THIRD PARTY INTERVENTION IN CONFLICT MANAGEMENT: THE KENYA-LED INTER-GOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD) PROCESS AND THE SUDANESE CONFLICT

BY

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DECLARATION

This thesis is my original work and has not been submitted for a degree in any other university.

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DEDICATION
This thesis is dedicated to my dear wife Sarah Njoki, my children Wanja, Tony, Esther, Caro, the late Christiana, Billy and my parents the late Wamalwa Wafula Chemiati and Roselinda Naliaka.
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TABLE OF CONTENTS

DECLARATION............................................................................................................. i
DEDICATION............................................................................................................... ii
ACKNOWLEDGEMENT............................................................................................... iii
TABLE OF CONTENTS............................................................................................... iv
LIST OF TABLES.......................................................................................................... viii
DEFINITION OF TERMS............................................................................................. ix
ABBREVIATIONS AND ACRONYMS......................................................................... x
ABSTRACT.................................................................................................................... xii

CHAPTER ONE

1.0 INTRODUCTION................................................................................................. 1
  1.1 Background to the study.................................................................................. 1
  1.2 Statement of the Problem............................................................................. 9
  1.3 Objectives of the Study.................................................................................. 11
  1.4 Research Premises....................................................................................... 11
  1.5 Justification of the Study............................................................................. 11
  1.6 Area of Study.............................................................................................. 12
  1.7 Scope and Limitation of the Study............................................................... 13
  1.8 Literature Review....................................................................................... 15
  1.9 Theoretical Framework............................................................................... 27
  1.9.1 Research Methodology......................................................................... 33
  1.9.2 Data Collection..................................................................................... 33
  1.9.3 Research Design................................................................................... 34
CHAPTER TWO

2.0 CAUSES OF THE SUDANESE CONFLICT

2.1 Introduction

2.2 Governance Issues

2.3 Self-determination for Southern Sudan

2.4 Unequal Distribution of Wealth

2.5 Conclusion

CHAPTER THREE

3.0 THE KENYA-LED IGAD PROCESS: FACTORS THAT CONTRIBUTED TO ITS SUCCESS

3.1 Introduction

3.2.1 Skills, Impartiality and Knowledge of Mediators

3.2.2 Unfolding Political events in the Greater Horn of Africa Region

3.2.3 Conclusion

CHAPTER FOUR

4.0 EFFECTS OF THE INTERNATIONAL COMMUNITY ON THE KENYA-LED IGAD PROCESS

4.1 Introduction

4.2.1 Inclusion of IGAD Partners Forum in the Process

4.2.2 The African Union
4.2.3 The United Nations................................................................. 88

4.2.4 The Arab League................................................................. 90

4.2.5 Other Interest Groups......................................................... 93

4.2.6 Conclusion........................................................................... 95

CHAPTER FIVE

5.0 CHALLENGES TO THE KENYA-LED IGAD PROCESS...... 98

5.1 Introduction............................................................................ 98

5.2.1 The Status of Abyei............................................................. 101

5.2.2 Marginalization of Southern Kordofan and the Blue Nile
States......................................................................................... 104

5.2.3 Security Arrangements....................................................... 107

5.2.4 SPLA attack on Torit............................................................ 109

5.2.5 The Nakuru Document....................................................... 110

5.2.6 External Interests................................................................. 112

5.2.7 Garang’s delay to attend the Naivasha Meeting.................. 114

5.2.8 Inadequate Funds............................................................... 115

5.2.9 Conclusion........................................................................... 116

CHAPTER SIX

6.0 CONCLUSION AND RECOMMENDATION......................... 121

6.1 Conclusion............................................................................ 121

6.2 Recommendations.................................................................. 127

References.................................................................................. 130

Primary Sources.......................................................................... 130
Secondary Sources.................................................................130

Appendix I: List of Informants.....................................................139

Appendix II: Interview Guide.......................................................140

Appendix III: Map of Sudan.........................................................142

Appendix IV: Map of IGAD..........................................................143
LIST OF TABLES

Table 5.1: Oil revenue allocation per party------------------------103
Table 5.2: Integrated Units deployed per State---------------------108
DEFINITION OF TERMS

Bargaining Making offers and counter-offers until both sides reach agreement

Conflict A perceived divergent of interests or beliefs that the parties’ current aspiration cannot be achieved simultaneously hence leading to clash and competition

Good offices Involves third parties offering neutral communication between the disputing parties

Inquiry A search for facts about the dispute by a third party

Mediation A third party intervention between belligerents to reconcile them to each other or assist them to settle their differences in their own terms

Negotiation Communications between belligerents specifically to resolve the conflict and avoid the use of force

Sharia Islamic law based on the teachings of the Koran

Third party A mediator that assists disputing parties to reach agreement
ABBREVIATIONS AND ACRONYMS

AACC____________ All African Conference of Churches
AL ______________ Arab League
AU______________ African Union
CAR ____________ Central African Republic
CPA ____________ Comprehensive Peace Agreement
DOP ____________ Declaration of Principles
DRC ____________ Democratic Republic of Congo
DUP ____________ Democratic Unionist Party
GOS ____________ Government of Sudan
GOSS___________ Government of Southern Sudan
IGAD ___________ Inter-Governmental Authority on Development
IGADD __________ Inter-Governmental Authority on Drought and Development
IPF______________ IGAD Partners Forum
LRA ____________ Lord’s Resistance Army
NCCK __________ National Council of Churches of Kenya
NCP ____________ National Congress Party
NDA ____________ National Democratic Alliance
NGO ____________ Non-Governmental Organization
NIF______________ National Islamic Front
NRA ____________ National Resistance Army
NRDF___________ National Reconstruction Development Fund
NUP ____________ National Unionist Party
OAU ____________ Organization of African Unity
RENAMO________ Mozambique National Resistance
SAF____________ Sudan Armed Forces
SANU ___________ Sudan African National Union
SPAF___________ Sudan People’s Armed Forces
SPLA/M_________ Sudan People’s Liberation Army/Movement
TMC_____________ Transition Military Council
UN _____________ United Nations Organization
UNHCR___________ United Nations High Commission for Refugees
US ______________ United States of America
VMT______________ Verification Monitoring Team
WCC _____________ World Council of Churches
ABSTRACT

This study interrogates factors that enabled the Kenya-led Inter-Governmental Authority on Development (IGAD) Process to successfully mediate between the Government of Sudan (GOS) and the Sudan People’s Liberation Army/Movement (SPLA/M). The core element of the study is triggered by the fact that other third parties made several attempts to resolve the conflict but they did not succeed. For instance, President Milton Obote of Uganda, Kwame Nkrumah of Ghana, the 1972 Addis Ababa Accord, the Koka Dam Conference of 1986, the Jimmy Carter Peace Initiatives of 1989 and finally the Abuja I and II Peace Conferences spearheaded by the then Nigeria’s President Ibrahim Babangida in 1992 did not bear fruit. The salient issue of this study is why did the Kenya-led IGAD process succeed where all the other attempts did not? The study is guided by three main objectives; first, to examine factors which enabled the Kenya-led IGAD process to successfully mediate between SPLA/M and the GOS. Second, to evaluate the effects of the international community on the Kenya-led IGAD process and third, to assess challenges encountered by the Kenya-led IGAD process and how these challenges were overcome. The study employs the following three research premises; the skills and approaches of the IGAD mediators enhanced the success of the process, the international community exerted pressure on parties to negotiate for peace. Finally, separation of state and religion, and self-determination were contentious issues that proved a great challenge to the Kenya-led IGAD process. The study was guided by three research questions as follows; in what ways did the Kenya-led IGAD process succeed in the mediation of the conflict between SPLA/M and the GOS? What effect did the international community have on the Kenya-led IGAD process? What challenges were encountered by the Kenya-led IGAD process and how were they overcome? The study applies hegemonic stability theory according to which states with common interests usually formulate rules or policies to be observed by members to achieve their interests. The states’ interests are either economic or political. In order to make the process legitimate, such interests can be pursued through an institutional setup. In this context the Kenya-led IGAD process was an institutional setup that was legitimately empowered to pursue peace in Sudan. Peace in Sudan would enhance the country’s stability and in return guarantee the stability of IGAD States. The research methodology for this study entailed both primary and secondary data collection whereby sampling procedure undertook purposive and snowball techniques. The research design of the study was anchored on qualitative approach based on content analysis of variables. Research findings for this study are as follows; skills, impartially and knowledge of mediators contributed to the success of the Kenya-led IGAD process. It also emerged in our findings for this study that the unfolding political events in the Greater Horn of Africa region enabled the Kenya-led IGAD process to succeed in the mediation process between SPLA/M and the GOS. In conclusion, the essence of this study was to investigate the success of the Kenya-led IGAD process and challenges that hindered the process whether accruing from domestic or external forces. The Kenya-led IGAD process spanned for about twelve years right from the time of its inception in 1993 until the signing of the Comprehensive Peace Agreement in 2005 thereby concluding the protracted conflict between SPLA/M and the GOS. Our recommendation is that the appointment of one as a mediator should be based on ones’ suitability with regard to knowledge or expertise about the conflict that he/she is going to resolve. This would enable the mediator to come up with appropriate approaches to amicably mitigate the conflict within the interest of the parties in conflict.
CHAPTER ONE

1.0 INTRODUCTION

1.1 Background to the study

The Sudanese conflict was often thought of as a struggle between Northern Islamists and Southern Christians. The reality however, is a far more complex mix of power struggles, race and religion which date back centuries to a time when the Sudan consisted of smaller nations (Woods, 2006: 1). Even before independence the civil war in Sudan was already looming. The conflict was triggered by an army mutiny at Torit in 1955 when rumors gathered around that the army’s Southern corps would be disarmed and transferred to the North. The eruption of the Sudanese conflict in 1955 was as a result of the discontent in the South following the Sudanization process when the civil service posts left by the British were filled by Northerners at the exclusion of the Southerners. The rapid increase of the Northerners in the South as administrators, senior officers in the army and police heightened Southern fears of domination and colonization by the North (Johnson, 2003:27).

The mutiny in Torit on 18th August, 1955 and the violence that followed for two weeks are presented as the beginning of the first civil war in Sudan. A tense situation in the mid 1950s virtually transformed into a full scale war by the late 1950s. The civil war was eminent because Southern Sudan lacked social and economic development. A political transition had taken place in 1956 (independence) and the Sudanese state was hardly present in the South. The geographical size of the country was large and the terrain favored irregular warfare, and neighboring countries provided sanctuary for prospective
rebels. However, factors that facilitated the rebellion are traced to the Anglo-Egyptian Condominium (1899-1956). The British policy favored a centre in Khartoum while neglecting and isolating the peripheries. The South was isolated administratively by introducing Christian missionaries and by not investing in social and economic development. The reason behind this was to create a South separate from the rest of the Sudan by hindering the assimilation of the South into the Northern Sudanese cultural sphere. Even after independence religious intolerance, political repression and social and economic neglect of the South was still rife (Rolandsen, 2011: 215).

The Torit mutiny only served to hasten the attainment of the Sudanese independence. The British did not want to extend their mandate in Sudan after they realized that it was no longer possible for Britain to exercise her power to control or shape events in the country. Britain was anxious to grant independence even before the Sudanese parliament could agree on a permanent constitution and implement the legal procedure that had been proposed by both the British and Egyptian governments. Southern Sudan’s politicians were tricked into acceptance that a federal constitution would be given serious consideration in an independent Sudan. The date of independence was brought forward and Sudan became a fully independent nation on 1st January, 1956 with numerous issues of its nationhood still unresolved. The Sudanese independence was not achieved by a national consensus expressed through constitutional means (Johnson, 2003: 29).

The prelude to initiate rebel attacks against the Khartoum regime was decided in a meeting of politicians from the South in Kampala in late July or early August, 1963. Southern politicians formally decided on violent action and founded the Anyanya.
Among politicians who attended this meeting were; Joseph Oduho, Joseph Lagu, Severino Fuli, George Muras and George Kwani. It was agreed in the meeting that military action was necessary and it was initiated in Equatoria (Rolandsen, 2011: 223; Johnson, 2003: 29). The momentum behind federalism gathered public clout in the South and was one of the main reasons for the Umma government of Prime Minister Abdulla Khalil to be toppled by the army in 1958. General Ibrahim Abboud took over power putting an end to civilian rule and any public debate concerning Sudanese national identity and the most suitable constitutional arrangement for the country (Johnson, 2003: 30).

In 1963 President Milton Obote of Uganda offered to mediate in the North-South conflict in Sudan. The inspiration for Obote to mediate in the Sudanese conflict was prompted by the large number of Southern Sudanese refugees in Uganda. In 1964 it was estimated that there were over 12,000 Sudanese refugees in Uganda (O’Ballance, 1977: 61). The Ugandan authorities were concerned with the insecurity threats prevalent in their territory given that Southern Sudan fighters could launch their strategy against Khartoum from Northern Uganda. The refugees also posed the problem of small arms proliferation in Northern Uganda. The Obote mediation did not bear fruit because the Government of Sudan (GOS) was determined to pursue a military option for the Southern problem. Another mediation effort was attempted by President Kwame Nkrumah of Ghana but did not succeed because the GOS insisted that the Southern problem was an internal Sudanese affair (Mulu, 2008: 38; O’Ballance, 1977: 61). This argument was reinforced by the Organization of African Unity (OAU) charter’s principle of non-interference in the internal affairs of sovereign states.
Apart from these bilateral mediation efforts attempted by statesmen from some African countries, the GOS came up with its own initiative in 1965. The Prime Minister of Sudan Sir El-Khatim el-Khalifa called for a Round Table Conference in Khartoum to work out a negotiated settlement to the Sudanese conflict (Mulu, 2008: 38; Johnson, 2003: 33). The conference was between the GOS and the South. Southern Sudan was represented in the conference by the Sudan African National Union (SANU). Observers were invited from African countries namely; Algeria, Egypt, Ghana, Kenya, Nigeria, Tanzania and Uganda. During the conference, Southerners pushed for a plebiscite to be held in the South over three issues; federation, unity with the North and separation. The government on its part argued that there was no place in the Sudan for a federal system of government since this was viewed as a step towards separation. The GOS insisted that it should be given a chance to correct past mistakes within the rubric of a united Sudan as a sovereign entity (Nasong’o and Murunga, 2005: 65). This conference collapsed despite the fact that observers from other parts of the continent participated.

In 1971 Church organizations throughout the world under the auspices of the World Council of Churches (WCC) and All African Conference of Churches (AACC) lobbied both the Government of Sudan (GOS) and the South represented by the Southern Sudan Liberation Movement (SSLM) to negotiate for peace. These calls were accepted and talks started in Addis Ababa under the mediation of the Government of Ethiopia (Madut, 2006:15). During the Addis Ababa talks the head of delegation for the GOS was Abel Alier. The SSLM delegation was led by Esboni Mundiri. The agreement was reached between the GOS and the South leading to the signing of the Addis Ababa Accord on 27th February 1972. The Accord granted regional autonomy to South Sudan.
The Regional Government was governed by a High Executive Council (HEC) led by the president. The Southern Sudan autonomous region consisted of three provinces; Equatoria, Bahr el-Ghazal and the Upper Nile. Both AACC and WCC signed the agreement as guarantors of peace however, they did not follow through this commitment. Another loophole in the Addis Ababa Accord was that the national president had the right to veto any bill from the Regional Assembly. The worst aspect of it was that the 1972 Accord was not a legal document backed by international law (Veen, 2011: 6; Madut, 2006: 17).

In the late 1970s relations between the North and the South became weak and tensions mounted as the North marginalized the South economically. In 1983 President Jaafar Nimeiry declared all Sudan an Islamic state under sharia, including the Southern Region. Nimeiry made this decision following the success of the Iranian revolution of 1979. The result of the Iranian revolution was the introduction of an Islamic republic in Iran whose main ideology was anti-western imperialism. The Iranian revolution of 1979 preached self-sufficiency, independence and anti-west discourse from every channel. The anti-imperialism paradigm developed into a dominant hegemonic discourse in Iran and provided a unifying factor that brought together forces of opposition to revolt against Shah’s dictatorship. Political developments in Iran influenced politics in Sudan when Islamist fundamentalists established political links with the Islamic Republic of Iran (Behrooz, 2000: 109).

As a result of these political developments in Iran, pressure was mounted on President Nimeiry by Islamists trying to find political relevance in Sudan. Internal pressure on Nimeiry forced him to repudiate the Addis Ababa Accord of 1972. The
Southern Sudan Autonomous Region was abolished on 5th June 1983. The Accord was never popular with Northern politicians who were in favor of an Islamic state. Nimeiry displaced these Islamist fundamentalists following the 1969 coup. The Northern political parties that favored an Islamic state were Umma, Democratic Unionist Party (DUP) and the Muslim Brotherhood. The leading limelights of these parties were Sadiq al-Mahdi of Umma and Hassan al-Turabi of the Muslim Brotherhood which later became the National Islamic Front (NIF). To foster national reconciliation, Nimeiry released Hassan al-Turabi from prison in 1977 and eventually appointed him Attorney General. Sadiq al-Mahdi was recalled from exile. From that position al-Turabi was able to exert steady pressure for the Islamic reform of the legal system in Sudan. NIF established very strong ties with Iran which appealed to Sudan to spread Islam in Africa. Iran’s interest to spread Islamic revolution coincided with NIF’s desire to consolidate its political hold on Sudan. Nimeiry’s loss of support in the North prompted him to declare Sudan an Islamic state to appease the Islamists that threatened his presidency and thus boost his political survival. The introduction of sharia in the whole of Sudan aggrieved the South eventually leading to the second Sudanese civil war from 1983-2005 (Johnson, 2003: 55-56; Lesch, 1993: 96).

The second Sudanese civil war led to the dethronement of Nimeiry’s government. In 1985 President Nimeiry was overthrown by the military and the Transitional Military Council (TMC) took over control of Government. At that time Ethiopia tried to mediate between the GOS and the South. The mediation effort by Ethiopia led to the Koka Dam Conference of 1986. The Conference brought together diverse groups and interests in Sudan. SPLA/M and the National Alliance attended the Conference. The National
Alliance was a coalition of representatives drawn from the Umma Party, trade unions and Communist parties. Conspicuously both DUP and NIF did not attend the Conference. However, the conference did not resolve the conflict because the TMC opted for military action to prosecute the war in the South (Madut, 2006: 133).

In 1989 the former US President Jimmy Carter was engaged in the mediation process between the GOS and SPLA/M in Nairobi. At that time the military under Omar-el-Bashir had overthrown the government of Prime Minister Sadiq al-Mahdi in June 1989. Sadiq al-Mahdi came to power following the elections of April 1986 that saw the TMC hand over power to a democratically elected government in June that year (Madut, 2006: 140-141). Jimmy Carter’s process began in November 1989. The Jimmy Carter process did not secure agreement because of the military turbulence between SPLA/M and the GOS. Also the fluidity in the negotiation fora and political turbulence in Khartoum following the Islamist coup was not conducive for peace talks (Dixon and Simmons, 2006; Johnson, 2003: 72).

Another mediation effort was made by the then Nigerian President Ibrahim Babangida. In 1992 President Babangida in his capacity as the chairman of the OAU convened a conference in Abuja to mediate in the Sudanese conflict. The conference was referred to as Abuja I. It was attended by delegates from the GOS and SPLA/M factions led by Dr. John Garang and Dr. Riek Machar. The GOS proposed constitutional amendments based on sharia, although the South could be exempt from hudud (the Islamic punishments based on sharia). SPLA/M pressed for a secular democratic system and the right to self-determination for the South (Young, 2008: 8). The GOS rejected secularism and self-determination making the Nigerian leader to adjourn the talks.
Later in 1992 President Babangida convened the second Abuja conference. The Abuja II was attended by Colonel Mohamed Khalifa for the GOS delegation and the SPLA/M delegation was led by Salva Kiir Mayardit (Madut, 2006: 370). The parties failed to strike a peace deal because of disagreement on critical issues of separation of state and religion and self-determination for the South. The Abuja II peace talks collapsed and ushered in the IGAD process.

In 1993 Inter-Governmental Authority Development (IGAD) launched a peace process on Sudan at the Addis Ababa summit. A peace committee made up of heads of state of Ethiopia, Eritrea, Uganda and Kenya was established with President Daniel Arap Moi of Kenya as chairman. At the same time, leading Western states including the U.S, Britain, Norway, and Italy formed a forum known as friends of IGAD and promised to support IGAD’s process (Young, 2008:9). Apparently IGAD states shared a common interest to contain Sudan’s civil war. IGAD states were concerned with the rise to power of a politically expansionist Islamic regime in Khartoum. The proselytizing and subversive intents of Khartoum led to increased fears among her neighbors. Also the war in Sudan had a spill-over effect in neighboring countries. In addition to security concerns, the conflict had a negative effect on the Sudanese economy forcing both local and multinational companies to close. The U.S congress banned any American company doing business in Sudan’s oil industry from participating in the U.S Capital Markets. Chevron was one of the American companies with vast investment in Sudan’s Oil (Waithaka, 2006: 64-76; Lesch, 1993: 97). Some of these multinationals had an effect or influenced the mediation of the Sudanese conflict through the IGAD process as peace is fundamental to profitable business investment.
In 1994 President Daniel Arap Moi was mandated to mediate as the chairman of IGAD sub-committee on Sudan peace (Mulu, 2008: 46). A number of factors qualified Kenya to lead the peace process. The GOS was not in good terms with both Uganda and Ethiopia as they were accused of supporting SPLA/M against Khartoum. On the other hand Eritrea was blamed by the GOS of aiding the National Democratic Alliance (NDA) against Khartoum. Djibouti is a fellow member of the Arab League Organization of Islamic States, thus would have probably supported Khartoum. Therefore Kenya appeared somehow neutral in the Sudanese conflict because she had little connections with SPLA/M (Young, 2008: 9).

The IGAD Partners Forum (formerly Friends of IGAD) and civil society groups lobbied IGAD states to establish a permanent secretariat and appoint a special envoy to co-ordinate the mediation efforts. The IGAD secretariat was established in Nairobi and Ambassador Daniel Mboya was appointed special envoy (Young, 2008: 11). Ambassador Mboya was later replaced by Major General (Rtd.) Lazaro Sumbeiywo in 2000. Moi’s appointment of Sumbeiywo was triggered by two credentials; one, the officer was well versed with the conflicts of the region and secondly as Director of Military Intelligence and later head of Liaison Department, he had immense intelligence on what was happening beyond Kenya’s borders (Waithaka: 2006, 38).

1.2 STATEMENT OF THE PROBLEM

Issues arising from the background of this study call for investigation. First, several initial attempts by various third parties to resolve the conflict were unsuccessful until the Kenya-led IGAD process was ushered in 1993. In an essence the study attempts
to unravel issues behind the collapse of earlier attempts that were meant to resolve the GOS and SPLA/M conflict. Were these failures attributed to the play of international politics at that particular time in perspective? Secondly, it took over two decades to resolve the Sudanese conflict between SPLA/M and the Government of Sudan since 1983. It is against this background that this study interrogated the factors which enabled the Kenya-led IGAD process to successfully mediate in the Sudanese conflict. In addition, some leading Western States and so to speak the international community partnered with IGAD states to support the mediation process. It was therefore quite essential for this study to undertake an analysis of the effect of the international community to the Kenya-led IGAD process.

Finally, despite the fact that the Kenya-led IGAD process was successful, it took over twelve years to accomplish the mission. What might have led to these delays or slowed down the mediation effort? Conflict management exercise is a long term process that one should not miss the imagination to suggest that there emerged challenges that attempted to boggle down the Kenya-led IGAD process. From this observation, this study investigated challenges which were encountered by the Kenya-led IGAD process and how they were overcome.

This study was guided by the following research questions;

a) Why was the Kenya-led IGAD process successful in the mediation of the Sudanese conflict?

b) What effect did the international community have on the Kenya-led IGAD process?
c) What challenges were encountered by the Kenya-led IGAD process and how were they overcome?

1.3 OBJECTIVES OF THE STUDY

1) To examine factors that enabled the Kenya-led IGAD process to successfully mediate between SPLA/M and the GOS.

2) To evaluate the effect of the international community on the Kenya-led IGAD process.

3) To assess challenges encountered by the Kenya-led IGAD process and how these challenges were overcome.

1.4 RESEARCH PREMISES

1) The skills and approaches of the Kenya-led IGAD mediators enhanced the success of the process.

2) The international community employed the carrot and stick strategy to motivate the parties to negotiate a settlement.

3) Separation of state and religion and self-determination were contentious issues that proved a great challenge for the Kenya-led IGAD process.

1.5 JUSTIFICATION OF THE STUDY

Although this study is not a pioneer work on third party intervention in conflict management, it intends to shed light on the dynamics that enabled the Kenya-led IGAD
process to successfully mediate in the SPLA/M and the GOS conflict. Since several attempts by other third parties were unsuccessful it is essential to study the Kenya-led IGAD process in the Sudanese conflict to underscore what practical ideas were eventfully employed to yield its success? The success of the Kenya-led IGAD process in resolving the North-South conflict in Sudan emerged as one of the most prominent cases of an African solution for an African problem.

Earlier attempts that were sponsored by various third parties to resolve the conflict ended up unsuccessful, until the Kenya-led IGAD process took over and managed to pull the belligerents out of the conflict to reach a compromise solution to their differences. It is on the basis of the success of the Kenya-led IGAD process that this study is vital in helping us understand the strategies that were employed by the mediators to unlock the Sudanese conflict. It is also hoped that this study contributes knowledge in academic circles and even raises issues for future research. In addition, the study is a vital tool to those who aspire to become mediators.

1.6 AREA OF STUDY

The area of study in this case is post-referendum Sudan. South Sudan voted overwhelmingly for separation from the North on 9th January 2011 following the referendum on self-determination as provided for in the Comprehensive Peace Agreement (CPA). However, before the referendum Sudan was the largest country in Africa. It had an area of about 976,756 square miles. Northern Sudan is mainly arid, desert, and scrub hills, while Southern Sudan consists largely of swamp and rain forest. The Sudan relies mainly on River Nile for irrigation agriculture. The White Nile enters the
Sudan in the South from Uganda at the frontier port of Nimule in the Equatoria Province. The Blue Nile flows northwards to enter Egypt near Wadi Halfa (O’Ballance, 1977: 16-17; Holt, 1961: 4-5). In terms of inhabitants the Northern people are mostly Arabic speakers and Muslims. On the other hand, Southern Sudan is inhabited by dark-skinned Africans who practice Christianity and traditional religion (Waithaka, 2006: 48). For a detailed geographical description of Sudan see appendices III and IV.

1.7 SCOPE AND LIMITATION OF THE STUDY

This study examines the Kenya-led IGAD process in the management of the Sudanese conflict from 1993-2005. The timeline of this study is determined by the fact that IGAD established a standing committee on peace to help end the civil war in Sudan in 1993. Kenya was then nominated by IGAD member states to chair the talks. In 2005 the Kenya-led IGAD process successfully brokered the Sudan peace leading to the signing of the Comprehensive Peace Agreement (CPA) between SPLA/M and the GOS. The scope of this study is to examine the Kenya-led IGAD process in the mediation of the SPLA/M and Government of Sudan conflict between 1993 and 2005. Our scope could not extend to other conflict areas in Sudan despite the fact that the country is embroiled in another serious conflict in Darfur. In order to capture precision and avoid generalization, it is rational to discuss the Sudanese conflict on the basis of case by case as it arises. Therefore this study strategically focused on the Kenya-led IGAD process in the management of the conflict between SPLA/M and the GOS.

The Sudanese conflict was a complex problem that cannot be wholesomely covered in a single set of study like this one bearing in mind that apart from the SPLA/M
and GOS, Darfur is another conflict area that requires adequate attention of its own. It means that as much as the Kenya-led IGAD process managed to resolve the conflict between SPLA/M and the GOS, there is urgent need for intervention measures to address and find a lasting solution to the conflict in Darfur. There is need for scholars to carry out research on Darfur conflict to shade more light on its issues and come up with appropriate policy guidelines on how to deal with such conflicts that have grappled the Horn of Africa region quite for some time now.

A number of limitations emerged out of this study and to begin with was the refusal by some respondents to give their views on the Kenya-led IGAD mediation process. For instance officials at the Embassy of the Republic of Sudan (Nairobi) did not accept an interview for this study. The fact that this study concerns Sudan it would have been fair for one to capture data from the actors of the conflict. Secondly, respondents at the Ministry of Foreign Affairs (Kenya) seemed to have limited information about the overall conduct of the Kenya-led IGAD process and redirected the researcher to the Chief Mediator. The IGAD Secretariat was overshadowed and all the mediation functions were vested in the IGAD subcommittee on Sudan in Nairobi. The Kenya-led IGAD process was dominated by the Chief Mediator and who also overshadowed the IGAD Secretariat probably for political reasons; to ensure that he was in total control of the process to avoid manipulations from both internal and external forces that would have wished to collapse the process. It is also probable that the Chief Mediator dominated the process because of its fragility but also to shield the belligerents from being accountable to human rights abuses they may have committed, thus a compromise issue for them to negotiate peace with fear of impeachment. Another limitation to the study was that data
collection could not be contacted in Sudan because of insecurity. By the time of going to the field for this study there was still fighting in some parts of the Sudan such as Jonglei and Abyei. Future researches would therefore be necessary to examine other conflict areas in Sudan such as Darfur and Abyei in order to come up with sustainable solutions. It would also be imperative for other studies to examine weaknesses of the Sudan peace process with particular focus on the CPA.

1.8 LITERATURE REVIEW

1.8.1 INTRODUCTION

Conflict management basically refers to a process by which parties to the conflict are encouraged to come together and do something about their conflict (Mwagiru, 2006:43). The process is usually coordinated by a third party whose purpose is to help mitigate the conflict. A third party is an individual, state, or an organization. Effective conflict management calls for the third party to be well versed with issues of the conflict. In brief, third party intervention in conflict management is essentially geared towards changing the situation from a violent to a peaceful one. The change in conflict situation is done by removing the underlying sources of the conflict. This process may come through the agreement of the parties concerned with the conflict (Miall, 1992: 44). In conflict management one cannot impose a solution on the parties to a conflict. A third party plays the role of guiding the belligerents to negotiate issues that create incompatibility between them. Negotiation normally takes place in face-to-face meetings. In this case negotiations virtually open communications between parties specifically to resolve the conflict and avoid the use of force (Conway, 1998: 210).
The concepts of conflict and conflict management go hand in hand. One cannot discuss conflict management without understanding conflict. Conflict occurs when two or more parties believe that their interests are incompatible, express hostile attitudes or take action that damages other parties’ ability to pursue their interests. Quite often, issues of conflict are competition for resources, competition for political power, ethnicity or identity issues (Machira, 2008: 13). One of the essential methodologies of conflict management is negotiation. As mentioned earlier in this study, negotiations open communication between the parties under conflict. During negotiations parties usually bargain by making offers and counter-offers until both sides reach agreement. Negotiations usually begin with preliminary talks to make sure that the process is useful, to set the venue for talks and decide who will attend (Conway, 1998:210). Both Machira (2008) and Conway (1998) attempt an extensive analysis of negotiation as a method of conflict management however, they don’t discuss specific conflict management by using negotiation to demonstrate its usefulness in contemporary Africa. This study analyzes issues of the conflict between SPLA/M and the GOS, and how the parties to the conflict negotiated a peaceful settlement by resolving the issues.

1.8.2 CONFLICT MANAGEMENT IN AFRICA

The causes of contemporary African conflicts are an elusive problem which has proved difficult to diagnose. Conflict management in Africa should be analyzed within the context of Africa’s own cultural heritage because African culture is wholesomely a chain of values, beliefs and institutions which have been shared through generations to an extent that it has become a socially complex mosaic. One can best understand conflict
situations in Africa by adopting interdisciplinary approaches to their study. For instance, if the parties engaged in conflict are drawn from different cultural backgrounds then such a conflict is difficult to resolve (Bozeman, 1964; 60). The conflict between SPLA/M and the GOS was rooted in the ethno-cultural perspectives of the Northern Arabs and the Southern Black cultural practices. Cultural differences between the Northern Arabs and the Southern Blacks emerged as one of the causal issues of the conflict between the North and the South described under governance issues in chapter two of this study. However, as much as Bozeman’s work enriches this study by providing causal factors of conflict in contemporary Africa, he does not explore the aspect of conflict management in the continent. Our study attempts to fill this gap.

On a broad dimension, sources of conflict in Africa are both domestic and external. Domestic sources of conflict are ideology, personality, power struggles and mistreatment of ethnic minorities. After independence the concept of ethnicity and religion became increasingly useful for political legitimization and domination. This arrangement finally resulted in the politics of inclusion and exclusion (Okoth, 2008: 1-4). According to Okoth (2008), the external sources of conflict drew from the world super power rivalry. After the Second World War in 1945, the U.S.A and the Soviet Union emerged as the two super powers. Each of these powers entered competition for military, economic, political, ideological and diplomatic supremacy. They supported African nationalism although they had their own strategic reasons. The super power intervention in Africa immensely exacerbated conflicts in the continent. It emerged that the supply of arms by the super powers to their allies fueled political crisis in various parts of Africa. It is evidently clear that the former Union of the Soviet Socialist Republics (USSR)
accounted for almost 50% of the total arms transfers to Africa between 1976 and 1990 (Nyunya; 1995: 185). The baseline argument arising from this analysis is that conflicts in many parts of Africa, especially Sudan was an interplay of the super power rivalry and therefore as a result of external forces. However, there exists a gap in this literature given that the author does not address mediation efforts that have been attempted to resolve conflicts in Africa. Our study seeks to fill this gap by analyzing the mediation process between SPLA/M and the GOS at the North-South conflict level in Sudan.

Indeed as mentioned above, external factors have contributed a great deal too to various crises facing the African continent. Hunger, abject poverty, war, dictatorship and AIDS epidemic are rooted in the world political and socio-economic systems. Although Africa became nominally independent from its former colonial masters, colonialism has been replaced by neo-colonialism which is more devious but equally destructive. The African continent became a theatre for cold war rivalry between superpowers that fanned and exploited African internal conflicts to serve their own political, military and economic interests (Assefa and Wachira, 2003: 1).

Persistent outbreak of conflicts on the African continent call for the third party intervention measures with a view to mitigating them. Conflicts can not be resolved nor peace made unless the root causes of those conflicts are identified and dealt with. Peacemakers must look beyond surface issues and address the substantive and emotional issues as well as the parties’ needs and interests that are at the root of the conflict. Lasting peace between conflicting parties is possible only when deeper needs are accommodated and satisfied (Assefa and Wachira, 2003: 44). This work enriches our study because it
highlights how external interests cause conflicts in Africa, and also it provides counsel to third parties to understand the root causes of any conflict before undertaking to resolve it.

Another perspective of conflict situation in Africa is illustrated by the intra-state conflict which may take the form of a struggle between two or more groups of power contenders within a state, each seeking to accede to political power in order to advance its interests and goals. In view of this one could argue that SPLA/M and the GOS were power contenders’ whose struggle caused untold suffering to the people of Sudan. Moreover, there is an allusion that the state can be a cause of conflict for it is endowed with the power for resource allocation among conflicting interest groups (Orwa, 1990: 129). Sudan fits well as a reference point in this case because the GOS had ‘legitimate’ authority to control and allocate resources of the country. South Sudan was marginalized in the allocation of state’s resources and, as it emerged in this study, issues of the conflict between SPLA/M and the GOS were centered on wealth and marginalization of the South. However, Orwa does not discuss nor does not give an alternative third party intervention in African conflicts. There exists a gap in this work that our study attempts to fill.

1.8.3 THE TURKO-EGYPTIAN RULE IN SUDAN

The Sudanese conflict has been analyzed from a historical perspective by examining three regimes that governed Sudan between 1820 and 1955, finally ushering in the post-colonial era. In 1820 Mohammed Ali Pasha invaded Sudan and established the Turko-Egyptian regime in 1821. Mohammed Ali Pasha was the Khedive of Egypt whose purpose to colonize Sudan was to appropriate slaves, minerals, and ivory and explore the
source of river Nile (Jal, 2001: 1). One notable encounter with the Northern regimes is that their attitude towards the South was to establish an exploitative and repressive political system over the region. The exploitative and repressive northern regimes that colonized the south can be demonstrated by Mohammed Ali Pasha’s rule over the Sudan between 1821 and 1885, then the Mahdist regime. In 1885 the Mahdist state established its control over Sudan and ruled for over ten years up to 1898. Ansar el-Mahdiyah was in command after he defeated the Turko-Egyptian forces in 1885 and established an Islamic state in Northern Sudan with its capital at Omdurman. Just like the Turko-Egyptian regime, el-Mahdiyah saw Southern Sudan as an alien country of kufaar (infidels) and a potential reservoir for slaves, ivory, gold, ostrich feathers and food supply for the state of Sudan (Nyaba, 2000: 14-22; Jal, 1989: 1-2). This implies that both the Turko-Egyptian and the Mahdist regimes were a recipe for the exploitation of the South thus brooding suspicion and hostility between the two regions that resulted in the kind of the protracted conflict that was encountered by the post-independent Sudan.

1.8.4 THE ANGLO-EGYPTIAN CONDOMINIUM

The Anglo-Egyptian colonial administration over Sudan lasted from 1898-1956. According to Jal (2001: 3), the main reason for the Anglo-Egyptian conquest over Sudan were protection of the Upper Nile basin from any European encroachment and protection of the African populations from slave merchants apart from collecting ivory for trade. The colonial state established what came to be known as ‘one Anglo-Egyptian Sudan with two separate Administrative Regions’, which is the North and the South. The significance of this separate administration was to preserve Northern Sudan for Arab-
Islamic influence. Christian missionaries were permitted to evangelize in the South where they helped to abolish slavery. During the colonial period the two regions evolved into two separate political entities. That is why it was quite difficult to build an integrated and cohesive Sudan after independence given that the South was alienated and subjected to exploitation by the North.

The effect of this colonial system of administration automatically spilt over to the successive post-colonial Sudan regimes. Political developments during the Condominium period had a direct bearing to the North-South conflict in Sudan. The problem of South Sudan emerged shortly before the independence of Sudan in 1955. The political crisis can be traced back to the Anglo-Egyptian condominium when the British opted for a policy to govern the south in strict separation from the north under the pretext that the Muslim north would subjugate the ‘unsophisticated’ southerners and subject them to slavery. This policy deepened the separation between the north and the south thus precipitating the Sudanese conflict (Hrbek, 1993: 149). However, Hrbek (1993) does not discuss the mediation efforts that have been undertaken to resolve the conflict. There exists a gap that this study intends to fill.

A review of the Anglo-Egyptian condominium (1899-1956) is that the British governed Sudan under a system of divide-and-rule by ensuring that the South and the North were kept separate during most of their rule. The divide and rule policy was a designed scheme of the British colonial administration whose architects wished to weaken and minimize a unified domestic resistance against the colonialist. This argument suggests that it was preferable to respond to an uprising from one section of the country than if it was to confront the entire territory under rebellion. It was vital for the colonial
state to preside over a divided country to extend its hegemonic power. The creation of sectarian interests in the African continent and specifically the Sudan has contributed to divisive politics that exacerbates conflicts which are deeply rooted in various socio-economic issues. The role of any state that wishes to build a cohesive society mitigates conflicts among different competing interests by ensuring inclusivity in the political system and equitable resource allocation.

1.8.5 POST-INDEPENDENT SUDAN REGIMES

   Historical injustices committed against the people of South Sudan from the Turko-Egyptian rule through the repressive post-colonial Sudanese regimes are to blame for the war between the North and the South. Ideally the government of post-colonial Sudan immensely contributed to the north-south conflict in the country because of its emphasis on Arabicization and Islamisation of the South. Thus this narrow definition of the Sudanese state made Sudan unjust, repressive and violent against the people of Southern Sudan. However, attempts to resolve the North-South conflict in Sudan from 1947 when the Juba conference was held and other peace processes through the Kenya-led IGAD process were initiated by various third parties (Kwaje, 2004: 95). This work enriched our study by providing useful insights about the mediation efforts that were carried out to resolve the North-South conflict in Sudan. However, Kwaje (2004) does not discuss factors that enabled the Kenya-led IGAD process to successfully mediate in the conflict between SPLA/M and the GOS. This is a gap that our study attempts to cover.
Even after independence, the Khartoum government continued to subjugate the South by dividing the region into three weak regions i.e., Bahra el Ghazal, Equatoria and the Upper Nile. After independence the Khartoum government did not address economic, political and cultural inequalities between the North and the South (Deng, 1978: 129-165). The strategy behind the division of Southern Sudan was to have three separate political entities in the South that could be administered separately. It was a divide-and-rule policy that was carefully designed by the GOS to fragment the South’s solidarity. Each region in the South could view the other with suspicion. Some of these historical developments shaped the civil war in Sudan.

Dinkaland along with the rest of Southern Sudan was a theatre of civil war from 1983 onwards. The issues of conflict between the North and the South can be summed up as the struggle for control of state power, racial, cultural and religious diversity in the Sudan. The conflict was intensified when oil was discovered in the 1970’s by the US based Chevron company. Oil was discovered around Bentiu town in the South and the GOS constructed an oil refinery at Kosti in the North, 500 km away from the oil fields (Salih, 1994: 189). Apart from oil, the North-South conflict was as a result of an attempt by the Northern ruling elites to achieve national integration through forced Arabization and Islamization of Southern Sudan. The Northern Arabs had always considered building one Sudanese nation centrally run from Khartoum with one religion-Islam and one language-Arabic (Nyot, 1993: 39-59). This kind of lopsided administration from one section of Sudan where there was no national consensus immensely contributed to the emergence of the Sudanese conflict. Nyot’s work provides us with background information leading to national grievances based on the ethno-regional groups which in
this case can best be represented by the South about issues of the Sudanese conflict, thus serving as a basis to its conceptualization.

A critical analysis of causes of the North-South conflict in Sudan reveals that the encounter is a political one whose causes were rooted in the lack of consensus on the constitutive fundamentals of the Sudanese state. Lack of national consensus on issues of governance led to politics of exclusion, consequently the Southern Sudan Christian and traditional blacks. Thus the exclusion of Southerners from political participation meant marginalization from access to economic and social resources at the disposal of state control (Nasong’o and Murunga, 2005: 56). On the other hand, Nasong’o and Murunga examine the IGAD peace initiatives spearheaded by Kenya, Uganda, Ethiopia, Eritrea, and Djibouti strongly supported by the IGAD Partners Forum and argues that both SPLA/M and the GOS were subjected to international pressure and deadlines to conclude the final agreement. The involvement of the international community in the Sudan peace process forms part of the factors that enabled the Kenya-led IGAD process to mediate successfully. This work enriched our study by shading light on the causes of the conflict and at the same time provides a basis for analyzing factors that enhanced the success of the Kenya-led IGAD process.

The year 1993 marks the beginning of IGAD as a mediator in the Sudanese conflict. The process started in 1993 when the subcommittee on peace in Sudan was constituted. The IGAD subcommittee on Sudan was mandated with the responsibility of ending the Sudanese conflict through a negotiated settlement. The causes of the conflict between SPLA/M and the GOS were; state and religion, marginalized areas such as Abyei, Southern Blue Nile and Southern Kordofan, the right to self-determination,
wealth, power sharing and the status of two armies, that is SPLA and the Sudan Armed Forces (Mulu, 2008: 47-48). This work enriched our study by providing background information on issues of the conflict and the role that was played by IGAD to resolve the North-South conflict.

In July 1983 SPLA/M outlined its grievances in a manifesto that included the following:

1) Khartoum’s interference in the selection of the leadership of the southern region.
2) Plans by the Khartoum government to construct the Jonglei canal.
3) The unconstitutional dissolution of regional assemblies.
4) Government’s attempt to redraw the southern region’s borders.
5) The decision to build an oil refinery outside Bentiu, and then pipe the oil directly to Port Sudan.
6) Deliberate neglect of the South’s socio-economic development.
7) The integration charter and the Joint Defense Treaty between Khartoum and Egypt.
8) The re-division of the South into three regions.
9) Failure to adequately provide for the livelihood of the majority of the ex-Anyanya battalions into the Sudanese army.
10) Plans to transfer the ex-Anyanya battalions to the North (Johnson, 2003: 63-64).

These issues contributed to the re-emergence of the conflict between the SPLA/M and the GOS in 1983. After independence in 1956 the Khartoum government did not invest in the economic, social and political development of the South. The marginalization of the South increased fears and suspicion of Southerners in a united
Sudan (Alier, 1973: 11-12). From the above point of view, the conflict between SPLA/M and the GOS was exacerbated by unequal distribution of resources and inadequate or poor representation of the South in the national government. Alier (1973) articulates causes of the civil war in Sudan by basing his arguments on the notion that the Sudanese war was fought because the North attempted to shortchange the South in all sectors of state building. However, Alier (1973) does not examine mediation efforts that were attempted to end the North-South conflict in Sudan.

The 1983 SPLA/M manifesto, clarified its objectives and agenda for the war against the GOS. The SPLA/M indicated that it was committed to undertake a radical restructuring of the power of the central government in order to end the power monopoly by one group. Second, SPLA/M was determined to end uneven development in Sudan, to fight against racism, tribalism and the division of Sudan and finally to transform the economy of Sudan (Madut, 2006: 70-71). The policy guidelines as explored above in the SPLA/M manifesto made its grievances to be genuine both locally and internationally. This work enriched our study by shading light on the issues of conflict between SPLA/M and the GOS.

Finally the difference in endowment created conflict in Sudan given that the struggle between the North and the South was about resources and the failure by the North to appreciate diversity in the Sudan. The issues of conflict between SPLA/M and the GOS were: marginalized areas such as; Abyei, the Nuba Mountains and the Southern Blue Nile, the imposition of Islamic religion on the Southerners, Slavery and slave trade, lack of political representation by the South in the government and the demand for self-determination by Southern Sudan. The discovery of oil in 1978 at a place called Pan
Thou near Bentiu town in Southern Sudan proved the greatest bone of contention in the Sudanese conflict (Waithaka, 2006: 57-63). This work enriched our study as a back-up to interrogate the Kenya-led IGAD peace process in the Sudanese conflict. Waithaka extensively examines how Kenya’s chief mediator, Major General (Rtd.) Lazaro Sumbeiywo was successful to steer the peace process. However, Waithaka’s study of Abyei is examined as a marginalized area. Our study makes an in-depth analysis of Abyei conflict on a point of resource competition between the two parties. Southern Sudan and the Republic of Sudan have both laid territorial claims over the area because of the oil resources and it was one of the contentious issues that proved difficult to resolve. Abyei was to hold a separate referendum from that of the Southern Sudan which was held on 9th January 2011. The referendum was to decide whether the area joins the South or the North. But by 2012 the referendum in Abyei had not been conducted because of the disagreement between Southern Sudan and the Republic of Sudan. Our study therefore examines the conflict over Abyei from the point of competition for resource control by the belligerents whereby the north attempted to monopolize state resources at the exclusion of the south. This was done by the north when she established a political hegemony on the south and then started to exploit the south’s resources.

1.9 THEORETICAL FRAMEWORK

The study applied hegemonic stability theory in the analysis of factors that enhanced the Kenya-led IGAD mediators to successfully assist SPLA/M and the GOS to resolve their conflict. Proponents of hegemonic stability theory hold the assumption that the international system is likely to remain stable when a single nation-state is the
dominant world power or hegemon. In order to stabilize the international system the hegemon exercises leadership either through diplomacy, coercion or persuasion as a means of displaying its preponderance of power. Hegemonic stability theory is closely associated with Charles Kindleberger (1973), as one of the scholars who developed it. According to his book, *The World in Depression: 1929-1939*. Kindleberger’s arguments feature on his analysis of the Great Depression of 1929-1939 between the two World Wars is partly blamed on the lack of a world leader with a dominant economy (Milner, 1998).

Hegemony is appropriate to stabilize the rules and arrangements of the international political and economic relations. It can be divided into two schools of thought; the realist school and the systemic school. The realist school of thought espoused the power transition theory and the theory of hegemonic stability. According to Boswell and Sweat (1991: 35, 124), the power transition theory was developed by A. F. K. Organski. Indeed the realist school of thought ascertains that both domestic and international politics are driven by interests defined in terms of power. The concept of power sets politics as an autonomous sphere of action and understanding of other spheres of interests such as wealth, ethics, aesthetics and religion. The realist school of thought defines the concept of power as interests which when imposed in intellectual discipline; infuse rational order into the subject matter and theoretical understanding of politics (Morgenthau, 2004: 5). On the other hand, out of the systemic school emerged the world systems theory which was developed by Immanuel Wallerstein and the long cycle theory which was espoused by George Modelski (1987: 102). Apart from Kindleberger (1973), other scholars that have been associated with the development of the hegemonic stability
theory are; Robert Gilpin, Robert Keohane and Stephen Krasner. These scholars hold an assumption that hegemons would want to commit themselves to a system which is perceived as mutually beneficial for other great powers and other important state-actors (Ikeenberry, 2001; Milner, 1998).

The central idea behind hegemonic stability theory is that the stability of the global system in politics or international law, just to mention a few relies on the hegemon to develop and enforce the rules of the system. It is argued that for nation-states to reach the level of hegemon they require reliable geopolitical security. Cox and Sinclair (1996: 134-137), explores the philosophy of Antonio Gramsci (former leader of Italian Communist Party in the 1920s and 1930s) on hegemony and international relations thus identifying the state as the basic entity in international relations and the place where social conflicts take place. The state has also remained a place where hegemones of social classes can be built. As mentioned above, the grounding tenet of a hegemonic state is to found and protect a world order which is universal in conception and the one which most states could find compatible with their interests. Essentially, international organizations have always functioned as processes through which the institutions of hegemony and its ideology are developed (Greenberg, 1978: 251-254).

States that attempt to install themselves as regional or global hegemons usually support the system that is compatible with their interests. These states will also undermine the institution when it is not in their interest. On the other hand neo-liberals argue that a hegemon provides public goods through institutions and works in the best interest of everybody. A hegemon is motivated by ‘enlightened self-interest’ but also operates for the best interests of all actors, thereby creating stability in the system which
is also in the interest of all actors. The hegemonic stability theory is a core element of neo-realist and neo-liberal schools of thought in the field of international political economy. It is agreed in principle that in the absence of an effective hegemon to keep order, the world will degenerate into conflict which in the present era is most likely to be manifested between regional blocs of states (Payne, 2000: 18).

Hegemony is a consensual order and the new idea of regionalism belongs to a new global situation which is characterized by multi-polarity. Hegemony believes in the regionalization of the world to create more or less self-sufficient regional blocs where political stability and social welfare are the major concerns. Ultimately these lead to region-states thereby replacing nation-states and the primary idea is to restore stability and control (Hettne, 2000: 366-367). Drawing from the above theoretical analysis, the relevancy of hegemonic stability theory to this study is that IGAD was embedded as a regional organization to intervene and stabilize Sudan which had sunk into political turmoil for over two decades. The political instability that was caused by the North-South conflict in Sudan posed a threat to regional security. The mediation efforts that resolved the Sudanese conflict were spearheaded by a group of four IGAD member states under the leadership of Kenya. The other states were Uganda, Ethiopia and Eritrea. IGAD had substantial financial, technical and diplomatic support from western powers (Flint and De Waal, 2008: 30).

From the above perspective we argue that IGAD states established a hegemony through which they were able to assert and legitimize their cause to mediate for peace in the Sudanese conflict. Under the umbrella of IGAD, interested states were able to mobilize both local and international support to negotiate peace in Sudan. The Kenya-led
IGAD process was established through an institutional setup and it clearly echoes sentiments of Cox and Sinclair (1996: 138) who argue that international (or regional) organizations have been used to enforce international rules or policies for mutual benefit of members. The primary goal of the Kenya-led IGAD process was to resolve the Sudanese conflict but as it emerged in the findings of this study, interests of other actors outside the conflict were taken care of to ensure successful mediation. Interests in this context were vested in the economic and security concerns of the actors. The notion that both IGAD members and some western states (IGAD Partners Forum) worked tirelessly to broker peace between SPLA/M and the GOS is evident enough to project their presence as stakeholders in the entire process.

Hegemonic stability theory espouses consensus and regionalism as a new global idea that cherishes multi-polarity as argued by Hettne (2000: 337). In a wider international diplomatic context the United Nations Organizations Charter recognizes the role of regional organizations in conflict management. The rationale for emphasizing the role of regional organizations is that they are able to understand better the conflict problems within their region. Also in terms of culture and political arrangements regional organizations are better placed to handle regional conflicts. It has been argued that regional organizations understand better the causes and context of regional conflict (Mwagiru, 2006: 145). The Kenya-led IGAD process was definitely a strategic regional framework that harnessed and harmonized interests of the parties in conflict, the IGAD members and other interested actors to strike a comprehensive settlement to the conflict. The diversity of the parties in the North-South conflict in Sudan called upon mediators to devise a scheme for wider consultations and to lobby for both local and international
support. Current trends of conflict management in Africa call for mediators to take into account perspectives of African states and their interests. African states have become increasingly primary mediators of most conflicts encountered in the continent. But it is also important to note that external powers such as the US and some European states are important actors in conflict management (Zartman, 1989: 255).

A hegemon was established in the Kenya-led IGAD process and more so it was accepted by both parties in conflict and even the IGAD states. Hegemony has social, economic and political structures. It lays down general rules of behavior for states and the civil society that act across national boundaries. Cox and Sinclair (1996: 138), argue that international institutions and rules are usually initiated by states which establish the hegemony. Such institutions are effective in discharging their functions because they have the support of states which established them. In that hegemony, the dominant state usually takes care to secure the acquiescence of other states according to the hierarchy of powers within the inter-state structure.

The application of hegemonic stability theory in this study was anchored on the notion that a hegemon was established in the Kenya-led IGAD process by member states who equally worked closely together to resolve the SPLA/M and the GOS conflict. Essentially, the IGAD Partners Forum which comprised of leading western states such as the US, Britain, Norway and Italy also formed part of a hegemony whose participation mounted sufficient pressure and promised goodies to both parties which eventually delivered a settlement between SPLA/M and the GOS. The IGAD as a hegemon laid down rules and regulations under which parties in conflict would negotiate peace. The Kenya-led IGAD mediators developed a single negotiating text based on the key issues in
the Declaration of Principles (DOP). That was the starting point for the parties to isolate and negotiate issues of the conflict. Under certain circumstances, parties in conflict would take hard-line positions and even withdraw from talks. Mediators exerted pressure on them and even persuaded them to resume talks (Waithaka, 2006: 85, 122).

1.9.1 RESEARCH METHODOLOGY

1.9.2 Data collection

The study involved the use of both primary and secondary data. Primary data included a field study for data collection at the Nairobi based IGAD Liaison Office, Ministry of Foreign Affairs (Kenya), the Embassy of Sudan (Nairobi), Moi Africa Institute, the US Embassy (Nairobi), the Embassy of Italy (Nairobi), the United Nations High Commission for Refugees (UNHCR), Nairobi and the National Council of Churches of Kenya (NCCK), Nairobi. Both oral and written interviews were used to collect primary data. An interview is an administration of oral or written questions. Oral interviews involved face-to-face encounters between the researcher and the respondents (See appendix I). In order to get accurate information the use of interviews should be engaged and thus developed a good relationship with respondents. The study used unstructured interview rather called an interview guide which has a pattern that was followed in relation to the objectives of this study. Such an interview provided an in-depth data for analysis. (Mugenda and Mugenda, 2003: 83). Probing was used in addition to open ended questions to get detailed information. Secondary data involved library and internet sources. Library research was carried out at Kenyatta University Libraries, the Kenya National Libraries (Kisumu) and the British Institute Library (Nairobi)
1.9.3 RESEARCH DESIGN

The qualitative approach was applied to this study to find information on the Kenya-led IGAD process and the Sudanese conflict. Qualitative research is a participatory and interpretive mode of inquiry commonly used in the social sciences. The suitability of qualitative research is that it deals with emerging issues particularly in politics and attempts to formulate sustainable solutions to problems (Mugenda and Mugenda, 1999: 202). This study entailed an intensive primary and secondary data collection which formed variables for analysis. Data was analyzed thematically in relation to research questions and objectives of the study. In this case the proportion of sameness of content in variables was analyzed and interpreted for thesis writing.

1.9.4 SAMPLING PROCEDURE

The study used purposive sampling to get a representative data for analysis and thesis writing. A target group of respondents believed to hold relevant information were picked and given oral and written interviews respectively. Also snowball sampling was applied in order for the study to get new contacts or links to other respondents and research stations as they were mentioned by the initial target groups.

1.9.5 DATA ANALYSIS

This study used content analysis for both primary and secondary data. Primary data proved to be useful to the study because it held firsthand information. Similarly, secondary data was essential to our study because it was readily available in libraries and the Internet sources. Content analysis of data was used in this study to check through
information and select themes which were consistent with our research objectives. Content analysis was used to validate data from both primary and secondary sources of our study in relation to our research objectives and premises. Data from both primary and secondary sources was compiled for this thesis.
CHAPTER TWO

2.0 CAUSES OF THE SUDANESE CONFLICT

2.1 INTRODUCTION

In this chapter the study examines issues of the conflict between SPLA/M and the Government of Sudan (GOS). Modern trends of conflict management call for mediators to understand issues of conflict before embarking on its resolution. With that in mind, it is prudent to examine causes of the conflict between SPLA/M and the GOS before delving in the IGAD mediation process as spelt out in the objectives of our study. This chapter is guided by hegemonic stability theory to analyze variables that led to the conflict between SPLA/M and the Government of Sudan. As already argued in chapter one, hegemony can be divided into two schools of thought, the realist and the systemic schools. The realist school espoused the power transition theory and hegemonic stability theory. Realists define the concept of power as interests which drive both domestic and international politics (Morgenthau, 2004: 5).

It is true and as Morgenthau (2004) puts it, the concept of power defines interests as autonomous spheres which include wealth, ethics, aesthetics and religion. These interests lead to conflict between parties should one party attempt to impose its interests against the will of another. Again each party to conflict tries to protect her interests as much as possible. Our research findings came up with issues of conflict between the GOS and SPLA/M as; governance, self-determination for Southern Sudan and unequal distribution of wealth. Having identified issues of conflict between the North and the South, it is essential to discuss each of them in details.
2.2 GOVERNANCE ISSUES

The conflict between SPLA/M and the GOS was triggered by ideological differences over governance of the Sudanese state. Each of the parties in the conflict held a different fundamental principle with regard to the management of the Sudanese state. It is in the context of these different principles of political ideologies summed up by Nasong’o and Murunga (2005: 51), as ‘lack of a broad based consensus on the constitutive fundamentals of the Sudanese state’ that evolved the North-South conflict.

This argument traces the conflict in Sudan way back to the colonial period through successive post-colonial regimes in Sudan. During the Condominium period (1899-1956) the laws governing Sudan were based on the Indian model. Sharia was preserved as family law for Muslims regulating marriages, inheritance, and some property rights. In the rural areas different forms of customary law were also allowed. Even in nominally Muslim areas, customary law could modify Islamic codes in marriage practices and land rights. The Anglo-Egyptian government was mindful of the subversive potential of mystical Islam and therefore attempted to control activities of the Sufi brotherhood. In the South, there were no religious orthodoxies. The administration discouraged Southern societies from borrowing customs from the North (Johnson, 2003: 13).

Right at independence in 1956, successive Khartoum governments emphasized Arabicism and Islamism instead of using the country’s diversity to evolve a Sudanese commonwealth (Kwaje, 2004:19). The situation became worse in 1983 when President Numeiry established a religious state based on sharia regardless of the cultural diversity of the Sudan and in particular the South (Sumbeiywo; O.I., 2011). On the other hand,
SPLA/M insisted on a democratic and secular system of administration for Sudan. This position is clearly emphasized in the SPLA/M manifesto of 1983. SPLA/M was committed to radical restructuring of the state’s institutions for the central government to discourage power monopoly by any one group. Moreover, SPLA/M was determined to fight against racism in Sudan which was institutionalized by the Northern Arabs (Madut, 2006: 70-71). The power monopoly by the Northerners coupled with racial cleavages excluded the people of Southern Sudan from political participation and benefits of state resources.

The political dispensation of an Islamic state was that it operated on the basis of three principles; that the Quran is the fundamental constitution, the ruler was bound by the teachings of Islam and his chief function was to establish and maintain Islam and execute its laws (Mitchell, 1969: 246-247). The institutionalization of Islamic laws in the entire Sudan turned non-Muslims into second-class citizens and imposed religious penalties on them. The issue of sharia presented itself as a potent pillar of violation of human rights in Southern Sudan by Khartoum. Sudan’s human rights records were characterized by atrocious abuse of fundamental human freedoms in the South since the first civil war in 1955. To make matters worse, in 1983 Numeiry ordered the abrogation of the Addis Ababa Accord of 1972 that granted regional autonomy to Southern Sudan. This was followed by subdividing the South into three weak regions namely; Bahr-el-Ghazal, Equatoria and the Upper Nile. The division of the South destroyed her unity of purpose and the political game that was fabricated by the GS was to have each of the regions bargain on her own rather than being faced by the entire South. The regional assembly for the South was abolished and its powers were transferred to the central

Renewed armed rebellion in the South was triggered by the forcible suppression on 16th May 1983 of a mutiny at Bor and Ayod Posts by absorbed forces from the Anyanya Battalions 104 and 105, respectively. The soldiers resisted orders to be transferred to the North because such a transfer was inconsistent with the Addis Ababa Accord. The mutineers fled to Ethiopia where Colonel Dr. John Garang, a defecting officer from the Sudanese army joined them. Garang mobilized the mutineers into an organized force that led to the formation of the Sudan People’s Liberation Army/Movement in 1983. While in Ethiopia, SPLA/M maintained the most enduring relationship with the government of President Mengistu Haile-Mariam. Mengistu was already hostile to Numeiry, whom he accused of supporting the Eritrean secessionists and the anti-regime forces in Tigray and Oromo. Ethiopia provided the key external base for SPLA/M. Its political offices could operate from Addis Ababa. Furthermore SPLA/M operated a radio station on Ethiopian territory whose transmission enabled to send SPLA/M’s message and reached out to the Sudanese public. The immediate demands of SPLA/M were an end to Islamic law in Sudan and the overthrow of Numeiry (Waithaka, 2006: 65; Nasong’o and Murunga, 2005: 66-67; Woodword, 1994: 256; Lesch, 1993: 85).

The introduction of sharia as a cardinal guiding principle behind the Sudanese state degenerated the country into politics of ethno-religious identity that divided it between the Arab and Islamic North against the Black and Christian or traditional South. In most cases the perception of ethnicity has been based on physical differences as the most obvious discriminators but differences in language, accent, clothing or behavior may
distinguish individuals to be seen as belonging to a different people. Most ethnic conflicts involve the rights of minority groups’ struggle to maintain their identity, to have equal status with other groups and equal access to decision making. Dominant ethnic groups exclude minority groups from power. This exclusion makes the minority group to develop a feeling of their identity being threatened. Exclusion leads to frustration, polarization and violence (Miall, 1992: 141). There exists a gap in the above cited works on the sources of the Sudanese conflict, since several authors mention discrimination on the basis of religion, race and language as sources of the Sudanese conflict. According to the authors these attributes were imposed against the wishes of the Southerners thus leading to the war. Our Study attempts to fill this gap by examining governance issues as discussed in this subsection because the GOS would have espoused democratic principles and embraced diversity to build a united Sudan.

2.3 SELF-DETERMINATION FOR SOUTHERN SUDAN

The criticality of the principle of self-determination was underscored by the ‘Fourteen Points’ speech that was delivered by the US President Woodrow Wilson after the First World War in 1918. Woodrow elaborated the need to grant self-determination to cultural nationalities or minorities that were still living in the remaining European empires of the day as the way to make the world safe for democracy. Woodrow Wilson was concerned about cultural minorities in Europe rather than anywhere else but his concern gave justification to all self-determination movements among colonized people around the world. Woodrow’s ideas resonated well with self-determination movements thus inadvertently giving an aura of legitimacy to their causes (Conway, 1998: 44).
The demand for self-determination has emerged as a major democratic principle for various minorities wanting autonomy or statehood. The minorities have ever since emerged to be ethnic groups which in this case are a people who share a special and enduring sense of identification based on experiences and cultural characteristics that include a common history, regional identification, language, culture and shared physical appearance. The complex nature of ethnicity means that many ethnic groups all over the world have always demanded self-determination. For example the Tibetans in China have fought for self-determination of their country, the Sikhs in India have fought for Punjab’s independence for many years, and in Africa the Eritreans founded their country in 1993 after a long war against Ethiopia (Conway, 1998: 44, 66-69). Although Conway (1998) extensively discusses the concept of self-determination, the author does not elaborate on its effect in African politics with particular interest on the Sudan. In this subsection our research findings explores the issue of self-determination as the cause of the Sudanese conflict.

The international law allows for only three applications of self-determination namely; anti-colonialism, access to government by all racial groups and opposition to foreign military occupation. The doctrine of self-determination is against alien rule and racial discrimination. The United Nations Organization (UN) General Assembly of 1965 made it explicit that the institutionalization of racial discrimination is a function of imperialism and therefore an impediment to individual enjoyment of human rights (Conway, 1998: 66-69). The UN Charter recognizes that the promotion of economic and social development is connected to the creation of stability and well-being necessary for peaceful relations founded on the principle of equal rights and self-determination of
peoples. By virtue of the right of self-determination, all peoples can freely pursue their economic, social and cultural development without hindrance (Vincent, 1997: 80).

The problem of self-determination for Southern Sudan can be traced way back from the colonial period during the Anglo-Egyptian Condominium. The Anglo-Egyptian Condominium administered Sudan on the basis of two separate administrative systems despite the fact that Sudan was one country. The purpose of separate administrative arrangement was to preserve Northern Sudan for Arab-Islamic influence. In effect the British sought to protect the South from the Northern Arabic influence as it was thought that many years of slavery had decimated the Southerners and the possibility of extinction of the Southern Negroes was eminent (Mulu, 2008: 27; Jal, 2001: 3). However, in 1953 the Condominium arrangement was terminated in the Cairo Conference while at the same time self-determination for Sudan and implementation of self-government was granted through the Anglo-Egyptian Agreement. The people of South Sudan were neither consulted nor represented in the Cairo Conference in which such vital national arrangements were determined. In November 1953 parliamentary elections followed the Cairo Conference and many Northern Sudanese merchants in the South gained parliamentary seats through deliberate rigging of the elections. It was argued that the penetration of Northerners as parliamentarians in the South was a design to reduce the number of South Sudanese seats in parliament in favour of the North (Jal, 2001: 3-4; Beshir, 1968: 71).

The 1953 elections were won by the National Unionist Party (NUP) of Ismail al-Azhari who formed the government as the Prime Minister under the Governor-General. This was followed by the Sudanization of the civil service which severely frustrated and
marginalized the Southerners. Northerners were appointed to all senior positions in the South. In 1954 Southern Sudanese leadership including members of the Liberal Party, National Unionist Party, tribal chiefs from all the three South’s provinces and representatives of the Southern Sudanese diaspora in Khartoum convened a conference in Juba to chat the political future of South Sudan within Sudan. It was resolved to vote for independence of Sudan but on condition that a federal system of constitution be adopted for the entire country, with an autonomous state in the South. Failure to that the South reserved its right of self-determination which included the option of complete independence from the North. However, within parliament no consensus emerged on the form of the Sudan’s permanent constitution and the main preoccupation of the Northern parties was to give an empty promise to ‘consider’ federation only as a tactic to secure the Southern votes in parliamentary manoeuvres which preceded independence (Johnson, 2003: 27-35).

Sudan was granted independence with a temporary constitution which was drafted by a British academic constitutional expert. Two issues prevented agreement on a permanent constitution; first was whether Sudan should be a federal or a unitary state, and secondly, whether it should have a secular or an Islamic constitution. According to Johnson (2003), after independence in 1956, the Khartoum regime and the Northern political parties rejected federalism by arguing that it was a separatist sentiment. The Northerners went on to create a unitary state by presenting Arabization and Islamization as necessary policies to cement national cohesion. Indeed after the first post-independence elections in 1957, the South’s onslaught for federalism was intensified with the support of the eastern and western regions of Sudan. This prompted the military under
General Abboud to take over the government in 1958 through a military coup, bringing to an end civilian rule and electoral politics. The ascension to power by the military also put an end to any public debate concerning Sudanese national identity and the most suitable constitutional arrangement for the country.

The problem of self-determination for South Sudan created suspicion and mistrust between the North and the South culminating in the first civil war in 1955 that was sparked off by the Torit mutiny. Southern Sudan was marginally treated and shortchanged in all public sectors of the Sudanese state leading to underdevelopment in the region. This solidified the South’s struggle for self-determination against the North which monopolized economic development at the expense of the South. The North had developed infrastructure which stimulated economic and social development. Infrastructural development in the North led to the growth of towns, expansion of business and gradual rise of the merchant class. Economic and social participation by the Northerners helped to create a working class with new technical skills. (Mulu, 2008: 31; Johnson, 2003: 31). Essentially, economic and social progress placed the North far ahead of the South in all sectors, thereby making the Southerners alienated from the mainstream national development agenda. It is out of this despair that SPLA/M fought for self-determination for the people of South Sudan.

2.4 UNEQUAL DISTRIBUTION OF WEALTH

Distributive issues between different ethnic interests that share a sense of common destiny are policy questions that touch on allocation of preferences such as jobs, roads
and schools. These amenities provide political solutions in trying to build national cohesion when shared equitably. The desire of Southern Sudanese to identify with the Sudanese state was eroded by economic deprivation and the intransigent refusal by the Arab Sudanese to share real political power and revenue with the Southerners from within and without (Rothchild, 1991: 196).

Discussion on increasing strains in the North-South relations in Sudan emerged shortly before independence following the Sudanization of the civil service to replace the British (Deng, 1994: 70). The Sudanization process began in 1954 when the Public Service Commission through the Sudanization Committee announced 800 posts to be filled by the Sudanese citizens. The Public Service then took up the task of recruiting Sudanese to fill the vacancies. When appointments were made, Southerners were marginally and negligibly affected by the Sudanization. Only four junior posts of Assistant District Commissioners were given to them (Nasong’o and Murunga, 2005: 61). The Sudanization process was supposed to be a basic political necessity of the first order with the intention of guaranteeing a free and neutral atmosphere necessary for the smooth and proper exercise of self-determination of all the people of Sudan. The Sudanization process would have transferred state service responsibilities to Sudanese citizens equitably, democratically and fairly. Southerners were frustrated and pained to see the Northerners coming to the South to fill the bulk of positions in the civil service which had been occupied by the colonial officials. To the Southerners it was as if the independence was simply a change of masters (Deng, 1994: 71-72).

The marginalization of Southerners from civil service jobs created suspicion and mistrust between the North and the South. Consequently, soldiers of the Equatoria Corps
at Torit feared that they would be disarmed and transferred to the North when the British officers were replaced by the northern Sudanese officers (Johnson, 2003: 27-28). In 1955 a mutiny broke out at Torit garrison of Equatoria and then spread like a forest fire throughout Southern Sudan. Southern civilians, police and prison wardens took part in the revolt transforming it from a mutiny to a general uprising against the Northern administration in the South. It was an expression of the Southern people against the Northern monopoly of affairs in the South and also aimed at getting rid of injustices which the Northerners brought to bear upon the South (Deng, 1994: 81-84; Mazrui and Tidy, 1984: 195). This work enriched our study by demonstrating how the North’s exploitation of resources from the South contributed to the emergence of the conflict.

Natural resources potent a definite source of state wealth and pressure on national resources and the competition it generates has always been a source of disputes in many parts of the world. With industrialization spreading around the world, and the world population growing rapidly, both renewable and non-renewable resources are under increasing pressure. Oil which is a major resource that fuels cities, industries and transport systems has generated the most dangerous competition. For instance in 1973, at the height of the first oil crisis, Henry Kissinger (the US Secretary of State) threatened to use force if necessary to secure the supply of oil for the United States of America from the Middle East (Miall, 1992: 155-156).

The Sudanese conflict was not out of the world context of the struggle for oil. The South’s main asset is oil whose reserves were granted to Chevron and Total oil companies for prospecting and drilling by Khartoum. Almost all of the Sudan’s oil deposits were located in Upper Nile province and Jonglei state. Chevron started to exploit
oil near Bentiu and natural gas in the Meban area of Upper Nile. President Numeiry ordered the construction of the oil refinery outside the South. A pipeline was constructed from Bentiu oilfields to Port Sudan via Khartoum to enable quick export of crude oil. Proceeds of oil were used by the GOS to equip the military and enhance her capacity to prosecute the war in the South. (Johnson, 2003: 45-46).

The North-South conflict was exacerbated by unequal distribution of state resources, particularly oil. The conflict between SPLA/M and the GOS was as a result of oil in the South which Khartoum exploited for the North’s benefit. This is evidenced by the GOS’s determination to construct pipelines for transportation of oil to the North where it is refined for export. (Sabala; O.I., 2011). Apart from oil, water is increasingly becoming a source of conflict in the world. Water is a scarce resource in arid regions and it is under high demand in Africa, the Middle East and South Asia. In Africa River Nile has become a point of focus. In 1985, Egypt’s foreign minister mentioned that the war in that region would be about the Nile water and not politics (Miall, 1992: 157). Egypt and Sudan have shared the Nile water for many years and tension has been mounting. The Sudanese conflict was also about the use of the Nile water. The North-South conflict was an SPLA/M contest against Khartoum’s exploitation of the South’s oil and water resources in western and southern Sudan. Since the North is a desert and relies mainly on the Nile water for irrigation, Khartoum used every possible means to tap the available water resources to increase agricultural production. The Jonglei canal project was one of the most ambitious plans by Khartoum to make maximum utility of the Nile water (Mwai; O.I., 2012).
Recent research on the project indicates that originally the Jonglei canal was not primarily planned to benefit Southern Sudan. The idea of reclaiming the waters lost annually in the suds through evaporation and seepage was conceived and studied by the Anglo-Egyptian government in Sudan in 1904. The suds are believed to be responsible for retarding development in the surrounding area by harboring diseases of which bilharzias is typical of the region. Excessive water that spill over the areas of permanent settlement destroy crops and cause death to cattle thus leaving the Nilotic Dinka and Nuer people in uncomfortable condition of seasonal hunger. (Mawut, Leek and Lazarus, 1986: 47).

The objective of conveying some of the water that gets lost in the suds through evaporation and seepage northwards for irrigation purposes in Egypt was a way of compensating her loss of effective participation in the condominium rule. This led to the Jonglei Canal Proposal of 1938-1948 whose implementation started in the 1970s when both Egypt and Khartoum agreed to jointly finance its operation. At the implementation stage, the Jonglei Canal Proposal of 1938-1948 was revised to maximally benefit Sudan but the original objective of saving water for Egypt was maintained. In its revised form the canal would benefit Sudan by improving land and water transport, provide water for fishing, offer facilities for livestock improvement and wildlife preservation and stimulate agriculture. However, SPLA/M read mischief in the project given that the aforementioned Anglo-Egyptian study of the project did not engage Southerners’ views about the canal. Work on the construction of the Jonglei canal was stopped by orders of SPLA/M in 1983. SPLA/M viewed the Jonglei Canal Project as grand Egyptian colonial designs in the region (Mawut, Leek and Lazarus, 1986: 46-51). A gap exists in the above
as most of the authors concentrate on oil water as the only major sources of the conflict on resources between SPLA/M and the GOS. Our findings in Chapter 5 indicate that the Abyei conflict is also determined by pasture which is on high demand by the Mesiriyya to graze their livestock during the dry season.

The situation was exacerbated by the rumor about Egypt and Sudan’s economic integration plan. There was fear by Southern Sudan that Egyptians would be settled along the canal. This was based on the fact that Egypt has shortage of suitable land for agriculture and has an explosive population compared to the thinly populated and expansive Southern Sudan which would be an ideal outlet of the surplus Egyptian population. The above sentiments enabled SPLA/M to convincingly raise economic grievances against Khartoum. Furthermore, the decision to build an oil refinery outside Bentiu and pipe the Bentiu oil in the South to Port Sudan in the North raised a specific grievance of SPLA/M against the GOS. These explain reasons that made the South to demand self-determination to chat out her own destiny (Johnson, 2003: 63; Rothchild, 1991: 196; Mawut, Leek and Lazarus, 1986: 51).

2.5 CONCLUSION

In this chapter we have examined the causes of the conflict between SPLA/M and the GOS. The issues of conflict were disagreements over governance of the Sudanese state which in this case was the introduction of sharia in the whole of the Sudan by President Nimeiry in 1983. Southern Sudanese were opposed to sharia since it was an imposed policy on them and suspiciously viewed it as forced Islamization. In view of this, the introduction of sharia was objected to by Southerners because it violated their
fundamental human rights. However, the outbreak of the armed rebellion against Khartoum in 1983 was triggered by the forcible suppression of an army mutiny of the Southern corps at Bor. A rumor had gathered around that the former Anyanya battalion 104 and 105 would be transferred to the North and be disarmed. The mutineers regrouped and fled to Ethiopia where they were joined by Dr. John Garang, a defecting army general from the Sudan Armed Forces (SAF). Dr. Garang organized the mutineers into a structured armed group and founded Sudan People’s Liberation Army/ Movement (SPLA/M) in 1983.

Another cause of the Sudanese conflict was the quest for self-determination by the South. The demand for self-determination was occasioned by the marginalization of the South in all public sectors of the Sudanese state by the Khartoum regimes. Southern Sudan lugged behind socially and economically because it was not given priority on matters of development by the Northerners who dominated the government. The push for self-determination by the South was to pave way for them to decide their destiny as a free people from any form of discrimination. Self-determination would also guarantee the Southerners fundamental rights to pursue personal fulfillsments.

The struggle for control of wealth between the belligerents was at the centre of SPLA/M and the GOS conflict. In the 1970s substantial amount of oil was discovered in the South near Bentiu. A refinery was instead built in the North and a pipeline constructed to transport the oil from the South to Port Sudan. Southerners viewed this as an outright scheme by the North to exploit the South’s resources. Apart from oil, water from the River Nile was a bone of contention between the North and the South. The plan by Khartoum to enter a joint investment programme with Egypt to construct the Jonglei
Canal was vigorously resisted by SPLA/M. The canal was hoped to extract more water from the suds around the Jonglei state and increase the capacity of water for irrigation in the North.
CHAPTER THREE

3.0 THE KENYA-LED IGAD PROCESS: FACTORS THAT CONTRIBUTED TO ITS SUCCESS

3.1 INTRODUCTION

This chapter interrogates factors that enabled the Kenya-led IGAD process to successfully mediate the conflict between SPLA/M and the GOS eventually leading to the signing of the CPA in 2005. The conflict between SPLA/M and the GOS broke out in 1983 following the proclamation of sharia in the entire Sudan in addition to President Numeiry’s continual violations of the Addis Ababa Agreement. Several attempts were initiated to mediate SPLA/M-GOS conflict particularly; the Koka Dam Conference of 1986, the Sudan Peace Agreement of 1988, the Jimmy Carter Nairobi Talks of 1989, Abuja I of 1992 and Abuja II of 1993, as well as Barcelona I and Barcelona II. However, none of this peace talks yielded an agreement for effective implementation (Nasong’o and Murunga, 2005: 66; Lesch, 1993: 83).

The Sudanese conflict drained a great deal of national resources and caused untold suffering to the people of the South in addition to damaging the country’s image abroad. National wealth was appropriated by the GOS to purchase arms for purposes of war with SPLA/M. Southern Sudanese suffered atrocities of slavery, lynching, torture and confiscation of properties since the GOS launched an onslaught against the alleged SPLA/M sympathisers in the government controlled areas and cities. From 1993-2005, a series of meetings were held by the IGAD under the facilitation of Kenya, to mediate a peaceful resolution of the Sudanese conflict (Madut, 2006: 133-134).
Our application of the hegemonic stability theory in this chapter is based on the notion that international relations practice at the moment encourages regionalization of the world to create self-sufficient regional blocs whose major concern is to ensure political stability. Regional organizations are better placed to handle problems within their proximity given that they have a better understanding of local issues out of the context of a shared history and co-existence. Under this perspective, our research findings allude to the fact that IGAD mediators were knowledgeable about the Sudanese conflict and therefore this was one of the factors that facilitated their success. This forms our theoretical basis to analyze variables that enhanced the success of the Kenya-led IGAD in resolving the conflict between SPLA/M and the Government of Sudan in this chapter.

Our research premise that predicted the success of the IGAD mediation in the SPLA/M and GOS conflict was that, the skills and approaches of the IGAD mediators enhanced the success of the process. Research findings of the study indicate that IGAD mediators were skillful, impartial in their mediation approach and that they were knowledgeable about the Sudanese conflict. This variable influenced the dependent variable which in this case is the success of IGAD in the mediation process.

3.2.1 SKILLS, IMPARTIALITY AND KNOWLEDGE OF MEDIATORS

Mediation is a search for a solution by the parties to a dispute themselves under the guidance of a third party. Mediation is a process, facilitation and empowerment of the parties to the conflict. The mediator does not impose, does not decide who is right or wrong and has no right to impose a settlement on the parties. The biggest benefits of mediation are that it allows the parties to resolve matters in dispute in a way that is
mutually satisfactory to them and meets their needs (Sridhar, 2006: 234-242). In the event of mediation, third parties become holders of trust between the parties in conflict and enable them to exchange messages and proposals that they could not do otherwise without losing face or appearing weak. Mediators also skillfully provide new ideas of their own about ways of moving the parties out of the conflict (Zartman, 1991: 312-313).

It is argued that mediation by international third parties may offer greater hope for resolving violent and intense ethnic conflicts. International mediators can offer good offices to the adversaries to initiate meaningful political dialogue. In this way lines of communication between the adversaries can be opened and different ideas and information shared. To be an effective mediator, an international third party must possess leverage over the adversaries. The availability of resources – political, economic, military, informational, conceptual, tactical, and supervisory may also increase the mediator’s leverage by alternately using the carrot and stick approach (rewards for compliance and punishment for noncompliance). The mediator’s own image, prestige, standing, and credibility may also determine the leverage it enjoys over the adversaries (Taras and Ganguly, 2002: 95). From the above point of view it emerged that the success of the Kenya-led IGAD process was partly anchored on international support both in terms of political and their knowledge of the Sudanese conflict. As it will be discussed later in this thesis, the IGAD Partners Forum involvement in the peace process was worth noting. Another form of leverage was the tact with which the chief mediator understood the personalities of the main players of the parties to the conflict.

The Kenya-led IGAD mediation of the SPLA/M and GOS conflict started in earnest in 1993 under the umbrella of the Inter-Governmental Authority on Drought and
Development (IGADD). Inter-Governmental Authority on Drought and Development (IGADD) was created in 1986 by Kenya, Uganda, Ethiopia, Djibouti, Somalia and Sudan. Eritrea joined after her independence from Ethiopia in 1993. The organization was originally conceived by member states to coordinate measures that would manage effects of drought and desertification in the region. In 1996 IGADD gave way to the Inter-Governmental Authority on Development (IGAD). In 1993 IGAD states constituted a Sub-Committee on Sudan Peace. The Sub-Committee was mandated to end the conflict in Sudan through a negotiated settlement. President Daniel Arap Moi of Kenya was nominated to mediate as the chairperson of the Sub-Committee in February 1994. Thereafter a session of the Standing Committee was convened in Nairobi in March 1994 to define principles that constituted the framework for negotiations known as the Declaration of Principles. IGAD heads of state met in Nairobi in September 1994 and resolved that the peace process should continue and that the Declaration of Principles (DOP) should form a basis of negotiations. However, due to disagreements between the parties to the conflict – SPLA/M and the Government of Sudan, negotiations stalled for 33 months as Khartoum refused some points of the DOP (Mulu, 2008: 46-47).

The Kenya-led IGAD mediators demonstrated a high level of credibility and impartiality throughout the entire mediation process. Sumbeiywo asserts that the mediators or ambassadorial envoys diligently steered the process impartially leading to its success. He was appointed the Special Envoy by former President Daniel Arap Moi in 2000 replacing Ambassador Daniel Mboya as mentioned earlier in this work. At the time of appointment, Major General Sumbeiywo was the Army Commander with the Kenya Defense Forces. Moi’s appointment of Major General Sumbeiywo as the Special Envoy
was born out of the great faith he had in the man. Other IGAD states – Uganda, Ethiopia and Eritrea, each appointed a fulltime envoy to the peace process. Terms of reference of the IGAD Sudan Secretariat were agreed upon and stipulated that it be based in Nairobi. The Special Envoy was permitted to consult resource persons, take responsibility to receive and manage funds from IGAD states, IGAD Partners and the international community. The Special Envoy could also liaise with the Executive Secretary of IGAD although the actual terms were not spelled out at this level (Young, 2008: 11). The fact that the Special Envoy could liaise with the IGAD Secretariat at his own terms meant that he had leverage to conduct the affairs of the mediation process without interference from other interested forces.

The Special Envoy exercised impartiality in the sense that he could not allow manipulation from any quarter. That alone could have compromised the process and created an opportunity for the belligerents to quit talks and pursue a military option (Sumbeiywo; O. I., 2011). The Special Envoy was very careful to ensure that the process was not hijacked by some people who had not taken it seriously until after the Machakos Protocol materialized. This is when they wanted to affiliate themselves with the process and taste the cake of success. For instance South Africa was convincingly interested to gain mileage by taking over the negotiation process from IGAD. She was approached by the GOS during the African Union meeting in Maputo in July 2003 and quickly accepted the offer. The then Kenya’s Minister for Foreign Affairs, Honourable Kalonzo Musyoka convinced South Africa to drop that bid on grounds that the process was at an advanced stage. South Africa was proposed to help at the implementation process after the agreement (Waithaka, 2006: 92, 114-115).
Mediation requires that a third party provides guidance to parties in conflict to reach agreement on their own terms. In this case IGAD mediators skillfully provided a framework that enabled the GOS and SPLA/M to reach an agreement. A mediator cannot impose a decision but facilitates the process (Machira, 2008: 76; Sridhar, 2006: 162). In fact when one US observer attempted to have his country micro-manage the process, Major General Sumeiywo told him off. The Sudanese liked Sumbeiywo’s firm position on external and internal forces that wanted to interfere with the negotiations. There were frequent tensions, if not distrust between observers and General Sumbeiywo. That difficult relationship may have served to demonstrate to the parties that the Special Envoy was committed to protect them from external interests and hence cemented his ties with them. When asked about his firm stand on observers, Major General Sumbeiywo was categorical to say, “I lead the process. Sometimes I disagree with people, people who want to take over from me. But I refuse to let them. I need to have everybody on board and everybody must listen to me. I will listen to them but the final word is mine” (Young, 2008: 27, 34).

The approach with which the Special Envoy employed to manage the peace talks was to ensure that he was in full control of the process and as he clarified during an interview with this researcher, he emphasized that the responsibility of international observers was to ‘observe’ and to help when needed but not to negotiate. Observers were to monitor the progress on peace talks and give technical support as resource persons and facilitation of workshops or seminars. The IGAD process was de-linked from IGAD headquarters in Djibouti. This enabled IGAD Mediators to contact their mandate without much bureaucratic referrals to the IGAD headquarters. The de-linking of the IGAD
process from the IGAD headquarters enabled mediators to overcome the idea of boundary role conflict in an essence that no individual member state could manipulate the process in her own interest (Sumbeiywo; O. I., 2011). Similarly, the IGAD process was successfully enhanced by a well thought and genuinely accomplished Declaration of Principles (DOP). In addition to this, the process was institutional and focused because it had a fulltime secretariat with clear objectives to deliver as was spelled out in the Declaration of Principles compared to other previously constituted attempts that were driven by heads of states and governments that lacked time and commitment to the task.

An independent secretariat was established in Nairobi to co-ordinate the Sudan peace process. This mandate was strengthened when the IGAD Secretariat was legalized under the Kenyan law. General Sumbeiywo was conferred dual status of Special Envoy and Chief Mediator to the Sudan Peace Process. Indeed there was increasingly a sense of Kenya’s ownership of the peace process. This gave the Special Envoy considerable leverage to make independent decisions, although in consultation with others. During the process the venues of negotiations were tightly restricted and reserved for invited parties only. Machakos was a restricted venue even for the delegation of parties in the Sudanese conflict. The venue was not a free zone nor was it a walk-in-walk-out isle to anybody (Sumbeiywo, O. I., 2011).

Apart from being impartial, IGAD Mediators were knowledgeable about the Sudanese conflict and experienced in the Horn of Africa affairs. The appointment of the Special Envoy, Major General (Rtd.) Lazaro Sumbeiywo by Kenya to lead the IGAD process was pegged on his credentials. As a military man, Major General Sumbeiywo was well versed with the conflicts of the region. Since he served as Director of Military
Intelligence and later head of the Liaison Department, the Special Envoy had immense intelligence on what was happening beyond Kenya's borders. Similarly, both combatants were military people; President Omar al-Bashir was a military officer who got to power through a coup. John Garang was a hardened guerrilla leader who had led the life of a military general. Thus the handling of these people required somebody with a military mind because the task at hand would be better handled by someone who understood the mind of a military General rather than a diplomat who might be bogged down by the niceties of diplomacy (Waithaka, 2006: 38-39).

IGAD Mediators made wide consultations with both parties to the conflict. Interested parties were also invited as observers. After he was appointed Special Envoy, Major General Sumbeiywo traveled extensively to IGAD States and leading Western states to explain his work programme and agenda of the process (Sumbeiywo; O. I., 2011). The Special Envoy used that opportunity to appeal for international support from the US, Britain and Norway. The Special Envoy also sought to know if the parties to the conflict would accept to work with him before he embarked on the process. Although Sumbeiywo was an Army General, he was a brilliant diplomat, widely traveled and also widely accommodating of leadership and ideas. Major General Sumbeiywo traveled to Khartoum to meet President al-Bashir who confirmed that he had no problem with the mediator and so was Dr. Garang (Waithaka, 2006: 46).

The IGAD process had very effective and efficient resource persons who provided technical backup to mediators. Foreign experts and think-tanks largely American, prepared a range of papers and proposals with a view to assist the parties in conflict to understand issues and come to terms with them. The Secretariat also enlisted
services of professional and enormously experienced mediators notably Nicholas Haysom from South Africa and Julian Hottinger from the Swiss Federal Department of Foreign Affairs (Young, 2008: 21; Waithaka, 2006: 86).

A series of lectures, seminars and workshops were organized by mediators and facilitated by resource persons from Britain, Norway, US, South Africa and Kenya (Sumbeiywo, O. I., 2011). Workshops assisted parties to explore options in an open, analytical and outside the framework of traditional diplomatic negotiations. This phase could be noisy and abusive. It was followed by questioning and elucidation session whose main purpose was to elicit information and improve understanding between the parties. At this level, mediators attempted to define the common interests, needs and values of the parties as well as those that divided them. The psychological dynamics of the workshops were that the parties stopped making accusations and after sometime laughed and talked freely to each other. In the process of this exploration, solutions arose out of the analysis (Miall, 1992: 74).

The main focus of resource persons was on the structure of government and wealth sharing during the interim period. Workshops were used to give chance to the parties to vent off their anger, thereafter to reflect and come up with constructive discussions. Workshops therefore provided a chance to negotiating teams to brainstorm, ask questions for clarification and consult widely (Kwaje, 2004: 100). The process demanded that mediators would be very dynamic and flexible so as to avoid technicalities that would have boggled it down. For instance, when the negotiating teams got stuck and could not make a headway in negotiations because of petty issues, Major General Sumbeiywo would translate the DOP into a single negotiating text and zeroed down to
two main issues; self-determination for Southern Sudan and separation of state and religion (Young, 2008: 15).

The analysis of the DOP basing on the above two issues was that should Khartoum fail to introduce democracy and secularism, then Southern Sudan would be granted self-determination through a referendum. Mediators had leverage based on their ability to formulate an outcome that was attractive to both sides as a way of committing them to negotiation for a peaceful settlement (Zartman, 1991: 312). That is how the DOP was really observed as a genius of the IGAD mediators. A scrutiny of the DOP indicates that the issues of negotiation were a diagnosis on how to address the root causes of the Sudanese conflict. Mediators acted as communicators and formulators whose main mission was to assist the parties in conflict to reach an amicable solution to their dispute (Sridhar, 2006: 243). The Kenya-led IGAD mediators played a critical role to interpret the Sudanese conflict and formulated the DOP as a basis of negotiations that would meet aspirations of each of the parties to the conflict. Thus the mediators ensured that all stakeholders to the Sudanese conflict were informed of progress or any other development. The Special Envoy ensured this by constantly informing the IGAD States and consulting closely with the parties to the conflict to ensure that the outcome of negotiations was satisfactory and met the aspirations of both parties. In this case IGAD intervention was exceedingly impartial and a neutral third party whose mandate was to assist contending parties to reach their own mutually acceptable resolution (Sumbeiywo; O. I., 2011).

Mediator impartiality was critical in convincing both parties to the conflict to agree to sign the main protocols that delivered the Comprehensive Peace Agreement between
SPLA/M and the GOS in January 2005. The CPA addressed economic disparities between SPLA/M and the GOS when they agreed in unison to share wealth equitably so as to enable each level of government to discharge its legal and constitutional responsibilities and duties. To that effect, both parties agreed that 2% of the oil revenue would be allocated to the oil producing state. After the payment of production costs, 50% of net oil revenue derived from oil wells in the South would be allocated to the Government of Southern Sudan (GOSS). The remaining 50% went to the National Government and States in the North (CPA, 2005: 47-54). The sharing and allocation of wealth emanating from resources of Sudan shall ensure that the quality of life, dignity and living conditions of citizens are promoted without discriminating one on grounds of gender, race, religion, political affiliation, ethnicity, language or region. The sharing of wealth was based on the premise that all parts of Sudan are entitled to development. Both Islamic and conventional banking systems were established. An Islamic system was to operate in Northern Sudan and the conventional system in the Southern Sudan. Islamic banking is also known as participant banking activity that is consistent with the principles of sharia as practiced through the development of Islamic economics. Sharia prohibits acceptance of interest (riba or usury) or other fees levied for loans of money. Conventional banking is that which operates on the principle that the bank is the dealer of money and its reward is interest according to the capital system. The prime source of revenue and cost of funds to conventional banks is charging interest through lending and accepting deposit for interest respectively. Therefore interest is the major driver of operations of conventional banks. In addition to these, conventional banks value services such as guarantees, funds transfer, safety of wealth and access to international trade. The
establishment of these two systems of banking was to cater for different religious beliefs in relation to financial matters between the Muslims and non-Muslims in Sudan (Hanif, 2011; Sumbeiywo, O. I., 2011).

A diagnostic analysis of several peace initiatives that attempted to resolve the Sudanese conflict, indicate that they were unsuccessful because of their inability to put aside parochial interests which were viewed with suspicion by the parties to the conflict. The United States of America (US) took several unilateral efforts to resolve the conflict, including designating a special envoy, John Danforth in 2000 to assess whether the US could play a role in the peace process. The US attempts were unsuccessful because she was viewed with suspicion particularly by the North of her ability to handle the critical issue of religion and self-determination. It emerged that negotiators from both the GOS and SPLA/M wanted a go-slow piece-meal environment to carry out their talks free from the overt pressures of outside interests. Indeed negotiators appreciated the resilience of the Special Envoy and the role General Sumbeiywo played in containing the observers and other outsiders who wanted to manipulate the IGAD process (Young, 2008: 37).

Similarly, the Joint Libyan and Egyptian Initiative (JLEI) of 1999 withered because Cairo had vested interests in Sudan and feared that self-determination for the South would be a threat to Egypt’s access to the Nile water (Young, 2008: 11). The Machakos Framework, the Naivasha Protocol, and the final CPA indicate that the impartiality of mediators was a key variable to the success of the Kenya-led IGAD process. When the Machakos Framework was signed between the Government of Sudan and SPLA/M, the US acknowledged the Framework and hailed the role played by Major General Sumbeiywo in a document called “Memorandum of Justification Regarding
Determination under the Sudanese Peace Act (Public Law 107-245).” The US described the Machakos Framework as a blueprint for peace and change and praised Major General Sumbeiywo for his exceptional leadership and dynamic approach that tested both parties’ resolve to remain in talks in addition to allowing observers to witness first-hand results of the peace talks (Waithaka, 2006: 91).

The Machakos Framework was arrived at between the GOS and SPLA/M after rigorous negotiations from 18th June, 2002 to 20th July, 2002. It called for religious freedom in the South and a referendum on the future of the South in regard to self-determination. The Machakos Framework outlined issues to be negotiated under the Kenya-led IGAD process as geographic definition of Southern Sudan, religious freedom for non-Moslems, the right to self-determination for the people of Southern Sudan, power and wealth sharing and comprehensive ceasefire. Under the Framework, both SPLA/M and the GOS agreed to conduct an internationally monitored referendum for the people of Southern Sudan to determine their future status at the end of a six year interim period. The six year interim period was to begin after a six month pre-interim period. The Six month pre-interim period would begin after the signing of the peace agreement and would be used by the parties to establish institutions and mechanisms that both parties would use to govern the country through the power sharing arrangement during the six year interim period. The issue of religious freedom was tackled by proposing that Islamic law (sharia) would continue to be applied in the North but it would be suspended in the South. The Machakos Framework was an agreement that laid a foundation upon which to construct a lasting peace between the Government of Sudan and SPLA/M (Nasong’o and Murunga, 2005: 69-70; The Comprehensive Peace Agreement (CPA), 2005: 1-8).
Mediators’ impartiality was a key factor that enabled the signing of the Naivasha Protocols especially on the contested areas of Abyei, South Kordofan (Nuba Mountain) and Southern Blue Nile (Funj). SPLA/M demanded these areas to be included in the protocols as part of the South. On their part the GOS claimed the areas are undisputable part of the North and therefore not negotiable. It was proposed for Norway, Britain and the US to facilitate negotiations between the parties to resolve this stalemate. This facilitation was to be outside the IGAD process but its settlements would be incorporated in the process. Both SPLA/M and the GOS turned down the offer but they settled on Kenya’s General Sumbeiywo (Sumbeiywo, O.I., 2011). The Naivasha Protocols were signed as follows; Security Arrangements on 25th September 2003, wealth sharing on 7th January 2004, power sharing between the parties on 26th May 2004, resolution of the conflict of Abyei on 26th May 2004, resolution of the conflict in Southern Kordofan and the Blue Nile states on 26th May, 2004 and, Permanent Ceasefire signed on 31st December 2004 (The Comprehensive Peace Accord, 2005: 11-90). In a nutshell the parties to the conflict signed three protocols at Naivasha on political power and wealth sharing, on the contested regions of the Nuba Mountains, Southern Blue Nile and Abyei, on Islam and the future of the South. The most significant and hard-won concession of the SPLA/M was the agreement on a referendum to be held sometime in 2011 on whether the South should secede or remain part of the united Sudan. The Protocols provided for the suspension of the Islamic law in the South, and the sharing of legislative and executive power between the North and the South in the run-up period to the referendum (Nasong’o and Murunga, 2005: 70-71).
After the signing of the Naivasha protocols Dr. John Garang, leader of SPLA/M ordered his soldiers back to the barracks immediately and directed that they should not venture into government controlled areas. He also directed that all SPLM representatives living outside Southern Sudan should go back to their country and keep vigil on the new developments, cautioning those who disobey would be left out of the transition process.

The North through the Minister for Education, Mubarak Magzoub noted that the GOS had put in place concrete plans to ensure lasting peace in the Southern region. Magzoub emphasized that the Southern universities of Juba, Bahr el-Ghazal and Upper Nile that were relocated to the North at the height of the civil war would be returned to play a leading role in the reconstruction of the South. The minister also reiterated that at least seven universities would be used as peace centers to consolidate peace-building in different parts of the Sudan (Nasong’o and Murunga, 2005: 71).

The realization of the Comprehensive Peace Agreement (CPA) was an outcome of consistency and commitment with which IGAD went about to steering the parties to the Sudanese conflict on the path of negotiations towards a peaceful settlement (Nasong’o and Murunga, 2005: 72-73). The CPA was signed on 9th January, 2005 at the Nyayo National Stadium between First Vice-President Ali Osman Taha for the GOS and Dr. John Garang for SPLA/M. The signing ceremony was witnessed by President Mwai Kibaki of Kenya whose country hosted peace negotiations, President Yoweri Museveni of Uganda – then chairperson of IGAD, Daniel Arap Moi – former president of Kenya and former chairperson of IGAD between 1993 and 2003. Other heads of state and government from Tanzania, Rwanda, Sudan, Ethiopia, and Algeria attended. The ceremony was also witnessed by representatives of states, regional and international
bodies; among them Nigeria, South Africa, India, Luxembourg, United Kingdom, Libya, Canada, Pakistan, Qatar, Eritrea, Djibouti, Ukraine, the UN Secretary General representative - Jan Pronk, US Secretary of State - Collin Powell, Secretary General of the Arab League - Amr Musa and Secretary General of the African Union – Alpha Konari (Madut, 2006: 405; Nasong’o and Murunga, 2005: 73).

The fact that Sudan is a member of IGAD, the regional organization appeared more accommodative for her to negotiate under its process. Khartoum was more comfortable with IGAD as compared to the much Western dominated UN or any other international agency (Sumbeiywo, 2011: 27). Regional proximity made IGAD more acceptable to both SPLA/M and the GOS because the parties felt comfortable dealing with it based on shared coexistence and common understanding. Only IGAD could convince SPLA/M to accept peace with the GOS. The GOS also could not reject an African initiative. In this case the GOS assumed IGAD would provide some protection against the partisan US as a leading player (Young, 2008: 8).

The achievement of IGAD mediators was determined by the production of the CPA which is a very extensive agreement that provided for;

a) An internationally monitored ceasefire between the parties.

b) A federal system with a two chamber central government and a regional government for the South with substantive powers.

c) Power sharing in the six year transitional government in which SPLA/M leader would be the first vice-president.

d) Wealth sharing, including sharing oil revenue on a 50-50 basis between the North and the South.
e) Freedom of religion whereby Islamic law would be applied in the Moslem North while the Christian South and the federal capital Khartoum remained secular.

f) Stipulations on the administration of contested areas of the Nuba Mountains, Southern Blue Nile and Abyei.

g) Two separate armed forces with a joint coordinating mechanism to be maintained in the North and the South during the six year interim period.

h) A referendum to be held after the six year interim period to determine whether the South remains part of a united Sudan or secedes to become an independent country (The Comprehensive Peace Agreement, 2005).

The manner in which the CPA tackled contentious issues in the Sudanese conflict was termed as ground breaking to sustainable peace and stability in the region and beyond. In recognition of the role played by IGAD, President Yoweri Museveni of Uganda, then the chairperson of IGAD, commented that IGAD and Africa had created a partnership which reduces chances of outsiders jumping into conclusions on regional conflicts which they have very little knowledge about them (Nasong’o and Murunga, 2005: 72-73). As already mentioned above, the provisions of self-determination granted an option for secession of the South through a referendum. The preferable view of self-determination was to ensure fundamental rights of the people of Southern Sudan so that they live under a government that respects their religion and culture. But such a system required robust internal and external guarantees so that any promises made by the government in peace negotiations could not be ignored in practice. SPLA/M had always insisted that the Southerners have a right to determine their future status in a referendum (Waithaka,
2006: 89). The demand for Southern Sudan to be granted the right to self-determination to decide their future status was recognized (CPA, 2005: 8). Southern Sudan referendum on self-determination was set to be conducted after the six (6) year Interim Period from the date of signing the CPA in 2005.

The referendum was internationally monitored by observers from IGAD and other accredited organizations. IGAD send its election observer mission to Southern Sudan to monitor the referendum. The mission’s objectives were; to assess whether there were favorable conditions for the conduct of the referendum that would allow the people of Southern Sudan to express their will, assess and determine whether the referendum was conducted in accordance to the constitution, legal and institutional framework of Southern Sudan, determine whether final results reflected wishes of the people of Southern Sudan, assess whether the results met international benchmarks set out in the African Union (AU) Declaration of Principles governing democratic elections in Africa. In addition, IGAD mission was to review the referendum in accordance to the Declaration of Principles for international observers adopted by the UN in October 2005, in the context of and circumstances that prevailed in Southern Sudan. Finally, was to observe the referendum and provide positive and constructive feedback that would help to improve similar processes in the region (Office of the IGAD Special Envoy to Sudan, 16th January 2011).

The people of Southern Sudan were either to vote for the unity of Sudan to adopt the system of government which was established under the Peace Agreement or to vote for secession. Preparations for the referendum started with taking census that paved way for voter registration. Both the Government of Sudan and SPLA/M agreed
to 60% of registered voters as a turnout percentage that would be used to validate and declare results of the referendum. During the campaigns Sudanese Vice-President Salva Kiir advocated for a peaceful transition. President Omar el-Bashir promised to support the South’s right to choose to secede. President el-Bashir also declared that in case the South secedes; there would be no dual citizenship. Al-Talieb Mustafa, chairman of Northern based Justice and Peace Forum Party advocated for separation. But religion also dominated campaigns as most of the Southern Christians voted for separation because of forced Islamization and racial discrimination. According to the referendum results of 2011, the Southerners overwhelmingly voted for secession. Those who voted for separation (Yes) garnered 98.8% of the total whereas those who voted for unity (No) garnered 1.17% (Wikipedia website, Jan. 2011).

3.2.2 UNFOLDING POLITICAL EVENTS IN THE GREATER HORN OF AFRICA REGION

Apart from the skills, impartiality and knowledge of IGAD Mediators being a key factor to the success of the process, it emerged during our research that the other factor that also enhanced the process was the unfolding political events in the Horn of Africa region. Our study therefore undertook an analysis of this variable as indicated below in tandem with hegemonic stability theory and its application to address interests of states at global or regional levels. In international relations, the grounding tenet of a hegemonic state is to found and protect an order which is universal in conception and compatible with the interests of other states while at the same time safeguarding her interests. The states’ interests can be protected through institutions which in this case are
global or regional (Cox and Synclair, 1996: 134-137). And indeed as Payne (2000:18) puts it, in the absence of an effective hegemon to keep order the world will degenerate into conflict which in the present era is most likely to be manifested between regional blocs of states.

The conflict in Sudan threatened regional security in the Horn of Africa Region such that Uganda, Eritrea and Ethiopia blamed Khartoum for aiding subversive elements to fuel instability within their boundaries or even hosting rebel groups. On the other hand, the Government of Sudan blamed her neighbors of giving political and military support to SPLA/M. The relationship between Sudan and her neighbors was bad. Sudan was conclusively regarded by her neighbors as posing a security and Islamic threat to their sovereignty and therefore they decided to step up a significant military assistance to SPLA/M (Mulu, 2008: 64). But the relevance in the context of our study and application of hegemonic stability theory is located in the intervention of IGAD, a regional organization whose member states deliberated to end the Sudanese conflict through a negotiated settlement to secure their common interest which in this case was their security concerns.

The capture of power by the National Islamic Front (NIF) through a coup in 1989 removed the civilian government of Sadiq el-Mahdi and suspended initial peace arrangements including the convening of the constitutional conference for the country as had been planned during the Koka Dam Conference of 1986. General Omar al-Bashir was installed as president by NIF hardliners and within weeks he imposed a state of emergency, abolished the cabinet and parliament, revoked the transitional constitution and ruled through the Revolutionary Command Council with himself as the chairman.
NIF clearly demonstrated through its actions that it was an extremist Islamic party that was determined to fight anybody opposed to sharia. IGAD states felt insecure with the political ideology of the NIF regime and viewed it as an expansionist one that was determined to destabilize the region. This was demonstrated by the way the NIF regime was totally committed to a military option and opposed to peaceful negotiation with the South (Waithaka, 2006: 70).

In 1997 the heads of state of Kenya, Uganda, Djibouti, Ethiopia and Eritrea held a summit in Nairobi and decided to revive peace talks between SPLA/M and the GOS. A communiqué was issued detailing the seriousness with which IGAD was to undertake the process. President Daniel Arap Moi of Kenya was nominated as the chairman of the subcommittee on Sudan peace process. President Moi was nominated because he was an elder statesman with vast experience in the field of conflict resolution in the region. For example the Government of Mozambique had earlier called upon President Moi to reconcile it with Mozambique National Resistance (RENAMO) in the 1990s. The border conflict between Ethiopia and Eritrea broke out in 1998 and President Moi was also involved in reconciling the two countries. Also the diplomatic row between Uganda and Sudan resulted from accusations of supporting rebels from each other’s territory. Uganda accused Sudan of supporting the Lord’s Resistance Army (LRA) while Sudan accused Uganda of supporting SPLA/M. President Moi hosted the presidents of these two countries where they agreed to ease hostilities. Somalia had no central government since 1991 following the overthrow of President Siad Barre. Several meetings were convened by President Moi to reconcile different armed groups in that country. In 1985 President Moi helped to broker a ceasefire and political understanding in Uganda between
President Tito Okello and Yoweri Museveni, the then leader of the National Resistance Army (NRA). IGAD States invited any parties interested to support the process. A Special Envoy or Chief Mediator was appointed to steer the Process. Ambassador Daniel Mboya was appointed to this position in 1998, before Sumbeiywo took over from him in 2000 (Sumbeiywo, O.I., 2011).

The establishment of a permanent IGAD secretariat on the Sudan peace process meant that fulltime work was to be performed as opposed to the initial ad-hoc processes which lacked strategic focus and continuity. This was a clear paradigm shift from the past mediation programmes that collapsed. It also demonstrated the seriousness with which IGAD heads of state undertook to secure stability in Sudan. Under all considerations, the security issue in the greater Horn of Africa region was primarily a factor that prompted IGAD States to initiate and persistently exert pressure on Khartoum and SPLA/M to negotiate peace (Kwaje, 2004: 98). The process leading to the establishment of the IGAD Secretariat on Sudan peace was precipitated by two developments in 1998. First was when the GOS accepted to adopt the Declaration of Principles as a basis for negotiations. Then secondly, the IGAD Partners Forum (IPF) and the civil society groups strongly urged IGAD states to set up a permanent secretariat and appoint a special envoy to that effect. The idea was essential to IGAD in that the process would attract international funding and political support and also deter other processes from being endorsed or hijacking the IGAD process. The IGAD Sub-Ministerial Committee on the conflict in Sudan was held with the support of the parties to the conflict and a secretariat was established in Nairobi to carry out mediation in July 1999 (Young, 2008: 10).
Uganda, Ethiopia and Eritrea had poor diplomatic relations with Khartoum. For instance Uganda accused Sudan of supporting and giving comfort to the Lord’s Resistance Army (LRA), a Ugandan rebel group, while at the same time Khartoum accused Uganda of aiding SPLA/M. Similarly Ethiopia and Sudan had a cold relationship since the attempted assassination of President Hosni Mubarak of Egypt in Addis Ababa just on his arrival to attend an OAU summit in 1994. In response, Ethiopia gave massive military and strategic support to SPLA/M (Kwaje, 2004: 98).

Eritrea and Sudan had tense relations founded on mutual security concerns. There were times when Eritrean forces joined Sudan People’s Liberation Army (SPLA) in their operation against Khartoum (Mwagiru, 2006: 80-81). Sudan did not have a cordial relationship with most of her neighbors and more so the IGAD members. Kenya on her part hosted refugees from Southern Sudan and Somalia. Refugees from Sudan were forced to flee their country because of war between SPLA/M and the GOS. Refugees also caused distress to the host state given that their presence led to small arms proliferation which contributed to insecurity in the host country. Arms proliferation facilitated prolonged and intensified armed violence in Kenya and the entire region. Proliferation of small arms also brooded criminal activities, enhanced poaching with devastating negative impact on tourism and wildlife management (Machira, 2008: 181-182).

The emergence of new political players in the region ushered in new dynamics in IGAD policy formulations. The elevation of President Isaiyas Aferworki of Eritrea and the Prime Minister of Ethiopia, Meles Zenawi to power in 1991 was imperative to the Kenya-led IGAD process. These leaders were ready to secure tasks charged with the regional organization. When President al-Bashir of Sudan hesitated to negotiate with
SPLA/M under the auspices of IGAD in order to resolve the crisis, the heads of state threatened to invade Sudan (Waithaka, 2006:38). Such a political move from external forces would have brought down the Khartoum government.

Besides that, Shuttle diplomacy was swiftly intensified and Khartoum finally signed the Declaration of Principles. IGAD Heads of States exerted pressure on Khartoum to adopt the Declaration of Principles (DOP) as a basis for negotiations in 1997 after stalling for over 33 months. It clearly outlined issues of reference that would set the agenda for negotiation and comprehensive settlement between the GOS and SPLA/M. The Principles that formed the basis of negotiations under the DOP were;

a) Self-determination for the South.

b) Unity of the Sudan based on the principle of separation of state and religion.

c) Complete equality of all Sudanese people guaranteed by law.

d) Establishment of secular and democratic Sudan.

e) Fair sharing of national wealth.

f) In the absence of an agreement on the issue of state and religion, the people of the South will have the right to determine their political future including independence (Nasong’o and Murunga, 2005: 68).

Had Sudan refused to adopt the DOP in total, then her position would have been interpreted in bad faith. The GOS clearly considered options of being a renegade to be isolated or to cooperate for mutual understanding. The fact that Sudan is a member of IGAD, the regional organization appeared more accommodative for her to negotiate under its process. Khartoum was more at home with IGAD compared to the much Western dominated UN or any other international agency (Sumbeiywo, 2011: 27).
3.2.3 CONCLUSION

In this chapter we examined the factors that enabled the Kenya-led IGAD process to mediate in the Sudanese conflict. IGAD mediators performed their mandate in an impartial manner without bias to built sufficient trust from both parties. The Special Envoy was also knowledgeable about the conflict and understood the key players behind both the parties to the conflict. General Sumbeiywo could not allow manipulation from any quarter because he knew the Sudanese conflict was delicate and could collapse with a slight favoritism. The Sudan Peace Secretariat was transparent and accountable in its budget. The Kenya-led IGAD process relied on donor funds and for continued financial support donors demanded sound financial management. Indeed when General Sumbeiywo was appointed the Special Envoy, he ensured transparency at the Sudan Peace Secretariat. Our research hypothesis, the skills and approaches of the Kenya-led IGAD mediators enhanced the success of the process, is confirmed by research findings as demonstrated in this chapter. In addition to this, our theoretical framework relates to research findings in this chapter particularly the essence of regionalization of the world in order to create self-sufficient regional blocs which are capable of sustaining political stability. The emphasis is that regional organizations have a good understanding of the problems that arise from within and therefore possess relevant solutions. This theoretical grounding explains better the aspect that Kenya-led IGAD mediators were knowledgeable of the Sudanese conflict. The mediators understood issues of the Sudanese conflict, thus they skillfully devised appropriate approaches with which they employed to convince both SPLA/M and the Government of Sudan to agree to a peaceful settlement.
It emerged in our research findings that apart from the skills, impartiality and knowledge of mediators the success of the Kenya-led IGAD process was also influenced by the unfolding political events in the greater Horn of Africa region. This in particular was the overthrow of the civilian government of Prime Minister Sadiq al-Mahdi in 1989 by the military with the support of Islamists under the political umbrella of the National Islamic Front (NIF). The military junta installed General Omar al-Bashir as the president of Sudan. The NIF regime opted for a military solution to the Southern problem and at the same time echoed expansionist sentiments to spread Islam in the entire African continent. NIF’s determination to pursue a military option in the South had a spill-over effect that occasioned the fleeing of refugees. The refugee problem is associated with insecurity to the host countries because of the proliferation of small arms. Regional insecurity prompted IGAD states to put pressure on both SPLA/M and the GOS to sue for peace in the South.

Moreover, Khartoum had very poor diplomatic relations with her neighbors. For instance Uganda accused Sudan of aiding the Lord’s Resistance Army to dislodge the government of President Yoweri Museveni from power. Conversely Sudan accused Uganda of sponsoring SPLA/M activities. Apart from Uganda, Eritrea and Ethiopia traded accusations against Sudan whereby each claimed that Khartoum sponsored subversive elements to destabilize them. Sudan on her part also accused Eritrea of supporting both SPLA/M and the National Democratic Alliance, a northern opposition party which was in alliance with SPLA/M. Counter accusations between Sudan and her neighbors was not good for regional security that required concerted effort from each member state. IGAD states; particularly Uganda, Eritrea and Ethiopia threatened to attack
Khartoum if she was not ready to negotiate with SPLA/M and end the war in the South (Waithaka, 2006: 38).

The emergence of new political players in the region shaped the approach to political developments in the Horn of Africa. The coming to power of President Isaiyas Aferworki of Eritrea and Prime Minister Meles Zenawi of Ethiopia represented a new political order in the region. The duo had risen to power after fighting a repressive regime in their country- Ethiopia. Thus both Aferworki and Zenawi could not sit and watch as those who were for status quo continued to threaten regional security. The two leaders were up to task to see the end of war in Sudan. Khartoum was compelled to commit to work for peaceful end of the war in the South. In this chapter the objective of our study that undertook to examine the factors that enabled the Kenya-led IGAD process to successfully mediate between SPLA/M and the GOS was attained as discussed in our research findings above.
CHAPTER FOUR

4.0 THE EFFECT OF THE INTERNATIONAL COMMUNITY ON THE KENYA-LED IGAD PROCESS

4.1 INTRODUCTION

The objective of this chapter was to evaluate the effect of the international community on the Kenya-led IGAD process. Our study was guided by the hypothesis that the international community employed the carrot and stick strategy to motivate parties to the conflict to negotiate a peaceful settlement. The hypothesis was that the presence of the international community such as the IGAD Partners Forum (IPF), the African Union (AU), the United Nations (UN), the Arab League (AL) and other interest groups influenced the Kenya-led IGAD process to manage a negotiated settlement between the GOS and SPLA/M. The carrot and stick strategy was used by the international community to influence the parties’ response to IGAD mediation by promising rewards for cooperation (carrot) and punishment for non-cooperation (stick). The IGAD process required support from the international community so as to work in partnership for sustainable peace in Sudan. However, it emerged from our findings that the international community had either positive or negative effect to the IGAD process as demonstrated in this chapter.

The variables for this chapter were interrogated by employing hegemonic stability theory to prove its relevancy to the study. A hegemon provides public goods through institutions and works in the best interest of everybody or all actors while maintaining enlightened self-interest to create stability in the system. Hegemony is a consensual order and the new idea of regionalism is characterized by multi-polarity to create self-sufficient
regional blocs where political stability and social welfare are major concerns (Hettne, 2000: 366-367).

The Kenya-led IGAD process was a regional initiative with a strong political, financial and technical support from the international community whose ultimate aim was to achieve political stability in Sudan through a negotiated settlement between the parties to the conflict, that is the GOS and SPLA/M. International actors that participated in the IGAD process had interests in the Sudan which were addressed collectively in an internationally recognized framework. Political instability in Sudan posed security concerns to the international community on the basis that insecurity turned out to be a threat to political and economic interests in the region and beyond. In view of the application of this theoretical framework, our point of reference is that the international community exerted pressure and also promised rewards where necessary to both parties to negotiate for a peaceful settlement. The international community also provided logistical and technical support in addition to guaranteeing of protocols that were signed by parties to ensure effective implementation.

4.2.1 INCLUSION OF IGAD PARTNERS FORUM IN THE PROCESS

IGAD Partners Forum (IPF) comprised four leading western states; US, Britain, Norway and Italy. Initially known as the Friends of Inter-Governmental Authority on Drought and Development (IGADD), it was formed just as the IGAD heads of state launched a peace initiative at Addis Ababa summit to handle the Sudanese conflict in 1993. IPF promised to support the IGAD process (Young, 2008: 9). The support offered by IPF was political, technical and financial to purposely bolster the peace process while
at the same time securing strategic interests of the IPF member states. The strategy of the ‘carrot and stick’ was effectively applied by the IPF as demonstrated by promises of rewards such as a European Union aid package, a White House signing ceremony, and removal of Sudan from the blacklist of terrorist-sponsoring countries by the United States of America to nudge the GOS into signing the Naivasha Protocols (Nasong’o and Murunga, 2005: 74). For comparative reasons it is worth to note that the Addis Ababa Accord did not last because it was quite without precedent. Dominant external intervention was not involved during the 1972 Accord. Although the Addis Ababa Accord brought peace for a while the process did not resolve the underlying social and economic problems of the South (Kasfir, 1981: 149). The 1972 Accord collapsed because it lacked international guarantees and safeguards. This was one of the weaknesses that were exploited by Khartoum.

General Sumbeiywo’s overseas trips to Western States yielded some proceeds to the Kenya-led IGAD process. Sumbeiywo lobbied for the support of the process leading to western countries’ provision of political and technical support. For instance, the US offered a legal expert by the name Susan Page. Page turned out to be a very useful member during the negotiation process. She laid out the framework for negotiations and some steps that led to a full motion of the peace process. IGAD turned to Western States for financial and political assistance. Political will was crucial to lobby or pressurize both the GOS and SPLA/M to take the negotiations seriously given that many initial attempts to resolve the Sudanese conflict collapsed. This was a lesson learned and indeed from the onset IGAD proposed a Declaration of Principles (DOP) and stipulated that both parties had to respond to it as a basis for securing the needs of a diverse population for social and
political equality. Khartoum had no option but to yield to pressure from the regional organization and the international community (Sumbeiywo; O. I., 2011).

The United States of America’s involvement in the peace process as a member of the IPF played a critical role. The US policy on Sudan in terms of peace was influenced by the terrorist attack on 11th September, 2001 on the World Trade Centre in New York. Regional security in the Horn of Africa was vital to secure American strategic and geopolitical interests in the region and beyond. Several humanitarian agencies in the US including the Christian right and human rights activists lobbied their government to impose considerable trade and economic sanctions against Khartoum. The US identified Sudan as one of the countries that sponsor terrorism (Young, 2008: 12-13; Bereket, 1985: 169).

The American foreign policy is determined to pursue and prosecute international terrorism and it lobbied the UN to put Sudan on a special rapporteur status because of her poor human rights record (Mulu, 2008: 59). The Americans exerted pressure on Khartoum to hand over Osama bin Laden, the leader of Al-Qaeda network who was believed to be hiding in the Sudan. Moreover, Sudan was supposed to cooperate with the US intelligence to deal with international terrorists within the Sudanese territory. The US Senate took a strong stand on human rights violations in the Sudan and criticized the GOS for engaging in a campaign of ethnic cleansing against the Nuba people in Kordofan Province (Rothchild and Donald, 1995: 225).

Interestingly however, both the belligerents supported the US peace programme in the Sudan. The GOS hoped that the US would exert pressure on Dr. Garang to sign the agreement and also improve bilateral relations between Washington and Khartoum.
Similarly, SPLA/M hoped that the US would exert pressure on the GOS to be serious with the peace process. Apart from that, SPLA/M hoped that the US would be an important partner in the reconstruction of the South after the peace process (Young, 2008: 32). However, it should be noted that the US diplomatic involvement in Africa’s conflict resolution took many forms after the Cold War, especially in Sudan. The US exerted pressure on local actors to negotiate and even played the role of direct third party mediator between the parties in Sudan. The US unilateral efforts to mediate in the Sudanese conflict could be demonstrated by the appointment of a special envoy, John Danforth for a six month mission to assess whether the US could play a role in the peace process (Rothchild and Donald, 1995: 221).

While the Kenya-led IGAD process was ongoing, the Americans were on their own negotiating for a ceasefire arrangement in the Nuba Mountains. The initiative was under the US Special Envoy for Peace in Sudan, Senator John Danforth. The achievements of Danforth came to be incorporated into the CPA under the protocol on security arrangements (Sumbeiywo, O. I., 2011). It is imperative to note however that the issue of the Status of Abyei and the conflict areas were mediated by Kenya with General Sumbeiywo as the lead negotiator. This was done outside the IGAD framework but the outcome was incorporated into the CPA. The process was sponsored by Kenya while ambassadorial envoys from other IGAD states were not engaged in it at this stage although the Special Envoy consulted them. The US also passed legislation referred to as the Sudan Peace Act so as to focus on Sudan and formulate policies that would bring a speedy end to the civil war. The Act emphasized that the resolution of the Sudanese conflict should be based on the DOP and on the Machakos Protocol of July 2002.
(Waithaka, 2006: 90). The decision of the US to support the IGAD process was very instrumental to the success of the regional initiative.

Apart from the US, other leading Western States such as Britain, Norway and Italy made enormous contribution to the success of the IGAD process. Britain brought in military personnel to provide instruction on security arrangements. In particular were the technicalities on how to manage two separate armed forces in the Sudan that is, the Sudan Armed Forces (SAF) and the Sudan People’s Liberation Army (SPLA). Norway organized and sponsored seminars on human rights (Young, 2008: 33). Seminars and workshops were very useful to parties to the conflict because it gave them chance to brainstorm issues, vent tensions and even consult experts on different issues. During workshops or seminars, parties dealt with issues such as African identity, slavery and self-determination. However, the US held a different perspective with regard to seminars. The Americans viewed the approach on seminars as waste of time and desired a speedy conclusion of talks (Sumbeiywo; O. I., 2011).

Italy supported the IGAD process by substantively availing finances to sustain the process (Sumbeiywo; O. I., 2011). The funding of the IGAD process relied on foreign donors especially the IGAD Partners Forum. Transparency and accountability was paramount for continued financial support of the process. The Sudan Peace Secretariat had the authority and control of finances to hire resource persons to produce their own independent analysis. However, foreign donors had influence over the process. Donors demanded efficiency and accountability in the operation of the peace process. General Sumbeiywo is credited with bringing order to the Secretariat and maintaining good relations with donors. The IGAD Secretariat required a steady flow of cash to enable
proper co-ordination of peace negotiation activities and therefore it was necessary to maintain cordial relations with donors to support the process (Sabala; O. I., 2011; Young, 2008: 38-40).

Donor states exploited the financial inadequacies of IGAD to extend their interests in the process. Some observers also became impatient with the slow pace of the process and attempted to set deadlines for the speedy conclusion of the talks either because of the escalating costs of the process or for other interests. But IGAD Mediators were careful in considering that rushed past agreements did not yield fruit. The IGAD mediators’ concern was to avoid past mistakes and conclude the talks under the parties’ own terms. Imposed solutions could not reflect the aspirations of the parties and could be rejected or lead to re-entry of the conflict after sometime. Increased participation of the West in the process was sometimes construed as a threat to the sovereignty of the Sudan and IGAD (Sumbeiywo, 2011: 36).

4.2.2 THE AFRICAN UNION

The African Union (AU) was allocated a slot at the IGAD process as an observer. The presence of AU was important for two reasons; Sudan is a member of the African Union and therefore important negotiations that could permanently change the geopolitics of that country required the attention of the AU. Second is that the Sudan peace process was an initiative of a regional organization, IGAD which is based on the African continent. Another perspective which was put into consideration was that there is a lot of interrelatedness among African states in terms of security actions and the developments in a neighboring state had a major impact on others. The conflict in Sudan had far
reaching consequences to her neighbors. The problem of refugees posed security threats to host states because they could be in possession of weapons obtained during the conflict (Sumbeiywo, 2011: 14).

Since 1992 the UN adopted a new policy under its charter on international conflict management. The charter mandated regional organizations to play a leading role in the management of regional conflicts. This aspiration was meant to create a sense of decentralization, delegation and cooperation. The UN policy as espoused by this charter was meant to cultivate a sense of participation, consensus and cooperation in international affairs among members. Indeed the proximity of IGAD to the Sudanese conflict and the involvement of members in its resolution were timely because they had a better understanding of issues to the conflict (Sumbeiywo, 2011: 37).

Both the Government of Sudan and SPLA/M were more comfortable with an African solution. The parties turned down the suggestion to have the US lead negotiations on the status of Abyei and the two conflict areas of Southern Kordofan and Southern Blue Nile. Instead they settled on Kenya and therefore the Special Envoy General Sumbeiywo had to lead the negotiations. The GOS was suspicious of the US and did not wish the process to be managed by the Americans as they seemed more sympathetic to the South. Khartoum drew closer to the IGAD process on assumption that the regional body would protect her from biased Western intervention in her internal affairs. The GOS’s regional affiliation to IGAD was appealing and appeared more attractive and acceptable to her interests (Sumbeiywo; O. I., 2011).

Sudan’s geo-strategic location and complex socio-economic composition encouraged foreign interference that exacerbated inherent political tensions. That is why
the conflict invited significant external involvement by neighboring states, protagonists in the Arab-Israel conflict and Western powers. Sudan’s location on the River Nile was quite central to Egyptian interests. The Nile is a lifeline to Egypt and that is why she could not tolerate a hostile regime in Khartoum to be assured of the smooth flow of the Nile (Lesch, 1993: 79-81). Apart from the Nile water politics, some African States were motivated by ethnic affinity with the Southerners or policy differences with Khartoum made them to support SPLA/M against the Government. Ethiopia and Uganda allowed SPLA/M to establish bases in their territories.

The presence of AU as an observer played two significant roles; to enhance the spirit of African solidarity with the Sudanese and to legitimize the process under the AU charter of promoting peace and security among member states. The outcome of the IGAD process as spelt out in the CPA granted self-determination for Southern Sudan to decide their future through a referendum. Several other protocols were also signed and required international guarantees. AU would therefore play an important role to monitor the implementation of the CPA. AU was a balancing factor particularly for Khartoum which was suspicious of some Western States like the US of bias especially on the critical issue of religion. The US foreign policy on Sudan turned from being cooperative to coercive in 1990’s during the Clinton Administration. The policy reached its height in 1998 when the US bombed El Shifa Plant in Khartoum (Young, 2008: 10).

The plant was suspected to be a uranium enrichment installation for production of nuclear weapons by Sudan. AU’s participation therefore provided an assurance to the parties that the IGAD process is an African initiative to resolve an African problem in an African perspective. As a member of Verification Monitoring Team (VMT), the AU’s
participation ensured that both parties implemented the Memorandum of Understanding (MOU) to the letter. The MOU was signed between the parties to the conflict on 4th February, 2003 at Karen in Nairobi. The document was to enhance cessation of hostilities between the parties. The VMT had access to travel in and around areas where a complaint had been filed by any of the parties (Waithaka, 2006: 101-102). Cessation of hostility between the parties was meant to create an enabling environment for negotiations to take place. In any case conflict resolution mechanism was a delicate venture that could not succeed in volatile circumstances where parties were still engaged militarily. Cessation of hostilities aimed at creating a calm situation for negotiations and helped to cultivate mutual understanding between the parties.

4.2.3 THE UNITED NATIONS

The United Nations (UN) was allocated an observer status in the IGAD process. The UN organized workshops and seminars on human rights and enlightened parties on the goals of the process. This approach was meant to empower both parties to be more objective in the talks rather than emotional. The UN facilitation opened negotiations to wide consultations and sharing of experiences from various resource persons. Negotiating teams from both sides were given time to brainstorm and ask questions for clarification of issues by resource persons. Resource persons came from South Africa, Britain, Norway, US and Kenya (Sumbeiywo, 2011: 41).

The presence of the UN gave legitimacy to the process and was considered to be very critical in the implementation of the CPA. The UN through the Security Council could invoke certain measures against violators of internationally recognized protocols.
Therefore like in the case of Sudan, it was vital to involve the UN because the parties mistrusted each other and it was difficult to believe that the CPA would be respected especially by Khartoum. This precedent was established by past experiences when the GOS blatantly violated the 1972 Addis Ababa Accord out of sectarian interests. The argument arose that the 1972 Accord did not have sufficient safeguards and international guarantees which eventually led to its collapse. IGAD mediators were keen to ensure there was to be no repeat of the same mistakes (Sumbeiywo; O. I., 2011).

Participation by the UN as an observer in the process granted leverage to IGAD Mediators in that were any of the parties to fail to cooperate then their actions would be reported to the international community for relevant remedial measures. The GOS for instance complained against threatening language by the Special Envoy. However, in diplomacy there was always change of tact depending on situations and therefore one could not use same strategy all through and expect meaningful progress in negotiations. It was part of a strategy in order to win over the parties and make them to take the process seriously and, more importantly for them to note that the whole world was watching (Sumbeiywo; O. I., 2011).

Coercive diplomacy operates in a very flexible manner and takes much skill to implement. It requires balancing the use of persuasion and coercion, when and in what order. It is a form of crisis management with events occurring swiftly and unexpectedly. At a given point during the negotiations both parties could not agree on issues in the DOP. It had taken over six years to get the parties to agree on the implementation of the Nairobi Declaration. The Nairobi Declaration came out of the meeting between the parties to the conflict in May 2002 whereby they reaffirmed commitment to issues that
were raised in the DOP in 1994. Among issues to be dealt with was the affirmation by parties that a military solution could not bring lasting peace and stability to Sudan. Both the GOS and SPLA/M were to come to terms that peaceful and a just political solution must be the common objective to them and an affirmation of self-determination for the people of Southern Sudan to determine their future through a referendum was the way forward. There were other issues; power sharing, wealth sharing, human rights and state and religion which required urgent address (Waithaka, 2006: 81; Conway, 1998: 222).

The UN has several specialized agencies that work towards realization of specific objectives of the organization. The provision of humanitarian relief especially for refugees falls under the umbrella of the United Nations High Commission for Refugees (UNHCR). Many Southern Sudanese were displaced from their homes by the war to neighboring countries. UNHCR provided temporal settlements and other logistics for human survival to Sudanese refugees. The UNHCR and other specialized agencies prepared reports on the status of refugees in relation to atrocities of war, human rights abuses by the parties in conflict and made other relevant observations that could be addressed by the international community to bring an end to the conflict. Such reports were tabled before the UN Security Council for adoption and recommended appropriate action to be taken. Participation by the UN as an observer exerted pressure on both parties to end the conflict and pursue peaceful means to resolve their differences.

4.2.4 THE ARAB LEAGUE

The Arab League was established in 1945 and has a total of 22 members namely; Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya,
Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somali, Sudan, Syria, Tunisia, United Arab Emirates and Yemen. The main purpose of the Arab League is to strengthen the relationship between member states, co-ordinate their policies in order to achieve co-operation between them and safeguard their independence and sovereignty and general concern with the affairs and interests of the Arab Countries. The Arab League also has as its purpose to foster close cooperation of member states with due regard to the organization and circumstances of each state (www.unhcr.org/refworld, 2011).

During the Kenya-led IGAD process the Arab League demanded admission as an observer because one of her member (Sudan) was involved, but the request could not be accepted because it was presented late. At first the Arab League was convinced that the Process would not succeed and did not press for a place at the negotiating table. Later the Arab League became contended that the involvement of one of its member states in the peace process made its presence necessary (Young, 2008: 33). It is not only the Arab League which was denied a chance of an observer status. Egypt, South Africa and France wished to be accorded observer status but could not secure the chance. The Special Envoy wanted to be in total control and also limit the number of participants in negotiations in order to reduce complications that would arise because of varied interests from the many participants (Sumbeiywo; O. I., 2011).

The Egyptians have strategic interests in the Sudan because of River Nile. Other players like South Africa wanted to gain political accolades out of the process. That is why South Africa wanted to take over the process from IGAD as it emerged during the AU Summit in Maputo in July 2003. The entry of South Africa in the process as an
observer could have complicated matters because as noted earlier in this study, she was ambitious to gain political mileage out of the process. This would have given her both continental and international recognition for brokering the longest conflict in Africa. Apart from that, South Africa wanted to position herself strategically so as to play a leading role in the reconstruction of Southern Sudan. Sumbeiywo noted that once a state like South Africa which had vested national interests was incorporated in the process as an observer, it could exert more influence from within and delay or derail the process (Sumbeiywo; O.I: 2011).

From the onset, the Arab League appeared biased towards the North as indicated by claims of its Secretary General Amre Moussa, who urged IGAD Mediators to withdraw the Draft Peace Accord in 2003 (Waithaka, 2006: 118). Ethnic affiliations became characteristic of the North-South conflict management as evidenced by identity alignments that emerged during the conflict. The ethnicity issue arose where there was a group of people with the conviction that they had a common identity and common fate based on issues of origin, kinship ties, traditions, cultural uniqueness, a shared history and possibly a shared language. President al-Bashir was able to court support from Arab countries by harping on pan-Arabism and the purity of Islamic values. Khartoum appealed for assistance to win back Arab towns captured by African infidels. Sudan was able to get military and financial support from Iran and Iraq. Khartoum drew closer to Egypt which aided her Air Force and encouraged other Arabic countries to provide material and financial support to prosecute the war in the South (Thompson, 2000: 58).

Egyptian support of Khartoum reversed in 1995 after an attempt on the life of its former President Hosni Mubarak while in Ethiopia to attend an OAU meeting. All fingers
pointed at Khartoum for being behind the scheme to assassinate the Egyptian leader. The UN Security Council imposed non-economic sanctions on Sudan in 1996 (Mulu, 2008: 59). Similarly, some African states hosted refugees from Southern Sudan and even supported SPLA/M. Israel a non member of the Arab League supported the Christian South. However, Israel’s objective was to contain hostile Arab regimes by engaging them through proxies and therefore provided military assistance to Southern Sudanese rebels. Israel is always at loggerheads with most of the Middle East regimes because of her occupation of parts of Palestine. Israeli advisors worked in the rebel camps inside Southern Sudan as well as in Uganda and Ethiopia. They supplied light weapons and landmines to rebels (Lesch, 1993:81).

4.2.5 OTHER INTEREST GROUPS

There were other internationally recognized groups which had interest in the Sudanese conflict either for entrepreneurial or humanitarian reasons. Some humanitarian lobby groups in the US such as Congressional Black Caucus, the Christian Right, Liberal and human rights activists, American humanitarian agencies and oil lobby group were upset by being denied entry in Sudan. For instance the American Chevron Company was forced to close its oil drilling and exploration because of the conflict. Other companies were Kenana Sugar Factory and an Anglo-French consortium which was set to construct the Jonglei Canal in the South (Madut, 2006: 401; Johnson, 2003: 43).

SPLA/M ordered stoppage of the construction of the Jonglei canal on claims that the canal was a scheme that would not benefit the locals. Western business interests were hurt by the fighting. The French company that was digging the Jonglei Canal that would
help increase the availability of water from the Nile suspended its operations in November 1983. Chevron was forced to close its Bentiu drilling site in February 1984 (Lesch, 1993: 83). The Investment programmes of the above multinationals were disrupted by the conflict. The aforementioned companies lobbied their home governments to exert pressure on the parties or to directly initiate negotiations to resolve the conflict between the parties.

Some critics such as Johnson (2003) observe that between 1995 and 2000 some European countries particularly Germany, France and Britain became increasingly interested in the development and exploration of oil in Sudan than assisting to bring the war to an end. The above states began to do business with the NIF regime on the so called peaceful engagement with Islam. There was an international outcry and appeal to shun oil business with Sudan as the oil revenue was fueling the war. Unfortunately European and other foreign oil companies continued competing over prospecting the oil to their own advantage. Some of these foreign companies included the Chinese National Petroleum Company, the Malaysia Petronas, Lundina of Sweden, OMV of Austria and the Canadian Talisman. Surprisingly, the Canadian Talisman scrambled for oil in the Sudan when Canada has the third largest proven oil reserve in the world after Saudi Arabia and Venezuela (The Economist, 17th November 2012). Given that Canada is a stable democracy and her oil reserve are more than a half of the global total private companies are free to invest in it. It is unfortunate that western capitalist states and multinationals target to exploit African resources as they totally disregard the negative effects of their activities to the locals. Similarly, China chose to do business with
Khartoum and pretended to be a neutral partner in the Sudan conflict. At one time Southern Sudan lead negotiator, Pagan Amum was quoted,

‘China (was mainly concerned with her entrepreneurial interests such that her) appointed special envoy was very cautious by trying to move away from Khartoum so as to get closer to the South and trying not to get too closer to the South Sudan so as not to cause displeasure to Khartoum…neither Khartoum nor Juba will be happy with China’ (Reuters).

The GOS used oil revenue accrued from her entrepreneurial partners to buy heavy military arsenals from Russia and China to enhance her capacity to defeat the war in the South. Oil revenue enabled Khartoum to acquire high altitude Russian built antonov planes which were used to launch aerial bombardment on SPLA/M positions at random killing innocent civilians, an action that provoked international outcry and condemnation (Madut, 2006: 396-397). Entrepreneurial actors like Canada and China helped to exacerbate the conflict in Sudan since it enabled Khartoum to acquire military equipment by selling oil resources that were exploited from the South.

4.2.6 CONCLUSION

In this chapter we examined how various international organizations influenced the IGAD process by traversing through the activities of the IPF, AU, the UN, the Arab League and multilateral corporations or humanitarian agencies in relation to our research hypothesis that the international community employed the carrot and stick strategy to motivate the parties to negotiate a settlement. It emerged in our research findings that the
strategy worked to influence both the parties to the conflict towards signing a settlement. However, it also emerged that the contribution of the international community was either positive or negative in relation to the objectives of IGAD process.

Our theoretical interrogation of data in this chapter was anchored on the idea that the new global setting is entrenched in regionalism. The new political development has been described in international politics as an exhibition of multi-polarity. Thus different states supported the system which was compatible with their interests and whose ultimate aim was to restore stability in the Sudan. The realization of political stability in the Sudan would in turn guarantee stability in the region and beyond. The involvement of the IPF that is; US, Britain, Norway and Italy was crucial because the quartet provided political, financial and technical support for the process. The US even promised to improve bilateral relations with Khartoum and remove her from the list of states that sponsor terrorists if a peace deal would be reached with the South. But again international pressure with a hard deadline was mounted on both SPLA/M and the GOS to agree on a peaceful settlement of the conflict. The AU served two important functions; first was to create a sense of Pan-Africanism with the Sudanese in finding an African solution to an African problem. The AU was also to play the role of a guarantor for the implementation of the CPA by the parties.

On the other hand the presence of the UN signified legitimacy of the Kenya-led IGAD process and international guarantee for the implementation of the protocols agreed on by the parties. The UN provided diplomatic leverage to IGAD so that were any of the parties to refuse to cooperate, then it would be referred to the UN Security Council for appropriate action. It meant that the entire process was no longer a domestic affair but an
internationalized conflict management. The UN also rallied the international community to avail funds to support the IGAD process.

Sudan is a member of the Arab League, a fact that prompted its belated push for inclusion in the IGAD talks as an observer. The presence of the AL was meant to secure interests of its members on the negotiation table. Egypt has interest in the River Nile water as a lifeline to her economy and therefore political developments in Sudan were of great concern to her. River Nile flows through the Sudan and Egypt wanted to see it flow without interference to support her agricultural, industrial and domestic activities. In the early 1990s Khartoum was able to court military support from Iran and Iraq by echoing Islamist sentiments in her fight against ‘infidels’ in the South. Egypt gave air force military support until 1995 when it was withdrawn following an attempt to assassinate former President Hosni Mubarak in Khartoum when he arrived to attend an Organization of African Unity summit.

Other interested groups in the Sudanese conflict were humanitarian lobbies in the US such as the Congressional Black Caucus, the Christian Right and Liberal human rights activists who lobbied their government to intervene against human rights abuses by Khartoum in the South. Also entrepreneurial groups or multilateral corporations like Kenana Sugar Company, Anglo-French Consortium were affected by the war in the South and lobbied for a peaceful settlement. However, other multinationals like the Chinese National Petroleum Company and the Canadian Talisman among others were interested in the exploitation of the Sudanese oil to their advantage and that of the GOS in terms of revenue and arms acquisition. To some certain extend multinationals helped to exacerbate the conflict. Research findings of our study demonstrated in this chapter
achieved the objective that set to evaluate the effect of the international community on the Kenya-led IGAD process.
CHAPTER FIVE

5.0 CHALLENGES TO THE KENYA-LED IGAD PROCESS

5.1 INTRODUCTION

The objective of this chapter was to assess the challenges which were encountered by the Kenya-led IGAD process and how these challenges were overcome. Our study was guided by the hypothesis that separation of state and religion, and self-determination were contentious issues that proved a great challenge to the Kenya-led IGAD process. The Kenya-led IGAD process took over twelve years to conclude. The long period of mediation implies that a number of challenges hindered speedy conclusion of the peace process. In this section the study analyses factors that led to a stalemate or hardening of positions between the GOS and SPLA/M. Our theoretical grounding that interrogated variables in this chapter derives from the premise that a hegemon motivates self-interests among political actors in international relations and that the state is a place where social conflicts occur. Domestic or international politics are driven by interests as evidenced by the analysis of variables in this chapter. Each of the parties to the conflict pushed hard to achieve its interests which in return exacerbated the conflict. In this case the conflict between SPLA/M and the GOS was that each of them as a hegemon had incompatible interests. Such interests persisted even during mediation and posed challenges to the IGAD process. The research identified disagreements over the status of Abyei, marginalization of South Kordofan and the Blue Nile States, security arrangements, the Nakuru Document, external interests, Garang’s delay to attend the Naivasha meeting, SPLA attack on Torit and inadequate finance as challenges that hindered the performance of IGAD process.
Hard-line positions emerged between the GOS and SPLA/M immediately after the Machakos Protocol was signed in July 2002. It took over 33 months to end the standoff between the parties to the conflict. The stalemate arose when SPLA/M leader, the late Dr. John Garang informed his constituents about the development of negotiations. Garang informed his people that the South had achieved self-determination under the provisions of the Machakos Protocol. Garang’s pronouncements led to the emergence of the issue of the status of Abyei and the conflict areas i.e. Southern Kordofan (Nuba Mountains) and the Southern Blue Nile (Funj). Both parties laid claims over these areas. Khartoum claimed that the areas were part of the North and declared that the government would not negotiate on them (Sumbeiywo; O. I., 2011).

On their part SPLA/M threatened that if the Abyei area, Southern Kordofan and the Blue Nile States were not included in the Protocol as part of the South, the party would have no option but to pull out of negotiations. This stalemate threatened the collapse of the peace talks. It was proposed that observers from Britain, Norway and the US assist to negotiate the parties out of the stalemate. The negotiations were to be out of the IGAD framework but once a resolution was reached, then it would be incorporated in the IGAD Protocols. Both parties rejected the offer but settled on Kenya’s Chief Mediator, General Lazaro Sumbeiywo. Negotiations on the status of Abyei and the two conflict areas - Southern Kordofan and Southern Blue Nile were spearheaded by Kenya with General Sumbeiywo as the chief mediator. The agreement that was reached between the parties was then incorporated in the Comprehensive Peace Agreement as part of the Kenya-led IGAD process.
It also emerged during the peace talks that the Southern negotiators could not decide on any issue without referring to their head office. There were high chances that Dr. Garang micro-managed his negotiating team and that is one of the reasons why it was hard to arrive at conclusions. SPLA/M negotiators could not conclusively decide on issues to move on. The GOS blamed SPLA/M for using the forum to strengthen its political position while at the same time harbouring a military option (Young, 2008: 19). Unless well managed, negotiations are always not in good faith and may have no other purpose other than provide an opportunity for propaganda or gather intelligence from the other side (Conway, 1998: 211). It is not surprising that even when negotiations were on going, SPLA/M launched an attack and overran Torit town in September 2002, just shortly after both parties had signed the Machakos Protocol.

5.2.1 THE STATUS OF ABYEI

The Abyei area is a bridge between the North and the South linking the people of Sudan. The territory is defined as the area of the nine Ngok Dinka Chiefdoms who were transferred to Kordofan in 1905 during the colonial period (CPA, 2005: 65). The transfer of Abyei to Kordofan province in Northern Sudan was necessitated by difficulties in administering it from the Upper Nile. This was occasioned by persistent raids by the Misiriyya into the Ngok Dinka territory. The Anglo-Egyptian Condominium wanted to protect the Ngok Dinka from the Misiriyya raids by bringing the two feuding communities under common administration and thus pacify the area. In 1952 the Abyei area was to be part of Bahr el-Ghazal province of Southern Sudan when the provincial boundaries were drawn up. But Paramount Chief Deng Kuol Arop decided for the area to
be retained in Kordofan hoping that his people would access better social services and security. Both SPLA/M and the GOS laid territorial claims over Abyei during the Kenya-led IGAD process. The ethnic composition of the area is predominantly Dinka, who identify with the South. Then there are the Misiriyya, who are Arab nomadic cattle herders. The Misiriyya are a branch of the Baggara Arabs who speak Chadic Arabic language and the group seasonally crosses into Abyei area to graze their livestock. The Misiriyya do not like being called Baggara because the term carries negative connotations as slave raiders. The Misiriyya identify with the North (Cunisson, 1966; www.sudantribune.com/spip.php?article47782).

The border dispute between the North and the South proved to be a thorny issue particularly for Khartoum which was expected to cede some areas which belonged to the South before independence. The Addis Ababa Accord required that by 1977 the mineral bearing areas of Kafia Kingi and Hofrat al-Nahas should have been automatically transferred to Bahr al-Ghazal Province in the South. The Dinka district of Abyei and the Chali area which had been part of the South until 1953 were expected to hold a referendum to decide which part of the Sudan to join. The failure to transfer these areas to the South was prompted by a number of reasons; prolonged drought of the 1970s led to increased hardship for the Arab cattle herders who grazed their livestock in Abyei during the dry seasons. Therefore transferring Abyei to the Southern region would have denied Arab pastoralists access to the river for water and pasture. Then the issue of oil became intertwined with Southern borders. It was realized in 1980s that the bulk of resources for economic revitalization of Sudan such as oil, water and fertile soils are in the South. (Sabala, O. I, 2011).
The Protocol on the resolution of the Abyei conflict was signed at Naivasha on 26th May 2004. It provides that Abyei should gainfully benefit from the oil revenue exploited in the area and was shared six ways during the Interim Period as indicated in the table below.

Table 5.1: Oil revenue allocation per party

<table>
<thead>
<tr>
<th>BENEFICIARY</th>
<th>NET OIL REVENUE ALLOCATION (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Government</td>
<td>50%</td>
</tr>
<tr>
<td>Government of Southern Sudan</td>
<td>42%</td>
</tr>
<tr>
<td>Bahr el-Ghazal</td>
<td>02%</td>
</tr>
<tr>
<td>Western Kordofan</td>
<td>02%</td>
</tr>
<tr>
<td>Ngok Dinka people</td>
<td>02%</td>
</tr>
<tr>
<td>Missiriya people</td>
<td>02%</td>
</tr>
</tbody>
</table>

*Source: The Comprehensive Peace Agreement, 2005: 65*

Abyei was accorded special administrative status during the Interim Period. Both SPLA/M and the GOS agreed to resolve the conflict first, by according citizens of Abyei an opportunity to be citizens of both Western Kordofan and Bahr-el-Ghazal with representation in the legislatures of both states. The Local Executive Council was elected by residents of Abyei to administer the area. It was also agreed that the National Government would assist Abyei area to improve lives of the people including urbanization and development projects (Waithaka, 2006: 130). After the interim period, residents of Abyei were to cast a separate ballot simultaneously with the referendum of Southern Sudan. The outcome of the poll would decide if Abyei would become part of Bahr-el-Ghazal (Southern Sudan) or to confirm continuity with Sudan (The
Comprehensive Peace Agreement, 2005: 63-69). The referendum in Abyei is yet to be conducted because of disagreements between Southern Sudan and the Republic of Sudan. It is argued Khartoum’s resistance to an agreement is largely based on an attempt to hold on oil reserves and oil pipelines in the area.

5.2.2 MARGINALIZATION OF SOUTHERN KORDOFAN AND THE BLUE NILE STATES

Disparities of development in Sudan were evident within the North as well as the South. In the North those who benefited most were found in the central Nile valley. This resulted from their grip on levers of power within the Sudan through successive regimes from the Condominium period to the post-independence period. Many parts of the North, both Muslim and non-Muslim suffered from economic neglect (Johnson, 2003: 17). The Blue Nile (Funj) and Southern Kordofan (Nuba Mountains) are some of the Northern States that were economically marginalized. Residents of Nuba Mountains were subjected to continuous alienation of their land and other forms of exploitation which prompted them to fight alongside SPLA/M against Khartoum. This was as a result of Khartoum’s introduction of the 1990 Investment Act which focused on expansion of the agricultural sector. The policy encouraged accumulation of land by a minority of rich investors, both local and foreign. Rural communities were denied land rights and dislocated from their homelands. Acquisition of large tracts of land by investors had far reaching consequences because they did not bear into consideration the economic wellbeing of the locals. Nomadic routes, water points and pastures were sealed off from the local people’s accessibility (Mona, 2006: 1-2).
In the Nuba Mountains, local people were dispossessed of their land and disabled economically because they were blocked from accessing the means of production. By 1993 nearly 250,000 Nuba people had been displaced in the mountains. The government of Sudan sold land to Arab entrepreneurs, handed it over to military officers or Arab militias. Apart from the government’s policy to acquire land for entrepreneurial agriculture, the attack by government forces on the people of the Nuba Mountains had devastating effect. Many local people were driven from their homes to ‘peace zones’ where about 91 camps were set up in Um Ruwaba District near El-Obeid town. Going by this figure, a third of the total population of the Nuba people were displaced from their land. In the camps children attended Qoranic schools while women’s literacy programmes imparted NIF’s version of Islamic beliefs and behaviour, and men were forcibly circumcised (Madut, 2006: 256).

Both the GOS and SPLA/M had considerable military presence and engagement in Southern Kordofan (Nuba Mountains) and the Blue Nile States (Funj). None of the parties in the conflict was destined to win decisively and therefore dialogue was the only option for both SPLA/M and the GOS. The resolution of the conflict in Southern Kordofan and the Blue Nile was credited as a model that would assist to resolve similar issues elsewhere in the country. This argument is based on the fact that there are states like Darfur in the North which have grievances against the government of Sudan (Sumbeiywo; O. I., 2011; Simons and Dixons, 2006: 2).

The Protocol that resolved the conflict on Southern Kordofan and the Blue Nile States was signed at Naivasha on 26th May 2004. The Protocol provided for the establishment of State Land Commission in Southern Kordofan and the Blue Nile States
respectively. The State Land Commission composed of persons from the concerned State. The Protocol mandated State Land Commission to competently review existing land leases and land contracts, examine the criteria for the present land allocations and recommend to the State authority the introduction of such necessary changes including restitution of land rights and compensation (The Comprehensive Peace Agreement, 2005: 78-79).

The conflict in these two States was also resolved by providing for human rights and fundamental freedoms for citizens. Diverse cultural heritage and local languages of the population of the two states were upheld in the constitution, in addition to being developed and protected. The boundaries of the Blue Nile and the Nuba Mountains would remain as they were. However, the people of these States shall be consulted in a democratic and transparent manner to increase their participation in government. The states would also benefit from the National Reconstruction Development Fund (NRDF) to help the war affected areas recover and meet average standards and levels of development. The NRDF was accrued from national wealth and the general objective of this fund was to develop the war affected areas and least developed areas. Both parties to the conflict agreed to allocate 75% of the fund to the war affected areas, particularly to Southern Kordofan (Nuba Mountains) and the Blue Nile (Funj) States (CPA, 2005). This clause meant that both Southern Kordofan and the Blue Nile States were retained in the North. However, the issue of democratic participation of the people of the above States was their fundamental right and that they would be consulted on their views about elected representatives and the economic welfare of the States.
5.2.3 SECURITY ARRANGEMENTS.

After the parties agreed on a number of protocols, the problem of security arrangements arose. There was need to redeploy the armed forces of both the South and the North. SPLA/M demanded that there should be equal treatment of forces from both sides and that all the forces should be paid from the national budget. The Government of Sudan on the other hand opposed this demand on grounds that they could not fund a rebel group that had been fighting them. To resolve the issue on security, the Protocol on Security Arrangements was signed at Naivasha on 25th September 2003. It was agreed that during the interim period Sudan would remain with two separate armed forces with a Joint or Integrated Coordinating Unit. Southern Sudan would source for funds to pay its army after SPLA/M refused to detail the strength of its forces (Sumbeiywo, O.I., 2011; Waithaka, 2006: 131).

The Integrated Units would consist of equal numbers from the Sudan Armed Forces (SAF) and the Sudan People’s Liberation Army (SPLA). They would function as a symbol of national unity and sovereignty, defend the country together, provide a nucleus of a post Interim Period for the future army of the Sudan should the vote of referendum confirm unity, and shall be involved in reconstruction of the country. Integrated Units were deployed during the Interim Period as shown in the table below.
Table 5.2: Integrated Units deployed per State

<table>
<thead>
<tr>
<th>STATE/REGION</th>
<th>NUMBER OF OFFICERS DEPLOYED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southern Sudan</td>
<td>24,000</td>
</tr>
<tr>
<td>Southern Kordofan (Nuba Mountains)</td>
<td>6,000</td>
</tr>
<tr>
<td>Blue Nile (Funj)</td>
<td>6,000</td>
</tr>
<tr>
<td>Khartoum</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>39,000</strong></td>
</tr>
</tbody>
</table>

*Source: The Comprehensive Peace Agreement, 2005: 88*

It was not possible to merge the two forces bearing in mind the past experience as it emerged from the loopholes of the security provisions in the Addis Ababa Accord of 1972. Most of the Anyanya fighters (guerrillas from the South) were dissatisfied with the low ranks they received and even some were not absorbed in the national army as agreed (Johnson, 2003: 41). Under the IGAD process both the GOS and SPLA/M were suspicious of each other and going by the previous precedent SPLA/M was cautious against Khartoum’s past tricks so as not to be shortchanged as it happened during the 1972 Accord. The only option that was left for both parties was to have two armies in one country during the interim period. Thus both the Sudan Armed Forces and the Sudan People’s Liberation Army (SPLA) were disengaged, separated and deployed from conflict areas as detailed in the Comprehensive Ceasefire Agreement (Sumbeiywo; O. I., 2011).

The parties also agreed to downsize forces on both sides at a suitable time after the completion of the Comprehensive Ceasefire Arrangements. Indeed an internationally
monitored ceasefire came into effect after the signing of the CPA. The Sudan Armed Forces in the South were withdrawn and redeployed to the north under international monitoring and assistance. Similarly, SPLA forces in the Nuba Mountains and Southern Blue Nile were redeployed south of the South/North border. Soldiers who were affected by demobilization, reduction and downsizing of the forces were to be assisted by the international community to settle into a civilian life (CPA, 2005: 88).

5.2.4 SPLA ATTACK ON TORIT

In September 2002 SPLA launched an attack on Torit causing an irreparable loss to the GOS following the killing of senior government officials in the incursion. The GOS withdrew from peace talks and blamed SPLA/M for not being serious with the IGAD peace process. It took time and skill to convince Khartoum to return to the negotiating table. The Special Envoy, Major Sumbeiywo had to travel to Khartoum to calm President Bashir to return the government delegation to the negotiating table (Sumbeiywo; O. I., 2011). The attack by SPLA caused the GOS a great loss because senior government officers including a close friend of President al-Bashir, Mulla Ahmed Nur was killed (Young, 2008: 18).

To exonerate itself from the blame, SPLA/M tried to clarify that the strategic aim of this incursion against Khartoum was to communicate that they were not negotiating with the GOS out of weakness but could as well launch an incredible military expedition if peace talks collapsed. But such kind of action was not in good faith when parties had opened negotiations. This was one of the turning points in the IGAD process. Apart from withdrawing from the talks, there was a possibility that the GOS would use SPLA/M’s
attack against her as an excuse to launch a military offensive (Sumbeiywo; O. I., 2011). Some critics argued that the GOS was using negotiations for strategic maneuver only citing the SPLA attack on Torit as an excuse to buy into time and maintain a ceasefire during the rainy season when they were at a military disadvantage but resume fighting in the dry season (Nasong’o and Murunga, 2005: 70).

However, the Torit attack turned out to be a blessing in disguise. It led to the development of a Memorandum of Understanding (MOU) between the parties on cessation of hostilities. The MOU created a calm environment and disengaged the parties so that they could negotiate when they are relatively peaceful. The IGAD Ministerial Committee on Sudan Conflict was urgently convened to respond to the issue. In order to monitor the implementation of the MOU, military observers were put in place. Military observers were drawn from the Government of Sudan and SPLA/M, IGAD member states and the international community. The international community was very instrumental in the provision of logistics, particularly finance (Sumbeiywo; O. I., 2011).

5.2.5 THE NAKURU DOCUMENT

The Nakuru document caused disillusionment to the Government of Sudan. The Document was prepared in 2003 by the Special Envoy after his tour of Southern Sudan to catch up with issues on the ground. General Sumbeiywo was touched by the suffering of ordinary citizens who were affected by the conflict. The Nakuru Document was titled; Framework on the Resolution of the Outstanding Issues Based on the Machakos Protocol. The document sought to identify the critical remaining issues and resolve fairly what the Sudanese needed in order to achieve sustainable peace (Waithaka, 2006: 114).
The GOS was deeply disappointed because the Nakuru document suggested alteration of the powers of the President in terms of the power sharing arrangement between Khartoum and SPLA/M. The document also suggested reforms in the Sudanese armed forces which would be restructured and renamed the Sudan People’s Armed Forces (SPAF). The SPAF was to be created by merging both the Sudan Armed Forces (SAF) and the Sudan People’s Liberation Army (SPLA) to have one national armed force for the country during the six year interim period. The Nakuru Document was a holistic approach that would have seen the resolution of the outstanding issues in a broad perspective. However, the GOS was harsh and highly discredited the document especially when President al-Bashir declared out of disappointment that “whoever is the author of the Nakuru document should soak it, drink it and go to hell” (Sumbeiywo; O. I., 2011).

The GOS refused to negotiate on the Nakuru Document and even sought to look for an alternative mediator in place of the IGAD process. The GOS had come to regard Kenya and the Special Envoy as being coercive. Khartoum approached South Africa to take over the process. However, Kenya’s Minister for Foreign Affairs, Honourable Kalonzo Musyoka learned of this scheme in advance and convinced South Africa to decline the offer. If South Africa was to take over the process then the implication was that it was to start afresh and all the progress that had been made by IGAD could go to waste. In the event of this, other dynamics would have emerged and even led to the final collapse of the Sudanese peace talks (Sumbeiywo; O. I., 2011; Waithaka, 2006: 115).

To calm the situation, the Nakuru document was withdrawn to allow room for more consultations and calm the GOS. It is said that even the Americans were not pleased with the production of this document because they were not informed in advance about
its preparation. Throughout the Kenya-led IGAD process, the US always attempted to have control over the mediation but could not be allowed by the Special Envoy who proved to be independent minded.

5.2.6 EXTERNAL INTERESTS

Foreign powers played an important role in exacerbating internal problems in Sudan. External involvement helped to harden the government’s stand by bolstering its military and diplomatic position. The provision of arms, economic aid and relief acted as a brake on negotiations. Under certain circumstances allies of Khartoum found themselves in conflict with the supporters of SPLA/M. For instance Numeiry’s ties with Washington and Cairo exacerbated conflict with Tripoli and Addis Ababa. Analysts trace this political alignment to 1974 when Emperor Haile Selassie of Ethiopia was overthrown by the Marxist revolutionary groups which linked Ethiopia to Russia. President Numeiry strengthened his relationship with Egypt and the US for his political expediency. In 1978 Numeiry supported the Camp David Accord brokered by the US between Egypt and Israel. Numeiry also offered Sudan as a forward base to the US in its effort to contain the Soviet influence in the Horn of Africa and protect oil routes from the Persian Gulf.

Moreover, President Numeiry assisted the Eritrean and Tigrean rebels against the Marxist Ethiopian regime. In return Sudan benefited from the American funding of development schemes, building of infrastructure, servicing of the national budget and access to military assistance. Around that time Libyan hostility with Egypt was high and the US administration of President Ronald Reagan was anti Muamar Qaddafi of Libya. When the Sudanese war between the North and South resumed in 1983, Ethiopia and
Libya immediately supported SPLA/M. SPLA/M also used foreign support and sanctuaries to facilitate the rebellion. A good relationship was cultivated between SPLA/M and Sudan’s neighbors to ensure that they do not back Khartoum, but provide access and diplomatic support for SPLA/M (Johnson, 2003: 57; Lesch, 1993:82-98). This perspective gives an analysis of what made it quite difficult for serious mediation to take place until after the Cold War period was over, and even until the US policy on Sudan changed in 1993.

The final stages of the IGAD process attracted a lot of attention from external parties either as a result of their national interest in the Sudan or to gain political mileage in international affairs. For instance it emerged during the 2003 AU Ministerial summit in Maputo that the IGAD process was headed to be hijacked by South Africa. The Kenya-led IGAD process was so much praised during the Summit. South Africa was envious and wanted to gain mileage out of the Sudan Peace Process. She wanted to take over the process with the approval of Khartoum. IGAD’s Special Envoy was aware of this intricacy and as discussed earlier, he informed Kenya’s Minister of Foreign Affairs who convened the IGAD Ministerial Committee on Sudan Peace on the sidelines of the AU summit where it was endorsed that IGAD should complete the process and thereafter South Africa will be handed the opportunity to implement the process after the agreement (Sumbeiywo; O. I., 2011; Waithaka, 2006: 115).

Bilateral relations among IGAD States were wanting and conflicted with the Process. Eritrea and Ethiopia were locked in a conflict about which Sudan had taken sides. Uganda and Sudan were also at loggerheads; whereby Sudan accused Uganda of supporting SPLA/M. On the other hand, Uganda accused Sudan of aiding the Lord’s
Resistance Army (LRA). The fact that the above states were key players in the IGAD process and their relations with Sudan were not stable thus a conflict of interest emerged in the Process. The joint Egypt-Libya peace initiative was viewed with suspicion especially when it emerged that its aim was to reconcile the Northern parties. Egypt was opposed to self-determination which was SPLA/M’s key demand (Waithaka, 2006: 77-78). Egypt has strategic interests in the River Nile water and she felt that the secession of the South is a threat to this interest.

5.2.7 GARANG’S DELAY TO ATTEND THE NAIVASHA MEETING

The meeting was first scheduled to take place at Nanyuki between SPLA/M and the GOS on 23rd August 2003 but it emerged that Dr. Garang would not attend. This was supposed to be a high level meeting between the SPLA/M and the GOS delegation. The meeting was rescheduled for Naivasha on 1st September 2003. Dr. Garang, the leader of SPLA/M was to meet with Sudan’s Vice-President, Ali Osman Taha representing the GOS. At first President Omar al-Bashir was not willing to send his Vice-President to meet Dr. Garang. Kenya’s Minister for Foreign Affairs Hon. Kalonzo Musyoka traveled to Khartoum to talk to President al-Bashir and assured the Sudanese president that all was well because Dr. Garang would attend the meeting as planned without failure. President al-Bashir was suspicious that SPLA/M would frustrate his official and embarrass the government. He argued that Garang did not take negotiations seriously and was not interested in peace. However, Hon. Kalonzo Musyoka managed to convince President Omar al-Bashir. Ali Osman Taha traveled to Nairobi to attend the meeting as scheduled for 1st September 2003. Dr. Garang did not turn up and kept Taha
waiting for three days. It emerged that Garang was held ransom by his SPLA/M officers at Rumbek. The officers ruled out the possibility of the SPLA/M leader negotiating with the Vice President. They demanded that President al-Bashir himself should attend and negotiate directly with Dr. Garang (Sumbeiywo; O. I., 2011).

The delay by Dr. Garang was a very critical issue to the IGAD peace talks. The talks could easily collapse because of SPLA/M’s actions. It could have offered an opportunity to Khartoum to pull out of the talks and exonerate herself from any blame on the basis that it send a high level government official only to be embarrassed. Fortunately or unfortunately the Naivasha meeting coincided with the death of Kenya’s Vice-President Michael Kijana Wamalwa. Kenya was in a mourning mood. IGAD Mediators decided to disguise Taha’s presence from public embarrassment. It was devised that Ali Taha was in the country to attend the funeral of Kenya’s Vice-President. Kenya threatened to kick SPLA/M out of the country if Dr. Garang would not turn up for the Naivasha meeting. Later Dr. Garang had communications with the Special Envoy and came after three days (Sumbeiywo; O. I., 2011; Young, 2008: 19).

5.2.8 INADEQUATE FUNDS

IGAD process was faced with financial hardships leading to reliance on donors. During the first stage of the process it was difficult to take off because donors refused to support it financially for lack of accountability (Young, 2008: 12). Even the US which demanded a sizeable portion of the process did not commit substantial amounts to the IGAD process (Waithaka, 2006: 89). However, the political support of the Process by the US was strategically important for its success. The need for urgent restructuring and
execution of reforms at the Sudan IGAD Secretariat was of essence. This efficiency was
injected in the Secretariat when General Sumbeiywo was appointed the Special Envoy in
2000. Money was required to hire conference facilities to host negotiating teams, to hire
resource persons and pay for other consultancy services that were necessary to steer
ahead the process (Sabala; O. I., 2011).

Although some donors came in to support the Process, their contribution was
either late or in small portions. IGAD States were not able to allocate substantial funds
because they encountered financial hardships. In fact the commencement of the IGAD
process was delayed because of lack of funds. It was difficult for member states to afford
the process despite their goodwill to mediate the conflict. IGAD States did not have
enough financial resources to fully cater for the process (Sumbeiywo, 2011: 35).

5.2.9 CONCLUSION

In this chapter our study aimed at assessing the challenges that were encountered
by the IGAD process and how these challenges were overcome. The study tested the
hypothesis that separation of state and religion, and self-determination were contentious
issues that proved a great challenge for the IGAD process. Findings of the study
disapproved our hypothesis, it emerged that issues which were a challenge to the Kenya-
led IGAD process were;

a) The status of Abyei.
b) Marginalization of Southern Kordofan and the Blue Nile States.
c) The security arrangements.
d) SPLA attack on Torit.

f) External interests.

g) Garang’s delay to attend the Naivasha meeting.

h) Inadequate funds.

The stalemate between the parties to the conflict emerged when Dr. Garang informed his constituents that the South had achieved self-determination under the Machakos Protocol. The stalemate was about the status of Abyei and marginalized states of Southern Kordofan and the Blue Nile. The conflict over the status of Abyei area was determined by the fact that both SPLA/M and the GOS laid territorial claims over the area. The area is predominantly inhabited by the Ngok-Dinka clans who identify with the South. On the one hand the Misiriyya, an Arab pastoralist group from the North crossed over seasonally during the dry season to graze and water their cattle in the area. The Misiriyya identify with the North. Historical background indicates that Abyei was in the South before it was transferred to Kordofan in the North in 1905 because of administrative reasons. Apart from the ethnic composition of Abyei, the area is endowed with water and pasture-lands a resource that attracts the Misiriyya. Also Abyei boasts of ample oil fields. The contestations made the Process to stall for 33 months. It was resolved that Abyei would conduct a separate referendum parallel to that of Southern Sudan in August 2011. The referendum on Abyei had not taken place by 2012 at the time of writing research findings for this study because of disagreements between SPLA/M and the GOS on electoral procedure.

The conflict in Southern Kordofan (Nuba Mountains) and the Blue Nile (Funj) was as result of resource alienation and discrimination of these states by Khartoum. It
emerged in this study that large tracts of land was alienated particularly in Southern Kordofan rendering the locals landless. Apart from dispossessing the natives’ lands the government did not initiate viable economic development in these states. With the resolution of the conflict the two states stand to benefit because their residents will be entitled to elect representatives democratically to all levels of government in addition to the establishment of the State Land Commission to address land grievances. The states would also benefit from the National Reconstruction and Development Fund (NRDF) to help the war affected areas recover and meet average standards and level of development (Comprehensive Peace Agreement, 2005: 77).

The problem of security arrangements emerged between SPLA/M and the GOS after signing various protocols. It was all about the future status of SPLA and the Sudan Armed Forces (SAF). SPLA could not allow a merger with SAF, but demanded equal treatment with SAF especially salary payments from the national government. On their part the GOS refused on grounds that it could not fund a rebel group that had fought it all along. But it was agreed by both SPLA/M and the GOS that Sudan will have two separate armies- Sudan People’s Liberation Army and the Sudan Armed Forces during the six year interim period.

SPLA attack on Torit in 2002 had dire consequences on the talks because it made the GOS to withdraw. The attack led to the killing of senior government officers including a close friend of President Omar al-Bashir called Mulla Ahmed Nur. It took skill and time to return Khartoum to the negotiating table. A Memorandum of Understanding (MOU) had to be signed between the parties for cessation of hostilities. Similarly the Nakuru Document of 2003 turned out to be disillusionment to the GOS. The
GOS was against the Nakuru Document because it suggested power sharing arrangement between the president and SPLA/M. The military was also suggested for reforms and restructuring to incorporate SPLA so that a joint national army could be formed for the six year interim period.

External forces posed a big problem to the mediation exercise either because they wanted to highjack the process or to control it for their own interests. Such external interests hoped to gain political mileage in the international arena or simply to satisfy their domestic interests. To make matters worse majority of the IGAD members had very poor diplomatic relations with Sudan whom they were assisting to achieve peace. The environment was highly suspicious. Sudan was accused of sponsoring subversive elements in Uganda, Eritrea and Ethiopia. Conversely Sudan accused the above countries of supporting SPLA/M.

Finally the delay by the SPLA/M leader, Dr. Garang to arrive for the Naivasha talks in 2003 strained and threatened the collapse of the talks. Dr. Garang was scheduled to meet with the Sudanese Vice-President Osman Taha but could not come promptly until pressure was mounted on SPLA/M. SPLA/M had rejected that their leader could not talk to the Vice-President Taha but only to President Omar al-Bashir. Furthermore, inadequate finance slowed down the IGAD process. The Process relied on donors who at times delayed to release funds or gave it in small portions. IGAD states have limited resources although they tried within their reasonable limits (Waithaka, 2008: 79). However, the objective that was set to assess challenges encountered by the Kenya-led IGAD process and how these challenges were overcome was achieved by the study as discussed in this chapter. Research findings in this chapter disapproved our research
premises that separation of state and religion and self-determination were contentious issues that proved a great challenge for the IGAD process to resolve. Other variables emerged as challenges contrary to our stated hypothesis.
CHAPTER SIX

6.0 CONCLUSION AND RECOMMENDATIONS

6.1 CONCLUSION

The purpose of this study was to interrogate factors that led to the success of the Kenya-led IGAD mediation process between SPLA/M and GOS. The study also entailed to investigate the effect of the international community on IGAD and finally to assess challenges that were encountered during the mediation process. The statement of the problem was triggered by the fact that several early attempts to resolve the conflict did not bear fruit until IGAD’s intervention that took over twelve years to conclude the peace process. Hegemonic stability theory was employed in the study to interrogate how independent variables such as the mediators’ impartiality, skills and knowledge and international presence influenced the success of IGAD process. Hegemonic stability theory presupposes that international stability relies on a hegemon establishing an order that seeks to protect her interests and those of other actors. Once states have compatible interests they will work jointly to preserve their interests through an institutional setup like the IGAD one. The IGAD process was to bring political stability in Sudan in order to address security concerns of the region and beyond. Our research methodology involved both primary and secondary data whereby primary data was collected by conducting fieldwork. The study employed both purposive and snowball sampling. Secondary data was carried out in libraries and internet sources. Qualitative approach was applied to analyze data based on sameness of content to write this thesis.

In chapter two the study attempts to investigate causes of the conflict between the GOS and SPLA/M. The theoretical application in this chapter was based on hegemony
which espouses the realist school of thought. Realists emerged with two strands of theory; hegemonic stability theory and, power transition theory. Realists view power in terms of interests that determine the interaction of parties in a particular way. Interests of parties to the conflict are defined as autonomous spheres which emerged as a result of competition over wealth, governance and religious antagonism. Our application of this theory, interrogates how interests of each of the parties led to the conflict between SPLA/M and the GOS. Issues of conflict between the parties were disagreements over governance, self-determination for Southern Sudan and wealth. Most of the conflict issues can be traced back from the colonial period but the situation was exacerbated by the post-colonial Khartoum regimes. After independence, the Khartoum regimes emphasized Arabicism and Islamism without considering Sudan’s diversity. In 1983 President Jaafar Numeiry abrogated the Addis Ababa Accord of 1972 and established a religious state based on sharia. He abolished regional autonomy government for South Sudan and divided it into three weak regions namely Equatoria, Upper Nile and Bahr al-Ghazal. These political developments led to the formation of SPLA/M to fight institutionalized racism and religious bigotry that subdued and marginalized the South. SPLA/M demanded self-determination for South Sudan through a referendum so that its people can decide their future destiny. The intervention of IGAD to mediate the GOS and SPLA/M yielded fruit by enabling the belligerents to sign several Protocols namely; the Machakos Framework, Power and Wealth Sharing respectively among others that are captured in chapter four of this thesis. The signing of these Protocols culminated into the Comprehensive Peace Agreement (CPA) which was signed on 9th January 2005. The ceremony was witnessed by heads of state and government, and other dignitaries from all
over the world. The aim of the referendum was either to confirm the South to remain united with the North or to secede. The signing of the CPA between the parties in 2005 provided for self-determination of the South, wealth sharing between the parties, separation of state and religion among other protocols cited in this work. The CPA also secured fundamental human rights for the people of the South. The referendum was carried out in January, 2011 and Southern Sudan voted to secede.

In brief, chapter three examined factors that enabled the Kenya-led IGAD process to successfully mediate between SPLA/M and the GOS. The study tested the hypothesis that the skills and approaches of IGAD mediators enhanced the success of the process. It emerged in our findings that the success of the Kenya-led IGAD process was anchored on the skills, impartiality and knowledge of mediators. The Special Envoy had experience of the conflicts in the Horn of Africa region and beyond. In addition, he was familiar with the leaders of belligerents that is, the late John Garang of SPLA/M and President Omar al-Bashir of the GOS. IGAD mediators exercised impartiality by rejecting any form of manipulations from external forces or other quarters who wished to hijack the process for their own interests. The impartiality of mediators was crucial in forestalling the process ahead. IGAD mediators ensured that the process was not manipulated particularly by external forces against the interest of the parties. Impartiality of mediators enhanced success prospects by injecting credibility in the process which in the long run won confidence between the parties and other players. The process had efficient and effective resource persons who provided a technical backup to mediators. The formulation of the Declaration of Principles (DOP) by IGAD as a basis of
negotiation for the SPLA/M and the GOS conflict was credited as a well thought framework that captured entire issues to resolve the Sudanese conflict.

Another factor that contributed to the success of IGAD was the unfolding political developments in the Greater Horn of Africa. The ascendancy to power by President Aisaiyas Aferworki of Eritrea and Ethiopia’s Prime Minister Meles Zenawi, challenged the status quo and threatened to attack Khartoum should the GOS refuse to negotiate with SPLA/M for peaceful settlement. The war in Sudan threatened regional security. The establishment of a permanent IGAD Secretariat on Sudan peace meant that fulltime work was commenced with strategic focus and continuity. This was a paradigm shift from the previous attempts that collapsed. These factors independently or interdependently contributed to the success of the mediation process. In view of the above findings our study attained the objective that undertook to examine factors that enabled the Kenya-led IGAD process to successfully mediate between the Government of Sudan and SPLA/M.

Further in chapter four, our study evaluated the effect of the international community on the Kenya-led IGAD process. Our study was guided by the hypothesis that the international community employed the carrot and stick strategy to motivate the parties to negotiate a peaceful settlement. The international presence in the Kenya-led IGAD process was demonstrated by the activities of the IPF, the African Union, the United Nations Organization, the Arab League and other interested groups in the Sudanese affairs. The IGAD Partners Forum through its membership – the US, Britain, Norway and Italy played a critical role in the provision of logistical and political support to the IGAD process. The US promised to improve her bilateral relations with Khartoum and clear her
name from the list of terrorist sponsoring states if Sudan positively embraced the IGAD process. IPF also provided financial and technical support by bringing in resource persons to strengthen the Process.

The African Union affirmed solidarity with the Sudanese and legitimized the process under the AU charter of promoting peace and security. AU also served to convince Khartoum which was suspicious of partisan Western States that the process was an African initiative and would be conducted from the African perspective. The UN organized and sponsored workshops and seminars to empower negotiators from both parties so that they discuss issues from an informed point of view. Its presence legitimized the process as it would play a critical role to monitor the implementation of the CPA. The Arab League was concerned that Sudan was its member and therefore the peace process necessitated her presence as an observer. From the onset the Arab League was biased towards the North when it urged IGAD mediators to withdraw the Draft Peace Accord. Multinationals were divided both ways, some lobbied for peaceful resolution of the conflict while others exacerbated the conflict to advantage themselves by exploiting the Sudanese oil. Generally the international community played an invaluable role in the success of the process in particular by serving as guarantors of protocols that were signed to ensure their implementation and sponsoring workshops or seminars for the parties. Both parties were rallied by mounting sufficient pressure on them to accept negotiations as the only alternative to achieve sustainable peace. The introduction of workshops and seminars was a tactful approach that assisted both parties to gain knowledge and argue from an informed point of view. Findings in this chapter indicate that the study fulfilled
the objective that entailed to evaluate the effect of the international community on the Kenya-led IGAD process.

In chapter five our research question was to assess the challenges encountered by the IGAD process and how these challenges were overcome. The hypothesis that guided our study in this chapter was that separation of state and religion, and self-determination were contentious issues that proved a great challenge for the IGAD process. Our research findings disapproved this hypothesis as it came out that the challenges to the IGAD process were; the Status of Abyei, Marginalization of Southern Kordofan and the Blue Nile States, the Security Arrangements, SPLA attack on Torit, the Nakuru Document, external interests, Garang’s delay to attend the Naivasha meeting and inadequate funds. After the parties to the conflict signed the Machakos Protocol in July 2002, a stalemate emerged between them on the Status of Abyei and the Marginalized States of Southern Kordofan and the Blue Nile. SPLA/M claimed that the States were in the South and that if they would not be included as part of the South then its delegation would be recalled from the talks. The same sentiments were echoed by the GOS that the States were in the North and that she would not allow negotiation on them.

The Security Arrangement arose after the parties disagreed to merge their armed forces into one national force because of suspicion. SPLA/M demanded that its armed force should be treated equally as the North’s Sudan Armed Forces including pay from the national budget. It was resolved that the Sudan should retain two armed forces during the Interim Period. In that respect SPLA would be deployed in the South whereas SAF would be in the North. SPLA/M would source funds to pay its forces because it refused to detail its strength. SPLA attack on Torit in September 2002 prompted the GOS to
withdraw from the talks. Similarly the Nakuru Document disillusioned the GOS such that it had to be withdrawn to calm tempers. The Document suggested the sharing of the President’s power with SPLA/M leadership. External powers interfered with the process to preserve their interests. Egypt did not want to see self-governing South for fear that it could interfere with the flow of the Nile water.

Garang’s delay to attend the Naivasha Meeting with Sudan’s Vice-President, Ali Osman Taha could not take off promptly as it was scheduled. SPLA/M leader was held ransom by his officers in Rumbek for three days and they demanded that they would only negotiate with President al-Bashir. Pressure was exerted on SPLA/M to compel Garang to attend the meeting. It should be noted that the parties were subjected to international pressure and deadlines to take the talks seriously and in certain circumstances to resume talks whenever the process stalled so as to conclude the exercise in reasonably good time. The Kenya-led IGAD process was crippled by financial inadequacies and most of its funding came from donors. Donors’ contributions were at times late or small in limited amount.

6.2 RECOMMENDATIONS

The research findings of this study indicate that third parties are crucial players in conflict management. The basic idea behind this study was to investigate why the Kenya-led IGAD process successfully mediated the GOS-SPLA/M conflict. In the context of the study the following are recommendations for considerations on policy formulation and also as a guiding tool for mapping out strategies for practitioners of conflict management. The choice or appointment of a third party should be anchored on his or her knowledge
about the conflict. A knowledgeable mediator will guide parties through negotiations and explore meaningful options available for them to strike a deal on their own terms. This observation is based on the credentials and suitability of Special Envoy, Major General (Rtd.) Lazaro Sumbeiywo in relation to his familiarity with the Sudanese conflict. By virtue of his career and experience in the Kenya Military, General Sumbeiywo had sufficient intelligence about the Sudanese conflict. The Special Envoy also understood the personality of the main players in the conflict, President al-Bashir of the GOS and the late Garang of SPLA/M.

Mediators ought to be impartial when executing their mandate so as to make the process credible in the eyes of the parties to the conflict and other interested groups. Third parties can win confidence of parties by maintaining impartiality and transparency through the entire Process. The mediator should listen, consult, and interpret ideas of the parties in a sense that reflects their aspirations. In this context the mediator serves as a link of communication between the parties and therefore helps to reconcile them. The spirit of reconciliation fosters the parties’ understanding of objectives of the peace process and the essence of taking measures that resolve the conflict. As it was in the case of the Sudanese peace process, conflict resolution should be on the parties’ own terms.

Conflict management should be devised appropriately as an integral process that calls on board likeminded participants to draw a common strategy whose main objective is to achieve peace for the benefit of all. A country like Sudan draws a lot of regional and international interest because of her diversity and geo-strategic location. The conflict had grievances regarding marginalization of the South by the North in all sectors of the state but each side had affiliated external support that exacerbated it to be the
longest and difficult to resolve. From the findings of the study IGAD Mediators brought on board key-stakeholders as a basis to find consensus to resolve the conflict. The involvement of dominant powers such as the US and some leading western powers was paramount because like in the case of the GOS and SPLA/M, Western powers employed the strategy of the ‘carrot and stick’ to keep the parties on the negotiation track. The US promised to improve bilateral relations with Khartoum and remove her from the blacklist of countries that sponsor international terrorism. On the other hand western states promised the EU aid package for reconstruction of Sudan after the ceasefire or final settlement of the conflict. The presence of the international community in particular the UN was instrumental in the success of the talks because it provided a guarantee to address concerns of the South that the protocols agreed on by the parties will be implemented. The UN also served as an indicator to the parties that the whole world was watching and therefore any attempt to renege would lead to international isolation with adverse consequences. The fact that the Kenya-led IGAD process was dominated by the Chief Mediator to such an extend that even the IGAD Secretariat was overshadowed from the main proceedings of the entire process; we recommend future researches to study weaknesses of the CPA.
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APPENDIX I

LIST OF INFORMANTS

Mwai, C. _____ Program Officer (Peace Building): NCCK; Personal Interview, Nairobi, 8th January 2012.

Sabala, K._____ Political Officer: IGAD Liaison Office; Personal Interview, Nairobi, 7th December 2011.

Sumbeiywo, K. L.___ Special Envoy and Chief Mediator: IGAD Sudan Peace Secretariat; Personal Interview, 25th November 2011.
APPENDIX II

INTERVIEW GUIDE

CAUSES OF THE SUDANESE CONFLICT

a) What factors led to the conflict between SPLA/M and the GOS?

b) Which of these factors proved difficult to resolve?

c) How were the contentious issues resolved?

d) Why was Kenya nominated by IGAD member states to lead the mediation?

THE EFFECT OF THE INTERNATIONAL COMMUNITY ON THE KENYA-LED IGAD PROCESS

a) What were the effects of the international community on the Kenya-led IGAD process with reference to the following:

i) The IGAD Partners Forum.

ii) The UN.

iii) The African Union.

iv) The Arab League

v) Other interest groups with reference to entrepreneurial actors e.g. china and Canada.

vi) What about the contribution of other interest groups like human rights lobbies?
b) Did the involvement of the international community in the mediation process make a positive or negative contribution?

ASSESS CHALLENGES ENCOUNTERED BY THE KENYA-LED IGAD PROCESS

a) What problems did the Kenya-led IGAD process encounter with reference to;

j) External interference or manipulation from dominant western powers

ii) Actions of the parties in conflict or their position with regard to certain issues of the conflict.

b) How were these challenges overcome?