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College of Law and Governance Studies



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Master of Laws (LL.M) in Public International Law

The Role of IGAD in Managing Intra-State Conflicts

A thesis submitted for the partial fulfillment of the requirements of Master of Laws Degree (LL.M) in Public International Law at School of Law, College of Law and Governance Studies, Addis Ababa University.

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Declaration

I, Neway Girma Tadesse, do hereby declare that the thesis 'The Role of IGAD in Managing Intra-state Conflicts' is my original work and that it has not been submitted for any degree or examination in any other university. Whenever other sources are used or quoted, they have been duly acknowledged.

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Date.....

This thesis has been approved by board of examiners.

Examiners		Signature	Date
1.....	Advisor
2	Internal
3.....	External

Dedicated to:

My mother, Zerwork

Acknowledgment

First of all, I thank God, my Guider, for leading me on the right track, all the way I have moved from nowhere to somewhere in the process of doing this thesis.

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Abbreviations

AMISOM	African Union Mission in Somalia
AU	African Union
AUMISS	African Union Mission in South Sudan
AUPSC	African Union Peace and Security Council
CPA	Comprehensive Peace Agreement
CPA	Compromise Peace Agreement
EU	European Union
ICU	Islamic Courts of Unions
IGAD	Intergovernmental Authority on Development
IGAD +	IGAD + African Union (AU), UN, China, U.S., UK, European Union (EU) and Norway
IGADD	Intergovernmental Authority on Drought and Development
IGOs	Inter-Governmental Organizations
RECs	Regional Economic Communities
SPLM	Sudan People's Liberation Movement
SPLA	Sudan People's Liberation Army
SPLM/IO	Sudan People's Liberation Movement in Opposition
TFG	Transitional Federal Government
UK	United Kingdom
UN	United Nations
UNMISS	United Nations' Mission in South Sudan
UNPOS	United Nations' Political Office for Somalia
UNPSC	United Nations' Peace and Security Council
USA	United States of America

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CHAPTER ONE

1. Introduction

1.1. Background

Concern with the management of and resolution of civil wars (intra-state conflicts) probably dates back to the emergence of war itself.¹ However, both legal and theoretical framing of the responsibility of and the practice of managing war in general and intra-state conflicts in particular, has never been simple and easy task.² Journeys by states to do what is needed to resolve socio-economic and political crisis, both at home and overseas, have proved futile; they rather need concerted actions or efforts.³

When governments or other groups which are involved in armed conflicts operating within the sovereign territories of nations, willfully violate the security of their own civilians, and engage in intra-state conflicts, the international community reserves some right of multilateral intervention.⁴

Regional organizations are considered as significant not only by the member states that devote resources, political as well as diplomatic, to them but also by the United Nations⁵ and other governments and international organizations that fund these bodies or under whose legal frameworks such bodies operate.⁶

It was at the core of this mutual understanding amongst nations of the general norm and practice that the IGAD came into existence in 1995 as one of the eight sub-regional inter-governmental organizations or otherwise known as Regional Economic Communities (RECs)⁷, which are also

¹Anthony Wanis-St. John and Suzanne Ghais, International Conflict Resolution: From Practice to Knowledge and Back Again (2014), pp. 1-2.

²Dougherty and Pfaltzgraff, Hot Wars Last Short; the Cold Wars Seem Living (1996), p. 49.

³ Id. at pp. 71-83.

⁴ See Dougherty and Pfaltzgraff, *supra* note 2, at p.51.

⁵See UN Charter, *Infra* Note 13, art. 52; UNGA Res. A/Res/49/37, December 1994, Paras. 8 & 9; UN Secretary General, An Agenda for Peace, A/47/277, Paras. 60-64; UNSC Res. S/RES/1651/2005, Para. 3 and many other resolutions adopted in 2005, 2006, 2007 and 2008 in a bid to recognize and support efforts by regional organizations to resolve civil conflicts within their member countries.

⁶ Laurie Nathan, "The Peacemaking Effectiveness of Regional Organizations", *Global and regional Axes of Conflict*, Working Paper No. 81 (2010), pp. 3-4.

⁷ Abuja Treaty, Adopted on 3 June, 1991 (Abuja, Nigeria), art. 6(2(a)).

recognized under the African Union's Constitutive Act.⁸ The organizational structure of the Authority, however, was constituted in pursuit of ensuring peace and stability- a responsibility which was not considered by IGADD to the degree of concern the issue requires.⁹

The IGAD superseded the former Inter-Governmental Authority on Drought and Development (IGADD) which was established by seven nations in the sub-region, i.e., Ethiopia, Sudan, Kenya, Uganda, Somalia and Eritrea and Djibouti with an overriding purpose of tackling drought and desertification which afflicted the sub-region for centuries.¹⁰ Later on, however, the Authority's narrow initial scope was made to include other issues of mutual concern including peace and security which was, of course, sidelined by the task menu of its predecessor, IGADD.¹¹

⁸AU Constitutive Act, Adopted on 11 July 2000, entered into force in 2002, (Lomé, Togo), art. 5(2) and AUPSC Protocol, Adopted on 9 July, 2002, (Durban, South Africa) art. 16(2).

⁹Kidist Mulugeta, The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD (Unpublished) (2009), pp. 22-23; Memar Ayalew Demeke, "Conflict Resolution Responses of IGAD and AU to the Somalia Crisis", *International Journal of Political Science and Development* (2014), Vol. 2, No. 10, pp. 252-254 and Holley Hansen et al., Mediating Intra-state Conflicts: Regional vs. Global International Organizations (2002), p. 38.

¹⁰Taylor and Francis, "From Conflict to Concord: Regional Co-operation in the Horn of Africa": *Review of African Political Economy* (1994), Vol. 21, No. 59, p.93, available at <<http://www.jstor.org/page/info/about/policies/terms.jsp>>, last accessed on 21/09/2017; Eva-Maria Bruchhause and Monika M. Sommer (ed), Hotspot Horn of Africa Revised: Approaches to Make Sense of Conflict (2009), pp. 4-6 and Negussay Ayale, "A Brief Profiles of War in the Horn of Africa", in *North East African Studies* (1984), Vol. 6, No. 2, p. 6 and Koko,S., 'Whose Responsibility to Protect? Reflection on the Dynamics of an 'Abandoned Disorder' in Somalia', in *Conflict Prevention and the 'Responsibility to Protect'*, *African Security Review* (2007), Vol 16 No 3, p. Available at: <<http://www.gsdr.org/document-library/whose-responsibility-to-protect-reflection-on-the-dynamics-of-an-abandoned-disorder-in-somalia/>>; <https://www.files.ethz.ch/isn/28242/b019_sudan_dual_crises_refocusing_on_igad.pdf><https://www.files.ethz.ch/isn/188252/ISN_169206_en.pdf> last accessed on 17/06/2017.

¹¹ Alexandra Magnolia Dias (ed.), *States and Societal Challenges in the Horn of Africa: Conflict in the Processes of States Formation, Reconfiguration and Disintegration* (2013), pp. 59-61; Kidist Mulugeta, the Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD (2009), p. 26 and Moses Onyango, Regionalism And Conflict Resolution In The Horn Of Africa: The Role Of Inter- Governmental Authority On Development In The Sudanese Civil War (2002), p.2.

As the principal political inter-governmental organization in the Horn of Africa, a sub-region long known to be one of the worst conflict-hit parts of Africa,¹² the Authority carries, *inter alia*, a mandate to manage intra-state conflicts in the sub-region.¹³

It is a part of this historic mission that the Authority was entrusted with the responsibility to bring to an ending 2005 the longest civil wars in Sudan by mediating the Sudan's government and Southerners led by the South Sudanese People's Movement (SPLM) reaching the Comprehensive Peace Agreement (CPA) and in Somalia, though the latter is still not fully addressed.¹⁴

The Authority has also been persevering to mediate the South Sudanese warring groups since the conflict broke out in December 2013 between forces loyal to President Salva Kiir and Riek Machar.

The Sudan people's Liberation Movement-in Opposition (SPLM-IO, also known as the Anti-Governmental Forces (AGF) is the main South Sudanese opposition party and rebel group that split from the Sudan People's Liberation Movement on 15 December 2013 due to political tension between president Salva Kiir and the former vice president Riek Machar over alleged leadership feuds.¹⁵

¹² The Horn of Africa region is one of the most conflict-prone areas in the world. Most of the problems of peace and governance are linked to the history, culture and conduct of the regional security systems. However, efforts to reform them have proved difficult. Policy and organizational transformation is regarded as a threatening process and gives rise to resistance and conflict. Inertia and confusion are inevitable where security services officials are expected to implement new policies that are at odds with their training, experience and world view. See also Tadesse, M., 2007, 'Overcoming Challenges for Security Sector Reform in the Horn of Africa', in Len le Roux and Yemane Kidane (eds), Challenges to Security Sector Reform in the Horn of Africa, Monograph No 135, Institute for Security Studies, Pretoria Also available at: <<http://www.gsdr.org/document-library/overcoming-challenges-for-security-sector-reform-in-the-horn-of-africa>> last accessed on 11/03/2017 at 9:50 GMT.

¹³ Agreement Establishing IGAD, Adopted on 21 March, 1996, art. 6; UN Charter, Adopted on 26 June 1945, entered into force on 24 October 1945, art. 53; AU Constitutive Act, Adopted on 11 July 2000, entered into force in 2002, art. 5; Treaty Establishing the African Economic Community, Adopted on June, 1991 (Abuja Nigeria), art. 16 and AU Protocol Relating to the Establishment of the Peace and Security Council of the African Union Adopted in July, 2002 (Durban, South Africa), arts. 5 and 6.

¹⁴ Ipinmoye Ayodele Olu and Saleh Dauda, "REGIONAL INTEGRATION IN AFRICA: THE CHALLENGES AND ACHIEVEMENTS OF INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD)," *International Journal of Multidisciplinary Research and Modern Education (IJMRME)* (2015), Vol. 1, No 2, pp. 1-3.

¹⁵ Niels Kastfelt (ed), Religion and African Civil Wars (2005), p. 28. "South Sudanese army abandons positions in Jonglei: rebel spokesperson – Sudan Tribune: Plural News and Views on Sudan". Retrieved on 04/22/2017, at 22:35 GMT and "South Sudan opposition head RiekMachar denies coup bid". BBC News. 18 December 201. Retrieved on 04/22/2017, at 22:41 GMT.

The Authority has been trying to resolve the civil conflict immediately after its inception. But sadly enough, almost all neighboring countries have since then been supporting either side, i.e., government forces or forces loyal to Riek Machar and other armed opposition factions both diplomatically and militarily.¹⁶

1.2. Statement of the Problem

As it has been discussed under the *background of the study*, one of the cardinal objectives and principles of the IGAD is to ensure peace and stability of the Horn of Africa. This mandate of resolving intra-state conflicts has been undertaken either as an element of the general framework of ensuring the safety of the people of the sub-region, out of political commitments of the Authority or as a legal mandate conferred on the Authority: first, by its own Establishment Document; second, by the Constitutive Act of the African Union and its organs and lastly, by the Charter of the United Nations.

Bestowing the mandate of managing intra-state conflicts on regional intergovernmental organizations is an extension of call for and response to global cooperation to ensuring peace and stability for the entire humanity reiterated by the UN Charter, Constitutive Act of the African Union, Protocol Establishing the African Union Peace and Security Architecture, Abuja Treaty Establishing the Regional Economic Communities and other treaties establishing regional and sub-regional IGOs.

IGAD, mainly after it superseded IGADD, has become keenly active in carrying out the mission of managing intra-state conflicts in the Horn of Africa. Civil conflicts in Sudan, Somalia and South Sudan are typical situations proving this fact.

But all the intra-state conflicts' management efforts by the Authority have not yet got the chance to be told as a "success story"; rather, many ended up in failure due to various factors rooted in the age-old culture of undemocratic regimes, lack of transparency, rule of law and absence of good governance in the local socio-economic and political sphere of member countries.

¹⁶Koos, Carlo; Gutschke, Thea (2014). "South Sudan's Newest War: When Two Old Men Divide a Nation". GIGA Focus International Edition (2). Retrieved on 04/22/2017, at 13:07 GMT.

There are arguments propounded by some authors as to the fact that IGAD has failed to live up to the expectation of the communities of the Horn of Africa and, of course, the Authority failed to meet its objectives and principles on intra-state conflicts. These authors claim that the failures happen because of the presence of multifaceted factors emanating from both within and outside of the Authority.

They even went further to provide a show case where it has been witnessed that IGAD failed in the process of resolving the civil conflicts Sudan, Somalia and South Sudan. These efforts by the Authority are major phenomenon where there existed lots of national interests of member countries of the Authority making their ways into the actual mediation efforts.

On the other hand, some writers assert that the Authority has only limited political mandate to manage intra-state conflicts. This group claims the Authority has succeeded in bringing peace and stability in Sudan, relative peace is also being registered in Somalia and the undergoing effort to resolve the South Sudan's civil war is registering significant records of success and promise.

Those people insisting that IGAD is on good track, in terms of its conflict resolution efforts, try to assert IGAD is receiving a scapegoat treatment, mainly because the protracted conflicts which are not successfully addressed in the sub-region are attributable to factors, which are mainly attributable to domestic scenarios within which such conflicts are happening.

It is this particular scenario that triggers the researcher to develop genuine interest to search for whether or not the Authority has legal mandate to manage intra-state conflicts occasioning in the Horn of Africa and if there are challenges that the Authority has been facing, because of which it failed to resolve intra-state conflicts to the width and depth the concern requires.

1.3. Objective of the study

1.3.1. General Objective

The overall objective of this thesis is to assess the Authority's legal mandate to manage intra-state conflicts in its member countries and to explore challenges, both within and outside of the Authority hampering the conflict resolution efforts.

1.3.2. Specific Objectives

The thesis will have the following special objectives:

1. To examine the legal mandate of the Authority to manage intra-states conflicts;
2. To explore challenges both within and outside of the Authority which hamper the intra-state conflict resolution effort;
3. To analyze the effort of IGAD to resolve the Sudan's, Somalia's and South Sudan's intra-state conflicts and
4. To analyze the successes and failures, if any, IGAD registered and encountered in its effort to resolve the civil war.

1.4. Research Questions

This thesis aims to address the following questions:

1. Does the Authority have legal mandate to manage intra-state conflicts?
2. What have been the challenges, if any, IGAD has faced, in its intra-state conflict resolution efforts?
3. Have there been efforts IGAD put forth to resolve the Sudan's, Somalia's and South Sudan's civil war? And has the effort borne any success?

1.5. Significance of the study

The researcher hopes the thesis will be quite significant to the policy makers of the Authority by discussing the nature of intra-state conflicts, their causes and effects in general so that they can make informed and dependable decisions, if not an acrobatic twist in the dynamics of the peace-making process and it will be serving as a stepping board to future researchers to dive deep into the ocean of the only-little-tapped knowledge and wisdom of the Horn of Africa, particularly in the area of intra-state conflicts which the thesis is trying to unfold. The researcher also hoped the thesis will also be helping to complement the existing literatures as well as serving as a reference for future readers and researchers.

1.6. Research Methodology

As the thesis involves the study of intra-state conflict resolutions efforts by Authority, as an overarching political organization in the Horn of Africa, will eventually rely on both legal and political documents: treaties, protocols, recommendations and other jurisprudential instruments will be referenced as sources of intra-state conflict resolution mandate of the Authority. In this typical scenario, greater emphasis will be put on treaties and protocols. Furthermore, the thesis will also benefit from discussions on political documents; as political statements, historical materials, peace studies, communiqués made after meetings by different bodies of the Authority,

with special emphasis on outcomes of meetings of Heads of States and Governments (the Assembly). The thesis, as a study in international law, will emphasize on legal documents, as supporting doctrinal methods of data collection; but this particular endeavor will ultimately be supported by political documents as highlighted above, for these documents are or, at least meant to be, the reflections of aspirations held by the legal instruments.

The research will also benefit from discussions of authorities as books, journals, articles, news reports, and reports from human-rights and humanitarian organizations.

1.7. Limitation of the study

Limitations of the study will be: first, as the researcher has been pursuing the study, being a full time worker, there will not be ample time to conduct interview with prominent experts and professionals who have experience in the area of the study; second, on behalf of the researcher, frankly stating, there is an apparent lack of in-depth insight and understanding about the general politico-economic operations of Authority and this will, of course, be another limitation; lastly, lack of previous experience in the area of research, will definitely remain to be another, but still, a formidable challenge.

1.8. Scope of the study

The thesis will only be confined to analyzing the role of the Authority in managing intra-state conflicts since 1996 until 2017, in the Horn of Africa.

1.9. Organization of the Thesis

This thesis will be composed of five chapters: this very chapter has already discussed the general background of the research, problem of the study, the research questions, general objectives, and specific objectives, scope of the study, limitations of the study and methodology of the study. The second chapter is discussing organizational structure of the Authority: its establishment, function, structure, objectives, principles, and the mandate of the Authority to manage intra-state conflicts. The third chapter will be devoted to discussing the meaning and nature of intra-state conflicts, their causes, characters and impacts, theories proposed on the possible causes of intra-state conflicts, The fourth chapter will be devoted to discussing the role of the Authority in managing intra-state or otherwise termed as, civil conflicts in the Horn of Africa. This chapter will be devoted to discuss intra-state conflicts in Somalia, Sudan, and South Sudan and their corresponding peace-resolution

efforts together with their success levels. The fifth chapter will be providing conclusions only on the basis of the findings under the preceding chapters.

CHAPTER TWO

2. IGAD¹⁷ and its Mandate in Conflict Resolution

2.1. Establishment

IGAD, hereafter referred to as the “*Authority*,” was established in 1996,¹⁸ superseding the IGADD, which was established in 1986,¹⁹ as a part of an effort by the countries of the Horn of Africa,²⁰ namely: Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda, the ever-drought afflicted countries to harness and amass cooperative schemes, resources and political wills to tackle centuries-lived environmental hazards, mainly revealing themselves in the form of periodic drought, famine and seemingly boundless environmental degradations.²¹ The state of Eritrea was later admitted as the seventh member of the Authority at the fourth Summit of Heads of States and Governments in September 1993, in Addis Ababa, Ethiopia.²² South Sudan was admitted as the

¹⁷The intergovernmental Authority on Development (IGAD) was created in 1996 to supersede the Intergovernmental Authority on Drought and Development (IGADD) which was founded in 1986. The eight members of IGAD- Ethiopia, Sudan, Djibouti, Kenya, Uganda, Eritrea, Somali and South Sudan- cover an area of approximately 5.85 million sq. km and have a population of more than 190 million. The IGAD is very rich culturally due to its numerous ethnic groups, languages and religions. The average population growth rate of 2.6% is one of the highest in the world and nearly half of the population is under the age of 14 years. The region is highly affected by both internal and external conflicts; therefore, the joint effort amongst IGAD members to ensure peace and stability in the region is essential. This very quest for ensuring peace in the Horn of Africa was the key triggering factor to transforming IGADD in to IGAD as the former had been overwhelmingly preoccupied by drought-environment-food security cooperation schemes rather than security related issues.(source- compiled by the author) and available at:www.igadregion.org

¹⁸Salley Healy, *Peacemaking in the Midst of War: An Assessment of IGAD’s Contribution to Regional Security in the Horn of Africa*, (2009), p. 1; also available at: http://www.operationspaix.net/DATA/DOCUMENT/4530~v~The_Peacemaking_Effectiveness_of_Regional_Organisations.pdf, last accessed on 30/03/2017.

¹⁹Agreement Establishing the Inter-Governmental Authority on Development (IGAD), IGAD/SUM-96/AGRe-Doc, Pre. Para. 1, which is also available at: www.igadregion.org; Sally Healy, *Peace Keeping in the Midst of War: An Assessment of IGAD’s Contribution to Regional Security*, (2009), p.1 and also available at:<http://eprints.lse.ac.uk/28482/1/WP59.2.pdf>,> last accessed on 25 April 2017 at 16:35 GMT; Ipinmoye Ayodele Olu and Saleh Dauda, “Regional Integration in Africa: The Challenges and Achievements of Intergovernmental Authority on Development,” *International Journal of Multidisciplinary Research and Modern Education* (2015), Vol 1, No. 2, p. 134 and Memar Ayalew Demeke, “Conflict Resolution Responses of IGAD the AU to the Somalia Crises,” *International Journal of Political Science and Development*, Vol. 2, Issue 10 (2014), pp. 252-253.

²⁰“The Horn of Africa is a peninsula in East Africa comprising Eritrea, Djibouti, Ethiopia and Somalia, and some authors would also include Sudan and South Sudan. These countries, together with Uganda and Kenya, form the Intergovernmental Authority for Development (IGAD). The region is characterized by a history of conflict, poverty and drought and the lack of a clear hegemonic player.” See also Alexandria, *supra* note 9, p. 65.

²¹Memar Ayalew, “Conflict Resolution Responses of IGAD and AU to the Somalia Crisis”, *International Journal of Political Science and Development*, Vol. 2, Issue 10 (2014), p. 252. Also available at: <http://www.academicresearchjournals.org/IJPSD/Index.html>> last accessed on 5/17/2017 at 9:19 AM.

²²See IGAD, *supra* note 17.

last member of the sub-regional in 2012,²³ only a year after winning her independence in July 2011²⁴, making the total number of members of the Authority, eight.²⁵

2.2. What is the Overall Purpose of IGAD?

The UN Charter, apart from bestowing the responsibility of maintenance of international peace and security on the Security Council (UNSC), has also bestowed the same responsibility on regional arrangements and agencies.²⁶

The contribution of African Regional Mechanisms, amongst which IGAD is one, for conflict prevention, management and resolution in the maintenance and promotion of peace, security and stability on the continent of Africa in general, and the Horn of Africa in particular, is also recognized under the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (AUPSC).²⁷

Owing to the very complicated and contagious nature of civil conflicts, resolution of the same is well pursued to be achieved through cooperative schemes and multi-national political forums.²⁸

At its establishment in 1986, IGADD was originally conceived to coordinate the efforts of its member states to combat drought, famine and desertification, which became exponentially clearer and clearer as seasons tick past, that the Authority provided regular forum to assess and design strategies to tackle these overwhelmingly acute issues in the Horn of Africa.²⁹ Apart from those primarily mandated responsibilities as managing periodic drought, famines, expansion of environmental degradations, bringing socio-economic integrations through better enhanced cooperation and mutual understandings amongst member states,³⁰ later on, in 1996, IGADD was transformed in to IGAD with a renewed ambition to achieve peace, stability and regional

²³ The United Nations General Assembly accepted the Republic of South Sudan on 25 August 2011, as its latest and newest member, a month later than the nation became independent, following recommendation from the Security Council on 13 July 2011; see at UNGA, A/RES/35/308 and A/65/900-S/2011/418. It is surprising that IGAD delayed the admission process from the UN did.

²⁴ See at: Geohive, 2015; Central Intelligence Agency Fact book, 2015; South Sudan National Bureau of Statistics, 2012, International Committee of the Red Cross, 2012.

²⁵ Available at: <www.igadregion.org>, last accessed on 30/3/2017.

²⁶ See the UN Charter *supra* note 13 and see AUPSC, *supra* note 9, Para. 5.

²⁷ See at AUPSC, *supra* note 6, Para. 6 and art. 16 (1).

²⁸ *Id.*, para. 9.

²⁹ *Ibid.*

³⁰ See Ipinmoye and Sally, *supra* note 14.

integration among its member states.³¹ It has long been established that one of the most striking developments in regionalism over the past decades is the rise in regional mechanisms and schemes with a remit to facilitate and mediate disputes, both interstate and intra-state pertaining to human rights and mass atrocities happening in their member states or beyond.³²

2.3. Norms- What are the Guiding Principles of IGAD?

As per article 6A from sub articles “a” to “f” of the Agreement Establishing IGAD, the member countries commit themselves to the following principles:³³ And these principles are six in number which are practical guide to harmonize the general as well as special functioning of the Authority.

- a. The sovereign equality of all member states. This principle is one of major principles in the international bodies of laws and politics as the UN Charter³⁴, the AU Constitutive Act³⁵ and Protocol Relating to the Establishment of the Peace and Security Council of the African Union³⁶ recognize the same principle.
- b. “None interference in the internal affairs of member states,” which is a corollary to the preceding principle is also one of the guiding principles listed in the Agreement. Likewise, to the above principle, this principle has also gotten recognition under the UN Charter³⁷, the AU Constitutive Act³⁸ and Protocol Relating to the Establishment of the Peace and Security Council of the African Union.³⁹
- c. “The peaceful settlements of inter-state and intra-state conflicts through dialogue.” Despite the fact that the above stated other international organizations condone for peaceful settlement of disputes, this very principle, however clearly states which conflicts type are meant to be addressed peacefully, both inter-state and intra-state conflicts. Intra-state conflicts fall within the ambit of conflict in general and hence making the same one of the security-related concerns of the Authority; even an issue triggering the reformation of the Authority in 1996.

³¹ Ibid and IGAD, at *supra* note 7.

³² Karen J. Alter and Liesbet Hooghe, Regional Dispute Settlement System, in Tanja A. Borzel/Thomas Risse (eds.), Oxford handbook of Comparative Regionalism (Oxford: Oxford University Press. 2016), P.538.

³³ See the Agreement Establishing IGAD, article 6A.

³⁴ See UN Charter, *supra* note 11, art. 2 (1).

³⁵ See AU Constitutive, *supra* note 6, art. 4 (a).

³⁶ See AUPSC protocol, *supra* note 6 art. 4 (e).

³⁷ See UN Charter, *supra* note 11, art. 2 (4 & 7).

³⁸ See AU Constitutive Act, *supra* note 6, art. 4 (g).

³⁹ See AUPSC Protocol, *supra* note 6, art. 4 (f).

- d. “Maintenance of regional peace, stability and security.” IGAD has made its path clear by indicating that its main objective is maintaining peace and stability in the region of the Horn of Africa.
- e. “Mutual and equitable sharing of benefits accruing from cooperation under the agreement.” This principle appears to be new to the IGAD as it is not available, at least in its verbal form, in other documents establishing international organizations like UN and AU.⁴⁰
- f. “Recognition, promotion and protection of human and people’s rights in accordance with the provisions of the African Charter on Human and People’s Rights” This is a principle well recognized under the UN Charter and article 4 (m) of the AU Constitutive Act.

2.4. Objectives of IGAD

The Intergovernmental Authority on Development (IGAD) was established in 1996 by countries in the eastern part of Africa.⁴¹ The Organization’s main strategic objectives are geared towards alleviating the recurrent problems of drought, famine and desertification; development, resolving conflicts and maintaining peace within the region.⁴² The issues of these and other similar problems pervading, virtually all spheres of lives of the sub-region are quite germane.⁴³ Though the entire continent has long been known to these natural and man-crafted problems, the Horn of Africa seems the highest hit by these drastic phenomena.⁴⁴ The worst scenarios, streaming from problems confronted by the region always supersede the available resources to handle the same,⁴⁵ leading to suffering and deprivation for the great majority of the people. It is at this stark juncture that IGADD/D came to light carrying noble objectives of tackling persistent and severe drought, famine, environmental degradations, protracted conflicts of all types-intra-state, interstate and minor ones in the region.⁴⁶

⁴⁰ Neither the Charter of the UN, nor the Constitutive Act of the AU clearly express about mutual and equitable sharing of benefit which might be reaped from the cooperative engagements, including in the areas of peace and security; rather, both documents outlined the importance of international cooperation with regard to ensuring peace and security.

⁴¹ See Ipimoye and Saleh, *supra* note 14, p. 135 and see IGAD, *supra* note 7, Pre. Para. 9, arts. 6 (c & d), 7(g).

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

2.5. Members of IGAD

Membership to IGAD cuts across the Horn of African states. They are eight in number and namely: The Federal Democratic Republic of Ethiopia, the Republic of Djibouti, the Republic of Kenya, the Republic of Somalia, the Republic of Sudan, the Republic of Uganda (which are all founding members, 1986) and the state of Eritrea and the Republic of South Sudan (admitted in 1993 and 2012 respectively).⁴⁷

2.6. Missions and Vision of IGAD

The mission of the IGAD was to help with supplying food, protecting the environment, and to maintain peace and security.⁴⁸ It also works to develop and institute effective policies in social, technological a scientific fields. The Authority forms policies for trade, transport, along with many other projects and programs that would better transform the livelihood of peoples of the region to a decent level from where it's long known to be abjectly impoverished and chaotic.⁴⁹

IGAD also aspires and works on establishing free trade area movement of people throughout the region, as a part of its undertaking as one of the eight building blocks of AU as stressed under the Abuja Treaty of 1991.⁵⁰ IGAD also starts up and promote programs for food security and environmental protection to work against drought and also it perseveres to create harmonious living environment.⁵¹

The Goal of IGAD is to ensure the peoples of the Horn of Africa who are experiencing problems due to natural disasters as drought, famine, flooding, desertification, conflicts and other socio-economic and political problems, have economic security and safety.⁵² Ensuring food security, and maintaining peace and stability are the most prominent goals that IGAD has been working on since its inception.⁵³

⁴⁷ See at: <www.igadregion.org> and membership is open only to African states in the sub-region which subscribe to the principles, aims ns objectives enshrined in the Agreement Establishing IGAD of 1996 as stipulated under article 1A, paragraph two of the same document.

⁴⁸ Ipimoye and Saleh at *supra* note 14, pp. 135-136.

⁴⁹ Ibid.

⁵⁰ The Abuja treaty together with its protocol were concluded in 1991, which came in to force in 1994, between AU member countries to establish and recognize eight regional blocks or otherwise known as Regional Economic Communities (RECs), which are also building blocks of the AU. The economic and political integration Africans hope to achieve in 2030, as foresought by the Pan Africanism, is mainly meant to be realized by the instrumentality of these RECs.

⁵¹ Ipimoye and Saleh, *supra* note14, p. 135.

⁵² Ibid.

⁵³ Ibid.

As enunciated by the Secretariat of IGAD (2001), the Authority's vision is "becoming the premier regional organization for achieving peace, prosperity and regional integration in the Horn of Africa" and its mission to "assist and complement the efforts of member states to achieve, through increased cooperation: first, food security and environmental protection; second, promotion and maintenance of peace and security; third, economic cooperation and integration."⁵⁴

2.7. Structure of IGAD

The structure of IGAD is designed and instituted in a way that helps achieve peace, prosperity and regional integration. And it is built out of four key organs.⁵⁵ These are:

1. The Assembly of Heads of States and Governments: this body is the highest organ with power to make key political and organizational decisions as major policies, direct and control the organization⁵⁶; determine the main guidelines and programmes of cooperation⁵⁷; give guidelines and monitor political issues especially on conflict prevention, management and resolution⁵⁸; and etc.
2. The Council of Ministers- the council is the second highest body of the Organization comprised of the foreign ministers of the member states and few of its key functions are: make recommendation to the Assembly on matters of policy aimed at efficient functioning and development of the Authority⁵⁹; promote peace and security in the sub-region and make recommendation to the Assembly⁶⁰ and follow up political and security affairs which include conflict prevention, management and resolution as well as post-conflict peace building.⁶¹
3. The Committee of Ambassadors- it is comprised of member states' ambassadors or plenipotentiaries accredited to the country of the Headquarters of the Organization. Its main role is advising the Executive Secretary on implementation of the decisions of the

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ See IGAD, *supra* note 7, art. 9 (2(a)).

⁵⁷ See IGAD, *supra* note 7, art. 9 (2(b)).

⁵⁸ See IGAD, *supra* note 7, art. 9 (2(c)).

⁵⁹ See IGAD, *supra* note 7, art. 10 (2(a)).

⁶⁰ See IGAD, *supra* note 7, art. 10(2(h)).

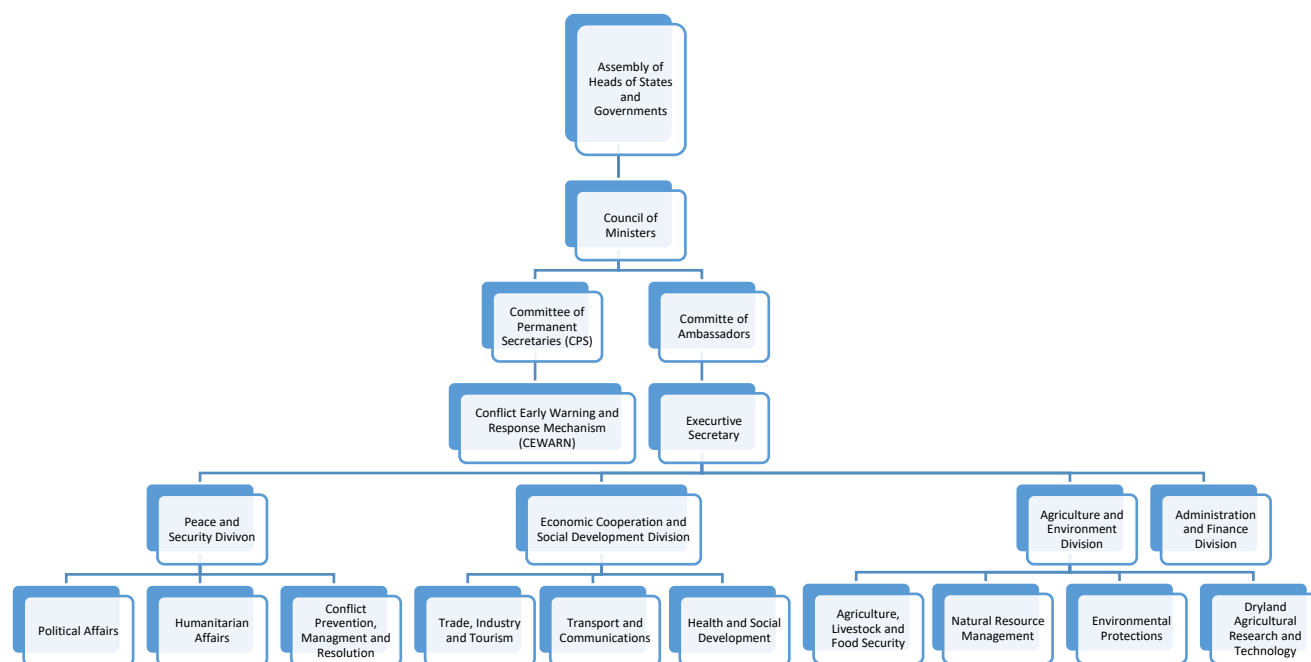
⁶¹ See IGAD, *supra* note 7, art. 10(2(k)).

other two bodies⁶² discussed above and also it helps the same body interpret policies and guidelines⁶³.

4. The Secretariat- an office of the Organization having permanency at the Headquarters and run the day to day business of the Authority.⁶⁴

There are also other subsidiary organs which are tasked with carrying out the lofty missions and purposes IGAD aspires to achieve. The figure bellow indicates how the skeleton of the Organization is constructed.

Figure 1: Organizational Structure of IGAD, adopted from Birouk and compiled by the author



2.8. Conflict Resolution-Mandate

2.8.1. Mandate Driven from the UN System

The growth and development of the United Nations as the major universal organization looking after maintaining peace and security, has been accompanied by a no less dramatic increase in the

⁶² See IGAD, *supra* note 7, art. 11(2(a)).

⁶³ See IGAD, *supra* note 7, art. 11(2(b)).

⁶⁴ See IGAD, *supra* note 7, at art. 12.

number and range of organizations with membership drawn from the states of a particular region. Such regional organizations frequently become involved in the resolution of disputes.⁶⁵

Sometimes this is because dispute settlement has been defined as a goal of the organization concerned, mainly in the preambular section of treaty establishing the same. For example article 4(e) of the Constitutive Act of the African Union, lays down as one of its aims the peaceful resolution of conflicts between member states, and similar provisions can be found in the constitutions of other regional organizations. But even organizations whose primary concern is with matters of no present relevance may find themselves involved in some form of settlement activity. For bringing states together in an institutional setting provides the parties to a dispute with an opportunity to settle their differences and regional neighbors with the chance to add their encouragement, assistance and pressure as an incentive

Before the coming into effect of the UN System in 1945, the Covenant of the League of Nations, in its Article 21, noted the validity of regional understandings for securing the maintenance of peace.⁶⁶ The Charter of the United Nations devotes Chapter VIII to regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action and consistent with the Purposes and Principles of the United Nations.

Chapter VIII of the UN Charter deals with regional arrangements. It authorizes regional organizations (such as the African Union) and even requires attempts to resolve disputes through such agencies (if available) prior to intervention by the UN Security Council. However, Article 53 provides that "no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council." This implies that political and diplomatic efforts falling short of military actions, with a purpose of resolving regional security related concerns with international impact are the major roles the Chapter refers to.

⁶⁵ On the role of regional organizations see L. Fawcett and A. Hurrell (3rd eds, 1995), *REGIONALISM ON THE WORLD POLITICS*, pp 28-37 and L. B. Sohn, 'THE ROLE OF INTERNATIONAL INSTITUTIONS AS CONFLICT-ADJUSTING AGENCIES', (1960-61), p. 205.

⁶⁶ Covenant on the League of Nations, article 21 reads as "Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace".

Chapter VIII is analogous to Article 21 of the Covenant of the League of Nations, which provides, "Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace." The cold war impaired the proper use of Chapter VIII and indeed, in that era, regional arrangements worked on occasion against resolving disputes in the manner foreseen in the Charter.⁶⁷

*The Charter deliberately provides no precise definition of regional arrangements and agencies, thus allowing useful flexibility for undertakings by a group of States to deal with a matter appropriate for regional action which also could contribute to the maintenance of international peace and security. Such associations or entities could include treaty-based organizations, whether created before or after the founding of the United Nations, regional organizations for mutual security and defence, organizations for general regional development or for cooperation on a particular economic topic or function, and groups created to deal with a specific political, economic or social issue of current concern.*⁶⁸

In this regard, the United Nations has recently encouraged a rich variety of complementary efforts. Just as no two regions or regional situations are the same, so the design of cooperative frameworks and their division of labor with regard to conflict resolution must adapt to the realities of each case with flexibility and creativity.⁶⁹

In the past, regional arrangements often were created because of the absence of a universal system for collective security; thus their activities could on occasion work at cross-purposes with the sense of solidarity required for the effectiveness of the world Organization.⁷⁰ But in this new era of opportunity, regional arrangements or agencies can render great service if their activities are undertaken in a manner consistent with the Purposes and Principles of the Charter, and if their

⁶⁷ An Agenda for Peace, Preventive Diplomacy: Peacemaking and Peace-keeping, Report of the Secretary-General, Summit Meeting of the Security Council 31 January 1992, Chap. 7, paras. 61-64 also available at: <<http://www.un-documents.net/a47-277.htm>> last accessed on 03/04/2018

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ J. G. Merrills, INTERNATIONAL DISPUTE SETTLEMENT (4th ed. 2005), pp. 279-281.

relationship with the United Nations, and particularly the Security Council, is governed by Chapter VIII.⁷¹

It is not the purpose of this thesis to set forth any formal pattern of relationship between regional organizations and the United Nations, or to call for any specific division of labor. What is clear, however, is that regional arrangements or agencies in many cases possess a potential that should be utilized in serving the functions covered under chapter VIII of the UN Charter: preventive diplomacy, peace-keeping, peacemaking and post-conflict peace-building.

Under the Charter, the Security Council has and will continue to have primary responsibility for maintaining international peace and security, but regional action as a matter of decentralization, delegation and cooperation with United Nations efforts could not only lighten the burden of the Council but also contribute to a deeper sense of participation, consensus and democratization in international affairs.⁷² It is because of this very notion of the need for enhanced global cooperation that the roles and functions of regional arrangements comes to light, as far peaceful settlement of disputes erupting within their ambit of operations.

The work of maintenance of international peace and security is usually mandated to regional organizations by the UNSC, through resolutions. Thus, making authorization by the Council a prerequisite requirement for the regional organizations to act up on both civil and inter-state conflicts.⁷³

These have been specially made resolutions reiterating the need for enhanced cooperation between the United Nations and regional and sub-regional organizations.

⁷¹ Ibid.

⁷² Ibid.

⁷³ There are various resolutions by the UN organs, particularly by the Security Council as: UNSC Res. S/PRST/2017/25, a presidential statement from the Council on the situation in South Sudan, focusing on IGAD's efforts to revitalize the peace process; The Security Council Adopted Resolution 2346 (2017), Authorizing Mandate Extension for United Nations Assistance Mission in Somalia in collaboration with IGAD. In this resolution the Council reasserted the role of IGAD in handling the Somali crisis. In other of its resolution (Adopting Resolution 2406 (2018), Security Council Renews South Sudan Mission Mandate, Signaling Intention to Consider New Arms Embargo that would still be undertaken with IGAD as a primary stake holder and mandate of supervision. The council also adopted Resolution 2392 (2017), Security Council Grants Mandate Extension for United Nations Mission in South Sudan, Pending Review of Operations and this resolution, once again reiterated the role of IGAD in providing lasting solution to the crisis. Also available at: <https://www.un.org/press/en/1998/19980528.sc6522.r1.html> last accessed on 03/02/2018.

On 17 October 2005, the UN Security Council met in the morning to hold a thematic debate on cooperation between the United Nations and regional organizations in maintaining international peace and security. The meeting was initiated by Romania, which holds the Council Presidency for the month.

The discussion was expected to revolve around the issues outlined in a background paper prepared by the President of the Council,⁷⁴ in which he notes that the purpose of the debate was to find ways to enhance the relationship of the United Nations with regional organizations in maintaining international peace and security, in particular in conflict management and post-conflict stabilization. And hence, creating an enabling environment to the regional organizations to manage conflicts occasioning in their respective geo-political sphere of influence.

The debate was also being held to take stock of recent developments in the field, including the 2005 World Summit outcome and the results of the sixth high-level meeting between the United Nations and regional and other intergovernmental organizations, held in New York on 25 and 26 July. Opening the way for further work to improve the effectiveness of the United Nations and the multilateral system, world leaders at the Summit decided to create important new instruments, including the Peace building Commission. Leaders also supported a stronger relationship between the United Nations and regional and sub-regional organizations based on Chapter VIII of the Charter. The Peace building Commission could become a new venue for close cooperation between the Council and regional and sub-regional organizations. The debate was later on formulated as a resolution.

In the preamble of the resolution, the Council recalled initiatives since January 1993 to improve co-ordination between the United Nations and regional organizations. It emphasized that the contribution of regional organizations could complement the work of the United Nations in maintaining international peace and security. The capacity of regional organizations was to be

⁷⁴ The then president issued initial document for the debate, document S/2005/638. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2005/53&referer=https://www.un.org/en/sc/documents/statements/2005.shtml&Lang=E last accessed on 21/03/2018.

strengthened and the Council acknowledged the resolve of the 2005 World Summit to increase the role of regional organizations.⁷⁵

Traditionally, regional arrangements and agencies had not been considered in this light of scheme of cooperation, even when originally these organizations were designed in part for a role in maintaining or restoring peace within their regions of the world. But because of the growing complexity and proliferation of conflicts in many parts of the globe, today a new sense exists that they have contributions to make.

Consultations between the United Nations and regional arrangements or agencies could do much to build international consensus on the nature of a problem and the measures required to address it. Regional organizations participating in complementary efforts with the United Nations in joint undertakings would encourage States outside the region to act supportively.

And should the Security Council choose specifically to authorize a regional arrangement or organization to take the lead in addressing a crisis within its region, it could serve to lend the weight of the United Nations to the validity of the regional effort. Carried forward in the spirit of the Charter, and as envisioned in Chapter VIII, the approach outlined above could strengthen a general sense that task of maintaining international peace and security is one of common concerns to all; however, it being essential to continue to recognize that the primary responsibility will continue to reside in the Security Council.⁷⁶

2.8.2. Mandate Driven from the African Union

As a successor of the Organization of the African Unity, African Union was established during the Summit of the Heads of States and Governments held on 9th July 2002 in Durban, South Africa. The new Pan-African organization, drawing lessons from the much criticized performance of the OAU, states in its Constitutive Act which was also adopted on 11th July 2000, in Lome, Togo, great ambitions in terms of promoting the political and economic integration of the continent.

⁷⁵UNSC/Resolution, 1631/2005, adopted unanimously. Available at: <https://www.un.org/press/en/2005/sc8526.doc.htm> last accessed on 21/03/2018. See also, Zwanenburg Marten, "Regional Organizations and the Maintenance of International Peace and Security: Three Recent Regional African Peace Operations". *Journal of Conflict & Security Law*, Vol. 11, Issue 3 (2006), P. 483.

⁷⁶ Ibid.

Among the 14 objectives stated under the Constitutive Act of the Union, the following three objectives regard peace and security of the continent. These are: “promote peace, security and stability of the continent”, “promote democratic principles and institutions, popular participation and stability on the continent” and “promote and protect human and peoples’ rights in accordance with the African Charter on Human and Peoples’ Rights and other relevant instruments on human rights”⁷⁷.

The operational principles of the AU also bear testimony to the primacy given to issues of peace, security and governance based on respect for human rights and democracy. One can mention principles such as the “formulation of a common defence policy for the African continent”, “ban on resorting or threatening to resort to the use of force between Member States of the Union”, “noninterference in the internal affairs of another Member States”, “the right of the Union to intervene in a Member State upon a decision of the Conference in some serious circumstances such as: war crimes, genocide and crimes against humanity”, “the right of Member States to request the intervention of the Union to restore peace and security”, “respect of democratic principles, human rights, rule of law and good governance”, “condemnation and rejection of unconstitutional change of government”⁷⁸.

Like the OAU, the AU recognizes the sovereign equality and interdependence of all Member States and the non-interference of a Member State in the internal affairs of another Member State. But the distinction is that, unlike its predecessor, the AU has adopted the principle of the right to intervene in serious circumstances and affirmed the condemnation and rejection of unconstitutional change of government.⁷⁹

The principle of non-interference in internal affairs which was sacrosanct at the time of the OAU is no longer absolute and has given way to a doctrine based on democratic rules (rejection of unconstitutional change of government in other words coup d’états) and the protection of people against the most serious forms of political violence (war crime, genocide, crime against humanity).

⁷⁷ Article 3 of the Constitutive Act of the AU.

⁷⁸ Article 4 of the Constitutive Act of the AU.

⁷⁹ Article 4h and 4p of the Constitutive Act of the AU.

These new principles reflect a major development in the “culture of security” on the African continent.⁸⁰

Though there are still no criteria for membership of the AU aside the geographical location on the African continent and the commitment to adhere to the Constitutive Act, Article 23 and 30 demonstrate the AU’s determination to distinguish itself from the OAU. Article 23 provides, among others, for sanctions against any member that will not comply with decisions and policies of the Union, while article 30 stipulates that “Governments which come to power through unconstitutional means shall not be allowed to participate in the Union’s Activities”.

To achieve its objectives in terms of peace and security, the AU has set up a permanent decision organ for the prevention, management and resolution of conflict, i.e. the Council of peace and security. According to the Protocol on the establishment of the Peace and Security Council (PSC), adopted in July 2002 by the Conference of the Union, this organ “is a collective security and early warning system with the aim of allowing a rapid and effective response to conflict and crisis situations in Africa”. According to the Protocol, the CPS “shall be supported by the Commission, a Panel of the wise as well as a continental early warning system and a stand by force and a Special Fund”.⁸¹

Conceived as the equivalent of the United Nations Security Council at the level of the African continent, the PSC comprises fifteen members with equal rights, ten of whom are elected for a term of two years and five for a term of three years.⁸²

The PSC is expected to take initiatives and lead appropriate actions in situations of potential conflict as well as full blown conflicts. It is responsible for taking all measures required to prevent the resurgence of a conflict which had already been resolved. The President of the AU Commission plays a key role in the conflict prevention and resolution mechanism under the leadership of the CPS. He can draw the Council’s attention to any issue, which in his opinion may threaten peace, security and stability on the continent; draw the Panel of the Wise’s attention to any issue which,

⁸⁰ For an analysis of the evolution of AU doctrine on this issue, see for example for Non-intervention to Non-indifference: The Origins and Development of the AU’s Security Culture, African Affairs, 106/423, pp. 253-279, March 2007

⁸¹ Article 2 of the Protocol Relating to the Establishment of the Peace and Security Council.

⁸² Article 3 of the Protocol on the PSC

in his view, requires its attention; and he can, on his own initiative or at the request of the PSC, use his good offices, either personally or through Special Envoys, Special Representatives, the Group of Eminent Persons or Regional Mechanisms to prevent potential conflicts, resolve on-going conflicts and promote peace building efforts and initiative and post-conflict reconstruction.⁸³ The President is assisted mainly by the Commissioner in charge of peace and security issues.

Another important component of the AU machinery for anticipating and preventing conflicts is the Continental Early Warning System provided for under article 12 of the Protocol. It is made up of an observation and monitoring center known as “The Situation Room” responsible for data collection and analysis on the basis of an appropriate early warning indicators module and observation and monitoring units of Regional Mechanisms directly linked through appropriate communication means to the Situation Room. This system should enable the President of the Commission have access to specific and reliable information on potential conflict situations in member countries and inform in due course the PSC.⁸⁴

The African Stand-by Force is another essential pillar of the peace and security architecture in Africa and undoubtedly the most striking illustration of the AU’s ambition on this issue. This African Force should enable the PSC assume its responsibilities in terms of deploying peace missions in accordance with the Constitutive Act.⁸⁵

This Force is made up of multidisciplinary stand-by contingents with civilian and military components stationed in their countries of origin and ready to be deployed as soon as required. The regional brigades which will constitute the African Standby Force are being formed under the Regional Economic Communities (RECs), with some at an advanced stage than others in the process. The brigade set up by ECOWAS, the Regional Economic Community with the longest experience in terms of regional military intervention would be the first to become operational.

The Peace Fund is the financial tool which is expected to provide the AU with the necessary resources to set up its peace and security architecture and fund possible military and civilian missions which are very costly in member countries plagued by conflicts or serious crisis. The

⁸³ Article 10 of the Protocol on PSC.

⁸⁴ Id. Article 12.

⁸⁵ Id. Article 13.

Peace Fund is a special fund “made up of financial appropriations from the regular budget of the Union, including arrears of contributions, voluntary contributions of Member States and other sources in Africa, including the private sector, civil society and individuals as well as external fund raising activities carried out by the President of the Commission.”⁸⁶

The protocol on the PSC also defines links between the continental mechanism and regional mechanism for the prevention, management and resolution of conflicts. These are mechanisms set up within RECs which have a strong political and security dimension like ECOWAS. Article 16 of the Protocol provides that “Regional Mechanisms shall be part of the security architecture of the Union which has the primary responsibility to promote peace, security and stability in Africa”. The PSC and the President are expected to harmonize and coordinate activities of Regional Mechanisms in the area of peace, security and stability, “to ensure that these activities are consistent with the objectives and principles of the Union” and work “closely with Regional Mechanisms to ensure effective partnership” between the PSC and Regional Mechanisms.⁸⁷

The Protocol states that “modalities for this partnership shall be based on their respective comparative advantage and the prevailing circumstances”, this makes room for flexibility in the sharing of roles and responsibilities between the AU and RECs. The PSC and RECs have essentially a mutual consultation and coordination role since “the Regional Mechanisms concerned shall, through the President of the Commission, keep the Peace and Security Council fully and continuously informed about their activities and ensure that these activities are closely coordinated and harmonized with activities of the Peace and Security Council; while “the Peace and Security Council, through the President of the Commission shall also keep the RECs fully and continuously informed of its activities”. To ensure the coordination and harmonization of positions between the continental and regional levels “the President of the Commission shall convene periodic meetings, at least once a year, with Chief Executives and/or officials in charge of peace and security issues at the level of Regional Mechanisms”.

In the same vein, Regional Mechanisms are invited to participate in the review of any issue referred to the PSC, whenever the issue is being addressed by a Mechanism or is of particular interest to

⁸⁶ Id. Article 21.

⁸⁷ Id. Article 16.

this Mechanism. The President of the AU Commission is also invited to participate in meetings and deliberations of Regional Mechanisms.⁸⁸

The peaceful management of conflicts is also set to be the primary condition for the economic integration of the continent of Africa.⁸⁹ Regional organizations as the Authority are bestowed with the power of managing conflicts within their reach of domain of engagement as a part of their general mission stated under chapter 8 of the UN Charter, maintenance of international peace and security. The ninth initiative of Agenda 2063 is “*silencing of Guns*” by the end of the program period.⁹⁰

All in all, the work of managing both inter-state and intra-state conflicts is not an exclusive business of the UN system, nor does it the sole responsibility of AU, but a shared responsibility by other regional organizations as the IGAD. This is mainly due to the reason that the UN is working as a common forum to design solutions to regional problems in areas of peace and security to be implemented by the latter. Likewise, the AU is also policy formulating organization whose same policies are to be put in practice by the regional economic communities recognized by the organization.

2.9. Agreement Establishing IGAD

The Inter-Governmental Authority on Drought and Desertification (IGADD) was established in 1986,⁹¹ with the objective of addressing environmental crises that led to food insecurity and famine in the Horn of Africa. Be-cause of the prevailing inter- and intra-state conflicts, the impetus for the establishment of IGADD came from UN agencies, which saw the urgent need for a regional coordination agency to address problems of famine and drought. The founding members were

⁸⁸ Article 16 of the Protocol also state that «the Commission shall set up liaison offices to the Regional Mechanisms” and “the Regional Mechanisms shall be encouraged to set up liaison offices to the Commission”. It finally provide for the full participation of Regional Mechanism in the establishment and effective running of the Early Warning System and the African Standby Force.

⁸⁹ Treaty Establishing the African Economic Community, Adopted in 1991, Abuja Nigeria, article 3 (f).

⁹⁰ Agenda2063, also available at: < <https://au.int/agenda2063/about>> last accessed on 20/01/2018.

⁹¹ Inter-Governmental Authority on Development here after referred to as (IGAD) came to existence as one of the many sub-regional inter-governmental organizations. It superseded the former Inter-Governmental Authority on Drought and Development here after referred to as (IGADD) which was established by six nations in the sub-region, i.e., Ethiopia, Sudan, Kenya, Uganda, Somalia and Eritrea with a sole aim of tackling drought and desertification which afflicted the sub-region for centuries to go, perhaps to come too. Later on IGAD began to entertain security issues, which was beyond the immediate urgencies that were enlisted within the task menu of the Authority. The Horn has long remained to be the hottest conflict zone of the continent which in its entirety is a no exception to be ravaged by protracted and intractable cross-border and within-borer conflicts.

Djibouti, Ethiopia, Kenya, Sudan, Somalia, and Uganda. In 1993, Eritrea joined the Organization after its independence in 1993. The head-quarter is located in Djibouti. It is one of the African Union's (AU) recognized Regional Economic Communities (RECs), with over 230 million people and an area of 5,461,805 square kilometers. Despite the organization's narrow initial scope, IGADD summits provided a venue for meetings between member states to solve other issues of mutual concern including peace and security. IGADD facilitated peace between Ethiopia and Somalia. By 1994, the members of IGADD had come to realize that the developmental problems of the region extended beyond the impact of environmental degradation. Accordingly, on March 21, 1996, IGADD member states decided to transform the organization into the Inter-Governmental Authority on Development (IGAD).⁹² The new IGAD was launched in Djibouti November 25–26, 1996.

With the inauguration of IGAD in 1996, great emphasis was given to the peaceful settlement of regional conflicts as a means for achieving sustainable development. IGAD member states agreed: a) to take effective collective measures to eliminate threats to regional cooperation, peace, and stability; b) to establish effective mechanisms of consultation and cooperation for the peaceful settlement of differences and disputes; and c) to agree to deal with disputes between member states within this sub regional mechanism before they are referred to other regional or international organizations.⁹³ With this aim, three priority areas were identified: conflict prevention, management and humanitarian affairs; infrastructure development and food security; and the environment.

⁹² The IGAD region stretches over an area of 5.2 million km² that comprises the countries of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda. The region has about 6960 Km of coastline with the Indian Ocean, Gulf of Aden, Gulf of Toudjoura and the Red Sea. Also, the IGAD region has a total of 6910 Km of international borders with Egypt, Libya, Chad, Central African Republic, Democratic Republic of Congo, Rwanda and Tanzania. Some 70 percent of the IGAD region is made up of Arid and Semi-Arid Lands (ASALs), which receive less than 600 mm of rainfall annually. The rest of the region has a great variety of climates and landscapes including cool highlands, swamp areas, tropical rain forests and other features typical of an equatorial region. Furthermore, the region possesses diverse ecosystems and agro-ecological zones at different altitudes ranging from 150 meters below sea level (Dalul) to about 4600 meters above the sea level (Mount Kenya). Socio-economically, most of the IGAD Member States belong to the world's Least Developed Countries (LDCs) and share similar economic growth rates and social ethnic groups across their borders, which could be a good opportunity for regional integration, if appropriately utilized. The region has a total population of over 230 million, making the same one of the most populous regions of the continent of Africa. Also available at: < <https://igad.int/index.php/about-us/the-igad-region> > last accessed on 25/03/2018.

⁹³ Agreement Establishing IGAD, Adopted in 1996, Djibouti, Para. 9 and article 6A.

The need for engaging IGAD in the Somali and Sudanese peace processes was one of the major reasons that brought about the transformation of IGAD. Great emphasis was also given to regional economic integration. The revitalization of IGAD was conceived due to the existing good relations between member states. The end of the Cold War led to the end of dictatorial regimes in Ethiopia and Somalia and “the ideological differences and military confrontations associated with it”.

The newly “emerging leaders” promoted policies of peaceful relations and a new era of cooperation and co-existence. Hence there was political will and new energy to address the security issues in the region through revitalized regional organization

Article 18A of the Agreement states: “Member states shall act collectively to preserve peace, security and stability which are essential prerequisites for economic development and social progress.” To this come true, the members commit themselves- first, to take effective collective measures to eliminate threat to regional cooperation, peace and stability⁹⁴; second, to establish an effective mechanism of consultation and cooperation for the pacific settlement of differences and disputes⁹⁵ and lastly, they accept to deal with disputes of member states within the sub-regional mechanism before they are referred to other regional or international organizations.⁹⁶

These provisions of the Agreement Establishing IGAD are vividly marking the new path the Authority took in 1996, following its transition from IGADD to IGAD. Efforts by the Authority to tackle drought, desertification and other environmental hazards were significantly affected by the flaring security concerns as inter-state and intra-state conflicts between and within the member countries respectively.

Such and similar concerns were the leading factors overwhelmingly pressed the Authority to undergo change, so that the founding objectives would better be achieved, once the peace and security issues are properly handled.

Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States also provides for the management of both inter-state and intra-state conflicts. The Protocol states that: “The objectives of promoting regional peace, security and stability and

⁹⁴See IGAD, *supra* note 7, art. 18A (a).

⁹⁵Id., art. 18A (b).

⁹⁶Id., art. 18A(c).

creating mechanisms for the prevention, management and resolution of inter- and intra-state conflicts through dialogue.”⁹⁷The protocol seems to honor reservation of use of force to the authorization and resolution of the UN Security Council as outlined under chapter VII of the Charter. The Protocol further states, To act collectively to preserve peace, security and stability in the region, to enhance regional co-operation and to eliminate all forms of threat within the region, the need to establish an effective mechanism of consultation and cooperation for the peaceful settlement of disputes and the need to respond early to conflicts in the region in a concerted effort and manner.⁹⁸

The Protocol established “Conflict Early Warning and Response Mechanism (CEWARN)”⁹⁹ as an integrated body of the Authority under article 2 which is tasked with the following responsibilities¹⁰⁰:

Promoting the exchange of information and collaboration among member states on early warning and response on the basis of the following principles as timeliness, transparency, cooperation and free flow of information; gather, verify, process and analyze information about conflicts in the region according to the guidelines provided in the Agreement; communicate all such information and analysis to decision makers of IGAD policy organs and the national governments of Member States; more specifically, the early warning functions of CEWARN includes: a/receiving information and reports from National Conflict Early Warning and Response Mechanism (CEWERUs) and b/processing and analyzing such information; bringing that information to the attention of the secretariat of the Authority; providing the necessary feedback to the CEWERUs; disseminating such information as it is authorized to those who are authorized and in a manner that member states prescribe; updating and synthesizing information; setting

⁹⁷Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States, adopted in 2002, Khartoum, Sudan, Preamble Para. 2.

⁹⁸ Id., Paras. 3, 4 & 5.

⁹⁹ IGAD has four major institutes. These are: 1st, Conflict Early Warning and Response Mechanism; 2nd, IGAD Climate Prediction and Application Center and this very body which is empowered with studying and analyzing symptoms and ground factors of conflicts that may arise in any of the member countries. The result of such analysis by this body is fed to the relevant organ of the Authority, the Assembly and Executive Council in many cases. Available at: <https://www.igadssp.org/> last accessed on 24/02/2018.

¹⁰⁰ Id., article 5.

standards; monitoring and coordinating information collection and reporting; promoting dialogue on information and analysis and networking among information gathering organizations; verifying information received from the CEWERUs.

These specific functions of the CEWARN are the initial works done by the same to facilitate the role of the Authority to manage both inter-state and intra-state conflicts.

One of the four basic programs of the Authority is also the assurance of peace and stability in the Horn of Africa as a precondition factor determining for the effective implementation of all the remaining purposes is, also the Authority's Security Program.¹⁰¹

The Peace and Security Council (PSC) is the standing organ of the AU for the prevention, management and resolution of conflicts. It is a key element of the African Peace and Security Architecture (APSA), which is the umbrella term for the main AU mechanisms for promoting peace, security and stability in Africa in collaboration with the RECs which are recognized by the Constitutive Act of the Union.¹⁰²

The PSC was established to be a collective security and 'early warning' arrangement with the ability to facilitate timely and efficient responses to conflict and crisis situations in coordination with regional and sub-regional agencies. The PSC's core functions are to conduct early warning and preventive diplomacy, facilitate peace-making, establish peace-support operations and, in certain circumstances, recommend intervention in Member States to promote peace, security and stability. The PSC also works in support of peace-building and post-conflict reconstruction as well as humanitarian action and conflict management by regional organizations.¹⁰³

The PSC is the successor to the OAU Central Organ of the Mechanism for Conflict Prevention, Management and Resolution. The Central Organ was the OAU's operational body mandated to

¹⁰¹ IGAD has four key programs of greater interest. These are: IGAD Disaster Resilience and sustainability Initiative Program, Migration Program, Health Program and the Security Sector Program. The last of these programs is, by far one of the most effectively underway. Available at: <https://igad.int/> last accessed on 21/03/2018.

¹⁰² See < <https://au.int/en/organs/psc> > last accessed on 22/03/2018.

¹⁰³ Ibid.

make decisions on matters of peace and security. The RECs were established in 1991, before the AU superseded the OAU in 2002.¹⁰⁴

The PSC has 15 members. All are elected by the AU Executive Council and endorsed by the Assembly at its next session. Five members are elected for three-year terms and 10 for two-year terms, usually to take up office on the first day of April following endorsement by the Assembly. Retiring members are eligible for immediate re-election.¹⁰⁵

Eastern Africa where IGAD is standing as one of the multiple sub-regional agencies, is allotted with three seats reserved.

Article 5(2) of the PSC Protocol lists criteria for members including: contribution to the promotion and maintenance of peace and security in Africa, either on individual basis or multi-laterally as within regional and sub-regional forums; participation in conflict resolution, peace-making and peace-building at regional and continental levels; willingness and ability to take up responsibility for regional and continental conflict resolution initiatives; contribution to the Peace Fund and/or Special Fund; respect for constitutional governance, the rule of law and human rights; and commitment to AU financial obligations.

Generally, in graphic terms, and for the purpose of civil conflict management, the partnership between and channel of flow of the political mandate between the UN and the AU, together with its corresponding sub-regional organizations, should be a kin to a pyramid. At the top of that pyramid should be the UN as a world body, and as the supreme organ for ensuring peace and security worldwide. At the bottom of that pyramid should be the sub-regional organizations. And, between the apex and base, the AU should provide the critical linkage.¹⁰⁶

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ebaye Sunday E. N. "Regional Integration and Conflict Management in Africa", *African Research Review*, Vol. 4, Issue 2 (2010), pp. 287-288.

CHAPTER THREE

3. Intra-State Conflicts- General Overview

3.1. Introduction

When it is looked into at its origin, civil conflict is an expected incidence in the very existence of mankind starting from individual's interaction with their environment to their interaction within an ambit of the domain of political entities they subscribe to, or otherwise at the national level.¹⁰⁷ More often than not a good number of conflicts share a similar feature and dynamics in a sense that most conflicts are fought for the reason of fulfilling the unmet interest and values of two opposing sides over specific matter.¹⁰⁸

Intra-state conflicts challenges to state authority are as old as states themselves. Despite numerous historical accounts of civil wars, however, there is little empirical data on civil conflicts prior to 1945. Although there have been relatively few interstate wars since then, civil wars have been common. Whereas interstate conflicts tend to be short, civil wars often persist for a long time, are less likely to be settled by formal agreements, and are much more likely to recur. Many experts regarded the outbreak of new civil conflicts immediately following the Cold War as evidence that the world would be more turbulent and violent after a long period of stability based on the strategy of nuclear deterrence adopted by the United States and the Soviet Union. Yet the number of new civil wars actually declined in relative terms after the initial peak after the Cold War. The specific causes that may underlie that decline remain disputed, and the number of ongoing civil wars remains high in absolute terms.¹⁰⁹ Inter-state wars, as these were known to afflict immeasurable humanitarian damage were dominant, especially until the coming to an end of the Cold War era, but afterwards civil wars became rampant.¹¹⁰

¹⁰⁷ Aziza GeletaDessalegn, "The Cause and Consequence Conflict in the South Sudan", *International Journal of Political Science and Development*, Vol. 5, Issue 1 (2017), p. 15.

¹⁰⁸ Ibid.

¹⁰⁹ Id, p. 5.

¹¹⁰ Statistics compiled by the International Peace Institute in Oslo suggest that in the period 1990–1995, when intra-state conflicts were at their peak of prevalence across the globe, seventy-three States were involved in armed conflicts, of which fifty-nine were involved in intra-state conflict or civil war. See Dan Smith (3rd edn.), *THE STATE OF WAR AND PEACE ATLAS* (1997), pp. 90–95.

Although international humanitarian law, international law and studies of international relations have as their aim the limitation of the effects of armed conflict, they do not include a full definition of those situations that fall within their ambit of study and material field of application.

While it is true that the relevant conventions refer to various types of armed conflicts and therefore afford a glimpse of the legal outlines of this multifaceted concept, these instruments do not propose criteria that are precise enough to determine the content of those categories of armed conflicts unequivocally.¹¹¹ The available definitions are only the ones discerned from international humanitarian laws and scholars engaged in the study of peace and security; though they are only scant, there are also definitions provided by social scientists as sociologists, anthropologists and legal professionals.¹¹²

A certain amount of clarity is nonetheless needed, depending on how the situations are legally defined; the rules that apply vary from one case to the next. The legal regimes that need to be taken into account are thus not always the same and depend on whether the situations constitute, for example, an international or a non-international armed conflict.

Similarly, some forms of violence, referred to as ‘internal tensions’ or ‘internal disturbances’, do not reach the threshold of applicability of international humanitarian law and therefore fall within the scope of other normative frameworks.

This thesis proposes a classification of armed conflicts from the perspective of international humanitarian law, international law, international relations and individual scholars.

It sets out; first, the different categories of armed conflict anticipated by that law which can be interpreted in the light of recent developments in international legal practice, particularly the ones working in the areas of addressing humanitarian crisis. The International Committee of the Red Cross remains at the core of this mission. In that respect, it is appropriate to refer to the conceptualization efforts relating firstly to the law of international armed conflict and secondly to

¹¹¹ Sylvain Vite, Typology of armed conflicts in international humanitarian law: legal concepts and actual situations (2009), p. 68. Also available at: <<https://www.icrc.org/eng/assets/files/other/irrc-873-vite.pdf>> last accessed on 22/03/2018.

¹¹² Ibid.

the law of non-international armed conflict. What falls in between or outside of the two categories is internationalized one. This latter category is increasingly recognized by institutions working in the practice of typology of armed conflict.

Then it goes on to examine various theories and causes of armed conflicts in general and non-international armed conflicts in particular.

3.2. Classifications of Armed Conflict

There are three types of conflicts that are recognized by international humanitarian law: international armed conflict, internationalized armed conflict, and non-international armed conflict.¹¹³

International humanitarian law does make it clear what an *international armed conflict* is. According to the Geneva Conventions of 1949, common article 2 states that “all cases of declared war or of any armed conflict that may arise between two or more high contracting parties, even if the state of war is not recognized, the convention shall also apply to all cases of partial or total occupation of the territory of a high contracting party even if the said occupation meets with no armed resistance”.¹¹⁴ This means that the occurrence of international armed conflict is clear, that is, it would be a conflict between the legal armed forces of two different states.¹¹⁵

International Armed Conflict involves a confrontation of two or more States. Generally recognized war of this type in the last twenty years include: the Gulf War of 1990-1991, Congo-Uganda at various times during the last 15 years, the Ethiopia-Eritrea War of 1998-2000, the Kosovo conflict

¹¹³ There are also other types conflicts which are not explicitly recognized under international humanitarian laws as Many, but non-legal names as: civil war, guerrilla war, insurgency, counter-insurgency, war of secession, war of liberation, transnational war, 'war against terrorism' etc.

See at: <http://www.inquiriesjournal.com/articles/1697/defining-armed-conflict-in-international-humanitarian-law> last accessed on 24/05/2018.

¹¹⁴ Geneva Convention, 1949, common art.2 and See <http://legalanswers.sl.nsw.gov.au/hot-topics-80-international-humanitarian-law/types-armed-conflict> last accessed on 22/03/2018.

¹¹⁵ United Nations (2010), Report of the Office of the High Commissioner on the outcome of the expert consultation on the issue of protecting the human rights of civilians in armed conflict, New York: United Nations (A/HRC/14/40). Available at: https://law.yale.edu/system/files/area/center/global/document/begly_conflict_classification.pdf last accessed on 21/11/2017. See also ICTY, Prosecutor v. Tadic, Judgment (Appeals Chamber), para 137; see also ICTY, Prosecutor v. Naletilic, Case No. IT-98-34-T, Judgment (Trial Chamber), 31 March 2003, para. 198.

of 1999, the Afghanistan War at least from 2001 to 2002, and the Iraq War at least from 2003 to 2004, the Israel-Lebanon conflict of 2006, the Ethiopia-Somalia conflict of 2006-2009, and the Russia-Georgia conflict of 2008.¹¹⁶

The second armed conflict recognized by international humanitarian law is a new phenomenon known as '*an internationalized armed conflict*'. The situation of an internationalized armed conflict can occur when a war occurs between two different factions fighting internally but supported by two different states.¹¹⁷

Non-international armed conflicts are 'armed conflicts that are non-international in nature occurring in one of the High contracting parties' This means that one of the parties involved is nongovernmental in nature. However, common article 3 of the Geneva Convention also states that it does not apply to other forms of violence such as riots, isolated and sporadic acts of violence.¹¹⁸

This abstract definition has made it difficult to make a clear distinction between a mere disturbance and an armed conflict, therefore relying heavily on the political will of states to classify the situation as an armed conflict. For a situation to be classified as a non-international armed conflict, it has to achieve two variables: first, the hostilities have to reach a certain minimum level of intensity and form in a collective character; and second, there has to be a level of organization of the parties.¹¹⁹

The first indication in the 1949 Geneva Conventions of what constitutes Non International Armed Conflict is found in Common Article 3. While the common article does not define what exactly such conflict constitutes, it does say that it must occur in the territory of one State. The article

¹¹⁶ Stefaan Ghesquiere and Emilie Camus, Armed Conflicts and Parties to Armed Conflicts under IHL: Confronting Legal Categories to Contemporary Realities (2009), pp. 23-24. Also available at: <https://www.icrc.org/eng/assets/files/other/irrc-873-vite.pdf> last accessed on 22/03/2018.

¹¹⁷ Stewart, G.S. (2003), Towards a single definition of armed conflict in international humanitarian law: A critique of internationalized armed conflict (2003), p. 315.

¹¹⁸ Geneva Convention, common article 3, 1949.

¹¹⁹ Vite, S. , "Typology of armed conflicts in international humanitarian law: legal concepts and actual situations", *International Review of the Red Cross*, Vol. 91, Issue 873 (2009), p. 75 and International Committee of the Red Cross, How is the term armed conflict defined in international humanitarian law, *Opinion Paper*, (Geneva, 2008), p. 3. Also available at: <http://www.uio.no/studier/emner/jus/jus/JUS5730/h12/niac-2012.pdf> last accessed on 22/03/2018.

applies in the case of armed conflict not of an international character occurring in the territory of one of the ‘High Contracting Parties’ (parties signed and later on ratified the conventions).¹²⁰

A political philosopher, Christopher Greenwood picked up this key element of Common Article 3 but adds other elements: “A non-international armed conflict is a confrontation between the existing governmental authority and groups of persons subordinate to this authority” which is carried out by force of arms within national territory and reaches the magnitude of an armed confrontation or a civil war.¹²¹

The aim of this thesis is limited only to the third type of armed conflict, i.e., non-international one or as its referred to as intra-state conflicts and the following paragraphs will endeavor to give meanings put forth by prominent scholars in different fields of studies.

3.3. Meaning

Before defining the term, it is worth mentioning why we now refer to conflict and not war. The answer is straightforward. Under the 1945 United Nations Charter, adopted just after the horrors of World War II, the use of force by one State against another is prohibited.¹²² States may resort to force in the exercise of their inherent right of individual or collective self-defence¹²³ or as part of military sanctions authorized by the Security Council.¹²⁴ Since then, therefore, States have avoided declaring war.

The 1949 Geneva Conventions adopted the more general term “armed conflict” deliberately to cover the complete range of situations and to avoid legal arguments over the exact definition of war. States today are less inclined to speak of war or admit that a state of war exists, but as we all know armed conflicts certainly do.¹²⁵

¹²⁰ See also R. Arnold, International Humanitarian Law and the 21st Century’s Conflicts: Changes and Challenges (2005), pp. 11-12.

¹²¹ C. Greenwood, Scope of Application of Humanitarian Law, The Handbook of Humanitarian Law in Armed Conflicts (2nd ed. 2008), p. 54.

¹²² UN Charter, Adopted 1945, art. 2.

¹²³ See UN Charter, art. 51.

¹²⁴ See UN Charter, arts. 43-48.

¹²⁵

See at:
<https://www.chathamhouse.org/sites/files/chathamhouse/home/chatham/public_html/sites/default/files/20140300ClassificationConflictsArimatsuChoudhury1.pdf>

An armed conflict arises whenever there is fighting between States or protracted armed violence between government authorities and organized armed groups or just between organized armed groups. An international armed conflict arises when one State uses armed force against another State or States. The term also applies to all cases of total or partial military occupation, even if the occupation meets with no armed resistance. It is now irrelevant whether the States concerned consider themselves to be at war with each other or how they describe the conflict. An international armed conflict is considered to be over once active hostilities or territorial occupation have ceased.

Non-international armed conflicts, also known as internal armed conflicts, take place within the territory of a State and do not involve the armed forces of any other State. One example is the use of the State's armed forces against dissident, rebel or insurgent groups. Another is two or more armed groups fighting within a State, but not necessarily with the involvement of government troops.

The definition of civil war clearly encompasses many different forms of civil conflicts. Some analysts distinguish between civil wars in which insurgents seek territorial secession or autonomy and conflicts in which insurgents aim for control of the central government. Conflicts over government control may involve insurgents originating from within the centre or state apparatus, as in military coups, or challengers from outside the political establishment. Other analysts distinguish between ethnic civil wars, in which the insurgents and individuals in control of the central government have separate ethnic identities, and revolutionary conflicts, in which insurgents aim for major social transformation.¹²⁶

There are numerous definitions given to intra-state conflicts or otherwise known as civil war, by many scholars. The first of such definitions is:

“Civil war is a specific disagreement concerning a matter of fact, law or policy in which a claim or assertion of one party is met with refusal, counter-claim or denial by another in the same political entity. In the broadest sense, an internal dispute can be said to exist whenever such a disagreement involves governments,

¹²⁶Christian Skrede, CIVIL WAR, p. 3. Available at: <<https://www.britannica.com/topic/civil-war>> last accessed on 25/03/2018.

*politically-interested groups, fighting factions, freedom fighters, institutions, juristic persons (corporations) or private individuals in different parts of the world”.*¹²⁷

Redie Bereketeab defined civil conflict in general as “*to clash or engage in fight*”, *confrontation between two or more parties aspiring towards incompatible goals.*¹²⁸

It is also defined as:

*It is a situation in which at least two actors, or their representatives, try to pursue their perceptions of incompatible goals by physically damaging or destroying the property and high – value symbols of one another.*¹²⁹

Some other literatures define civil war as:

*“It is that the expression of the heterogeneity of interest, values and beliefs that a rises as a new form of action generated by a social change. Further, in defining conflict, in its narrower sense, conflict can be understood as “engagement in a fight or possible confrontation between two or more parties aspiring towards incompatible or competitive means or end. These conflicts can range from individual aggression and protest to organized extreme violence.”*¹³⁰

On the other hand, Small and Singer defined intra-state conflicts as:

*Those civil wars that involve sustained combat, involving organized armed forces capable for effective resistance, resulting in a minimum of 1000 battle-related combatant fatalities within a twelve-month period.*¹³¹

The other definition provided by Wallensten and Sollengerg is that:

¹²⁷ Lindsay Moir, THE LAW OF INTERNATIONAL ARMED CONFLICTS (2004), p. 17.

¹²⁸Redie Bereketeab (ed.), THE HORN OF AFRICA; INTRA-STATE AND INTER-STATE CONFLICTS AND SECURITY (2012), pp. 4-5.

¹²⁹[Dennis J. D. Sandole](#)(Author), [Hugo Van Der Merwe](#)(Editor)CONFLICT RESOLUTION THEORY AND PRACTICE: INTEGRATION AND APPLICATION (1993), p. 11.

¹³⁰Ibid

¹³¹ See Small and Singer as cited at Nemanja Dzuverovic, Intrastate Conflict, (Peace Studies, 2012), pp. 12-13 and Tewodros Mebratu, Causes, Consequences and Roles of External Actors in the current South Sudan’s Conflict (2015, Unpublished), p. 21.

*A conflict between government and non-government entities over contested incompatibility with use of armed forces which results in at least 25 battle related deaths in one calendar year.*¹³²

There is still another definition provided by scholar, Christian Skrede, which reads as:

*Civil war is a violent conflict between a state and one or more organized non-state actors in the state's territory. Civil wars are thus distinguished from interstate conflicts (in which states fight other states), violent conflicts or riots not involving states (sometimes labeled inter-communal conflicts), and state repression against individuals who cannot be considered an organized or cohesive group, including genocides, and similar violence by non-state actors, such as terrorism or violent crime.*¹³³

Missworldsecurity¹³⁴ defines intrastate conflict as:

*It is a sustained political violence that takes place between armed groups representing the state, and one or more non-state groups. Violence of this sort usually is confined within the borders of a single state, but usually has significant international dimensions and holds the risk of spilling over into bordering states*¹³⁵ (the current conflict in Syria, Libya, South Sudan would be described as a intra-state conflicts)

Center for the Study of Security defines this type of armed conflict as:

Intra-state wars involve sustained combat, involving organized armed forces capable for effective resistance, resulting in a minimum of 1,000 battle related combatant fatalities within a twelve month period. Effective resistance implies: (a) both sides are organized for violent conflict and prepared to resist the attacks, or

¹³² Ibid.

¹³³ Christian Skrede, CIVIL WAR, p. 1. Available at: <<https://www.britannica.com/topic/civil-war>> last accessed on 25/03/2018.

¹³⁴ Missworldsecurity is a web based security analysis platform keeping track record of major conflicts together with their circumscribing factors both from within and outside of their place and location of occurrence.

¹³⁵ See at: <https://missworldsecurity.com/author/missworldsecurity/> last accessed on 21/02/2018

(b) the weaker side, although initially unprepared, is able to inflict upon the stronger opponents at least 5 % of the number of fatalities it sustains.¹³⁶

Generally, irrespective of the multiplicity of the definitions of civil wars provided by numerous scholars and writers, there are, however core ideas and elements shared amongst them; many of the definitions agree that there is incompatibility of interests over certain issues between groups operating inside of sovereign state. More often, such groups are the government forces on the one hand other armed groups on the other hand. The other point of convergence is that there is a distinction between civil disobedience usually enforced in the form of public riots and armed conflicts equated with civil war.

3.4. Theories on Intra-State Conflict

Five theories about civil wars have been formulated. These theories are not mutually exclusive; all assume that in the post-World War Two eras of anti-colonial, self-determination and human rights discourse, ethno-national groups enjoy legitimacy for pressing claims to cultural and territorial autonomy and group rights, and that these claims inevitably clash with the principles of territorial integrity and state sovereignty in international relations. These theories also recognize that under some infrequent conditions, demographic shifts, weak state institutions, threat of external attack, disintegration of multinational states, and a domino effect of self-determination claims – conflict management between regimes, minorities, and other adversaries is vulnerable to breakdown and high risk of armed conflict.¹³⁷

3.4.1. Ancient Hatreds

Assumes ethnic group membership, boundaries and identities are rigid, long-standing, and primordial- they resist assimilation and erosion from education, secularization and modernization.¹³⁸ Contentious issues and grievances are endemic in ethnic group relations because they are burdened with culturally transmitted memory of past violent conflicts, myths, fears and

¹³⁶ See at: <http://www.csm-fpn.org/wp-content/uploads/2011/12/TPRS-Intra-State-Conflicts.pdf> last accessed on 21/02/2018.

¹³⁷Tewodros Mebratu, Causes, Consequences and Roles of External Actors in the current South Sudan's Conflict (2015, Unpublished), p. 16.

¹³⁸ Robert D. Kaplan, "the Coming Anarchy: how Scarcity, Crime, Overpopulation, Tribalism, and Disease are rapidly Destroying the Social Fabric of Our Planet", *the Atlantic Daily* (1994), pp. 14-16, also available at: <http://www.google.com/amp/s/www.theatlantic.com/amp/article/304670> last accessed on 12/09/2017.

hostile emotions.¹³⁹ Even after long periods of accommodation and ethnic peace, ethnic incidents can rapidly escalate to destructive violence. The theory is pessimistic about preventing, stopping and managing these conflicts through policies and reforms. Secession, territorial separation, and separate institutions are more likely to make for ethnic peace.¹⁴⁰

3.4.2. Identity Politics

It also is known as Symbolic Politics¹⁴¹ holds that in multiethnic societies, the root cause of ethnic conflict is a threatened change in the prevailing ethnic hierarchy of dominance and subordination. Skeptical of primordial ethnic identities, Identity Politics holds that social construction of group identities is explained by the social psychology of intergroup relations. There is a culture tendency toward ethnocentrism and group self-defense that is evolutionarily favored, i.e. it is a normal, not a pathological aspect of group relations. Leaders create national and ethnic identities with powerful symbols and myths that have emotional appeal. Violence breaks out during ethnic rivalry over control of territory and governance amid exaggerated fears of extinction. Unless ethnic relations are properly managed, divisive ethnic myths, symbols, stereotypes, suspicions, and fears resonate in the population and get activated in ethnic cleansing, massacres, and atrocities.¹⁴²

Social psychological theory about social identity and intergroup conflict¹⁴³ supports Identity Politics. Experiments find that in-group preference (ethnocentrism) drives from social categorization as such, even without competition, hostility or rejection of other groups. Self-esteem, social identify, and ethnocentrism and validated in social interactions with like-minded persons. When group membership becomes salient in conflict, social boundaries sharpen, individual relations across groups become depersonalized and stereotyped, and intergroup behavior becomes more aggressive and competitive than interpersonal behavior. Competitive and provocative public display of group identity symbols sets off rioting and violence as social tensions rise. To lower competition and uncertainty in ethnic relations, identity politics favors language and

¹³⁹ Dan Smith, Trends and Causes of Armed Conflict (2001), pp. 6-10. Available at: http://edoc.vifapol.de/opus/volltexte/2011/2576/pdf/smith_handbook.pdf last accessed on 21/11/2017.

¹⁴⁰ Ibid.

¹⁴¹ Tewodros Mebratu, Causes, Consequences and Roles of External Actors in the current South Sudan's Conflict (2015, Unpublished), p 15.

¹⁴² Ibid.

¹⁴³ Ibid.

cultural autonomy, power sharing, diminishing the salience of ethnic identities and boundaries, and promoting a shared identity.¹⁴⁴

3.4.3. Manipulative Elites

Assumes fragility in ethnic group relations and social construction of identities, as identity politics does, but highlights top-down more than bottom-up mobilization. Elites contend for power by manipulating social divisions and blowing them out of proportion with threat, fear and hate discourse and propaganda, and with no-compromise, aggressive, crisis politics.¹⁴⁵ Manipulative Elites are an opportunity centered conflict theory in as much as elites create opportunities with issues and crises to advance their interests and goals. Conciliation is difficult when rival leaders demonize their adversaries as opponents who can never be trusted and must therefore, sometimes be eliminated, dominated or ethnically cleansed.¹⁴⁶

3.4.4. Economic Roots

Some writers locate root causes in a failed economy and a weak state, typically a poor country with an unequal distribution of incomes run by an authoritarian regime. War lords and violence entrepreneurs organize unemployed youths into armed groups. They may initially be motivated by political goals, but over time they tend to resort to criminal activities for financing rebellion, which becomes entrenched as a way of life. Facilitators of rebellion are mountains and rainforests and a weak and corrupt government.¹⁴⁷ The greatest prize to combatants comes from appropriating revenues from diamonds, petroleum, timber and other export commodities, which finance the civil war and stimulate demands for secession. Once started, armed fighting as a tremendous momentum based on positive feedback that the authors refer to as the —conflict trap: —the best predictor of whether a country will be in a civil war next year is whether it is at civil war now. Economic Roots holds that ethnic divisions have been over rated as root causes of civil wars; they occur in developing countries with weak governments that also happen to be ethnically divided.¹⁴⁸

It builds on a decade of work on the economics of new wars and the —greed and grievance research which emphasizes greed and opportunity on the supply side of conflict over grievance on the

¹⁴⁴ Id., p. 17.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

demand side. For Economic Roots, violence has to be contained, anarchy (war lord and dictatorial/totalitarian rule) prevented, and security for life and property provided before peace and reconstruction can take root.¹⁴⁹

3.4.5. Contention for Power

It is associated with Tilly, his co-authors and associates who does not claim to be a comprehensive theory of large scale collective violence.¹⁵⁰ Contention for power develops tools for answering some fundamental questions about group relations¹⁵¹ e.g., how and why do people who interact without doing outright damage to each other shift rapidly into collective violence, and then back into peaceful relations. The core idea is contentious politics, i.e. a collective political claim that has an impact on the interests of rivals and adversaries. Groups excluded from the polity, the challengers, contend for power, equality, dignity, religious freedom, workers 'rights, and oppose corruption, exclusion, unfair taxation and oppressive government. For claim making, the challengers seize opportunities and exploit weaknesses in the regime and other adversaries.¹⁵²

3.5. Causes of intra-state conflicts

It is perhaps trite to observe that non-international, or internal, armed conflicts have been commonplace throughout history. They have occurred for a variety of reasons, such as the desire to overthrow one government and replace it with another or the desire of one or more parts of a State to secede from the rest and achieve independence, disagreement over power and/or resources sharing between various contending groups or desire to bring reform in the governance systems. Historically, the two widely known civil wars are/were fought because of two reasons:

1 First, colonized peoples frequently rose up against the colonial power in an effort to gain independence, 2 and secondly, upon achieving independence, violent internal struggles for power frequently ensued, often along tribal, ethnic and religious lines.

But, the general causes of intra-state conflicts are, somehow aligned with the theories of civil wars discussed above. These theory provide not only a general glimpse on how and why civil wars erupt within states, but also they serve as a cause for these civil wars.

¹⁴⁹Ibid.

¹⁵⁰Charles Tilly, THE POLITICS OF COLLECTIVE VIOLENCE (2003), pp. 13-15.

¹⁵¹ Ibid

¹⁵² Id., p. 18

Intra-state/civil conflicts rooted into different socio-economic, cultural and political factors which in turn cause humanitarian catastrophes in all aspects of societal lives.¹⁵³ Some of the factors that have long been mentioned to cause intra-state conflicts in general and the Horn of Africa in particular are:

3.5.1. Colonial Legacy

Colonial legacy- the seeds of current civil conflicts in the IGAD region to a large extent go back to the European colonial experience in the Horn of Africa.¹⁵⁴The European colonial powers partitioned the previously free constituent territories and joining unrelated peoples and territories together, were later on began to prove to be time bombs.¹⁵⁵ These mis-drawn borders, had basically ignored ethnic, cultural, historical and religious groups' interests and consequently and subsequently to their withdrawal, lead to intra-state conflicts.¹⁵⁶Furthermore, this factor was further compounded by the fact that the framework of colonial laws and institutions had been designed to exploit local divisions rather than to overcome them.¹⁵⁷

3.5.2. Ethno-Centrism

As discussed above, colonial legacy paved the way for ethno-centrism, which favored certain ethnic groups over the other, a system which sowed hatred and suspicion amongst peoples which once dearly loved.¹⁵⁸This was done at the expense of other ethnic groups in the context of divide and rule tactics employed by the colonial powers and inflicted deep societal wounds in many of the states.¹⁵⁹In the post-colonial era, ill-advised policies have entrenched colonially designed disparities and chronic injustice, thereby worsening ethnic animosities and antagonisms in most states of the region.¹⁶⁰

¹⁵³Brouk Mesfin, The Horn of Africa as a Security Complex (2006), p. 6 and see at Tewodros Mebratu, Causes, Consequences and Roles of External Actors in the current South Sudan's Conflict (2015, Unpublished), p. 23.

¹⁵⁴ Ibid and see Redie, supra note... pp. 5-8.

¹⁵⁵Fonkem Achankeng I, Conflict and Conflict Resolution in Africa: Engaging the Colonial Factor (2012), p. 11.

¹⁵⁶Brouk Mesfin, The Horn of Africa as a Security Complex (2006), pp. 5-8

¹⁵⁷ Ibid and Abdella Bujra, *'African Conflicts: Their Causes and Their Political and Social Environment'*, Development Policy Management Forum (DMPF) Occasional Paper, No. 4(2003), p. 6.

¹⁵⁸Brouk Mesfin, The Horn of Africa as a Security Complex (2006), p. 7. And Kidist Mulugeta, The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD (2009, Unpublished), p. 9.

¹⁵⁹ Ibid

¹⁶⁰ Ibid

3.5.3. Political and Economic Factors

Political deprivation, such as colonial subordination or lack of political rights, provides another plausible motivation for resorting to violence.¹⁶¹ Many conflicts after 1945 first emerged as groups sought to achieve independence for areas under colonial rule. The Indochina wars (1946–75) and the Algerian War of Independence (1954–62) helped to mobilize movements in other countries by showing how overwhelmingly more-powerful colonial powers could be defeated through sustained violent campaigns. Many ethnically distinct groups within empire states such as the Soviet Union and Ethiopia undertook similar struggles of national liberation.¹⁶²

Struggles for broader political rights in autocratic regimes provide another context in which violence may occur. Autocratic regimes typically deny citizens room for political activities and often resort to severe repression of protests, which in turn may motivate resort to arms. Protests against autocratic or exclusionary regimes often turn violent and sometimes lead to sustained conflicts, as in South Africa under the apartheid system.¹⁶³ Claims for greater political rights and freedom are clearly important elements of the rhetoric of many insurgent movements, even those that do not immediately implement democratic institutions once they have achieved power.¹⁶⁴

On the other hand, most civil wars take place within relatively poorer societies. Early contributions to the study of violence within societies tended to focus on economic deprivation and grievances as key motives.¹⁶⁵ The American political scientist Ted Gurr, for example, highlighted inequality and how groups may resort to rebellion if they are dissatisfied with their current economic status relative to their aspirations.¹⁶⁶

3.5.4. Deeply Entrenched Illiteracy

The fourth factor lies on the fact that states of the region lack trained personnel and experts capable of mustering a long term vision and long experience in security policy-making.¹⁶⁷ Furthermore,

¹⁶¹ David W Lutz (ed.), “War and Peace in Africa: Philosophy, Theology and the Politics of Confrontation” *ScientiaMilitaria, South African Journal of Military Studies, Vol. 42, Issue 2* (2014), pp. 198-199.

¹⁶² See, <<https://www.britannica.com/topic/civil-war>> last accessed on 25/03/2018.

¹⁶³ Siphamandla Zondi, *African Union Approaches to Peacebuilding: Efforts at Shifting the Continent towards Decolonial Peace* (2014), p. 109.

¹⁶⁴ See, <<https://www.britannica.com/topic/civil-war>> last accessed on 25/03/2018.

¹⁶⁵ Hussein Solomon, “African Solutions to Africa’s Problems? African Approaches to Peace, Security and Stability,” *ScientiaMilitaria, South African Journal of Military Studies, Vol. 43, Issue 1* (2015), p. 47.

¹⁶⁶ See <<https://www.britannica.com/topic/civil-war>> last accessed on 25/03/2018.

¹⁶⁷ Ibid.

political competition in the Horn of Africa is not rooted in viable economic performance. All of the region's states are barely capable of reaching the needs of their people majority of who live in abject poverty.¹⁶⁸

3.5.5. Religious Intolerance

The role of religion as source of conflict, in objective and subjective terms, institutionally and ideologically, and at local and transitional levels and the many points in between, cannot be overemphasized.¹⁶⁹

Throughout history religion has provided a powerful vehicle for instigating war, giving meaning and legitimating to war, and in facilitating postwar reconciliation and reconstruction. As Niels Kastfelt argues forcefully and convincingly, “many African civil wars have religious dimensions which are sufficiently important to deserve to be studied in their own right without, of course, there by ignoring their social, economic and political context.”¹⁷⁰

In the post-colonial era one can point to Uganda's civil strife in which Alice Lakwena's Holy Spirit Movement and Joseph Kony's Lord's Resistance Army(LRA) have played a key role, not to mention the conflicts fomented among and between Christians and Muslims that are increasingly amplified by the so-called war on terror.¹⁷¹

For Nhema, the role of external powers has been cited as one of the causes of Horn of African Civil conflicts. These power, as one of the leading theory of international relations, the realist view goes on to say, states pursue or assert their national interests and an approach they adopt and enforce in cases of civil conflicts could never be an exception to this boldly established reality.¹⁷²

3.5.6. Environmental Insecurity

Environmental insecurity is also often cited as a root cause of conflict in the region. This insecurity is based on the increased degradation and scarcity of natural resources, falling productivity, population growth and increasingly unviable livelihoods. All this has led to conflicts between

¹⁶⁸ Ibid

¹⁶⁹Korwa G. Adar, Conflict Resolution in a Turbulent Region: the Case of Inter-Governmental Authority on Development (IGAD) in Sudan, p. 48.

¹⁷⁰Tewodros Mebratu, Causes, Consequences and Roles of External Actors in the current South Sudan's Conflict (2015, Unpublished), p. 33.

¹⁷¹ Ibid.

¹⁷² Ibid

cultivators, conflicts between pastoralists and conflicts between cultivators and pastoralists across the Horn. Perhaps the most pervasive of these in the Horn is conflict between pastoralists, particularly over access to scarce grazing land and water. The impact of climate change is likely to intensify such conflicts. The current drought and famine in the Horn is reportedly having an immediate impact on relationships between pastoral groups. However, the link between environmental insecurity and conflict is not direct. A wide range of other political, economic and cultural factors influence how the environment affects conflict. As a result, although it is becoming an ever more important variable, it makes little sense to view environmental factors in isolation.¹⁷³

Generally, no single internal factor has contributed more to the socio-economic decline of the Horn of Africa and the suffering of the civilian population than the scourge of civil wars within member states; the conflicts have been forcing millions of people of the region, including women and children, into a drifting life as refugees and internally displaced persons, deprived of their means of livelihood, human dignity and hope.¹⁷⁴

3.6. Consequences of intra-state conflicts

The costs of civil war for any people, its cultures and societies, and its economies have been immense. Indeed, measured in terms of deaths, refugees and displaced persons, and lost economic opportunities, civil war is one of the greatest calamities of our era. It is also a calamity in dimensions that are more difficult to measure, including the anguish and suffering of millions, and the destruction of traditional ways of life, perhaps forever. What may be happening to traditional human societies and to natural environment in the war zones is largely a matter of speculation. And we have no way to gauge the psychic pain of the homeless, the orphans, and the destitute affected by civil wars.¹⁷⁵

Reckoning, the consequences of intra-state conflicts are more plain and apparently visible than the factors causing the same; intra-state conflicts entail human's death, bring material destruction, cause social disorder, force people flee their homes in search of safety, exacerbate humanitarian

¹⁷³Jon Lunn "Interlocking Crisis in the Horn of Africa" (2008), pp. 6-7, also available at: <http://hcl1.hclibrary.parliament.uk> last accessed on 5/24/2017.

¹⁷⁴ Id., paras. 7-8

¹⁷⁵ Available at: file:///Users/ian1/Sites/ACCORD/ajcr/2001-1/accordr_v2_n1_a8.html last accessed on 21/03/2018).

crisis, ripple the already fragile economies, and more than anything else, make people lose their hope and faith in their future.¹⁷⁶

All in all, the impacts of intra-state conflicts are multi-faceted and multi-sectoral: ranging from brief abruption of day-to-day lives of societies to protracted political crisis, in many cases causing intra/inter-generational gap- in all respects of communal lives, one can imagine. The paper discusses three major consequences of intra-state conflicts bellow.¹⁷⁷

3.6.1. Economic Costs

Resources diverted from productive activities to destruction- a double loss: instead of constructing new economic infrastructures, or repairing deteriorated or under-functioning social facilities, parties to the conflicts in general, and governments in particular, recruits more fighters and buy fighters by diverting, more often than not, scarce resources to fighting.¹⁷⁸ As if these losses are not enough to plunge living qualities to lowest levels, there needs funds to rebuild what is destroyed.¹⁷⁹

3.6.2. Social Costs

Civilian fatalities, population displacements, forced migrations, people fleeing to avoid violence or recruitment or looting of family assets; lost economic investments and earnings, reduced access to education and health care, increased risk of predatory and contagious diseases in refugee habitations and camps.¹⁸⁰

3.6.3. Global Effects

Intra-state conflicts reduce the effective influence that governments have over their territories, allowing a ‘criminalization’ of the economy. One major byproduct of civil wars is that large areas of rural territory cease to be controlled by government: distribution and storage channels also rely upon lawlessness generated by civil war or political uncertainty.¹⁸¹

¹⁷⁶Cosuke Imai and Jeremy Weinstein, “Measuring the Economic Impact of Civil War”, *CID Working Paper No. 51* (2000), PP. 19-20 and Paulo Osvaldo et al, “An Analysis of the Effects of Civil War and Prospects for Development in Mozambique: the Case of Frelimo-Renamo in Chokwe District”, *International Journal of Humanities and Social science Invention*, (2013), Vol. 2, No. 61, PP. 66-73.

¹⁷⁷Siyam Chen et al, *The Aftermath of Civil War* (2008), pp. 63-85.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

Generally, intra-state conflicts have multi-faced impacts, amongst which, many are hardly possible to heal, either in short periods of time or lesser costs; rather, they costs a lot of resources, which could otherwise have been allocated to human development efforts.

CHAPTER FOUR

4. IGAD's Role in Managing Intra-state Conflicts in the Horn of Africa

4.1. Introduction

In 1986 the countries in the Horn of Africa formed the Intergovernmental Authority on Drought and Development (IGADD). A decade later the body was transformed into IGAD with a mandate to promote peace and stability and create mechanisms for preventing, managing and resolving inter- and intra-state conflicts through dialogue.¹⁸²

The IGAD region has experienced extensive conflict, including war between Ethiopia and Eritrea in 1998-2000, leaving tens of thousands soldiers dead; war in Southern Sudan between from 1983 to 2005, with a death toll of nearly two-million civilians; the ongoing violence and ethnic cleansing in Darfur from 2003; fighting and state failure in Somalia; atrocities committed by the Lord's Resistance Army in northern Uganda; and civil conflict in Kenya in 2007-8, the ongoing civil war in the Republic of South Sudan. There are also many inter-community conflicts, both within and between member states.¹⁸³

A pervasive conflict dynamic has been the use of force by IGAD states against each other, sometimes directly but more often by supporting rebels in neighboring countries. Examples from the past decade include Ugandan, Eritrean and Ethiopian support for the Sudan People's Liberation Movement (SPLM); Sudan's support for the Lord's Resistance Army; Eritrean support for Darfur rebels and armed opposition groups in Ethiopia and Somalia; and Ethiopian and Sudanese support for Eritrean dissidents.

IGAD has generally failed to address, let alone resolve, the violent conflicts between and within member states. There have been two major exceptions to this trend. An intermittent mediation process led by Kenya on behalf of the regional body culminated in the 2005 Comprehensive Peace Agreement that brought an end to the war in south Sudan. In 2002 IGAD mandated a group of

¹⁸² Agreement Establishing IGAD, adopted in 1996, Arts. 6A (d) and 7 (d) and Robert O. Keohane and Lisa L. Martin. "The Promise of Institutional Theory", *International Security*, Vol. 20, No. 1. (1995), pp. 39-51.

¹⁸³ Laurie Nathan, THE PEACEMAKING EFFECTIVENESS OF REGIONAL ORGANISATIONS, *Crisis States Research Centre* (2010), pp. 43-44.

member states led by Kenya to undertake peace and reconciliation efforts for Somalia, leading to the creation of the Transitional Federal Government and a national parliament in 2004. However, these structures have been unable to establish their authority in Somalia.

The IGAD experience highlights the fact that the ‘worst case scenario’ is not the failure by a regional organization to address conflict but rather a situation where the organization’s peacemaking efforts provoke or exacerbate conflict. The IGAD peace process for Southern Sudan was a proximate cause of the 2003 Darfur rebellion because the negotiations and emerging agreements between Khartoum and the SPLM excluded Darfur and were perceived by Darfuri communities to entrench their long-standing marginalization.¹⁸⁴

Mearsheimer, as one of forerunners of the realist school of thought, argues that international institutions cannot enhance stability and contribute to peace in an international system defined by anarchy. One of the empirically and logically unsatisfactory aspects of this position is that many states in many parts of the world put a great deal of effort into building and sustaining international organizations whose goals include peace and stability.¹⁸⁵

Liberal institutionalist theory, on the other hand, offers a logical and plausible explanation for the formation and use by states of regional arrangements for peace and stability. As rational actors, these states must believe that institutionalized co-operation and co-ordination will serve their interests by helping them to achieve one or more goals or solve one or more problems. If they did not hold this belief at the outset, or if the initial belief proved to be unfounded over time, they would not expend resources on communal arrangements.¹⁸⁶

In addition to facilitating security co-ordination and co-operation, regional organizations can undertake peacemaking interventions that are more legitimate and less threatening than those of a single state because they represent collective interests or a balance of national interests rather than a narrow set of parochial and partisan interests. This potential advantage has not materialized in

¹⁸⁴ Laurie Nathan, THE PEACEMAKING EFFECTIVENESS OF REGIONAL ORGANISATIONS, *Crisis States Research Centre* (2010), p. 8.

¹⁸⁵ John J. Mearsheimer, “The False Promise of International Institutions,” *International Security*, Vol. 19, No. 3 (1994; 95), pp. 47-49. Available at: < <https://deskbounded.wordpress.com/2016/03/01/john-j-mearsheimer-the-false-promise-of-international-institutions-international-security-vol-19-no-3-199495-5-26/>> last accessed on 21/02/2018.

¹⁸⁶ See at, Laurie Nathan, p. 10.

all regions, but it is evident throughout Africa, where numerous mediation efforts have taken place under the auspices of a regional organization (which often mandates one of its member states to host or conduct the mediation). The legitimacy of a regionally endorsed peace initiative is particularly important to the UN and the donor governments that support the initiative and its non-threatening and balanced character is particularly important to the belligerent parties.

By way of illustration, the mediation that culminated in the 2005 Comprehensive Peace Agreement for Sudan began in 1993 when Khartoum approached IGADD for assistance in ending the war. IGADD responded by setting up a peace committee headed by President Daniel Arat Moi of Kenya. While Kenya led the process from start to finish, the IGADD/IGAD institutional framework provided several significant benefits: it allowed the process to survive major shifts in state alliances and antagonisms; it ensured continuity when the regional political constellation was not conducive to a settlement; it enabled Western powers and donors to render support through the IGAD Partners Forum; it brought together all the neighboring states that were directly and indirectly involved in the war.¹⁸⁷

By far, IGAD could not register similar success in its endeavor to manage intra-state conflicts in Somalia and the Republic of South Sudan due to various challenges both from within and outside of the organization.¹⁸⁸

Having the fact that ethnic conflicts are surging in alarming rate, in the Horn of Africa, under normal circumstance, one would expect for enhanced role of IGAD.¹⁸⁹

Civil conflicts are more complicated and hereby challenging to resolve by foreign interveners including IGAD for reasons attributable for first, the very nature of the conflicts themselves and second,¹⁹⁰ the nature of such dispute resolution efforts also are mainly dependent on the apparent connection of foreign parties involving in the mediation process.¹⁹¹

¹⁸⁷ Sally Healy, PEACEMAKING IN THE MIDST OF WAR: AN ASSESSMENT OF IGAD'S CONTRIBUTION TO REGIONAL SECURITY, *Regional and Global Axes of Conflict* (Working Paper no. 59; 2009), p. 6. Available at: < <http://eprints.lse.ac.uk/28482/1/WP59.2.pdf> > last accessed on 21/02/2018.

¹⁸⁸ Ibid.

¹⁸⁹ The African Peace and Security Programme, *Managing Peace and Security in Africa: Essays on Approaches to Interventions in African Conflicts*, Institute for Peace and Security Studies, Addis Ababa, 2012, p. iii.

¹⁹⁰ Id., p. IV.

¹⁹¹ Ibid.

4.2. Intra-state Conflicts in the Horn of Africa

Except for few areas of community fortunate enough to avoid direct involvement in manifold civil conflicts, the horn of Africa is living in virtual conflicts which are in many cases prolonged and intractable.¹⁹²

The Horn of Africa, both historically and currently, is one of the most conflicts (conflicts of both types, i.e., interstate and intra-state¹⁹³, prone regions of Africa.¹⁹⁴ The great vulnerability of the sub-region for handling conflict in a violent or warlike way has been shown in the deeply rooted conflict in, virtually, all nations of the Horn.¹⁹⁵

The unfortunate tradition of a ‘culture of violence and of war’, authoritarian and repressive regimes as well as a ‘culture of mutual intervention and interference’ massively contribute to and produce susceptibility in the sub-region.¹⁹⁶ The longstanding and protracted civil-conflicts or otherwise known as intra-state conflicts in the sub-region of the continent of Africa have had devastating humanitarian, political, economic and social consequences, quite often, with unspeakable toll of human lives. Peoples, communities and nations have been hard hit by civil conflicts.¹⁹⁷

Negussay Ayele, political scientist, as quoted by Bruchhause and M. Sommer rightly criticized this painful and the most horrendous fate of the Horn of Africa in the following phrase:

*“For centuries past and yet to go, the peoples of the Horn of Africa have not been able to celebrate the discoveries of science, the invention and production of material goods, the beauties of art, the edification of philosophy, exaltation of happiness or the triumph of civic culture, but the prowess of individuals, the conquest of subject peoples, the destructive capacities of imported war machines and subjugation of the vanquished, revealing over ‘enemy’ dead and dreaming of ‘annihilation of rivals’.”*¹⁹⁸

¹⁹²KATSUYOSHI FUKUI AND JOHN MARKAKIS, Ethnicity and conflict in the horn of Africa (2005), p. 2.

¹⁹³ The sole theme of the paper will definitely be ‘intra-state’ conflicts as the title of the thesis plainly reveals; so, from this particular perspective, discussion or reference, supposedly made on either practical or conceptual aspects of interstate conflict, is only meant to cast context and meaning to the generic term ‘conflict’ in general.

¹⁹⁴ Eva-Maria Bruchhause and Monika M. Sommer (eds.), Hotspot Horn of Africa Revised: Approaches to Make Sense of Conflict (2009), pp. 4-6.

¹⁹⁵ Id., p. 1.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

¹⁹⁸ Negussay Ayale, “A Brief Profiles of War in the Horn of Africa”, In North East African Studies, (1984), Vol. 6, Issue No. 2, p. 6.

Negussay went on questioning, “Do we, peoples of the Horn of Africa, not have enough of and consequences of centuries of civil conflicts in the Horn? (Emphasis added)...Are there no solutions or resolutions to civil conflicts and problems in the horn other than by ‘deadly quarrels’? ... Do we look forward to another generation of warmongers or to a new generation of peacemakers in the Horn”?¹⁹⁹

It’s not clear, whether or not IGAD came to being in 1986, as a response to address such and similar anxious sentiments and inner wishes and aspirations of scholars, of course, the entire peoples of the Horn to end, or at least, ease adversities of civil conflicts.

The region has also long been known to experience proliferation of resistance movements which resulted in minor and heavy and protracted intra-state conflicts.²⁰⁰

4.3. Factors Sustaining the Intra-state Conflicts

Factors sustaining intra-state conflicts in the Horn of Africa are multi-faced: economic, social, political and security related challenges the sub-region has long faced are the categories from where the unwinding problems emanate from. The paper will not be discussing each and every factors sustaining the conflicts of the region for these are discussed under chapter three; rather, it will focus on major and typical challenges of the region. These are:

4.3.1. The Culture of Subversive Acts and Behaviors

The states of the Horn of Africa took advantage of every local tension or conflict to support rebel movements in neighboring states.²⁰¹ Sponsoring subversive activities had simply become a customary tool poised to destabilize and endanger the security of another state, in what some observers called the time-honored principle of *my enemy’s enemy is my friend* extending throughout the Horn of Africa.²⁰² This enhanced inter-state rivalries, mutual suspicion and the development of an eye-for-an-eye mentality. One example is the long and bloody game of tit-for-tat which bedeviled relations between Ethiopia and Sudan for over four decades.²⁰³ It is impossible to prove which party was the original culprit in this long-running proxy war as ensuring the secrecy

¹⁹⁹ Id., p.10.

²⁰⁰ See Brouk Mesfin, *supra* note 153, pp. 3-4.

²⁰¹ See at Id. p. 11.

²⁰² Ibid.

²⁰³ Ibid.

of the support's details was paramount because a disclosure of its true extent would threaten its effectiveness and risk major embarrassment to the regimes. In any case, Sudan's support for Ethiopian rebel movements was the reason why the Sudan People's Liberation Army enjoyed strong and sustained support from the post-1974 Ethiopian regime.²⁰⁴ Other examples abound in the Horn of Africa in which 'pursuing regional foreign policy through proxy forces in neighboring countries has been the normal pattern of relations for decades.'²⁰⁵ This activity has proved persistent over time and has survived radical political reconfigurations, including changes of regimes. 'Mengistu engaged Barre in a proxy guerrilla war in which they each supported the other's insurgent'.²⁰⁶ The Christian-fundamentalist Lord's Resistance Army received support from Islamist Sudan in retaliation for Uganda's support for the Sudan People's Liberation Army. Sudan's support for the Eritrean Islamic Jihad invited Eritrean support to the Sudan People's Liberation Army and the National Democratic Alliance which was even allowed to occupy the Sudanese embassy premises in Asmara.²⁰⁷ It has to be pointed out that Eritrea has become a recklessly belligerent bully especially adept at pursuing a low-cost strategy of supporting rebel movements against Sudan and Ethiopia as well as in Somalia. Many analysts describe Eritrea's support to the Somali Islamist movements, despite facing its own Islamist movement, as a *proxy war* which is largely opportunistic as it cuts across ideological lines. Uganda is supporting the Salva Kiir forces by deploying her troops to Juba, the capital city of Republic of South Sudan, Ethiopia, Sudan and Kenya are also blamed to have been supporting the SPLM/IO.

Regional actors; states and their agents are openly known to mobilize local and global agendas in order to pursue their own aims in the domestic affairs of their intimate neighbors. These actors and their keenly-waged meddling highlight how serious and complicated the situation is.²⁰⁸ The recurrence of conflict in the domestic and regional political arenas that have been hampering the peace and stability of the region are partly attributable to such scenarios.²⁰⁹ Accommodation of different groups' demands perpetuates the reproduction of the practice of resorting to armed force to negotiate political space and obtain control of the state.²¹⁰

²⁰⁴ Ibid.

²⁰⁵ Ibid.

²⁰⁶ Ibid.

²⁰⁷ Ibid.

²⁰⁸ Ibid.

²⁰⁹ Ibid.

²¹⁰ Id., P.7.

In contrast with West and Southern Africa, the ill-defined nature of the borders in the Horn of Africa has remained a triggering factor to two high-intensity inter-state wars, namely the 1977-1978 war between Somalia and Ethiopia and the 1998-2000 war between Eritrea and Ethiopia, and inter-state disputes between Djibouti and Eritrea, Eritrea and Yemen and more recently between Sudan and South Sudan.²¹¹

Similarly, civil wars between Southern Sudanese armed groups and the forces of Sudan which had run up to 2011, the year marking the political independence of South Sudan, the yet-not-solved clan-fueled civil war and the war against the terror group, Al-Shabab in Somalia, Ugandan fight of LRA in its northern part, Eritreans destabilizing addiction on both dissident groups at home and Ethiopia's ongoing, sporadic it's though, war against separatist elements as ONLF, OLF and etc., are also another indications how restless the Horn of Africa is.²¹²

Reflecting in part US cycles of engagement and disengagement in the Horn of Africa and China's growing interest and engagement in the region, particularly in Sudan and South Sudan, mainly hinged on oil exploration and exploitation, analysis from an international relations standpoint has often taken a reductionist approach to the region, considering these states mere secondary actors on a chessboard where the rivalry between superpowers and/or rising powers is the decisive factor in understanding the region's security dynamics.²¹³

There aren't such things 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.²¹⁴The 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.²¹⁵ The following table indicates warring elements which have been engaging in both minor and serious intra-state conflicts and the neighboring countries backing the

²¹¹ Alexandra, *supra* note 8, P. 8.

²¹² *Id.*, P. 8.

²¹³ *Id.*, P. 9.

²¹⁴ Aleu Garang, The Impact of External Actors on the Prospect of a Mediated Settlement in South Sudan, (Pretoria: University of Pretoria, 2015), p. 5.

²¹⁵ *Ibid*

same factions fighting against central governments, which they appear to mediate at IGAD-initiated forums.

4.3.2. Contagious Nature of Intra-state Conflicts in the IGAD Region

Table 1: Horn of Africa's Contiguous Neighbors and Their Shared Borders

States	Contiguous countries and lengths of shared boundaries	Total
Djibouti	Eritrea (113 km)/Ethiopia (337 km)/Somalia (58 km)	3
Eritrea	Djibouti (113 km)/Ethiopia (912 km)/ Sudan (605 km)	3
Ethiopia	Djibouti (337 km)/Eritrea (912 km)/Kenya (830 km)/Somalia (1,626 km)/South Sudan (606 km)/Sudan (1000 km)	6
Kenya	Ethiopia (830 km)/Somalia (682 km)/South Sudan (232 km)/Uganda (933 km)	4
Somalia	Djibouti (58 km)/Ethiopia (1,626 km)/Kenya (682 km)	3
South Sudan	Ethiopia (606 km)/Kenya (232 km)/Sudan (2000 km)/Uganda (435 km)	4
Sudan	Ethiopia (1000 km)/South Sudan (2000 km)/Eritrea (605 km)	3
Uganda	Kenya (933 km)/South Sudan (435 km)	2

Source: Alexandria (2013: 8) and compiled by the author.

As the above table shows, after the end of the Cold War and despite significant changes in the region's map (as Eritrea won her independence in 1993 and became a state and South Sudan became an independent State in July 2011), Ethiopia is still the country that shares the most international borders with other Horn of Africa countries (6), followed by Kenya and South Sudan (4). Although the region lacks a clear hegemonic power, what happens in the majority of the Horn of Africa's countries is very important to Ethiopia, having direct consequence as refugee in flock, proliferation of light armed weapons having destabilizing effect on the local security, political and diplomatic strains as well as economic hardships²¹⁶. In addition, due to the interconnectedness of conflict and the region's security dynamics, each country's domestic politics are intertwined with the regional political arena. Tewodros described the phenomenon as:

²¹⁶See Alexandria, *supra* note 9, p 8.

*Because of the increasingly complex interdependence among states, shared territories, cultural make ups, economic interdependence and mutual political grooming emanating from mistrust and suspicion, such conflict tends not to be confined within the boundaries of the particular state for long, if at all, but rapidly diffuses. It spills over across frontiers and enmeshes other states, or parts of states, in its grip. This process of diffusion and contagion means that low-level intra-state conflicts can potentially escalate into more intense inter-state ones*²¹⁷

There is virtually no nation in the Horn of Africa that has never engaged itself to supporting armed fighters in its neighbors. The Authority has never managed to mediate any of the major civil conflicts without its member states trying to make national interests make their way in to the process; if there were at all, some ended up in failure except for the Comprehensive Peace Agreement (CPA), and concluded between the Sudanese government and the SPLM. This and the other two major mediation efforts, i.e., Somalia's and South Sudan's will be discussed in the following sections in detail.

The states of the Horn of Africa take advantage of every local tension or conflicts to support rebel movements in their neighboring countries (see table 2, above)²¹⁸. Sponsoring subversive activities has simply become a customary tool poised to destabilize and endanger the security of another state, in what observers call it time-honored principle of *my enemy's enemy is my friend* extending throughout the Horn of Africa.²¹⁹ This enhanced inter-state rivalries, mutual suspicion and development of an *eye-for-an-eye* mentality. Example, the relationship between Ethiopia and Sudan has long been masked with this blinding stance regarding military, political and economic support one extended to support insurgencies operating in the other.²²⁰

These and other politico-economic situations in the Horn of Africa, having similar outcomes, cast a shadow on the legitimacy and credibility of IGAD to mediate intra-state conflicts in the region and hence bring about lasting peace.²²¹ The mediation efforts are profoundly undermined by the

²¹⁷ Bloomfield & Ben (1998), quoted by Tewodros, supra note 65, p. 22.

²¹⁸ See Sally Healy, p. 39; Brouk, supra note, 153 p. 11.

²¹⁹ Id., and Sally Healy, p. 8.

²²⁰ Ibid.

²²¹ Irit Back, "IGAD and South Sudan: Success and Failure in mediation", Telaviv Notes, Vol. 8, Issue 23 (2014), pp.1-2.

states lack of genuine and sincere interest in seeing a conflict free neighboring states and here by practically affects the peace finding process, if such process is to bear any fruit at all. The other threat the situation poses on IGAD's effort to mediate civil conflicts is that, the outsiders or other stakeholders do not heed to such efforts, a situation which potentially hampers the implementation of the peace deals for the latter consider it as if it's not just or the states involving in the process are not impartial.

4.4. Intra-state conflicts Managed by IGAD, in the Horn of Africa

The greater Horn is Africa's the most intra-state conflict-torn region in the continent of Africa.²²²The civil conflicts in this part of the continent is also known to be one of the most contagious owing to the fact that countries of the region share wider socio-economic and political dynamics as well as longest international borders.²²³These conflicts have taken a heavy toll as millions of people lost their lives and livelihood since the 1950s.²²⁴The calamities continue to drain resources away from development, deepen poverty, and perpetuate the cycle of violence.²²⁵Despite the heavy human cost of hostilities, political leaders in the Horn seem unwilling to make compromise within and between countries that would result in a better future for the region's people.²²⁶The conflicts' protracted nature has created a deep sense of cynicism among the public as they witness undemocratic leaders turn promising opportunities for peace in to another nightmare.²²⁷ Sudan's civil war, Somalia's conflict, Uganda's ongoing fight between the government and the Lord's Resistance Army, Ethiopia's fight against separatist elements are all indications of the situation of the region.²²⁸ Number of domestic contestations ranging from minor-sporadic clashes to grave and all out civil wars, exist in majority of the member countries to IGAD. These conflicts are frequently labeled as religious or ethnic, are often political in nature.²²⁹

²²² Patrick Ferras, Security Stakes and Challenges in the Horn of Africa in Alexandra Magnolia Dias (ed), State and Societal Challenges in the Horn of Africa; Conflict and Process of State Formation, Reconfiguration and Disintegration, (2013), p. 48 and Robert I. Rotberg (ed), Terrorism in the Horn of Africa, (2005), pp. 21-25.

²²³ See Id. p. 59; Bereket Habte Selassie, Conflict and Intervention in the Horn of Africa, (1980), p. 1 and Assefaw Bariagaber, Conflict and the Refugee Experience: Flight, Exile and Repatriation in the horn of Africa, (2006), pp. 21-24.

²²⁴ See Hackeche Hofe, p. 26.

²²⁵ Ibid

²²⁶ Ibid

²²⁷ Ibid

²²⁸ Ibid

²²⁹ Ibid

The number of intra-state armed conflicts in Eastern Africa has been relatively stable since the beginning of the 2000s, and concentrated in two countries – Ethiopia and Somalia this truth only lasted until December 2013, when South Sudan plunged in to civil wars.²³⁰ The sub-region has witnessed two of the four interstate conflicts that broke out over the past 23 years in sub-Saharan Africa. Two intra-state low-intensity conflicts were still on-going in Ethiopia, opposing government forces and small separatist factions remaining from the war. Armed violence related to Al-Shabaab’s insurgency in Somalia sparked a wave of violence in the country since 2006, and the highly intensified and rapidly escalating major civil war in South Sudan.

Intra-state conflicts in the Horn of Africa are mainly two types: competition for national dominance and local struggles over resources.²³¹ For the sake of time management, the paper will be discussing the civil conflicts in Sudan, Somalia and South Sudan only briefly as follows.

4.4.1. Sudan

Like many other African countries in general and the Horn of African Countries in Particular, Sudan has experienced many years of political tension and civil/intra-state wars since its independence in 1956.²³² During the transition to independence in 1955, political power was concentrated within a conservative Arab ethnic group; conflict emerged when the government refused to introduce a federal political structure that would grant relative autonomy to the country’s competing ethnicity.²³³

Right before the Sudanese won their independence in 1956, only the northerners were rightful and more-favored people both by the British and Egyptian rulers²³⁴; the southerners were given no decent value, which they deserved the least.²³⁵ The frustration, marginalization and exclusion hatched out of this discriminatory rule practiced by the Anglo-Egyptian dominion rule, provoked

²³⁰ Louise Bosetti and Sebastian von Einsiedel, Intrastate-based Armed Conflicts: Overview of Global and Regional Trends (1990-2013) (2015), p. 8.

²³¹ *Id.*, p. 29.

²³² Alfredd Nhema and Paul Tiyambe Zeleza, Roots of African Conflicts: the Causes and Costs (2008), p. 71.

²³³ Cited in Tewodros Mebratu, Causes and Consequences of Role of External Actors in the Current South Sudan Conflict (2015), p.1. (unpublished)

²³⁴ LeRiche and Arnold at supra note 2. Sudan had endured the grim by both the British and the Egyptian administration which is commonly referred to as “Anglo-Egyptian condominium” whereby the former was subjected to rule by the latter over the concession Egypt secured from the British side for her interest on River-Nile and threat to block the Swiss Canal.

²³⁵ Matthew LeRiche and Matthew Arnold, South Sudan from Revolution to Independence, (2013), p. 13.

the Southerners to begin to establish armed resistance group, which they named it *Anyanya* and political parties in earnest.²³⁶

The earliest phase of the civil conflict or otherwise named as intra-state conflict broke out when the Sudanese response to the obvious social and political reality of duality between the northerners and the southerners was to adopt aggressive assimilation programs of ‘Arabization’ and ‘Islamization’ in the south; this was the first and major cause for the outbreak of the civil war in Sudan.²³⁷ The other cause of the conflict, which was, of course, came in to being decades later on, was inequitable share of wealth mainly oil between the people of the nation.

Against the forgoing background that was sowed and brewed in the colonial eras, it’s proving to be inevitable that a political crisis was to surface.²³⁸ In 1955, a year earlier to her independence from the British-Egyptian Condominium rule, members of the British Equatoria Corps, together with local police, mutinied in Torit and other Southern Sudan towns.²³⁹ Poorly armed and organized mutineers dispersed across the Southern territories and began to stage serious of attacks on forces loyal to the Sudanese government in Khartoum. They formed *Anyanya* guerilla army or otherwise named as *Anyanya 1* as there were 2 and 3 of the phase of the Guerilla’s movement that spanned until 1983,²⁴⁰ a year when the South Sudanese Liberation Movement and Army (SPLM/A) was formed to lead the separatists in organized and concerted manner.²⁴¹

The SPLM/A was effectively marshaled by its key founder and leader, Dr. John Grang and could manage to inflict astronomical numbers of human deaths and sufferings and material destruction.²⁴² This particular fear-wrecking scenario began to force the Sudanese government to look for alternative way outs to get ride of the protracted civil war that lasted for almost half a century.²⁴³

²³⁶ Ibid. see also at: <<https://www.cia.gov/library/readingroom/docs/1995-10-01A.pdf>> last accessed on 14/11/2017.

²³⁷ Id., p. 12.

²³⁸ Hackeshe Hofe, *In Quest for a Culture of Peace in the IGAD Region* (2006), p. 150.

²³⁹ Ibid

²⁴⁰ B. Raftopoulos and K. Alexander, *Peace in the Balance: The Crisis in the Sudan* (Cape Town, SA: Institute for Justice and Reconciliation, 2006), p. 21.

²⁴¹ Ibid

²⁴² Id., p. 151

²⁴³ Id., p. 152

The Sudan's civil war was one of the longest running civil wars, not only in the Horn of Africa but also in the entire continent of Africa; it broke out only months after the British-Egyptian Condominium rule ended in 1956.²⁴⁴ Initially, the Sudan's civil war was between the Sudanese government forces and the Southerners over discrimination mainly on the basis of religious difference, inequitable wealth resource as oil and natural gas, alienation of the latter from the mainstream power politics that stationed in Khartoum.²⁴⁵ They took a dynamic twist in 1983 when the unorganized and fragile struggle of the Southerners was reframed and put under the political leadership of the newly formed South Sudanese Liberation Movement and Army (SPLM/A).

Since then onwards, the Sudan's civil war remained the most deadliest and intractable until IGAD brokered the 2005 Comprehensive Peace Agreement signed between the Sudanese President Omar Al-Bashir and the late leader of SPLM/A, John Garang (Dr.) in Kenya.²⁴⁶

IGAD formally began to resolve the Sudan's civil war in 1993; a conflict that long pre-dated any notion of regional security organization in the Horn of Africa, including the Authority itself.²⁴⁷ The first initiative IGAD took towards the process of commencing the long journey to find peace to the conflict was the one reached by three of its member countries, i.e., Ethiopia, Eritrea and Uganda, firmly convinced of the threat the conflict carries was dangerous to the whole region.²⁴⁸ The process culminated in 2005, by the signing of the Comprehensive Peace Agreement (CPA).²⁴⁹

The CPA was only the peak of the lengthy peace finding process played by IGAD; before reaching to this comprehensive and lasting solution to the Sudan's decades old crisis, there had been many

²⁴⁴ See Alfredd Nhema and Paul Tiyambe Zeleza, *supra* note 128, p. 74.

²⁴⁵ See Ipimoye Ayhodele Olu and Saleh Daweda, *supra* note 14, p. 136; The Sudanese government adopted Shari'a law applicable in the whole territory disregarding the truth that the Southerners were majority Christians and the remaining many were practicing animisms and traditional faiths. The other factor for the worsening of the civil war was the discovery of oil in Blue Nile and Abiye regions, territories which are part of the current South Sudan in 1990s. The oil resource has been transported to the north for the refining facilities are located there. The Southerners began to feel as if they were the second or third, even further citizens of the country they feel their own, they were also kept outside from the power game. These and other socio-economic and political reason pushed the Southerners to the edge of seeking the way to free themselves from the oppressive northerners and create a country that they love dearly. It was to this noble end that South Sudanese Liberation Movement and Army (SPLM/A) were established under the spearheading role of the late John Garang (Dr.). It was at this particular juncture that the Sudan's civil war turned in to an all-out one.

²⁴⁶ See Ipimoye Ayhodele Olu and Saleh Daweda, *supra* note 14, PP. 7-9.

²⁴⁷ See Sally Healy, *supra* note 14 p. 6.

²⁴⁸ *Id.*, p. 5.

²⁴⁹ *Id.*, p. 6.

steps undertaken by IGAD: the first initiative was, the 1990s effort by Eritrea, Ethiopia, Kenya and Uganda, states of the region sharing border with Sudan; the Committee established from representatives of these countries formed IGAD's Initiative, a mechanism tasked with undertaking examinations of facts on the ground and design methods of dispute resolution to resolve the civil war.²⁵⁰ The second effort was, successive meeting by IGAD's member states delegations ranging from envoys to heads of states and governments from 2002 to 2003 which bore the agreement between the Government of Sudan SPLM/A to keep on staging table round talks until lasting accord is strike.²⁵¹ The third phase of the IGAD lead negotiation process resulted the 2003 Markakos Protocol by which the two warring parties agreed to form common national government.²⁵²

The CPA put an outline and schedule of power sharing between the parties until the CPA was signed in 2005.²⁵³ The third significant progress IGAD scored in its effort to bring an end to the Sudan's civil war was the signing of Memorandum of Understanding on Cessation of Hostilities on 15 October 2002. Under this Understanding, the parties undertook to notify the movement of their respective fighters and their locations and acceptance of deployment of Verification and Monitoring Team to investigate, in case either or both parties attack each other.²⁵⁴ Apart from these and the other significant efforts IGAD played to solve the Sudan's Civil war, It made the most significant progress in mediating the 2005 CPA. This agreement stipulated power sharing schemes between the two parties; it determined the time period within which the Southerners make a referendum to decide their future political fate, which they did it, indeed in July 2011 resulted in the birth of the newest nation of the world.

To sum up, IGAD played incredible part in bringing an end to the Sudan's longest civil war known to, not only to the Horn of Africa but also to the world at large though it's criticized to be stuffed

²⁵⁰ Ibid.

²⁵¹ Ibid

²⁵² Ibid; The Mackakos protocol was signed between the two parties to the conflict on 20 July 2002 in Kenya. The protocol outlined the general politico-economic power sharing between the two parties until final solution was sought; the leader of the SPLM/A was given the position of the vice presidency at Khartoum, they were allowed to command their own armed forces, they were also granted full power of administering the Southern part of Sudan, which they had fought for many decades already.

²⁵³ See Irit Back, p. 1.

²⁵⁴ Ibid

with loopholes.²⁵⁵ But, this is not the only civil war story of Sudan, there is another civil war in the country, in the Darfur region, a civil war fought between the Sudanese government forces and the rebels of the region for virtually similar cause the Southerners, the now South Sudanese fought for many years. IGAD has not registered similar success story in this case apart from its members as Ethiopia are supporting the UN peace keeping mission in Darfur. So, there still remains a huge and demanding work on the table waiting for practical action by IGAD, and this really casts a shadow on the many achievements it registered and hence makes its role in managing the Sudan's civil war incomplete.

4.4.2. Somalia

The civil war in Somalia was very different to the conflict in Sudan and stemmed from the comprehensive collapse of state institution.²⁵⁶ Shortly after her independence Somalia could manage to establish parliamentary democracy, only to be uprooted and replaced by clan based politics.²⁵⁷ In 1969, following the assassination of president Shermarke, the dictator leader Siad Barre took power and began to experiment the rule of oppression, only to be deposed in 1991.²⁵⁸

The civil war in Somalia was mainly fought between numbers of warlords, militia groups and other many clan-based extremists, for natural resources, political power and dominance.²⁵⁹

Somalia had remained only failed state in the world until 2017, when the country's tribal representatives elected their president and formally began their journey as a functioning nation. Since 1991, a year marking the downfall of the Sied Barre government, the country has gone through unspeakable atrocious civil war fought between opposing clans, warlords and extremist Islamic factions.²⁶⁰ The situation in Somalia has not only raked the country but also it serves as a safe haven to Al-Qaida and Al-Shabab, both a terrorist group responsible for the death of many

²⁵⁵ See Irit Back and S. Samatar, *Somalia: A Nation in Turmoil* (London, 1991), p. 13.

²⁵⁶ See Sally healy, p. 8.

²⁵⁷ Memar Ayalew Demeke, "Conflict Resolution Responses of IGAD and the AU to the Somalia Crisis", *International Journal of Political Science and Development*, Vol. 2, Issue 10 (2014), P. 251. also available at: <http://www.academicresearchjournals.org/IJPSD/PDF/2014/November/Memar.pdf> last accessed on 3/30/2017

²⁵⁸ Ibid; see also Kidist Mulugeta, *The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD*, (2009), p. 10. (unpublished)

²⁵⁹ Id., p. 252; see also Eva Maria Bruchhaus and Monika M. Sommer (eds), *Hot Spot Horn of Africa: Approaches to make Sense of Conflicts*, (2008), pp. 14-18.

²⁶⁰ Id., p. 137.

civilians and other humanitarian damages.²⁶¹ The Somalia Crisis is a source of concern for regional and international organizations as well as big powers as the USA, UK and other countries which they claim the situation puts their geo-political interest in the region at stake. For example, in 2011/12/13/and 2014, piracy became the worrying issue to the safety of passage of ships carrying goods to middle east and Europe because of lawlessness and civil war in the country which strip off the country with necessary security apparatus to control and safeguard the water costal boundaries including the nearby continental shelf of the Indian ocean.

As the security situation falls under the mandate of the Authority, IGAD, has a duty to resolve the Somalia's civil conflict.²⁶² The regional organization has made formidable effort to bring numbers of warring clan-based factions and warlords to help them shut the rift keeping them fighting and work together to rebuild the nation and make a state per se., together with the UN and the USA²⁶³ Unlike to the Sudan's civil war, the civil war in Somalia is more complicated and some scholars dub it as a situation with many heads and tails, cutting one of the heads or the tails of the problem is simply to give a chance to the others reveal themselves. Proliferation of warlords and clan-based warriors together with their seemingly countless and irreconcilable interests and agenda made the situation only highly difficult to halt.²⁶⁴

IGAD as an organization and its members on their national capacity put all they have in to the effort to bring peace in Somalia; they tried to maintain inclusivity of the entire process of mediation works as leaving any single element having an interest in the process off door, was a potential disaster to the whole work.²⁶⁵ The first known and quite significant effort bore fruit, was the agreement reached in Eldoret, Kenya between representatives of clans, warlords, traditional leaders, religious leaders, other stakeholders and external partners as Italy, USA and Yemen, in 2002.²⁶⁶ This agreement paved the way for future agreements reached in 2006, 2007 and 2009 in

²⁶¹ UNSC, 1997: para 26S/1997/915.

²⁶²Koko,S., 2007, "Whose Responsibility to Protect? Reflection on the Dynamics of an 'Abandoned Disorder' in Somalia", in Conflict Prevention and the 'Responsibility to Protect' in Africa?" ISS Africa, *African Security Review* Vol 16 No 3, South Africa. Available at: <<http://www.gsdrc.org/document-library/whose-responsibility-to-protect-reflection-on-the-dynamics-of-an-abandoned-disorder-in-somalia/>>; https://www.files.ethz.ch/isn/28242/b019_sudan_dual_crises_refocusing_on_igad.pdf; https://www.files.ethz.ch/isn/188252/ISN_169206_en.pdf;

²⁶³ Ibid& Memar at p. 253.

²⁶⁴ Ibid

²⁶⁵ Ibid

²⁶⁶ Ibid

Djibouti and Kenya which resulted in the formation of the Transitional Federal Government with its sit in Baydiwa, a city to the south of Mogadishu owing to security issue.²⁶⁷

The Sudan government (on her own personal capacity, not as a representative of IGAD) and the Arab League first attempted to mediate the TFG and the ICU of Somalia in 2006, but failed. In 2008, UN backed by IGAD and other international community could manage to broker the peace deal between the two parties. In 2009 the Ethiopian troops withdrew from Somali, ending the 2 years invasion.

The negotiation between the TFG and the other opposition groups was facilitated by the United Nations Political Office for Somalia (UNPOS), not by IGAD.²⁶⁸ It was begun on 09 May 2008 and lasted to 22 November 2008, going through a total of four rounds, resulted in termination of all kinds of armed confrontations, deployment of UN-led stabilization force in the country, disarming, disbanding and re-integration of the ICU's fighters.²⁶⁹

Beside to the peace negotiation process, IGAD made an effort to deploy troops from member countries. But this move was fiercely rejected by the ICU and later on UN- resolute to deploy African Mission in Somalia (AMISOM)²⁷⁰, whose first troops were dispatched in 2007.²⁷¹

Ethiopia and Djibouti were the key supporters of the TFG, whereas the ICU was supported by both Sudan and Eritrea.²⁷²

The 2006 peace initiative by Sudan and Arab League was taken as a tactic to divert international attention to the Darfur's case, Ethiopia's expansion in Somali and USA and EU involvement in Somalia, hence made the entire effort fruitless.²⁷³

²⁶⁷ Id., p. 138.

²⁶⁸ Id., p. 6.

²⁶⁹ Id., pp. 6-7.

²⁷⁰ This deployment of regional forces was a result of the UNSC's resolution No. 2036/2012.

²⁷¹ Id., p. 8. The deployment of troops purposely excluded forces from neighboring countries as they were not trusted to impartially monitor the peace and stability of the country as they were mandated by UN and AU.

²⁷² Id., p. 18.

²⁷³ Id., p. 29.

All in all, the Somalia's peace finding process has been better and more initiated by member states, as Djibouti, Kenya and Sudan than it was mediated by IGAD, hereby relegating the role of the latter insignificant.²⁷⁴

The role IGAD is not only limited to peace finding process, in Somalia, it's also deployed peace keeping mission to the country under the umbrella of African Union Peace Keeping Mission to Somalia (AMISOM), under the will of the UNPSC, in 2014.

4.4.3. South Sudan

The territory that is now South Sudan has seen many violent conflicts. The first war that broke out on August 18 1955, a few months before Sudan's independence from the Anglo-Egyptian administration on January 1, 1956, was to last for 17 years, beginning as a low level insurgency with the mutiny at Torit, Equatoria by Southern soldiers resisting transfer to the North. At the root of this conflict were several unfulfilled promises made to southerners by the departing British and northern elites. To agree to be part of the united Sudan, southerners had been promised among others, a federal arrangement which was soon disavowed by the Sudanese government.²⁷⁵

Southern self-determination — in varying forms and for various reasons — and resistance to Islamization and Arabization were to become the central issues in the conflict between the North and South until the signing of the CPA in 2005. Although it is often suggested that the clamor for self-determination by the south started as early 1947, records show that claims for a federal arrangement were first voiced in 1955 by Southern MPs fearful of marginalization within a united Sudan.²⁷⁶

4.5. Factors Sustaining the Civil Conflict

The study sought to investigate what factors have been triggering and sustaining the conflict in South Sudan. Accordingly, the major factors as revealed by the literatures were found to be: first, tribalism or ethnic intolerance driven by political incitements; second, lack of will from the two major warring parties, i.e., the SPLM and SPLM/IO to reconcile their political rifts and solve the

²⁷⁴ Ibid.

²⁷⁵ Final Report by AU Commission of Inquiry on South Sudan, Final Report (2014), available at: <<http://www.au.int/en/auciss>> last accessed on 5/18/2017; and also see Sally Healy, *supra* note.... p. 13.

²⁷⁶ Ibid

problem amicably; third, absence predesigned and all-agreed-upon resource/wealth distribution scheme among the unevenly numbered ethnic groups residing in ten states of the country; fourth, presence of power feud between the ruling elites which is based on the archaic model, rooted in to the rebellious legacy of SPLM, known to have been allotting the majority of state power positions to persons from the Dinka ethnic group. To external interference, greed for power/power struggle, pressure on a diminishing oil resource base from the local-level ethnic people, historical injustices e.g. marginalization, colonialism, dependency syndrome, social cultural

Measures IGAD has been taking to mitigate, and if possible, to halt the security threats and challenges in South Sudan are multi-faceted: It's sent its mission in Sudan to help mitigate the crisis and offered reinforcement; employ early warning mechanisms to prevent the escalation of the conflict, Approval of Protection & Deterrence Force (PDF) to come to South Sudan; special coordination with UNMISS peacekeepers battalion on conflicts zones; deployment of Monitors through the Monitoring and Verification Mechanisms (MVM) and built capacities of national security and Built capacity of South Sudanese security organs.

4.6. IGAD'S Effort to Resolve the South Sudan's Civil War

It was only five days later than the outbreak of the civil war that IGAD sent team of experts to observe the general situation of the country, on 19th of December 2013. Heads of States and Governments of IGAD had convened a summit in Nairobi. The Summit received a briefing from the President of the Republic of Uganda on his Country's efforts in securing critical infrastructure and installations in the Republic of South Sudan as well as in evacuating its citizens. The Summit further received a briefing from the then chairman of the Assembly and chair of the IGAD Council of Ministers and Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia, i.e., Hailemariam Desalegn and Tewodros Adhanom (Dr.) on the general situations on the ground and ways forward. Under paragraphs 7 to 9 of the final communique of the summit, IGAD condemned all parties and called up on them to put all the necessary effort to deescalate the tension. To exercise utmost restraint so as to avoid humanitarian loses as well.

In the same month the civil war broke out the Executive Secretary of IGAD issues statement in condemning the sufferings of civilians and called on immediate cessation of fire.

Expressing his concern for the continuing suffering by civilians in South Sudan, the IGAD Executive Secretary acknowledged the crucial role that humanitarian actors are continuing to play, and urged the International Community and all stakeholders in South Sudan to support the commendable work by the humanitarian actors to enable them reach all those directly affected by the violence.

The following year, there was face to face negotiations between South Sudanese parties in the IGAD-led mediation process continued in Addis Ababa today 6th January 2014 under the mediation of the Special Envoys, Amb. Seyoum Mesfin, Gen. Lazaro Sumbeiywo and Gen. Mohamed Ahmed Mustafa Eldabi. The two delegations appreciated the gravity of the situation and the need and urgency of resolving the crisis in South Sudan. They reminded themselves of the long-drawn liberation struggle that culminated in the independence of their country. They regretted the unfortunate situation which the current conflict has brought.

Consequently, the two parties enriched and endorsed the following principles, rules and regulations that will guide the dialogue:

1. Modalities of South Sudan Dialogue,
2. Rules of Procedure, and
3. Structure and Terms of Reference.

The three special envoys and Amb. Mahboub Maalim, IGAD Executive Secretary expressed confidence and optimism that the delegations would tackle the substantive agreed agenda of the dialogue, namely cessation of hostilities and the status of the detainees.

In January 2014, the two key warring parties entered in agreement to cease the fighting and the IGAD envoy expressed its concern as:

The IGAD Special Envoys remain gravely concerned about continued fighting in South Sudan, and the flagrant breach of the Cessation of Hostilities Agreement by the Parties. In this regard, the Envoys reiterate their call on the signatory Parties to immediately adhere to the Cessation of Hostilities Agreement and fully cooperate with the Joint Technical Committee (JTC) for the speedy operationalization of the Monitoring and Verification Mechanism. The Special Envoys also urge members of the international community to put pressure on both Parties to stop the war.

On 3rd June, 2014, Addis Ababa - As part of the ongoing IGAD-led Mediation Process for South Sudan, a multi-stakeholder symposium was held at the African Union Commission premises in Addis Ababa. The symposium was expected to bring together up to 150 representatives of South Sudanese society, including delegates from the government, opposition, political parties, faith based groups, civil society and traditional leaders, and would initiate the inclusive phase of the mediation process based on a consensual, round table, multi-party dialogue.

The symposium followed the signing of Agreement on Resolving the Crisis by Salva Kiir Mayardit, President of the Republic of South Sudan (RSS) and Dr. Riek Machar, Former Vice-president of the RSS and leader of SPLM/A – In Opposition, on 9 May in Addis Ababa. The agreement signified a commitment by the two Parties to seek a political and inclusive solution to the crisis in South Sudan. The main objectives of the symposium included:

- To initiate the inclusive phase of the IGAD-mediated South Sudan peace talks, based on a round-table, multi-party, and representative format;
- To offer participants thematic, foundational presentations on each of the key areas for negotiation in subsequent talks and allow participants to informally explore each issue with subject matter experts;
- To facilitate the sharing of comparative experience from other country contexts, peace processes and transition arrangements; as well as
- To identify possible areas of common ground on each thematic issue to advance future negotiations.

Following series of press release and expression of concern, on 5th of August 2016, IGAD Expressed deep concern over the internal displacement of South Sudanese people facing grave humanitarian situation and the massive exodus of refugees to neighboring countries, which constitute a humanitarian crisis of enormous proportions, Underlined once again that the situation in South Sudan is a serious threat to regional peace, security and stability, and recognizes that the neighboring countries have been shouldering the heavy burden of the conflict since its outbreak in December 2013, including continued and intensive flow of refugees, as well as proliferation of illicit small arms and weapons and reiterates that the international community, particularly the UN Security Council, has the duty and moral responsibility to act decisively and swiftly in support of

the IGAD and AU efforts with a view to bringing to an end the suffering inflicted upon the people of South Sudan and facilitating the early and sustainable solution to the conflict.

IGAD condemned in the strongest terms the violence and armed conflict that continues to be perpetrated by government forces as well as all other armed groups in South Sudan targeting defenseless civilians and causing huge loss of lives, destruction of property, and uprooting millions of South Sudanese from their homes to take refuge in the neighboring states or suffer as internally displaced persons within their country and the Authority also emphasized that all armed opposition groups in South Sudan also share full responsibility on the humanitarian consequences of the conflict and human rights violations occurring in South Sudan; IGAD commits to collaborate with AU and UN to take all necessary measures to hold accountable individuals and groups causing humanitarian crises and committing human rights violations.

On 25th of August 2016, IGAD could manage to bring the leaders of the two key warring factions together and conclude the most comprehensive peace agreement termed as ‘the Compromise Peace Agreement (CPA)’ and it was under this deal that the signing parties agreed to establish a transitional government with the involvement of all concerned parties in the country. Then, to stage all inclusive, participatory, and fair election and hence forming national government of unity.

The last of series of efforts put forth by IGAD, in light of bringing an end to the civil war was the one made in December 2017. This forum, likewise to its predecessors condemned the previously agreed cease fire deals which the Authority claimed were blatantly violated, virtually by all parties involving in the conflict. The Assembly, apart from calling on parties to the civil war, to commit themselves to the peace efforts, did also requested enhanced support from the UN, AU, USA, Norway, China and other partners.

The study concludes that the most common other possible solutions to the conflict in South Sudan engaging in home based negotiations like those that took place in Somalia (fight against warlords). In addition the best strategy IGAD has employed in the management of the conflict in South Sudan is engaging high diplomatic mediation such as IGAD secretariat and peace ambassadors which however has not worked. The study further concludes that the measures IGAD has taken to mitigate the security threats in South Sudan are; IGAD has sent its mission in Sudan to help mitigate the crisis/ Offered reinforcement, Employ early warning mechanisms to prevent conflict,

Approval of Protection & Deterrence Force (PDF) to come to South Sudan, Special coordination with UNMISS peacekeepers battalion on conflicts zones, Deployment of Monitors through the Monitoring and Verification Mechanisms (MVM), Built capacities of national security and Built capacity of South Sudanese security organs.

Additionally, the biggest challenge IGAD has faced in its South Sudan conflict management efforts was political interference as well as External interference and interests from Uganda, Sudan, and other neighboring countries. The study also concludes that few regional organizations or bodies have successfully intervened in the conflict between 2011-2013, however about 7,000 African Union troops have slowly been deployed in Darfur on a very limited mandate, The UN Secretarial Council has been consistent across the country and emphasizes protection of civilians, human rights reporting, EAC, SADDC, ECOWAS and church based organizations also participate somehow in ending the ongoing conflict in South Sudan.

The current civil conflict of the Republic of the South Sudan broke out on December 15, 2013.²⁷⁷ In spite of the fact that IGAD has come up with numbers of resolutions and communiqués on various issues regarding the South Sudan’s civil war, all aiming at halting the ongoing conflict, to end, in one way or the other, it seems none of them are working and virtually all of them failed to bear fruition and bring about the dearly hoped peace and stability to the people of the youngest nation. The latest of all the deals IGAD mediated the negotiating parties is, the August 2015 Compromise Peace Agreement, an agreement which was signed by Salva Kiir, the President of the republic and representative of SPLM and Riek Machar, the former vice president and the leader of the SPLM/IO, in Addis Ababa, Ethiopia.²⁷⁸

Despite the time framework within which cease fire would be observed by all the parties warring and transition unity government to be established, there is no sign of move made to put in to

²⁷⁷AU Commission of Inquiry on South Sudan, (2014), report, paras. 10 and 11. Also available at: <<http://www.au.int/en/auciss>>; last accessed on 03/28/2017 at 16:45 GMT.

²⁷⁸The IGAD talks were hosted by Ethiopia. IGAD also managed the ceasefire monitoring mission. In March 2015, IGAD unveiled a new “IGAD-plus” mediation mechanism with a greater role for the United States, the African Union, Europeans, the United Nations, and China. A parallel, complementary effort by Tanzania to host an intra-party dialogue provided a venue for the rival factions to address political grievances—under its auspices the warring parties acknowledged collective responsibility for the conflict

practice any of the commitments the parties undertook and the situation in the country is getting worse and worse day after day.²⁷⁹

The other thing sounding bizarre, somehow, in this modern world where deals between parties on issues of various nature are made, solely on the basis of free will, Salva Kiir claimed that he inked his signature on the document of the CPA due to threat of use of force and sanctions on his rule, by IGAD leaders gathering in Addis Ababa to take part in the occasion.²⁸⁰

4.7. Challenges IGAD has faced in its Effort to Resolve the South Sudanese Civil War

Political instability, interstate and intra-state civil wars/conflicts not only have negative effect on the stability of the region but also they slow implementation of agreements and protocols made so far towards the integration of the sub region is mainly attributed the political instability and conflicts between member states which posed serious challenge for IGAD'S initiatives. The region experienced a wide range of intra and inter-state conflicts, some of which prevailed for more than four decades. Full scale war between Ethiopia and Eritrea in 1998/99 and civil wars in Somalia, Sudan and Uganda constituted a major challenge to IGAD integration efforts. Such military conflicts among states and within state deteriorate the already low physical and social infrastructure. The integration efforts in the IGAD region, as noted above, are hindered by pervasive conflicts. Cognizant of this, the IGAD Secretariat since 1997 has focused on conflict prevention, management and resolution. IGAD has pursued peace processes in Somalia and Southern Sudan.²⁸¹

The biggest challenge that IGAD has been encountered with is that- there are clear and destructive political interference as well as interests from Uganda, Sudan, and other neighboring countries, which are also working to end the civil conflict as a member of the Authority; others were: lack of credibility since one of IGAD members is directly involved in the conflict and also lack of partiality in mediation processes, IGAD member states and Secretariat display their lack of a

⁸¹UN, A/HRC/S-26/L.1, (2016), Report on South Sudan's Civil War, para. 11; also available at: <<https://unmiss.unmissions.org/un-human-rights-experts-says-international-community-has-obligation-prevent-ethnic-cleansing-south>> last accessed on 3/30/2017.

²⁸⁰ See at: <<http://www.bbc.com/news/world-africa-33912156>>last accessed on 3/3/2017.

²⁸¹Ali I. Abdi and Edris H. Seid, Assessment of Economic Integration in IGAD (The Horn Economic and Social Policy Institute (HESPI), Policy Papers No. 13/2 (2013), P. 19.

genuine grasp of South Sudanese socio-cultural dynamics, lack of public cooperation, lack of key security infrastructure in the country, lack of funds and resources and leaders not respecting peace agreements as well as bias from regional leaders.²⁸²

Before South Sudan achieved its political independence in July 2011²⁸³ from the North, following the 2005 Comprehensive peace deal (CPA), mediated by IGAD, it had gone through many years of intractable civil conflict which claimed lives of hundreds of thousands from both sides.

The background of the decades-long North-South conflict and the manner in which the conflict was dealt with by the Comprehensive Peace Agreement signed in 2005, through mediatory leadership of IGAD provide not only a partial background within which the current South-South conflict should be understood but also provides pointers to some of the current conflict's root causes but is also relevant for discussion on institutional reforms.²⁸⁴

The IGAD brokered CPA, as a negotiated agreement between North and South Sudan has greatly shaped the evolving democracy and governance in South Sudan. The content of what was agreed between the negotiating parties formed the irreducible minimums for constitution making in the interim period. As such, the Interim National Constitution of Sudan as well as the Interim Constitution of Southern Sudan of 2005 reflected what was agreed on key issues. The centrality of the CPA to the interim constitutional dispensation is clearly illustrated by the fact that references to the CPA pervade both constitutions and that the CPA was included as a source of law in both the national and regional constitutions.²⁸⁵

Other than the CPA serving as a base document that shaped interim constitutions, the current conflict is in part due to the flaws inherent in the CPA (in terms of process and outcomes) as well as its implementation: First, it is suggested that the CPA adopted or followed the dominant paradigm of 'liberal peace-building', which in practice tends to privilege 'negative peace', with its

²⁸² Judith Ndunge Ngunia, AN ASSESSMENT OF IGAD'S ROLE IN CONFLICT MANAGEMENT IN SOUTH SUDAN (2011-2013), (2015), pp. 75-78. (unpublished)

²⁸³ M. LeRiche and M. Arnold, South Sudan: From Revolution to Independence (London: C. Hurst & Co. Publishers, 2012), p. 173; United Nations Mission in South Sudan (UNMISS), also reported that the 98.83% of the South Sudanese voters casted their vote in favor of separation. Available at: <http://unmis.unmissions.org/Default.aspx?tabid=515> last accessed on 5/19/2017.

²⁸⁴Id., para. 99.

²⁸⁵ Id., para. 100.

preoccupation with ending violence. The consequence is that democracy and structural transformation receive limited or cursory attention. Second, the focus on issues of marginalization and exclusion on a north-south axis ignored or glossed over similar concerns within the North and the South. While the conflicts in the Three Areas (Abyei, South Kordofan and Blue Nile) were on the CPA agenda and received consideration, little pressure has been exerted on the parties to meet commitments made. It failed to address longstanding south-south grievances and problems, some of which were at the core of conflicts within SPLM/A, as well as between SPLM/A and other formations during the civil war and the same underlying factor caused the current civil war in the country.²⁸⁶

The third defect of the CPA, which is linked to the second, relates to the monopolization of the peace process by the National Congress Party (NCP) and the SPLM/A as the only parties to the process. The exclusion of other critical actors, including other rebel groups in the South such as South Sudanese Democratic Forces whose might to destruct is now being proven beyond quantity in the ongoing civil war, which enjoyed significant strength by the time the CPA was signed and parties in the North as well as civil society in the North and South resulted, in part, in the tailoring of the talks to the narrow interests of the NCP and SPLM. For South Sudan, this could have laid the groundwork for a repeat of the exclusionary practices of the past that the movement claimed to stand against, notwithstanding President Kiir's subsequent 'big tent policy' that saw the integration of militias into the SPLA after the CPA.

Fourth, the CPA, and the interim constitutions it spawned largely excluded opposition parties in the composition of the national and state executive and legislatures in both Sudan and South Sudan. It should be recalled that in South Sudan, all three instruments, i.e., CPA, Interim National Constitution of Sudan and Interim Constitution of South Sudan guaranteed SPLM control of Government of South Sudan and all the 10 states, by reserving 70% of both branches for the SPLM with the remaining 30% being shared equally between the NCP and South Sudanese opposition parties.

As a result, opposition parties are said to have complained that this power sharing formula 'unfairly elevated it [the SPLM] and undermined the development of a multiparty democracy' and that the

²⁸⁶ Id., para. 101.

delays in holding the CPA-mandated elections (held in April 2010 following several postponements) ensured SPLM control for most of the six-year interim period.

In this regard, leaders of opposition parties cite the process that produced the Transitional Constitution of South Sudan, accusing the SPLM for reportedly abusing its position as the sole Southern party to have negotiated the CPA with the NCP.²⁸⁷

Some of the problems that bedevil South Sudan can be attributed to the governing SPLM and how it relates to other actors. The link between SPLM and SPLA, the dominance of the military within the party (which dates back to its founding in 1983) and the resultant ‘militarization’ of politics, governance and public life in South Sudan, a hard-to believe truth identified as sourced from the ill-drafted CPA of 2005.²⁸⁸

4.8. Overcoming Challenges for Security in the Horn of Africa

As said now and then, here and there in the entire upcoming of the thesis to where it is now, the Horn of Africa region is one of the most conflict-prone areas in the world. Most of the problems of peace and governance are linked to the history, culture and conduct of the regional security systems.²⁸⁹ However, efforts to reform them have proved difficult. Policy and organizational transformation is regarded as a threatening process and gives rise to resistance and conflict. Inertia and confusion are inevitable where security services officials are expected to implement new policies that are at odds with their training, experience and world view.²⁹⁰

How can sustainable peace be achieved in the Horn of Africa? Answering such and similar issues of higher stake, is central to stability in the Horn. But any peace finding strategy must be based on a thorough understanding of the regional and national contexts. This will require all stakeholders

²⁸⁷ Id., para. 102.

²⁸⁸ Id., para. 103.

²⁸⁹ Judith Ndunge Ngunia, AN ASSESSMENT OF IGAD’s ROLE IN CONFLICT MANAGEMENT IN SOUTH SUDAN (2011-2013), (2015), pp. 75-78.

²⁹⁰ Tadesse, M., 2007, 'Overcoming Challenges for Security Sector Reform in the Horn of Africa', in Len le Roux and Yemane Kidane (eds) Challenges to Security Sector Reform in the Horn of Africa, Monograph No 135, Institute for Security Studies, Pretoria Also available at: <http://www.gsdr.org/document-library/overcoming-challenges-for-security-sector-reform-in-the-horn-of-africa/> last accessed on 11/03/2017 at 9:50 GMT

to work in a participative manner. Crude, incomplete analyses are unproductive and can undermine the whole process of reform.

Most African governments are unpredictable, partly because security policy is centralized within a small group of leaders with short-term perspectives. Unless they are encouraged to acquire the capacity to design long-term, broad-based national security strategies, they will continue to be prone to conflict and instability.

Although the basic preconditions for implementing SSR have not been met, and the necessary political will and space for reform is lacking, it may be possible to develop a different route for SSR. This would be one that reflects the unique problems, challenges and opportunities in the IGAD region.

4.9. Success Stories

Strictly stating neither of the two peace deals IGAD brokered, i.e., the Sudan's or the Somalia's were done by the secretariat of the Authority rather by two or more of the member states acting on individual basis but under the name of the organization.²⁹¹ Kenya afforded the chief negotiator for both deals and Ethiopia could manage to exert political and diplomatic pressure.²⁹²

Except for the incomplete effort, IGAD made to bring an end to the Sudan's civil war, particularly, the one in relation with the civil war between the Sudanese Armed Forces (SAF) and the Sudanese People Liberation Army (SPLA), through the instrumentality of the 2005 Comprehensive Peace Agreement (CPA),²⁹³ the Somalia's peace deals which bore some fruitions and knowing the fact that the South Sudan's civil war does not seem to ease anytime soon, except getting worse and worse as hours tick past coupled with similar failure to address the civil war in Darfur region of Sudan, failure to strike a deal or the group operating in northern part of Uganda, failure to contain the case of Ethiopia's fight against few separatist elements as Ogaden National Liberation Front (ONLF) in the "oil and natural gas rich" Ogaden region and Oromo Liberation Front in nowhere

²⁹¹See Sally Healy, *supra* note 187 p. 10.

²⁹² *Id.*, p. 11.

²⁹³ Alfred Nhema and Paul Tiyambe Zeleza (eds.), The Resolution of African Conflicts: A Management of Conflict Resolution and Post-Conflict Reconstruction, (Ohio: Ohio University Press, 2008), p.106.

known by far are clear situations adding more weight to IGAD's effort to manage intra-state conflicts to the deficit.²⁹⁴

4.10. Challenges IGAD is Facing- General Overview

IGAD's conflict-resolution activities have displayed a clear, unresolved tension. IGAD, as a political forum and its member states- characterized by mutual suspicion, alliance-building and power play among member states.²⁹⁵ Some of the key security issues, IGAD is expected to undertake, are shouldered by single or few member states. Ethiopia's role to support and oust the Islamic Court of Unions from Mogadishu in favor of the Federal Transitional Government was exceptional role proving the above assertion.²⁹⁶

In relation with securing the peace and stability of the Horn of Africa, by resolving or mediating civil conflicts that, either the ones already going on or potential civil/intra-state conflicts that would break out any time soon or later, IGAD does not seem to be well equipped in many ways one could imagine; owing to the geopolitical location of the Horn of Africa, particularly for its proximity to the war torn Middle East and spread of terrorism, which in turn create suitable condition for continuing proliferation of small arms and light weapons resulted in complicated and a-hard-to-control type of situation across the region.²⁹⁷ Intra-communal conflicts over control and utilization of cattle rustling, natural resources, pasture lands and cross-border water resources.²⁹⁸ Weak central governments, power feud amongst few greedy political elites, multiplicity of ethnic compositions and seemingly irreconcilable cultural and religious diversity which are typical peculiar futures of the region are also other dangerous threats to the current as well as future peace and stability of the sub-continent IGAD faces.²⁹⁹

The other actual and potential challenges that IGAD needs to deal with are: first, rivalry amongst its member states which reveals itself in the form of mistrust and suspicion which hinders the efforts of the Authority to fame and implement common position in cases of Sudan's and Somalia's

²⁹⁴ Id., p. 12.

²⁹⁵ See Sally Healy, supra note 187 p. 13.

²⁹⁶ See Sally healy, supra note 187 p. 15.

²⁹⁷ Ipimoye Ayhodele Olu and Saleh Daweda, "Regional Integration in Africa: Then Challenges and Achievements of Intergovernmental Authority on Development," International Journal of Multidisciplinary Research and Modern Science, Vol. 1, Issue 2 (2015), p. 138.

²⁹⁸ Ibid

²⁹⁹ Ibid

peace finding and enforcement process.³⁰⁰ Quite often such deeply rooted sentiments on the part of member states towards each other, even goes to the point where it seems it defeat the very purpose and principles of IGAD; for instance, Ethiopia has been supporting the Transitional Federal Government of Somalia (TFG) from its inception in 2006 by deploying its armed forces to fight against the Islamic Court of Unions which Ethiopia strongly claimed was dangerous threat, labeling it a “terrorist group”, to her national security and at the same time, Eritrea has fiercely been criticized to have been supporting the same group Ethiopia fought against.³⁰¹

Kenya has repeatedly been target of terrorist groups which she claims they are from Al-Shabab infiltrates and its affiliated elements sheltering in its territory together with the Somalian refugees.³⁰² Uganda has long been fighting the Lord Resistance Army (LRA), a rebel group sternly wanting to enforce and rule the country under sole and strict guidance of the Ten Commandments, in her northern jungles.³⁰³

Bad governance, poor human rights protection records, fragile infrastructure, weak democratic cultures and institutions are another factors adding extra fuel to the already worst situation of the Horn of Africa.³⁰⁴

Apart from the regions own domestic challenges, as the intra-state conflicts, the destabilizing role Arab States in undermining the effectiveness of IGAD’s work to bring peace and stability to the region is significant; Egypt has repeatedly been accused of undermining the peace initiatives in Somalia and likewise, Qatar and Saudi Arabia have been accused of funding arms support to Al-Shabab, a terrorist and breakaway group operating in Somalia since the dismantlement of the Islamic Court of Unions (ICU).³⁰⁵

Lack of regional power or hegemon is raised as another challenge to IGAD. This analysis is rooted in the premise that hegemony are capable of overseeing the peace and stability of their neighbors, mainly for the reason that they want to avoid spillover effects of such situations off shore and they

³⁰⁰ Id., p. 139.

³⁰¹ Ibid

³⁰² Ibid

³⁰³ Ibid

³⁰⁴ Ibid

³⁰⁵ Ibid

can also sow fear in their neighbors that the latter would not resort to destructive acts that may compromise the stability of the region.³⁰⁶

Ethiopia possesses the strongest armed force and fire power in the region but lacks formidable economic base that could carry the burden of civil wars and command costly foreign interventions or as some say, meddling; whereas, Kenya could manage to build viable economy but she lacks the military hardware normally hegemony require to have.³⁰⁷

lastly, perhaps the worst scenario IGAD faces is that member states lack the required political will to run the key and important missions and visions the organization aspire to achieve both in the short and long run. Not only lack of political will that hinders IGAD from enforcing its objectives, but also there are lack of common policy on peace and security as well as it lacks both organizational and tactical capacities to work up to its commitments under the Agreement establishing IGAD.³⁰⁸

The development of strong democratic institutions, cultures and values, observance of human rights and rule of law, establishment of transparent and accountable governance systems as well as formulation and implementation of viable conflict and post-conflict recovery programs and sustainable development policies, are prerequisite conditions for effective, durable and sustainable peace and stability generated through collective security schemes.

It's regrettably unfortunate that, virtually all member countries of IGAD are devoid of socio-economic and political cultures embracing these values and chastity. And hence staggering miles away from where they should have been by now, knowing the fact that decades have already expired before achieving the Authority's mission with regard to finding peaceful solutions to the ongoing civil conflicts, perhaps to the other many more, looming on the horizon.

IGAD also lacks operational structure that would undertake the role of implementing peace deals made on civil conflicts between or among parties concerned. The fact that there is no such mechanism in the current status of the Organization makes it a *toothless lion*, only salivating seeing the fattened preys (the civil conflicts) are infesting its surroundings.

³⁰⁶ Ibid

³⁰⁷ Ibid

³⁰⁸ Id., p. 140.

CHAPTER FIVE

5. Conclusion

The study found out that the Horn of Africa is one of the most civil conflicts-prone regions in the continent of Africa. The region has experienced one of the deadliest and most protracted intra-state conflicts in the world and this scenario appears to resonate to a more of truth after the end of the Cold War era. Virtually, all states of the region have gone endured the sufferings of the engulfing fires of civil conflicts.

If the notion that the African continent shares “common security interests” is a cause for incredulity, then disbelief can only rise when a common peace and security architecture for the Horn of Africa is considered. The Horn has remained the hottest conflict zone of the continent.³⁰⁹

The study also found out that regional institutional mechanisms are important in providing forums for conflict resolution and an end to mutual intervention, which sustains conflicts.

Resolving internal conflicts requires the analysis of external and internal dimensions. Regional organizations, such as IGAD, can combine conflict resolution and economic development to promote peace and sustainable development. Institutional actions can lead to improve humanitarian efforts during conflict.

Any peace negotiating initiative and process requires prior recognition and provision of mandate by the UN, no matter what such initiation is undertaken by the AU or other regional economic communities to which IGAD is a part and such effort needs to recognize different power sources.

IGAD, a political forum, established by the six of the countries of the region, i.e., Ethiopia, Somalia, Kenya, Sudan, Djibouti and Uganda, later on joined by Eritrea and South Sudan, came in to existence in 1996, superseding its predecessor, IGADD. One of the roles of IGAD is to manage intra-state conflicts. The same role has been mandated to the Authority by both the UN system and AU.

³⁰⁹ John Siebert, “Toward a Peace and Security Architecture in the Horn of Africa: Reaching Beyond Incredulity” *The Ploughshares Monitor*, Vol. 29, Issue 2 (2008), p. 7

The civil conflicts in Sudan, Somalia and the Republic of South Sudan are the only prominent cases where IGAD tried to manage them. Apart from few precursory efforts IGAD made in the 1990s to resolve the Sudan's civil war, the 2005 Comprehensive Peace Agreement (CPA) was the major step forward to bring a half-century old civil conflict to an end. In spite of the fact that the CPA brought the civil war to its end and gave way for the formation of the world's newest nation, South Sudan, it served as a time bomb for the fresh civil war that broke out in South Sudan in December 2013, only two years after winning her political independence. This is the other point that the thesis found out.

The Somalia's Peace process was hindered by the fact that the country was collapsed and there have been proliferation of armed clan-based factions, a situation which makes reaching all-agreed-upon-peace deal, one of the hardest tasks IGAD carries on.

IGAD has also been trying to mediate the negotiation process by the South Sudan's warring groups, mainly between the leaders of the SPLM and SPLM/IO. This effort by IGAD has brought no significant result, at least, by easing the situation, let alone halting the civil war in all.

The study found out that the key reasons behind the failure of IGAD's effort to manage intra-state conflicts in the region are, as subversive acts by neighboring nations, the complicated nature of the conflicts themselves and organizational incapability of the Organization itself.

Lack of regional hegemonic power in the region is found out to be one of the factors pushing member countries in to the edge of fierce competition to make their own national interests find space in the internal affairs of states in civil conflicts. The absence of regional hegemonic power, as the case is with South African Development Community (SADC) and the Economic Community of West African States (ECOWAS), each having South Africa and Nigeria respectively with economic and military might even capable of single handedly enforce peace and stability within their respective sub-region.³¹⁰

³¹⁰ Laurie Nathan, THE PEACEMAKING EFFECTIVENESS OF REGIONAL ORGANISATIONS, *Crisis States Research Centre* (2010), pp. 7-9.

Civil conflict resolution efforts and to end regional instability are just few of the key security issues IGAD is expected to work on unreservedly.³¹¹ Protracted internal conflicts or otherwise termed as intra-state conflicts have become known as complex political emergencies, because of the complexity of the conflicts. This type of conflict has been prevalent in the Horn of Africa since 1970s, taking the position of conventional wars fought between sovereign entities, states.

This paper also tried to analyze the nature of civil conflicts in general and within the Horn of Africa in particular.

The main findings are that internal conflicts are rarely solely internal and are amplified by external mutual intervention. Mutual intervention is when opponents of existing regimes all receive some kind of support from governmental or other forces in neighboring countries.

As it has been reiterated many times, the Horn of Africa is one of the most conflict-prone areas in the world. Most of the problems of peace and governance are linked to the history, culture and conduct of the regional security systems.³¹² However, efforts to reform them have proved difficult. Policy and organizational transformation is regarded as a threatening process and gives rise to resistance and conflict. Inertia and confusion are inevitable where security services officials are expected to implement new policies that are at odds with their training, experience and world view.³¹³

The thesis tried to answer the question, how can sustainable peace be achieved in the Horn of Africa? The strategy to manage civil conflicts must be based on a thorough understanding of the regional and national contexts. This will require all stakeholders to work in a participative manner. Crude, incomplete analyses are unproductive and can undermine the whole process of reform.

³¹¹L Cliffe, Regional Dimensions of Conflict in the Horn of Africa (Third World Quarterly vol. 20, No. 1, pp. 89-111 (1999), pp. 3-6 which is also available at: <http://www.gsdrc.org/document-library/peacemaking-in-the-midst-of-war-an-assessment-of-igads-contribution-to-regional-security/>) last accessed on 11/03/2017 at 9:46 GMT.

³¹²Judith Ndunge Ngunia, AN ASSESSMENT OF IGAD'S ROLE IN CONFLICT MANAGEMENT IN SOUTH SUDAN (2011-2013), (2015), pp. 75-78.

³¹³Tadesse, M., 2007, 'Overcoming Challenges for Security Sector Reform in the Horn of Africa', in Len le Roux and Yemane Kidane (eds) Challenges to Security Sector Reform in the Horn of Africa, Monograph No 135, Institute for Security Studies, Pretoria Also available at: <http://www.gsdrc.org/document-library/overcoming-challenges-for-security-sector-reform-in-the-horn-of-africa/> last accessed on 11/03/2017 at 9:50 GMT

The thesis has also found out that putting a peace and security architecture in place, as a part of the general effort to ensure sustainable peace and stability³¹⁴ when IGAD member states are in varying degrees of active armed violence; either within their borders or with each other, or are on the verge of it, or are supporting proxies engaged in it, would plainly renders conflict management effort of the Authority ineffective.

Most of the Horn of African's governments are unpredictable, partly because security policy is centralized within a small group of leaders with short-term perspectives. One of the leading theories in the field of international relations is *realism*. The central tenets of the theory are: 1st, states are only power maximizers in their international dealings; 2nd, they are rational actors, very much aware of what serves best to their sole mission of self-sustenance; 3rd, they are always guided by their core national interests, when one comes to their international dealings. In light of these fundamentals of states' interactions with one another, collective security quests are only disguises, not genuine efforts.

Thus, intra-state conflicts resolution effort by IGAD would not be different from these fundamental assertions by the realism school of thought. Unless they are encouraged to acquire the capacity to design long-term, broad-based national security strategies which are neutral from the blindly driven national interests.

Lastly, apart from few success stories the thesis indicated from the entire coming up of the Authority with regard to its efforts to manage intra-state conflicts,³¹⁵ it found out that the Authority has suffered from multifaceted and complicated challenges, which in turn hamper its mission to secure peace and stability in the Horn of Africa.³¹⁶

³¹⁴ The 1996 Agreement Establishing the Inter-Governmental Authority on Development includes, *inter alia*, an objective to “promote peace and stability in the sub-region and create mechanisms within the sub-region for the prevention, management and resolution of inter- and intra-State conflicts through dialogue” see article 7[g].

³¹⁵ Human Security Brief Report (2008), p. 30: From 1950 to 1999 there were just 18 negotiated settlements in the Sub-Saharan Africa by regional agencies, and nearly half broke down within five years. From 2000 to 2005 there were 10 such settlements; the CPA of 2005 negotiated by IGAD, being the prominent one, thus far not has broken down.

³¹⁶ Ibid.

All in all, the thesis concludes, IGAD, as one of regional institutions is based on the self-interested calculations of its members, they have no or negligible independent effect on state behavior vis-à-vis themselves and they are therefore not an important cause of peace to the Horn of Africa.

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