to the National Democratic Alliance thus putting some pressure on Khartoum. Ethiopia was also keen for the duration of its war with Eritrea to secure pledges of neutrality from Sudan.

It was only after the end of the Ethiopia- Eritrea war and Uganda's withdrawal from the Democratic Republic of Congo that some form of regional pressure began to mount on the

Sudanese government in form of military support for Khartoum's opponents, thus partly contributing to the government's decision to go back to the neighboring table.

4.3 The Character and Skills of IGAD as a Mediator

The International support given to the IGAD peace process afforded IGAD legitimacy and enabled it to communicate and convince the Sudanese government and SPLM/A to come to the negotiating table. Article 33 of the Charter of the United Nations states that 'the parties to any dispute, the continuance which is likely to endanger the maintenance of International peace and security, shall first, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangement or other peaceful means of their choice.' Further, Chapter 8, Articles 52 and 53 affirms that the Security Council may utilize such regional arrangement agencies to achieve pacific settlement of local disputes on the initiative of the parties concerned or by reference from the Security Council.

Thus, it can be argued that from the very inception of the IGAD driven peace in September 1993 the Authority was accorded legitimacy and support by the international community including the United Nations. It is instructive to note that throughout the mediation exercise none of the concerned actors ever questioned the legitimacy of IGAD to mediate in the conflict; rather most of the critics of IGAD's position as a regional organization gave it a *locus standi* and enabled it to communicate with the parties finally bring about the CPA.

Secondly, IGAD's enunciation of the Declaration of Principles (DOP) in 1994 was innovative as it provided a structure for the negotiations. The DOP identified the key points of disagreement among the parties, namely, the separation of state and religion; the right to self-determination for

the South; the system of governance during the interim period; the sharing of resources; and, security arrangements. This was a good negotiation strategy as IGAD first ensured that there was agreement on some points before focusing on the contentious points. Such strategy is intended to build up momentum in the peace process and let the parties perceive and understand that the issues that divided them are fewer than those that united them. Building on common areas of understanding while moving towards the contentious issues normally generates the drive to push on in with the peace process in most conflicts.

Thirdly, after IGAD had declared the Declaration of Principles and despite, Khartoum's criticism and abandonment of the peace process for 33 months, the Authority never changed its position about the DOP. Essentially, what the DOP did was to offer a reasonable alternative to the South, one that the southerners could identify with given the history of broken promises by the North.

Conversely, the DOP, while offering the right to self-determination to the South, still spoke of a united Sudan. The option of an independent Southern Sudan would only come about if all other efforts failed. In other words, if southerners felt their needs are not catered for during the interim period then they had a right to determine their own destiny the onus was therefore on Khartoum to ensure the needs of southerners is catered for. Steadfast strength adherence by the Authority to the DOP meant that the Khartoum government was increasingly viewed by major section of the international community as the stumbling block to the peace process.

Fourthly, IGAD spent considerable time and effort in trying to gain western material and political support. This eventually took the form of the IGAD partners' forum formally known as the friends of IGAD. The U.S and other non European countries were also part of the IPF but it

was chaired by Norway and Italy with additional European countries playing significant roles. And there can be little doubt that the support of the U.K, Norway, France and Italy all led by the U.S breathed life into the filtering IGAD peace process, their sustained engagement proved critical to the breakthrough of the CPA. For instance in 1998- 2000 the partners' forum pushed for IGAD to create a secretariat focused on the peace process with technical experts to help craft compromise positions. The efforts took a year longer than envisioned but a secretariat was finally constituted and it continued to produce substantial papers for party's considerations.

Further it was through the IPF that IGAD endeavored to ensure that all the mediation efforts were coordinated and that the internal community would not endorse other peace processes. For instance after Egypt and Libya joined their peace initiative in 1999 aimed at drawing some of the northern political parties back into the government as a moderating influence on the national Islamic front Kenya which was chairing IGAD process got worried. In July 2001 former president MOI of Kenya wrote to president Mubarak of Egypt and Gaddafi of Libya arguing that they should have consulted him on their joint initiative given the role and the progress of the IGAD peace process. Indeed ICG reports that Kenya explored whether to hold a wider summit with a number of regional heads of state including Egypt as a means to garner regional mandate for IGAD as the lead process. However the Egyptian – Libyan initiative fizzled out before it could come to fruition. This may owe much to the fact that both Egypt and Libya fizzled out before it could come to fruition. This may owe much to the fact that both Egypt and Libya are Arab and Islamic countries and thus little like hood of the SPLM/A (whose adherents were mostly black African and Christian) accepting their mediation efforts. The success of the Sudanese peace process owes much to Kenya's special envoy General Lazaro Sumbeiywo appointed in late

2001 to spearhead the Sudanese peace process. He was a military man who had no experience in conflicts management but his dedication towards achieving peace in Sudan his patience and skills as a mediator finally brokered peace and ended Africa's longest running civil war. He had unique abilities as a mediator; the ability to convince both parties that peace is the best option, his impartiality that earned him hate and admiration from both the Sudanese government and SPLM/A, his steadfastness, willingness to accept constructive advice from others, courage in standing up to the Americans even when it seemed that Washington's disapproval would deal a death blow to the negotiations to arm-twist SPLM/A to see his side of the issue, are evident throughout the negotiations.. For instance at the Machakos talk in June 2002, the talks dragged on for a very long time and the entire participant became weary. They started falling off one by one. The only countries that were left in the negotiations were Uganda, Eritrea and Ethiopia. Even the Kenyan foreign affairs ministry became a victim of weariness. The negotiations had become such a tedious affair that few had the strength or the will to go through them.

However Sumbeiywo got a great deal of encouragement and advice from former US president jimmy carter who advised Sumbeiywo that unless he developed a single negotiating text he would always run the risk of negotiations getting bogged down by petty issues . Sumbeiywo took the advice and developed a single negotiating paper called 'one country ,two systems' even though initially rejected by both parties it would later become central to the final agreement.

Similarly when the parties at Machakos failed to agree about the number of years it would take before a referendum was held in the question of southern Sudan Sumbeiywo came in handy. Whereas the government insisted on ten years, the SPLM/A was adamant that it should take a

maximum of two years. Sumbeiywo added up the two figures divided them by two and gave them the option of six years. This figure was incorporated into CPA.

Sumbeiywo's courage in standing up to the Americans was also appreciated by both the Sudanese as well as the observer countries. Sumbeiywo knew this would have adverse effects on the peace process. As a mediator he didn't want to cede his authority, his answer was prompt 'my friend, he told the inquiring observer,' I am not answerable to Washington. His position was supported by the Sudanese, British Italians and Norwegians, who all wondered why the US wanted to interfere with the negotiations.

Later however the US eventually supported the Machakos protocol. In a document by the US government called 'memorandum of justification regarding determination under the Sudan peace act (public law 107- 245 the role of Sumbeiywo was hailed. It read in part. The mediator general Lazaro Sumbeiywo has shown exceptional leadership in moving both sides past three hurdles. His dynamic approach has tasted both parties' resolved to remain in the talks and has allowed observers to witness the results first hand.

Repeatedly throughout the process Sumbeiywo made decisions that then looked faulty but later proved right. After the signing of the Machakos protocol, suddenly everyone began to see a light at the end of the tunnel and wanted to jump on the bandwagon of success. A deluge of a letter began to flow to the Sudanese government and to the IGAD secretariat . The Arab league, the French, African union, United Nations, Egyptians, Sudanese women association, national democratic alliance among others wanted to be included, to his credit; he locked all of them out except a AU and UN as international institutions.

In a similar vein when the Nanyuki talks collapsed in August 2003 Sumbeiywo tried every channel he could use to get the top leadership in Khartoum and Dr. Garang the SPLM/A leader to meet. Because of this initiative, a meeting was set up between Ali Osman Taha Sudanese vice president, and John Garang in Naivasha, Kenya, in September 2003. The Sudanese present arrived in time and waited for three days with no signs of Garang. Credit goes to Sumbeiywo's ingenuity and foresight not only arranging a meeting between two people who called the shots on either side but also in avoiding embarrassment for the Sudanese vice president. The mediator had made sure that Taha would arrive in time for the burial of the Kenyan vice president Michael Kijana Wamalwa, so that just in case Garang failed to appear it would not seem to the public as a snub. In other words, the official explanation would be that the Sudanese vice president had come on a state visit to bid final farewell to the departed colleague.

And that is exactly how things worked out. Garang delayed for three days until Taha got impatient and told the mediator that he was leaving on the fourth day. Sumbeiywo knew that such a snub to Taha who was allegedly even more powerful within the unofficial Sudanese government power hierarchy than Basher, the Sudanese president, would be the final nail in the coffin for the negotiations. Such powerful men do not travel all the way from Khartoum to Kenya only to be snubbed and be expected to take it lightly!!! Sumbeiywo had to summon all his mental strength to bear the situation and avert a disaster. Sumbeiywo used his authority within the Kenyan government and informed the SPLM/A representative in Kenya, Dr. Justin Yap Arop, that "if we do not have Garang here today, we will kick you out of the country." And the message the message that was relayed to Southern Sudan demonstrated that SPLM/A panicked because it knew that disastrous consequences of being kicked out of Kenya. The message to Garang read in

part; “if you do not come, you won’t find us here and the Kenyan government won’t let you in.” Garang promptly came.

The above example and many other incidents throughout the book illustrate the commitment, skills and patience of Lazaro Sumbeiywo. It is noteworthy that after the collapse of Nanyuki talks in 2003 Sumbeiywo took upon himself to travel to Southern Sudan to witness firsthand the plight of Sudanese and hear their feelings about the war and the peace process in Kenya. The odyssey transformed him and made him committed to the peace process more than ever.

4.4 The effect of the Military Situation on the Peace process

Evidence suggests that the military situation on the battle fields also affected the peace process. For instance, initially, Sudan did not want to lose the umbrella of peace talks though it was more interested in bringing about the military solution to the civil war. The government’s military successes in the years 1991/1992/1993 ultimately pushed SPLA to a very small strip of Southern Equatorial (borders with Kenya and Uganda). Consequently, the government strategy was to pursue military operations against SPLA while at the same time pursuing peace under the umbrella of a regional peace initiative, i.e. IGAD. Thus, the governments choose Ethiopia to mobilize IGAD members in an attempt to escape a broader international intervention on the UNITAF/UNOSOM style. Against that assumption, Sudan’s president, Omar Bashir, after meeting with Ethiopian president Meles Zenawi in 1993, declared that Sudan was “totally convinced “that the States of the region were more capable of solving the region’s problems. On that basis Sudan accepted the mediation of quadripartite IGAD committee (Ethiopia, Eritrea, Kenya, and Uganda.)

After failure to achieve compromise on the Declaration of Principles (DOP) in September 1994, each party attempted to gain a military victory to position itself for what would inevitably be another encounter at the negotiating table. The Khartoum government focused on reaching an internal peace agreement with the South Sudan Independence Movement of Riek Machar (this would subsequently take form as the April 1997 Khartoum Peace Agreement), and defeating SPLM/A military, which appeared to be a realizable objective in the circumstances.

The SPLM/A, on the other hand, build up its relations with the National Democratic Alliance, a loose grouping of northern opposition forces, as means to bring further pressure to bear on the government and gain acceptance from parties, which arguably represented the majority of Sudanese people. It also got help from Ethiopia, Eritrea, and Uganda and thus managed to withstand the government onslaught.

Resumption of the peace talks in 1997 therefore owes much to the resultant stalemate in which neither party seemed capable of winning. After the start of the Ethiopian- Eritrean war in 1998 and Uganda and Khartoum increasingly favored a military support to the SPLM/A declined and with the peace process. With the end of the Ethiopian- Eritrean war and Uganda's disengagement to the DRC support for the SPLM/A resumed albeit on a smaller scale. It was only then that the government demonstrated a willingness to pursue the peace option. For instance, Kwaje points out that in September 2002 the government withdrew from Machakos talks and launched major military operation against SPLA positions in Upper Nile, Southern Blue Nile and around Torit in Eastern Equatorial. The SPLA launched counter attacks that eventually forced the government to

withdraw from Torit. There after the government returned to the peace talks on 14th October 2002.

An examination of the behavior of the Sudan government demonstrates that the government was only willing to negotiate when it was under military pressure from SPLA or when it saw no way out of the stalemate. Accordingly, the government was always willing to withdraw from the peace talks any time it perceived that it had the military advantage and it was likely to win.

On the other hand, SPLA seems to have known that an outright military victory over the government was unachievable; it could at best only win battles but not the war. This might explain the willingness and readiness to negotiate; it was however not willing to negotiate when vital interests such as religion and system of governance were at stake. This analysis seems to agree with most conflict theorists who argue that issues of identity often lead to protracted social conflicts within states. Thus, it can be argued that a mutually hurting stalemate by both parties also contributed to signing of the Comprehensive peace agreement. Finally there is need for member states of any organization to demonstrate commitment to the organization to facilitate its operations. Consequently, membership to multiple organizations, as happens with most of IGAD members states, tends to dilute commitment to one or the other. For instance Tanzania as a member of the South Africa Development Cooperation (SADC), East Africa Community (EAC) and IGAD Kenya and Uganda both belong to both EAC and IGAD. Ethiopia, Sudan, Eritrea, Kenya, Uganda and Tanzania all belong to the common Market for Eastern and Southern Africa (COMESA). There is therefore need for IGAD members to do cost benefit

analysis of the various organizations to which they belong and choose the one they feel has better chances of maximally satisfying their interest.

4.5 Conclusion

From the above analysis it is evident that several factors facilitated the signing of the Comprehensive peace agreement between the Government of Sudan and the Sudan Peoples Liberation movement On 9th January 2005 in Nairobi, ending Africa's longest Civil war. This factors included the ability of the US government to impose its will Sudan Government either by the use of diplomacy or coercion, Regional pressure from the IGAD member countries, the character of IGAD and skills of IGAD as a mediator and the the ability of the US government to impose its will on other States either by the use of diplomacy or coercion and this had a great impact on the IGAD mediation process in the Sudanese conflict. effect of the Military situation on the battle fields affected the peace process and this had a great impact on the IGAD mediation process in the Sudanese conflict.

CHAPTER FIVE

Summary of findings conclusion and recommendation

5.0 Introduction

This chapter provides the summary of the findings and also it gives conclusions and recommendations of the objectives of the study. The objectives of this study were to examine the role and challenges of the IGAD mediation in the Sudan peace process from 1993 to 2005, to identify factors that made it possible for IGAD to bring the warring parties to the negotiation table and to provide recommendations for enhancing IGAD'S effectiveness in resolving conflicts within member states. The study set out to test two hypotheses: One, IGAD'S mediation role arose out of security fears and IGAD as a regional organization, made the resolution of the Sudan conflict possible.

5.1 Summary of findings

The study has shown that the support given to IGAD by international actors by the United Nations and Major Western countries, including the US, gave the organization a moral standing with the two belligerents. The also found out that it was IGAD'S as a mediator that contributed successfully to ward other comprehensive peace agreement. Specifically its enunciation of the declaration of principles (DOP) provided structure for the negotiations by identifying key points of disagreement among the parties.

5.2 Discussion of the findings

The study observed that throughout the negotiations process that lasted eleven years, neither belligerent ever questioned IGAD'S man date to legitimacy that enabled Sudan to communicate effectively with, and to convince, the Sudanese government and the SPLM/A to come to the negotiating table.

Without this support it would have been very difficult for the government of Sudan to back the Mediation efforts. As observed by Zartmen, the entry of the third party actors as mediators in the international conflicts is perceived by states as affording legitimacy to the grievances of the rebels, hence its unwillingness to entertain mediation as an option. Sudan's acceptance of IGAD as mediator, it can be inferred, afforded SPLM/A leaders legitimacy as the valid spokes years on for the Soothers: It was also undoubtedly difficult fo the government of Sudan to go outside the IGAD frame work when most members of the International community asserted that it had the responsibility to end the conflict.

The committed adherent by IGAD to the DOP as the basis for negotiations increasingly isolated the government of Sudan from the major sections of the intentional community. IGAD also spent considerable effort trying to gain western maternal support. This eventually took the form of the IGAD parterres forum (IPF), a forum that ensured that the international community did not endorse other peace initiatives.

The study, however also noted that other variables played a role in bringing about the comprehensive peace agreement. Notably, the ole of the regional actors in helping the SPLM/A the role of the US of the sole super power, and the military situation on the ground all helped to bring about the negotiated settlement. Also, significant is the role played by Kenya's special

envoy and chief mediator Lazero Sumbeiywo whose dedication and patience helped to push to patience man would have given up.

The influence drawn from the various variables shows the Igad should be given prominence in helping to end the Sudan conflict. The basis for the influence is their before IGAD initiated the peace process, few extra – regional actors had made any progress since the conflict erupted in 1983. And no other extrusive regional displayed the displayed the persistence of 12 years as shown by IGAD. In their attempts to move the partners towards a negotiated peace. This may be to the fact that as neighbor countries IGAD member states a cutely felt effects of the Sudan conflicts, including small arms proliferation, rising insecurity, problem of refugees, and the general distastes of the region by international investors who felt uncertain insecure. Consequently, it can be asserted that IGAD played a significant role in bringing about the Comprehension Peace Agreement (CPA). Such commitment, patience, and success only highlight the potential role that regional organizations can play in conflict management

.5.3 Conclusion

IGAD played a major mediation role in the Sudanese peace process from 1993 to 2005 culminating in the signing of the comprehensive peace agreement in Nairobi on 5th January 2005. The support given to IGAD by international actors by the United Nations and Major Western countries, including the US, gave the organization a moral standing with the two belligerents. IGAD’S as a mediator contributed successfully to ward other comprehensive peace agreement. Specifically its enunciation of the declaration of principles (DOP) provided structure for the negotiations by identifying key points of disagreement among the parties. Throughout the

negotiations process that lasted eleven years, neither belligerent ever questioned IGAD'S mandate to legitimacy that enabled Sudan to communicate effectively with, and to convince, the Sudanese government and the SPLM/A to come to the negotiating table.

5.4 Recommendations

Several recommendations can be made from the findings of this study. First, the study recommends that there is need to institutionalize conflict management institutions within sub – regional organizations so that they do not operate on adhoc – basis/. Through such efforts, they can always be on standby alert to mediate in conflicts if and when the time comes that they are needed.

Secondly, there is need for sub regional organizations to develop a funding strategy to be independent and self supporting. The Sudanese peace process demonstrates that the reliance on donors can be problematic as either the donors push their own agendas or can sometimes not be depended on to provide funds at critical times in the negotiations at potential of destabilizing negotiations at critical moments in any peace process.

An examination of the behavior of the Sudan government demonstrates that the government was only willing to negotiate when it was under military pressure from SPLA or when it saw no way out of the stalemate. Accordingly, the government was always willing to withdraw from the peace talks any time it perceived that it had the military advantage and it was likely to win.

On the other hand, SPLA seems to have known that an outright military victory over the government was unachievable; it could at best only win battles but not the war. This might explain the willingness and readiness to negotiate; it was however not willing to negotiate when

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