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The African Union Mission In South Sudan: A case
Study of South Sudan

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Declaration

I, Philip Keitany hereby declare that this research project is my original work and has not been presented for a degree in any other University

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

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Abstract

South Sudan is one of the youngest nations of the world but it is experiencing a war that risks turning into a civil war. The African Union has been involved in trying to find a solution to the issue. As such, this research focuses on the AU mandate in South Sudan, more so its effectiveness in resolving the conflict. Using a qualitative approach, the research project discusses the current efforts and attempts being done by the AU and other regional stakeholders in South Sudan, which include religious, political and civil society, towards the resolution of the conflict. Qualitative research is exploratory in nature thus the researcher compiled literature, reports, and primary data. In sum, the findings show that there have been numerous attempts towards finding a lasting solution to the crisis between the President Salva Kiir and his former deputy Riek Machar. However, the efforts have not borne fruits. Therefore, the AU has failed to find a lasting solution in South Sudan for several reasons including the fact that the African body does not have mechanisms in place to prosecute the perpetrators. As recommendations, there is a need for the conflicting parties to respect the peace agreement. Next, they should agree to make a unity government so as to put structures in place for a free and fair election. Also, they should focus on building the country through reconciliation and justice.

Acronyms and Abbreviations

AMISOM	–	African Union Mission to Somalia
APSA	–	Continental Peace and Security Architecture
APRM	–	African Peer Review Mechanism
AU	–	African Union
AUCISS	–	African Union Commission of Inquiry on South Sudan
AUSC	–	African Union Security Council
CAR	–	Central African Republic
HSGOC	–	Heads of State and Government Orientation Committee
ICC	–	International Criminal Court
IGAD	–	The Intergovernmental Authority on Development
MPSSA	–	Management in the Promotion of Peace, Security and Peace in Africa
NGOs	–	Non-Governmental Organizations
OAU	–	Organization of the African Union
PSC	-	Peace and Security Council
REC	–	Regional Economic Communities
RMCP	–	Regional Mechanism for Conflict Prevention
SPLM	–	Sudan People’s Liberation Movement
UN	–	United Nations
UNMISS	–	United Nations Mission in South Sudan
UNSC	–	United Nations Security Council
UPDF	-	Uganda’s People Defence Forces
US	–	United States
VP	–	Vice President
SSLS	–	South Sudan Law Society
MSC	–	Military Staffing Committee

Dedication

To my mum and dad Mrs. and Mr. Hellen and Sylvester Keitany, you're the greatest joy that keeps me going. To my fiancée Dr. Lynn Jepchirchir Ndoigo I want to thank you so much for the support and encouragement during the entire period of the my studies, you are my rock and I owe you a million, Thanks a lot my God bless you abundantly.

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CHAPTER ONE

Introduction

1.0 Introduction

The 9th of July 2011 marked the beginning of South Sudan as an independent nation after declaring its cessation from the larger Sudan. This made it the world's newest nation at the time. Notably, the independence was marked as a new dawn for the South Sudanese who had fought the Arab dominated former Sudan for close to two decades. Many countries across the globe were called in to witness this historic moment and there was much optimism both within South Sudan and internationally on the prospects of the new state. The fact that South Sudan is endowed with oil meant that the country would kick off its economic and social ambitions right away, albeit with the right amount of leadership. Sudan People's Liberation Movement (SPLM) leaders and veterans who never thought this day would come marched the streets of Juba with the rest of the world to celebrate. Back then, it stood out as one of the poorest nations and with the lowest literacy rate. However, new things were anticipated.¹

Notably, it was a success story when the country declared its independence from Sudan. However, four years down the line, there is a crisis in the country that threatens to tear it down into two halves.² It is estimated that thousands have already died due to recent escalation of violence. Hundreds of thousands have fled from their homes.³ The Africa Union, as the chief institution mandated to promote peace and socioeconomic integration in the continent, has been involved in mediation in the conflict and has been able to appoint

¹ Lokosang, L. B. 2010. "South Sudan: The Case for Independence and Learning from Mistakes." Xlibris Corporation.

² Beswick, Stephanie. 2004. "Sudan's Blood Memory: The Legacy of War, Ethnicity, and Slavery in Early South Sudan." University Rochester Press.

³ Bubenzer, Friederike, and Orly Stern. 2011. "Hope, Pain & Patience: The Lives of Women in South Sudan." Jacana Media.

several missions to solve this conflict. However, despite the peace and mediation efforts currently underway, the situation has not improved and violence has spread to many other areas.

1.2 Background

Though South Sudan had a prospective future given its newly acquired status as an independent state, international commitment by donors to state building and its immense oil wealth, the country at the moment is still reeling in war and abject poverty. In equal measure, it still stands as one of the poorest and with the lowest literacy rate, given the fact that they have been involved in war with their Northern counterpart for close to two decades. It is very underdeveloped because the former leaders of Sudan had focused development only on the Northern Arab part of the larger Sudan.⁴ The current crisis started in December 2013 when President Salva Kiir fired his deputy Riek Machar over gross misconduct. However, this angered the Vice President's supporters who have now become rebels fighting the government. Though the evidence is slim, Kiir accused Machar of wanting to stage a coup.

The situation has deteriorated by the day, with the risk that it turns into a civil war – living to the World's Bank's estimation that country's coming out of war often slide back within years.⁵ Without a doubt, this war is having its toll on the population and government institutions. It is estimated that thousands have died due to this latest escalation of violence.⁶ Hundreds of thousands have fled from their homes. As of July this year, the fighting was still

⁴ Dagne, Ted. 2012. "The Republic of South Sudan: Opportunities and Challenges for Africa's Newest Country." DIANE Publishing.

⁵ Bannon, Ian. *The role of the World Bank in conflict and development : an evolving agenda* . Working Paper, Washington, DC. : World Bank , 2010

⁶ Natsios, Andrew S. 2012. *Sudan, South Sudan, and Darfur: What Everyone Needs to Know*. Oxford University Press: Oxford.

on, and tension high throughout the country. Furthermore, government institutions such as hospitals and police are non-functioning and actually stalled.

The differences between President, Salva Kiir, and his former Vice President, Riek Machar are more of rivals due to the dissimilarities between them, including different ethnicities. They are from two different yet big tribes of South Sudan, and what started as personal differences has escalated to a war of ethnicities. The President Kiir is from the largest tribe in South Sudan, the Dinka, while his former deputy, Machar is from the Nuer, which stands as the second largest group. Therefore, it is clear that they have much support from their tribes.⁷

The effects of the ethnic differences are core and negatively impacting the young state. Notably, the conflict has brought suspicion and animosity between the two major tribes. This means that there is no way the two can work together unless they find a way to solve their differences and end the animosity or suspicion. The rebels mostly from the ethnic Nuer have seized sizeable amount of territory, including land that produces oil.

The African Union has the mandate to solve this matter and has been involved in various attempts to solve it. Notably, it has held many sittings over the matter and threatened to sanction leaders who fuel the conflict. Under the AU, troops have been sent on the ground though peace efforts and mediation are very different from what is happening on the ground.⁸ Nonetheless, the fighting has spread ever since to most parts of the country, with people fighting over oil fields and towns. This research, therefore, seeks to focus on the specific role played by the African Union in South Sudan, assessing its effectiveness in this endeavour. By seeking this mandate, the paper provides recommendations that will help solve the matter.

⁷ Deng, Francis Mading. 2011. "War of Visions: Conflict of Identities in the Sudan." Brookings Institution Press.

⁸ Publications, Europa. 2003. "Africa South of the Sahara 2004." Psychology Press.

1.3 Statement of the Research Problem

South Sudan is experiencing a war that risks turning into a civil war. Given this, the AU as an African states member body and institution has been involved in trying to find a solution to the issue. This research focuses on the AU mandate in South Sudan, more so its effectiveness in resolving the conflict. According to the AU website, the main vision of the institution is to foster a united, successful and peaceful Africa. Therefore, this research comes in handy as it will point out both the successes and failures of the AU. It will also set out clear recommendations on what the AU can do to help speed up the peace process. Though the crisis is an outright tragedy, it presents a clear opportunity for this research to investigate some of the core issues to understand what is being done right and what the mistakes in the mediation effort are. Furthermore, there is a need to investigate the latest events in the view of the South Sudan leaders, the combatants, the survivors, as well as those who live in conflict-ridden areas. Particularly, the research also looks into the issues that have come up in the short history of the new state of South Sudan and how it affects the AU mandate in resolving this conflict.

1.4 Objectives and Effectiveness of the Study

The main objective of this research is to establish the AU's mandate and effectiveness in resolving the South Sudan conflict.

Specific Objectives of the Study

1. To identify the efforts explored by the African Union to solve the South Sudan conflict
2. To identify the successes of the African Union mandate in the South Sudan conflict.
3. To identify the failures of the African Union mandate in the South Sudan conflict
4. To establish the factors behind the AU's success or failure in resolving the South Sudan conflict.

1.5 Research Questions

1. What efforts are currently being explored by the African Union to solve this conflict?
2. What are the successes achieved so far by the African Union?
3. What are the failures of the African Union?
4. What factors have enabled or inhibited the AU's success or failure in resolving the South Sudan conflict?

1.6 Justification of the Study

The purpose of this research is to study the efforts exerted by the African Union in helping solve the South Sudan conflict. The results of this study are used to come up with recommendations on how the African Union can better solve the South Sudan conflict. It identifies the African Union mandate currently employed in South Sudan. The current efforts and attempts being done by the AU and other regional stakeholders in South Sudan encompass religious, political and civil society in overcoming the conflict in the country, which are commendable. However, much more effort is needed if the nation is to be liberated once and for all from the tentacles of war, for the sake of eternal peace as well as restoration of ethnic harmony between the two major tribes fighting each other for power. So as to answer this question, it is essential to situate the entire discourse within a much wider historical and socio-economic context.

This research paper seeks to add something new to this debate because it analyses the South Sudan conflict based on fresh evidence and state of affairs. A number of researchers have attempted to research about the South Sudan conflict; however, many are from outside the continent and seek to use secondary sources to answer research questions. Evidence that is presented in this research is from an African mind, therefore, presenting the facts as they are from observation. For this reason, this research is instrumental in proving evidence and the way forward for the African Union mandate in the region, and future African conflicts.

1.7 Literature Review

1.7.1 History of South Sudan and the Overall vulnerability to Conflict

Historically, South Sudan was once part of the larger Sudan, now a country on the north. However, the relationship between Sudan and its Southern counterpart has not been rosy. It has been comprehended through years of raiding and exploitation by the Arabs of the North against the Africans of the South. There has been a considerable amount of influence from imperialism of former colonialist Britain as well as Egypt. Notably, the first tribes to arrive in Sudan were the Arabs from Egypt. Some crossed from the Red Sea especially during the Middle Ages. The Africans followed later on. However, colonial occupation commenced during the 19th century. Given this, it is not easy to explain the recent conflicts from a single point of view because there is a mishmash of other factors such as religion, colonialism, and economic exploitation.

Nonetheless, Bubenzer and Stern speak about the history of conflicts between the Arabs and the Africans as well as how has affected the lives of many especially the children and women in Sudan by displacing them from their homes.⁹ According to the authors, the initial civil war between the Arab dominated Sudanese government and African rebels from the south was between 1955 and 1972.¹⁰ The rebels wanted greater autonomy for their region. Nonetheless, the war came to an end in 1972 when South Sudan were offered a significant amount of autonomy for their internal affairs.

The second war commenced again in 1983 because President Jaafar Nimeiri decided to introduce and implement Sharia law on the whole of Sudan despite the fact that the south was mostly Christian. Though negotiations to solve the Sharian law issue commenced, they

⁹ Bubenzer, Friederike, and Orly Stern. 2011. "Hope, Pain & Patience: The Lives of Women in South Sudan." Jacana Media

¹⁰ Bubenzer, Friederike, and Orly Stern. 2011. "Hope, Pain & Patience: The Lives of Women in South Sudan." Jacana Media

failed when the current president Omar al-Bashir overthrew the government in 1989. He is still the president to date. Calderone, Maystadt and You also touch on how the violent conflicts commenced due to resources, self-determination, and religion matters arguing that the conflict between Islam and Christianity as well as a lack of resources are to blame for the fueling of the conflict in Sudan.¹¹ The civil wars have left more than two million people dead. A further four million have been displaced.

Up to the present, politics of intra-group and inter-group alliance and raiding has been fueled by the civil war politics, which have ended in the war between the north and south. For some time now, the conflict in South Sudan has been understood to be between the Dinka and the Nuer, and has been explained by theories of segmentary lineage opposition between the two. Different factions in conflict regions like Sudan often dissolve or form for different reasons, including the power and charisma of individual leaders as well as the alliances that are born out to access certain resources such as oil. The struggle between the different factions in South Sudan has been determined by competition for this oil resources. Though the factions continue to be ethically determined, there is also a national and international dimension to it. Nonetheless, factions in the conflict have taken an ethnic dimension, which stems from the opposing groups being involved in both national and international conflict as well as competition for resources and not from pre-existing motivations based on ethnicity.

1.7.2 The South Sudan Conflict

Beswick shows that the South Sudan conflict has many fronts; besides the immediate events such as firing of the VP, there are other challenges that have existed before independence, for instance, corruption, inter-communal violence, lack of reform in the

¹¹ Calderone, Margherita, Jean-Francois Maystadt, and Liangzhi You. 2013. "Local Warming and Violent Conflict in North and South Sudan." Intl Food Policy Res Inst

political parties, as well as tensions when it comes to sharing of resources especially oil. Corruption has long hindered the South Sudan government from investing in education, roads, or health care. Consequently, the citizens have continued to lack opportunities to make it in life and prosper. Though the Upper Nile region continues to be exploited for oil, the local population has gained little from these resources, with communities continuing to be illiterate. Such communities fall prey to being recruited by opportunistic rebel leaders who will then use them for personal gains.

Since attaining its independence, the progress of South Sudan has been hampered by competing interests of dominant political bigwigs and the interests that they present. Despite the many pledges of aid from abroad and the government's own investment in its economy, there is little to show for in terms of health care, road networks, or education.¹² Presently, the former Vice President Machar and other warring factions are openly criticizing the leadership of Kiir and the ruling party. The return to war started when Kiir dismissed Machar and many other government leaders in 2013. Tensions continued to mount when the president also announced the dissolution of the internal structures of his party in November 2013.

Dagne also talks about how the violence has continued to affect many other South Sudanese.¹³ Though it started as fighting between the Dinka and Nuer elements within the Presidential Guard, the war has now spread to residential parts of Juba and across areas such as Jonglei, Unity, and the Upper Nile states.¹⁴ The SPLM has also split due to massive defections. However, this was expected given the fact that army was made up of former rebel

¹² Beswick, Stephanie. 2004. "Sudan's Blood Memory: The Legacy of War, Ethnicity, and Slavery in Early South Sudan." University Rochester Press

¹³ Dagne, Ted. 2012. "The Republic of South Sudan: Opportunities and Challenges for Africa's Newest Country." DIANE Publishing

¹⁴ Ibid

groups, mostly uneducated, who continue to remain loyal to their leaders and not the army top commanders. Both sides have ignored the current catastrophe and continue to resupply and train their forces.

It is also significant to note that there are different warring factions wanting to be included in the government. Notably, the country consists of more than 60 tribes but with minimal self-governance experience. Nonetheless, most of the rebels are from the Nuer tribe allied to Machar. A large part of the government fighters are from the larger tribe of the Dinka. Independent militias have also multiplied ever since the civil war broke out.

1.7.3 Conceptualization of the AU

The African continent has long been influenced by ideas and institutions. Many of these encounters are the result of both internally and externally driven factors. On the one hand, internal factors include the cross-cultural issues that arise from the various African kingdoms, empires and trading links. On the other hand, external factors have emanated from European colonialism, missionary expansionism, and anti-imperial ideologies from some of the African leaders. Though most of these factors have contributed to violent impacts on the African continent, some of the interface has led to formation of peaceful accords through the institution of the African Union.

According to the African Union's website, the AU is one of the most respected institution in the African continent to solve conflicts and establish a roadmap for the continent.¹⁵ The supreme organ of the AU is the Assembly, which was born out of the unity of the AU and the foundational component of OAU (Organization of the African Union). Given this, the history of the AU has been closely connected to the history of the African continent.

¹⁵ The African Union Commission. n.d. *AU in a Nutshell*. Accessed July 13, 2015. <http://www.au.int/en/about/nutshell>

Hirsch speaks at length about how the African Union was formed and how its role on the African continent has been shaped over the years.¹⁶ Ever since its inception, the AU (in terms of its members and mandate), has moved away from pursuing African sovereignty to including more global goals such as a having a united prosperous Africa that is not dependent on foreign aid. Therefore, the organ is focusing on matters of economic development, good governance, social progress and peace through cooperation, self-reliance, and economic development.

1.7.4 Involvement of AU and Conflict Resolution

Understanding the role of the African Union in solving the issues of the continent has never been easy given the limited amount of data that outline the successes of the continental body. For that matter, researchers on African peace have experienced frustrations and limitability of data. The dynamics that surround conflicts in Africa, most of the times, have been equated to primitive misunderstandings or long hatreds between different tribes. Conversely, some have blamed the conflicts on weak governance structures, which then result in state failures and conflict on large scale. Nonetheless, several authors have attempted to look at how the conflicts in Africa can be solved.

Murithi offers excellent case studies into how the AU has managed peace in the continent.¹⁷ The various case studies include Sudan, Somalia, and South Sudan. Specifically in Somalia's case, the AU commissioned the Intergovernmental Authority on Development Regional Portal (IGAD) to ensure that it oversaw the coming together of the many warlords to make their country whole and peaceful again. Given this, the mandate of AU is clear

¹⁶ Hirsch, John. 2014. "Africa's Challenges and the Role of the African Union." *IPI Global Observatory*

¹⁷ Murithi, Tim. 2007. "The African Union's evolving role in peace operations: the African Union Mission in Burundi, the African Union Mission in Sudan and the African Union Mission in Somalia." *African Security Review* 17.1 70-82

because it has the necessary resources and backing of other international bodies such as the UN.

Francis in his book titled *Peace and Conflict in Africa* also offers a more detailed understanding of what causes the many conflicts in Africa and how the AU has responded to many of them through peace-building efforts.¹⁸ Rarely has the institution used force to achieve peace. For instance, it has rarely sent an army to quell armed conflict. The institution believes in the use of dialogue to foster peace and development. In essence, it is an overview of conflict and the subsequent peace efforts across the entire African continent. The book introduces the major themes that characterize studies in conflict, which include peace building, conflict resolutions, as well as security development.¹⁹

1.8 Theoretical Framework

This research uses theories that seek to answer the question: what role does the AU play in solving the South Sudan conflict? The most significant theories that apply to this research include realism and institutionalism.

1.8.1 Political Economy Theory

The political economy approach is the use and study of how economic method and theory impacts political ideology. Therefore, it is an interplay between law, economics, as well as politics, and how different institutions work in systems such as communism, socialism, and capitalism. Notably, it is anticipated that all social processes are important towards determining economic outcomes, the direction of change in history as well as how economic institutions and agents will behave. Notably, political economy theory draws upon the spheres of political science, economics, sociology, and history to explain how a country

¹⁸ Francis, David J. 2008. *Peace and conflict in Africa*. Zed Books

¹⁹ Ibid

behaves with regards to the politico-economic dimension. In this case, the theory looks at how different institutions of a country impact the political and economic outcomes in different political, economic or social systems.

The analysis proceeds on the assumption that governments and their policies are important but that the policies and preferences of governments reflect the actions of specific interest groups within the economy. These groups may emerge along class or sectoral lines, indeed, the assumptions of rational choice are applied to explain how particular groups within the economy emerge and what their goals and policy preferences are. Furthermore, rational choice provides a framework for understanding the coalitions these groups enter into and their interactions with other institutions. Some of the early contributors to this theory include the likes of Adam Smith, John Stuart Mill, David Ricardo, and William Stanley Jevons. Nonetheless, the theory has now included many other subjects and can now combat serious and complex that threaten issues of globalization and liberalization of trade.

As mentioned above, this theory explains economic factors that play a significant role in war. Many policy makers and researchers now acknowledge the fact that civil wars are self-finance in nature. In that, governments and rebels often look for alternative sources to finance their military campaigns. Besides plunder and pillage, combatants also use foreign aid, diaspora remittances, and natural resources to fuel war. Therefore, the political economy theory explains how issues of economics (finance of war) and politics (policy making) shapes the current civil war in South Sudan.

1.8.2 Institutional Theory

The old form of institutionalism argued that institutions exist to represent solutions to conflicts of the past. Institutionalists believe that institutions are part of government action to

obtain certain objectives.²⁰ In essence, the institutions are norms, outlines, and regulations meant to constrain or allow the behavior of social actors thus making social life significant and predictable. The new conception of political science institutionalism on its part depends on the idea of good governance. Therefore, it believes that certain institutions are put in place to set up processes of governance that are governable. Given this, it is paramount that mechanisms are put in place that will allow for actors to negotiate, agree and assume specific functions to survey the public environment.

The African Union is an institution put in place to present solutions to conflicts. As institutionalism envisages, the AU has been created to ensure that governance processes in member states are indeed governable and that governments are answerable to the public. Since South Sudan is experiencing a civil war due to a deficit in governance, the AU steps in to ensure that the warring factions negotiate, agree, and take up functions that will promote good governance.²¹

To sum up, the political economy and institutionalism theories applied here seek to explain the reasons as to why the AU has taken up the mandate to solve the issues that affect the African continent. In the process, it places lots of emphasis on the significance of values and interests pursued by the institutions such as the AU in the African continent.

1.9 Hypotheses

- ✓ If the conflicting parties are not ready to make peace, then the intervening party will fail with the mediation process.
- ✓ If the conflicting parties do not represent the interest of their social groups, then there will be no substantial peace.

²⁰ Scott, W. Richard. "Institutional theory." In *Encyclopedia of Social Theory*, by George Ritzer, 408-14 . Thousand Oaks, CA : Sage, 2004

²¹ Ibid

1.10 Research Methodology

1.10.1. Approach

This study employs a qualitative approach. Qualitative research deals with developing explanations regarding a social phenomenon. Therefore, it helps people comprehend the world and why things are the way they are. The objective is exploratory in nature thus the researcher will compile through literature, report, and primary data on current efforts made by the African Union in South Sudan to solve the conflict.

1.10.2 Data Collection

The data collection features the following: A case study on South Sudan that covers different efforts towards attaining peace. A case study is a research process that includes the use of an indepth and upclose examination of a subject alongside the related context. The research then looks into the opportunities and challenges presented in peace-finding missions, techniques used by the African Union, lessons learnt so far; as well as recommendations in numerous reports. Also, the researcher collected data through conducting interviews with several experts at the South Sudan embassy and the African Union office both in Nairobi. These experts were individuals who are well versed with the conflict in South Sudan and what efforts are exerted by the AU to solve the conflict. In doing all these, the paper aims at answering the following research question: What role has the AU played in solving the South Sudan crisis and how effective it has been.

Primary data collected is from the South Sudan embassy in Nairobi and the African Union office in Nairobi will be useful. Extra examples of secondary data utilized include journal articles, books, and newspaper articles.

1.10.3 Data Analysis

The data is processed through content analysis as part of the qualitative research, which deals with developing explanations regarding a social phenomenon. Therefore, it helps

people comprehend the world and why things are the way they are.²² Specifically, the paper utilizes thematic content analysis, where the researcher analyses secondary data to identify any themes within the data, as well as collecting examples of such themes in the identified text. The themes that the researcher is looking for include the significance of AU in solving the South Sudan crisis.

1.11 Chapter Outline

Chapter 1: The AU Mandate in South Sudan

This chapter introduces the topic in general beginning with the background to the topic; from the moment South Sudan gained independence from Sudan to the current crisis affecting the young state. It then delves into statement of the problem, objectives and effectiveness of the study, justification of the study, the literature review, the theoretical framework, the hypotheses, and the methodology used.

Chapter 2: Addis Ababa and Namibia A.U. Meetings

The second chapter looks into the efforts explored by the African Union (AU) to help resolve the South Sudan conflict. It talks about two meetings: The first held in Addis Ababa on the 1st of January, 2014 to broker a ceasefire deal that would lead to a cessation of hostilities as the relevant parties looked for a more sustainable solution. The second meeting held in Swakopmund, Namibia, aimed at briefing the AU's Security Council about the developments in South Sudan and why the parties are yet to enforce any peace agreement.

Chapter 3: AU summit in S.A, the N.Y. and the Commission of Inquiry

This chapter is about three case studies: the African Union (UN) Summit of June 2015; the New York Summit of Sept 2015; and the Commission of Inquiry on South Sudan.

²² Bernard, H. Russell, and Gery W. Ryan. 2010. "Analyzing Qualitative Data: Systematic Approaches." SAGE.

Chapter 4: The Success and Failures of the AU mission in South Sudan

Chapter Four discusses the success and failures of the AU in South Sudan.

Chapter 5: Summary, Conclusions and Recommendations

This chapter gives a brief overview of the objectives of the study to see how they have been achieved. Thereafter, it gives a summary of the findings; conclude the topic, then given recommendations of the topic.

CHAPTER TWO

Addis Ababa and Namibia A.U. Meetings

2.1 Introduction

This chapter looks at the efforts explored by the African Union (AU) to solve the South Sudan conflict. It specifically talks about two meetings facilitated by the African Union: one in Addis Ababa held on the first of January, 2014 and aimed to broker a cease fire deal that would lead to a cessation of hostilities as the relevant parties looked for a more sustainable solution and another meeting in Swakopmund, Namibia, aimed at briefing the AU's Security Council (AUSC) about the developments in South Sudan and why the parties are yet to enforce any peace agreement. The chapter: analyzes the involved parties; the topics under discussion and issues arising; highlight the role of the AU in the meeting; as well as the outcomes of each of the meetings.

The meeting in Addis Ababa was held on the 1st of Jan, 2014 and the participants included teams headed by Salva Kiir on one side and Riek Machar on the other.²³ The subject matter of the meeting was to agree to a ceasefire that would end hostilities that started in December 2013. In the end, the two parties agreed that they should end hostilities after a week's time. However, the two sides continued to fight despite the agreement.

The meeting in Namibia took place in May 2015 and it involved the AU members. Notably also, the AU commission addressed the Peace and Security Council about the state of affairs in the world's newest country. It stated how it was dissatisfied with the way hostilities were escalating in South Sudan. Specifically, the warring parties were criticized for abandoning dialogue and instead choosing to continue with the hostilities. The council expressed the idea that only dialogue could solve the impasse, thus an escalation of the

²³ Tekle, Tesfa-Alem. "Five African countries to join IGAD mediation on S. Sudan conflict." *Sudan Tribune*, 2015

already worse situation will cause catastrophic consequences on the country. It then made a call for the UN Security Council to place an arms embargo on the warring parties as well as sanction specific individuals who were financing or participating in the fight directly.

2.2 January 1 2014 Addis Ababa Meeting

The Addis Ababa was held on the first of January, 2014. The participants included two teams: one from the Sudan government headed by President Salva Kiir; and the second from the former Vice President Riek Machar. This was the very first time that President Salva Kiir was meeting with his former Vice President Riek Machar since violence broke out a month or so before. As such, they were considered as introductory talks and the subject matter of the meeting was to broker a ceasefire deal that would lead to a cessation of hostilities as the parties looked for a more sustainable solution. But first, the two sides had to hold separate sessions with Ethiopia's Premier.

The background to the meeting was that the new conflict months after independence from the Arab dominated Sudan had left thousands of South Sudanese dead and more than a million homeless.²⁴ More than five million were in dire need of aid. According to the United Nations, both sides were responsible for mass killings, gang-rape, sexual slavery, and other such crimes against humanity. These were widespread atrocities that were executed in hospitals, homes, churches, as well as UN compounds where the citizenry thought they would be safe.²⁵ For instance, in May 2013, five health workers were killed by South Sudan soldiers when the hospital they were working in was attacked as a revenge mission for eight soldiers who had been killed earlier. Consequently, the UN urged the African Union to hold those

²⁴ Tekle, Tesfa-Alem. "Five African countries to join IGAD mediation on S. Sudan conflict." *Sudan Tribune*, 2015

²⁵ Lupai, J. (2015, June 2014). *Power sharing is not solution to South Sudan conflict*. Retrieved Sep 04, 2016, from Sudan Tribune

who committed the atrocities responsible since it was the main African organization supposed to handle such conflicts.

Both opposing sides had their own demands during the talks. The government, to begin with, demanded that Machar and his allies cease the fighting with immediate effect. Machar, however, demanded that Uganda stops helping the government's troops before he can agree to the ceasefire deal. Notably, the Ugandan Government had deployed its Ugandan's Defense Forces (UPDF) into South Sudan just after the outbreak of the 2013 Civil War. According to the South Sudanese and Ugandan governments, this intervention was meant to prevent a further escalation of the war during its breakout stages. UPDF had intervened to secure several locations in the country such as Juba airport. Soon, however, it was evident that UPDF had a wider mandate as they fought alongside the South Sudanese army to halt the advance of the troops supporting Riek Machar further south. Besides troop support, the UPDF would also offer logistical and advisory support to the government in Juba. Up to 3000 of the UPDF troops had been sent to the country and the soldiers had been stationed near Juba airport, Nisitu, Bor, and the Juba-Nimule highway.

Significantly also, Machar demanded that the government releases their top politicians and drop the treason charges before the talks could commence. The detainees included former ministers and government officials: former Finance Minister Kosti Manibe, Cabinet Affairs Minister Deng Lor, Deputy Minister Defense Dr. Majak D'Agoot, former Justice Minister John Luk, as well as former Sports Minister Cirino Hiten. There were also other six detainees from the SPLM party: Gier Chuang, Ezekiel Gatkuoth, Madut Biar, Rebecca Nyandeng, Pagan Amum, as well as Oyai Deng Ajak. All these persons were accused of being part of the opposition.²⁶ The government of South Sudan had captured them

²⁶ Lupai, J. (2015, June 2014). *Power sharing is not solution to South Sudan conflict*. Retrieved Sep 04, 2016, from Sudan Tribune

earlier but President Uhuru Kenyatta of Kenya had negotiated for their release and instead they be held in Nairobi as the peace process continued in Addis Ababa. This was indeed a key demand of Machar side. In the end, the two parties agreed that they should end hostilities after a week's time; however, the two sides continued to fight despite the agreement.

There were extensive talks between Kiir and Machar where Machar was demanding that the government releases all political detainees before he could sign the peace agreement. However, on Thursday the same week, Machar's delegation dropped the precondition about releasing the political detainees, which then paved the way for the agreement to be finalized. The cessation of hostilities agreement reached on Thursday included the condition that the warring parties progressively withdraw or redeploy all armed group and their allied forces from the conflict areas. One of the allied forces in this case included the Ugandan army. The government also agreed to release 11 political detainees from Machar's side. Furthermore, the agreement provided a mechanism for monitoring and verifying whether the agreements of the peace process were being attained. Accordingly, this would then decide one of another contested matter, the lifting of the state of emergency.²⁷ Soon after the skirmishes had broken out, the government of South Sudan did issue a state of emergency where civilians were expected to remain in their houses as from six in the evening till six in the morning. This was a move to curb the movement of armed opposition groups at night.

Last, the deal comprised of a 30-day truce, which would take effect immediately to allow for humanitarian aid to reach the hopeless as well as for meaningful talks for a long term solution to take place. Ever since the civil war had broken out, farming activities stopped thus the country's food supply was disrupted. Many of the civilians who lived in rural areas and depended on their farms for food had to flee. Thus, they were facing eminent

²⁷ Lupai, J. (2015, June 2014). *Power sharing is not solution to South Sudan conflict*. Retrieved Sep 04, 2016, from Sudan Tribune

starvation if there was no help from the international community. Hailemariam Desalegn, Ethiopia's PM did mediate the talks and besides a cessation of the fighting, the two warring factions were expected to also discuss about power sharing. However, a transitional government was not expected to be on the discussion table since it was still early and President Kiir was expected to lead until 2015 when elections would be held.

Correspondents to the meeting expressed their disbelief about how the country did descend into a civil war just three years after independence. Thought no one expected a viable agreement to be reached immediately, it was expected that both teams could at least agree on a process that will eventually stop the fighting, resolve the conflict and move the country forward. Several diplomats from the US and European countries also urged the AU to consider sanctions if there was no agreement and the two sides continued to fight. The sanctions would include a freezing of the assets and bank accounts of the leaders who fueled the war. Their travels to abroad countries would also be halted.

The warring sides did not commit to the deal due to several issues arising.²⁸ First, both teams stated that they were under international pressure to sign the deal, therefore, they were not allowed to discuss about many other issues such as the details of the new government they were expected to form. Also, only one week after the agreement was signed, the government's military attacked Leer, which is Machar's hometown in the north, thus violating the agreement that they should halt the raging violence. Machar also accused the Intergovernmental Authority on Development (IGAD) of tilting the details of the deal in favor of Kiir, thus ignoring some of their demands.

Subsequent to the Addis Ababa meeting was the AU Meeting on 29th of the same month to discuss the warring situation in South Sudan. Nonetheless, the AU's Peace and

²⁸ Tekle, Tesfa-Alem. "Five African countries to join IGAD mediation on S. Sudan conflict." *Sudan Tribune*, 2015

Security Council held its 416th meeting on the 29th of the same month, at the level of Heads of State/Government. Its mandate was to adopt a decision regarding the situation in the South Sudan Republic. According to the communiqué released, the council took note of the Commission's Chairperson Nkosazana Dlamini-Zuma regarding the situation in South Sudan. According to the Chairperson, the situation in South Sudan was dire and there was the need for the two sides of the divide to come together to find a lasting solution. According to the Chair, this process, however, was not easy given the fact that the two sides were not fully committed towards a meaningful solution.

There was also another statement from the Chairman of Intergovernmental Authority on Development (IGAD), who reiterated what the AU chair had stated. However, he stated that IGAD was committed towards ensuring that peace was attained in South Sudan since the events happening in the country were directly and indirectly affecting the stability and peace of other neighboring countries. Another statement taken note was from a representative from the South Sudan government who stated that the government of South Sudan was also committed towards achieving a lasting peace since it was dutifully elected by the people of South Sudan.²⁹ The council then recalled earlier press statements and earlier communiqués regarding the war in South Sudan. There was also a recall of resolutions made by the UN Security Council on the 24th of Dec, 2013, which amongst other things called for a speedy cessation of hostilities. The body also increased the mandate of the United Nations Mission in South Sudan (UNMISS), which then increased its troops to 12,500 troops and 1323 police units. The UN Secretary General (Ban Ki-Moon) also was authorized to do everything necessary to encourage cooperation between the different missions and the council.

²⁹ Lupai, J. (2015, June 2014). *Power sharing is not solution to South Sudan conflict*. Retrieved Sep 04, 2016, from Sudan Tribune

Third on the communiqué was the reaffirmation of the AU's position about totally rejecting any attempt to seize power using force or unconstitutional changes in any government, which coincides with the AU's Charter touching on the issues of Democracy, Election and Governance, which sets out global standards regarding democracy and good governance in areas of elections, rule of law and thus condemning unconstitutional changes of African governments. Accordingly, the AU reiterated that there was a deep concern regarding the violence that continued in South Sudan as well as the aftermath of the events that affected millions of civilians, as well as, the stability and security of the region. Once again, the council condemned all the attacks perpetrated against innocent civilians and many other violations of human rights and humanitarian law.³⁰ It reiterated the need for all perpetrators to be held accountable using the relevant instruments against impunity. As such, the AU welcomed the decision by the Peace and Security Council to institute a Commission of Inquiry, which would then make recommendations on the processes of accountability, reconciliation, as well as healing.³¹

Accordingly, all parties to the conflict were reminded of their mandate and responsibilities towards the citizenry of South Sudan as well as the need to place the interest of their nation above narrow personal or political consideration. The main parties of the conflict included: the Government of South Sudan, and the Sudan People Liberation Movement who split into the opposition. Nonetheless, the AU did appreciate the commitment by the Chairperson, Ethiopia's Prime Minister Hailemariam Desalegn, IGAD, and other regional leaders towards a search for a long lasting solution to the crisis. The Mediation Team in IGAD was comprised of Ambassador Seyoum Mesfin, General Mohamed Ahmed M. El

³⁰ Tekle, Tesfa-Alem. "Five African countries to join IGAD mediation on S. Sudan conflict." *Sudan Tribune*, 2015

³¹ Lupai, J. (2015, June 2014). *Power sharing is not solution to South Sudan conflict*. Retrieved Sep 04, 2016, from Sudan Tribune

Dabi, and General Lazaro Sumbeiywo. Other participants in the meeting who were appreciated included the international community. In support of mediation efforts by IGAD, the Council was satisfied with the visit taken by the Commission, which included a visit by the Commission's Chairperson to Juba on the 20th January 2014 to interact with President Salva Kiir and the detained opposition leaders.

Consequently, the commission made the following demands in its communiqué. First, parties ought to abide by and faithfully commit to the cessation of hostilities and propaganda. It reiterated its determination to hold the responsible parties in conjunction with IGAD. Second, the parties were to protect innocent civilians and provide the necessary humanitarian access as an effort to curb impunity. Third, the parties were urged to cooperate with IGAD in finding a lasting solution to the crisis.

Significantly also, the Council stressed that the parties should embrace dialogues, which were anchored upon the following principles: First, a strong sense of patriotism towards the Republic of South Sudan as well as its citizenry.³² The objective was to build a strong and effective state. Second, the dialogue was expected to be comprehensive in the sense that it should address the issues of democratization, governance, management of resources, and much more. The dialogue was also to be inclusive of all stakeholders, both with and without arms, including the civil society, the women, the youth, religious leaders, traditional leaders, and all political actors. In view of this, the Council appreciated that some of the detainees were released to the custody of Kenya's President Uhuru Kenyatta (the detainees included former Finance Minister Kosti Manibe, Cabinet Affairs Minister Deng Lor, Deputy Minister Defense Dr. Majak D'Agoot, former Justice Minister John Luk, as well

³² Tekle, Tesfa-Alem. "Five African countries to join IGAD mediation on S. Sudan conflict." *Sudan Tribune*, 2015

as former Sports Minister Cirino Hiten) and it looked forward to the resolution of remaining cases.

Last, the Council decided that it will remain actively involved in the situation in South Sudan and as such, commended all the humanitarian agencies and donors who have been rendering all manners of support to the affected populations. It expected that more resources will be mobilized to meet the requirements ground needs. Although the talks had earlier failed, the Commission denoted its continuous effort towards a lasting solution by continuing to initiate further talks and the requirement to cease all hostilities and hostile propaganda.

2.3 22 May 2015 - AU Commission Meeting in Namibia

Before delving into the details of the meeting, it is significant to acknowledge that Namibia as an independent state has been supporting the affairs of the AU towards the fulfillment of its entire mandate. Despite the fact that the country has a small population, it has been involved in many AU-mandated peace support efforts and operations. It is at this backdrop that the AU commission held its meeting in Swakopmund on the 22nd of May. The meeting involved ten AU officials: the Chairperson, Deputy Chairperson, as well as eight different Commissioners and many other staff members. Thus, the meeting sought to find a way to address the South Sudan conflict, especially since the two warring factions violated the agreement on cessation of hostilities that was signed in Addis Ababa. The meeting commenced with the commission addressing the Peace and Security Council about the situation and recent development in the world's newest country.³³ It released a press statement with the following issues and developments outlined. First, the commission was dissatisfied with the way hostilities were escalating in South Sudan. The humanitarian situation was wanting as soldiers from both sides continued to kill and displace innocent

³³ Michael, O. (2014, Mar 17). *Solutions for crisis in South Sudan*. Retrieved Sep 04, 2016, from ICCO

civilians. More than 10,000 people had already died since the start of the war. Also, more than 2 million were displaced with no place to stay and no food to eat. It is at this backdrop that the warring parties were criticized for the fact that they abandoned dialogue and instead chose to go to war as a way of ending the standoff. The council expressed the idea that only dialogue could solve the impasse, thus an escalation of the already worse situation will cause catastrophic consequences on the country.³⁴

The council called for the leaders from both sides to rise above their factional or individual interest and thus put the wellbeing of the nation and its citizenry first. This was against the will of Intergovernmental Authority on Development (IGAD), the AU, the UN, and the International community. To help mitigate the situation, the council directed that the Sanctions Committee designate specific entities and individuals from the two sides who will be targeted. The Sanctions Committee was established by the AU's Peace and Security Council (PSC) on the 13th of March 2009 as an effort to deal with or prevent unconstitutional changes in African governments.³⁵ The UN Security Council (UNSC) was also requested to place an arms embargo on the warring parties to ensure that they do not continue with the conflict.

The Council outlined the relevance of its previous press statements and communiqués such as the one released in Addis Ababa on the 29th of January, 2014. Accordingly, these communiqués and press statements revealed the determination of the Committee, in conjunction with IGAD, to take the required measures against parties that refuse to honor their commitments towards the peace process. As such, the press statement reiterated the need to continue to look for a long lasting solution, and those who failed to honor the commitment would be punished under the UN resolution 2206 (2015) of March 3, 2015

³⁴ Deng, David K. *African Arguments*. February 2, 2015

³⁵ Michael, O. (2014, Mar 17). *Solutions for crisis in South Sudan*. Retrieved Sep 04, 2016, from ICCO

where it imposed targeted sanction to support the process towards peace. Member States of the AU and the rest of the International Community were urged to continue with the provision of humanitarian aid to reduce the plight of the suffering civilians. In the end, the Council agreed to set up another meeting to monitor the situation in South Sudan.

The outcome of this meeting echoed the feeling that the African Union was fed up with the continuation of hostilities in South Sudan. It was also concerned with how both sides put personal interests ahead of those of the populace. Those who bore the brunt of the fighting were innocent women and children as well as the poor who cannot afford to flee the country. Hundreds of thousands of civilians had lost their lives.³⁶ Millions more had been displaced from their homes. And many more were in dire need of food and other basic needs since farmers were not even allowed to plant crops so as to fend themselves.³⁷ Despite the fact that the UN had set camps for the refugees to take shelter, assailants still found a way of bombing these designated places at night thus escalating the crisis even further.

After the talks, however, the sanctions committee that had been established by the AU did not punish the warring parties despite pressure from world powers such as the United States, China, and Russia also calling for the sanctioning of the leaders. Significantly, there were few expectations that the Kiir, Machar, or any of their allies would be punished as African leaders claimed that it would derail the peace process if they were sanctioned or taken to the International Criminal Court (ICC) to face charges of engaging in war.

2.4 Conclusion

In sum, this chapter has delved into two meetings facilitated by the African Union: the first was held in Addis Ababa as an introductory meeting on the first of January, 2014. President Salva Kiir and former vice president Riek Machar met for the first time together

³⁶ Deng, David K. *African Arguments*. February 2, 2015

³⁷ Michael, O. (2014, Mar 17). *Solutions for crisis in South Sudan*. Retrieved Sep 04, 2016, from ICCO

with their negotiating teams after the civil war broke out. The facilitator of the meeting was Ethiopia's premier Desalegn. The outcome of the meeting was a deal to stop the fighting but the two sides did not commit to the resolution because of the failure of the warring sides to honor to the provisions of the deal.³⁸

The second meeting in Namibia, a year later, came in the aftermath of the violation of the deal. The AU commission sought to brief the AU's Security Council about the developments in South Sudan and why the parties are yet to enforce any peace agreement. The council did condemn both sides for their role in encouraging the conflict. The outcome of the meeting was a call for sanctions to be placed on specific individuals from both sides who were fueling the conflict. There were calls for an arms embargo as well. However, the perpetrators of the violence are still walking free and nothing substantive from the meeting has been enforced.³⁹

Therefore in terms of the Role and effectiveness of the AU, it appears that the institution is weak when it comes to instituting and implementing sanctions. Despite the many calls to sanctions leaders from both sides of the war, not a single person has been taken to court for the atrocities committed on the populace. It is also significant to note that the two leaders Machar and Kiir are not wholeheartedly committed towards finding a peaceful solution as witnessed in their continued disregard of their commitments made in the meetings as witnessed in continued fighting. It appears that they continue to put their personal ambitions in front of the country's interest and those of the people whom they were supposed to serve.

³⁸ Deng, David K. *African Arguments*. February 2, 2015

³⁹ Michael, O. (2014, Mar 17). *Solutions for crisis in South Sudan*. Retrieved Sep 04, 2016, from ICCO

CHAPTER THREE

The AU Summit in South Africa, New York, and the Commission of Inquiry

3.1 Introduction

This chapter delves into three case studies: the African Union (UN) Summit held in June 2015; the New York Summit held in Sept 2015; as well as the Commission of Inquiry on South Sudan. Each of these has been an attempt by the African Union towards ending the conflict in South Sudan. As far as the first two cases are concerned, this chapter analyses the involved parties, the topics under discussion, matters arising, as well as the outcome of these meetings. As for the third topic, the Commission of Inquiry on South Sudan, the chapter finds the answers to questions such as, what led to the formation of the inquiry, when was it held, when was the report released, as well as what happened after the report was released.

The meeting in South Africa was held in June 2015 in the two towns of Johannesburg and Pretoria and the participants included all heads of states of the African continent. The topics under discussion included the various conflicts and crises that affect the African continent and how to resolve them.⁴⁰ As such, the conflict in South Sudan was discussed alongside other conflicts in Somalia and Burundi. Notably, the theme of the meeting was not solely about the South Sudan crisis but a focus on how to empower the African continent to ensure that it solves its own problems. One significant topic that featured prominently about South Sudan was about the release of the AU Report on South Sudan, and although there were extensive discussions held about the many wars of the continent, the meeting ended without meaningful resolutions on South Sudan.

In the month of September 2015, the AU's Peace and Security Council (PSC) held a meeting in Abuja Nigeria before attending the UN General Assembly meetings held in New York on the 26th of the same month to discuss matters in South Sudan. Specifically, it

⁴⁰ AllAfrica. *South Africa: President Zuma Welcomes AU Summit Delegates, Leaders*. June 12, 2015

discussed about the possibility of releasing the AU Commission of Inquiry on South Sudan (AUCISS) report, and to terminate the commission's mandate since it had already done its job. The summit applauded the signing of the South Sudan Agreement on the Resolution of the Conflict by all parties. Consequently, it directed that the AU Commission give proposals to identify the way the body can ensure that all the items outlined are implemented. There were also other items on agenda such as the commendation of AMISOM efforts, the security situation in Mali, as well as Burkina Faso.

The third case analyses the AU Commission of Inquiry on South Sudan (AUCISS), which was initiated by the African Union as a result of the escalation of the civil war between the two warring sides: President Kiir on one side and Riek Machar on the other. The report from the inquiry was initially scheduled to be released on the 24th of July 2015; however, the date was pushed to a later date for security reasons. Significantly, the report denoted the many atrocities committed by the warring parties, many of which amounted to crimes against humanity. The report was expected to name the perpetrators of the war and offer recommendations on how the violence could be stopped. Nonetheless, even after the release of the report, violence continued and no one has been brought to face justice to date.

3.2 The South Africa Summit

As mentioned before, the meeting in South Africa was held in June 2015 in the two towns of Johannesburg and Pretoria and the participants included all heads of states of the African continent and members of the AU. The program for the meeting went as follows. On the fourth of the same month, the AU was to review the outcomes of the meeting that had been held earlier on the 2nd of May 2015 in Swakopmund, Namibia. Notably, the meeting in Namibia had sought to find a way to address the South Sudan conflict after the two warring sides had violated the agreement on cessation of hostilities that was signed on the January of

2014. Significantly also, the AU was dissatisfied with the way hostilities were escalating in the world's newest country of South Sudan. The humanitarian situation was wanting especially since more 10,000 people had already died since the start of the war, and over 2 million displaced. Also in the earlier meeting, the AU did call for the leaders from both sides to rise above their factional or individual interest and look for peace because it was prudent to put the wellbeing of the nation and its citizenry first. The PSC was to meet in South Africa especially given the fact that the violence in South Sudan was still continuing and the leaders from both sides had not made any meaningful progress to solve the impasse.⁴¹ Therefore, they were facing pressure from the Intergovernmental Authority on Development (IGAD), the AU, the United Nations (UN), and the International community.

Second on the agenda of the South Africa meeting was the finalization of the draft report by the PSC, supposed to be held on 8th of June. The draft report considered the terms of references of AU's subcommittees, which had looked into major security and peace progresses on the continent months after the last AU meeting. The focus of the report was on conflict trends, conflict situations, and efforts made by the UN, the AU, and regional communities such as IGAD, which are all concerned with the prevention and resolution of armed conflicts. Some of the countries that were considered in the report, and which had violence, included Darfur in Sudan, Boko Haram in Nigeria, Al Shabaab in Somalia, as well as civil wars in South Sudan as well as the Central African Republic (CAR).

Third on the agenda, the highlight of the month, was the meeting of 13th June by the PSC to talk about the wanting situations in South Sudan and Burundi. The heads of state reiterated the fact that the AU and the International Community were not happy with the escalation of hostilities in South Sudan. Apparently, the two opposing sides were more concerned about their personal interests ahead of those of the South Sudan people, who they

⁴¹ AllAfrica. *South Africa: President Zuma Welcomes AU Summit Delegates, Leaders*. June 12, 2015

were mandated to protect. There was also the mention of how many more innocent women and children suffered as a result of this; more than a hundred thousand civilians had lost their lives while more than one million got displaced from their homes. Significantly, the AU meeting in South Africa touched on many other topics apart from the Burundi and South Sudan crisis, thus not much time was given to the two countries.⁴²

On the 22nd of June, the AU subcommittee of military staff held its meeting while a day later, the heads of state discussed about conflict prevention and early warning mechanisms to help countries such as Guinea-Bissau, which were about to hold elections. Notably, the Military Staff Committee (MSC) is a constituent of the Continental Peace and Security Architecture (APSA) whose role is to advise the PSC on matters dealing with the continent's military. Other discussions included the briefings about Kenya's fight against Al Shabaab, which had struck the country with an attack on the Westgate shopping mall. The last item of the summit was about general elections in Africa, which according to the AU, were supposed to be fair and reflective of the will of the people. The position of the AU was to reject all attempts by different factions, such as the opposition in South Sudan who were accused of wanting to seize power using force or unconstitutional changes in any government. Significantly, this is at the backdrop of the AU's Charter that delves into the topics of Democracy, Election and Governance, which sets out global standards regarding democracy and good governance in areas of elections, rule of law and thus condemning unconstitutional changes of African governments.

From the onset of the meeting, the heads of state mentioned that they had made huge strides to solve the numerous problems and conflicts that affect the African continent, for instance, the political crisis in Burundi. Nonetheless, the summit also discussed the violence that was going on in South Sudan but was overshadowed by the inclusion of Sudan's President

⁴² AllAfrica. *South Africa: President Zuma Welcomes AU Summit Delegates, Leaders*. June 12, 2015

Omar El Bashir, who is wanted by the International Criminal Court (ICC) over genocide charges that happened in the province of Darfur, which is part of Sudan. There was an outcry by the International Community and activists who wanted Bashir arrested and handed over to the ICC; however, South Africa argued that Bashir enjoyed diplomatic immunity given the fact that he was a sitting president and head of state who had taken his time to attend the summit. Significantly also, the summit was attended by Riek Machar. According to James Gatdet Dak, spokesperson for Machar stated that the opposition leader had been invited by the AU to attend the summit. His attendance was very important because it was part of the agenda to discuss the situation unfolding in South Sudan regarding the peace process.

Another key figure to attend the summit was Uganda's President Yoweri Museveni, who is a participant in the African Peer Review Mechanism (APRM), Heads of State and Government Orientation Committee (HSGOC), as well as the AU Peace and Security Council Meeting. It is to be noted that Museveni was part of the South Sudan conflict especially since he was the first to send troops to South Sudan to help Salva Kiir's government secure places such as airports.⁴³ As such, the opposition leader, Machar, had demanded that Museveni stops helping the government's troops before he could agree to the ceasefire deal. Notably, Museveni deployed Uganda's army- Ugandan Defense Forces (UPDF) into South Sudan in December 2013 moments after the outbreak of the 2013 Civil War, which was largely seen as a necessary intervention to stop a further escalation of the war during its breakout stages. The Ugandan Army secured Juba airport and other important locations around the capital. They also fought alongside the South Sudanese army to stop advancing troops supporting Riek Machar further south. Besides, the UPDF offered logistical and advisory support to Salva Kiir's troops.

⁴³ AllAfrica. *South Africa: President Zuma Welcomes AU Summit Delegates, Leaders*. June 12, 2015

The meeting in South Africa talked about South Sudan but was overshadowed by other happenings around the continent. Thus, nothing substantive was done to ease the situation in South Sudan except a call being made to the warring parties to continue with the peace process.

3.3 The AU Summit in New York

As mentioned above, the month of September 2015 witnessed another meeting by the PSC at the UN General Assembly meetings held in New York to discuss matters in South Sudan, and this was after a retreat held in Abuja, Nigeria during the same month. The PSC retreat in Nigeria was held between the 14th and 17th of September, 2015 to discuss the promotion of stability, security and peace in the continent. Between the 18th and 26 of the same month, the PSC joined other international bodies for the UN General Assembly in New York to discuss amongst other things the situation in South Sudan.⁴⁴

To begin with, the PSC, from 14th to 17th, held a three-day meeting in Abuja Nigeria dubbed “Enhancement of Cooperation between the PSC and the Regional Economic Communities (REC) and Regional Mechanism for Conflict Prevention (RMCP), Management in the Promotion of Peace, Security and Stability in Africa (MPPSSA)”. This meeting entailed a discussion about ways in which the AU can strengthen the partnership between different organizations with different mandates: The PSC for preventing, managing, and resolving conflict; REC for economic integration; RMCP for preventing conflict; and MPPSSA for promoting peace in the continent. During the same meeting, the PSC also commended the gains that had been made by the African Union Mission to Somalia (AMISOM) in Somalia by pushing out the Al Shabaab from most parts of Somalia including the Capital Mogadishu. The PSC then requested that the AU accelerate pledges made to

⁴⁴ The UN. *Secretary-General's press conference at the 26th African Union Summit* . Jan 31, 2016

Kenya, Ethiopia, and Uganda to offer assets such as helicopters to facilitate the different AMISOM operations across the East African region.

On the 18th, the PSC discussed about the security situation in Burkina Faso and Mali. Rebels in Mali had commenced a war to overthrow the central government but intervention from France helped stopped the offensive. In Burkina Faso, there was a coup and kidnapping of Michel Kafando, the transitional president and other members of the government by military leaders. Consequently, the AU suspended the country from the AU and imposed a ban on the coup leaders going by the name of the National Committee for Democracy from travelling outside the country. This prompted the group that instigated the coup to reinstate the transitional president and other government officials a week later. The country was then included back to continue with AU activities.

The highlight of the meeting in New York was on 26th September when the AU at the level of heads of state and government discussed the AU Commission of Inquiry on South Sudan report, and stated that it was time for its release.⁴⁵ But first, the PSC commended both sides of the conflict for signing the Agreement on the Resolution of the Conflict in South Sudan on August 2015. From here, it requested that the AU set up a Commission that will submit a proposal to look for the ways that the AU would ensure the implementation process. It is at against backdrop that the committee discussed the subjects of reconciliation, accountability, institutional reforms, and healing as outlined in the AUCISS report.

The report included the following outcomes: First, the civil war in South Sudan was not genocide. Human rights group in the country had wanted for the report to regard this as genocide; however, the Commission declined to label this as genocide because the killings were executed by both warring sides and it was indiscriminate. The United Nation defines genocide as an intended killing of a specific community for the purpose of wholly or partly

⁴⁵ The UN. *Secretary-General's press conference at the 26th African Union Summit* . Jan 31, 2016

annihilating them. Instead of genocide, the skirmishes were labeled as significant violations against international law. The recommendation by the Commission in relation to the AUCISS report was that the AU establishes legal mechanism that would be led, owned, and resourced by Africans and supported by the UN to bring to account those who are mentioned to have borne the greatest responsibilities. The report also recommended that the AU creates a national reparations fund as well as a program that will facilitate the justice mechanisms described above as well as compensate victims of the abuses and human rights violations. Thereafter, the meeting endorsed all the report recommendations especially the setting up of a reconciliatory body to bring the warring sides together. The meeting also requested the AU to support the AUCISS by releasing quarterly reports about the implementation of significant decisions in South Sudan.

3.4 The Commission of Inquiry on South Sudan

Notably, the Commission of Inquiry on South Sudan (AUCISS) was a response to the South Sudan crisis. At its 411th meeting in Banjul, Gambia on 30th of Dec, 2013, the Peace and Security Council (PSC) of the African Union (AU) advocated for the establishment of the AUCISS. The PSC in a communiqué requested that the Chairperson of the AU, Nkosazana Dlamini-Zuma, in conjunction with other AU structures urgently institute a Commission that will look into the abuses and violations of human rights during the civil war in South Sudan and consequently give recommendations on how to best ensure a stop to the violence, reconciliation, healing, and accountability amongst the South Sudanese people. The commission was expected to carry out its mandate within three months before submitting it to the PSC.⁴⁶

⁴⁶ AU PSC. *Final report of the African Union Commission of Inquiry on South Sudan*. Oct 27, 2015

The AU Chairperson Dr. Nkosazana appointed the following persons to the AUCISS: former Nigerian President Olesgun Obasanjo as the chair, and members as Ghanaian Honorable Sophia Akuffo, Ms. Bineta Diop from Senegal, Ugandan Professor Mahmoud Mamdani, and Professor Pacifique Manirakiza from Burundi. Together, the AUCISS commission members visited South Sudan and interviewed Non-Governmental Organizations (NGOs), community leaders, and victims of the chaos so as to get first-hand information. Specifically, the AUCISS was given the mandate to carry out the following: first, to investigate all the crimes and violations of human rights that had been committed throughout the armed conflict in South Sudan; second, to discern what are the causes of these violations of human rights and abuses; third, to recommend how to ensure reconciliation, healing, and accountability in the country and ensure that there will not be a repeat of such violence in future; fourth, to recommend on how to unify the country and ensure peace, stability, cooperation, as well as meaningful sustainable development; last, to submit its report within three months.⁴⁷

Although the Commission was supposed to release the report after three months of inquiry, it shelved the report in January 2015 on the grounds that its release would disorder the peace process that was ongoing in Addis Ababa. Apparently, participants of the peace process would develop cold feet when they discover that the AU was about to take serious measures to support justice as well as ensuring accountability. This prompted civil right groups and other advocates for peace, for instance, Amnesty International, UN watch, and South Sudan Law Society (SSLW) to write a letter to the PSC to press for the release of the report.

⁴⁷ AU PSC. *Final report of the African Union Commission of Inquiry on South Sudan*. Oct 27, 2015

According to the contents of the letter, the shelving of the report would only escalate the South Sudan conflict because it would ignite debates about accountability.⁴⁸ The letter cited the continuation of crimes against humanity that led to the displacement of more than 100,000 people. Some of the crimes cited included hangings, abductions, widespread pillaging and burning of towns and villages, burning of people alive, as well as a government offensive in the opposition stronghold of Unity State. Accordingly, this continuation of crimes was a result of the warring sides not making bold steps to stop the violence. The letter would still blame the International Community as well as the African Union for failing to take meaningful action to address the human rights violations.

Another point in the letter was the fact that publishing the report would send a strong message to leaders of the government and the opposition that it was unacceptable to continue with the violence and that they would be punished. The recommendations of the report should have started immediately to help the country of South Sudan move forward. The letter made it clear that the continuous withholding of the report would mean that justice and accountability were not a priority in the ongoing events. Although the two warring parties seemed committed to the peace process, they failed from time to time to uphold the commitments they made towards establishing a peace process.

After some delay, the report was finally released on September of 2015, and findings included the following: First, there were four operational commanders who were given different sectors to fight the opposition: General Salva Mathok was given the Amarat neighborhood; General Garang Mabil the Mangaten sector; General Bol Akot the Mia Saba and Gudele neighborhoods, as well as General Marial Chanuon the Khor William sector. The report identified Mathok as a relative of President Kiir while Chanuon was the head of his presidential guards. Also, Akot was a civilian who had led a militia to massacre people

⁴⁸ UN Watch. *Joint NGO Letter on AU Commission of Inquiry report on South Sudan*. July 23, 2015

and was enrolled into the army and offered a senior ranking for his efforts. The militia was known as Rescue the President and it did kill hundreds of people in Juba especially between 15th and 18th of December, 2013. Apparently, President Kiir recruited this militia as his personal army at his private farm situated in Luri, Juba.

The investigations and consultation by the Obasanjo team from both army and private sources led the Commission to conclude that there were grave violations of human rights and other abuses, which many would amount to violations against international law. However, there were no reasons to state that there was genocide committed in South Sudan starting from December 15. Thereafter, the Commission did recommend that the AU establishes a legal mechanism that would be led, owned, and resourced by Africans and supported by the UN to bring to account those who are mentioned to have borne the greatest responsibilities. The mechanism would include lawyers and judges from South Sudan communities. Notably also, the Commission, under the reasonable grounds standards, pointed out the perpetrators (the list was not made public) who bore the greatest responsibility to commit abuses and violations of human rights. The list of the perpetrators was highly confidential thus it was not made public but was instead given to the PSC.⁴⁹ Last, the Commission recommended that the AU creates a national reparations fund as well as a program that will facilitate the justice mechanisms described above as well as compensate victims of the abuses and human rights violations. Significantly, this fund would also cater for those who had been tortured or suffered other violations in the past, thus it would include victims before and after December 15 when the most recent civil war broke out.⁵⁰

⁴⁹ AU PSC. *Final report of the African Union Commission of Inquiry on South Sudan*. Oct 27, 2015

⁵⁰ CEPO. *South Sudan: African Union should publish Commission of Inquiry report, ensure accountability*. 2015

The report was applauded by civil right groups and much of the suffering populace as a significant step towards giving justice to those who suffered the most from the war.⁵¹ However, the government side lamented on the fact that the report mentioned some of its officers and commanders such as Marial Chanuong without taking into consideration the opposition. Nonetheless, the civil right groups did urge the AU to set up mechanisms that would ensure the recommendations mentioned above are realized.⁵²

After the report was released; however, it is clear that nothing was done to address the root of the conflict, according to the report. No one has been arrested or taken to jail after being mentioned in the report. It appears that the abuse and violence in South Sudan is regarded as a by-product of bigger problems such as differences between the two main tribes, and not the problem in itself. In view of this, the threat of violence if something is about the report is what makes the powerful in South Sudan, powerful. Both the government officials and the opposition are walking freely. Therefore, the AU is doing little to address the violence issues. As a matter of fact, the urgency and need to arrest the violence has often been seen as inopportune, and it is argued that accountability will lead to more violence. The argument here is that peace is better than accountability.

3.5 Conclusion

This chapter has looked into three subtopics: the African Union (UN) Summit held in June 2015; the New York Summit; as well as the Commission of Inquiry on South Sudan. The first meeting in South Africa talked about South Sudan but was overshadowed by other happenings around the continent, including the political crisis in Burundi, Kenya's fight against Al Shabaab, and generally about elections in Africa, which according to the AU, were supposed to be fair and reflective of the will of the people. Therefore, nothing substantive

⁵¹ Ibid

⁵² UN Watch. *Joint NGO Letter on AU Commission of Inquiry report on South Sudan*. July 23, 2015

was done to ease the situation in South Sudan except a call being made to the warring parties to continue with the peace process. The meeting in New York on the 26th September brought together heads of state and government to discuss the AU Commission of Inquiry on South Sudan report, and stated that it was time for its release. The meeting included a discussion of how a Commission will be set up to submit a proposal to look for the ways that the AU would ensure the implementation process.

The third item, the AUCISS report, was finally released in September 2015 after significant delays from January. The findings included the following: First, there were four operational commanders who fought the opposition: General Salva Mathok; General Garang Mabil; General Bol Akot; and General Marial Chanuon. Also, the Commission concluded that there were grave violations of human rights and other abuses but not enough to be genocide. The Commission recommended that the AU establishes a legal mechanism that would bring to account those who are mentioned to have borne the greatest responsibilities. Last, the Commission recommended that the AU creates a national reparations fund as well as a program to facilitate the justice mechanisms described above as well as compensate victims of the abuses and human rights violations.

From the discussion above, it is apparent that the African Union has contributed significantly to help mitigate the situation in South Sudan especially with the institution and release of the AUCISS report. However, when it comes to the effectiveness of the AU, it appears that the AU is weak when it comes to instituting and implementing sanctions. Despite the many calls to sanctions leaders from both sides of the war, not a single person has been taken to court for the atrocities committed on the populace. The two sides have signed the Agreement on the Resolution of the Conflict in South Sudan but the results about its implementation are still to be determined after some time.

CHAPTER FOUR

The Successes and Failures of the AU Mission in South Sudan

4.1 Introduction

Critics appear to believe that the glory days of the African Union (AU) mission in the African continent are over. According to the South Sudan News Agency, abbreviated as SSNA, there are a number of successes by the African Union in intervening in the South Sudan conflict in as much as there are several failures. This chapter begins by outlining the successes of the AU mandate in South Sudan, which include: facilitating the numerous meetings to attain peace; getting the two opposing sides to sign the Agreement on the Resolution of the Conflict in South Sudan on August 2015; as well as the release of the AU Commission of Inquiry on South Sudan (AUCISS) report. A number of the failures of the AU mandate in South Sudan to be discussed including: failure to end the bloodshed in the country; failure to end impunity showcased by the country's leaders; failure to release the AUCISS report in a timely manner; as well as failure to bring about justice, accountability, healing, and reconciliation.

4.2 The Success of the AU Mission in South Sudan

1. Meetings to find peace

The first success of the AU mandate in South Sudan is when the body facilitated numerous meetings to attain peace in the country. As talked about in Chapter 2 (Addis Ababa Meeting), there is no denying the fact that the AU through IGAD and other East African countries has initiated and held many meetings in Addis Ababa, Nigeria, South Africa, and Namibia to try and bring the two warring parties to agreement in an attempt to end the bloodshed. Without these meetings and initiatives, perhaps many more people would have lost their lives and South Sudan would have been ripped apart by now. Neighboring countries

would have borne the brunt of the conflict, for instance, by having to receive many more refugees as well as having to deal with insecurity at their borders.

The first meeting was held in Addis Ababa on the 1st of January 2014 and it included participants from both sides of the conflict; the government headed by Salva Kiir and the opposition led by Riek Machar, who was the Vice President before being fired for allegedly leading a coup to oust the president Salva Kiir.⁵³ The main aim of this meeting was to agree to a ceasefire that would then bring peace. At the end of the meeting, both parties agreed to end the hostilities after a week but the two sides continued to fight.⁵⁴ Next was a meeting held in Namibia in May 2015 and it involved the AU members who addressed the Peace and Security Council (PSC) about the state of affairs in the world's newest country. The countries were united in criticizing the warring parties for abandoning dialogue and instead choosing to continue with the hostilities. The PSC then implored the UN Security Council to place an arms embargo on the warring parties.

The meeting in South Africa took place in June 2015 and included all heads of states of the African continent. The civil war in South Sudan was discussed as well as the conflicts in Somalia and Burundi. In September 2015, the AU's PSC held a meeting in Abuja, Nigeria and attended the UN General Assembly meetings in New York on the 26th of the same month to discuss South Sudan. These meetings were effective in the way it helped to put pressure on South Sudan government and the opposition to act so as to end the bloodshed. The threats to bring those held accountable to justice acted as deterrence to help stop further bloodshed. Therefore, it is true to state that the AU mandate was effective from this point of view; initiating meetings to help bring peace in the country.

⁵³ Lokosang, L. B. "South Sudan: The Case for Independence and Learning from Mistakes." Xlibris Corporation, 2010

⁵⁴ Hirsch, John. "Africa's Challenges and the Role of the African Union." *IPI Global Observatory*, 2014

2. Agreement on the Resolution of the Conflict

The second success of the AU mandate in South Sudan was getting the two opposing sides to sign the Agreement on the Resolution of the Conflict in South Sudan on August 2015. After holding many meetings, this final document brought an end to the armed conflict in the country as it brought together the governments, the armed opposition, former detainees, political parties and other stakeholders. The document acknowledged: the requirement to promote stability and peace; the need to end the conflict; regret of the distress and suffering that the population in South Sudan had to endure since the beginning of the conflict in December 2013; and also acknowledged that the conflict has historical roots and in the power struggle between different ethnicities.⁵⁵ By signing the documents, the two parties were committing themselves to accountability, reconciliation, healing, as well as the need to end impunity in the country. Thereafter, the warring factions were committed towards building a democratic society that inclusive of all the members and thus end the use of war as a way of settling misunderstandings and scores.

Furthermore, the parties agreed that: power and resources ought to be devolved to the lowest levels of government; there was a need for humanitarian protection and assistance; and the need to share resources to improve quality of life of every South Sudanese citizen. All those who helped bring this peace were recommended, especially IGAD and the AU. Evidently from the provisions and commitments in this document, the warring parties were signing themselves up to a peaceful resolution to the conflict. So far in the first half of 2016, there had been a relative calm in South Sudan as the two parties attempt to fulfill and adhere to the provisions of the Agreement on the Resolution of the Conflict. Thus, this is another success of the AU mandate in South Sudan although the two parties were embroiled in fresh

⁵⁵ Lokosang, L. B. "South Sudan: The Case for Independence and Learning from Mistakes." Xlibris Corporation, 2010

violence that started on the 8th of July, 2016. The skirmishes led to the death of about 300 persons. However, there appears to be a relative calm at the moment though Riek Machar has gone into hiding and his whereabouts is yet to be known.

The release of the AU Commission of Inquiry on South Sudan (AUCISS) report Despite many delays, is touted as another success of the AU mandate in South Sudan. This report was paramount because it gave a number of revelations and recommendations in view of the conflict in South Sudan. For instance, it stated that the civil war in South Sudan was not genocide because the thousands of killings reported were executed by both warring sides besides being indiscriminate. The dictionary definition of genocide is the intended killing of one community with the aim of wholly or partly annihilating them.⁵⁶ Since the skirmishes in South Sudan do not fit this description, they were regarded as serious violations against international law. In effect, the AUCISS report recommended that the AU establishes a legal mechanism to bring to justice those who are mentioned to have borne the greatest responsibilities. Another recommendation was that the AU creates a national reparation program to facilitate the justice mechanisms and compensate victims of the abuses and human rights violations.

4.3 The Failures of the AU mandate in South Sudan

1. Failure to end the bloodshed in the country

Ever since the civil war began in December 2011, efforts by the AU to bring peace to the country were slow to the point that many South Sudanese citizens continued to suffer because the leaders would not agree to a ceasefire. For a fact, the South Sudanese leaders did fail their people when they continued to put their selfish interest ahead of those of the country. Clearly, this was a power struggle with each side wanting to ascend to the top position for the benefit

⁵⁶ Hirsch, John. "Africa's Challenges and the Role of the African Union." *IPI Global Observatory*, 2014

of their own communities and allies. However, it is the local populations that suffer as a result of the fight between the two warring sides. Although the AU did a lot to setup the meetings with the aid of IGAD, very little pressure went towards forcing the participants to agree to a ceasefire for the benefit of the South Sudanese citizens. At numerous occasions, AU and other African leaders would issue threats of sanctions and justice for the victims but nothing substantive has been done.

Therefore, the AU mission did fail from the fact that it allowed the bloodshed in the country to continue without taking decisive measures such as military intervention to stop further killings.⁵⁷ As mentioned before, the main aim of the first meeting in Addis Ababa was to agree to a ceasefire that would then bring peace and although at the end of the meeting both parties agreed to end the hostilities after a week, the two sides continued to fight for months on end ending in the killing and displacement of many other people. If there was a quick but peaceful intervention from the AU to stop the indiscriminate killings, then there would have been only a handful deaths and not many internally displaced persons (IDPs).⁵⁸ It is for this reason that the AU failed in that it should have done more to stop the bloodshed instead of threatening leaders with sanctions but with no action.

It is also worth to note that fresh fighting did resume in Juba between the two warring factions, with each side blaming the other for starting the attacks. According to the Sudan tribune, President Kiir's army did attack Kiir's base at Jebel site and Kiir's army returned fire. World leaders were quick to give stern warnings about the country going sliding back into violence, and urged the two leaders to get back to the negotiating table to finish the provisions of the peace agreement that they signed earlier. Therefore, although the AU

⁵⁷ Lokosang, L. B. "South Sudan: The Case for Independence and Learning from Mistakes." Xlibris Corporation, 2010

⁵⁸ UN Watch. *Joint NGO Letter on AU Commission of Inquiry report on South Sudan*

succeeded in brokering a deal, it appears to be shaky and the two sides do not fear about engaging in bloodshed once more.

2. Failure to end impunity showcased by the country's leaders

Another failure of the African Union mandate in South Sudan is the fact that the AU failed to end the rampant impunity as showcased by the country's leaders. The fact that what started as a simple skirmish between presidential guards and the VP's guards eventually grew to become a fully-fledged civil war proved the point that the South Sudanese leaders were riding in impunity. They escalated the war knowing that they would not face any consequences within the country or from the international community. Therefore, they would continue to advance their personal interests instead of putting those of the public first. Neither of the side was winning the war and this is why they agreed for extensive talks to form a unity government. This issue of impunity also stems from the notion that pride is one of the major motivator for inter-clan conflict. From a psychological point of view, pride is a pleasant feeling or emotion that comes from positive self-evaluation.⁵⁹

Interviews with clans, the Dinka and the Nuer, as well as chronological accounts of the events in South Sudan depicts that there is an innate desire for each clan to restore or maximize pride, individually or collectively. Pride as a motivating group behavior is not new in the academic circles as it coincides with the theory of group emotions that pride regulates and motivates inter- and intra-group behavior. For the clans to want to maximize collective pride, they would want to attain social dominance and public recognition and thus ending in violence between the two large clans in South Sudan. When the VP was sacked, his Nuer clan saw this as an attack on their pride and thus resorted to violence so as to respond to the wounded pride. Perhaps, it is this pride that the made the clans fight without wanting to back down.

⁵⁹ Hirsch, John. "Africa's Challenges and the Role of the African Union." *IPI Global Observatory*, 2014

Arguably, issues of wounded pride and other ethnic factors contributed to the prolonged fight between the two warring factions. Therefore, the AU should have taken these factors into considerations so as to ensure that the leaders put aside their personal interests and instead focus on building the country. By failing to ensure justice or arresting those who are involved in the conflict, the AU was arguably promoting impunity. Thus this is one of the failures of the AU mandate in South Sudan.

3. Failure to release the AUCISS report in a timely manner

The AUCISS was supposed to be presented to the AU's PSC on the 29th of January 2015 by Olesgun Obasanjo, former Nigerian president. This was one year after the AU commenced the investigations into human rights violation in South Sudan. Instead, IGAD's chair Hailemariam raised the defer motion so that the report could be released after there is peace in South Sudan stating that an initial release would put the ongoing mediation talks in jeopardy. The motion was seconded by other African leaders including Uganda's President Yoweri Museveni and South Africa's president Jacob Zuma. With that, the AUCISS report was closed to the public indefinitely. Immediately, this decision to postpone the release of the report raised a doubt on accountability and justice prospects in the country. Furthermore, it casts doubt on whether IGAD and the AU were genuinely ready and committed to putting to end the issue of impunity since it was one of the main drivers of the violence in South Sudan.⁶⁰ Ever since its inception in 2013, the AUCISS was tasked with investigating violations of human rights and other abuses since the breakout of violence in the country. After interviewing a number of South Sudanese citizens across the country, the report was expected to depict the account of war crimes against the people of South Sudan as well as list those involved with the conflict.

⁶⁰ AU PSC. *Final report of the African Union Commission of Inquiry on South Sudan*

The AU failed in postponing the release of this report because as the civil society argued, a public naming of those who are responsible for the war crimes could have helped deter more violence and thus saving lives. The argument by the AU that releasing the report would escalate the violence was misguided in a way because the warring parties clearly knew that they would fail to win militarily. Therefore, the fact that they accepted to hold talks meant that they were ready to look for alternative means. Thus, withholding the report may have served to feed the ego of the perpetrators of the violence given that they already felt as untouchables who could fight without being brought to justice. Part of the report also aimed at designing transitional reconciliation and justice mechanisms.⁶¹ Therefore, the AU failed in its mission by postponing the release of the AUCISS report, much more lives could have been saved with an early release.

4. Failure to bring about justice, accountability, healing, and reconciliation

The AU mission in South Sudan has also failed because it has delayed justice, healing, reconciliation, as well as accountability. The civil society and the international community had hoped that the release of the AUCISS would indeed promote reconciliation, healing, as well as accountability, but this has been deferred for long enough. The fact that the leaders took long to agree to end the war and the fact that they engage in impunity without being reprimanded has already delayed this process. Also, very little has been done towards bringing to justice the involved parties despite being named in the report.⁶² Progress has been made towards forming a unity government as well as peace and reconciliation. However, healing and justice are yet to be attained because of impunity.

From the analysis above, it is clear that the AU has had more failures than the successes in the case of South Sudan, and this can be attributed to two major reasons. First, the AU

⁶¹ AU PSC. *Final report of the African Union Commission of Inquiry on South Sudan*

⁶² CEPO. *South Sudan: African Union should publish Commission of Inquiry report, ensure accountability*

lacks the necessary mechanisms to enforce most of the decisions made by its leaders, and even these exist, they are very weak. Although the body has made the issue of human rights to be a significant element in its mandate, it is apparent that the methodologies being used to enforce decisions require strengthening. The AU did set up a Commission on Human and People's Rights, which then paved the way for the Africa Court situated in Arusha Tanzania in 2004. The African Court is supposed to prosecute and pass sentence on individuals that have trampled on human rights in the continent; however, none of those reported in South Sudan to have committed the crimes have been taken to the court.

The second issue that has led to the failure of the AU mission is with the two parties themselves. Clearly, Machar and Kiir are reluctant to find a lasting solution as each tries to show that they command the biggest armies. They also appear to lack the political goodwill to end the conflict. The two individuals rally behind their clans to maximize collective pride. As mentioned before, when Machar was sacked, his Nuer clan saw this as an attack on their pride and responded by fighting. Kiir and his followers also did not want to back down or cease government power and it is this pride that made the clans fight for those years without giving dialogue a chance. The AU somehow overlooked this factor while trying to bring the two parties together thus adding up to the failure. Fighting resumed in July when Machar's forces clashed with government forces while the two leaders were holding discussions in the presidential's palace. As of now, Machar has gone into hiding and no one knows where he is. Kiir has temporarily replaced him with Taban Deng to continue with the peace talks but the situation is fragile. Machar had stated that he wanted a third neutral force in Juba before he can return to carry out his duties as VP.

4.4 Conclusion

This chapter has looked into a number of successes and the failures of the AU mandate in South Sudan. Arguably, one reason as to why the civil war in South Sudan was

short compared to other conflicts in the continent was the fact that the AU was speedy in intervening and attempting to find a long-lasting solution to the conflict. With the help of IGAD, the African body was swift in bringing the warring parties to negotiations and thus initiated the peace process as well as established the AUCISS. Thus, there is no denying the fact that the AU has been successful in carrying out its mandate in the country. However, there have also been failures in this process. For instance, the delay in AUCISS's release did affect the momentum of this intervention. There was also less effective coordination in the interventions that delayed peace process and up to now there are still recommendations in the AUCISS that are yet to be attained. At the moment, the AU should take into considerations some of the demands such as sending a third neutral force in the capital to help maintain peace because it appears that the country may keep sliding into further turmoil if the events of last month are to go by.

CHAPTER FIVE

Summary and Conclusion

5.1 Introduction

South Sudan gained independence from the Arab-dominated Sudan on the 9th of July 2011. Henceforth, it was expected that South Sudan will prosper with all the oil resources at its disposal. However, in just a few years when South Sudanese from diaspora were returning to build the country, the country experienced a civil war that currently to tear it down into two halves; thousands have already died due to recent escalation of violence. More hundreds of thousands have fled from their homes. The crisis started in December 2013 when President Salva Kiir relieved his deputy Riek Machar from his duties. However, the Vice President and his supporters did not take this likely and they fought the government with arms. Kiir did accuse Machar of wanting to stage a coup though evidence was slim. The situation has deteriorated by the day, with the latest wave of violence being in August of 2016. The effects of the ethnic differences are clearly impacting the young state bringing suspicion and animosity between the two major tribes. The Africa Union has the mandate to mediate the conflict and has been able to appoint several missions to solve this conflict. However, the situation has not improved and violence has spread.

The main purpose of this research was to establish the AU's mandate and effectiveness in resolving the South Sudan conflict. The following were the objectives:

5. To identify the efforts explored by the African Union to solve the South Sudan conflict
6. To identify the successes of the African Union mandate in the South Sudan conflict.
7. To identify the failures of the African Union mandate in the South Sudan conflict
8. To establish the factors behind the AU's success or failure in resolving the South Sudan conflict.

5.2 Summary of findings

Chapter one introduce the topic in general. It started by offering the background to the topic; from the moment South Sudan gained independence from Sudan to the current crisis affecting the young state. The African Union has held talks to solve the crisis but the progress has been minimal. Thereafter, the chapter moved to state the problem before outlining the objectives and effectiveness of the study. There was also a justification of the study. The largest part of this chapter was the literature review. Studies were reviewed with regards to the themes of: South Sudan's history and its vulnerability to conflict; the advent of the current conflict; Conceptualization of the AU; as well as its mandate to conflict resolution. After the literature review, the chapter also talked about the theoretical framework. The theories adopted were those that answered the question: what role does the African Union play in solving the South Sudan conflict? Two theories were found to have fitted this category: political economic theory and institutionalism. After listing the hypotheses, which are covered below, the chapter then discussed about the methodology used in this study. Remarkably, the study employed a qualitative approach, which deals with developing explanations regarding a social phenomenon. To be specific, this was a case study on South Sudan that covered different efforts towards attaining peace. As for the data analysis, the researcher evaluated secondary data to identity any themes within the data, as well as collecting examples of such themes in the identified text. The themes that the researcher looked for included the significance of AU in solving the South Sudan crisis.

The second chapter looked into the efforts explored by the African Union (AU) to help resolve the South Sudan conflict. It talked about two meetings: The first was held in Addis Ababa on the 1st of January, 2014 to broker a ceasefire deal that would lead to a cessation of hostilities as the relevant parties looked for a more sustainable solution. The second meeting was held in Swakopmund, Namibia, aimed at briefing the AU's Security

Council about the developments in South Sudan and why the parties are yet to enforce any peace agreement. Consequently, the chapter analyzed the involved parties in the two meetings; the topics under discussion and issues arising; the role of the AU in the meetings; as well as the outcomes of each of the meetings. According to the findings of this chapter, there were two teams participating: one from the Sudan government headed by President Salva Kiir; and the second from the former Vice President Riek Machar. It was the first time that the two leaders were meeting since violence broke out a month before. Therefore, they were introductory talks and the subject matter of the meeting was to broker a ceasefire deal that would eventually lead to a cessation of hostilities as the parties looked for a more sustainable solution. Importantly, the two opposing sides had their own demands during the talks. On the one side, the government demanded that Machar and his troops cease the fighting with immediate effect and then agree to a ceasefire that would see the country reunite. On the other side, Machar demanded that Uganda's troops go back to their country after they had been deployed just after the outbreak of the 2013 Civil War. The second demand by Machar was that the government releases their top politicians and drops the treason charges. The detainees included former Finance Minister Kosti Manibe, Cabinet Affairs Minister Deng Lor, Deputy Minister Defense Dr. Majak D'Agoot, former Justice Minister John Luk, as well as former Sports Minister Cirino Hiten. There were also other six detainees from the SPLM party: Gier Chuang, Ezekiel Gatkuoth, Madut Biar, Rebecca Nyandeng, Pagan Amum, as well as Oyai Deng Ajak. However, this demand was not met. After extensive talks between the two sides, nonetheless, a cessation of hostilities agreement was reached on Thursday of the same week and it included the condition that the warring parties progressively withdraw or redeploy all armed group and their allied forces from the conflict areas. This deal also comprised of a 30-day truce that would take effect immediately to allow for humanitarian aid to reach the hopeless as well as for meaningful talks for a long

term solution to take place. However, the deal failed soon after because of a number of reasons: First, both teams stated that they were under international pressure to sign the deal thus they did not have enough time to discuss about many other issues such as the details of the new government they were expected to form. Second, the government's military attacked Leer, which is Machar's hometown in the north, just a week after the truce was announce. Last, Machar stated that the terms of the truce favored the government more than him.

The second meeting held in Swakopmund on the 22nd of May involved the participation of ten AU officials. The aim of the meeting was to find a way to address the South Sudan conflict after the two warring factions violated the agreement on cessation of hostilities that was signed in Addis Ababa. The participants called for the leaders from both sides to rise above their factional interests and put the wellbeing of the nation first. The Participants then directed that the Sanctions Committee designate specific entities and individuals from the two sides who will be targeted. The UN Security Council was also requested to place an arms embargo on the warring parties. After the meeting, however, the sanctions committee failed to punish the warring parties despite pressure from world powers such as the United States, China, and Russian also calling for the sanctioning of the leaders.

Chapter three delved into three case studies: the African Union (UN) Summit of June 2015; the New York Summit of Sept 2015; and the Commission of Inquiry on South Sudan. The first case study was a meeting held in South Africa in June 2015 in the two towns of Johannesburg and Pretoria. Participants included all heads of African states. The topics that were discussed included different conflicts and crises that affected the African continent and how to resolve them. The theme of the meeting was not solely about the South Sudan crisis but a focus on how to empower the African continent to ensure that it solves its own problems. As such, the meeting ended without meaningful resolutions on South Sudan. The second case study was about a meeting held on September 2015 by the AU's Peace and

Security Council (PSC) in Abuja Nigeria. This was just before attending the UN General Assembly meetings held in New York on the 26th of the same month to discuss South Sudan. Participants of the summit talked about the possibility of releasing the AU Commission of Inquiry on South Sudan (AUCISS) report, and to terminate the commission's mandate since it had already done its job. They also applauded the signing of the South Sudan Agreement on the Resolution of the Conflict by all parties and directed that the AU Commission give proposals to identify the way the body can ensure that all the items outlined are implemented. The final case study analyzed the AU's Commission of Inquiry on South Sudan (AUCISS) that had been initiated after the two warring sides in South Sudan renounced the cease fire and continued fighting. Although the report was initially scheduled to be released on the 24th of July 2015, it was pushed to a later date for security reasons. The AU Chairperson Dr. Nkosazana had appointed the following to the AUCISS: former Nigerian President Olesegun Obasanjo as the chair, and members as Ghanaian Honorable Sophia Akuffo, Ms. Bineta Diop from Senegal, Ugandan Professor Mahmoud Mamdani, and Professor Pacifique Manirakiza from Burundi. The commission visited South Sudan to interview Non-Governmental Organizations (NGOs), community leaders, as well as victims of the chaos so as to get first-hand information. The aim of the commission was to: investigate all the crimes and violations of human rights that had been committed throughout the armed conflict in South Sudan; discern what are the causes of these violations of human rights and abuses; recommend how to ensure reconciliation, healing, and accountability in the country and ensure that there will not be a repeat of such violence in future; recommend on how to unify the country and ensure peace, stability, cooperation, as well as meaningful sustainable development; and submit its report within three months.

The findings of the report included the following: The Commission concluded that there were grave violations of human rights and other abuses, which many would amount to

violations against international law. However, there was no genocide committed in South Sudan. The Commission recommended that the AU establishes a legal mechanism comprising of judges and lawyers from the country; in other words led, owned, and resourced by Africans and supported by the UN to bring to account those who are mentioned to have borne the greatest responsibilities. Notably though, the Commission did not make public the list of direct perpetrators of the conflict under the reasonable grounds standards, it was instead given to the PSC instead. Also, the Commission recommended that the AU creates a national reparations fund as well as a program that will facilitate the justice mechanisms and compensate victims of the abuses and human rights violations. Civil rights group applauded the release of the report; however, nothing was done to address the root of the conflict. No one has been arrested or taken to jail after being mentioned in the report. Both the government officials and the opposition are walking freely, which means that the AU is doing little to address the violence issues.

Chapter Four discussed the success and failures of the AU in South Sudan. The successes included the following:

3. Meetings to find peace: arguably, the AU did a lot to facilitate numerous meetings to attain peace in the country. Meetings were held in Addis Ababa, Nigeria, South Africa, and Namibia to try and bring the two warring parties to agreement in an attempt to end the bloodshed.
4. Agreement on the Resolution of the Conflict: The AU facilitated the signing of the Agreement on the Resolution of the Conflict in South Sudan on August 2015. The document brought an end to the armed conflict in the country for a while as it brought together the governments, the armed opposition, former detainees, political parties and other stakeholders. By signing the documents, the two parties committed themselves to accountability, reconciliation and healing,

5. The release of the AU Commission of Inquiry on South Sudan (AUCISS) report is another success of the AU mandate in South Sudan as it gave a number of revelations and recommendations regarding the conflict.

The following were considered as the failures of the AU:

5. Failure to end the bloodshed in the country: beginning December 2011, efforts by the AU to bring peace to the country were very slow while at the same time South Sudanese citizens were suffering as a result. The AU did not take decisive measures such as military intervention to stop further killings. The fact that fresh fights have been witnessed in Juba as recent as July shows that the AU is still reluctant to find a lasting solution.

6. Failure to end impunity showcased by the country's leaders: the two parties went to war knowing that they would not face any consequences within the country or from the international community.

7. Failure to release the AUCISS report in a timely manner: the initial release date of the AUCISS was on the 29th of January 2015; however, some leaders voted to postpone the release date, a move that cast a doubt on accountability and justice prospects in the country. The argument that releasing the report would escalate the violence was misguided since the warring parties clearly knew that they would fail to win militarily.

8. Failure to bring about justice, accountability, healing, and reconciliation: The AU mission in South Sudan has also failed because it has delayed justice, healing, reconciliation, as well as accountability. Without a doubt, very little has been done to bring justice to the affected despite the involved parties being named in the report. Progress has been made towards forming a unity government as well as peace and

reconciliation but violence has been witnessed this year on July thereby putting the future of the country into doubt.

5.3 Revisiting the research questions

The following research questions were also asked and brief answers have been provided:

The first research question was: what efforts are currently being explored by the African Union to solve this conflict? As explored in Chapter two, the African Union attempted to solve the conflict by bringing the two opposing parties to the table where they can discuss peace and reconciliation efforts. Through these talks, the AU hoped that the unity government formed will be inclusive of all South Sudanese and thus foster peace for many years to come. Besides the talks, the AU also instituted a commission of inquiry to look at what happened and then give recommendations on the way forward.

The second research question was - What are the successes achieved so far by the African Union? The successes of the AU were discussed in Chapter Four, which included: first, the facilitation of meetings to find peace; second, the signing of the Agreement on the Resolution of the Conflict in South Sudan on August 2015; and last, the release of the AU Commission of Inquiry on South Sudan (AUCISS) report.

The third research question was - What are the failures of the African Union? The failures of the AU were discussed in Chapter Four, which included: First, failure to end impunity showcased by the country's leaders; second, failure to end the bloodshed in the country; third, failure to release the AUCISS report in a timely manner; and last, failure to bring about justice, accountability, healing, and reconciliation.

The last research question was: What factors have enabled or inhibited the AU's success or failure in resolving the South Sudan conflict? As evidenced in chapter three, the following factors led to the failure of the AU solving the conflict: First, lack of political goodwill by the AU to put to task the warring sides to bring peace; second, the lack of

mechanisms to punish those involved; third, Machar and Kiir are reluctant to find a lasting solution as each tries to show that they command the biggest armies. They rally behind their clans to maximize collective pride

5.4 Testing of Hypothesis

This research raised 2 hypotheses:

The first was - if the conflicting parties are not ready to make peace, then the intervening party will fail with the mediation process. As shown in Chapter Two, the AU has made efforts towards peace by bringing Machar and Kiir to the table so that they can iron their differences; however, the conflicting parties are not ready to make the necessary steps towards peace thus the AU failing in its mandate. Therefore, the null hypothesis is true.

The second hypothesis was - If the conflicting parties do not represent the interest of their social groups, then there will be no substantial peace. As evidence in Chapter three, especially revealed in the AU Commission Report, Machar and Kiir often retreat to their social groups for backing and fighting; therefore, they have to carry their interests as well. This null hypothesis is also true.

5.5 Conclusion

In sum, it is clear that the African Union has the mandate to try and solve most of Africa's problems. Of late, the AU (in terms of its members and mandate) has focused on matters of economic development, good governance, social progress and peace through cooperation, self-reliance, and economic development. When conflicts arise in the member states, the AU is the first to look for ways to solve the conflicts in conjunction with other international bodies. In the South Sudan conflict, there have been numerous attempts towards finding a lasting solution to the crisis between Machar and Kiir; however, the efforts have not bore fruits. Therefore, the AU has failed to find a lasting solution in South Sudan for the following reasons. First, the conflicting parties are not ready to make the necessary steps towards peace

thus the AU failing in its mandate. Second, the AU despite having a court in Arusha does not have the will to prosecute those involved with the conflict. Last, there are many other issues involved in South Sudan that the AU has not yet solved, for instance, because of pride, Machar and Kiir often retreat to their social groups for backing and fighting thus making the situation more complex.

5.6 Recommendations

The following recommendations are subdivided into short term, medium term, and long term

5.6.1 Short-term Recommendations:

First, the ceasefire that was signed by the two parties on August 2015 should be respected by all parties and any other issues be discussed instead of resorting to fighting.⁶³ Second, safe corridors should be created so that IDPs can receive support from donors. Each time there is fighting, the citizenry suffers yet they do not participate in the conflict. Therefore, as the two opposing armies quarrel, civilians should have a safe haven where they can be provided with basic provisions. Third, the perpetrators of the crimes against humanity mentioned in the AUCISS report should be made public to shame them. Other documentation of crimes should also be made public to allow for the aspects of truth, justice, and reconciliation to take place.

5.6.2 Medium-term Recommendations

First, the two armies should be taken back to the barracks and then acts of disarmament, demobilization, and reintegration follow. A third neutral army should be placed in Juba by the AU to ensure that there are no skirmishes.⁶⁴ Second, the dialogue for truth, peace, justice, and reconciliation should be started at the lowest grassroots levels so that neighbors and clans

⁶³ Michael, O. (2014, Mar 17). *Solutions for crisis in South Sudan*

⁶⁴ The United Nations. (2014, Aug 08). *Military solution in South Sudan 'unacceptable', says Security Council, urging rivals to pursue dialogue*

can forgive each other. Last, a comprehensive reform should commence to change the current structures, systems, and Constitution followed by the government because it is not inclusive of all people. There are many other clans in South Sudan apart from two Nuer and Dinka that are currently fighting.

5.6.3 Long-term Recommendation

First, a permanent constitution for South Sudan should be instituted after consultations from the citizens and civil right groups.⁶⁵ Second, after skirmishes have settled, it is paramount that national elections be held a few years thereafter in a transparent and democratic manner. The results should be accepted by everyone. Third, the international community can now come in and help rebuild the society after it has faced numerous skirmishes. The country needs help in terms of civic education, peace, and constitution reform. Notably, it is only the South Sudanese who can decide to end the bloodshed and build their country once and for all.

⁶⁵ Lupai, J. (2015, June 2014). *Power sharing is not solution to South Sudan conflict*.

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