

Foxes Guarding the Henhouse? The IGAD Mediation for South Sudan, 2013-15**Laurie Nathan****Publication Date**

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FOXES GUARDING THE HENHOUSE? THE IGAD MEDIATION FOR SOUTH SUDAN, 2013-15

Laurie Nathan | September 2024

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Introduction

In the course of 2013, divisions within the ruling party in South Sudan, the Sudan People's Liberation Movement/Army (SPLM/A), became increasingly fractious. In December the tensions erupted into factional fighting in the capital, Juba, and then escalated into a civil war that engulfed the entire country.

Mediation began immediately under the auspices of the Intergovernmental Authority on Development (IGAD), a regional multilateral organization whose mandate includes the maintenance of peace and security in the Horn of Africa.¹ The IGAD member states are Djibouti, Kenya, Ethiopia, Eritrea, Somalia, South Sudan, Sudan and Uganda. Since IGAD had successfully mediated an end to the war in Sudan a few years earlier,² it seemed like the natural choice to lead the mediation to end the war in South Sudan. This conformed to the much-vaunted principle of subsidiarity in peacemaking, in terms of which mediation should preferably be led by the relevant regional organization.³



SPLA-IO soldiers at Juba in April 2016

Photo via Jason Patinkin (VOA)

As discussed in this paper, however, the mediation was severely prejudiced by divisions within IGAD, the partisan interests of some of its member states and the direct involvement of these states in the South Sudan war. Neighboring Uganda joined the war on behalf of the South Sudan government and undertook military operations against the opposition forces. Sudan, another neighboring state, channeled weapons to the opposition. Weapons also flowed into South Sudan from Kenya.⁴

The regional conflict dynamics had many negative effects on the mediation: they inhibited IGAD's ability to reach consensus on vital issues in the peace process; reduced IGAD's leverage over the conflict parties; undermined the envoys appointed to lead the mediation; thwarted the emergence of a military stalemate that could stimulate peace negotiations; precluded the possibility of impartial mediation; and resulted in a lack of confidence in the mediation among the parties, civil society and IGAD's partners, which included the African Union (AU), the European Union (EU) and the United Nations (UN).

In short, the IGAD mediation was unable to resolve or even manage adequately the regional conflict dynamics. Instead, it was captured and crippled by them. The peace process lacked cohesion and integrity because some of the IGAD member states were simultaneously conflict actors and members of the mediating body.

In 2015 IGAD brokered the Agreement on the Resolution of the Conflict in South Sudan (ARCSS), which was signed by the belligerent forces.⁵ The agreement proved to be short-lived, however, and fighting soon resumed. By 2018 an estimated 190,000 people had been killed and this number rose to nearly 400,000 when displacement, disruption to health facilities and lack of food are taken into account.⁶

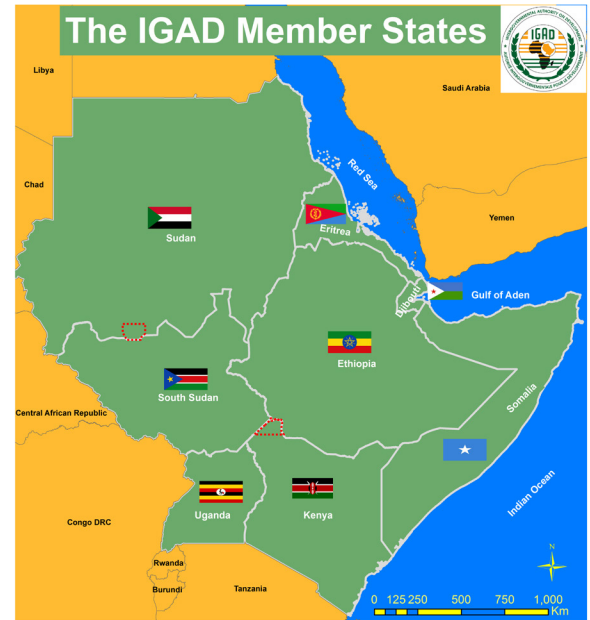
This paper focuses on the period from the start of the war in 2013 to the signing of ARCSS in 2015. It discusses the conflict causes and features; the mediation process; the effects of the regional conflict dynamics on the mediation; and the strategies employed to address these regional dynamics.

Conflict causes and dynamics

Domestic conflict dynamics

South Sudan achieved independence from Sudan through a referendum in 2011. The referendum was a component of the 2005 Comprehensive Peace Agreement (CPA), which ended the decades-long war in Sudan between the SPLM/A and the Sudanese government.⁷ After the referendum the SPLM/A formed the government of South Sudan.

Long-standing divisions within the SPLM/A boiled over when, in July 2013, President Salva Kiir dissolved his cabinet and dismissed Vice President Riek Machar and other ministers.⁸ In December fighting broke out in Juba between soldiers loyal to Kiir and those loyal to Machar. The government detained several senior SPLM/A officials, while Machar fled to one of the provinces where he organized the armed resistance movement known as SPLM/A In-Opposition (IO). Violence spread rapidly to other parts of the country and South Sudan was soon in the throes of civil war, characterized by acute ethnic polarization between the Nuer and Dinka communities.



The proximate cause of the war was an internal power struggle within the SPLM/A. At a deeper level of analysis, the 2014 report of the AU Commission of Inquiry on South Sudan identified a number of historic, institutional and structural causes of the war and its ethnic character: colonialism and the use of “native administration” by colonial rulers; the weakness of nascent state institutions in South Sudan; ethnic tension within the SPLM/A during the pre-independence liberation struggle; unaddressed grievances of victims of previous conflicts; and unequal distribution of peace dividends after the end of the Sudan war and subsequent advent of independence for South Sudan.⁹

Regional conflict dynamics¹⁰

Regional interests and rivalries were enmeshed in the South Sudan war. Most significantly, Uganda provided military support to the South Sudan government against the opposition forces. The Ugandan army has a long history of regional deployments for the purpose of political and financial gain. Its intervention in South Sudan was motivated as much by national interests as by a desire to protect a neighboring government under threat of rebellion. South Sudan was Uganda's largest export market and President Museveni of Uganda was intent on being the dominant player in regional security dynamics, a role contested by Kenya and Ethiopia. To complicate matters further, Museveni apparently had a personal animosity towards Riek Machar.¹¹

Kenya had hosted the earlier IGAD peace process to end the war in Sudan and it aspired to host the IGAD mediation for South Sudan. It felt slighted when Ethiopia claimed the lead role. President Kenyatta of Kenya tried several times to run a parallel mediation, secretly convening the SPLM/A factions with the hope of scoring a diplomatic victory.¹² These efforts detracted from the IGAD mediation and antagonized Ethiopia. Moreover, Kenyan elites owned commercial enterprises in Juba and wealthy South Sudanese officials had large sums of money held in Kenyan banks. Kenyan diplomats publicly supported international calls for economic sanctions against the South Sudan belligerent parties but privately campaigned against them.¹³ Sudan was notorious for playing Southern Sudanese groups against one another in service of its own interests. Hence Khartoum kept a foot in both of South Sudan's warring camps, publicly supporting the government while privately supplying enough ammunition to keep Machar's forces afloat.¹⁴ Sudan was also aggrieved at Uganda's military intervention in the war and the presence of Ugandan fighter jets near Sudan's southern border. Uganda and Sudan are historical adversaries, with both countries having supported rebel movements in each other's territory.¹⁵ This tension between the two countries was felt acutely in the IGAD mediation for South Sudan.

Mediation process

IGAD responded quickly to the outbreak of fighting in Juba in December 2013. The IGAD Council of Ministers made an emergency

visit to Juba, after which the IGAD Heads of State and Government held an Extraordinary Summit on South Sudan. The Summit called for an immediate cessation of hostilities, the “immediate pursuit of a political solution including an all-inclusive dialogue among all stakeholders concerned” and, in the interests of this dialogue, a review of the status of the SPLM/A officials detained by the government at the start of the war.¹⁶ IGAD appointed three Special Envoys to run the mediation: Seyoum Mesfin, the former foreign minister of Ethiopia, General Lazaro Sumbeiywo of Kenya and General Mohammed al-Dabi of Sudan. Mesfin was the lead mediator, which effectively made Ethiopia the lead mediator at the state level. The UN Security Council (UNSC) and the AU Peace and Security Council endorsed the IGAD mediation,¹⁷ which was supported financially and politically by the so-called Troika comprising Norway, the United Kingdom and the United States.

The IGAD envoys pressed the South Sudan government and the SPLM/A-IO to quickly conclude a ceasefire. On January 23, 2014, the two parties signed the Cessation of Hostilities Agreement, which required the withdrawal of Ugandan troops from South Sudan.¹⁸ They also signed an agreement on the “status of detainees.” The government released the detainees, who then participated in the peace talks under the label “Former Detainees.”

These initial agreements were followed by further negotiations, leading to an agreement to establish a transitional government of national unity. In addition to the substantive negotiations, the IGAD mediators facilitated a multi-stakeholder symposium for civil society engagement. The peace process culminated in August 2015 with the signing of ARCSS by the government, the SPLM/A-IO and other opposition groups. Machar was then reinstated as vice president. But in July 2016 fighting resumed, Machar fled the country and ARCSS collapsed.

Throughout the peace process, the belligerent parties continued to wage ferocious battle, with severe humanitarian consequences. It was evident they were not genuinely committed to negotiations, a ceasefire and a settlement. The IGAD Summit sought to pressure them by threatening to take “collective action” against those that violated the ceasefire.¹⁹ At the request of IGAD, the UNSC expressed its willingness to establish a sanctions regime for South Sudan.²⁰ In order to stave off this mounting international pressure, the government and the SPLM/A-IO signed agreements they did not intend to honor.²¹

South Sudan peace process timeline	
2005	Comprehensive Peace Agreement (CPA) signed by Sudanese government and the Sudan People’s Liberation Movement/Army (SPLM/A), ending decades long war in Sudan
2011	Referendum leads to independence of South Sudan
2013	Start of civil war in South Sudan
2013	IGAD initiates mediation to end the war
2014	Belligerent parties sign the Cessation of Hostilities Agreement, mediated by IGAD
2015	Belligerent parties sign the Agreement on the Resolution of the Conflict in South Sudan (ARCSS), mediated by IGAD
2018	Belligerent parties sign the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), mediated by IGAD

Effects of regional conflict dynamics on the mediation

Analysts have attributed IGAD’s failure to end the civil war to the following interrelated factors: the intransigence of the conflict parties; the absence of a military stalemate; the lack of concerted international pressure on the belligerents; and the regional rivalries between IGAD’s member states, which undermined the organization’s mediation efforts.²² This section focuses on the ways in which the regional conflict dynamics impaired the mediation.

Tensions among member states inhibit IGAD consensus

The tensions among member states prevented IGAD from reaching consensus on several issues, including power-sharing and security arrangements. For example, in light of the conflict parties’ constant violations of the 2014 ceasefire agreement, the heads of state decided to deploy a regional Protection and Deterrence Force to “create the conditions for negotiations.”²³ However, they could not reach agreement on the theatre of operations and the withdrawal of the Ugandan army, which was fighting on the side of the South Sudan government.²⁴ When the idea of the protection force failed to win wider international support, the IGAD leaders could not overcome their divisions to find an alternate strategy that would compel the parties to heed the ceasefire.²⁵ Of particular concern to Ethiopia as the lead mediator, Museveni was unwilling to use his leverage over Kiir to induce a more cooperative posture towards the negotiations. The Ethiopian government perceived this as insulting. Mesfin and Prime Minister Hailemariam Desalegn were reportedly “apoplectic behind closed doors, and after their own entreaties [to Uganda] failed, they repeatedly petitioned the Americans to force [Museveni’s] hand.”²⁶

IGAD divisions reduce its leverage

The lack of unanimity among the member states reduced IGAD's leverage over the conflict parties. Although IGAD threatened to impose sanctions for ceasefire violations, the belligerent parties knew that certain member states did not actually support sanctions. According to an official in the IGAD Secretariat, "Everything professed at those summits was half-hearted; [the heads of state] wanted to pretend they were supporting sanctions while servicing their own interests via the back door."²⁷ In a confidential memo to the IGAD Summit, Mesfin argued that the parties did not take "the repeated threats of IGAD action and intervention seriously" and had effectively "called IGAD's bluff."²⁸

In the absence of a real commitment by IGAD to take coercive action against violators of the ceasefire, neither the AU nor the UNSC was willing to resort to such measures. According to Mesfin, "A stronger and more united region would have paved the way for AU and UN action."²⁹ The lack of unity not only reduced IGAD's leverage over the parties but also gave the parties leverage over IGAD. Mesfin complained to the Summit that "Each of our capitals...are sending different, and sometimes contradictory, messages to the parties."³⁰ National interests had "prevailed over IGAD's regional common interest and left IGAD in paralysis."³¹ As a result, according to Mesfin, the parties felt no compulsion to negotiate the compromises required for peace. They recognized that the differences among the member states could "...be exploited. [The] parties had mastered the game of playing one member-state off against the other."³²

Divisions undermine IGAD envoys

The absence of consensus in IGAD undermined the envoys, who had a formal mandate from the Summit but lacked a genuinely unified political mandate from the heads of state. The conflict parties consequently tended to bypass the envoys, attempting instead to lobby the individual heads of state directly.³³ The divisions between the member states also played themselves out within the mediation team, which became polarized along national lines at the expense of the requisite information-sharing and joint planning and strategizing.³⁴

Biased mediators

Whereas the South Sudan government was represented at IGAD Summit meetings, the SPLM/A-IO obviously was not. This meant, at the outset and throughout the process, that the Summit deliberations included one of the South Sudanese belligerent parties and excluded the other. There was no way the IGAD mediation could be perceived as impartial and enjoy the full confidence of the SPLM/A-IO.

This problem was greatly exacerbated by Uganda's military intervention, which saved the South Sudan government in the first wave of fighting in 2013. The Ugandan army thereafter mounted air and ground offensives against the opposition and Museveni refused to withdraw his forces despite being required to do so by the 2014 ceasefire agreement. Museveni's posture naturally heightened the concerns of the SPLM/A-IO that IGAD was biased against it. On one occasion the Summit amended a document the envoys had mediated with the conflict parties, revising the text to favor the South Sudan government at the request of Museveni; Machar refused to sign the amended document and alleged there was an attempt to trick him into signing.³⁵

Another element of mediator bias lay in the appointment of Sudanese General al-Dabi as one of IGAD's special envoys. Although Al-Dabi himself played a passive and innocuous role in the mediation, Khartoum was providing military support to Machar's forces. This further compromised the credibility of the mediation team and cast doubt on the confidentiality of its internal discussions.³⁶ Al-Dabi's appointment was intended to "appease Khartoum by balancing representation [in the mediation]" but it was also "an early signal that IGAD's internal politics would sometimes take precedence over the needs of the peace process."³⁷

Absence of a military stalemate

The 2014 ceasefire agreement had little chance of holding because both the belligerent parties believed they could make gains from further fighting. The involvement of the Ugandan army contributed to this dynamic. For as long as that army provided support to the South Sudan government, Kiir was convinced he could withstand the opposition's offensives and would eventually prevail. On the other hand, Machar believed that time was on his side because the ceasefire agreement required the Ugandan army to withdraw from South Sudan.³⁸

Rival mediation processes

Given the weakness of the IGAD mediation, other actors tried to fill the breach. The ruling parties of Tanzania and South Africa

attempted to reconcile and unify the SPLM/A factions through an initiative known as the “Arusha process,” which assumed that the primary cause of the conflict was a power struggle within the ruling party.³⁹ The Arusha process was ostensibly intended to support the IGAD mediation, but it ended up subverting the mediation because it drew attention away from, and was not coordinated with, the IGAD process, it provided the parties with an opportunity for forum shopping, and it generated tension within the opposition groups.⁴⁰ Some members of the SPLM/A-IO suspected that the Kiir and Museveni were backing the Arusha process only in order to divide these groups.⁴¹

Strategies to address the regional conflict dynamics

As discussed above, the mediating body in the South Sudan war comprised states that were directly and indirectly involved in the armed conflict, severely diminishing the credibility, cohesion and effectiveness of the mediation. No viable strategies for addressing this problem emerged during the peace process.

One of IGAD’s strategies for managing the divisions was to use Summit meetings to *negotiate between member states* in order to reach consensual positions and then issue communiqués that addressed the conflict parties with one voice. Indeed, a remarkable feature of the mediation was the frequency of Summit meetings and communiqués. Between December 2013 and August 2015 the South Sudan crisis was the focus of six extraordinary meetings and discussed at three ordinary meetings.⁴² After these sessions the Summit issued detailed communiqués setting out its expectations on procedural and substantive issues.⁴³

Although the international community lacked confidence in the IGAD mediation because of its internal divisions, the option of replacing IGAD with another mediating body was not politically viable. Instead, there were three major moves aimed at strengthening the IGAD process:

- The AU established the AU High-Level Ad-hoc Committee on South Sudan, comprising Algeria, Chad, Nigeria, Rwanda and South Africa (representing the five regions of Africa).⁴⁴
- The AU appointed the former Malian president Alpha Konaré as the AU High Representative for South Sudan, with a mandate to coordinate African action in support of the process.
- In June 2015, after 15 months of unsuccessful mediation, IGAD launched IGAD-Plus in order to ‘rejuvenate’ the peace process and enhance cooperation between IGAD and its main partners, including the AU, the Troika, China, the UN, the EU and the donors supporting the process.

These strategies had the dual objectives of pressuring the belligerent parties and compensating for the divisions within IGAD. None of the strategies achieved these objectives.

Conclusion

In 2020 the IGAD Secretariat conducted a review of the 2013-2015 mediation that led to ARCSS. The review acknowledged, albeit in diplomatic phrasing, that the divisions among member states had posed significant challenges for the mediation:

IGAD member states had different views of the conflict and how to address it, and they pursued different interests. These divisions, which came to the fore in different moments of the process, undermined the credibility and cohesion of the mediation... According to interviewees, the lack of unity within IGAD was at times felt in the mediation team, which reduced confidence in the process among conflict parties, other South Sudanese stakeholders and partners.⁴⁵

The bottom line was that the mediating body could not deal effectively with the neighboring states that were involved in the war because these states were members of the mediating body. Vertin concludes that “the [assets] brought to the South Sudanese mediation effort by IGAD’s frontline states – unique knowledge, relationships, direct interest in stability – were outweighed by their competing national interests and stakes in the outcome.”⁴⁶ In this case, as in several others,⁴⁷ the disadvantages of peacemaking subsidiarity outweighed the advantages. In 2018, under the auspices of IGAD mediation, the belligerent parties signed the Revitalized Agreement for the Resolution of the Conflict in South Sudan (R-ARCSS). This agreement led to a substantial reduction in violence but implementation remains incomplete at the time of writing (July 2024) and the grave humanitarian crisis persists.⁴⁸

Endnotes

¹ *Agreement Establishing the Inter-Governmental Authority on Development (IGAD)*, 1996, adopted by the IGAD Assembly of Heads of State and Government, 21 March.

² Irit Back, 2020, *From Sudan to South Sudan: IGAD and the Role of Regional Mediation in Africa*, Brill.

³ Laurie Nathan, 2017, 'How to Manage Interorganizational Disputes over Mediation in Africa,' *Global Governance* 23(2): 151-162.

⁴ Zach Vertin, 2018, *A Poisoned Well: Lessons in Mediation from South Sudan's Troubled Peace Process*, International Peace Institute, New York, p. 18. I draw extensively on Vertin's paper because, in his capacity as Director of Policy for the US Special Envoy to Sudan and South Sudan, he was intimately involved in the negotiations to end South Sudan's civil war.

⁵ The ARCSS agreement is available on the website of UN Peacemaker at <https://peacemaker.un.org/sites/peacemaker.un.org/files/Agreement%20on%20the%20Resolution%20of%20the%20Conflict%20in%20the%20Republic%20of%20South%20Sudan.pdf>.

⁶ Reuters, 2018, 'Study Estimates 190,000 People Killed in South Sudan's Civil War', 26 September (<https://www.reuters.com/article/us-southsudan-unrest-toll/study-estimates-190000-people-killed-insouth-sudans-civil-war-idUSKCN1M626R>).

⁷ The CPA is available on the website of UN Peacemaker at https://peacemaker.un.org/sites/peacemaker.un.org/files/SD_060000_The%20Comprehensive%20Peace%20Agreement.pdf

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¹⁰ This section is drawn from Vertin, *A Poisoned Well*; International Crisis Group, 'South Sudan'; and Kasaija Phillip Apuuli, 2015, 'IGAD's Mediation in the Current South Sudan Conflict: Prospects and Challenges', *African Security* 8(2): 120-145.

¹¹ Vertin, *A Poisoned Well*, p. 19.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ IGAD, 2013, 'Communiqué of the 23rd Extra-Ordinary Session of the IGAD Assembly of Heads of State and Government on the Situation in South Sudan', 27 December.

¹⁷ UNSC Resolution 2132 of 24 December 2013 and AU Peace and Security Council communiqué of 30 December 2013.

¹⁸ International Crisis Group, 'South Sudan'.

¹⁹ IGAD, 2014, 'Resolutions of the 28 th Extraordinary Summit of the IGAD Heads of State and Government', 7 November.

²⁰ International Crisis Group, 'South Sudan', p. 21.

²¹ Laurie Nathan and Ajay Sethi, 2023, 'Reducing and Managing Risk: The Dimensions of Strong Ceasefires in Intra-State Conflict.' *International Studies Review* 25(1) at pp. 16-17.

²² E.g., Vertin, *A Poisoned Well*; International Crisis Group, 'South Sudan'; Apuuli, 'IGAD's Mediation in the Current South Sudan Conflict'.

²³ Vertin, *A Poisoned Well*, p. 17.

²⁴ International Crisis Group, 'South Sudan', p. 15.

²⁵ Ibid, pp. 15-16.

²⁶ Vertin, *A Poisoned Well*, p. 9.

²⁷ Ibid, p. 16; also International Crisis Group, 'South Sudan', pp. 13-14.

²⁸ Quoted in Vertin, *A Poisoned Well*, p. 16.

²⁹ Ibid, p. 17.

- ³⁰ Ibid, p. 17.
- ³¹ Ibid, p. 18.
- ³² Ibid, p. 18.
- ³³ International Crisis Group, 'South Sudan', p. i.
- ³⁴ Vertin, *A Poisoned Well*, p. 17.
- ³⁵ International Crisis Group, 'South Sudan', p. 13.
- ³⁶ Vertin, *A Poisoned Well*, pp. 6-7.
- ³⁷ Ibid, p. 5.
- ³⁸ Nathan and Sethi, 'Reducing and Managing Risk'; Apuuli, 'IGAD's Mediation'.
- ³⁹ International Crisis Group, 'South Sudan', pp. 18-19.
- ⁴⁰ Ibid.
- ⁴¹ Ibid, p. 19.
- ⁴² Vertin, *A Poisoned Well*.
- ⁴³ Ibid.
- ⁴⁴ AU, 'Communiqué of the 474th meeting of the AU Peace and Security Council', 5 December.
- ⁴⁵ IGAD, 2020, 'Lessons for IGAD Mediation from the South Sudan Peace Talks, 2013-2015', Djibouti, p. 7.
- ⁴⁶ Vertin, *A Poisoned Well*, p. 18.
- ⁴⁷ Nathan, 'How to Manage Interorganizational Disputes over Mediation'.
- ⁴⁸ Center for Preventive Action, 2024, 'Instability in South Sudan', 11 July (<https://www.cfr.org/global-conflict-tracker/conflict/civil-war-south-sudan>).