

The impact of external actors on the prospects of a mediated settlement in South Sudan

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¹ Views expressed hereunder are strictly my own views and do not represent or reflect any stand of my organization as it relates to the topic discussed.

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Glossary

AU	African Union
AUPSC	African Union's Peace and Security Council
CAR	Central African Republic
CEWARN	Conflict Early Warning Mechanism
CNHPR	Committee for National Healing, Peace and Reconciliation
COH	Cession of Hostilities Agreement
CPA	Comprehensive Peace Agreement
CSO	Civil Society Organization
GEMAP	Governance and Economic Management Assistance Program
GoS	Government of the Sudan
GoSS	Government of South Sudan
JEM	Justice and Equality Movement
LRA	Lord's Resistencia Army
MSU	Mediation Support Unit
MVM	Monitoring and Verification Mechanism
NCA	Norwegian Church Aid
NDA	National Democratic Alliance
NGO	Non-Governmental Organization
NPA	Norwegian People's Aid
NRC	Norwegian Refugee Council
IDP	Internally Displaced Persons
IGAD	Inter-Governmental Authority on Development
REC	Regional Economic Communities
RSS	Republic of South Sudan
SRF	Sudan Revolutionary Front
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Army
SPLM-N	Sudan People's Liberation Movement -North
SPLM-IO	SPLM In Opposition
TSU	Transitional Support Unit
UK	United Kingdom
UN	United Nations
UNSC	United Nations Security Council
UNMISS	United Nations Mission South Sudan
USIP	United States Institute of Peace
UPDF	Uganda People's Defence Force

Abstract

The methodology used in gathering information, conducting analysis of the data and drafting this paper is qualitative approach. The data used in previous documentation and analysis of the pre-CPA and CAP era has been largely availed in the context of examining the effects of mediation and interviews were conducted with key mediators, special envoys and advisors to the process. I used these secondary source data as references in addition to direct interviews to the Parties of the current conflict in South Sudan as primary data to illustrate the essence of challenges this paper examines. The limitations of this document is not conclusive on the opinion of all actors in the current conflict as majority of opposition actors specially the armed actors are hardly available to be heard simply because of their report locations, challenges of executing the war and rare media coverage of their positions due to rare interviews and banned of the government on journalist activities in that field. Conclusion illustrated that various external actor's intervention towards achieving a mediated settlement complicated the mediation process some resulted in stalling the process. It is important to highlight that third party intervention is necessary when mediation is the path, but it has to be a controlled environment where the mediator facilitate discussion between the parties within an enabled protected environment in addition to using the "friends of mediation" as leverage on the parties to untie knots and move process forward.

The mediator should be on top of the process with coordinated and coherent approaches of external actors' roles minimize intervention of national interests of each external actors and enables pursuance of a common objective of a successful mediation.

1. Introduction

There is no such thing as completely internal affairs of a specific sovereign country in today's world. Every conflict involves interests of external actors or affects others and has often-regional implications. It serves as major magnet for external actors either those who get invited or force their way in. External actors in any given situation put their interests first, yet can be instrumental with the right focus to bring a settlement of the dispute between parties.

Conflict situations are ideal environments where external actors secure, protect or even advance such constructive or de-constructive interests. Notwithstanding, the role of the conflicting parties pro or against one of those actors or collective endorsement to external actors' involvement, its interests may differ accordingly.

The external intervention in internal conflict not only is an extra influence towards the right direction but also could be directed towards hardening position of one of the negotiating parties or spoiling the process. Intervention is often viewed in mediation as a mechanism to ripen the situation and bringing about equality of parties in order to pursue negotiated settlement.

There are several ways external actors intervene in internal conflicts and for the purpose of this paper I focus on aspects of intervention towards achieving a mediated solution. Though, the scope of this paper covers current conflict in the Republic of South Sudan - RSS (2013 – 2015) it is important to reflect on previous peace process of the CPA and the crucial roles played by external actors of which some actors continue to follow on perfecting or protecting legacies of the past.

IGAD as one of the East African Regional Economic Communities (REC) to which the Republic of South Sudan (RSS) is a member took lead in mediating the conflict in the country as a follow through its previous peace process that ended on 2005. Other it intervened as an external actor with interests of stability and achieving peace as pre-requisite for development in the region. Furthermore, other major external actors continue to engage either party separately or collectively in addition to engaging mediation team while some extend financial support or continue to push with carrots and sticks in order to facilitate a mediated settlement.

2. Literature review

This paper is an attempt to establish the relations between the mediation process and external actors' role on its achievement of its objectives. The Mediation process is defined by Moore as "the intervention in a negotiation of a conflict by an acceptable third party who has limited or no authority in decision-making power, who assist the involved parties to voluntarily reach a mutually acceptable settlement of the issues in dispute" (Moore 2003: 15).

The mediator creates a forum where the party's commitment to accepts mediation is secured in order to facilitate discussions to end the dispute. The mediator is not to frame his/her own version of agreement including identifying the substance or issues to be included on the agenda but to facilitate through designing a process the parties to reach at those issues. Therefore, the mediator helps the parties to build a relationship of trust and work together in resolving the dispute with their own agreement voluntarily for durable and implementable agreements.

As the intention of the Third party is to involve in ending the dispute, such intervention seek to assist parties to find a solution to the dispute. The act of involvement is known as intervention accordingly defined by Moore as "to enter an on-going system of relationship, to come between or among persons, groups, or objects for purpose of helping them" (ibid 16).

Others scholars defined the third party's role in mediation as means to ending conflict "Mediation, widely regarded as the most common form of third-party intervention at international level" (Bervitch 1997: 28).

Nathan puts intervention in a prospect of mediation to mean "Mediation is the process whereby an independent third party assists the parties in conflict to reach a collectively acceptable settlement through dialogue and negotiations (Nathan 1998: 1-2).

Mediation process often involves external actors and present an opportunity for coordinated and coherent approach in supporting mediated settlement to end a conflict. Actors' interests differ to national, security, economic, political or other interests. External actors may pursue common objectives of achieving successful mediated settlement despite variety of actors with skilful management of mediation space by the mediator. External actors should assist to secure an environment with ripe conditions for the success of mediation though variety of tools to ripen when conditions are not favourable.

3. Research design

This paper was designed on qualitative approach. Information gathered based on interviews that were already documented with the parties of the South Sudan conflicts among other interviews I conducted personally with some key actors. These interviews were to review the perception of South Sudan's leaders from across political divide on the issue of external actor's role in achieving a mediated conflict.

The theoretical bases for the research are provided in areas of mediator's controlled environment and various resources including journals, books, articles and internationally seminars that analysed the challenges of mediated settlements with influence or intervention of external actors.

The objective of the design is to build practical approach on demagogic principles set for conflict management and resolution. Though the issue covers a political sensitive area where national security, economic and political consideration of members of both regional and international community may guide interventions. Further interviews covering the reasons, examples and background for the illustrated by leading officials of various actors were well documented.

4. Why External actors intervene?

South Sudan as a new state as is perceived to have evolving weak institutions while not capable yet to stand its ground resisting international pressure that encourages external actors to manipulate the situations towards their own interests.

External actors are determined to support the parties and mediator to achieve mediated settlement that concludes the essence of intervention. It is imperative to stress on the nature of third party's intervention as "Peace making intervention vary greatly and are conducted by numerous kinds of interveners" (Kriesberg et al, 2012: 702).

Most external actors are focused on intervention in South Sudan given the opportunity and interests due to its new emergence and flexibility of Government. Other parties can be influenced and their demands, positions are shaped, redesigned by help of regional and international actors or their perceived interests.

Heavy intervention of external actors in South Sudan's internal conflict may prolong the conflict though attributed to its inadequate political control over state affairs or weak control over territorial integrity.

The international community engages into South Sudan's internal affairs based on sympathy with the current turn of events in regard to previous optimism post its independence. Despite the fact that

this engagement may generate both positive support to mediators and mediation process in engaging the parties to resolve their differences or negatively supporting one of the protagonists to achieve own national interests of the intervener.

5. Regional Interventions

Regional intervention commonly led by third party that is not officially involves in conflict and often actors have influence over a specific conflict either to contribute to end it or prolong it. Regional mediators who may be interested in resolving the conflict between parties do that because of their common interests or locally driven interests as any internal conflict affects others beyond national borders since “internal armed conflicts commonly have important regional linkages” (Harbom et al 42, no. 5 (2005): 523 – 635)

Members of IGAD differed in their assessment of the Juba mid-December 2013 events. Accordingly, started to align their political positions with either side of the conflict. Though no formal stand was nationally declared in support to the rebels, it been reported in various forms by media houses, research centres, International Non-Governmental Organizations (NGOs) specially ones that investigated specific violent incidents that involved atrocities and human rights violations committed by/with the support of foreign elements associated with the rebels the Sudan People’s Liberation Movement/Army In Opposition (SPLM-IO) in particular or/and forces of/or aliened with the Government of South Sudan.

Evidence of military support by the Government of the Sudan implicated it with constant supply of weapons and ammunitions, which were airdropped to the South Sudan rebels (Crisis Group Africa Report, N°179, p. 14).

At the regional politics levels, there are tensions amongst IGAD’s members that extended to confrontation with use of proxy and support to rebels of each side, resulted in evidence of Sudan’s support to South Sudan rebels prior to its’ independence and through current rebellion of the SPLM-IO (Conflict Armament Research, June 2015, p. 5).

The official narrative in the Government of Sudan linked the presence of Ugandan People’s Defence Forces (UPDF) on South Sudan’s soil with proxy tactics and alleges Uganda’s support to its rebels of the Sudan Revolutionary Front (SRF) namely the Justice Movement and Equality (JEM) and Sudan People’s Liberation Movement – North (SPLM-N).

In the other hand, Uganda accuses the GoS of supporting insurgency within Uganda and training and harbouring Joseph Kony the leader of the Lord Resistance Army (LRA) in its territory of Darfur and Central African Republic (CAR).

The GoS alleges cooperation and support between Uganda and its rebels albeit that fact that UPDF is not deployed closer to Sudan's boarder but deployed at the Juba airport (capital) and a section of them in Bor the capital of Jonglei states (180 miles north of Juba). Both countries allegations imply concealing intentionally support to each other's rebels and fighting each other by proxy. This indirect armed conflict is extended to political level at IGAD's leadership and has undermined the mediation efficiency negatively.

Another dichotomy relates to member state's politics in particular as relates to the silent dispute between Ethiopia and Kenya over the control and management of the South Sudan mediation process as observed by many analysts. The historical fact that Sudan's previous peace agreement 2002 – 2005 which led to the formation of RSS was hosted by Kenya and facilitated via IGAD's Special Envoy efforts generated competing interests by some member states to lead at this opportunity to deliver peace.

Other regional efforts with objectives to end conflict were initiated by IGAD in December 2013 and still continue to reflect the focus and determination of the parties. However, an inter-party process had been underway in Arusha, Tanzania and so far achieved a tripartite agreement and an implementation road map in January 2015.

6. Internationalization of the conflict in South Sudan

As South Sudan is known as rich land endowed with various natural resources, agricultural land, heavy rain falls and many streams of waters it remains ground for very successful future economy and promising opportunities. Consequently, it is a cause of blessing or curse as international multi-national and/or super power states tend to develop conflicting interests in the country.

The status quo illustrates the entrenchment of South Asian companies in the only utilized economic sector in South Sudan specifically the petroleum sector that generates lucrative incomes. These companies presence has been inherited as part of the CPA settlement between north and south Sudan in 2005 on grounds of respecting existing oil contracts signed by the GoS prior to the conclusion of the peace.

The lucrative business of petroleum sector in South Sudan grabbed attention of expanding US based oil companies who want to enjoy the dividends of the US Government diplomatic support to the achievement and implementation of CPA. This economic battle/competition between super powers; China vs. USA put South Sudan at odd while turning it playground of conflicting interests that impacted the mediation processes as well.

South Sudan's referendum January 9th, 2011 was a major landmark in a democratic practice of the people of South Sudan whose majority voted for the first time in history and chosen an independent country with 99.98%. This development created an overwhelming support from international community given that it occurred after violent elections in Kenya 2007. Therefore, South Sudan perceived to be the next beacon of peace and democracy in the region.

Nonetheless, the failure of SPLM leadership to resolve its internal differences peacefully prompted many international actors led by the EU to support the process for settlement of such dispute through peaceful mediation. Consequently, the European interests started to build-up in the process and the preferable type of solution to the conflict. These interests encompass perceived suitable political agenda not the bare minimum acceptable position of both parties, as it might not be in fulfilment of the interests.

International Community viewed the conflict in South Sudan as a "blessing in disguise" under which a moral authority was pulled-in to fix accumulation of policy errors seen to lead to non-functional institutions of governance and slow transformation towards nation building. These interests could be achieved by suggesting implementation of mechanisms such as escrow account, international control of financial management of South Sudan's oil similar to the one established in Liberia after its civil war (USIP 2014).

This conclusion and advice contradicts what is expected of an external actor who supposedly not to identify solutions to the conflict. They should follow the path for ownership by the parties. External actors supposed to provide the protagonists with opportunities to settlement their disputes; they use pressure and leverage to ensure that both are serious and able to come to the table.

Some external actors go as far as suggesting governance mechanisms that are not even discussed or considered by the parties. An example a position by USIP to include the Governance and Economic Management Assistance Program (GEMAP) argued that it worked in Liberia and as such should be replicated in South Sudan. Despite, it is admitted its inadequacies USIP continue to state "though not perfect, instituted significant international community oversight of expenditure in an effort to combat widespread corruption, which is also a factor in South Sudan's political impasse" (ibid).

Furthermore, these suggestions started to shape the mediation process and geared it towards adopting ready-made solutions in forms of draft documents contain quick-fix formulas. This approach dictates participation of the armed opposition in governance through power sharing as a remedy to the conflict. Such solutions that the parties did not arrive at though direct negotiation amongst themselves, only imposed on the parties, stall the mediation processes and result in bad or weak peace agreements.

7. Role of the Troika

The Troika emerged “as partnership that Norway forged with Britain, and the USA to revive Sudan peace talks” in order to provide support to the first IGAD’s efforts on Sudan 1993 – 1999 (Johnson 2011:25). It provided crucial support and sphere of influence with consistent pressure and engagement that resulted in the signature of the Comprehensive Peace Agreement 2000 - 2005 (Young 2012: 83).

Albeit the UK being the former colonial master to South Sudan its interests are still entrenched though its presence is hardly felt in country, while its political stands are driven by its alignment to the US foreign policy. The US administration played a vital role in overseeing the commitment of the GoS and the SPLM to implement the CAP. The US war on terror established direct linkages an cooperation with the GoS but particularly enjoyed close ties with the SPLM South Sudan and hence where its network of interests entrenched supported by huge South Sudanese diaspora living there.

On the other hand, Norway enjoyed acceptance in Sudan with developmental agenda but often perceived to have “close relations with the southerners” led to it command respect from both communities and political engagement of its government and leadership with all parties (Johnson 2011:27).

Norwegian NGOs worked during the years of South civil war in the country in particular the Norwegian Church Aid (NCA), the Norwegian People’s Aid (NPA) both enjoyed long outstanding presence and humanitarian services delivery records letter on joined by the Norwegian Refugee Council (NRC) which operated “in both side” in delivering diverse services (Ibid 26).

As perceived true friends, the Norwegian authorities continued to engage the GoSS and the SPLM-IO constructively in current conflict formulating the international agenda on achievement of a mediated settlement. Norway promises to host forums for construction efforts if both sides were to expedite a peace agreement.

The positive role played by each of these countries on bilateral manner did not hamper their collective stand as Troika push to advance a peaceful solution to the conflict. The Troika efforts in pushing the mediation process on South Sudan conflict involved funding the process through the Transitional Support Unit (TSU), threats to imposed sanctions on individually targeted to obstacles for peace. The Troika efforts resulted so far in imposition of sanctions for some military commanders yet their strong position on the political development in the country warranted the GoSS accusation that it pursues a regime-change agenda (Mackuei 2014).

The quest for addressing underlining causes of violence and achieving a lasting solution has been the drive for the Troika multiple influences on the mediation process. It looks for hybrid political solution to engulf both leaders of the parties in power sharing agreement while still push for accountability, despite that the GoSS still accuses the Troika of being partial in pursuit of the rebel's regime change agenda.

The Troika strength relies on combined power of its members; the UK as “a former colonial power with strong interests in the country” plus to its status, a vital player and as a permanent member of the United Nations Security Council (UNSC) with developmental agenda coupled with hard power the US represent in addition to the leading role of Norway in both development and reconstruction merged with interests in nation building efforts and reconciliation (ibid: 25).

The Troika enjoys contacts with other international actors with both ability to aid any process or force their diplomatic methods in addition of several NGOs actors in the humanitarian fields who they fund directly or originate in any of these countries.

8. Role of the US

The US maintained a separate position on its foreign policy from its joined activities though continued to coordinate some policy interventions with members of the Troika. The US interests emanated from the fact that South Sudan was seen as major US foreign policy success. President Clinton's administration worked with the neighbouring countries of Sudan to contain the GoS after it asked to outset Osama bin Laden in 1996 and built capacity of the secular opposition of the National Democratic Alliance (NDA) but was reluctant of the SPLM quest for right of self-determination,

President Bush vigorous foreign policy and with rising issues of blood oil and religious persecution made “South Sudan a centre piece in his foreign policy, helping broker landmark north south peace deal in 2005” and assisted in the partial implementation of the CPA (McCormick 2013: 3).

The US’ other interests are based on containment of China’s ambitions with work to outset it from the oil industry as it became very influential in the region. The US eyed the oil sector for its companies as substituted with advance technology the Chinese and Malaysian investors in South Sudan.

In spite the US role as partner in the Troika it often introduced initiatives unilaterally without consulting or informing its allies, which sometimes “took Britain and Norway by surprise” Johnson 2011: 28). An is the US initiative to open a testing case under multi-track approach through a pilot cease-fire agreement on Nuba Mountains led by Senator Danforth (ISS 2004: 6).

The US policy on South Sudan in relevance to US partners is based on governance initiatives to fight corruption, build capacities and introduce reforms as demanded by the opposition. President Kiir Mayar, the President of South Sudan understood the US interests to go-beyond to link to its interests in controlling petroleum resources stating nature linking the US rigorous involvement to a conspiracy involving the current crisis:

“Riek Machar had told them (USA), ‘If you help me to become president, I will chase away the Chines and other Asian oil companies from South Sudan, and I will give everything to you’. And they believed him”. (New African September 2014: 52).

The US policy towards South Sudan seems to focus on disallowing the continuity of the current constitutional order in power based on suggestions formulated by the United States Institute of Peace (USIP). USIP best articulates position of the US administration as expressed by Ambassador Princeton N. Lyman, the US Special Envoy to South Sudan and the Sudan on principles to include in any future agreement to end crisis in South Sudan:

“It is unlikely that President Kiir would agree to step down as part of any agreement, nor would that e the likely position of international mediators. He is the elected president. But there could be agreed on a broad-based government of national unity until the next elections. The interim government should be broadly representative of ethnic groups, geography, and

political leaders, including some of the senior politicians of the Sudan People's Liberation Movement (SPLM) detained when the crisis erupted" (Lyman et al, 2004: 4).

The US and the EU were accused of using IGAD's forum of mediation to push for a transitional government to achieve quick fixed to the current conflict to advance regime change as t was described by President Kiir "It's just how to get me out of power, it's a smokescreen" (New African September 2014: 52).

In light of the open criticism of the GoSS towards US government's position in the conflict that was seen partial and in support to the rebellion led by Machar, including accusation of ignored an incident by his forces causing injury of 4 of its soldiers during the evacuation of US citizens. The perception prompted John Kerry, the Secretary of State to emphasis the American stand and registered respect of his government to legitimacy of GoSS in his first visit to the South Sudan after the conflict on 2nd May 2014:

"I might also say that we do not put any kind of equivalency into the relationship between the sitting president, constitutionally elected and duly elected by the people of the country, and a rebel force that is engaged in use of arms in order to seek political power or to provide a transition" (Africa Confidential 16 May 2014, Vol 55 - N° 10: p. 6).

The US follows a more balanced approached and criticised warring South Sudanese' leaders, accusing them of lacking "leadership" or seriousness to end the violence he then stated "The country's leaders failed to act on behalf of their people and their nation" (The East African May 5, 2015).

The US efforts in advancing a peaceful mediated settlement continued from financing the IGAD Monitoring and Verification Mechanism (MVM) based in Juba in addition to ensuring pressure on the parties. Kerry summarized US intervention that "for more than a year, regional leaders, the US and others have been urging South Sudan leaders to live up to their commitment that can set their country up on the path of peace and prosperity" (ibid).

The US supports multiple approaches empowering civil society organisations, supporting IGAD's quest for inclusivity, pressurising the parties and providing humanitarian assistant in addition to supporting a demand for accountability advocating hybrid court with immediate support with an

amount of (500) million dollars in addition to another (5) millions for “justice and reconciliation” programmes in South Sudan (ibid).

The parties are careful in their relations with the US on understanding that it may influence international actors negatively and then being perceived as spoiler that may cause damage on long run. Both sides understand constructive engagement of the US lead to good support to their position shaping the awaited solution. The latest position where the US pushes for an equally balanced negotiated solution if maintained would allow parties to own-up any potential realistic agreement.

However, the US did not give away its leverage on the parties and took some practice steps to be heard by the parties when imposed sanctions on two top generals from both warring sides; Gen. Marial Chanuong Yol, Commander of the SPLA Presidential Guards and Peter Gadet leading former vice-president Riek Machar’s forces in Unity state. The sanctions imposed on both generals were to signal serious dissatisfaction of the US with the warring parties its will to move to the next level pushing them to a settlement as stated by Samantha Powers, US Ambassador to the UN:

“The measures taken against Marial Chanuong and Peter Gadet are only a first step and should serve as a clear warning to those in the Government of South Sudan and those who have taken up arms against it: the United States is determined to hold accountable those who choose violence” (Sudan Tribune May 6, 2014).

Other vital considerations existed such human rights violations or ethnic targeting killing both are accused of that warranted “banned from travelling to the US and any assets they have in US financial institutions will be frozen” (ibid).

Yet, it seems the parties did not give much attention to the threats and imposed sanctions and continued to engage in violations of the CoH, that forced the US Treasury Department to declared that it “noted designated” Maj-Gen. Santino Deng Wol, SPLA 3rd Infantry Division Commander and Maj-Gen. James Koang Chuol, former Division Four Commander who defected and joined the rebellion and commands its troops in Unity State (Radio Tamazuj September 18, 2014).

9. Role of China:

China is another country with major interests in both South Sudan and the Sudan with actual investments on multiple sectors. It is known the closest ally to the GoS and its major exporter of weapons plus ammunition, yet it maintains good relations with major businesses in South Sudan including being the imports of about 6% of its needs of oil from South Sudan.

China's foreign policy is built upon the principle of non-interference in the internal affairs of its allies, friendly countries or business partners; it was certainly disturbed by the development in post-secession relations between South Sudan and its neighbour the Sudan (Pang 2013:46).

China invests heavily in infrastructure, petroleum sector and telecommunication in South Sudan, which constitute real presence on the ground. South Sudan inherited Chinese oil companies working with other south Asians as de facto investors upon its session. Energy-hungry China advances its presence in South Sudan through supporting the developmental activities of the GoSS providing loans and becoming major market for its defence needs.

China's role in the advancement of peaceful resolution of conflict commenced with IGAD's early mediation processes where it contributed financial support to the process arguing the parties to reach a quick solution. Its interests in South Sudan coupled with its strategic relations and influence in the region (Ethiopia, Kenya, Sudan and South Sudan) encouraged it play a vital role in engaging the parties bilaterally or collectively towards a nationally owned agreement.

Nonetheless, China sees the conflict in South Sudan to surpass the local politics of power struggle within the SPLM to a more international conflict over resources where its rival the US tries to unseat her via proxy or adopting support to favourable individuals in power. Consequently, China took a robust stand, supporting the mediation, engage the parties while deployed its first combat force in South Sudan as part of UNMISS's peace keeping mission in a clear mark of territory of interests.

IGAD received a one million dollar support for the mediation process from China at the beginning of 2014, and continues to engage high-level representation of its Special Envoy to South Sudan and the Sudan.

China's role was viewed as important by both parties to the conflict, it was vocal in rejecting the UNSC proposed sanctions threats against the parties giving it more leverage and credible stand from their view points. It focuses on putting efforts to encourage the parties to expedite the process as China's UN ambassador Liu Jieyi described the move for sanctions modalities as no "logic" behind it while condemned the move stating:

"To apply a punitive measure now would send out what kind of message - right message or wrong message?" (Associated Press, New York, March 1st, 2015).

10. Role of IGAD

Despite many conditions indicated crisis were looming in South Sudan since the beginning of 2013, the Inter-Governmental Authority on Development (IGAD) did little to intervene at crucial stages of conflict build-up regardless early warning reports provided by the Conflict Early Warning Mechanism (CEWARN) and Mediation Support Unit (MSU). IGAD's role remains crucial and instrumental on conflict prevention and management in the region and amongst its members.

South Sudan continues to be a special case where IGAD commands historical legacy both during the liberation struggle where some of its members; Eritrea, Ethiopia, Uganda historically supported the SPLM/A (Hamed 2003:12) and during the mediation process ensured inclusion of the demand for the right of self-determination in the Declaration of Principles 1996 which was "the fundamental issue at the heart of conflict" (ISS 16).

The Sudan People's Liberation Movement (SPLM) faced internal strife that escalated into violence historically (1991 – 2002) and same actors renewed their differences (December 2013). Albeit, the SPLM Chairman's efforts to address strife democratically within the party structures, the ethnic tone grape the tension and loyalists both sides were quick to push the matter towards confrontations. The could have been averted or contained without escalation to military confrontations, yet it advanced on 15 December 2013 and the GoSS suppressed in the (3) days while named it an attempted coupe d'état led by Dr. Riek Machar, the former Vice President, on one side he called a conspiracy by the President that attempted on his life.

IGAD attempted preventive diplomacy measures on the 18th December 2013 to contain violence while sent a delegation of its Ministers of Foreign Affairs to meet the parties. The effort was too little and too late, as the former Vice President managed to escaped arrest and vow to wage a rebellion that was highly ethnically supported by his community.

IGAD offered good offices by Heads of States and Government then later on mediation, which was immediately accepted by the GoS and a Summit was organised on 27th December 2013 in Nairobi for that purpose. The summit appointed (2) Special Envoys to help bringing the parties to the table

to harness the quick good will that was declared by the International Community calling for dialogue and peaceful resolution.

IGAD's Summit commended President Yoweri Museveni of Uganda efforts to quick deployment with the request of the GoSS to protect vital installations. He was then quoted in the media to have warned the former Vice President to persist pursuing military confrontation. A statement that seemed to have worked its magic in brining the rebels to the table yet, viewed to be in support to the narrative of the government that an attempt to unconstitutional change of government was the cause for the outbreak of the conflict, apparently a notion not shared by all member states.

Nonetheless, Uganda's bilateral relations with the Government of South Sudan (GoSS) resulted in early deployment of a division of its forces in South Sudan to protect vital installations, which was commended by IGAD members (Communiqué 27th December 2013).

The mediation pushed the parties to quickly resolve in stopping the conflict and a Cession of Hostilities Agreement (CoH) was signed on 23rd January 2014 equally with another Agreement on the Status of Detainees, that managed to immediately released (7) former detainees and later on led to the release of remaining 4 detainees (former ministers accused of the coupe d'état).

IGAD immediately started adopting contrary positions from its initial stand of applauding Ugandan's early intervention for "protection to vital installations" in fear of partiality be questioned as support to the GoS and for other internal considerations specially both Ethiopia and Sudan. A situation that led to exclusion of Uganda's representation in the arrangements of appointing military representatives to the Monitoring and Verification Mechanism (MVM).

The IGAD's Chair Country (Ethiopia), according to basic rules supposedly rotational every year guides the Secretariat on peace making process, as the Secretariat mobilises funds. The rotation of chairmanship of IGAD is to be done at the Summit of Heads of States and Governments level as the most of policy decision-making body.

The inadequate adherence to the normative framework caused challenges and coherence within the leadership structure leading to many issues remain to be pending. This created more burden on the institutions of the Summit became engulf in conflict among some of its members and not fully focus to bring about consensus within its ranks to address conflicts at hand.

Due to non-progress in the peace talks since the signature of the first two agreements while mediation process continued through the last 14 months the Summit was drawn in as part of mediation levels to prevail over the protagonists.

However the challenges remain that the mechanism was ineffective and lost its clout. The parties complained of introduction of documents signed by Heads of States and Governments expected them to comply and sign without thorough negotiations leading to further polarization with the mediation process (interview with Dr. Peter Adwok 05.01.15).

IGAD's previous peace process on Sudan whereas the Special Envoy and his team of experts left the process to be run on direct engagement between the two principles and they kept themselves abreast with the development through short visits and engagements (Young 2012:).

In recent crisis, the approach differed completely as most of external actors participated with huge influence that resulted into changing attitudes towards the parties and the organizations' lead. IGAD's Special Envoys specially the Chairman for the mediation process been was accused of advancing external and specifically Troika's interests (Mackuei 2014).

IGAD's led process on Sudan had specific distinct style of management of external actors' roles and interventions. It was extremely effective where the Special Envoy Gen. Sumbeiywo created a managed environment where he "remained in the lead and managed to protect the process from too much external pressure" (Mason 2008: 72).

It is important for the mediator to know when to utilise the leverage of the external actors and when to shut them out. If they are not controlled, the process runs the risk of being driven unilaterally by external actors while the mediator should remain in full control. The mediator should mobilize to "influence disputants " with the help of external actors and check whether "these associates might be included or excluded from the negotiations in order to induce settlement" (Moore 388).

Gen. Sumbeiywo managed external actors' intervention during the CPA skilfully though did not bar the interaction with the parties or mediation fully but provided limited managed space for them to interact. The external actors accessed parties in the mediation process twice a week without affecting the process as witnessed by his advisor MR. Nicholas Fink Haysomr:

"The observers and envoys played a mixed role. The US representatives would pressure us (IGAD Peace Secretariat) because they too were under real pressure to deliver because of US domestic politics but we also needed them and worked with them. They applied vital leverage. At times the parties would ask us to 'liberate' them from the various envoys in attendance yet at the same time of course they were arranging their own bilateral meetings with them" (Young 2006: 30).

The parties thrive on ownership of processes, identification of agenda and framing issues but with no despite lost opportunity they may claim to have made progress on their own after they asked the mediators to allow them an opportunity to negotiate on their own. The major stumbling block is the assessment of the way forward, the parties read the situation as addressing their own internal SPLM conflict while the mediators' assessments is not only to the root-causes within the party but ensuring a solution that addresses issues of governance and leadership.

Many analysts stated that IGAD's intervention failed to yield results in last (14) months of mediation triggering new position of inclusion of more actors, (5) representing different regions of Africa in addition to representatives of the Troika, China and both the AU and UN.

IGAD's failure to allow space for inclusivity in addition to parties to freely converse with one another at their own during past mediation life span without any control is largely condemned among South Sudan's society. It has been observed that the only success achieved by the parties though negotiation after first round was in Bahr Dar in 2014. Such progress was attributed to the demands of the parties to be allowed space to directly engage.

11. Role of the AU

The proximity gave IGAD the advantage of taking lead on South Sudan mediation, yet the AU maintained a role in the overall ownership of an African problem within the African continental framework. The unspoken arrangement was that IGAD takes the lead in facilitating a political solution through mediation while the AU takes on the issues of providing protective space in international arena while it tackles accountability related matters in nature such as Justice and investigating the alleged atrocities and human rights violations.

The responsibility on matters of international peace and security lies on the UNSC, however at the AU continued as part of its complementarity with the UN to play a vital role through its Security Council providing guidance and management of conflict on African conflicts. AU's overall responsibility on matters of peace and security in Africa demanded that IGAD reports the progress, hinderers and challenges to the AU Peace and Security Council which it continue to do in implementation to the principle of subsidiarity where RECs play vital roles as building blocks of the AU.

The AU in the case of current conflict in South Sudan took lead to investigate the alleged atrocities and violations of human rights. However, its role is complementary as the report was held by the

AUSC and not released as leverage on the parties to achieve a mediated settlement as well to avoid polarization of the parties and hardening their positions more in case no agreement is reached.

AU encourages the complementarity between RECs and its structures as well attempting solutions to African problems through its mechanism. South Sudan case is unique in a sense that the parties accepted IGADs' mediation while maintaining the AU as the next level of reporting and seeking remedies while in cases of conflict in Sudan's Darfur, Nuba Mountains and Blue Nile in addition to political dialogue, the AU took the lead with support from IGAD with symbolic presence in the presence.

Nonetheless, with the mounting discomfort of the deteriorating situation on the ground the IGAD role was strengthened with what became known as the IGAD plus where the (5) regions of Africa are represented by the decision of the AUSC namely Algeria, Chad, Nigeria, Rwanda and South Africa in addition to other partners; Troika and China.

The role to be played by the IGAD plus is still subject of on-going consultations between the Special Envoys and the parties to the conflict in addition to IGAD member states and the intended countries to be represented.

12. Role of the EU

The European Union (EU) continues to support the process financially as it did in the first peace mediation led by IGAD from 1993 – 2005. EU as well has established with IGAD the IGAD Partners Forum that is chaired by Italy and represents the group of friends to mediation and source for IGAD mediators to seek leverage from.

The EU's interests in the region and IGAD's process is related to the fact that EU is represented by "same colonial powers who had once competed over North-East Africa at the end of the 19th century" and such peace and stability in the region falls under their scope in their bigger efforts bringing aid and development (Hamid, 3).

Though the EU did not want to be treated as outsider when it came to the peace process due to the fact that it funded the process, other reason was its projection of this relationship as it "It met frequently to discuss ways to boost the "friendship" – or put another way, strengthen the "partnership" (ibid).

In the current crisis of South Sudan, EU's role continued as a financier to the mediation process led by IGAD yet, it developed its own positions towards addressing the conflict while channelling them via the mediation as it categorises its role "the EU's efforts, including those of its Special Representative for the Horn of Africa Alexander Rondos, are coordinated with, and complementary to this united international effort" (EU Fact Sheet No. 140710/01).

The new EU stand is much illustrated by the statement of the 28 members on the crisis of South Sudan ""The European Union is determined to do everything possible to avert further suffering of the people of South Sudan" (EU Declaration On South Sudan, Press 394, Brussels, 10 July 2014).

The EU challenges the parties to address this conflict seriously and engage towards achieving an end to the violence "It is now time for the South Sudanese leaders to rise to the challenge and start negotiating in good faith towards a peaceful, equitable and sustainable solution" (Ibid).

European seriousness about contributing positively to ending the violence took to another level when it started imposing sanctions "two persons responsible for violating the ceasefire agreement will be targeted with a travel ban and a freeze of their assets in the European Union" (ibid). The two sanctioned individuals were reported to be Maj. Gen. Santino Deng, Commander of Third Division of the SPLA and Peter Gadet who was described as the leader of the anti-government Nuer militia (Sudan Tribune July 10, 2014).

The EU engagement goes parallel levels in case of pushing for a negotiated settlement while in the other hand imposing sanctions "targeted measures against individuals responsible for obstructing the peace process, breaching the cease- fire agreement and having committed egregious human rights violations". The sanctions extend to the country as well to "same time, an existing arms embargo against South Sudan will remain in place" (EU Fact Sheets).

The EU role in the IGAD led mediation can be summarise as it offers support using leverage both sanctions and benefits attaining peace in addition to financing the process " Supporting IGAD in its efforts to mediate between the warring parties and broker a peaceful solution to the conflict. €1.1 million have been mobilized from the EU's African Peace Facility to allow IGAD to set up a platform for peace talks and provide initial funding to a monitoring and verification mechanism" while promised to mobilize addition €45 million fund for European Development Fund (EDF) "to strengthen the EU response to the humanitarian crisis" (ibid).

13. Role of the UN

The UN has no direct role in the mediation process as an external actor, yet it has huge presence on the ground in South Sudan through its mission in country (UNMISS), which superseded the conflict.

The relations between the GoSS and the UN deteriorated at early stages of the conflict when (13) UNMISS tracks transporting weapons manifested as building materials were uncovered. “The weapons were packed in crates whose labels said they contained food rations. Under the terms of its agreement with South Sudan, the U.N. is only allowed to ship its peacekeepers weapons by air, not by land” (Foreign Policy March 18, 2014)

The UN admitted its responsibility and the mistake of non-adherent to the Standard of Forces Agreement (SOFA) and “the weapons seized were claimed to belong to Ghanaian peacekeepers but the cargo wrongly labelled” (African Globe March 19, 2014) “containers were wrongly labelled and inadvertently contained weapons and ammunition” (UNMISS statement on the seizer of weapons March 6, 2014).

The GoSS and the general public in South Sudan accused UNMISS of housing in protection camps elements of pro-Machar rebels and in some occasion’s white army militia members within its protection sites (AC 2 May 2014, Vol 55 - N° 9: p. 2).

UNMISS’ role in South Sudan continues to expand with its vital civilian protection mandate where it house hundred of thousands of Internally Displaced Persons (IDPs) who are forced to take shelter either because of fighting or fearing retribution of other communities in relations to the current conflict.

It accepted responsibility over the violation of the Standard of Forces Agreement (SOFA) and apologised but still denied covering elements of rebellion within its protection, then conducted search for weapons among IDPs who sought protection in the camps and managed to uncover huge numbers of rifles and pistols though refused to surrender them to the security organs of the GoSS destroyed these weapons transparently in a present of its representative.

Though, the UN HQs expressed an apology and was able to dispatch a high level team to investigate the circumstances of the incident it issued a press statement ahead the arrival of the team and expressed “the United Nations Mission in South Sudan (UNMISS) is looking forward to being able to conduct this investigation in full transparency and collaboration with the authorities of South Sudan, and allow the Mission to clarify the circumstances of this unfortunate incident, ensure that it

will not happen again, and defuse any misunderstanding between the United Nations and the Government of South Sudan" (Sudan Tribune March 12, 2014)

The implications of this serious incident created difficult relations where mounting distrusts by the parties to the conflict of assigning a role to the UN on Monitoring and Verification Mechanism (MVM) established by the Secession of Hostilities Agreement signed on 23 Jan 2015.

The UN mission in South Sudan continues to provide logistic to the MVM in their deliverance of mandate "to protect civilians and provide humanitarian relief wherever possible" (EU Fact Sheet on South Sudan).

The UNSC tries to play its leverage role through threatening targeted sanctions against people it may name as spoilers or obstructing peace. Despite the mixed reactions on which the sanctions were received and the regional and national rejection of even a wider arms embargo, it remained an attempt to skilfully engage in ending the crisis through backing African Unions efforts as well IGAD led process.

14.1 Findings:

The following are findings of this question of role of external actors on a mediated peaceful settlement and the impact on the process.

14. 1 Lack of ownership;

The question of ownership of the agreement by the people of South Sudan is a pertaining question as the consensus currently in the country is driving towards a locally generated solution. The fear of the mediated settlement by external actors relates to issues of not understanding the root-causes of the conflict in addition to having international agendas of utilizing experiences of foreign tribunal that prolong the process of attaining justice and widely viewed to become political tools for alienation of opponents.

The ownership has been a major point where the Parties to the conflict felt they are bound to entertain the style and interests of the mediators as well external actors who are in vicinity of the talks working on advancing their interests. The prolongation of the process with no break through created frustration by South Sudanese societies both at home and diaspora while it created realisation by church groups and civil society groups as expressed by

Reverend Bernard Suwa, secretary-general of the Committee for National Healing, Peace and Reconciliation (CNHPR) stressing the importance of ownership:

“There was also a realization that the problems of South Sudan must be worked out by the South Sudanese themselves.” (Anjli Parrin, p.1)

14.2 Competing forums:

Multiplicity of external actors in a peace process provides grounds for dissatisfaction with forum and tendency to creating competing forums. In South Sudan case, the Intra-Party forum was meant to address the conflict though providing an open environment to share expertise from similar partner political parties to the SPLM that share historical relations and mentor privileges.

Despite the success attained through the Arusha process hosted by Chama Chama of Tanzania on Feb 2015, this forum was perceived to be competing with the IGAD forum. Despite that the Parties were dragging their feet on the implementation of the decision of unification of the Party as agreed among the factions in Arusha, the armed opposition renegaded from committing to the Agreement.

Though Arusha itself is a foreign effort by external actor, it was widely welcomed positively within the country and in the diaspora as it provided an atmosphere for internal interaction within the country to resolve the conflict within the ranks of the SPLM. Therefore, it was viewed to be an external forum that provides a space for a locally generated solution.

14.3 Quality of Peace Agreement:

The very notion of external actors' intervention defeats the purpose once the entire process achieves its objective and a deal is reached. The role of external actors need to be balance in providing support and using both the carrot and stick skilfully, yet the moment the external interests drive the process chances of a viable negotiated settlement starts to diminish.

While a mediated settlement is achieved by power of persuasion with muscles or forced on the parties, the agreement may look terrific and able to address what the external actors may perceived to structural causes of conflict yet it may fail to drive a real resolution of conflict.

The actual knowledge of the root causes lies with the parties, and therefore the mediation process should help them identify the issues and work on changing their behaviours and attitudes towards resolving the conflicts by themselves and taking ownership in order to avail a quality settlement and smooth implementation.

It is important to highlight that despite of conflicting interests of the various actors a coordinated approach is important for a unified position which paves a road for settlement of the dispute as the literature suggests “the international community must be united in its will to settle the conflict” (Svensson et al 2010: 41).

The external actor’s intervention in the current process continues to push for peace by all cost undermining the quality of the peace it may achieve. A bad agreement is likely due to the trends seen so far where the parties dispute and question the documents brought before them claiming that were not negotiated or directly agreed upon by the parties implying that the mediation process follows “take it or leave it approach” which was out rightly rejected by either party different in accordance with content (August 25, 2014 Protocol as example).

14.4 Mediation failure:

The conflict of interests between a process driven by money payers “donors” may conflict with either side as they may pursue “national” agendas that conflict completely with foreign driven or conceived ideas of “quick fix settlement”.

The Government of South Sudan’s declared position is a settlement that would not be viewed as rewarding rebellion given its fragility and flourishing business of rebellions in its territory with the presence of ready supporters among its neighbours. The opposition’s interests to “regime change” may not be totally acceptable to the other side, while a military solution is not the best option. However, foreign actors and specially the Troika are accused by the Government to have been partisan and pursuing “regime change” agenda (Mackuei 2014).

The armed opposition on the other side finds difficulty to deal with Uganda as one of the mediators at least at the Summit levels as well as its allies such as the GoS. Uganda has been open in its support to what it terms the “the legitimately elected government” in South Sudan. IGAD on the other hand, has recognized and applauded the Ugandan military

presence in South Sudan (Communiqué 27 December 2013) though it came about as a result of a military cooperation agreement (Agreement between GoSS and GoU 2014).

Such distrusts amongst the parties on the role of some of the mediator's questions the possibilities of success or reaching a mediated settlement. This process in South Sudan is not entirely led by the envoys but by the highest body in IGAD's policy making which is the Summit of Heads of States and Governments that leads to influence of national security of each country on the process and running the risk of the difficulty of achieving consensus.

14.5 Polarisation among IGAD members

The difficulty of achieving consensus allows this situation of conflict and confrontation to continue and given the realities entrenched believes of mutual support to the rebels of the other side amongst IGAD member states it is likely that this conflict may polarise more.

The inability to flock together in a united approach delivers direct impact on the failure of mediated settlement or its implementation even when agreement is reached. It is necessary for the members to achieve harmony and settle their disputes separately before engaging in the matter of mediating a settlement on South Sudan crisis.

14.6 Contributing to non – evaluating mediation process

The external intervention of foreign actors driving the mediation process completely provides an atmosphere where the mediators are not accountable through the best practice to the parties and weakening the options of ownership.

The absence of accountability renders mediators not weary about achieving a negotiated settlement but pursue the interests of influential actors which supposedly not to drive the process. Whether through facilitation or manipulation the job of the mediator is to achieve a negotiated settlement in a form of an agreement that the parties own and implement.

The persistent dependant reliance on external actor's interests to drive the process may land the process at achieving a bad peace with no possibility of implementation or easy to relapse from to conflict.

14.7 Lost of control over the process:

Driven processes by the influence of external actors on mediation is basically leads to the mediator lost of full control over it as well damaging credibility before the parties. The donors are eager to influence the out-come in order to see a return on their investment while other external actors may be interested in their own interests while utilizing their intervention during the conflict as tool towards achieving them.

It is a duty of the mediator to ensure control over the process whether from the parties level or the external actors levels as Moore stated “the mediator exerts a specific degree of control over the sequences of negotiation and problem-solving steps and the management of individual agenda items” (Moore 382).

15. 8 None genuine peace agreements achieved:

Most of externally driven solutions a day are built on a wrong premise that power sharing resolve all disputes. Internationally community is vigilant to introduce in the nearest opportunity a quick fix solution that may not fit the actual conflict or close to addressing the actual structural causes of conflict.

Home-based solutions last and are easier to address the actual root causes as well can set the tone for reconciliation amongst communities. External enforced agreements tend to address the wrong needs and provide unproductive solutions neither the parties nor the communities are interested in.

A mediated settlement can be achieved when parties own up their responsibility of the chaos and aspire with genuine support to achieving a resolution of the conflict. Assuming knowledge of the actual causes of conflict without gearing the matter to the tone of both sides results in the external actor becoming partisan and their solutions reflect their support or stand of one of the conflicting parties rather than facilitating an amicable acceptable settlement that reflects a compromise of both parties.

15.9 Stalling mediation through sanctions

External actors are always quick to use their leverage to push a solution that they favour though both the threat and implementation of sanctions system. Sanctions could be targeting the state, specific institutions or individuals.

Sanctions are often produce more challenges as “the use or threat of sanctions or force might compel the parties to react to a settlement but it will be short-lived if they are not genuinely committed to it” (Nathan 1998:6).

Practices or theories of mediation show that interests of external actors differ than national interests and as such sanctions are not the best tools to enhance an achievement of a negotiated settlement as Kofi Anan illustrated that “they (mediators) should resist temptation for quick resolution and take enough time –often years- to communicate with local leaders, interest groups and organisations so that they can pin point a conflict’s underlining causes” (Anan 2010:12).

The position of the Government of South Sudan rejecting threats of sanctions was echoed by the representative of China in the UNSC that futile “no peace can be negotiated under threats of sanctions” (Sudan Tribune 2015).

16, Conclusion

The role of external actors in achieving a mediated settlement is vital but needs to be curved carefully in order to serve the purpose intended. The current peace process, and despite conflicting interests of various actors still a good ground for achieving a coherent and coordinated effort to salvage South Sudan from its egoistic politicians.

A nationally owned solution is better than an enforced solution that may not last or unable to produce peace and reconciliation agenda. The mediators are required to harness the good will and support of international community and use it to facilitate a solution by the parties towards their common good without prejudice or implying being more concerned for the people both sides represent.

South Sudan crisis elucidated the role external actors play both in magnifying the conflict, prolong it though support to the parties as well as confusing the mediation process with multiple or changing options that are not even own by the parties.

A peaceful mediated settlement of the current crisis is still possible, and requires all external actors including the mediator to pause and re-examine and consider the interests set by the

parties not from a higher moral ground or a patriarchy point of view but from genuine interest of achieving a peaceful resolution.

External actors role is vital for the parties to understand that not only their actions impact others apart from their citizens but the neighbours and the region but above all that many stakeholders have interests in preserving peace and stability.

The actors should ensure that their leverage is constructive and encourages the parties to achieve a good agreement that is implementable rather than making a mockery on the international community and rendering resources and efforts invested in the mediation wasted. The question ownership of a solution is important, and external actors need to desist from imported solutions, as contexts, history and local interests differ from environment to another. A quick-fix solution of power sharing may have worked in Northern Ireland but failed tremendously in Zimbabwe, with difficulties in Kenya but may never work in South Sudan.

As parties will to narrow differences among themselves, mediators should ensure the environment and the technical support if required, yet it should be understood that parties to a conflict know why the conflict erupted in the first place and they own both the keys for resolutions or complications a fact that can never be ignored regardless of the size of the carrot or stick a mediator and partners may threaten or use.

Inclusivity as best practice that may avoid complications over internal ownership needs to be achieved through consultation, building capacities of the parties to make the third group of political parties, CSOs and women groups that are not engaged in an armed conflict worthy opponents but not enemies. The stakeholders themselves need orientation on how to engage, negotiate their interests in an all-inclusive process, rather than being dragged into the tactics of the parties apportioning the cake of power.

Lastly, the impact of external actors in achieving a mediated settlement in the South Sudan crisis led by IGAD has been so far negative. The catch is that external actors including the mediator seem to have indulged themselves into pursuing solutions that address the crisis/conflict from their prospective not the parties.

Any solution that would not take into consideration the interest of the parties will not achieve any peaceful settlement. External actors may attempt to impose their best solutions but easily going to be discarded or turn to be short lived with re-occurrence of conflict. The parties should be equally assisted through facilitation and persuasion to resolve the conflict

without the mediator or partners attempting to force their versions of agreements or impose any solution that may favour one party against the other.

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