

African Solutions to African Challenges

Explaining the Role of Legitimacy in Mediating Civil
Wars in Africa



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A dissertation submitted for the degree of *Doctor of Philosophy*

International Relations

Trinity 2015

To Taco and Klaske Duursma, the most loving parents and best teachers I could ever ask for.

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Abstract

The current scholarly literature on the international mediation of armed conflicts predominantly draws on a rationalist-materialist perspective. This perspective suggests that the ticket to mediation success is the material manipulation of the bargaining environment by third parties with a high degree of economic and military resources. In this dissertation I argue against those that highlight material power when explaining outcomes of international mediation processes. Indeed, this dissertation shows that legitimacy, far more than capacity, determines outcomes of mediation. The reason why legitimacy matters so much is that if a mediator has legitimacy, it can continue to look for a mutual satisfactory outcome and try to pull the conflict parties towards compliance, but if a mediator loses legitimacy, no amount of material resources will prove sufficient in mediating the conflict. In other words, material capacity in the form of economic and military resources may be useful to successfully mediate a conflict, but it is rarely sufficient. Through scrutinising international mediation processes in civil wars in Africa, I develop a theory that explains how mediators are effective because of a high degree of legitimacy rather than military or economic capacity. More specifically, I show how legitimacy matters through comparing the effectiveness of African and non-African third parties. African third parties are typically referred to as ineffective because of a low degree of economic and military capacity. However, African third parties are effective in mediating civil wars in Africa because of a high degree of legitimacy, which is a result of a strong conviction within the African society of states that African mediation is the most desirable type of mediation in conflicts in Africa. Drawing on data from the Uppsala Conflict Data Program supplemented with unique data, which together cover all mediation efforts in Africa between 1960 and 2012, I find quantitative evidence supporting the effectiveness of African third parties. Compared to non-African third parties, African third parties are far more likely to conclude peace

agreements and these peace agreements are more likely to be durable. Two case studies, in which several mediation efforts in civil wars in Sudan are examined, further probe the causal mechanisms that I put forward to explain the effectiveness of African mediation. While I do not claim causal generalisability on the basis of these two case studies, the mediation efforts in Sudan nevertheless suggest that third party legitimacy is central to mediation success. This is the first systematic study that compares African and non-African mediation efforts. Theoretically, this study deviates from much of the literature that solely puts forward rationalist-materialist explanations of mediation success. By bringing legitimacy to the forefront, this dissertation overcomes key limitations in the current mediation literature, in which material sources of power are emphasised and social structures are ignored.

Key words: International Mediation, Civil War, Africa, Legitimacy, Norms, Capacity, Peace Agreement, Sudan, Darfur

Acknowledgements

I am incredibly grateful for all the people I had the pleasure to get to know while working on this dissertation. I first started thinking about the influence of the African solutions norm on international mediation processes in Africa when I ran an internship at the African Centre for the Constructive Resolution of Disputes (ACCORD) in Durban in 2011. I look back with much pleasure and gratitude at this period, as it provided me with such a great opportunity to learn from the insights of mediation practitioners and conflict parties. For sparking my passion for peace research and familiarizing me with the scholarly literature on international mediation, I would like to thank the professors at the Department of Peace and Conflict Studies at Uppsala University, where I obtained my MPhil degree in 2012.

Pursuing my DPhil at the University of Oxford has been an incredibly rewarding experience. I would first like to thank Professor Andrew Hurrell and my entire DPhil cohort for several great International Relations Theory workshops during my first year at Oxford. The feedback at these workshops shaped my thinking on how International Relations theory can be meaningfully used to explain outcomes of international mediation processes. Similarly, I am grateful for the feedback received at the DPhil workshops. I would especially like to thank Christian Fastenrath and Peter Brorsen for fruitful discussions on the causes and resolution of civil wars. Furthermore, I was fortunate to have Professor Jennifer Welsh, Professor Ricardo Soares de Oliveira, and Professor Duncan Snidal as assessors for my transfer and confirmation of status interviews. The constructive feedback I received during and following these interviews significantly improved my research. In addition, Professor Monica Toft, Professor John Gledhill, Professor Richard Caplan, and several of the DPhil participants provided me with great feedback at the Conflict and Development workshop in Oxford in June 2014. I would also like to thank Professor John Gledhill for inviting me to present my research at the 2015

OxPeace conference on the United Nations and peacemaking, which was a very rewarding experience. Finally, I am extremely grateful to Professor Andrea Ruggeri, for his excellent comments on my DPhil research, particularly his feedback on the statistical analyses.

My research on Sudan has been enormously improved through the kind help of numerous people. First of all, I would like to thank Professor Alex de Waal for inviting me to the 'Researching Sudan Peace Processes' workshop organised by the World Peace Foundation on 17 October 2014. Presenting my research at this workshop greatly contributed to my research on Sudan's peace processes. Moreover, the documents included in the Sudan Peace Archive compiled by the World Peace Foundation offer a unique insight in the mediation efforts to end the war in Darfur. Next, I would like to thank Professor Monica Toft and Marie Besancon for putting me in touch with some very knowledgeable and helpful people in Sudan. Similarly, I would like to thank Johan Brosché for kindly sharing his contacts, his comments on the case studies, and last but not least for sparking an interest in Sudan's peace processes when I took his course on conflict analyses in 2009. I am also grateful to Professor Douglas Johnson for providing me with some valuable insights on the 1972 negotiations and pointing me towards the minutes of these negotiations kept by the World Council of Churches, which I kindly was granted access to.

While staying in Sudan, I benefited from conversations with Professor Adam Azzain, Professor Altayib Zain Alabdin, Professor Atta Al Bathani, Mr. Hafiz Ismael Mohamed, Professor Mohamed Ahmed Abdelghafar, Professor Mohamed Mahjour Haroon, Professor Musa Adam Abdul-Jalil, Mrs. Samia Nihar, and Professor Sahar Elfaki. I am also grateful for the helpful feedback from the audience at the Department of Political Science at the University of Khartoum, when I presented my DPhil research. In addition, I would especially like to thank Professor Sahar Elfaki for being a wonderful host at the University of Khartoum, as well as Professor Altayib Zain Alabdin for getting me in touch with numerous people that have been

involved in Sudan's peace processes. I would also like to thank all the interviewees. Their insights provided me with a much better understanding of Sudan's peace processes.

I am incredibly grateful to my supervisor, Professor Neil MacFarlane, whose constructive feedback and moral support made pursuing a DPhil degree a very rewarding experience. I enjoyed every single supervisory meeting very much. Almost all of our meetings addressed big theoretical questions and I really appreciate how some of these meeting raised many more questions worth examining. I hope I can make a modest contribution to some of these questions in my future academic career.

I am incredibly lucky to have an amazing group of friends outside academia, who have always supported me when I needed to put in a lot of hard work, but who also have celebrated every milestone along the path towards finishing my dissertation. Lennaert, Michael, Nathan, and Robin thanks for being awesome friends.

My girlfriend, Judith Nab, has warmly supported me during the final stages of writing my dissertation. I am incredibly lucky to have you in my life. I hope we can enjoy many more coffee breaks in the future.

Finally, I would like to thank my parents, Taco and Klaske Duursma, very much for their incredible support. This dissertation could not have been written without you, which is why I dedicate this dissertation to you. In addition to being the most loving parents I could wish for, you have been the best teachers in so many ways. The numerous anecdotes that crossed my mind while writing this paragraph reflect how much you have always supported me since I was little. However, instead of sharing some of these anecdotes, I decided to remind you of a word which I believe truly symbolises your love and patience: *les Amandiers!*

Amsterdam, 1 September 2015

I. Introduction

Africa has experienced 64 civil wars between 1960 and 2012, making the continent the most war-torn region in the world.¹ In order to mitigate the negative consequences of these armed conflicts, Africa has seen a wide array of peace initiatives. While some of these peace initiatives entailed negotiations between conflict parties without the involvement of any external actors, peace negotiations in Africa far more often than not involve a third party that aims to mediate the incompatible goals of the disputants. This begs the question of what type of third party is generally the most successful in resolving civil wars in Africa. Current scholarly literature on international mediation predominantly draws on a rationalist-materialist perspective, in which the material manipulation of the bargaining environment by third parties with a high degree of economic and military resources is understood to be the ticket to mediation success.² I argue against those that highlight material power when explaining outcomes of international mediation processes. Indeed, this dissertation shows that legitimacy, far more than capacity, determines mediation success. I understand third party legitimacy as the normative belief by the conflict parties that they should comply with the mediator, whereas capacity refers to the economic and military resources a third party possesses.

¹ This figure is based on data from the Uppsala Conflict Database Program (UCDP) on which the data set employed in this dissertation builds. For the codebook, which includes definitions and analytical summaries, see: A. Duursma, "International Mediation in Civil Wars in Africa Dataset: Version 1.0," (Oxford: 2014). An active civil war, also referred to as an intrastate armed conflict, is defined by the UCDP as a contested incompatibility that concerns government and/or territory where the use of armed force between a government of a state and a rebel group results in at least 25 battle-related deaths in one calendar year.

² See: I. W. Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (Oxford: Oxford University Press, 1985); J. Bercovitch, "International Mediation and Dispute Settlement: Evaluating the Conditions for Successful Mediation," *Negotiation Journal* 7, no. 1 (1991); T. D. Mason and P. J. Fett, "How Civil Wars End: A Rational Choice Approach," *The Journal of Conflict Resolution* 40, no. 4 (1996); D. S. Rothchild, *Managing Ethnic Conflict in Africa: Pressures and Incentives for Cooperation* (Washington, D. C.: Brookings Institution Press, 1997); A. Smith and A. Stam, "Mediation and Peacekeeping in a Random Walk Model of Civil and Interstate War," *International Studies Review* 5, no. 4 (2003); K. Beardsley, "Agreement without Peace? International Mediation and Time Inconsistency Problems," *American Journal of Political Science* 52, no. 4 (2008); K. Favretto, "Should Peacemakers Take Sides? Major Power Mediation, Coercion, and Bias," *The American Political Science Review* 103, no. 2 (2009); T. D. Sisk, *International Mediation in Civil Wars: Bargaining with Bullets* (London: Routledge, 2009); A. H. Kydd, "Rationalist Approaches to Conflict Prevention and Resolution," *Annual Review of Political Science*, Vol 13 13, (2010).

The reason why legitimacy matters so much is that if a mediator has legitimacy, it can continue to look for a mutual satisfactory outcome and try to pull the conflict parties towards compliance, but if a mediator loses legitimacy, the mediation effort is likely to fail even if a third party has a high degree of material resources. In other words, material capacity in the form of economic and military resources may be useful to successfully mediate a conflict, but it is rarely sufficient.

Through scrutinising international mediation processes in civil wars in Africa, I explain how mediators are effective because of a high degree of legitimacy rather than military or economic capacity. More specifically, I show how legitimacy matters through comparing the effectiveness of African and non-African third parties. African third parties are typically referred to as ineffective because of a low degree of economic and military capacity. However, I argue that African third parties are effective in mediating civil wars in Africa because of a high degree of legitimacy, which is a result of a strong conviction within the African society of states that African mediation is the most desirable type of mediation in conflicts in Africa. Indeed, from Africa's early post-colonial period onwards, the norm of African solutions to African conflicts has consistently been recognised as a strong international norm in the African state system.³

³ I. W. Zartman, "Africa as a Subordinate State System in International Relations," *International Organization* 21, no. 3 (1967); P. Saenz, "The Organization of African Unity in the Subordinate African Regional System," *African Studies Review* 13, no. 2 (1970); W. S. Thompson and I. W. Zartman, "Theories and Institutions the Development of Norms in the African System," in *The Organization of African Unity after Ten Years: Comparative Perspectives*, ed. Y. El-Ayouty (New York: Praeger, 1975); S. N. MacFarlane, "Intervention and Security in Africa," *International Affairs* 60, no. 1 (1983); I. W. Zartman, "The OAU in the African State System: Interaction and Evaluation," in *The OAU after Twenty Years*, ed. Y. El-Ayouty and I. W. Zartman (New York: Praeger, 1984), 29; W. J. Foltz, "The Organization of African Unity and the Resolution of Africa's Conflicts," in *Conflict Resolution in Africa*, ed. F. M. Deng and I. W. Zartman (Washington, DC.: Brookings Institution, 1991); H. McCoubrey and J. Morris, *Regional Peacekeeping in the Post-Cold War Era* (The Hague: Kluwer Law International, 2000), 126; P. D. Williams, "From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture," *African Affairs* 106, no. 423 (2007): 261; B. Møller, "The African Union as a Security Actor: African Solutions to African Problems?," *Crisis States Research Centre working papers series* 2, 57, (2009); H. Besada, A. Goetz, and K. Werner, "African Solutions for African Problems and Shared R2P," in *Crafting an African Security Architecture: Addressing Regional Peace and Conflict in the 21st Century*, ed. H. Besada (Farnham: Ashgate, 2010); U. Engel and J. G. Porto, "Africa's New Peace and Security Architecture: An Introduction," in *Africa's New Peace and Security Architecture: Promoting Norms and*

Consider the following two examples of successful mediation. In 1972, Ethiopian Emperor Haile Selassie mediated between the Government of Sudan and the South Sudanese rebels, which led to the conclusion of the Addis Ababa Agreement. Ethiopia did not provide any material incentives to move the conflict parties towards peace. Instead, it was the legitimacy that came with holding the seat of the Organisation of African Unity (OAU) and the commitment of Haile Selassie's regime to pan-Africanism that allowed Selassie to move the conflict parties towards compromise.⁴ Similarly, when Kofi Annan, on behalf of the AU, mediated in Kenya's post-election crisis in 2008, he did not promise any financial aid or threaten the conflict parties with sanctions.⁵ Instead, Annan relied on the legitimacy of the AU, which according to Juma became "a rallying point for all actors interested in resolving the crisis."⁶ These two examples of successful mediation have in common that coercion or inducements played a marginal role in moving the conflict parties towards making peace. Instead, the mediators relied on a high degree of legitimacy to pull the conflict parties towards compliance and maintain the commitment of the conflict parties towards finding a mutually acceptable agreement.

This chapter will introduce the central argument of this dissertation that in contrast to what one would expect based on the current international mediation literature, African third parties outperform non-African third parties in mediating civil wars in Africa because African third parties generally have a high degree of legitimacy. I will first briefly sketch the state of the international mediation literature, showing that the literature is dominated by rationalist-materialist theories of mediation success. Next, I will explain how the effectiveness of African

Institutionalising Solutions, ed. U. Engel and J. G. Porto (Farnham: Ashgate, 2010); S. A. Dersso, "The Quest for Pax Africana: The Case of the African Union's Peace and Security Regime," *African Journal on Conflict Resolution* 12, no. 2 (2012).

⁴ A. Alier, *Southern Sudan: Too Many Agreements Dishonoured* (Exeter: Ithaca Press, 1990), 92-120.

⁵ K. Beardsley, "Intervention without Leverage: Explaining the Prevalence of Weak Mediators," *International Interactions* 35, no. 3 (2009): 273.

⁶ M. K. Juma, "African Mediation of the Kenyan Post-2007 Election Crisis," *Journal of Contemporary African Studies* 27, no. 3 (2009): 408.

third parties in mediating civil wars in Africa is puzzling for the current literature. African third parties have far less economic and military resources than non-African third parties, yet African third parties outperform non-African third parties in terms of mediating civil wars in Africa. The next section briefly summarises my theoretical justification for developing a legitimacy-based explanation of mediation success. Next, I address the scope conditions of this dissertation. I will subsequently explain how I use a mixed methods approach to test the central argument that African third parties outperform non-African third parties because of a higher degree of legitimacy. Finally, I will present an outline of this dissertation.

The Mediation of Civil Wars: Homo Economicus Making Peace?

Much of the current literature on international mediation draws on rational choice theory to explain the onset of peace, while ignoring the impact of norms and ideas on the prospects for mediation success. An underlying premise that all rationalist explanations of war and peace have in common is that conflict parties are seen as rational actors, which Pillar defines as a “unitary actor having a consistent set of objectives and behaving in the way calculated to bring it closest to those objectives.”⁷ On the basis of their rationality, conflict parties make decisions, which, in turn, initiate a chain of events that leads to war or peace.⁸ In this view, peace negotiations can be seen as the continuation of war by other means. The higher the costs of not finding a mutual satisfactory agreement, the more likely it is that adversaries will negotiate a peace agreement.

⁷ P. R. Pillar, *Negotiating Peace: War Termination as a Bargaining Process* (Princeton: Princeton University Press, 1983), 8.

⁸ See: Ibid; D. L. Brito and Michael D. Intriligator, "Conflict, War, and Redistribution," *The American Political Science Review* 79, no. 4 (1985); G. Blainey, *The Causes of War* (New York: Free Press, 1988); J. D. Fearon, "Rationalist Explanations for War," *International Organization* 49, no. 3 (1995).

It also follows from this perspective that since conflict parties are rational actors that make costs and benefits analyses, external actors can influence the bargaining process between conflict parties by influencing the decision-making calculus of the adversaries. This explains why scholars studying third party peacemaking have traditionally focused on the incentives that can be provided to move conflict parties towards a negotiated settlement. In one of the first comparative case studies on international conflict resolution in Africa, Zartman argues that in addition to seizing the moment in which conflict parties experience high losses and are ready to try to find a way out of their costly predicament, a third party needs to formulate a mutually satisfactory formula to resolve the conflict. Yet, crucially, Zartman adds that a mediator also needs to materially manipulate the conflict parties in order to mediate effectively.⁹ Touval and Zartman address this last requirement more explicitly in an article in which they assert that in order to be successful, third parties must employ a strategy based on threats and inducements to keep parties from trying to resolve the situation militarily.¹⁰ From this perspective, a mediator's effectiveness is thus about its ability to persuade conflict parties that resolving the conflict is preferable to continued fighting, but also about material gratification. Leverage, based on economic and military capabilities, is understood as the ticket to mediation success.¹¹ I refer to this way of understanding mediation success as a capacity-based perspective, because of the importance attached to the tangible resources of third parties. At the core of the capacity-based perspective of mediation is thus a realist conception of power, in which power is understood as "the ability of states to use material resources to get others to do what they otherwise would not."¹²

⁹ Zartman, *Ripe for Resolution: Conflict and Intervention in Africa*.

¹⁰ I. W. Zartman and S. Touval, "International Mediation: Conflict Resolution and Power Politics," *Journal of Social Issues* 41, no. 2 (1985).

¹¹ I. W. Zartman and S. Touval, "International Mediation in the Post-Cold War Era," in *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. C. A. Crocker, Hampson F. O., and P. R. Aall (Washington, DC: United States Institute of Peace Press, 1996).

¹² M. Barnett and R. Duvall, "Power in International Politics," *International Organization* 59, no. 01 (2005): 40.

The great majority of subsequent studies on mediation have followed the capacity-based perspective of mediation success in which the material capacity of a third party is understood as determining the prospects of mediation success. For instance, in his study on the different mediation efforts to end the civil war in Zimbabwe, Stedman argues that the economic and military resources of the UK as well as its colonial ties with Zimbabwe were instrumental in putting pressure on the conflict parties, which ultimately led to the conclusion of a negotiated settlement.¹³ Similarly, in his study of several ethnic conflicts in Africa, Rothchild argues how providing material incentives to conflict parties can move them towards compromise. This leads Rothchild to conclude that “in highly intense conflicts, many of which have spread across international borders, strong external mediators with enormous resources at their disposal become an essential part of the conflict management process. Only these external actors have the capacity to wield the necessary pressures and incentives to encourage local rivals to reconsider their alternatives and then to enforce the peace during the post-negotiation phase.”¹⁴ According to Rothchild, mediators with “muscle” can move peace process ahead through “a combination of pressures, incentives, enforcement, and guarantees.”¹⁵

Much of the early works on international mediation in civil wars were qualitative in nature, developing theory through case studies. Indeed, Licklider observed in 1993 that although there was a considerable literature on mediation at that time, much of it was anecdotal.¹⁶ Yet, from the early 1990s onwards, this body of work has been supplemented with statistical studies. These large-n studies have revealed some strong empirical patterns. However, these statistical studies are rooted within a rationalist-materialist framework, just like the early works on mediation. In one of the first quantitative studies on international mediation,

¹³ S. J. Stedman, *Peacemaking in Civil War: International Mediation in Zimbabwe, 1974-1980* (London: Lynne Rienner, 1991).

¹⁴ Rothchild, 109.

¹⁵ *Ibid.*, 249.

¹⁶ R. E. Licklider, "How Civil Wars End: Questions and Methods," in *Stopping the Killing : How Civil Wars End*, ed. R. E. Licklider (New York New York University Press, 1993), 16.

Bercovitch argued and found that the “possession of resources and an active strategy provide the basis for successful mediation.”¹⁷ More recently, in his statistical analysis of the durability of mediated peace agreements, Beardsley puts forward three rationalist explanations of how mediation can lead to peace: third parties can widen the bargaining space by promising rewards, mitigate information failure by stimulating information exchange, and mitigate commitment problems by guaranteeing the implementation of negotiated settlements.¹⁸ All three of these explanations can directly be linked to Fearon’s seminal article on rationalist explanations of war and peace.¹⁹

Furthermore, most large-n studies on mediation have found that third parties employ a strategy based on providing positive and negative incentives are far more likely to conclude a peace agreements than those that do not employ such an approach.²⁰ In a more refined analysis, Schrodtt and Gerner find that sanctions directed towards both of the conflict parties, while simultaneously providing positive incentives towards the weaker party is the most effective mediation strategy.²¹

While there has been a sharp increase in large-n studies on international mediation after the turn of the century, not all recent studies on international mediation are quantitative in nature. In one of the most comprehensive, recent comparative case studies on international

¹⁷ Bercovitch, "International Mediation and Dispute Settlement: Evaluating the Conditions for Successful Mediation," 28.

¹⁸ Beardsley, "Agreement without Peace? International Mediation and Time Inconsistency Problems."

¹⁹ Fearon, "Rationalist Explanations for War."

²⁰ These studies typically follow a typology of mediation strategies put forward by Touval and Zartman, in which a distinction is made between facilitation, formulation, and manipulation. See: S. Touval and I. W. Zartman, "Introduction: Mediation in Theory," in *International Mediation in Theory and Practice*, ed. I. W. Zartman and S. Touval (Boulder: Westview Press, 1985). Examples of studies that follow this distinction are: J. Bercovitch, J. T. Anagnoson, and D. L. Wille, "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations," *Journal of Peace Research* 28, no. 1 (1991); J. Bercovitch and A. Houston, "The Study of International Mediation: Theoretical Issues and Empirical Evidence," in *Resolving International Conflicts: The Theory and Practice of Mediation*, ed. J. Bercovitch (London: Lynne Rienner, 1996); J. Wilkenfeld et al., "Mediating International Crises: Cross-National and Experimental Perspectives," *The Journal of Conflict Resolution* 47, no. 3 (2003); K. Beardsley et al., "Mediation Style and Crisis Outcomes," *The Journal of Conflict Resolution* 50, no. 1 (2006).

²¹ P. A. Schrodtt and D. J. Gerner, "An Event Data Analysis of Third-Party Mediation in the Middle East and Balkans," *The Journal of Conflict Resolution* 48, no. 3 (2004).

mediation, Sisk presents evidence that powerful third parties with plentiful resources at their disposal are more likely to succeed than weak or poor ones. According to Sisk, powerful mediation is often the only viable option to resolve civil wars.²²

Based on the current literature, it is thus not surprising that in one of the most extensive literature reviews of international mediation to date, Greig and Diehl assert that mediation by a weak mediator is not effective as it is “limited in the resources that can be brought to bear in the talks as a means of pushing the parties to make concessions and leverage an agreement between the two sides.”²³

The Puzzle

Africa is the poorest continent in the world, from which it follows that African third parties are far more likely to face resource constraints when mediating.²⁴ As a result of the resource constraints African third parties face – and in line with the current literature on international mediation – African third parties have consistently and typically been referred to as ineffective. Sesay argued that the paralysis of the OAU’s conflict resolution efforts in the Western Sahara dispute in the early 1980s were due to a “lack of material resources with which it could embark upon an effective mediatory role.”²⁵ Foltz remarked in 1991 that it may seem impossible for the materially undernourished OAU with “so little prospect of new influx of resources” to resolve Africa’s conflicts.²⁶ Rothchild argued that “African regional initiatives, based largely on states with limited economic resources, cannot be expected to achieve their conflict

²² Sisk.

²³ J. M. Greig and P. F. Diehl, *International Mediation, War and Conflict in the Modern World* (Cambridge: Polity, 2012), 71.

²⁴ I substantiate this claim in chapter 4, when I provide some figures with regard to the economic and military resources of African and non-African states that have been involved in mediation in civil wars in Africa.

²⁵ A. Sesay, O. Ojo, and O. Fasehun, *The OAU after Twenty Years* (London: Westview, 1984), 56.

²⁶ Foltz, 347.

management objectives unassisted.”²⁷ In the introduction to an edited volume on foreign involvement in civil wars in Africa, Smock and Gregorian argue that the US and the former colonial powers seem to have a better record of successful mediation than either the OAU or African leaders, and further claim that the “very significant role of the United States and the European states seems related to the assets, resources, and leverage available to these powers.”²⁸ Jackson claimed that African initiatives are likely to prove less strong in conflict containment and even weaker in conflict termination than peacemaking efforts undertaken by powerful mediators who can exercise leverage such as the US, the UN, or other key actors.²⁹ The main conclusion of a volume edited by Smock and Crocker is that due to the severely limited financial capabilities of African actors, African peacemaking efforts have little chance of success without substantial international and particularly American involvement.³⁰ Okoth also emphasises the effectiveness of non-African third parties, in comparison to African third parties, and asserts that with their enormous economic and military resources at their disposal, superpowers are in an advantageous position to settle African armed conflicts.³¹ In his study on African third parties mediating in Eastern African civil conflicts, Khadiagala makes the claim that proximity to the adversaries and deeper knowledge of the conflicts generally does not substitute for concrete diplomatic and political tools that make for effective mediation; and further argues that “by intervening with only limited tangible and material resources, African interveners have contributed to the widespread perception of being meddlers rather than

²⁷ Rothchild, 279.

²⁸ D.R. Smock and H. Gregorian, "Introduction," in *Making War and Waging Peace: Foreign Intervention in Africa* (Washington, DC: United States Institute of Peace Press, 1993), 12.

²⁹ R. Jackson, "The Dangers of Regionalising International Conflict Management: The African Experience," *Political Science* 52, no. 1 (2000): 59.

³⁰ D. R. Smock and C. A. Crocker, *African Conflict Resolution: The U.S. Role in Peacemaking* (Washington, DC: United States Institute of Peace Press, 1995).

³¹ P. G Okoth, "Conflict Management in Post-Cold War Africa: The Role of International Actors," in *The Quest for Peace in Africa: Transformations, Democracy, and Public Policy*, ed. A. G. Nhema (Utrecht: International Books, 2004), 73.

mediators.”³² Franke and Esmenjaud argue that the most obvious limitations of the Africanisation of security are the scarcity of financial and military resources.³³ Similarly, Møller claims that “it would be surprising if the world’s poorest continent were able to solve the world’s most frequent and widespread as well as most deadly conflicts.”³⁴ Most recently, Dersso identifies capacity and resource limitations as the major constraint present in Africa that frustrates the pursuit of African solutions to African conflicts.³⁵

These claims with regard to the ineffectiveness of African third parties are in line with the capacity-based mediation perspective, which dominates the literature. However, in this dissertation I find – based on data from the Uppsala Conflict Database program (UCDP) supplemented with unique data, which together cover all mediation efforts in Africa between 1960 and 2012 – that African third parties outperform non-African third parties in terms of reaching peace agreements, as well as contributing to post-agreement stability. Mediation success is thus assessed in terms of two outcome variables: the conclusion of peace agreements and the durability of the concluded peace agreements. In other words, I understand success both as the achievement and sustainability of a particular solution. In the empirical chapters, I will put forward specific benchmarks to operationalise mediation success.

The finding that African third parties are highly effective presents the current international mediation literature with a puzzle: African third parties are more effective than non-African third parties in mediating civil wars in Africa in spite of having a lower degree of economic and military capabilities. In other words, existing studies on international mediation

³² G. M. Khadiagala, *Meddlers or Mediators? African Interveners in Civil Conflicts in Eastern Africa* (Leiden: Martinus Nijhoff, 2007), 6.

³³ B. Franke and R. Esmenjaud, "Who Owns African Ownership? The Africanisation of Security and Its Limits," *South African Journal of International Affairs* 15, no. 2 (2008): 148.

³⁴ Møller, "The African Union as a Security Actor: African Solutions to African Problems?," 16.

³⁵ Dersso, "The Quest for Pax Africana: The Case of the African Union's Peace and Security Regime," 42.

not only fail to point out the variance of African and non-African third parties, they do not offer a satisfying explanation for this variance either.

The Argument

In order to explain why African third parties outperform non-African third parties in terms of mediating civil wars in Africa, I argue that African third parties have a comparative advantage in what I label legitimacy-based mediation. In contrast to capacity-based mediation, which is based on coercion and the provision of some good, legitimacy-based mediation denotes power being conferred by the adversaries upon the mediator based on a normative belief by the adversaries that complying with the mediator is the right thing to do. In this context, compliance refers to the efforts undertaken by the conflict parties to ensure that they act in accordance with the demands of the third party. Compliance is thus the act of meeting the wishes of the mediator. The legitimacy-based perspective of mediation success is a constitutive theory: it accounts for third party legitimacy by reference to the normative structures in which third parties operate.³⁶ The legitimacy-based perspective of mediation success is also an ideational theory, as it holds ideas and cultural contexts to be sources of power rather than material forces.³⁷ Based on the legitimacy-based perspective of mediation success, I argue that the legitimacy of African third parties is rooted within Africa's normative environment, which is characterised by a strong commitment to the sovereignty and territorial integrity of African states, respect for colonial borders, as well as a strong inclination towards non-alignment and anti-colonialism.

³⁶ A. Wendt, "On Constitution and Causation in International Relations," *Review of International Studies* 24, no. 5 (1998): 105.

³⁷ A. Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999), 97.

While the capacity-based and legitimacy-based perspectives of mediation success emphasise different sources of power, the perspectives are similar in the sense that both employ a relational conception of power.³⁸ A relational conception of power follows Dahl's seminal definition that "A has power over B to the extent that he can get B to do something that B would not otherwise do."³⁹ This definition does not restrict a third party's source of power to either material or ideational resources.⁴⁰ Hence, Dahl's definition of power applies to both capacity-based and legitimacy-based mediation perspective of mediation success. Furthermore, Dahl's relational definition of power does not hinge on intentionality.⁴¹ Accordingly, an African third party that successfully mediates a conflict in Africa is understood as powerful, even when this third party is not aware that the conflict parties alter their behaviour because of its legitimacy.

Since the capacity-based perspective of mediation success dominates the literature, little theorizing exists on the links between legitimacy and mediation success. In order to fully appreciate what taking into account a third party's legitimacy can add to the existing literature, it is necessary to briefly reflect on two major shortcomings from which the literature on international mediation currently suffers as a consequence of the dominance of capacity-based explanations. First, a central feature of capacity-based explanations of mediation success is a focus on easily observable and materialistic definitions of power. As a result of an empiricist conception of knowledge, the effectiveness of third parties is typically operationalized on the basis of economic and military capabilities, as well as how effective these resources can be employed in capacity-based mediation strategies. However, this focus on material power is

³⁸ Barnett and Duvall, "Power in International Politics," 49; D. A. Baldwin, "Power and International Relations," in *Handbook of International Relations*, ed. W. Carlsnaes, T. Risse-Kappen, and B. A. Simmons (London: Sage, 2013).

³⁹ R. A. Dahl, "The Concept of Power," *Behavioral Science* 2, no. 3 (1957): 202-203.

⁴⁰ Barnett and Duvall, "Power in International Politics," 49.

⁴¹ Dahl, "The Concept of Power," 203; Barnett and Duvall, "Power in International Politics," 50; Baldwin, 278-279.

striking when considering that whether mediated negotiations lead to the conclusion of a peace agreement depends on whether both of the conflict parties consent to the conclusion of a peace agreement. Precisely due to the cooperative nature of mediation processes, solely focusing on material capabilities entails missing significant features of what drives conflict parties to make peace.

Second, another deficiency in the current literature on international mediation is that causal theories on the effectiveness of international mediation are predominantly specified at the actor level, whereas extra-individual entities such as normative structures are largely ignored. For the purpose of this study, I define structure as the shared meanings that make up the context of international action.⁴² That social structures are overlooked in most explanations of mediation outcomes is a direct result of the dominance of rational choice theory in the conflict resolution literature. A focus on the interactions between the mediator and the conflict parties is crucial in order to explain outcomes of international mediation processes, but in order to fully understand the motives and opportunities influencing the actions of all actors involved in the process, social structures – such as international norms that shape a third party's legitimacy – also need to be studied. In short, the literature focuses on agents and on interests that are assumed to be exogenous to social interaction, while normative structures and how these normative structures shape the actions of actors are largely ignored.

By theorizing the links between a third party's legitimacy and outcomes of mediation, I thus develop a perspective on the understanding of mediation success quite different from that consistently pursued in the contemporary literature. I show how normative structures in which conflict resolution efforts take place have a strong impact on the prospects for mediation success. The significance of a third party's legitimacy is best explained by drawing on social

⁴² I. Hurd, "Constructivism," in *The Oxford Handbook of International Relations*, ed. C. Reus-Smit and D. Snidal (Oxford: Oxford University Press, 2008), 303.

constructivist works in which ideational factors such as international norms, international identity, and international society play a prominent role.⁴³ Yet, the insights of these studies have been lacking in the literature on international mediation. I do not argue that material aspects do not influence mediation success, but I do argue that ideational components, such as legitimacy, are crucial when explaining mediation success.

Moreover, a legitimacy-based perspective of mediation is not necessarily mutually exclusive with rationalist explanations of mediation.⁴⁴ Although I argue that the beliefs and interests of conflict parties and third parties are socially constructed, this does not exclude these actors from being goal-seeking and making decisions on the basis of costs and benefits analyses. The legitimacy-based perspective of mediation is rather the opposite of materialist explanations of mediation success, in which the effectiveness of a third party is simply perceived as the product of its economic and military resources, as well as a third party's willingness to employ these resources. As explained by Hurd, "there is a clear distinction between the position that actors respond directly to material incentives and the view that meaning and interpretation necessarily mediate between material forces and social actors."⁴⁵ However, since rational choice theory can be fruitfully used to show how the provision of material incentives moves conflict parties towards peace, many capacity-based studies on mediation draw on rational choice theory. The rational actor assumption is critical for the capacity-based perspective of mediation since conflict parties that are driven by self-interest are sensitive to third parties imposing sanctions, leveraging threats, or promising rewards.

⁴³ For example, see: F. V. Kratochwil, *Rules, Norms and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs*, Cambridge Studies in International Relations (Cambridge: Cambridge University Press, 1989), 69; Wendt, *Social Theory of International Politics*; I. Clark, *Legitimacy in International Society* (Oxford: Oxford University Press, 2005).

⁴⁴ For an excellent discussion on how rationalism, materialism, and social constructivism relate to each other, see: Hurd, 310-312.

⁴⁵ *Ibid.*, 310-311.

I argue that legitimacy works on a logic of appropriateness, rather than on the basis of coercion and inducement. A high degree of third party legitimacy pulls conflict parties towards making peace because they perceive this as the right thing to do. This argument may seem similar to Nye's concept of soft power, which holds that actors can comply on the basis of attraction rather than coercion and inducement.⁴⁶ Yet, a crucial difference is that I develop an ideational account of mediation success, whereas Nye holds that soft power can also be based on the material capacity of an actor, including its economic and military resources. According to Nye, states or non-state actors may sometimes comply with a specific state because they admire this state's prosperity and economic strength: "A strong economy not only provides resources for sanctions and payments, but can also be a source of attractiveness."⁴⁷ Nye's concept of soft power is thus less useful to explicitly compare material versus ideational sources of mediation success. In addition, scholars focusing on soft power have been more concerned with the consequences of soft power than with the context that determines whether an actor has soft power or not. For example, rather than arguing that soft power is socially constructed, Nye assumes that values like cosmopolitanism, democracy, and peace are universally attractive.⁴⁸ By contrast, social constructivism is a theoretical approach that well-equipped to both describe the sources of third party legitimacy and the empirical consequences of this legitimacy.

⁴⁶ J. S. Nye, *Soft Power: The Means to Success in World Politics* (New York: PublicAffairs, 2004), 5; J. S. Nye, "The Place of Soft Power in State-Based Conflict Management," *Leashing the Dogs of War: Conflict Management in a Divided World*, (2007): 389.

⁴⁷ Nye, "The Place of Soft Power in State-Based Conflict Management," 391; Nye, *Soft Power: The Means to Success in World Politics*, 7-8.

⁴⁸ Nye, *Soft Power: The Means to Success in World Politics*, 11.

Relevance

This dissertation furthers the understanding of international mediation at a theoretical and empirical level. In terms of the empirical contribution, I conduct a systematic analysis of the effectiveness of African and non-African third parties. As observed by Franke and Esmenjaud, the concepts of African ownership and Africanisation have a “virtual omnipresence throughout the proliferating literature on peace and security in Africa.”⁴⁹ Yet, I have not found any other large-n study that systematically examines the effectiveness of African and non-African third parties in mediation. Furthermore, even qualitative studies usually only focus on one type of mediation and since mediation efforts more often fail than succeed, it is often concluded that African third parties are unsuccessful without comparing these efforts to the efforts of non-African third parties. Indeed, mediation failure has been described as the “modal outcome” of international mediation processes.⁵⁰ The overreliance on anecdotal evidence or qualitative comparisons thus have provided scholars of peace processes in Africa with what Achen and Snidal describe as too little inferential constraint.⁵¹ For instance, in an edited volume on conflict resolution in Africa, Smock and Gregorian state in the introduction that “It is attractive to think that all of Africa’s conflicts should be mediated by Africans and by African organizations, particularly the OAU, but the track record has not been impressive.”⁵² However, nowhere in the book do the authors provide any systematic evidence to support this claim.

Theoretically, this study deviates from much of the recent international mediation literature that ignore social structures when explaining mediation outcomes. By bringing

⁴⁹ Franke and Esmenjaud, "Who Owns African Ownership? The Africanisation of Security and Its Limits," 137.

⁵⁰ Greig and Diehl, 173.

⁵¹ C. H. Achen and D. Snidal, "Rational Deterrence Theory and Comparative Case Studies," *World Politics* 41, no. 2 (1989). See also: B. Geddes, "How the Cases You Choose Affect the Answers You Get: Selection Bias in Comparative Politics," *Political Analysis* 2, no. 1 (1990); S. Lieberman, "Small N's and Big Conclusions: An Examination of the Reasoning in Comparative Studies Based on a Small Number of Cases," *Social Forces* 70, no. 2 (1991).

⁵² Smock and Gregorian.

legitimacy to the forefront, this dissertation overcomes key limitations in the prevailing rationalist-materialist approach to mediation success. This dissertation thus contributes to an unresolved key debate in the field of international mediation or the field of International Relations in general: the nature of an actor's power. African third parties are found to be more effective than non-African third parties in this dissertation. This difference in success cannot be attributed to third party capacity, as African third parties have far less economic and military capacity than non-African third parties. Hence, contrary to what one would expect based on neorealist theory – in which the material structure provides incentives for particular kinds of behaviour – something other than capacity must explain the relative effectiveness of African mediation efforts. This finding is important because it implicitly demonstrates that ideational factors such as an international identity, international norms, and international legitimacy are of importance.

Scope Conditions

This dissertation is primarily concerned with third party peacemaking. There is a large literature that also addresses the effectiveness of African third parties in relation to peacekeeping, peacebuilding, and humanitarian interventions.⁵³ However, I do not evaluate the prospects for African ownership with regard to these aspects of third party involvement. Neither do I claim that the findings in this dissertation may shed some light on these aspects of

⁵³ For example, see: P. D. Williams, "The African Union: Prospects for Regional Peacekeeping after Burundi & Sudan," *Review of African Political Economy* 33, no. 108 (2006); P. D. Williams, "Keeping the Peace in Africa: Why "African" Solutions Are Not Enough," *Ethics & International Affairs* 22, no. 3 (2008); Alex De Waal, "Mission without End? Peacekeeping in the African Political Marketplace," *International Affairs* 85, no. 1 (2009); T. Murithi, *The African Union: Pan-Africanism, Peacebuilding and Development* (Aldershot: Ashgate, 2005); P. D. Williams, "Military Responses to Mass Killing: The African Union Mission in Sudan," *International Peacekeeping* 13, no. 2 (2006); P. D. Williams and A. J. Bellamy, "The Responsibility to Protect and the Crisis in Darfur," *Security Dialogue* 36, no. 1 (2005); A. De Waal, "Darfur and the Failure of the Responsibility to Protect," *International Affairs* 83, no. 6 (2007); Alex J. Bellamy and Paul D. Williams, "The New Politics of Protection? Côte D'ivoire, Libya and the Responsibility to Protect," *International Affairs* 87, no. 4 (2011).

third party involvement in civil wars, particularly since peacekeeping, peacebuilding, and humanitarian interventions are types of third party involvement that require much more economic and military capacity than mediation.

There seems to be a widespread consensus among scholars of international mediation that a third party effort in a conflict has to fulfil at least two criteria in order to classify as mediation. First, the activity undertaken by the third party should be specifically aimed at achieving a compromise or a settlement of issues between the adversaries; and second, the adversaries have to give their consent to the involvement of the third party and to the final outcome of the mediation process.⁵⁴ Recognizing these common elements, this study adopts Bercovitch's broad and frequently employed definition in which he understands international mediation as a "process of conflict management, related to but distinct from the parties' own efforts, where the disputing parties or their representatives seek the assistance, or accept an offer of help from an individual, group, state or organization to change, affect or influence their perceptions or behaviour, without resorting to physical force or invoking the authority of law."⁵⁵ This definition thus differentiates mediation from other types of conflict resolution such as bilateral negotiations without the involvement of a third party, international arbitration, and coercive intervention.

Yet, it should be noted that the exclusion of force from the definition is problematic to maintain in some instances. I broadly define the use of force as a military intervention to move the conflict parties to compromise, as well as the use of military inducements, either through extending – or refusing to extend – military assistance.⁵⁶ Scholars of international mediation

⁵⁴ T. Princen, *Intermediaries in International Conflict* (Princeton: Princeton University Press, 1992), 3; J. Bercovitch, "The Structure and Diversity of Mediation in International Relations," in *Mediation in International Relations: Multiple Approaches to Conflict Management*, ed. J. Bercovitch and J. Z. Rubin (Basingstoke: Macmillan, 1992), 4-5.

⁵⁵ Bercovitch, "The Structure and Diversity of Mediation in International Relations," 7.

⁵⁶ Rothchild, 105-107.

rightly distinguish military intervention from mediation, yet in some instances the mandating agency of the mediator uses force while peace negotiations are ongoing. For instance, General Abdulsalami Abubakar, mandated by the Economic Community of West African States (ECOWAS), successfully mediated an end to Liberia's civil war in 2003, but simultaneously to Abukalar's effort, the Economic Community of West African States Monitoring Group (ECOMOG) was deployed as a West African multilateral armed force in Liberia. In short, mediation and the use of force are in practice not always easy to separate.

It should further be noted that the definition of mediation does not exclude the possibility of partial mediation. Biased mediation can be understood in terms of the preferences of the mediator, which means that a mediator is biased when it shares one side's preferred outcome in a conflict.⁵⁷ Some scholars understand impartiality to be a fundamental characteristic of mediation.⁵⁸ Yet, excluding biased third party involvement from a definition of mediation would be in great contrast with the empirical reality that much of the third parties involved in mediation are biased. In order to examine the impact these biased mediation efforts, I distinguish between biased and unbiased mediation in the empirical analysis of mediation success.

I intend to primarily focus on the organizational identity of the mediator rather than the personal identity, meaning that when an African mediator is mandated by a non-African third party, as for example by the United Nations, the mediation effort is understood to be non-African. I do not deny that in some instances the personality of the mediator affects the prospects for success to a great extent, but in line with the general argument put forward in this dissertation, I argue that the individual efforts of a mediator are connected to, and therefore

⁵⁷ A. H. Kydd, "Which Side Are You On? Bias, Credibility, and Mediation," *American Journal of Political Science* 47, no. 4 (2003): 601.

⁵⁸ For instance, see: L. Nathan, "When Push Comes to Shove: The Failure of International Mediation in African Civil Wars," *Track Two* 8, no. 2 (1999): 3.

greatly influenced by, the degrees of capacity and legitimacy of the third party. This point is also acknowledged by Kleiboer, who argues that “A mediator seldom acts as an individual, but usually as a spokesman or representative of a national state or non-governmental organization. The standing, legitimacy, and leverage of these ‘mediating bodies’ determine the status of the representative who acts as a mediator.”⁵⁹ Still, I do control for the personal identity of the mediator in some of the quantitative analyses in chapter 5, but the effects of the personal identity of a mediator are not the primary focus.

Finally, I solely focus on civil wars, rather than both civil wars and interstate wars. In this dissertation, I employ the UCDP definition of a civil war. The UCDP defines a civil war, also referred to as an intrastate armed conflict, as a contested incompatibility that concerns government and/or territory where the use of armed force between a government of a state and a rebel group. A conflict is considered to be active when at least 25 battle-related deaths occur in one calendar year. A civil war is thus fought internally to the territory of a sovereign state and it involves the participation of the government as a combatant.⁶⁰ The reason why I focus solely on civil wars is that intrastate and interstate conflicts are different. Parties to civil wars need to live together within one state, which means these parties need to resolve the underlying conflict issues. By contrast, sovereign states that have fought each other can more easily reach a ceasefire and withdraw their forces, without resolving the conflict issues.⁶¹ Hence, the difference between intrastate and interstate conflicts influences the prospects for mediation success.

⁵⁹ M. Kleiboer, "Understanding Success and Failure of International Mediation," *The Journal of Conflict Resolution* 40, no. 2 (1996): 372.

⁶⁰ N. Sambanis, "What Is Civil War? Conceptual and Empirical Complexities of an Operational Definition," *The Journal of Conflict Resolution* 48, no. 6 (2004): 816.

⁶¹ V. P. Fortna, "Inside and Out: Peacekeeping and the Duration of Peace after Civil and Interstate Wars," *International Studies Review* 5, no. 4 (2003): 98.

Methodology

I use a mixed methods approach to test whether African third parties are more effective than non-African third parties in mediating African armed conflicts, which means I first conduct a series of statistical analyses, followed by qualitative case studies.⁶²

To statistically test the effectiveness of African and non-African mediation, I draw on data from the UCDP, which I supplement with unique data. The choice of drawing on the UCDP is motivated by the high quality of the data in terms of reliability and validity.⁶³ The choice is also theoretically driven, since using the UCDP data makes it possible to study mediation efforts in both high and low intensity armed conflicts. Additionally, the unit of analysis in the UCDP data is conflict dyad-years, which better fits the objective of the statistical analyses, as it makes it possible to determine the different effects of African and non-African mediation efforts within mediation episodes that may take several years.

A drawback of solely employing statistical analyses is that it is difficult to examine the processes that explain why different types of mediation produce different effects.⁶⁴ Hence, I conduct two case studies concerning several mediation efforts in two civil wars in Sudan, in order to examine the causal mechanisms that underlie the correlations found in the statistical analyses. Further exploring the findings of the statistical analyses in two case studies contributes to what Elster describes as ‘opening the black box’ and increases what Gerring classifies as the transparency of causal propositions.⁶⁵ I do not claim that the case studies

⁶² E. S. Lieberman, "Nested Analysis as a Mixed-Method Strategy for Comparative Research," *American Political Science Review* 99, no. 03 (2005).

⁶³ See: R. Sundberg and L. Harbom, "Systematic Data Collection: Experiences from the Uppsala Conflict Data Program," in *Understanding Peace Research: Methods and Challenges*, ed. K. Höglund and M. Öberg (London: Routledge, 2011), 102.

⁶⁴ A. L. George and A. Bennett, *Case Studies and Theory Development in the Social Sciences* (London: MIT Press, 2005); A. Bennett and C. Elman, "Case Study Methods in the International Relations Subfield," *Comparative Political Studies* 40, no. 2 (2007).

⁶⁵ J. Elster, *Explaining Social Behavior: More Nuts and Bolts for the Social Sciences* (Cambridge: Cambridge University Press, 2007), 32; J. Gerring, "Causation: A Unified Framework for the Social Sciences," *Journal of Theoretical Politics* 17, no. 2 (2005): 189.

employed in this dissertation can establish causal generalisability by themselves. The two cases are rather used as a plausibility probe. I employ the case studies as heuristic devices to probe the impact of third party legitimacy on mediation success.

Another advantage of employing case studies is that this will make it possible to determine how third party capacity and legitimacy interact. While I analytically distinguish between a capacity-based and legitimacy-based perspective of mediation success, third party capacity and legitimacy can, in practice, combine to affect the prospects for mediation success.

In order to identify the empirical consequences of a third party's capacity and legitimacy, as well examine how legitimacy and capacity interact, I employ the process tracing method in the case studies.⁶⁶ A wide range of secondary sources are used to conduct the case studies, ranging from scholarly articles, newspaper articles, documentary data and articles by non-governmental organisations, government statements, and statements and resolutions given by international organisations. I also conduct several elite interviews. Elite interviewing, with its focus on actors who are considered to have had the most involvement with the processes examined is a useful complementary methodological tool, as these interviews have the potential provide new information and fill gaps in historical accounts.⁶⁷ Crucially, considering that legitimacy is a subjective quality, elite interviews are particularly useful, since these interviews make it possible, at least to some extent, to get insight into the attitudes, values and beliefs of key actors involved in international mediation.⁶⁸ Hurd identifies studying reasons for compliance and non-compliance as crucial for measuring legitimacy.⁶⁹

⁶⁶ George and Bennett, 210-212; D. Collier, "Understanding Process Tracing," *PS: Political Science & Politics* 44, no. 04 (2011).

⁶⁷ J. D. Aberbach and B. A. Rockman, "Conducting and Coding Elite Interviews," *PS: Political Science & Politics* 35, no. 04 (2002): 673; George and Bennett, 96; O. Tansey, "Process Tracing and Elite Interviewing: A Case for Non-Probability Sampling," *PS: Political Science & Politics* 40, no. 04 (2007): 766.

⁶⁸ Aberbach and Rockman, "Conducting and Coding Elite Interviews," 766; D. G. Lilleker, "Interviewing the Political Elite: Navigating a Potential Minefield," *Politics* 23, no. 3 (2003): 208; Tansey, "Process Tracing and Elite Interviewing: A Case for Non-Probability Sampling," 766-768.

⁶⁹ I. Hurd, "Legitimacy and Authority in International Politics," *International Organization* 53, no. 2 (1999): 391.

It is acknowledged that there are several disadvantages associated with relying on interviews for causal inference, most notably with regard to the validity and reliability of the information produced through these interviews.⁷⁰ For instance, members of the third party mediation team and representatives of the conflict parties may either inflate or minimise their respective roles in the mediation process, depending on, as Tansey puts it, whether there “is political capital to be gained or lost.”⁷¹ In order to manage the trade-offs that come with elite interviewing, I try, whenever this is possible, to corroborate these interviews with what has been established from other sources, including other interviews.⁷²

Outline

Turning to the structure of the dissertation, the next chapter provides a historical overview of the origins of Africa’s normative environment. This is necessary to appreciate how the social structures in which mediation takes place shape the prospects for mediation success. Chapter 3 reviews the previous research and develops a capacity-based and legitimacy-based perspective of mediation success. Chapter 4 examines whether African or non-African third parties are more successful in concluding peace agreements, while chapter 5 extends this analysis with several robustness checks, as well as an analysis of the how effective both types of mediation are in ensuring post-agreement stability. The statistical findings are further examined in two case studies. Chapter 6 addresses several mediation efforts between the Government of Sudan and the Sudan People’s Liberation Movement/Army from the start of the civil war in 1983 onwards. Chapter 7 addresses various mediation efforts between the

⁷⁰ J. M. Berry, "Validity and Reliability Issues in Elite Interviewing," *PS: Political Science & Politics* 35, no. 04 (2002); Lilleker, "Interviewing the Political Elite: Navigating a Potential Minefield."

⁷¹ Tansey, "Process Tracing and Elite Interviewing: A Case for Non-Probability Sampling," 767.

⁷² Lilleker, "Interviewing the Political Elite: Navigating a Potential Minefield," 208; Tansey, "Process Tracing and Elite Interviewing: A Case for Non-Probability Sampling," 766.

Government of Sudan and the Darfurian rebel groups from the start of the armed conflict in Darfur in 2003 onwards. Chapter 8 concludes.

II. Mediation in Civil Wars in Africa in Historical and Normative Context

This chapter sketches the normative structure of Africa's international relations. I outline how, simultaneously with the decolonization of most African states during the late 1950s and early 1960s, a normative environment emerged in which African decision makers formulated approaches on how to maintain peace and stability in Africa. I also explain how this normative environment subsequently developed, most notably through the end of the Cold War and the formation of the AU. Understanding the normative context in which peacemaking efforts in Africa take place is necessary to understand why African third parties have a comparative advantage in legitimacy-based mediation.

This chapter will first address how the norms of sovereignty, *uti possidetis*, and African unity, as well as the norm of non-alignment and anti-imperialism were meant to mitigate enmity between African states, as well as enmity within African state. The protection of national sovereignty and a strong desire to create and maintain international order has driven Africa's security environment. Hence, the sketch of Africa's normative peace and security environment in this chapter provides an empirical illustration of Bull's assertion that norms are an important part of the ordering mechanism of the international system.⁷³

I will further explain how the norms of sovereignty, *uti possidetis*, and African unity, as well as the norm of non-alignment and anti-imperialism, did not always have the desired effect, making the peaceful settlement of disputes necessary, whereby African decision makers exhibited a relatively consistent preference for African conflict resolution efforts. I will emphasise the influence of the norms of African unity, *uti possidetis*, and sovereignty on the

⁷³ H. Bull, *The Anarchical Society: A Study of Order in World Politics* (London: Macmillan, 1977), 64.

regulative element of the African solutions norm: the preference for peaceful and voluntary conflict resolution. Additionally, I will highlight the impact of the norms of anti-imperialism and non-alignment on the constitutive element of the African solutions norm: the preference for these conflict resolution efforts to be conducted by African actors.

In addition, I argue that the normative peace and security structure that emerged in Africa during the 1960s has for the most part persisted across two different global, structural contexts: the bipolar global power structure of the Cold War and the unipolar post-Cold War period. Yet, with the end of the Cold War, two elements changed within Africa's security culture. First, while the preference for African actors resolving conflicts in the post-Cold War era remained, this preference changed from being the product of the anti-imperialism and non-alignment norms to being based on a perceived indifference of non-African actors. Second, although the preference for peaceful and voluntary conflict resolution remained, an additional, and at times competing, norm has emerged that, under extreme circumstances, organisations of African states may intervene in the internal affairs of other African states on grounds of human rights and/or democracy.

Sovereignty, Uti Possidetis, and African Unity

When most African states gained their independence during the late 1950s and early 1960s, they had to operate in a threatening environment. The removal of external domination through decolonization created a large number of potential conflicts in Africa, since the borders had been created exogenously and therefore did not reflect ethnicity or community.⁷⁴ In addition,

⁷⁴ C. S. Clapham, *Africa and the International System: The Politics of State Survival* (Cambridge: Cambridge University Press, 1996), 18.

involvement from states outside the African state system, such as former colonial powers, was also seen as a threat.⁷⁵

In order to alleviate these threats as much as possible, African states took measures designed to ensure survival. Two such measures were the commitment to the sovereignty of the newly independent African states and to the maintenance of the territorial legacy of the colonial period.⁷⁶ African leaders realised that calling boundaries into question, as well as interfering in the internal affairs of other African states, would make them equally vulnerable to such actions against themselves.⁷⁷ Respecting the sovereignty of other African states and the inherited borders from the colonial era was thus the best solution to achieve a peaceful coexistence on the continent; and by extension, the best option to safeguard regime survival.⁷⁸ The idea that the national borders of newly independent countries should coincide with the former colonial borders was referred to as the *uti possidetis* principle.⁷⁹ In spite of the strong sentiment against colonialism and imperialism, the African society of states thus embraced the Westphalian state system inherited from the colonial era and became embedded within a wider international society.

⁷⁵ Ibid., chapters 4 and 6 respectively.

⁷⁶ S. Touval, "The Organization of African Unity and African Borders," *International Organization* 21, no. 1 (1967); S. Touval, *The Boundary Politics of Independent Africa* (Cambridge: Harvard University Press, 1972); R. H. Jackson and C. G. Rosberg, "Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood," *World Politics* 35, no. 1 (1982); J. Herbst, "The Creation and Maintenance of National Boundaries in Africa," *International Organization* 43, no. 04 (1989); C. Young, "Self-Determination, Territorial Integrity, and the African State System," in *Conflict Resolution in Africa*, ed. F. M. Deng and I. W. Zartman (Washington, DC: Brookings Institution, 1991); P. Englebert and R. Hummel, "Let's Stick Together: Understanding Africa's Secessionist Deficit," *African Affairs* 104, no. 416 (2005).

⁷⁷ Zartman, "The OAU in the African State System: Interaction and Evaluation," 39; A. Layachi, "The OAU and Western Sahara: A Case Study," in *The Organization of African Unity after Thirty Years*, ed. Y. El-Ayouty (London: Praeger, 1994); Clapham, 35.

⁷⁸ Herbst, "The Creation and Maintenance of National Boundaries in Africa."

⁷⁹ The *uti possidetis* principle was also widely referred to following Latin American independence, achieved in the early 19th century, to prescribe that the colonial borders of the Latin American countries should be maintained. See: E. Hasan, "Uti Possidetis Juris: From Rome to Kosovo," *Fletcher Forum of World Affairs* 27, no. 2 (2003).

Respecting the territorial status quo as an instrument to maintain peace in Africa required a collective commitment to this norm.⁸⁰ That African rules shared a commitment to this norm is reflected in the Charter of the in 1963 established OAU, in which the principle of non-interference in the internal affairs of another member state, the sovereign equality of member states, and respect for member states' territorial integrity were all heavily emphasised. Article III of the Charter of the OAU stipulates that "non-interference in the internal affairs of states" is a fundamental principle of the OAU.⁸¹

In addition, a resolution adopted by the Assembly of Heads of State and Government of the OAU on 21 July 1964 incorporated the principle of *uti possidetis*, which stipulated that all states should respect the borders existing at the time of their independence.⁸² The rationale of this resolution was succinctly summarised by President Migan Apithy of Benin, who stated that if countries would be allowed to contest their boundaries, "the tidal wave of territorial claims would plunge our continent into apocryphal chaos which would sweep our Organisation away like a wisp of straw."⁸³

While the territorial integrity norm initially emerged as a result of a need to regulate inter-African relations in post-colonial Africa, the norm was soon extended to also rule out territorial conflicts internal to individual states. Territorial changes in Africa on an international level or domestically were both perceived as a priori detrimental to Africa, since these changes could set a precedent that could lead to the further balkanisation of the continent.⁸⁴ This

⁸⁰ Jackson and Rosberg, "Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood; Robert H. Jackson, *Quasi-States: Sovereignty, International Relations, and the Third World*, Cambridge Studies in International Relations (Cambridge: Cambridge University Press, 1990); J. G. Ruggie, "Territoriality and Beyond: Problematizing Modernity in International Relations," *International Organization* 47, no. 01 (1993).

⁸¹ "Charter of the Organization of African Unity," (25 May 1963), preamble.

⁸² M. D. Wembou, "The OAU and International Law," in *The Organization of African Unity after Thirty Years*, ed. Y. El-Ayouty (London: Praeger, 1994), 16.

⁸³ C. O. C. Amate, *Inside the OAU: Pan-Africanism in Practice* (Basingstoke: Macmillan, 1986), 404.

⁸⁴ O. S. Kamanu, "Secession and the Right of Self-Determination: An O.A.U. Dilemma," *The Journal of Modern African Studies* 12, no. 3 (1974); Z. Červenka, *The Unfinished Quest for Unity: Africa and the Organisation of African Unity* (London: J. Friedman, 1977), 70; Amate, 404.

explains why many African leaders emphasised Nigeria's territorial integrity during the civil war in Nigeria between 1967 and 1970. President Diori of Niger publicly stated that the most important guiding principle during peace talks between the conflict parties had to be the territorial integrity of Nigeria.⁸⁵

Another norm that was meant to serve the maintenance of peace and stability in Africa was African unity. Although Africa is not a homogenous continent, several observers stressed in the early 1960s that African states share a common international identity, highlighting among other things a shared colonial past to explain this common identity.⁸⁶ Jackson and Rosberg argue in this regard that, in addition to being a geographical fact, Africa is a political idea.⁸⁷ For the purposes of this study, I also understand Africa as a political idea.⁸⁸

A commitment to African unity was also strongly reinforced by African leaders as a strategy to maintain peace and stability in Africa. With regard to the latter, the preamble of the Charter of the OAU stresses a determination to strive towards "brotherhood and solidarity, in a larger unity transcending ethnic and national differences."⁸⁹ Clapham notes that the sentiment surrounding African unity went beyond the merely rhetorical level, since it imposed on African leaders a moral obligation to act in harmony.⁹⁰ In addition, as long as African leaders could remain united, they could set the conditions for acceptable involvement by African and non-African states, thus strengthening the commitment to the sovereignty norm.⁹¹ From this

⁸⁵ J. J. Stremlau, *The International Politics of the Nigerian Civil War, 1967- 1970* (Princeton: Princeton University Press, 1977), 103.

⁸⁶ A. A. Mazrui, "On the Concept of "We Are All Africans"," *The American Political Science Review* 57, no. 1 (1963); I. M. Wallerstein, *Africa: The Politics of Unity: An Analysis of a Contemporary Social Movement* (New York: Random House, 1967).

⁸⁷ Jackson and Rosberg, "Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood," 17..

⁸⁸ For a discussion on understanding Africa as a political idea, see R. Emerson, "Pan-Africanism," *International Organization* 16, no. 2 (1962): 280.

⁸⁹ G. J. Naldi, *Documents of the Organization of African Unity* (New York: Mansell, 1992).

⁹⁰ Clapham, 107.

⁹¹ *Ibid.*, 109.

perspective, African unity can be seen as reflecting the strong desire of African leaders to maintain their sovereignty.

In spite of the norms of sovereignty, *uti possidetis*, and African unity in Africa's post-colonial security culture, post-colonial Africa has experienced several border disputes. While it is impossible to know whether the low level of interstate armed conflicts in Africa is due to a commitment to the territorial status quo and African unity, it seems plausible to assume that Africa would have experienced more interstate armed conflicts had these norms not existed. With many different ethnic groups living spread across borders of African states, African leaders could make claims that certain parts of other countries belong to their country, which could in turn have led to many armed conflicts over these pieces of territory. The territorial integrity norm has generally dissuaded African leaders from making such territorial claims, though the norm has not prevented territorial conflicts between African states entirely – as evidenced in border disputes between Algeria and Morocco, Ethiopia and Eritrea, and Ethiopia and Somalia.

Furthermore, the armed conflicts that Africa has experienced generated much disapproval, which is an indication of the robustness of the norms.⁹² Hence, the references to the respect for the borders of other member states and African unity that abound in many public statements regarding African peacemaking efforts reinforce the existence of the three norms identified above.⁹³ For instance, Algeria and Morocco were heavily criticised for their border dispute. Consequently, both Algeria and Morocco accepted mediation by the OAU in 1963,

⁹² See: M. Finnemore and K. Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998): 892.

⁹³ B. D. Meyers, "Intraregional Conflict Management by the Organization of African Unity," *International Organization* 28, no. 3 (1974): 370-371.

expressing that they were committed to the “the maintenance of peace and to the strengthening of African unity.”⁹⁴

Another indication of the robustness of these norms is that the official recognition of rebel movements has been extremely rare in Africa. A notable exception is the recognition of Biafra by Tanzania, Zambia, Gabon, and the Ivory Coast.⁹⁵ However, these countries were criticised by other African countries, as reflected in a resolution adopted at the annual OAU summit in Algiers in September 1968, in which it was appealed to all member states of the OAU to “refrain from any action detrimental the peace, unity and territorial integrity of Nigeria.”⁹⁶ Moreover, the recognition came only in July 1968, when the war had been going on already for more than a year, indicating that the leaders of the countries recognising Biafra felt the normative constraints of the sovereignty norm.⁹⁷

While border disputes and the formal recognition of rebel movements has been relatively rare, the covert support of rebel movements operating in other countries has been very common from the early 1960s onwards. This has also generated a lot of disapproval. Norms of territorial integrity and African unity have frequently been used to dissuade states from supporting rebel movements. For instance, as a response to a conflict between Niger and Ghana over the latter’s support to rebel groups in Niger, an extraordinary session of the Council of Ministers of the OAU was held at Lagos on 10-13 June 1965. In response to the many appeals from most African leaders, both conflict parties emphasised their commitment to resolving the conflict by referring to African brotherhood. The representative of the delegation of Niger made it clear that the commitment to African unity entailed a duty to do everything

⁹⁴ P. B. Wild, "The Organization of African Unity and the Algerian-Moroccan Border Conflict: A Study of New Machinery for Peacekeeping and for the Peaceful Settlement of Disputes among African States," *International Organization* 20, no. 1 (1966): 27.

⁹⁵ Amate, 442-443.

⁹⁶ Ibid.

⁹⁷ Ibid.

possible to maintain and consolidate friendly relationships.⁹⁸ Similarly, the representative of Ghana stressed that the conflict resolution efforts at Lagos could prove the enemies of African unity wrong and could contribute to a strong, united Africa.⁹⁹ When a compromise was reached between the conflict parties by the end of the session, the Chairman gave credit to Niger and Ghana who, on the appeal of the Council of Ministers, gave way in the interest of African unity.¹⁰⁰

Anti-Imperialism and Non-Alignment

Besides a need to regulate international relations between African states, African leaders deemed it necessary to shield themselves from extra-African forces as way to maintain peace and stability in Africa. Anti-colonialism can therefore be understood as a strategy to strengthen the autonomy of the newly independent states.¹⁰¹ Similarly, anti-imperialism was linked to sovereignty, since as long as African leaders could remain united in their commitment to the sovereignty norm they could more effectively shield themselves from negative pressure from non-African powers.¹⁰² This relationship is depicted in Figure 2.1 by the arrow running from ‘Anti-imperialism’ to ‘Sovereignty’. Anti-imperialism and non-alignment can thus be seen as an affirmation of pan-Africanism, as both were closely associated with the strong desire of African countries to express their freedom.¹⁰³

The anti-imperialism norm is reflected in a passage in the preamble of the Charter of the OAU that expresses the determination of the OAU member states “to safeguard and

⁹⁸ Thompson and Zartman, 25.

⁹⁹ Ibid., 28.

¹⁰⁰ Ibid., 30.

¹⁰¹ Clapham, 54.

¹⁰² I. M. Wallerstein, *Africa, the Politics of Independence: An Interpretation of Modern African History* (New York: Vintage Books, 1961), 105; Clapham, 109.

¹⁰³ A. Jeng, *Peacebuilding in the African Union: Law, Philosophy and Practice* (Cambridge: Cambridge University Press, 2012), 143.

consolidate the hard-won independence as well as the sovereignty and territorial integrity of our states, and to fight against neo-colonialism in all its forms”¹⁰⁴ The commitment of African leaders to non-alignment during the Cold War is arguably best expressed in an OAU resolution in which it was stated that the “Member States exert every effort so that, in respecting the OAU Charter, they may safeguard their identity and remain outside conflicts, especially ideological conflicts, emanating from without the African Continent.”¹⁰⁵

A telling example of the resistance against non-African involvement is the African collective response to the intervention of Belgium and the US in the civil war in Congo in 1964. The OAU Ad Hoc Commission on the Congo was sent to Washington to convince the US to withdraw its troops from Congo.¹⁰⁶ After this effort had failed and American and Belgian soldiers remained on the ground, President Nkrumah of Ghana sent a letter to President Nasser of Egypt, in which he referred to the intervention as “strong evidence that the colonial powers will not hesitate to resort to armed force and aggression in order to maintain their policy of robbing Africa of here natural resources.”¹⁰⁷ Červenka notes that even the more moderate African leaders denounced the intervention as imperialistic and unjustified.¹⁰⁸

With the foreign involvement in the civil war in Angola, African leaders once more witnessed how easily Africa could be caught up superpower conflict. This further coalesced African leaders around the desire for Africans solutions to African conflicts. As Stedman puts it, the “intervention of foreign actors, the escalation of force and violence, and the loss of

¹⁰⁴ "Charter of the Organization of African Unity."

¹⁰⁵ Organisation of African Unity, *Resolution Adopted at the Fourteenth Ordinary Session of the Assembly of Heads of State of the OAU in Libreville, Gabon, on 2-5 July 1977, AHG/RES. 85 (XIV)*.

¹⁰⁶ N. McKeon, "The African States and the OAU," *International Affairs (Royal Institute of International Affairs 1944-)* 42, no. 3 (1966); Meyers, "Intraregional Conflict Management by the Organization of African Unity."

¹⁰⁷ Červenka, 106, endnote 16.

¹⁰⁸ *Ibid.*, 87.

control by regional parties committed these leaders to arrest the growing use of the region as a battleground for the superpowers.”¹⁰⁹

Peaceful Settlement of Disputes

It follows from the Charter of the OAU that – in spite of the norms of sovereignty, *uti possidetis*, African unity, non-alignment, and anti-imperialism – African leaders already anticipated that the existence of these norms would not always prevent armed conflicts. The preamble stipulates, among others, that “conditions for peace and security must be established and maintained” and Article III of the Charter specifically affirms the adherence to the principle of “peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration.”¹¹⁰ This reflects the regulative element of the African solutions norm, since it emphasises peaceful settlement of disputes as the appropriate *modus operandi* to mitigate armed conflict in Africa. Clapham explains that the sense of being African resulted in a sense among African rulers in one part of the continent that they had an obligation to those in another part of the continent.¹¹¹ The arrow running from ‘African unity’ to ‘Peaceful and voluntary settlement of disputes’ in Figure 2.1 depicts this relationship.

Yet, the regulative element of the African solutions norms was far from solely the result of the African unity norm. Reapolitik incentives concerning state survival – through the realisation of peace and stability in Africa – also drove the general commitment to the norm of resolving armed conflict in Africa. This corresponds to the view that, in addition to amity, enmity can be a strong determinant of the formation of regions.¹¹² At least three negative

¹⁰⁹ Stedman, 86-87.

¹¹⁰ Naldi.

¹¹¹ Clapham, 107.

¹¹² See: B. Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*, 2nd ed. (London: Harvester Wheatsheaf, 1991); B. Buzan, O. Wæver, and J. de Wilde, *Security: A New*

externalities can be recognised that explain why African states had material incentives to resolve armed conflict in Africa. First, civil wars in Africa frequently extended across the artificial borders of Africa's post-colonial states, threatening state survival of neighbouring countries.¹¹³ Second, there were high costs associated with refugee flows resulting from armed conflict, both in terms of financial costs and the increased risk of violence in the host country.¹¹⁴ Third, the failure to resolve conflicts opened the doors for intervention by non-African powers during the Cold War.¹¹⁵ Indeed, not resolving intrastate armed conflicts creates an entry point for the involvement of actors outside of Africa because states that are internally divided are less capable of taking a unified stance against external involvement, as well as the fact that conflict parties in intrastate state conflicts often seek external support against their rivals.¹¹⁶

Aware of the destabilising effects of the civil war in Chad, Kenyan President Daniel arap Moi hoped that successful mediation of the civil war in Uganda could prevent Uganda from following the Chadian route. A Kenyan Government minister remarked in this regard that "One Chad is enough."¹¹⁷ It was explicitly stated in the Nairobi Peace Agreement concluded in 1985 to end the civil war in Uganda that "instability in any one of the nations is a threat to the peace and stability of the whole East African region."¹¹⁸

In spite of the strong material incentives among African states – and neighbouring countries in particular – to resolve armed conflicts in Africa, African third parties have generally remained committed to the sovereignty of African states while resolving these

Framework for Analysis (London: Lynne Rienner, 1998); B. Buzan and O. Wæver, *Regions and Powers: The Structure of International Security* (Cambridge: Cambridge University Press, 2003).

¹¹³ Clapham, 40; I. Salehyan, *Rebels without Borders: Transnational Insurgencies in World Politics* (Ithaca: Cornell University Press, 2009).

¹¹⁴ A. Adepaju, "The Dimension of the Refugee Problem in Africa," *African Affairs* 81, no. 322 (1982); I. Salehyan, "The Externalities of Civil Strife: Refugees as a Source of International Conflict," *American Journal of Political Science* 52, no. 4 (2008).

¹¹⁵ S. N. MacFarlane, "Africa's Decaying Security System and the Rise of Intervention," *International Security* 8, no. 4 (1984): 129-130.

¹¹⁶ Ibid.

¹¹⁷ Khadiagala, 24.

¹¹⁸ The text of this agreement is available at: <http://www.ucdp.uu.se/gpdatabase/peace/Uga%2019851217.pdf>.

conflicts.¹¹⁹ The arrow running from ‘Sovereignty’ to ‘Peaceful and voluntary settlement of disputes’ in Figure 2.1 depicts how a commitment to sovereignty shaped a preference for peaceful conflict resolution based on the consent of the conflict parties.

African international organisations and African states have been criticised by western governments, but also by prominent African leaders, for their preference for peaceful conflict resolution based on the consent of the conflict parties.¹²⁰ It was not until the late 1980s, coinciding with the end of the Cold War, that African leaders started to critically reflect on this norm. In 1985, when commenting on the OAU’s emphasis on non-interference in intrastate conflicts, Edem Kodjo, a former OAU secretary-general, remarked that the principle of territorial integrity is “a perverse principle with negative effects.”¹²¹ Although the preference for peaceful conflict resolution on the basis of consent far from disappeared, the idea that African actors should play a more active role with regard to conflict resolution efforts on the continent increasingly gained strength.¹²²

Civil wars in Liberia, Somalia, and Sierra Leone the early 1990s, as well as the 1994 Rwandan genocide in which nearly one million people were killed, resulted in even more resonance with the proactive role African third parties should play. These events also led to the emergence of a norm that multilateral intervention in domestic jurisdiction should be possible when a government of a state is unable or unwilling to protect its citizens from large scale loss of life.¹²³ In other words, sovereignty could no longer always act as a barrier against

¹¹⁹ S. G. Amoo and I. W. Zartman, *Mediation by Regional Organizations: The Organization for Africa Unity*, ed. Jacob Bercovitch and Jeffrey Z. Rubin, *Mediation in International Relations: Multiple Approaches to Conflict Management* (Basingstoke: Macmillan, 1992), 135.

¹²⁰ Meyers, "Intraregional Conflict Management by the Organization of African Unity," 368.

¹²¹ Foltz, 353.

¹²² Organisation of African Unity, *Declaration of the Assembly of Heads of State and Government on the Establishment within the OAU of a Mechanism for Conflict Prevention, Management and Resolution, AHG/DECL.3 (XXIX), Adopted at the Assembly of Heads of State and Government Twenty-Ninth Ordinary Session 28 - 30 June, 1993 Cairo, Egypt.*

¹²³ S. Gomes, "The Peacemaking Role of the OAU and the AU: A Comparative Analysis," in *The African Union and Its Institutions*, ed. J. Akokpari, A. Ndinga-Muvumba, and T. Murithi (Sunnyside: Fanele, 2008), 123; F. M.

international involvement in civil wars in Africa. This principle was reflected in a statement by Nelson Mandela at an OAU summit in Ouagadougou in 1998, in which he argued that “Africa has a right and a duty to intervene to root out tyranny.”¹²⁴

At the Fourth Extraordinary session of the Assembly of Heads of State and Government of the OAU held in Sirte on 9 September 1999, it was decided to translate Africa’s newfound determination to maintain peace and stability into an entirely new institutional framework through transforming the OAU into the AU. The Constitutive Act of the AU entered into force on 26 May 2001, after which the official inauguration of the AU took place in Durban on 9 July 2002.¹²⁵ It is stipulated in Article 4 of the Constitutive Act that the AU has the right “to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, including war crimes, genocide, and crimes against humanity.”¹²⁶ During a UN Security Council debate in 2005, the Benin delegation went as far to claim that “collective responsibility to protect is the basis of the creation of the African Union.”¹²⁷ Landsberg has noted in this respect that “a new generation of African leaders has finally started to address the post-independence taboos of non-intervention and to articulate new norms of intervention and democratic governance.”¹²⁸

Another element that changed in Africa’s normative peace and security environment was the formation of the Peace and Security Council at the first Ordinary Session of the Assembly of the AU on 9 July 2002. This 15-member council serves as a standing decision-

Deng, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, DC: Brookings Institution, 1996).

¹²⁴ C. Villa-Vicencio, *Walk with Us and Listen: Political Reconciliation in Africa* (Washington, DC: Georgetown University Press, 2009), 24.

¹²⁵ Dersso, "The Quest for Pax Africana: The Case of the African Union's Peace and Security Regime," 25.

¹²⁶ "Constitutive Act of the African Union, Durban, South Africa, 9 July 2002."

¹²⁷ Williams, "From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture," 276.

¹²⁸ C. Landsberg, "The Fifth Wave of Pan-Africanism," in *West Africa's Security Challenges: Building Peace in a Troubled Region*, ed. A. Adebajo and I. O. D. Rashid (Boulder: Lynne Rienner Publishers, 2004), 140.

making organ for the prevention and resolution of conflicts.¹²⁹ It can mandate both diplomatic and military interventions in an African country when this country experiences genocide, gross violations of human rights, instability that threatens regional stability, or unconstitutional changes of government. Crucially, the Constitutive Act of the AU conferred the right on the Peace and Security Council to decide on military intervention outside the UN framework.¹³⁰ Since the Peace and Security Council makes it possible to enforce agreed principles, it has been described as marking a transition from non-interference to non-indifference. The post-Cold War period thus differs in terms of the willingness to consider multilateral intervention in domestic jurisdiction, as well as institutionally in terms of the creation of the Peace and Security Council. Although one could argue that these normative changes initially mainly related to military intervention, the change in principles has had a trickle-down effect on norms surrounding diplomatic intervention.¹³¹

However, many African states remain suspicious of non-voluntary intervention in the internal affairs of other African states.¹³² Consequently, the norm to intervene under grave circumstances has been internalised unevenly by African states.¹³³ According to Williams, African state leaders' suspicion with regard to the responsibility to protect norm explains why

¹²⁹ J. Akokpari and A. Ndinga-Muvumba, "Introduction: Building an African Union for the 21st Century," in *The African Union and Its Institutions*, ed. J. Akokpari, A. Ndinga-Muvumba, and T. Murithi (Sunnyside: Fanele, 2008), 6; O. A. Touray, "The Common African Defence and Security Policy," *African Affairs* 104, no. 417 (2005).

¹³⁰ B. Kioko, "The Right of Intervention under the African Union's Constitutive Act: From Non-Interference to Non-Intervention," *International Review of the Red Cross* 85, no. 2 (2003); Williams, "From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture"; M. Mwansali, "From Non-Interference to Non-Indifference: The Emerging Doctrine of Conflict Prevention in Africa," in *The African Union and Its Institutions*, ed. J. Akokpari, A. Ndinga-Muvumba, and T. Murithi (Sunnyside: Fanele, 2008).

¹³¹ Greig and Diehl, 41.

¹³² Williams, "From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture," 276.

¹³³ Kioko, "The Right of Intervention under the African Union's Constitutive Act: From Non-Interference to Non-Intervention"; Williams, "From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture"; Franke and Esmenjaud, "Who Owns African Ownership? The Africanisation of Security and Its Limits"; H. Verhoeven, C. S. R. Murthy, and R. Soares de Oliveira, "'Our Identity Is Our Currency': South Africa, the Responsibility to Protect and the Logic of African Intervention," *Conflict, Security & Development* 14, no. 4 (2014).

the African Union not intervened in relation to the crisis in Darfur, Sudan.¹³⁴ The objections of African leaders against the NATO intervention in Libya serves as another example. When NATO started bombing Libyan government forces on 19 March 2011, Mauritanian President Mohamed Ould Abdel Aziz, the chair of the AU panel concerned with the situation in Libya, immediately rejected any form of military intervention in the Libyan crisis. Aziz specifically stated that “We need urgent action for an African solution to this very serious crisis in our brother country” and that “This solution must adhere to the value we place in respecting territorial unity and integrity, as well as the rejection of all foreign military intervention, whatever form it takes.”¹³⁵ These first tests of the robustness of the responsibility to protect norm in Africa thus seem to suggest that precedence instead has been given by African leaders to the peaceful resolution of disputes norm. Diplomatic measures have remained the preferred method of conflict resolution within Africa’s security culture.

In short, the normative basis and the institutional capacity to address security issues internal to states grew substantially during the 1990s and 2000s, but a commitment to peaceful and voluntary conflict resolution has maintained centre stage within Africa’s normative environment in the post-Cold War era.

Actors Settling African Disputes need to be African

The anti-imperialism and non-alignment norms explain that, during the Cold War, the African actors had incentives for conflict resolution efforts to be conducted by African actors.

¹³⁴ Williams, "From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture," 277. See also: A. J. Bellamy, "Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq," *Ethics & International Affairs* 19, no. 2 (2005); Williams and Bellamy, "The Responsibility to Protect and the Crisis in Darfur; De Waal, "Darfur and the Failure of the Responsibility to Protect; C. Badescu and L. Bergholm, "The Responsibility to Protect and the Conflict in Darfur: The Big Let-Down," *Security Dialogue* 40, no. 3 (2009).

¹³⁵ The Star, 21 March 2011. "African Union Urges Restraint on Both Sides."

MacFarlane has pointed out that it is likely that African states value intra-system solutions over extra-system solutions because “no African state could hope to compete militarily with the great powers” and “general acceptance of this norm enhanced regional security by reducing the likelihood that these external actors would involve themselves in African conflicts.”¹³⁶ In terms of the mediation of armed conflicts, it has been observed that non-African third parties have the tendency to turn these disputes into issues of Cold War confrontation rather than to settle them.¹³⁷

The superpowers pursuing their national interest in Africa also created resistance with regard to possible UN involvement. There was a fear among many African leaders that UN involvement, particularly involvement of the Security Council, would draw in the superpowers.¹³⁸ Emperor of Ethiopia Haile Selassie argued that Africa could only be shielded from imperialism if African disputes were “quarantined from the contamination of non-African interference.”¹³⁹

The first civil war in the Republic of the Congo provides an early example of the incentives African states had to maintain the autonomy of the African state system.¹⁴⁰ Commenting on this crisis, President Youlou of the Congo expressed that “We cannot allow the fate of our brothers on the other side of the Congo to be decided quite arbitrarily by those who do not know their country and their spirit . . . Africa is our affair, our problems cannot, I repeat, be solved by any but ourselves, the great African family.”¹⁴¹ At the heart of Youlo’s proposal was the idea that the UN could be used by non-African states to pursue their interests

¹³⁶ MacFarlane, "Intervention and Security in Africa," 55.

¹³⁷ Amate, 166; S. Touval, "The Superpowers as Mediators," in *Mediation in International Relations: Multiple Approaches to Conflict Management*, ed. J. Bercovitch and J. Z. Rubin (Basingstoke: Macmillan, 1992).

¹³⁸ Meyers, "Intraregional Conflict Management by the Organization of African Unity," 372.

¹³⁹ H. I. Selassie, "Towards African Unity," *The Journal of Modern African Studies* 1, no. 3 (1963): 287.

¹⁴⁰ The Republic of the Congo is currently known as the Democratic Republic of Congo (DRC).

¹⁴¹ J. H. Spencer, "Africa at the UN: Some Observations," *International Organization* 16, no. 02 (1962): 385.

on the continent; or as Jonah puts it, the UN force in the Republic of Congo was seen as “an imperialistic instrument to subvert African independence.”¹⁴²

From this perspective, the establishment of the OAU can be seen as reflecting a desire among its founders that Africa manages its own conflicts without any foreign involvement; or as Mazrui puts it, it reflects “Africa’s ambition to be his own policeman.”¹⁴³ The role of the OAU in promoting African solutions became apparent for the first time in the Algerian-Moroccan border dispute of 1963. Commenting on this dispute, Emperor of Ethiopia Haile Selassie stated in his opening speech at the first extraordinary meeting of the Council of Ministers of the OAU, held in Addis Ababa from 15 to 18 November 1963, that “Any misunderstandings which arise among brotherly members of this organization must be essentially considered a family affair in which no foreign hand can be allowed to play any role whatsoever.”¹⁴⁴

That Selassie’s sentiment was shared by at least most other African leaders is reflected in the resolution adopted at the end of this extraordinary meeting of the Council of Ministers, which considered “the imperative need of settling all differences between African states by peaceful means and within a strictly African framework.”¹⁴⁵ This resolution would pave the way for OAU mediation in the Algerian-Moroccan border conflict by an *ad hoc* commission under the chairmanship of Mali.¹⁴⁶

¹⁴² J. O. C. Jonah, "The OAU: Peace keeping and Conflict Resolution," in *The Organization of African Unity after Thirty Years*, ed. Y. El-Ayouty (Westport, Conn: Praeger, 1994), 4.

¹⁴³ A. A. Mazrui, *Towards a Pax Africana: A Study of Ideology and Ambition* (Chicago: University of Chicago Press, 1967), x and 203.

¹⁴⁴ Červenka, 66, endnote 6.

¹⁴⁵ Organisation of African Unity, *Resolution Adopted at the First Extra-Ordinary Session of the Council of Ministers Held in Addis Ababa, Ethiopia, from 15 to 18 November 1963, ECM/RES. I (I)*.

¹⁴⁶ I. M. Wallerstein, "The Early Years of the Organization of African Unity: The Search for Organizational Preeminence," *International Organization* 20, no. 4 (1966): 781. Wild, "The Organization of African Unity and the Algerian-Moroccan Border Conflict: A Study of New Machinery for Peacekeeping and for the Peaceful Settlement of Disputes among African States."

In 1967, Zartman described the preference for African third parties as opposed to non-African third parties as a “de facto guideline of policy.”¹⁴⁷ Towards the end of the Cold War, in 1984, Zartman concluded that the African solutions norm seems to have held.¹⁴⁸ It follows from above that this was mainly due to incentives of African leaders to maintain the autonomy of the African state system, allowing them stay in power.

The norm of African solutions remained relevant after the Cold War ended, but ironically mainly because of a perceived disengagement of the international community to assist in resolving African conflicts. As Clapham puts it, “whereas in the early 1960s, the call was for the colonial powers to get out Africa, the end of the Cold War was greeted by pleas not abandon it.”¹⁴⁹

By the end of the Cold War, the concern of many African states to be caught up in the rivalry between the US and the Soviet Union had vanished, making African armed conflicts at least slightly more amenable to non-African involvement.¹⁵⁰ Moreover, the detente between the Soviet Union and the US that emerged in the late 1980s increased the likelihood of consensus among the five permanent members of the UN Security Council, which, in turn, made UN involvement in African armed conflicts more likely.¹⁵¹

However, the end of the Cold War made non-African actors also re-evaluate their interests on the continent.¹⁵² The perceived disengagement of the international community to

¹⁴⁷ Zartman, "Africa as a Subordinate State System in International Relations," 558.

¹⁴⁸ Zartman, "The OAU in the African State System: Interaction and Evaluation," 29.

¹⁴⁹ Clapham, 105.

¹⁵⁰ Amate, 166.

¹⁵¹ K. Skjelsbæk, "The UN Secretary-General and the Mediation of International Disputes," *Journal of Peace Research* 28, no. 1, Special Issue on International Mediation (1991): 99; J. Boulden, "The United Nations Security Council and Conflict in Africa," in *Responding to Conflict in Africa: The United Nations and Regional Organizations*, ed. J. Boulden (New York: Palgrave Macmillan, 2013).

¹⁵² G. Cleaver and R. May, "Peacekeeping: The African Dimension," *Review of African Political Economy* 22, no. 66 (1995): 485; N. Chazan, *Politics and Society in Contemporary Africa*, vol. 3 (Basingstoke: Macmillan, 1999), 452; Buzan and Wæver, 3; S. Klingebiel, "Africa's New Peace and Security Architecture: Converging the Roles of External Actors and African Interests," *African Security Review* 14, no. 2 (2005): 40; D. Rothchild, "Conditions for Mediation Success: Evaluating US Initiatives in Sudan and Liberia," in *Conflict Management and*

assist in resolving conflicts in what has been described as Africa's turbulent 1990s, strengthened the perception that that Africa had to control its own affairs.¹⁵³ In fact, it has been observed in this regard that several powerful Western states used the African solutions narrative to justify their decreased commitment to conflict resolution in Africa after the Cold War had ended.¹⁵⁴

The perceived lack of engagement of non-African actors was articulated by several influential Africans. For instance, frustrated with the lack of commitment to push for peace in Somalia, Boutros-Ghali publicly complained that the West was more interested in the "rich man's war in Bosnia than the civil war in Somalia."¹⁵⁵ Olusegun Obasanjo remarked that "The turn of events since the end of the Cold War suggest that Africa has been discarded like banana peels."¹⁵⁶ Kofi Annan highlighted in a UN report published in 1998 that during the Cold War "Across Africa, undemocratic and oppressive regimes were supported and sustained by the competing super-powers in the name of their broader goals but, when the cold war ended, Africa was suddenly left to fend for itself."¹⁵⁷ During a UN Security Council debate in September 1999, African speakers voiced their concern that regional organisations would be used as a way of abdicating the UN's responsibility for resolving conflicts.¹⁵⁸ In another UN Security Council debate in December 1999, the Gambian representative even spoke of a policy

African Politics: Ripeness, Bargaining, and Mediation, ed. T. Lyons and G. M. Khadiagala (London: Routledge, 2008).

¹⁵³ D. J. Francis, "Introduction: Understanding the Context of Peace and Conflict," in *Peace and Conflict in Africa*, ed. D. J. Francis (London: Zed Books, 2008), 7; Williams, "Keeping the Peace in Africa: Why "African" Solutions Are Not Enough," 310; Engel and Porto, 1.

¹⁵⁴ J. Cilliers, "Peacekeeping, Africa and the Emerging Global Security Architecture," *African Security Review* 12, no. 1 (2003): 1; Williams, "Keeping the Peace in Africa: Why "African" Solutions Are Not Enough," 310.

¹⁵⁵ T. Lyons, A. I. Samatar, and B. Institution, *Somalia: State Collapse, Multilateral Intervention, and Strategies for Political Reconstruction* (Washington, DC: Brookings Institution, 1995), 32.

¹⁵⁶ O. Obasanjo, "A Balance Sheet of the African Region and the Cold War," in *Africa in the New International Order: Rethinking State Sovereignty and Regional Security*, ed. E. J. Keller and D. S. Rothchild (Boulder: Lynne Rienner Publishers, 1996), 24.

¹⁵⁷ K. Annan, "The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa. Report of the Secretary-General, April 1998," 4; S. Metz, *Refining American Strategy in Africa* (Carlisle Barracks: U.S. Army War College, 2000), 1.

¹⁵⁸ Boulden, 21.

of neglect.¹⁵⁹ Indeed, one could argue that after the end of the Cold War the outstanding feature of Western policy in Africa became its absence.¹⁶⁰

As a result of this perceived indifference of non-African third parties, a renewed commitment emerged to the notion that African third parties should take the lead in resolving violent conflict across the continent.¹⁶¹ Reflecting this commitment, a document was prepared at the African Leadership Forum in Kampala in May 1991, in which it was stated that peace and security was a concern of all African states, warranting greater cooperation. The document adopted in Kampala – titled *The Kampala Document: Towards a Conference on Security, Stability, Development and Cooperation in Africa* – outlines a framework for collective action based on the idea that the erosion of peace and security is the principal impediment to economic growth and human development in Africa.¹⁶²

The Kampala Document was subsequently presented at the annual summit of the OAU in 1992, but some of the proposals were perceived as too radical for direct adoption. Nevertheless, the leaders did agree, in principle, to the adoption of an OAU Mechanism for Conflict Prevention, Management and Resolution. The OAU Secretary-General was tasked to develop such a mechanism, after which the mechanism was formally endorsed at the annual summit in Cairo in 1993.¹⁶³ The mechanism confirmed once more the primacy of African third parties in African security affairs. Salim Ahmed Salim, saw the setting up of this mechanism as part of Africa's effort to “wean itself from the dependence syndrome.”¹⁶⁴ This explains why Salim Ahmed Salim described the Arusha agreement

¹⁵⁹ Ibid.

¹⁶⁰ Williams, "Keeping the Peace in Africa: Why “African” Solutions Are Not Enough," 312.

¹⁶¹ K. P. Apuuli, "The African Union's Notion of 'African Solutions to African Problems' and the Crises in Côte D'ivoire (2010–2011) and Libya (2011)," *African Journal On Conflict Resolution* 12, no. 2 (2012): 135.

¹⁶² Obasanjo, 22-23.

¹⁶³ H. J. Cohen, "African Capabilities for Managing Conflict: The Role of the United States," in *African Conflict Resolution: The U.S. Role in Peacemaking*, ed. D. R. Smock and C. A. Crocker (Washington, DC: United States Institute of Peace Press, 1995), 78.

¹⁶⁴ D. R. Smock, "Introduction," in *African Conflict Resolution: The U.S. Role in Peacemaking*, ed. D. R. Smock and C. A. Crocker (Washington, DC: United States Institute of Peace Press, 1995), 6.

concluded in 1993 to end the civil war in Rwanda as “a complete African product, a clear example of mediation done for Africa by the African themselves. This is a triumph of reason, a triumph of African diplomacy. We have proved that it is possible for the OAU to find a solution to most of our problems. We intend to build on this experience and use mediation as a means of ending conflicts on our continent.”¹⁶⁵

While the promotion of African solutions in the mechanism is not new, the document providing African third parties with a stronger mandate to mediate civil wars was a clear break with the past.¹⁶⁶ As Cohen puts it, “the conflict resolution mechanism reaffirmed the non-interference doctrine in strong terms, but it was understood that all internal conflicts in Africa would henceforth be fair game for OAU ‘interference’ because African regional peace and security were clearly at risk.”¹⁶⁷

In spite of this renewed commitment, the early 1990s witnessed the outbreak of some of Africa’s most intense civil wars, as well as the Rwandan genocide. The perceived indifference from actors outside of Africa regarding these events further reinforced the commitment to African solutions. The norm of African solutions to African challenges after the end of the Cold War is thus mainly based on the sentiment that African third parties should take the lead in resolving violent conflict across the continent.¹⁶⁸

African solutions to African challenges in the post-Cold War period is thus less about isolation and more about cooperation between African and non-African third parties in which African third parties take the lead.

¹⁶⁵ Khadiagala, 57.

¹⁶⁶ F. D. Deng and I. W. Zartman, *A Strategic Vision for Africa: The Kampala Movement* (Washington, DC The Brookings Institution, 2002), 139-140.

¹⁶⁷ Cohen, 78.

¹⁶⁸ Dersso, "The Quest for Pax Africana: The Case of the African Union's Peace and Security Regime," 23.

The possibility of cooperation between African and non-African third parties to resolve conflicts in Africa was made explicit with the transformation of the OAU to the AU. A noticeable difference with the OAU Charter is that the fifth stipulated objective of the AU is to “encourage international cooperation, taking due account of the Charter of the United Nations.”¹⁶⁹

This sentiment was already reflected in Kofi Annan’s speech during the 1997 ministerial debate in the UN Security Council on Africa, in which he stated that the consensus that the primary responsibility for the solutions of Africa’s problems rest with Africans themselves places “responsibilities as much on the shoulders of governments outside Africa as on African governments.”¹⁷⁰ At a press conference attended by US President George W. Bush in Kigali on 19 February 2008, Rwanda’s President Paul Kagame emphasised that the best approach to resolve armed conflicts in Africa is “to help African develop their capacity to deal with these problems.”¹⁷¹ Similarly, at a UN Security Council debate on peace and security in Africa on 16 April 2008, Chair of the AU Commission and former President of Mali, Alpha Oumar Konaré stressed that “it is important to build African capacities, because the responsibility is, first and foremost, our own.”¹⁷² More recently, in 2011, the AU Commission Chairperson Jean Ping pointed out that “Lasting peace on the continent can only be achieved if efforts to that end are based on the full involvement of Africa and a recognition of its leadership role.”¹⁷³ Ugandan President Yoweri Museveni emphasised this division of labour in response to the civil war in Libya in 2011, when he stated that the Libyan crisis is an “African problem and therefore calls for an African solution with assistance of the wider international

¹⁶⁹ "Constitutive Act of the African Union, Durban, South Africa, 9 July 2002," Article III(e).

¹⁷⁰ Sustainable Development is Best Way of Ensuring Peace in Africa, Secretary-General says at Security Council Ministerial Meeting. Press Release UN Secretary-General. SG/SM/6335. Available at: <http://www.un.org/press/en/1997/19970925.SGSM6335.html>.

¹⁷¹ Williams, "Keeping the Peace in Africa: Why “African” Solutions Are Not Enough," 311.

¹⁷² Ibid.

¹⁷³ Dersso, "The Quest for Pax Africana: The Case of the African Union's Peace and Security Regime," 44.

community.”¹⁷⁴ Commenting on the cooperation between the UN and the AU in a UN Security debate in January 2012, South African President Jacob Zuma stated that “The views of the African Union must be listened to if we are to strengthen our relationship and prevent further conflict.”¹⁷⁵ In short, after the end of the Cold War, the norm of African solutions remained in existence.

Conclusion: African Solutions to African Challenges

In conclusion, the norm of African solutions to African conflicts can be seen as the product of several other norms that emerged on the basis of a common African interest in maintaining peace and stability. Figure 2.1 schematically summarises Africa’s normative environment that emerged to maintain peace and security. The norms listed have in common that they all serve to maintain social order in Africa. In line with Bull’s argument that states share a “fear of unrestricted violence” resulting in certain common interests, I have argue that the driving impetus behind Africa’s normative peace and security environment were incentives to mitigate enmity between African states, as well as enmity within African states.¹⁷⁶ In other words, realpolitik incentives are at the heart of Africa’s normative structure. Besides the direct effects of an interest in mitigating enmity, some of the norms have been shaped by other norms. This is depicted in Figure 2.1 with an arrow running from one norm to another.

The African solutions norm thus did not appear out of thin air, but was built by African leaders and subsequently became a social fact. These African leaders can be regarded as norm entrepreneurs, since they pursued a community of states that would be conducive to the survival of the newly independent African states through the collective alleviation of internal and

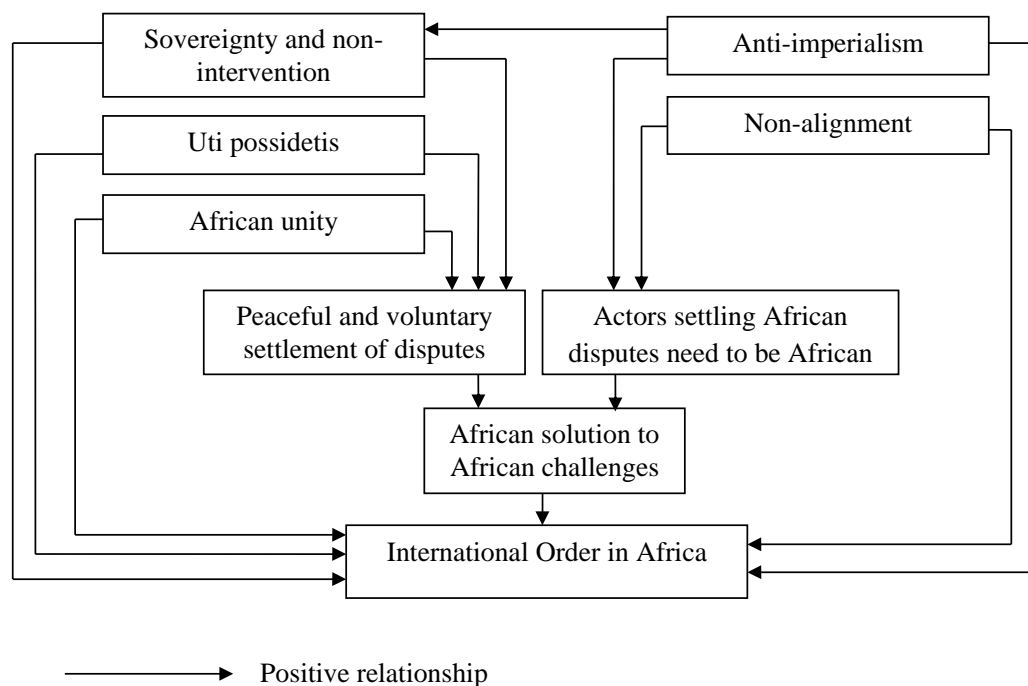
¹⁷⁴ A. Sithole, "The African Union Peace and Security Mechanism’s Crawl from Design to Reality: Was the Libyan Crisis a Depiction of Severe Limitations?," *African Journal On Conflict Resolution* 12, no. 2 (2012): 116.

¹⁷⁵ Boulden, 26.

¹⁷⁶ Bull, 64.

external threats. In other words, there has been a remarkable consistent commitment to African solutions to African conflicts. The African society of states that emerged in the early post-colonial era thus not only formed a system in the sense that the actions of each African state were a necessary factor in the decision calculus of other African leaders, but also constituted a system in the sense that they engaged in a Lockean contract, established by dialogue and consent, in which the African leaders agreed on common norms for the conduct of their relations and the need maintain these norms. The African society that emerged was thus in line with Bull’s understanding of an international society as “a group of states, conscious of certain common interests and common values”, in which the members “conceive themselves to be bound by a common set of rules in their relations with one another.”¹⁷⁷ This robustness of the African solutions norms has remained intact after the end of the Cold War.

Figure 2.1: The Emergence of Africa’s Normative Environment to Maintain International Order in Africa



¹⁷⁷ Bull, 13.

I argue that this commitment to African solutions provides African third parties with a higher degree of legitimacy than non-African third parties. The next chapter explains how this legitimacy makes African third parties more effective than non-African third parties.

III. Two Sources of Mediation Success: Capacity and Legitimacy

In order to provide the claim that African third parties are more successful in mediating civil wars in Africa than non-African third parties with a theoretical foundation, this chapter outlines the mechanisms that link the capacity and legitimacy of African and non-African third parties to the decisions made by the representatives of adversaries to resolve the conflict. While the previous chapter sketched the social structure in which third parties operate when mediating civil wars in Africa, this chapter shows how taking this normative structure into account provides an account in which the legitimacy of the third party is the understood to be the key to mediation success. I will first summarise the dominant capacity-based perspective of mediation which ignores social structures, after which I outline the legitimacy-based perspective of mediation.

Capacity-Based Mediation

When economic and military resources are employed, or make it possible, to provide incentives to the conflict parties to make peace, the third party engages in what I label capacity-based mediation. I specify four general mechanisms that link a third party's capacity to mediation success: imposing sanctions, using force, making side-payments, and providing security guarantees.

Imposing Sanctions

Sanctions can leverage costs on conflict parties, thereby persuading them to make peace. In essence, a sanction can thus be seen as punishment for non-compliance.¹⁷⁸ These punitive measures can take the form of imposing an arms or trade embargo, closing borders, freezing assets, installing travel bans, or other targeted punishments for non-compliance. The vast majority of sanctions have been imposed by the UN Security Council.¹⁷⁹ Since most of the world's major powers have permanent membership of the UN Security Council, major powers are in a good position to threaten or to actually impose sanctions. Moreover, countries with a bigger economy are more effective at imposing economic sanctions. When the third party country has a big economy, the targeted country is more likely to be dependent on imports from the economic power, which means the sanctions have a bigger effect. Greig and Regan refer to this as trade leverage.¹⁸⁰ The sanctions on the Government of Burundi in 1996 imposed by the regional countries serves as an example of the use of sanctions to make peace. President Pierre Buyoya initially refused to negotiate under pressure, after which the regional countries closed the borders, not allowing any trade.¹⁸¹

Using Force

A third party can use force simultaneously to its mediation efforts. I broadly define the use of force as a military intervention to move the conflict parties to compromise, as well as the use of military inducements, either through extending – or refusing to extend – military

¹⁷⁸ Rothchild, 103-104; Sisk, 55.

¹⁷⁹ Boulden.

¹⁸⁰ J. M. Greig and P. M. Regan, "When Do They Say Yes? An Analysis of the Willingness to Offer and Accept Mediation in Civil Wars," *International Studies Quarterly* 52, no. 4 (2008): 773.

¹⁸¹ L. Wohlgenuth, "African Sanctions: The Case of Burundi," in *International Sanctions: Between Wars and Words*, ed. C. Staibano and P. Wallenstein (Abingdon: Taylor & Francis, 2005); M. O. Maundi et al., *Getting In: Mediators' Entry into the Settlement of African Conflicts* (Washington, DC.: United States Institute of Peace Press, 2006), 77.

assistance.¹⁸² The use of force as a mediation strategy is thus not a full-fledged-military intervention aimed at imposing regime change, rather the use of force in the context of a mediation effort is about military inducement and possibly military threats. The use of force when mediating can be seen as a form of coercive diplomacy, since it takes a middle ground in foreign diplomacy between the wholesale resort to force to impose a solution to a conflict on the one hand, and the use of only diplomacy on the other hand.¹⁸³ The greater a third party's military capacity, the more likely the use of force leads to mediation success. The US and the Soviet Union putting pressure on the conflict parties in the civil war in Angola to sign the Bicesse Accords of 1991 and the Lusaka Protocol of 1994 serve as examples of a forceful mediation strategy. During the mediation process leading up to both agreements, the US and the Soviet Union threatened to withdraw military support, as well as threatened to share locations of military bases with the enemy.¹⁸⁴

It should be noted that the use of force while mediating touches upon the very boundaries of what still can be considered mediation. Although the importance of consent is always emphasised when defining international mediation, consent in mediation is a slippery concept. Indeed, as McEwen and Milburn put it, "Voluntariness ranges along a rough continuum from spontaneous mutual choice of mediation to initiation of mediation by one party to enthusiastic embrace of pressured entry to more or less grudging acceptance of pressure to belief that no other choice exists to resistant entry under threat of harm."¹⁸⁵ Consent thus should be seen as a spectrum rather than a binary variable. In general, scholars of international

¹⁸² Rothchild, 105-107.

¹⁸³ See: R. J. Art and P. M. Cronin, "Coercive Diplomacy," in *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. C. A. Crocker, Hampson F. O., and P. R. Aall (Washington, DC: United States Institute of Peace Press, 1996), 299.

¹⁸⁴ C. Messiant, "Why Did Bicesse and Lusaka Fail? A Critical Analysis," in *From Military Peace to Social Justice? The Angolan Peace Process*, ed. G. Meijer (London: Conciliation Resources, 2004).

¹⁸⁵ C. A. McEwen and T. W. Milburn, "Explaining a Paradox of Mediation," *Negotiation Journal* 9, no. 1 (1993): 25.

mediation have distinguished the use of force and mediation. However, this analytical distinction is not entirely satisfactory, since third parties frequently both mediate and use force.

Purchasing Peace

A third party can also provide side payments or promise side payments to one or both of the conflict parties, which may induce them to make peace.¹⁸⁶ Baldwin describes this strategy as a positive sanction.¹⁸⁷ The implication of the logic of financially inducing conflict parties to make peace is that third parties with a higher degree of economic resources can provide conflict parties with more incentives to become involved in mediated negotiations and sign a peace agreement.¹⁸⁸ The promise of Qatar in 2011 to provide \$2 billion for rebuilding Darfur if the Government of Sudan and the various rebel movements would sign a peace agreement serves as an example of such a strategy.¹⁸⁹

Providing Security Guarantees

Another third party strategy to move conflict parties towards peace is to guarantee non-defection with agreements.¹⁹⁰ Walter argues that conflict parties in civil war always face a commitment problem when considering making peace, since making peace entails disarming and demobilizing. Consequently, for a settlement to hold, each group has to convince its opponents that it credibly commits to the peace agreement. Overcoming fears of exploitation in the implementation phase is therefore a critical barrier to ending armed conflicts.¹⁹¹

¹⁸⁶ Rothchild, 99-100.

¹⁸⁷ D. A. Baldwin, "The Power of Positive Sanctions," *World Politics* 24, no. 1 (1971).

¹⁸⁸ Sisk, 64.

¹⁸⁹ S. Barakat, "Qatari Mediation: Between Ambition and Achievement," *Brookings Doha Center Publications* 35, (2014): 19.

¹⁹⁰ Rothchild, 100.

¹⁹¹ B. F. Walter, "The Critical Barrier to Civil War Settlement," *International Organization* 51, no. 3 (1997).

In addition, a commitment problem can arise when one of the adversaries is becoming increasingly powerful and is expected to continue doing so.¹⁹² In civil wars, governments face the problem that rebel parties will gain in strength as a result of peace, as they are then usually included in the government and/or gain a higher degree of autonomy over a specific piece of territory.¹⁹³ The provision of third party security guarantees – for example in the form of the deployment of a peacekeeping force – can mitigate some of the adversaries’ fears of making peace. Hence, a third party security guarantee can be understood as a fear-reduction provision.¹⁹⁴ However, the mere promise of a security guarantee is unlikely to convince conflict parties that the third party will actually enforce implementation, the ability to do so will be taken into account as well.¹⁹⁵ This means that the military capacity of the third party will influence the effectiveness of a third party offering security guarantees.

A telling example of how a security guarantee works in practice is that during negotiations between the Government of Zimbabwe and the nationalist rebels in 1979, the latter only agreed to a ceasefire after representatives of the United Kingdom promised to station Commonwealth peacekeepers and observers.¹⁹⁶

Summary

In summary, the mechanisms highlighted above share a common logic in the sense that each mechanism specifies how a third party uses its capacity to influence the bargaining

¹⁹² R. Powell, "Bargaining Theory and International Conflict," *Annual Review of Political Science* 5, (2002): 176.

¹⁹³ I. Svensson, "Bargaining, Bias and Peace Brokers: How Rebels Commit to Peace," *Journal of Peace Research* 44, no. 2 (2007).

¹⁹⁴ M. Mattes and B. Savun, "Fostering Peace after Civil War: Commitment Problems and Agreement Design," *International Studies Quarterly* 53, no. 3 (2009).

¹⁹⁵ T. Addison and S. M. Murshed, "Credibility and Reputation in Peacemaking," *Journal of Peace Research* 39, no. 4 (2002); I. Svensson, "Guaranteeing Peace: The Credibility of Third-Party Mediators in Civil Wars," in *International Conflict Mediation: New Approaches and Findings*, ed. J. Bercovitch and S. S. Gartner (London ; New York: Routledge, 2009).

¹⁹⁶ B. F. Walter, *Committing to Peace: The Successful Settlement of Civil Wars* (Princeton: Princeton University Press, 2002), 22.

environment in such a way that the self-interested conflict parties prefer making peace over continued fighting. The mechanisms are based on a logic of consequences, because the conflict parties are understood to comply based on the expected outcome of the actions of the mediator.¹⁹⁷ It follows from this logic that the more economic and military resources a third party possesses, the more easily it can threaten conflict parties with imposing sanctions, use or threaten with force, provide financial rewards, and provide security guarantees; which all result in the conflict parties having more incentives to make peace.

Legitimacy-Based Mediation

Although capacity-based explanations of mediation success dominate the literature, the idea that the success of third parties is also based on ideational sources of social control is not new. As early as 1967, Young described both tangible and intangible characteristics of a third party that he deemed necessary for effective intervention in international crises.¹⁹⁸ Rubin briefly noted that “almost any third party, in almost any setting, is likely to rely on some measure of legitimate power in exercising influence”, but he also added that some mediators are more likely to rely on legitimacy than others.¹⁹⁹ Aall has asserted in relation to non-official actors that the legitimate power of a mediator arises “from the parties’ perception that the mediator has the right to act as a third party and to ask for changes in behaviour or compliance”²⁰⁰

¹⁹⁷ A. Wendt, "Anarchy Is What States Make of It: The Social Construction of Power Politics," *International Organization* 46, no. 2 (1992); J. G. March and J. P. Olsen, "The Institutional Dynamics of International Political Orders," *International Organization* 52, no. 04 (1998).

¹⁹⁸ O. R. Young, *The Intermediaries: Third Parties in International Crises* (Princeton, N.J.: Princeton University Press, 1967), 80-91.

¹⁹⁹ J. Z. Rubin, "Conclusion: International Mediation in Context," in *Mediation in International Relations: Multiple Approaches to Conflict Management*, ed. J. Bercovitch and J. Z. Rubin (Basingstoke: Macmillan, 1992), 255.

²⁰⁰ P. Aall, "The Power of Nonofficial Actors in Conflict Management," in *Managing Global Chaos: Sources of and Responses to International Conflict*, ed. C. A. Crocker, Hampson F. O., and P. R. Aall (Washington, DC: United States Institute of Peace Press, 1996), 481.

However, few scholarly attempts have yet been made to spell out what the legitimacy of a third party exactly entails and how it operates in mediation processes. Notable exceptions are some studies on religious actors mediating in civil wars, including Princen's work on mediation by the Vatican in the Beagle Channel Dispute between Argentina and Chile.²⁰¹ Yet, these works do not draw on social constructivist insights to explain the causes and consequences of third party legitimacy. Moreover, these studies do not explicitly compare the effectiveness of religious third parties with the efforts of mediators in which material power does play a role.

While scant scholarly attention has been paid to legitimacy in the international mediation literature, Reus-Smit notes that there is a newfound interest in questions of legitimacy among International Relations scholars.²⁰² A common element in most studies on international legitimacy is that it is discussed in relation to other forms of social control.²⁰³ For instance, in his seminal piece on legitimacy in international politics, Hurd considers three possible ideal-types of social control.²⁰⁴ The first two of these ideal-types are in line with the capacity-based perspective of mediation and address the ability of a superior actor to get a subordinate actor to obey because of fear of punishment or because of providing benefits, whereas the third type of social control identified by Hurd relates to how an actor complies with another actor because it feels that what this actor wants is legitimate and therefore ought to be obeyed.²⁰⁵ Based on this last type of influence, Hurd defines legitimacy simply as the "normative belief by an actor

²⁰¹ Princen; T. Princen, "Mediation by a Transnational Organization: The Case of the Vatican," in *Mediation in International Relations: Multiple Approaches to Conflict Management*, ed. J. Bercovitch and J. Z. Rubin (Basingstoke: Macmillan, 1992).

²⁰² C. Reus-Smit, "International Crises of Legitimacy," *International Politics* 44, no. 2-3 (2007).

²⁰³ Wendt distinguishes between coercion, calculation, and belief. Wendt, *Social Theory of International Politics*, 247-250. Kratochwil identifies institutional sanctions, rule-utilitarianism, and emotional attachment as distinct types of social control. Kratochwil, 97. March and Olson talk about a logic of expected consequences and a logic of appropriateness. March and Olsen, "The Institutional Dynamics of International Political Orders," 54.

²⁰⁴ Hurd, "Legitimacy and Authority in International Politics," 381.

²⁰⁵ *Ibid.*, 379.

that a rule or institution ought to be obeyed.”²⁰⁶ From this perspective, legitimacy is thus necessarily a subjective quality.

Beetham also asserts that legitimacy is socially constructed on the basis of certain beliefs, but he identifies two additional elements: the power relation needs to conform to established rules and there should be evidence of consent by the subordinate to the particular power relation.²⁰⁷ These two additional elements of legitimacy are fundamental characteristics of international mediation. First, international mediation is per definition based on consent. Without consent, third party involvement should rather be classified as coercive intervention. Second, international mediation conforms to established rules, since from an international law perspective, any state or international organization – regardless of geographical location – has in principle the right to mediate armed conflicts.²⁰⁸ Hence, two of Beetham’s criteria of legitimacy – the procurement of consent and the invocation of international law – apply to both African and non-African mediation. This means that, following Beetham’s three criteria of legitimacy, ideas and normative arguments surrounding the legitimacy of African and non-African mediation carry the weight in explaining the difference in effectiveness of these third parties.

Consequently, when assessing the degree of legitimacy of a third party in any mediation effort, one has to assess to what extent compliance with the third party can be justified on the basis of beliefs by the conflict parties that complying with the mediator is the right thing to do. I argue that international norms are particularly relevant in terms of providing a justification to

²⁰⁶ Ibid. Other scholars also emphasise the normative dimension of legitimacy. T. M. Franck, *The Power of Legitimacy among Nations* (Oxford: Oxford University Press, 1990), 235; D. Beetham, *The Legitimation of Power*, *Issues in Political Theory* (Basingstoke: Macmillan, 1991), 5; Clark, 2.

²⁰⁷ Beetham, 6.

²⁰⁸ See: "Convention (I) for the Pacific Settlement of International Disputes (the Hague I)," (29 July 1899); "Charter of the United Nations," (26 June 1945), Article 33.

conflict parties regarding why they should comply with the third party.²⁰⁹ Norms can be defined as “collective expectations about proper behaviour for a given identity.”²¹⁰ Since norms are collective expectations, norms require per definition intersubjective agreement between at least two actors. When there is indeed a level of intersubjectivity, norms have two effects. First, norms regulate and constrain the behaviour for an already constituted identity. Norms generate shared assessments about how a specific identity should behave in varying circumstances. Since the regulative element of a norm involves a collective expectation, it “presupposes a community able to pass judgements on appropriateness.”²¹¹ This is in line with Clark’s argument that an essential element of legitimacy relates to appropriate forms of conduct.²¹² The regulative element of the African solutions norm requires conflict parties in Africa to comply with African third parties that adhere to peaceful conflict resolution on the basis of the consent of the conflict parties and with respect for the sovereignty of the incumbent government.

Second, norms constitute identities, meaning that norms generate expectations about the proper identity for a given context.²¹³ An identity is not solely about a prescriptive representation of actors themselves, but also relates to how an actor perceives its relations with

²⁰⁹ The idea that legitimacy can be based on practices or norms is not new. For example, see: M. Finnemore, *The Purpose of Intervention: Changing Beliefs About the Use of Force* (Michigan: University of Michigan Press, 2003).

²¹⁰ R. L. Jepperson, A. Wendt, and P. J. Katzenstein, "Norms, Identity, and Culture in National Security," in *The Culture of National Security: Norms and Identity in World Politics*, ed. P. J. Katzenstein (New York: Columbia University Press, 1996), 54. There is general agreement on this definition, see also: A. Klotz, "Norms Reconstituting Interests - Global Racial Equality and US Sanctions against South-Africa," *International Organization* 49, no. 3 (1995); M. Finnemore, *National Interests in International Society*, Cornell Studies in Political Economy (Ithaca: Cornell University Press, 1996), 22; Finnemore and Sikkink, "International Norm Dynamics and Political Change; A. Hurrell and T. Macdonald, "Ethics and Norms in International Relations," in *Handbook of International Relations*, ed. W. Carlsnaes, T. Risse-Kappen, and B. A. Simmons (London: Sage, 2013).

²¹¹ T. Risse and K. Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices: Introduction," in *The Power of Human Rights: International Norms and Domestic Change*, ed. T. Risse-Kappen, S. C. Ropp, and K. Sikkink (Cambridge: Cambridge University Press, 1999), 7.

²¹² Clark, 2.

²¹³ J. R. Searle, *The Construction of Social Reality* (London: Allen Lane, 1995); Jepperson et al., 54; Finnemore and Sikkink, "International Norm Dynamics and Political Change," 891; J. G. Ruggie, "What Makes the World Hang Together? Neo-Utilitarianism and the Social Constructivist Challenge," *International Organization* 52, no. 4 (1998).

other actors.²¹⁴ The constitutive element of norms has frequently been identified as a source of international legitimacy. Wight postulates that legitimacy is the product of the “collective judgement of international society about rightful membership of the family of nations.”²¹⁵ Similarly, Clark asserts that besides being about appropriate forms of conduct, an important element of international legitimacy is “who is entitled to participate in international relations.”²¹⁶ From this perspective, international legitimacy is about identifying groups of states with one another, or about separating these groups of states from one another.²¹⁷ The strong African identity of African third parties forms the constitutive element of the African solutions norm. The African solutions norm specifies that the proper identity of a third party involved in mediation in civil wars in Africa is an African identity.

To reiterate, I argue that the legitimacy of a third party is a particular type of leverage in mediation processes that is distinct from coercion and providing benefits. Legitimacy is a type of leverage that is based on a belief by the conflict parties that complying with the mediator is the right thing to do. A third party’s legitimacy is based on international norms that specify what type of third party should mediate a specific conflict and how this should be done.

The robustness of the African solutions norm provides the normative basis of the legitimacy of African third parties. I identify two mechanisms that translate a high degree of third party legitimacy into mediation success. First, third party legitimacy pulls the conflict parties towards compliance. Conflict parties want to conform to a legitimate third party, which means that the peacemaking effort of a legitimate third party is more likely to succeed. Second, third party legitimacy increases the acceptability of the mediator, which, in turn, allows the

²¹⁴ P. Kowert and J. W. Legro, "Norms, Identity, and Their Limits: A Theoretical Reprise," in *The Culture of National Security: Norms and Identity in World Politics*, ed. P. J. Katzenstein (New York: Columbia University Press, 1996).

²¹⁵ M. Wight, *Systems of States* (Leicester: Leicester University Press, 1977), 153. Clark, 2.

²¹⁶ Clark, 2.

²¹⁷ R. Abdelal et al., "Identity as a Variable," *Perspectives on Politics* 4, no. 4 (2006); Jepperson et al.

mediator to provide an environment in which the adversaries can resolve the conflict issues. A third party relies on the consent of the conflict parties in order to stay involved in mediation. The involvement of a third party with a high degree of legitimacy makes it more difficult for the conflict parties to revoke their consent and rebuff the peacemaking effort of the mediator. Consequently, a legitimate third party can maintain the commitment of the conflict parties to search for a mutually actable agreement.

A Pull towards Compliance

Legitimacy operates on the basis of a logic of appropriateness.²¹⁸ A high degree of third party legitimacy makes the conflict parties believe that the mediator has the right to ask them to resolve the conflict, making them more likely to comply. Since legitimacy provides an internal sense of moral obligation for an actor to comply, mediation success on the basis of the legitimacy of African third parties requires conflict parties internalising the African solutions norm.²¹⁹ Legitimate appeals to make peace by African third parties are thus effective when conflict parties conceive or reconceive their interests according to the African solutions norm. Jepperson et al. describe these internalised interests as “identity interests” to signal the crucial function of identity as a link between norms and interests.²²⁰ International identities are shaped by the normative context in which actors operate; and these identities, in turn, shape the behaviour of actors.²²¹

²¹⁸ See: March and Olsen, "The Institutional Dynamics of International Political Orders."

²¹⁹ On the internalisation of norms, see: Kratochwil, 97; March and Olsen, "The Institutional Dynamics of International Political Orders," 54; Wendt, *Social Theory of International Politics*, 247-250; Hurd, "Legitimacy and Authority in International Politics," 387.

²²⁰ Jepperson et al.

²²¹ P. J. Katzenstein, "Introduction: Alternative Perspectives on National Security," in *The Culture of National Security: Norms and Identity in World Politics*, ed. P. J. Katzenstein (New York: Columbia University Press, 1996), 902; Finnemore, *National Interests in International Society*; Wendt, *Social Theory of International Politics*; R. Goodman and D. Jinks, *Socializing States: Promoting Human Rights through International Law* (Oxford: Oxford University Press, 2013), 26.

It follows from the previous chapter that the representation of conflict parties in armed conflicts in Africa of themselves and their relationship with the third party is consistent with the African solutions norm. Hence, the normative conformity by conflict parties with an African third party is based on a logic of the internalisation of the African solutions norm that specifies that compliance with the African third parties is the right thing to do.

I argue that the identity interests of conflict parties in Africa are consistent with the African solutions norm, which results in a normative pull towards compliance with African third parties. Franck points out that an actor or rule that is perceived as legitimate “exerts a pull towards compliance on those addressed normatively because those addressed believe that the rule or institution has come into being and operates in accordance with generally accepted principles of right process.”²²² The social processes that underlie this normative pull have been well documented within the field of social psychology. For example, Kelman shows how social influence is accepted because the change in behaviour is congruent with the value system of both the influencing agent and the ones being influenced.²²³ Similarly, Tyler concludes that “people internalize group values. They take on the values of the group as their own values. This leads them to voluntarily follow the decisions of group authorities. Breaking rules and disobeying decisions made by authorities has greater negative implications for the self, whereas rule following has greater positive implications.”²²⁴

The normative pull of the African solutions norm has not gone unnoticed in the literature. Červenka noted in 1977 that the search for compromises is “regarded as a moral obligation on the conflicting parties to settle their dispute in the interests of African unity.”²²⁵

²²² Franck, 24.

²²³ H. C. Kelman, "Compliance, Identification and Internalization: Three Processes of Attitude Change," *Journal of Conflict Resolution* 2, no. 1 (1958).

²²⁴ T. R. Tyler, "The Psychology of Legitimacy: A Relational Perspective on Voluntary Deference to Authorities," *Personality and Social Psychology Review* 1, no. 4 (1997): 336.

²²⁵ Červenka, 65.

Amoo and Zartman identify a high degree of “moral authority” as the main strength of the OAU and assert that Africa’s normative environment provides the basis for a perceived obligation among conflict parties to search for a mediated solution.²²⁶ More specifically, they postulate that “the sense of solidarity and fraternal atmosphere among African leaders” contributes to conflict parties making concessions “in the spirit of African solidarity and unity.”²²⁷ Khadiagala notes that African mediators have “moral leverage.”²²⁸ Gomes argues that the conflict resolution efforts of African third parties rely heavily on moral persuasion predicated on similar values.²²⁹

A typical example of the pull towards compliance mechanism can be found in the Kenyan post-2007 election crisis. At the tenth ordinary summit of the AU, the Chair of the AU Commission and former President of Mali, Alpha Oumar Konaré, stressed the importance of finding a diplomatic way out of the crisis by stating that “Kenya is a country that was a hope for the continent. If Kenya burns there will be nothing for tomorrow. We cannot sit with our hands folded.”²³⁰ Moreover, when Graça Machel arrived in Nairobi to mediate Kenya’s post-2007 election crisis as part of Kofi Anan’s mediation team and told the conflict parties that her husband, Nelson Mandela, sent his best wishes and sought to remind them that all of Africa was watching the process.²³¹ Almost one month later the conflict parties signed an agreement, which had been mediated by Kofi Annan in his capacity as the leader of the AU Panel of Eminent African Personalities. This agreement would lay the basis for a Grand Coalition Government that successfully mitigated the conflict. In order to reach this agreement, Annan did not use any coercion or inducements. As observed by Beardsley, “Annan possessed no authority to promise aid or threaten sanctions against the intransigent parties, nor did he have

²²⁶ Amoo and Zartman, 144.

²²⁷ *Ibid.*, 136.

²²⁸ Khadiagala, 9.

²²⁹ Gomes, 120.

²³⁰ Juma, "African Mediation of the Kenyan Post-2007 Election Crisis," 408.

²³¹ R. Cohen, "How Kofi Annan Rescued Kenya," *New York Review of Books* 55, no. 13 (2008): 5.

better access to information about the capabilities and resolve of the respective parties than they had themselves.”²³² Instead, Anan relied on the legitimacy of the AU, which allowed the mediation team pull the conflict parties towards formulating a way out of the conflict.²³³ In short, the African solutions norm pulls conflict parties in Africa towards signing an agreement.

Furthermore, the African solutions norm not only pulls conflict parties in Africa towards compliance with African third parties, the African solutions norms also pushes conflict parties in Africa away from compliance with non-African third parties since a lack of legitimacy provides normative reasons not to comply.²³⁴ As follows from the previous chapter, the anti-Western sentiment associated with the colonial era and the confrontation of the superpowers in Africa during the Cold War explain why non-African third parties are generally less likely to be perceived as legitimate third parties.²³⁵ Clapham catches the essence of this sentiment when he argues that “the African state [as it emerged in the early post-colonial era] was the expression of an African identity and autonomy which were to be cherished and defended, against the attacks especially of the forces associated with Western imperialism.”²³⁶ Ethiopian Emperor Haile Selassie’s speech aimed at representatives of the conflict parties in the border dispute between Morocco and Algeria illustrates the African commitment to autonomy and resentment against the involvement of non-African actors: “This is the first time the procedure established in the Charter has been invoked to maintain the peace to preserve the unique African Identity which we all hold so precious. Africa’s ability to deal with its own problems, free of outside interference and influences, is in the balance.... During your discussion, you should be guided by the spirit and the resolve which produced the Charter of

²³² Beardsley, "Intervention without Leverage: Explaining the Prevalence of Weak Mediators," 273.

²³³ Juma, "African Mediation of the Kenyan Post-2007 Election Crisis," 408.

²³⁴ J. Whalan, *How Peace Operations Work: Power, Legitimacy, and Effectiveness* (Oxford: Oxford University Press, 2013), 64.

²³⁵ Touval, "The Superpowers as Mediators; Clapham, chapter 4.

²³⁶ Clapham, 246.

African Unity and by the determination to settle African problems peacefully which had been uniformly manifested by the leaders of the African people.”²³⁷

This suspicion towards non-African actors pursuing their own interests has remained throughout the post-Cold War period, although to a lesser extent. For example, while France was involved in mediation in the Ivory Coast in 2003, non-African mediation of the armed conflict in the Ivory Coast was repeatedly rejected between 2004 and 2007 because of what the conflict parties described as a neo-colonial stance of France and other non-African third-parties.²³⁸ Similarly, the attempts of some Western countries to resolve Kenya’s post-election crisis were met with resistance. According to Juma, the African mediation in Kenya’s post-election crisis was perceived as protecting “Kenya from being hijacked by international agendas, shrinking a fear across the country and most specifically within the Kibaki administration of Western powers that were intent on bringing his administration down.”²³⁹ This sentiment was, among others, based on a campaign of western states against the central government’s failure to curb corruption.²⁴⁰ Accordingly, even non-African states that are typically regarded as being likely to be trusted due to their limited coercive abilities – such as Norway, Sweden, or Switzerland – sometimes generate resistance as a result of their non-African identity.

Finally, while I argue that the African solutions norm generally pulls conflict parties towards compliance with African third parties and pushes conflict parties away from a compliance with non-African third parties, a major reservation in this respect is the involvement of biased African third parties. If African countries have partisan interests in a conflict in Africa, these partisan interests are likely to undermine the legitimacy of these

²³⁷ Amate, 406.

²³⁸ S. J. A. Mason, *Unpacking the Mystery of Mediation in African Peace Processes* (Center for Security Studies (CSS) & swisspeace Negotiation and Mediation Resources, 2008), 39.

²³⁹ Juma, "African Mediation of the Kenyan Post-2007 Election Crisis," 415.

²⁴⁰ Ibid.

countries when they are involved in mediation. The mediation efforts of biased third parties are likely to be perceived by at least one of the conflict parties as unfair.²⁴¹ This, in turn, makes the conflict party reevaluate their belief about how complying with the mediator is the right thing to do. Indeed, several studies within the field of social psychology show how perceptions of partiality negatively impact legitimacy, because unfair procedures are deemed to lead to unfair outcomes.²⁴² The involvement of Zimbabwe and Kenya in the mediation effort to end the civil war in Mozambique serves as an example of how being biased can undermine a third party's legitimacy. When mediation started in Rome in 1990 to end the civil war in Mozambique, Zimbabwean President Mugabe and Kenyan President Moi initially participated in the first round of talks hosted by the Community of Sant'Egidio. However, the conflict parties insisted that Mugabe and Moi should terminate their involvement because of their biases. Renamo considered Zimbabwe to be biased towards the Government because of its military support, while the Government perceived Kenya to be biased towards Renamo because of a Renamo presence on Kenyan territory.

In sum, legitimacy pulls conflict parties towards compliance, whereas a lack of legitimacy pushes conflict parties away from complying with a mediator. The high degree of legitimacy of African third parties, resulting from Africa's normative environment, generally pulls conflict parties in Africa towards compliance with African third parties. However, if an African third party is biased towards one of the conflict parties, then this is likely to undermine its legitimacy. Furthermore, the African solutions norms provides a normative basis for non-compliance with non-African third parties, explaining how a lack of legitimacy makes non-African third parties less effective.

²⁴¹ L. Nathan, "When Push Comes to Shove: The Failure of International Mediation in African Civil Wars," *Track Two* 8, no. 2 (1999): 3.

²⁴² See: Tyler, "The Psychology of Legitimacy: A Relational Perspective on Voluntary Deference to Authorities; S. L. Blader and T. R. Tyler, "A Four-Component Model of Procedural Justice: Defining the Meaning of a "Fair" Process," *Personality and Social Psychology Bulletin* 29, no. 6 (2003).

The Provision of a Problem-Solving Forum

Third party legitimacy not only pulls conflict parties towards signing an agreement, it also makes conflict parties less inclined to terminate their participation in the mediation process. Indeed, from a social psychological perspective, withdrawing consent from a mediation effort conducted by a legitimate third party can be seen as a form of non-compliance that has negative implications for the self.²⁴³ Hence, third parties with a high degree of legitimacy are more likely to maintain the commitment of the conflict parties towards searching for a mutually acceptable agreement. Consequently, relying on legitimacy rather capacity creates a fundamentally different mediation process. Instead of quickly having to reach a deal through diplomatic confrontation and providing inducements, legitimate third parties can pursue an incremental approach in which the conflict parties are provided sufficient time to reconcile their differences.

A problem-solving forum provided by a third party that the adversaries perceive as legitimate has a strong impact on the prospects for successful conflict resolution. Susskind and Babbitt point out that conflict parties tend to attribute the worst motives to their adversary.²⁴⁴ Similarly, Pruitt et al. highlight that violent interaction between conflict parties often produces structural changes that, in turn, result in the persistence of escalation. On an individual level these changes lead to hostile attitudes and perceptions, while on a community level they result in polarisation.²⁴⁵ Since the relations of warring parties have usually deteriorated to the point that no communication takes place, a forum in which the conflict parties can interact in order to resolve their underlying issues is crucial. If conflict parties want a way out of the conflict, a

²⁴³ See: Tyler, "The Psychology of Legitimacy: A Relational Perspective on Voluntary Deference to Authorities," 336.

²⁴⁴ E. Babbitt and L. Susskind, "Overcoming the Obstacles to Effective Mediation of International Disputes," in *Mediation in International Relations: Multiple Approaches to Conflict Management*, ed. J. Bercovitch and J. Z. Rubin (Basingstoke: Macmillan, 1992), 41.

²⁴⁵ D. G. Pruitt, S. H. Kim, and J. Z. Rubin, *Social Conflict: Escalation, Stalemate, and Settlement*, 3rd ed. (Boston: McGraw-Hill, 2004), 153-163.

mediator providing a problem-solving forum can raise the conflict parties' confidence that negotiations can offer this way out of the war.²⁴⁶ Indeed, while conflict parties are restricted in their direct interaction with the enemy because of a fear that the opponent will exploit one's own cooperation, in their interaction through the mediator they can try to find a way out of their predicament and resolve the conflict issues.²⁴⁷ The presence of a mediator will not lead to harmony between the conflict parties, but it will make it possible for the adversaries to determine how they can adjust their positions in order to reach a negotiated settlement. In short, legitimacy makes the third party acceptable and this allows the third party to provide a problem-solving forum to find a solution to the civil war.

Summary

In summary, a government concedes part of its sovereignty when it accepts international mediation, yet few studies have addressed what factors contribute to legitimate third party involvement and how this level of legitimacy affects the subsequent mediation process. I have argued that third party legitimacy – which in the case of African third parties flows from their commitment to a cluster of norms underlying the African solutions norm – makes third party involvement far more acceptable. Once involved in mediation, third parties with a high degree of legitimacy bring with them a set of norms that can pull the conflict parties towards compliance. In addition, third parties with a high degree of legitimacy can emphasise the norms that underlie their legitimacy, thus actively persuading the conflict parties that signing a peace

²⁴⁶ P. Wehr and J. P. Lederach, "Mediating Conflict in Central America," *Journal of Peace Research* 28, no. 1 (1991); P. J. Carnevale and D. G. Pruitt, "Negotiation and Mediation," *Annual Review of Psychology* 43, (1992); Babbitt and Susskind; Nathan, "When Push Comes to Shove: The Failure of International Mediation in African Civil Wars; Pruitt et al; H. C. Kelman, "Building Trust among Enemies: The Central Challenge for International Conflict Resolution," *International Journal of Intercultural Relations* 29, no. 6 (2005); S. J. Kaufman, "Escaping the Symbolic Politics Trap: Reconciliation Initiatives and Conflict Resolution in Ethnic Wars," *Journal of Peace Research* 43, no. 2 (2006).

²⁴⁷ Princen, "Mediation by a Transnational Organization: The Case of the Vatican," 168.

agreement is the right thing to do. In the case of African third parties, these norms relate among others to peacefully resolving conflicts through dialogue, making peace to prevent non-African involvement, and making peace in the interests of African unity. Finally, the legitimacy of African third parties makes it possible to maintain the commitment of conflict parties towards resolving the underlying conflict issues. Without resolving the conflict issues, reaching a negotiated settlement is unlikely and even less likely to hold if concluded.

Alternative Arguments

Before testing the central argument put forward in this dissertation, I briefly discuss three alternative arguments for why African third parties may be more effective at mediating African conflicts than non-African third parties. The first relates to issue of biased mediation, the second to the influence of culture on mediation processes, and the third relates to the disproportionate allocation of resources when mediating armed conflicts.

Biased Mediation

Since conflicts in Africa have strong regional dimensions, it is reasonable to surmise that African third parties are more likely to be biased when mediating in civil wars in Africa. African states have frequently openly supported incumbent governments or provided covert support to rebel parties prior or simultaneously to their mediation attempt. I argue that biased African third parties are ineffective. Biased African third parties are less likely to enjoy a high degree of legitimacy, which significantly undermines the prospects for African mediation success.

However, there is a substantial literature in which it is argued that biased mediation is more effective than unbiased mediation. Following these studies in favour of biased mediation,

the higher likelihood of African third parties of being biased might, in turn, be the reason why African third parties are more effective than non-African third parties. Studies in which it is argued that biased mediation is effective have traditionally highlighted how biased third parties are effective due to their leverage over the adversaries.²⁴⁸ Yet, recent scholarship favouring biased mediation departs from this explanation, instead providing an informational account of why biased mediators are effective.²⁴⁹ The point of departure of informational accounts of mediation success is that a peace agreement is unlikely to be concluded when the conflict parties believe they can gain more by fighting than by accepting the concessions the other party is willing to make.²⁵⁰ A mediator can break this spiral of information failure by improving the flow of information about the conflict parties' capabilities and resolve. Reducing uncertainty among the conflict parties about whether possible concessions are in line with the balance of power makes a mutually acceptable negotiated settlement more likely.²⁵¹

However, informational explanations of mediation success are based on the assumptions that third parties can gather private information and can effectively communicate this information to the conflict parties. This assumption is problematic. As soon as a mediator becomes involved in peacemaking, the mediator will have strong incentives to make statements

²⁴⁸ S. Touval, "Biased Intermediaries: Theoretical and Historical Considerations," *Jerusalem Journal of International Relations* 1, no. 1 (1975); Zartman and Touval, "International Mediation: Conflict Resolution and Power Politics; P. J. Carnevale and S. Arad, "Bias and Impartiality in International Mediation," in *Resolving International Conflicts: The Theory and Practice of Mediation*, ed. J. Bercovitch (London: Lynne Rienner, 1996); Zartman and Touval, "International Mediation in the Post-Cold War Era."

²⁴⁹ A. H. Kydd, "Which Side Are You On? Bias, Credibility, and Mediation,"; A. H. Kydd, "When Can Mediators Build Trust?," *The American Political Science Review* 100, no. 3 (2006); Z. Maoz and L. G. Terris, "Credibility and Strategy in International Mediation," *International Interactions* 32, no. 4 (2006); M. Fey and K. W. Ramsay, "When Is Shuttle Diplomacy Worth the Commute? Information Sharing through Mediation," *World Politics* 62, no. 4 (2010).

²⁵⁰ J. S. Levy, "Preferences, Constraints, and Choices in July 1914," *International Security* 15, no. 3 (1991); Fearon, "Rationalist Explanations for War; Powell, "Bargaining Theory and International Conflict; W. Reed, "Information, Power, and War," *American Political Science Review* 97, no. 4 (2003); B. Leventoglu and A. Tarar, "Does Private Information Lead to Delay or War in Crisis Bargaining?," *International Studies Quarterly* 52, no. 3 (2008); P. Arena and S. Wolford, "Arms, Intelligence, and War," *International Studies Quarterly* 56, no. 2 (2012).

²⁵¹ H. Raiffa, "Mediation of Conflicts," *American Behavioral Scientist* 27, no. 2 (1983); R. W. Rauchhaus, "Asymmetric Information, Mediation, and Conflict Management," *World Politics* 58, no. 2 (2006); S. Chan, "Explaining War Termination: A Boolean Analysis of Causes," *Journal of Peace Research* 40, no. 1 (2003).

that will induce one of the parties to make a compromise, even if these statements do not correspond with reality. A mediator can, for example, exaggerate the resolve and the strength of the opponent or alternatively exaggerate the commitment to a promised peacekeeping force in case an agreement will be concluded. This makes it impossible for disputants to know whether a mediator is providing them with credible information. Consequently, representatives of conflict parties will have a natural tendency to distrust any information provided by a mediator. Kydd argues that biased mediators can overcome this natural tendency to distrust the mediator. In contrast to unbiased mediators, biased mediators are not perceived as having incentives to provide false information. According to Kydd, this makes biased mediators more credible and therefore more effective.²⁵² Biased mediation is thus generally understood in the literature as being effective, either because a biased third party can use its leverage to persuade the conflict parties to make concessions or because the information a biased mediator provides is perceived as credible.

Contrary to the recent literature on biased mediation, I argue that African biased mediation is ineffective, because African biased third parties enjoy little legitimacy. To substantiate this counterargument, I will empirically assess to what extent biased mediation influences the African and non-African mediation category.

The Role of Culture

Several studies have found that cultural similarities between the mediator and the disputants have a positive impact on mediation success.²⁵³ These studies typically highlight that mediators that share a similar culture with the disputants understand the complex social, political, and

²⁵² Kydd, "Which Side Are You On? Bias, Credibility, and Mediation; Kydd, "When Can Mediators Build Trust?."

²⁵³ J. Bercovitch and O. Elgström, "Culture and International Mediation: Exploring Theoretical and Empirical Linkages," *International Negotiation* 6, no. 1 (2001); P. J. Carnevale and D. W. Choi, "Culture in the Mediation of International Disputes," *International Journal of Psychology* 35, no. 2 (2000).

economic dynamics that underlie armed conflicts. This greater understanding allows the mediator to more effectively resolve the conflict.²⁵⁴ While it is acknowledged that African third parties are more likely to be similar to African conflict parties in terms of language, religion, and race than non-African third parties, making it necessary to control for these variables in the empirical analyses in the subsequent chapters, a high degree of cultural variation nevertheless exists in Africa, both between countries and within countries.²⁵⁵ I therefore argue that culture similarities alone cannot explain why African third parties are more effective than non-African third parties. I will employ a statistical analysis in which I examine the impact of the culture of the chief mediator to test this argument.

The Disproportionate Allocation of Resources

As a result of the negative spillover effects of armed conflicts, African third parties usually have a greater interest in making peace on the African continent than non-African third parties. Based on this logic, one might expect that African third parties, in spite of their lower degree of economic and military means, will invest more resources in making peace than non-African third parties through the use of manipulative strategies. Previous research has found that manipulative strategies are strongly correlated to mediation success.²⁵⁶ Moreover, most scholars of mediation emphasising the importance of third party capacity would still acknowledge that, as Kleiboer puts it, “leverage does not only depend on resources alone but

²⁵⁴ R. Cohen, "Cultural Aspects of International Mediation," in *Resolving International Conflicts: The Theory and Practice of Mediation*, ed. J. Bercovitch (London: Lynne Rienner, 1996); J. Bercovitch and J. Foulkes, "Cross-Cultural Effects in Conflict Management: Examining the Nature and Relationship between Culture and International Mediation," *International Journal of Cross Cultural Management* 12, no. 1 (2012).

²⁵⁵ Mazrui, "On the Concept of "We Are All Africans"," 88.

²⁵⁶ See: J. Wilkenfeld, *Mediating International Crises* (Routledge, 2005); Beardsley et al., "Mediation Style and Crisis Outcomes"; J. Bercovitch and S. Sigmund Gartner, "Is There Method in the Madness of Mediation? Some Lessons for Mediators from Quantitative Studies of Mediation," *International Interactions* 32, no. 4 (2006).

also on the willingness of the mediator to deploy them.”²⁵⁷ Hence, the disproportionate use of manipulative strategies might explain why African third-parties are more effective. I argue that this is not the case.

In essence, whether African and non-African third parties employ the capacity they have is an empirical question. In this regard, it has frequently been observed that African third parties are generally highly committed to a civil war country’s sovereignty.²⁵⁸ As a result of this commitment to the sovereignty of civil war countries, African third parties generally have a preference for constructive engagement, rather than engaging in inducement, condemnation, coercion, and isolation. I define constructive engagement as third party involvement aimed at concluding a peace agreement on the basis of voluntary compliance, rather than on the basis of a fear of punishment among the conflict parties or on the basis of an anticipation of material gain among the conflict parties.²⁵⁹ After having mediated the N’sele Ceasefire Agreement, Joseph Mobutu described the settlement as “a victory for African-style dialogue which should always prevail in settling conflicts.”²⁶⁰ Similarly, Nigerian General Olusegun Obasanjo referred to this mediation effort as “the African way”, entailing conflict resolution based on dialogue and truth telling.²⁶¹ In relation to his mediation efforts to end the civil war in Burundi, Julius Nyerere has been described as the classic soft mediator who is hesitant to employ much leverage and insistent on the broadest possible inclusion of conflict parties in talks.²⁶² Commenting on Mandela’s mediation efforts in Burundi following the passing away of

²⁵⁷ M. Kleiboer, "Great Power Mediation: Using Leverage to Make Peace?," in *Studies in International Mediation: Essays in Honour of Jeffrey Z. Rubin*, ed. J. Bercovitch and J. Z. Rubin (Basingstoke: Palgrave Macmillan, 2002), 127.

²⁵⁸ J. Park, "Conflict Management and Mediation Theory: South Africa's Role in Burundi's Civil Conflict," *International Area Studies Review* 13, no. 3 (2010); L. Nathan, "Interests, Ideas and Ideology: South Africa's Policy on Darfur," *African Affairs* 110, no. 438 (2011): 60; Villa-Vicencio; A. De Waal, "African Roles in the Libyan Conflict of 2011," *International Affairs* 89, no. 2 (2013).

²⁵⁹ Hurd 1999, 387.

²⁶⁰ Khadiagala, 65.

²⁶¹ *Ibid.*, 253.

²⁶² Sisk, 139.

Nyerere, the former President of Burundi, Sylvester Ntibantunganya, stated in April 2000, when the Arusha talks gained momentum that “The magic of Mandela that we have today is to put the Burundians not with their backs to the wall but face to face with the truth. And I think we gradually emerging from a certain stupor ... I think it is starting to produce results.²⁶³ Finally, Riek Machar described his style of mediation during the Juba peace process aimed at ending the civil war in Uganda as the ‘big tree’ approach, which includes all possible stakeholders in the conflict to engage in an open dialogue.²⁶⁴

Indeed, Africa’s normative peace and security environment, in which sovereignty and African unity are major elements, explains why African third parties are less likely to employ manipulative strategies. The statistical analyses in the subsequent chapters include different types of mediation strategies as explanatory variables to empirically substantiate this argument.

Conclusion

In conclusion, I have developed a probabilistic argument that African third parties are more effective in mediating civil wars in Africa than non-African third parties. Based on most of the current studies on international mediation and considering the limited degree of economic and military resources of African third parties compared to non-African third parties, one would expect an opposite claim. However, I have outlined the normative structure in which mediation in Africa takes place and developed a legitimacy-based perspective on mediation to show why African third parties are likely to be more effective than non-African third parties. The high degree of legitimacy of African third parties allows African mediators to maintain the commitment of the conflict parties and pull them towards making peace on the basis of a logic

²⁶³ Khadiagala, 165.

²⁶⁴ D. Hendrickson and K. Tumutegyereize, *Dealing with Complexity in Peace Negotiations: Reflections on the Lord’s Resistance Army and the Juba Talks* (London: Conciliation Resources, 2012), 21.

of appropriateness. If this central argument is supported in the following chapters, I will have vindicated an approach to the understanding of mediation outcomes that is quite different from that consistently pursued in the contemporary literature. The subsequent chapters will test the effectiveness of African and non-African mediation with regard to the conclusion of peace agreements and ensuring post-agreement stability, as well probe the merit of the legitimacy-based perspective of mediation.

IV. From Dialogue to Settlement: Explaining the Conclusion of Peace Agreements in Africa

In order to assess the effectiveness of African and non-African mediation, I conduct several statistical analyses in this chapter and the next chapter, for which I have created the International Mediation in Civil Wars in Africa Dataset. This dataset covers mediation efforts in civil wars in Africa between 1960 and 2012 and builds on data from the UCDP. The dataset includes new variable data for the strategy of mediation and the level of coordination between different third-parties active in the same dyad-year. The dataset also supplements existing UCDP data on third party involvement in civil wars, which do not cover the 1960-1974 period.²⁶⁵

This chapter first explains the research design and operationalises the main variables. Next, I examine the effectiveness of third parties with regard to initiating mediation, after which mediation success is assessed on the basis of the conclusion of peace agreements. The purpose of the statistical analyses is to establish that African third parties are more effective than non-African third parties in spite of having fewer economic and military resources and in spite of engaging in manipulative mediation relatively less often. This means that based on a logic of necessity something other than third party capacity must explain mediation success.

Research Design and Operationalisations

The unit of analysis in the International Mediation in Civil Wars in Africa Dataset is conflict dyad-years. A conflict dyad consists of a government and an organized rebel party. A dyad-

²⁶⁵ See for an elaborate discussion of this dataset, the codebook, and analytical summaries: Duursma.

year is coded as a mediation dyad-year when a third party activity aimed at resolving or regulating the conflict through negotiations has taken place.

In order to measure the types of mediation under study, I create four mutually exclusive dummy variables: no mediation, African mediation, non-African mediation, and mixed mediation. No mediation indicates a conflict dyad-year in which no third party was involved in mediation. African mediation is measured by examining whether at least one African third party was involved in mediation in a given dyad-year, without the involvement of any non-African third parties. Non-African mediation is, conversely, defined as the involvement of at least one non-African third party in mediation without the involvement of African third parties. Finally, mixed mediation takes place when at least one African and one non-African third party were involved in the mediation.

Legitimacy is thus operationalised as a dummy variable on the basis of whether the mandating agency is African or not. It is acknowledged upfront that this crude distinction may mask variation within the African and non-African categories. A perfect proxy of legitimacy would entail looking inside the heads of the conflict parties in order to determine to what extent they believe they should comply with the third party. The stronger this belief, the higher the degree of third party legitimacy. While it is not possible to look inside the head of the conflict parties, one can look at how conflict parties in civil wars in Africa generally perceive third party involvement. Indeed, in line with the theoretical argument set out in the previous chapter, one would expect the commitment to African solutions of African third parties to translate to strong belief among conflict parties that they should comply with African third parties.

Operationalising legitimacy on the basis of a commitment to African solutions is not related to distance and ethnicity. For instance, in spite of the huge geographical distance between South African and Libya, Libyan leader Muammar al-Gaddafi perceived Zuma to be legitimately involved in mediation in the civil war in Libya in 2011 because of Zuma's pan-

African values.²⁶⁶ Similarly, Ethiopian Emperor Haile Selassie did not share the same ethnicity with the conflict parties when he mediated between the Government of Sudan and the Southern based rebel movement Anyanya in 1972. In spite of the ethnic difference, Selassie successfully mediated the Addis Ababa Agreement in 1972. What Selassie did have in common with the conflict parties, however, was a strong commitment to pan-Africanism.

While African states make up a large part of the UN member states, third party involvement by the UN is still coded as non-African mediation in the subsequent analyses. I argue that the perceived influence of the permanent members of the UN Security Council on UN peacemaking effort make conflict parties perceive the mediation of the UN as a non-African effort.²⁶⁷ This might be different with the Community of Sant'Egidio, a Rome based Catholic NGO, which I have also coded as a non-African third party. Some of Sant'Egidio's mediators have lived in Africa for almost their entire adult lives, but with a headquarters in Rome and with most of the members having a non-African nationality, I have decided to code Sant'Egidio as a non-African third party.²⁶⁸ Nevertheless, I recognise that Sant'Egidio is a unique type of third party, which is why I control for its involvement in some of the models in order to assess how mediation conducted by the Sant'Egidio impacts the results.

²⁶⁶ De Waal, "African Roles in the Libyan Conflict of 2011."

²⁶⁷ B. Andemicael, "OAU-UN Relations in a Changing World," in *The Organization of African Unity after Thirty Years*, ed. Y. El-Ayouty (London: Praeger, 1994); B. Andemicael and D. Nicol, "The OAU: Primacy in Seeking African Solutions within the UN Charter," in *The OAU after Twenty Years*, ed. Y. El-Ayouty and I. W. Zartman (New York: Praeger, 1984); Edmond Kwam Kouassi, "OAU-UN Interaction over the Last Decade," in *The Organization of African Unity after Thirty Years*, ed. Yassin El-Ayouty (London: Praeger, 1994); P. D. Williams and A. Boutellis, "Partnership Peacekeeping: Challenges and Opportunities in the United Nations–African Union Relationship," *African Affairs* 113, no. 451 (2014); Apuuli, "The African Union's Notion of 'African Solutions to African Problems' and the Crises in Côte D'ivoire (2010–2011) and Libya (2011); De Waal, "African Roles in the Libyan Conflict of 2011."

²⁶⁸ See: I. Msabaha, "Negotiating an End to Mozambique's Murderous Rebellion," in *Elusive Peace: Negotiating an End to Civil Wars*, ed. I. W. Zartman (Washington, DC: Brookings Institution, 1995); D. S. Sengulane and J. P. Gonçalves, "A Calling for Peace: Christian Leaders and the Quest for Reconciliation in Mozambique," in *The Mozambican Peace Process in Perspective*, ed. J. Armon, D. Hendrickson, and A. Vines (London: Conciliation Resources, 1998); M. Venancio, "Mediation by the Roman Catholic Church in Mozambique, 1988-1991," in *Mediation in Southern Africa*, ed. S. Chan and V. Jabri (London: Macmillan, 1993).

The conclusion of a peace agreement is measured as a dichotomous variable. In order to be included in the dataset, a peace agreement should address the incompatible goals of the conflict parties by settling all or part of the conflict issues. A document that solely stipulates the implementation of a ceasefire is thus not considered to be a peace agreement. The conclusion of a peace agreement as a dichotomous short-term indicator of mediation success is fairly reliable and valid. It is relatively easy for researchers to code the conclusion of a peace agreement, since they are often made publically available when the peace talks end. Even when peace agreements are not published, they usually attract much international attention. This high reliability and validity may explain why the conclusion of a peace agreement has become the most frequently used indicator of mediation success in quantitative studies on international mediation.²⁶⁹

Although this study assumes that mediation is a general phenomenon with many similarities from setting to setting, it is acknowledged that there are always contextual circumstances specific to any mediation effort. In order to reduce the risk of omitted variable bias, I control for a number factors in the subsequent statistical models which have been found to influence both the likelihood of mediation and the prospects for mediation success.²⁷⁰ These contextual factors include:

²⁶⁹ For reviews that also make this point, see: Greig and Diehl; A. Duursma, "A Current Literature Review of International Mediation," *International Journal of Conflict Management* 25, no. 1 (2014); P. Wallensteen and I. Svensson, "Talking Peace: International Mediation in Armed Conflicts," *Journal of Peace Research* 51, no. 2 (2014).

²⁷⁰ For an elaborate discussion on how these variables are measured, see the codebook of: Duursma, "International Mediation in Civil Wars in Africa Dataset: Version 1.0." To avoid garbage can models, the models presented here only include variables that are most frequently found to have an impact on both the onset of mediation and the mediation outcomes. See: P. A. Schrod, "Seven Deadly Sins of Contemporary Quantitative Political Analysis," *Journal of Peace Research* 51, no. 2 (2013). Yet, by way of robust check, the models have also been estimated with several additional control variables – including the number of dyads in an armed conflict, whether the conflict entails an ethnic element, the level of democracy in the civil war country, the annual economic growth in the country in which the intrastate armed conflict takes place, whether the conflict parties are supported with military troops, and whether a peacekeeping force was deployed in the civil war country – but adding these variables did not change the main findings.

1. Whether the conflict is fought over a piece of territory or control over the capital.²⁷¹
2. The intensity of the conflict.²⁷²
3. The duration of the conflict measured in number of years, as well as a squared version of duration to control for curvilinear effects.²⁷³
4. The strength of the rebel movement in comparison to the government.²⁷⁴
5. Whether the conflict parties receive financial support, military equipment, or are allowed to use safe havens in another country.²⁷⁵

Given the dichotomous structure of the dependent variables, I rely on logit models. Only in a few instances, I rely on different models, namely a censored probit model to control for selection bias, a two-stage-least-squares model to control for endogenous variables, and a hazard model to examine the impact of mediation on the duration of peace spells. Robust standard errors, clustered on the conflict level, are used in the logit models to assess whether the observations from the same conflict are being related. The universe of cases in this study includes all conflict dyad-years in Africa in the 1960-2012 period.

Furthermore, the data used in this study entail observations on the same unit of analysis over a series of time points, which may bias the findings as a result of temporal dependence.

²⁷¹ See: M. D. Toft, *The Geography of Ethnic Violence: Identity, Interests, and the Indivisibility of Territory* (Princeton University Press, 2003); B. F. Walter, "Explaining the Intractability of Territorial Conflict," *International Studies Review* 5, no. 4 (2003); J. D. Fearon, "Why Do Some Civil Wars Last So Much Longer Than Others?" *Journal of Peace Research* 41, no. 3 (2004).

²⁷² Mason and Fett, "How Civil Wars End: A Rational Choice Approach; Bercovitch and Sigmund Gartner, "Is There Method in the Madness of Mediation? Some Lessons for Mediators from Quantitative Studies of Mediation; Walter, *Committing to Peace: The Successful Settlement of Civil Wars*.

²⁷³ Mason and Fett, "How Civil Wars End: A Rational Choice Approach; Fearon, "Why Do Some Civil Wars Last So Much Longer Than Others?"

²⁷⁴ N. A. Bapat, "Insurgency and the Opening of Peace Processes," *Journal of Peace Research* 42, no. 6 (2005); G. Clayton, "Relative Rebel Strength and the Onset and Outcome of Civil War Mediation," *Journal of Peace Research* 50, no. 5 (2013).

²⁷⁵ Salehyan, *Rebels without Borders: Transnational Insurgencies in World Politics*; Fearon, "Why Do Some Civil Wars Last So Much Longer Than Others?"

Following Beck et al., I use binary time-series cross-section correction to account for this potential bias.²⁷⁶ Accordingly, all models are run using cubic splines. A variable that measures the time since a value of 1 was observed for the dependent variable in the regression is also included in all models. In addition, to avoid perfect multicollinearity in the explanatory variables, the dummy variable measuring no mediation is excluded from the analyses in each of the models. No mediation thus serves as the reference category by which the coefficients of the different mediation types are interpreted.

Although the majority of the statistical analyses in this chapter and the next chapter are based on the International Mediation in Civil Wars in Africa Dataset, an additional replication dataset produced by Greig and Regan is used to study the offer and acceptance of mediation in intrastate armed conflicts.²⁷⁷ This dataset takes all possible third parties that can offer mediation in a given civil war year as unit of analysis, making it possible to account for the offer to mediate in a conflict of multiple third parties during the same year. In addition, for the analyses on the durability of the peace agreements in the next chapter, I will use the UCDP Peace Agreement Dataset, version 2.0.²⁷⁸

Who Mediates in Civil Wars in Africa?

It follows from the International Mediation in Civil Wars in Africa Dataset that Africa has experienced 702 active conflict dyad-years between 1960 and 2012. However, not all mediation efforts recorded in the dataset have been conducted in conflict years which experienced more than 25 battle-related deaths. Indeed, conflict parties often stop fighting each

²⁷⁶ N. Beck, J. N. Katz, and R. Tucker, "Taking Time Seriously: Time-Series-Cross-Section Analysis with a Binary Dependent Variable," *American Journal of Political Science* 42, no. 4 (1998).

²⁷⁷ Greig and Regan, "When Do They Say Yes? An Analysis of the Willingness to Offer and Accept Mediation in Civil Wars," 770. For an elaborate discussion this dataset has been modified for the purpose of this study, see the appendix in: Duursma, "International Mediation in Civil Wars in Africa Dataset: Version 1.0."

²⁷⁸ L. Harbom, S. Högbladh, and P. Wallensteen, "Armed Conflict and Peace Agreements," *Journal of Peace Research* 43, no. 5 (2006).

other once negotiations are initiated. Hence, the International Mediation in Civil Wars in Africa Dataset also includes inactive conflict dyad-years in which negotiations or mediation have taken place, as well as inactive conflict dyad-years years in between active conflict dyad-years. This brings the number of conflict dyad-years in the dataset to a total of 938. Of this total of 938 conflict dyad-years, 334 have experienced mediation. This constitutes almost 36 percent of the total number of conflict dyad-years, from which it follows that international mediation is a standard approach to end armed violence in Africa.

Table 4.1 shows that African third parties have been involved in mediation in 241 conflict dyad-years in Africa between 1960 and 2012. In 129 of these conflict-dyad-years, African third-parties were involved in mediation simultaneously or jointly with non-African third-parties. This means that African-third parties have been involved in mediation without the involvement of any non-African third-party in 112 conflict-dyad-years. Non-African third-parties have mediated in 222 conflict dyad-years, but non-African mediation without the involvement of African third-parties has taken place in only 93 conflict dyad-years. Mixed mediation is thus the most common type of mediation in civil wars in Africa, followed by African mediation, and non-African mediation respectively.

Table 4.1: Frequency of Different Types of International Mediation in Civil Wars in Africa, 1960-2012

<i>Type of Mediation</i>	<i>Conflict Dyad-years</i>
African Mediation	241
Non-African Mediation	222
African Mediation Only	112
Non-African Mediation Only	93
Mixed Mediation	129

Figure 4.1 provides an overview of the distribution of the conflict dyad-years in which African and non-African third parties were involved in the 1960-2012 period. The temporal distribution of the conflict dyad-years in Figure 4.1 shows that civil wars steadily increased from 1960 onwards, with sudden rises in 1975, 1986, and 1996. The sudden increase in civil wars in Africa from 1975 onwards, as shown in Figure 4.1, is often attributed to the dynamics of the Cold War.²⁷⁹ Figure 4.1 also clearly shows what has been described as Africa's 'turbulent 1990s' in which Africa experienced civil wars in, among others, Somalia, Sierra Leone, Liberia, Rwanda, and Burundi. Moreover, in most of these conflicts, multiple rebel groups were active, increasing the number of conflict dyad-years. Finally, Figure 4.1 shows that from 2003 onwards, the number of civil wars in Africa steadily declined.

Figure 4.1: Temporal Trend of International Mediation in Civil Wars in Africa, 1960-2012

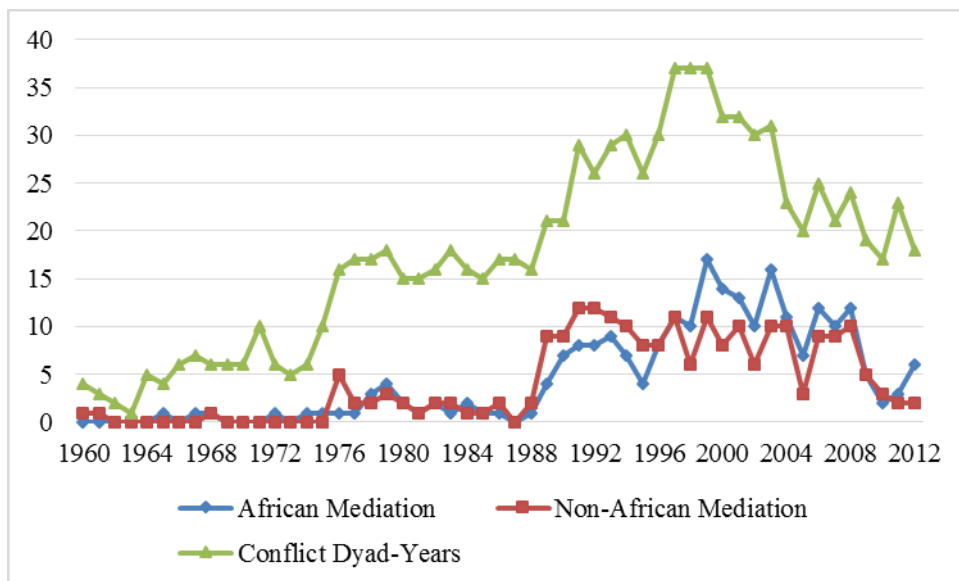


Figure 4.1 also shows that the peak of the number of mediation dyad-years was between 1992 and 2008. This reflects the accumulated mediation efforts as a response to the outbreak

²⁷⁹ For instance, Clapham argues in this regard that Africa had been incorporated into the 'Second Cold War' by 1975. Clapham, 159.

of several civil wars during the early 1990s. The maximum number of African mediation dyad-years was 19 in 1999, while the maximum number of non-African mediation dyad-years was 12 in 1991 and 1992. While Figure 4.1 seems to suggest that both African and non-African mediation follow the total number of conflict dyad-years, Figure 4.2 shows that mediation in the post-Cold War period has not only been more common in absolute numbers, but also relative to the total number of conflict dyad-years. This provides some support for the assertion that potential third parties of civil wars in Africa have become less indifferent after the end of the Cold War.

Figure 4.2: The Increasing Primacy of Mediation in Civil Wars in Africa

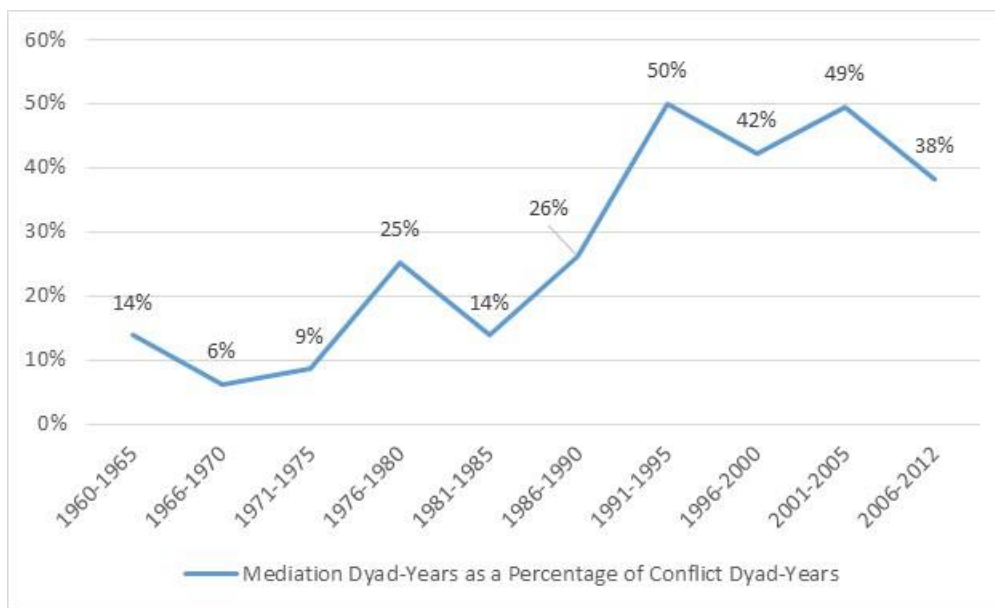


Figure 4.3 shows in how many conflict dyad-years a given African third party has been involved. The OAU and its successor the AU have been involved in 101 conflict dyad-years. Of all sub-regional African organisations, ECOWAS has mediated in most conflict dyad-years. The top-3 of African states most involved in mediation in Africa includes Kenya, South Africa, and Ethiopia,

Figure 4.3: The Frequency of African Mediation

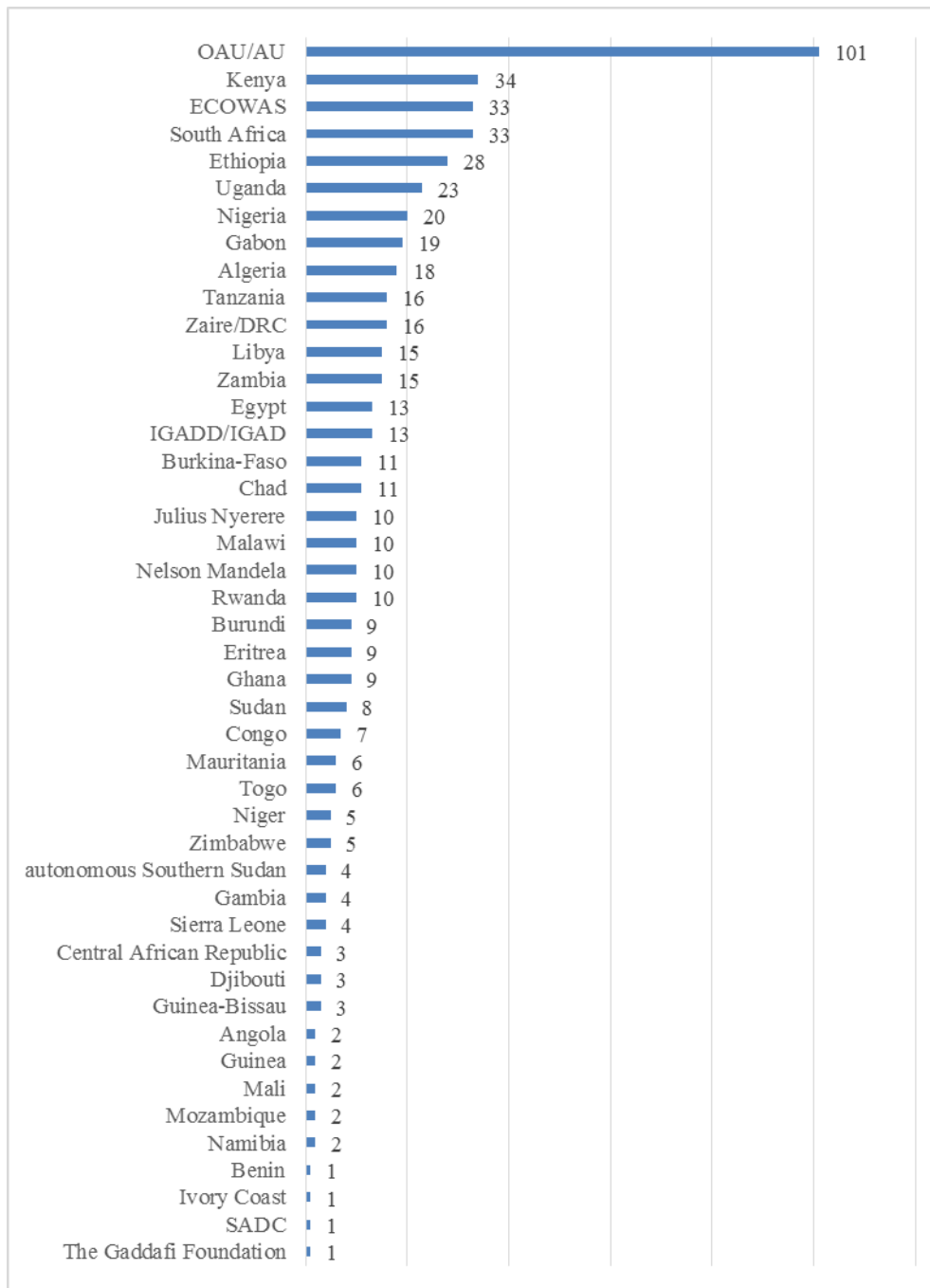
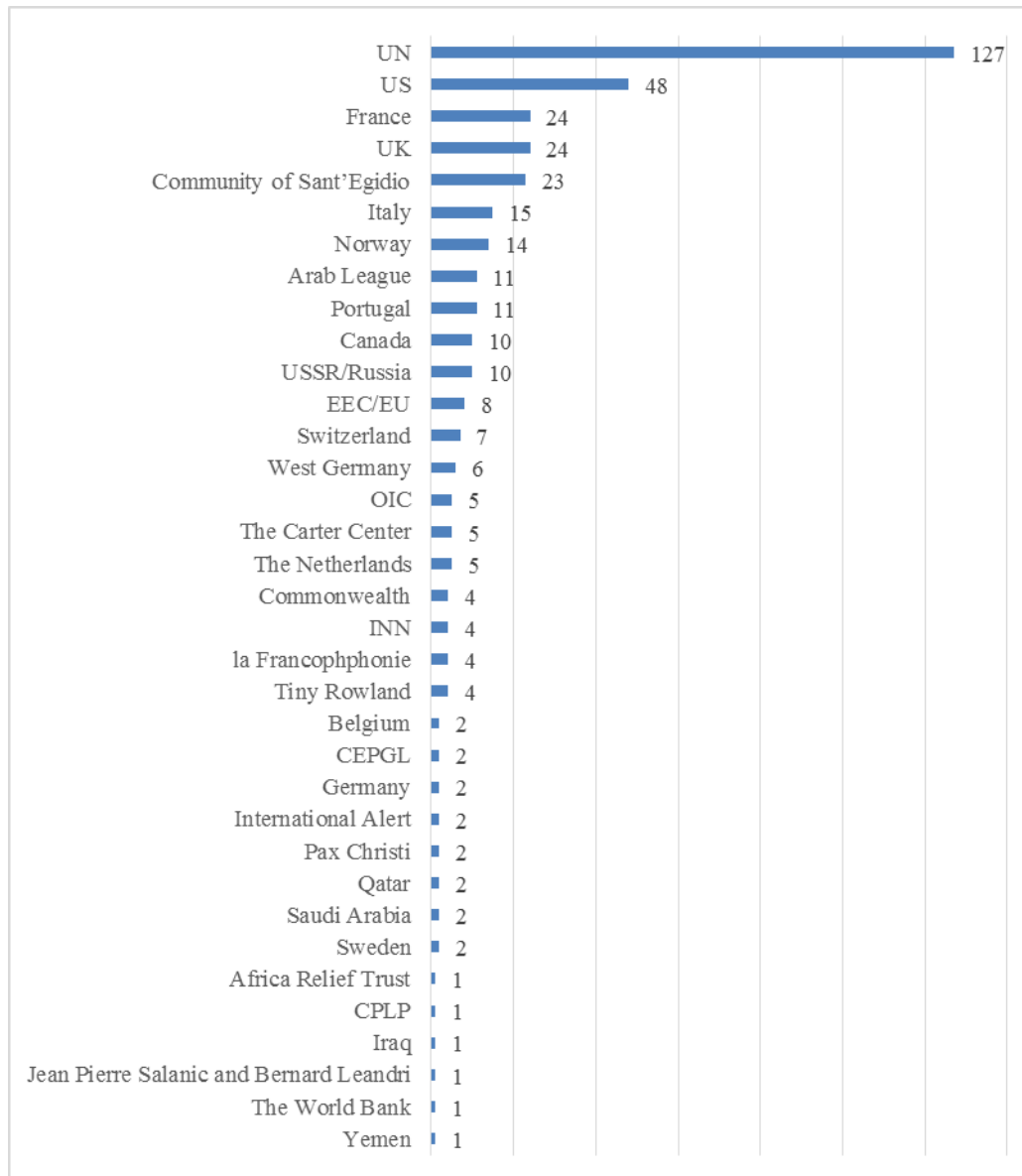


Figure 4.4 shows in how many conflict dyad-years a given non-African third party has been involved. Of all third parties involved in mediation in civil wars in Africa, the UN has mediated in most conflict dyad-years, namely 127 conflict dyad-years. After the UN, the Community of Sant'Egidio is the non-African organisation that has mediated most often in

Africa. The top-3 of non-African states involved in mediation in Africa includes the US, France, and the UK.

Figure 4.4: The Frequency of Non-African Mediation



It follows from Figures 4.3 and 4.4 that 56 states have mediated in civil wars in Africa between 1960 and 2012. Of these 56 states, 38 were from Africa and 18 were from outside of

Africa. Having a list of states that have mediated in civil wars in Africa makes it subsequently possible to rank the military and economic capacity of these states.

To measure economic capacity, I examine the Gross Domestic Product (GDP) of these states. When ranking these 56 states according to their average GDP between 1960 and 2011, only four African compared to 16 non-African states appear in the top 20 of this list, while of the remaining 38 countries only two were non-African.²⁸⁰ The mean of the average GDP of African third parties between 1960 and 2011 is around \$27 billion. This figure is around \$1,037 billion for non-African third parties. The difference between these means is statistically significant in a two-sample t-test.²⁸¹ One might argue that the GDP is not a relevant indicator of power, as there are numerous factors that determine whether a state can translate a high GDP in usable power – as for instance the internal constitutional arrangements of a country. Yet, it is precisely this narrow conceptualisation of economic power that is incorporated in capacity-based explanations of mediation success.

This relative lack of capacity of African third parties is also apparent when it comes to military capacity. When ranking the 56 states that have mediated in Africa between 1960 and 2012 according to their average Composite Index of National Capability (CINC) score between 1960 and 2007, only six out of the 38 African states versus 14 out of 18 non-African states are ranked in the top 20.²⁸² The mean CINC score of African third parties is 0.001, whereas the

²⁸⁰ I draw on a dataset compiled by Kristian Skrede Gleditsch, which initially provided estimates of nominal GDP figures in US Dollars in current international prices between 1950 and 2000, but was updated by Gleditsch to cover the 1950-2011 period. The figures provided by Gleditsch provides reliable estimates for missing data. This is a major advantage, since missing data is common with regard to GDP figures for African states. Version 5 of the dataset is available at <http://privatwww.essex.ac.uk/~ksg/exptradegdp.html>, accessed on 12 August 2015. These data are explained in greater detail in: K. S. Gleditsch, "Expanded Trade and GDP Data," *Journal of Conflict Resolution* 46, no. 5 (2002).

²⁸¹ Comparing these means in two-sample t-test gives a t-score of 3.574 with 54 degrees of freedom. This means that that difference in means is statistically significant at the 99 percent level.

²⁸² The CINC is arguably the most frequently used indicator of military power within the field of International Relations and was first introduced by Singer in 1987. The score is a composite index of national capabilities covering the 1816-2007 period and contains data values for total population, urban population, iron and steel production, energy consumption, military personnel, and military expenditure. Version 4 of the dataset is available at <http://correlatesofwar.org/data-sets/national-material-capabilities>, accessed on 12 August 2015. J. D. Singer,

mean CINC of non-African third parties is 0.026. The difference between these means is statistically significant in a two-sample t-test.²⁸³ The CINC score has been criticised for a very narrow measurement of power; yet, this understanding of military power is in line with capacity-based studies on international mediation.²⁸⁴

The vast majority of non-African states that typically mediate in African civil wars thus have a strong capacity to employ economic and military resources, whereas the African states in which they mediate have only limited material resources in comparison. These comparative advantages trickle down to the international organisations that have been involved in mediation in Africa. For instance, although the UN has often been criticised for having little resources, it commands far more resources than Africa's continental and sub-regional organisations. This has arguably been most visible with regard to its ability to deliver security guarantees, as the military power of the UN to deploy an effective peacekeeping force outweighs any organisation in Africa.²⁸⁵ However, a notable exception among the non-African organisations is the Community of Sant'Egidio, which has very limited material resources. The role of the Community of Sant'Egidio in mediating in civil wars in Africa will be specifically examined in the next chapter.

Where do African and Non-African Third Parties Mediate?

In addition to variation in terms of which actors have mediated in civil wars in Africa, variation exists in terms of the frequency of mediation efforts in different countries. In fact, several

"Reconstructing the Correlates of War Dataset on Material Capabilities of States, 1816-1985," *International Interactions* 14, (1987).

²⁸³ Comparing these means in a two-sample t-test shows that the difference in means is statistically significant at the 99 percent level, as the t-score is 3.478 with 54 degrees of freedom.

²⁸⁴ See: Baldwin, 280.

²⁸⁵ See: Dean Pittman, "The OAU and Chad," in *The OAU after Twenty Years*, ed. Y. El-Ayouty and I. W. Zartman (New York: Praeger, 1984); Kouassi.

countries– namely Algeria, Burkina Faso, Cameroon, Egypt, Eritrea, Gabon, Gambia, Ghana, Kenya, Lesotho, Madagascar, Togo, and Tunisia – have not experienced any mediation in spite of having experienced armed conflict. Of these countries, most did not experience any mediation because the armed fighting ceased relatively quickly, either as a result of relatively weak rebel parties or due to successful or unsuccessful coups. In these cases, the rebels were already defeated or a successful coup had already taken place before third parties could organise a mediation effort. The exception within the list of countries that did not experience any mediation is Algeria, which has experienced continuous civil war between 1992 and 2012, providing plenty of opportunities of mediation. The absence of mediation in Algeria is instead a result of the government consistently refusing to entertain mediation.²⁸⁶

Algeria is thus a definite outlier. One reason for this is that the Algerian Government has comfortably been supported by oil industry income, making it almost impervious to economic or political pressure aimed at initiating peace talks.²⁸⁷ That Algeria has consistently refused mediation can also be explained by the fact that Algeria is on the fringes of the African society of states, as evidenced by the fact that solely non-African third parties have offered to mediate. Consequently, the Government of Algeria may have felt less normative pressure to accept mediation.

Of all the countries that have experienced mediation, the majority have experienced a relative high frequency of African mediation or mixed mediation. Nevertheless, six countries – namely Angola, Djibouti, Ethiopia, Morocco, South Africa, and Zimbabwe – have experienced more non-African mediation than the other two categories of mediation. Of these countries, Morocco has experienced the highest relative frequency of non-African mediation.

²⁸⁶ See the analytical summaries of Algeria's conflict dyad-years in: Duursma, "International Mediation in Civil Wars in Africa Dataset: Version 1.0."

²⁸⁷ International Crisis Group, *The Civil Concord: A Peace Initiative Wasted. Africa Report N° 31 - 9 July 2001* (Brussels, 2001), i.

The UN has particularly been heavily involved in the conflict between the Government of Morocco and Polisario. Two factors explain that in spite of the widespread commitment to the African solutions norm on the African continent, the diplomatic involvement of the UN in the Western Sahara dispute was accepted by the conflict parties and was also widely accepted across the African continent. First of all, the Western Sahara conflict was perceived as different from other African conflicts, since a strong case could be made that it involved the matter of self-determination rather than secession from an established member state of the OAU.²⁸⁸ Accordingly, the mediation efforts of the UN starting in January 1976 were based on the idea that this conflict was a responsibility of the UN under the terms of its Charter, specifically with regard to the issue of self-determination.²⁸⁹

More importantly, however, the high relative frequency of non-African mediation in Morocco can be explained by the fact that Morocco suspended its membership of the OAU in 1984. From the onset of the civil war, the Government of Morocco actively tried to prevent any formal recognition of Polisario from any other African states.²⁹⁰ Although African states were initially sensitive to the Government of Morocco's fear of recognition of Polisario, this changed after Algeria pushed for the recognition of an independent Western Sahara. Emphasising that the conflict was an issue of self-determination to which the territorial integrity norm did not apply, Algeria successfully put the issue on the OAU agenda.²⁹¹ When the Sahrawi Arab Democratic Republic subsequently became a member of the OAU in 1984 and was recognised by most African countries, Morocco left the OAU. When comparing the types of mediation in the Western Sahara conflict before and after 1985, one can indeed observe that prior to Morocco leaving the OAU, African mediation was still the dominant type of

²⁸⁸ Zartman, "The OAU in the African State System: Interaction and Evaluation," 40. See also: Clapham, 114.

²⁸⁹ Červenka, 66-67.

²⁹⁰ Y. H. Zoubir, "The Western Sahara Conflict: A Case Study in Failure of Prenegotiation and Prolongation of Conflict," *California Western International Law Journal* 26, (1996): 184.

²⁹¹ *Ibid.*, 186.

mediation. More specifically, prior to 1984, African third parties mediated in 36 percent of the conflict dyad-years, while non-African and mixed mediation both took place in 9 percent of the dyad-years. From 1985 until 2012, no African mediation has taken place in the Western Sahara conflict, whereas non-African mediation has taken place in 50 percent of the conflict dyad-years and mixed mediation in 18 percent of the dyad-years. African third parties lost their legitimacy in the eyes of the Moroccan Government, which perceived the support for self-determination of the Sahrawi people as undermining its territorial integrity. Hence, the difference in African and non-African involvement in the Western Sahara conflict before and after 1984 suggests that legitimacy influences the onset of mediation.

The higher relative frequency of non-African mediation than African mediation in Zimbabwe (Rhodesia) and South Africa can also be explained from a legitimacy perspective. Since the government was controlled by a white minority regime in both these countries, the identity of African third parties ensured a high degree of legitimacy in relation to the rebel groups. Indeed, the governments of both Rhodesia and South Africa denied the status of African peoples.²⁹² This explains why both countries could in no meaningful way be seen as members of the African society of states.²⁹³ What is more, the conflicts in Zimbabwe and South Africa were perceived as colonial struggles by most African leaders. Accordingly, resolving these conflicts was not seen as an African responsibility.

The high relative frequency of non-African mediation in Angola is best explained from a capacity point of view. With the waning of the Cold War by the late 1980s, the Soviet Union and the US were motivated to end the civil war in Angola as this would mean they could scale down their financial and military support to their clients in Angola.²⁹⁴ As a result of being

²⁹² Clapham, 51.

²⁹³ MacFarlane, "Africa's Decaying Security System and the Rise of Intervention," 129.

²⁹⁴ D. S. Papp, "The Angolan Civil War and Namibia: The Role of External Intervention," in *Making War and Waging Peace: Foreign Intervention in Africa*, ed. D.R. Smock (Washington, DC: United States Institute of Peace

dependent on financial and military support from the superpowers, the conflict parties in Angola were not in a position to refuse mediation by the US and the Soviet Union in 1991.²⁹⁵ This supports the argument put forward in the previous chapter that a high degree of third party capacity can in some instances be used to persuade conflict parties to accept mediation.

Similar dynamics explain the mediation efforts of the US in Ethiopia between 1991 and 1992. From the late 1980s onwards, the US tried to improve relations with Ethiopia because of Ethiopia's large population and economic potential, a strategic location bordering the Red Sea, and Ethiopia's role as host to the permanent headquarters of the OAU.²⁹⁶ The mediation efforts of former US President Jimmy Carter in the late 1989, as well US Assistant Secretary of State for African Affairs Herman Cohen's mediation efforts aimed at transferring power to a new Government after the fall of the Mengistu Haile Mariam regime in 1991, reflect Washington's policy to enhance US-Ethiopian ties.²⁹⁷ A major reason why the new regime accepted the US offer to mediate was that the Soviet Union had given notice to the new regime that military support would be terminated. This made the new regime desperate for external support, which the US could potentially offer.²⁹⁸

Finally, the high degree of non-African mediation in Djibouti can also be explained from a capacity-based mediation perspective. In 1977, France had signed a military and defence accord with Djibouti. This accord not only protected the regime in Djibouti, it also authorised

Press, 1993); H. J. Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent* (New York: St. Martin's Press, 2000), 87.

²⁹⁵ N. MacQueen, "Elusive Settlement: Angola's 'Peace Processes', 1975-2002," in *Ending Africa's Wars: Progressing to Peace*, ed. O. Furley and R. May (Ashgate, 2006); Papp; D. Rothchild and C. Hartzell, "Interstate and Intrastate Negotiations in Angola," in *Elusive Peace: Negotiating an End to Civil Wars*, ed. I. W. Zartman (Washington, DC: Brookings Institution, 1995).

²⁹⁶ Schraeder, "The Horn of Africa: US Foreign Policy in an Altered Cold War Environment," 578.

²⁹⁷ Ibid; P. Henze, "Ethiopia and Eritrea: The Defeat of the Derg and the Establishment of New Governments," in *Making War and Waging Peace: Foreign Intervention in Africa*, ed. D. R. Smock (Washington, DC: United States Institute of Peace Press, 1993).

²⁹⁸ Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent*, 24.

the protection of French interests, if necessary through military intervention.²⁹⁹ With several military bases in Djibouti, France had always maintained strong ties with Djibouti.³⁰⁰ This explains why Paris was highly motivated to mediate an end to the civil war in 1992, but also how it could move the Government of Djibouti towards compromise. In summary, several countries experienced relatively little African mediation because the African solutions norm did not pull one of the conflict parties towards accepting African mediation – as in the Western Sahara conflict and in the civil wars in which the government was controlled by a white minority. In addition, in other countries non-African mediation was the most prevalent type of mediation because non-African third parties with vast economic and military resources had strong interest to resolve the conflict and hence put a lot of pressure on the conflict parties to accept their mediation effort – as in the cases of Angola, Ethiopia, and Djibouti.

The Offer and Acceptability of Mediation

Going beyond the relatively frequency of the different types of mediation on a country level, this section examines what types of third parties are most likely to offer to mediate in civil wars in Africa, as well how likely it is that the offers of different types of third parties are accepted. I use a dataset compiled by Greig and Regan that takes civil war state third party dyad-year as the unit of analysis.³⁰¹ This ensures that all states are included as potential providers of mediation to a civil war in the dataset, making it possible to account for the offer to mediate in

²⁹⁹ B. Charbonneau, *France and the New Imperialism: Security Policy in Sub-Saharan Africa* (Aldershot: Ashgate Publishing, 2008), 60-61; R. Luckham, "Le Militarisme Français en Afrique," *Politique africaine*, no. 5 (1982).

³⁰⁰ International Institute for Strategic Studies, "Djibouti," *The Adelphi Papers* 32, no. 269 (1992): 58.

³⁰¹ Greig and Regan, "When Do They Say Yes? An Analysis of the Willingness to Offer and Accept Mediation in Civil Wars."

a conflict of multiple third parties during the same year. In addition, confining analyses of offers of mediation a priori to a subset of dyads would lead to selection bias.³⁰²

The Non-Offer of Mediation

The dataset compiled by Greig and Regan suggest that offers of mediation are usually accepted. Out of a total of 142 offers of mediation in civil wars in Africa between 1960 and 1999, 124 were accepted. This is slightly more than 87 percent. This suggest that the absence of mediation in many instances is the result of no offers of mediation. Yet, the lack of offers of mediation does not necessarily have to be a result of an unwillingness among potential third parties to mediate. On the contrary, potential third parties often anticipate the likelihood that their offers of mediation are accepted. As explained in the first chapter of this dissertation, sovereignty and non-intervention play an important role in the African state system. Since mediation is in large part based on the consent of conflict parties, the sovereignty norm can be used to ward off would-be mediators. For this reason, Maundi et al. describe civil wars in Africa as almost impervious to external involvement aimed at the peaceful resolution of these conflicts.³⁰³

Accordingly, when conflict parties in Africa make clear they do not wish any international involvement, mediation is usually not offered. For instance, when some African leaders and the United States tried to involve the OAU in the civil war in Burundi in 1965, the Burundi government insisted that its internal affairs were an internal affair and even obtained statements from the administrative secretary-general of the OAU and the Council of Ministers that supported this position.³⁰⁴ Throughout the civil war in Nigeria, Nigerian General Gowon had made it clear that even the discussion of the war in Nigeria at OAU level would be in

³⁰² Ibid. For a discussion how the dataset compiled by Greig and Regan has been modified for the purpose of this study, see the appendix of: Duursma, "International Mediation in Civil Wars in Africa Dataset: Version 1.0."

³⁰³ Maundi et al., 7.

³⁰⁴ Meyers, "Intraregional Conflict Management by the Organization of African Unity," 365.

violation with the principle non-interference.³⁰⁵ Receptive to General Gowon's appeal, the OAU Assembly of Heads of State and Government, at a meeting at Kinshasa in September 1967, adopted a resolution in which it recognised the situation in Nigeria as an "internal affair, the solution of which is primarily the responsibility of the Nigerians themselves."³⁰⁶ For similar reasons, it was only after 1989 that mediation took place in the civil war between the Government of Angola and UNITA that had started as early as 1975.³⁰⁷ In short, the sovereignty norm has often been used by governments to signal that they will reject any offer of mediation.

The Offer of Mediation

In spite of the importance of taking the non-offer of mediation into account, the result of the censored probit model on the offer and acceptance of mediation in Table 4.2 reveals some general patterns. The three main variables in Table 4.2 measure whether a potential third party is from Africa, is a former colonial master, and whether the potential third party is a major power.³⁰⁸ In the first part of the equation in Table 4.2, these three main variables of interest are used to examine how likely these types of third parties are to offer mediation, whereas the second part of the equation determines how likely these offers are to be accepted.

³⁰⁵ Červenka, 97-98; Stremlau, chapter IV.

³⁰⁶ Organisation of African Unity, *Resolution Adopted at The fourth Ordinary Session of The assembly of Heads of State and Government of the Organization of African Unity Meeting in Kinshasa, Congo, from 11 to 14 September 1967, AHG/RES. 51 (IV)*.

³⁰⁷ MacQueen.

³⁰⁸ Greig and Regan employ the Correlates of War project's definition of what constitutes a major power, which is available at: <http://www.correlatesofwar.org/COW2%20Data/SystemMembership/2008/System2008.html>.

Table 4.2: Censored Probit Estimates on the Acceptance of Mediation in Africa, 1960-2012

<i>Variable</i>	<i>Mediation Offer</i>	<i>Mediation Acceptance</i>
African	0.613*** (0.087)	1.217** (0.581)
Former Colonial Master	0.888*** (0.213)	-1.959** (0.914)
Major Power	0.884*** (0.133)	-0.182 (0.623)
Annual battle deaths		0.257* (0.132)
Duration		0.137 (0.141)
Duration Squared		-0.004 (0.005)
Ethnic Conflict		-0.096 (0.676)
Territorial Issue		-0.815* (0.450)
Reputation		8.102 (5.505)
Third party Trade Leverage		7.384 (4.622)
Third Party Trade Leverage dummy		0.646 (0.747)
Military Intervention		0.414 (0.585)
Economic Intervention		0.909 (0.632)
Number of Previous Mediations	0.212* (0.108)	0.740 (0.492)
Geographic Proximity	-0.082*** (0.014)	-0.071 (0.089)
Third Party Trade Interest	0.455 (1.029)	
Third Party Trade Interest Dummy	1.057*** (0.083)	
Defence Pact	-0.007 (0.138)	
Mediated Last Year	1.735*** (0.228)	
Other Third Party Mediation Last Year	0.541*** (0.073)	
Previous Military Intervention	0.170 (0.195)	
Previous Economic Intervention	-0.089 (0.289)	
Constant	-3.072*** (0.149)	-2.038 (2.220)
Rho	0.161 (0.466)	
Likelihood ratio chi-square	35.89***	
Observations	63275	
Uncensored Observations		142

Note: Robust standard errors are in parentheses. *significant at 10 percent; **significant at 5 percent; ***significant at 1 percent.

The use of the censored probit model allows for the correction of potential selection bias. Indeed, the observations in which an offer of mediation is recorded are a non-randomly selected sample from all the potential offers of mediation, which means not correcting for this non-randomly selected sample can lead to erroneous findings. In the first stage of the censored probit equation, I thus formulate a model for the probability of the offer of mediation. The second stage of the censored probit equation incorporates a transformation of the impact of the offer of mediation to correct for self-selection.³⁰⁹ The use of this selection model makes it possible to control for the possibility that third parties might be more willing to offer mediation when their offer is more likely to be accepted, thus controlling for the potential impact of the non-offer of mediation as discussed above. The insignificant rho parameter in the model suggests that it is unlikely that any type of third party examined in Table 4.2 offers mediation when it is more or less likely to be accepted.

Table 4.2 includes several control variables that might influence the offer of mediation and mediation acceptance, including the intensity of the conflict (though measured in annual battle-deaths rather than whether the conflict surpasses 1000 battle-deaths in a year), the duration of the conflict, whether the conflict involves an ethnic element, and whether the conflict is fought over a piece of territory.

In addition, several control variables are included that measure certain traits of the third party. The reputation of the third party is measured through the proportion of mediation efforts that led to an agreement. The third party trade interest is measured through taking the ratio of the third-party's total trade conducted with the civil war state, whereas the third party trade leverage is measured through taking the ratio of civil war state's total trade conducted with the

³⁰⁹ See: A. C. Cameron and P. K. Trivedi, "Sample Selection Models". In *Microeconometrics: Methods and Applications* (New York: Cambridge University Press, 546–553, 2005); L. Lee, "Self-selection," In B. Baltagi, *A Companion to Theoretical Econometrics* (Oxford: Blackwell, 2001).

third party.³¹⁰ Moreover, a dummy variable is measured coded as 1 for those civil war state third party dyad-years where the third party is an international organisation, simply because international organisations do not trade with states. Adding a dummy variable avoids dropping those cases containing an international organisation.³¹¹ The coefficient associated with this dummy variable is not directly interpreted. The proximity of the third party is measured through taking the logged distance between third party and civil war state. The model also controls for the impact for previous military or economic intervention by a given third party, as well as the existence of a defence pact between the third party and the civil war state, and whether the third party itself or another third party was accepted to mediate in the previous year.

It follows from Table 4.2 that African third parties are significantly more likely to offer mediation than non-African third-parties. In addition, distance has a significant and negative effect, meaning countries that are located near the civil war struck country are more likely to offer mediation. A major reason for why proximate countries are more likely to offer mediation are refugee flows and the risk of the conflict spreading to the neighbouring countries. For instance, Khadiagala notes that when Kenya offered to mediate the civil war in Uganda in 1985, Kenyan government officials were well aware that Ugandan instability “created refugees who consumed enormous resources, strained social services, and caused domestic instability through cross border raids and the spread of firearms.”³¹² One of the reasons for Burundi to offer to mediate the Rwandan Civil war was that Burundi had a similar ethnic mix as Rwanda. This made Burundian leaders afraid of the conflict spilling over to Burundi.³¹³ For similar

³¹⁰ This variable is coded on the basis of the Expanded Trade and GDP Dataset compiled by Kristian Skrede Gleditsch. The figures provided by Gleditsch provides reliable estimates for missing data, which is common with regard to GDP figures for African states. See: Gleditsch, "Expanded Trade and GDP Data."

³¹¹ This method of adding a dummy variable is also used by Greig and Regan. For another application, see: P. Collier, A. Hoeffler, and M. Söderbom, "On the Duration of Civil War," *Journal of Peace Research* 41, no. 3 (2004).

³¹² Khadiagala, 24.

³¹³ B. D. Jones, "Civil War, the Peace Process, and Genocide in Rwanda," in *Civil Wars in Africa: Roots and Resolution*, ed. T. M. A. Ali and R. O. Matthews (Montreal: McGill-Queen's University Press, 1999), 62; Khadiagala, 58.

reasons, Algeria has been mediating the different Tuareg rebellions in Mali on several occasions during the late 1990s and 2000s. The strong commitment of regional actors to the civil war in Liberia in the early 2000s was also, at least in some part, linked to the possible spill-over effects of this war. The conflict between the Government of Guinea and the RFDG was perceived as being closely tied to regional instability, since the RFDG received strong support from Liberia's President Charles Taylor.

Another factor often highlighted and found to explain the willingness of neighbouring countries to mediate is the disruption of trade as a result of civil wars.³¹⁴ For example, it has been noted that Kenya was highly motivated to mediate in Uganda's civil war in 1985 because Uganda was an important trading partner and a "vital transport corridor for Kenyan goods destined to markets in Rwanda, Burundi, Sudan, and beyond."³¹⁵ It follows from Table 4.2 that trade interests have indeed a positive impact on the likelihood of an offer of mediation, yet the effect is not statistically significant.

Whether the willingness to mediate of African countries is more related to strategic or normative reasons is impossible to determine on the basis of the data. However, while preventing large refugee flows and trade disruptions definitely motivate African countries to mediate, anecdotal evidence suggest that considerations related to the African solutions norm play a role as well. For example, the mediation efforts of Nigeria in Chad between 1977 and 1980 were framed by Nigerian leaders on the basis of conceptions of Nigeria's effort to promote reconciliation and unity based on Nigeria's own experience.³¹⁶ Tanzania's role in mediation in Burundi's civil war was also a result of more than just material interests associated with sharing a border. As expressed by a Ugandan observer, "Tanzania's connection to Burundi

³¹⁴ T. Böhmelt, "The Impact of Trade on International Mediation," *Journal of Conflict Resolution*, (2010).

³¹⁵ Khadiagala, 24.

³¹⁶ S. C. Nolutshungu, *Limits of Anarchy: Intervention and State Formation in Chad* (Charlottesville: University Press of Virginia, 1996), 125; A. Ogunsanwo, "Normative Foreign Policy: The Nigerian Case," *International Interactions* 8, no. 1-2 (1981).

transcends the geographical embrace. Nyerere, widely a respected African elder statesman, is the brain behind the Burundi initiative ... Tanzania is the spiritual head of Africa's post-independence struggle."³¹⁷

That the African solution norm plays a role in the decision-making process of potential African third parties is also reflected in the finding that the relationship between African third parties and the offer of mediation is significant in spite of the inclusion of geographic proximity in the model. Indeed, offers of African mediation by non-neighbouring countries take place frequently and often these offers of mediation are a result of a commitment to African solutions. For instance, an offer to mediate in the civil war in Nigeria in 1967 of President Kaunda of Zambia and President Nyerere of Tanzania was a result of their commitment to pan-Africanism; neither Zambia nor Tanzania had vital interests to protect in Nigeria.³¹⁸ Similarly, South Africa has never experienced as much of the negative consequences of the civil war in Darfur as the neighbouring countries, yet, it has played a very prominent role in mediating the Darfur conflict.³¹⁹ The African mediation efforts in Libya's civil war in 2011 were also a result of a commitment to African solutions and it was the non-neighbouring countries that took the lead in pushing for African mediation.³²⁰

In addition to a sense of moral obligation to resolve civil wars in other African countries, African leaders may offer mediation because of a desire to prevent non-African involvement. For instance, President Fulbert Youlou of the Congo pushed for African mediation in the first civil war in the Democratic Republic of Congo, as he was afraid that involvement by the UN could be used by the major powers to pursue their own interests.³²¹ Similarly, as early as July 1967, Tanzanian President Nyerere publicly declared that he was

³¹⁷ Khadiagala, 118.

³¹⁸ Stremmlau, 82.

³¹⁹ Nathan, "Interests, Ideas and Ideology: South Africa's Policy on Darfur."

³²⁰ De Waal, "African Roles in the Libyan Conflict of 2011."

³²¹ Spencer, "Africa at the UN: Some Observations," 385; Jonah, 4.

intent on “preventing the United Nations or the big powers from intervening in Nigeria.”³²² Similarly, Nigeria has been involved in mediation to prevent France from becoming involved in the civil war in Chad.³²³ Ibrahim Gambari, the Nigerian Foreign Minister between 1984 and 1985, reflected on the relations between France and Nigeria by stating that “Nigeria considered it necessary to weaken if not break the ties between France and her former colonies in West Africa.”³²⁴ When Mandela started his mediation efforts aimed at ending the civil war in Burundi, Ugandan President Museveni stated “The initiative on Burundi must succeed so that regional problems are solved by homemade solutions, failure of which will encourage outside intervention that would lead to the proliferation of conflict in the region.”³²⁵ African third parties thus often offer to mediate because of a commitment to African solutions.

In spite of African third parties generally being more likely to offer mediation than non-African third parties, two types of non-African third parties are also likely to offer mediation. In line with previous research, both former colonial masters and major powers are more likely to offer mediation than non-former colonial masters and non-major powers respectively.³²⁶ Former colonial masters usually have strong interests in their former colonies. Civil wars can threaten these interests, which explains why former colonial masters are likely to offer mediation.³²⁷

Like with the offer of African mediation, it is difficult to determine whether mediation offers by former colonial powers are motivated by strategic or normative considerations. Indeed, in addition to having close economic and cultural ties, a sense of pride and

³²² Stremlau, 84.

³²³ Nolutshungu, 119-120.

³²⁴ A. Adebajo, *Building Peace in West Africa: Liberia, Sierra Leone, and Guinea-Bissau* (Boulder: Lynne Rienner Publishers, 2002), 29.

³²⁵ Khadiagala, 167.

³²⁶ See: Greig and Diehl, 63-64; Greig and Regan, "When Do They Say Yes? An Analysis of the Willingness to Offer and Accept Mediation in Civil Wars; J. Bercovitch and G. Schneider, "Who Mediates? The Political Economy of International Conflict Management," *Journal of Peace Research* 37, no. 2 (2000).

³²⁷ Greig and Diehl, 63-64.

responsibility of former colonial masters may explain their inclination to offer mediation. For instance, Portugal was motivated to mediate in Angola to signal that it felt responsible for its colonial past, as it had received severe critique for the irresponsible way in which it had handled Angola's transition to independence.³²⁸ Similarly, the colonial history of Nigeria explains why the UK was one of the first third parties to offer to mediate when the civil war in Nigeria started in 1967.³²⁹ Clapham has noted with regard to France's involvement in Africa that French officials have been motivated by an element of national grandeur in maintaining good relations with former colonial states.³³⁰ Explaining Belgium's mediation efforts in Africa, Koen Vervaeke, the Belgian Special Envoy for the Great Lake Region, noted that "Strictly spoken, Belgium no longer has any vital interests to protect in Central Africa, even in the Democratic Republic of Congo, despite its potential riches. But Belgium is convinced that it has a moral responsibility to demonstrate solidarity with the region in Africa it knows best and where it still has numerous ties."³³¹

While non-material factors might motivate former colonial powers to offer mediation in Africa, anecdotal evidence suggests that the finding that major powers are more likely to offer mediation is arguably best explained through the strategic interest of this type of actors. The US often tried to become involved in mediation during the Cold War in order to prevent the Soviet Union and China from intervening and expanding their influence. For instance, the US used mediation in the former Rhodesia to improve its relationship with African nationalist leaders, who received external support from China.³³² Similarly, after the 1963 Soviet-Somali arms deal, the Soviet Union tried to improve its relationship with Ethiopia by offering to

³²⁸ A. Williams, "Negotiations and the End of the Angolan Civil War " in *Making War and Waging Peace: Foreign Intervention in Africa*, ed. D.R. Smock (United States Institute of Peace Press, 1993), 203.

³²⁹ Clapham, 81; Stremlau.

³³⁰ Clapham, 79.

³³¹ Greig and Diehl, 88.

³³² Stedman.

mediate between Ethiopia and the different rebel groups supported by Somalia.³³³ The major powers continued to have strategic interests after the end of the Cold War. For instance, one major reason for the US to become more involved in the peace process between the Government of Sudan and the SPLM/A was to improve relations with Sudanese officials. This paved the way for obtaining intelligence on many terrorist networks that had been operating in Sudan throughout the 1990s, including al-Qaida.³³⁴

The Acceptance of Mediation

One of the most striking findings that follows from Table 4.2 is that although both former colonial masters and major powers are relatively likely to offer mediation, the impact of these two types of third parties on the likelihood that an offer of mediation is accepted are negative. Yet, only the effect of a former colonial master is statistically significant.

It follows from Table 4.3 below that offers of mediation from former colonial masters are 95.3 percent more likely to be rejected than offers from a third party that has not colonised the country in which the civil war takes place. Offers by major powers are 15 percent more likely to be rejected than offers by non-major powers. The relative high probability of rejection of offers of mediation by former colonial masters is according to Greig and Regan a result of the historical memories of dominance which “undermine the willingness of parties in conflict to accept such an offer.”³³⁵ The rejection of Belgium’s offer to mediate between the adversaries in Rwanda’s civil war in October 1990 serves as an example of a former colonial master that was rejected.³³⁶

³³³ Touval, "The Superpowers as Mediators," 238-239.

³³⁴ R. Cockett, *Sudan: Darfur and the Failure of an African State* (New Haven: Yale University Press, 2010).

³³⁵ Greig and Regan, "When Do They Say Yes? An Analysis of the Willingness to Offer and Accept Mediation in Civil Wars," 778.

³³⁶ Maundi et al., 41; Bruce D. Jones, *Peacemaking in Rwanda: The Dynamics of Failure* (Boulder, CO ; London: Rienner, 2001).

Table 4.3: Predicted Probabilities on Acceptance of Mediation in Civil Wars in Africa, 1960-1999

<i>Type of Third Party</i>	<i>Probability</i>	<i>Change (%)</i>
Mean	47.7%	
African		
0 (minimum)	33.6%	
1 (maximum)	78.6%	134.0%
Former Colonial Master		
0 (minimum)	48.2%	
1 (maximum)	2.2%	-95.3%
Major Power		
0 (minimum)	47.9%	
1 (maximum)	40.7%	-15.0%

Note: Since CLARIFY does not support the censored probit model, the margins utility of STATA 13.1 is used to generate marginal effects on the relative changes in the predicted probability of mediation acceptance of each type of third party are calculated. The substantial effect of Major Power mediation on mediation acceptance is also reported, although this effect is statistically insignificant.

By contrast, the effect of African third parties on the likelihood that mediation is accepted is positive and statistically significant. Third parties offering to mediate are 134 percent more likely to be accepted when they are from Africa than when they are not. The African Solutions norm thus not only affects the supply of mediation, it also makes acceptance of African third parties more likely. A telling example in this regard is that in early August 1998, the Foreign Minister of Guinea-Bissau, Delfim da Silva, stated that the civil war in his country required a regional solution and ECOWAS had to play a key role in the conflict resolution process.³³⁷ Similarly, with the onset of the civil war in Libya 2011, the Deputy Foreign Minister Khalid Kaim said “We are an African country. Any initiative outside the AU framework will be rejected.”³³⁸ During the civil war in the Ivory Coast following a failed coup attempt in September 2002, President Bagbo described the mediation offers of non-African third parties as neo-colonialism, rejecting any role for the UN in the conflict.³³⁹ Similarly,

³³⁷ S. Massey, "Multi-Faceted Mediation in the Guinea-Bissau Civil War," *South African Journal of Military Studies* 32, no. 1 (2004).

³³⁸ BBC, 30 May 2011. "Libya: South Africa's Jacob Zuma in Peace Mission."

³³⁹ D. Sguaitamatti, "Côte D'ivoire, Ouagadougou Agreement," in *Unpacking the Mystery of Mediation in African Peace Processes*, ed. S. J. A. Mason (Center for Security Studies (CSS) & swisspeace Negotiation and Mediation Resources, 2008).

offers to mediate the post-2007 election crisis in Kenya by the World Bank, the Commonwealth, and several non-African medium powers were all rejected by President Kibaki, arguing that these actors had all previously criticised his administration for being corrupt.³⁴⁰

However, offers of mediation by African third parties are not always accepted either. One reason for this is that a strong commitment to sovereignty sometimes makes the rebel movements perceive African actors as biased. For instance, the Government of Nigeria and Biafra planned to engage in peace talks mediated by Emperor Haile Selassie of Ethiopia in December 1969, but when Selassie made it clear the talks would take place within the framework of the OAU, the Biafra delegation refused to attend the talks, accusing the OAU to be biased towards the central government because of the OAU's strong stance against Biafra's secession.³⁴¹ Similarly, President Julius Nyerere offered to mediate between the new Government of Uganda and the NRA in mid-August 1985, but his offer was turned down by the rebels, who claimed that he was too close to the government side in the conflict. More recently, during the civil war in Libya in 2011, the Libyan rebels viewed the AU as a tool of al-Gaddafi to help him stay in power rather than a potential honest broker of the crisis. The rebels subsequently rejected the AU roadmap for peace, refusing any plan which did not stipulate the departure of al-Gaddafi.³⁴² This indicates that a preference for the status quo and a commitment to sovereignty – or what Nathan describes as principled solidarity of African third parties with African governments – sometimes hinders African third parties when they are trying to initiate a mediation process.³⁴³

³⁴⁰ Juma, "African Mediation of the Kenyan Post-2007 Election Crisis."

³⁴¹ Červenka, 106-107; Smock and Gregorian, 8.

³⁴² Anyway Sithole, "The African Union Peace and Security Mechanism's Crawl from Design to Reality: Was the Libyan Crisis a Depiction of Severe Limitations?" *African Journal on Conflict Resolution* 12, no. 2 (2012), 111-134.

³⁴³ Nathan, "Interests, Ideas and Ideology: South Africa's Policy on Darfur," 57. See also: Jackson, "The Dangers of Regionalising International Conflict Management: The African Experience," 53.

In short, African mediation is not only more likely to be offered, but, crucially, is it also more likely to be accepted. Anecdotal evidence suggesting the legitimacy of African third parties explains this finding.

The Conclusion of Peace Agreements

Once conflict parties agree to mediation, a peace process commences that is aimed at concluding a negotiated settlement. In the 1960-2012 period, 127 peace agreements were concluded in civil wars in Africa. Out of these agreements, 17 were concluded without third party involvement. A further 49 were concluded with only African third parties involved in the dyad-year, only six with solely non-African third parties involved in the dyad-year, and 55 were concluded with a combination of African and non-African third parties involved in the dyad-year. Table 4.4 shows the results for the comparison between the effects of the different types of third parties on the likelihood of the conclusion of peace agreements.

All models included in Table 4.4 are statistically significant. Model 1 is the baseline model that measures the impact of third party capacity on mediation success. More specifically, Model 1 includes the economic and military capacity of third parties. The economic capacity is measured as the logged GDP of the country with the highest GDP that is involved in mediation in a conflict dyad-year.³⁴⁴ Similarly, the military capacity is measured as the CINC score of the country with the highest CINC score that is involved in mediation in a conflict dyad-year.³⁴⁵ Since third party capacity cannot be measured in those conflict dyad years in which no mediation takes place, these 604 conflict dyad-years are dropped in Model 1. In

³⁴⁴ I draw on Version 5 of the Expanded Trade and GDP Dataset compiled by Kristian Skrede Gleditsch, which is available at <http://privatewww.essex.ac.uk/~ksg/exptradegdp.html>, accessed on 12 August 2015. See: Gleditsch, "Expanded Trade and GDP Data."

³⁴⁵ Version 4 of the dataset containing the CINC score is available at <http://correlatesofwar.org/data-sets/national-material-capabilities>, accessed on 12 August 2015. See: Singer, "Reconstructing the Correlates of War Dataset on Material Capabilities of States, 1816-1985."

addition, a further 88 observations are dropped because solely international organisations were involved in these 88 mediation dyad-years. International organisations cannot be coded in terms of the GDP and the CINC score. Running the model on a population of 251 conflict dyad-years in which at least one state has mediated shows that neither the economic, nor the military capacity of third parties has a statistically significant impact on the likelihood that a peace agreement is concluded.

What is more, when the different types of mediation under study are added in Model 2, the statistically insignificant impact of economic and military capacity remains. The unit of analysis in Model 2 is mediation dyad-year and non-African mediation is the reference category. Both African and mixed mediation are statistically significant more likely to lead to mediation success than non-African mediation.

Model 3 shows the effect of African, non-African, and mixed mediation on the conclusion of peace agreements. The unit of analysis is the conflict dyad-year and conflict dyad-years with no mediation is the reference category. The three dummy variables measuring mediation are mutually exclusive. All three types of mediation have a positive impact, though the effect of non-African mediation is not statistically significant. Model 3 has also been estimated using a censored probit regression with mediation as the dependent variable of the selection equation, but the rho parameter of this model was statistically insignificant, which suggests there is no selection bias. The censored probit model is included in the appendix

Model 4 and model 5 examine whether the superior effectiveness of African and mixed mediation could be conditional on third party capacity. In order to assess whether or not an interactive relationship exists between third party capacity and the mediation types under study, Model 4 and 5 multiply the mediation types with the measurements of third party capacity.

Table 4.4: Logit Estimates on the Likelihood of Peace Agreements in Civil Wars in Africa

Variable	(1)	(2)	(3)	(4)	(5)
African Mediation		1.587** (0.726)	3.187*** (0.384)	8.385* (4.522)	2.180** (1.040)
Non-African Mediation		Reference Category	0.711 (0.551)	Reference Category	Reference Category
Mixed Mediation		1.832*** (0.572)	2.915*** (0.434)	5.913* (3.375)	1.740** (0.883)
Economic Capacity	0.033 (0.106)	0.037 (0.109)		Omitted	0.122 (0.131)
Military Capacity	-1.880 (3.914)	0.022 (4.320)		-3.738 (5.902)	Omitted
African Mediation X Economic Capacity				-0.119 (0.218)	
Non-African Mediation X Economic Capacity				0.410 (0.264)	
Mixed Mediation X Economic Capacity				0.126 (0.147)	
African Mediation X Military Capacity					-140.195 (104.458)
Non-African Mediation X Military Capacity					-3.318 (7.462)
Mixed Mediation X Military Capacity					-1.970 (5.287)
Territorial Issue	-1.521*** (0.516)	-1.377*** (0.499)	-1.078*** (0.389)	-1.532*** (0.531)	-1.507*** (0.524)
Intensity	-0.261 (0.317)	-0.191 (0.360)	-0.647** (0.296)	-0.265 (0.349)	-0.261 (0.362)
Duration	0.088 (0.101)	0.062 (0.102)	0.163 (0.117)	0.078 (0.100)	0.095 (0.099)
Duration Squared	-0.005 (0.004)	-0.003 (0.004)	-0.004 (0.006)	-0.004 (0.004)	-0.005 (0.004)
Rebel Strength	0.249 (0.218)	0.246 (0.224)	0.391** (0.199)	0.252 (0.211)	0.270 (0.207)
Secondary Support	-1.101** (0.435)	-1.076*** (0.416)	-0.898*** (0.256)	-1.067*** (0.410)	-1.011** (0.427)
Time Since Last Peace Agreement	-0.438 (0.337)	-0.447 (0.285)	0.208 (0.242)	-0.446 (0.278)	-0.440 (0.281)
Spline 1	0.005 (0.007)	0.005 (0.004)	0.005* (0.003)	0.004 (0.004)	0.004 (0.004)
Spline 2	0.000 (0.000)	0.000 (0.000)	0.036 (0.023)	0.000 (0.000)	0.000 (0.000)
Spline 3	-0.024 (0.024)	-0.023 (0.017)	-0.022* (0.012)	-0.023 (0.017)	-0.023 (0.017)
Constant	-0.151 (1.237)	-1.805 (1.402)	-3.599*** (0.546)	-6.919** (3.449)	-2.893* (1.683)
Pseudo-R ²	0.1512	0.1867	0.3684	0.1940	0.1955
Likelihood ratio chi- square	45.00***	43.74***	166.64***	53.44***	60.58***
Observations	251	251	938	251	251

Note: Robust standard errors, clustered on the conflict level, are in parentheses. The cubic splines are statistically insignificant when tested jointly in Model 1 ($\chi^2=0.1698$), Model 2 ($\chi^2=0.1715$), Model 3 ($\chi^2=0.2305$), Model 4 ($\chi^2=0.1578$), and Model 5 ($\chi^2=0.1767$). The cubic splines are statistically significant. *significant at 10 percent; **significant at 5 percent; ***significant at 1 percent.

Model 4 examines the impact of the African, non-African, and mixed mediation, while adding three variables that multiply these three types of mediation with the logged GDP of the country with the highest GDP that is involved in mediation in a conflict dyad-year. Model 5 does the same, only with the CINC score of the country with the highest CINC score that is involved in mediation in a conflict dyad-year. The unit of analysis in Model 4 and 5 is the mediation dyad-year. Hence, the economic and military capacity variables are automatically omitted when the multiplicative variables are added, because they measure the impact of third party capacity when the mediation variables have a value of 0, which is not possible when the unit of analysis is the mediation dyad-year. None of the interaction terms in Model 4 and 5 are statistically significant, which suggest that the impact of the mediation types under study are not conditional on third party capacity.

Finally, the consistent effect of the control variables included in the models is in line with previous findings from the literature. Mediation success is less likely in civil wars that are fought about a piece of territory.³⁴⁶ Conflict dyad-years in which the rebels are relatively strong put pressure on the governments, making the signing of a peace agreement more likely.³⁴⁷ By contrast, if one of the conflict parties receives secondary support, mediation success is less likely.³⁴⁸

Based on the logit estimates in Model 2 in Table 4.4, Table 4.5 below shows that all else equal, the probability of conflict parties concluding a peace agreement in a given conflict-dyad-year is 0.020. The probability of the conclusion of a peace agreement increases by 1355.29 percent when an African third-party is involved in mediation. For non-African

³⁴⁶ Walter, "Explaining the Intractability of Territorial Conflict; Toft.

³⁴⁷ Clayton, "Relative Rebel Strength and the Onset and Outcome of Civil War Mediation; J. M. Greig, "Rebels at the Gates: Civil War Battle Locations, Movement, and Openings for Diplomacy," *International Studies Quarterly*, (2014).

³⁴⁸ Salehyan, *Rebels without Borders: Transnational Insurgencies in World Politics*; Fearon, "Why Do Some Civil Wars Last So Much Longer Than Others?"

mediation this probability increases by 100.08 percent and for mixed mediation this is 1137.78 percent. Hence, African mediation and mixed mediation are much more likely to lead to the conclusion of a peace agreement than non-African mediation.

Table 4.5: Predicted Probabilities on the Conclusion of Peace Agreements in Civil Wars in Africa, 1960-2012

<i>Type of Third Party</i>	<i>Probability</i>	<i>Change (%)</i>
Mean	2.0%	
African Mediation		
0 (minimum)	1.4%	
1 (maximum)	20.2%	1355.29%
Non-African Mediation		
0 (minimum)	1.8	
1 (maximum)	3.7%	100.08%
Mixed Mediation		
0 (minimum)	1.4%	
1 (maximum)	16.8%	1137.78%

Note: The relative changes in the predicted probability are based on Model 3 in Table 4.3.

In spite of having a relative low degree of military and economic resources, African third parties are thus remarkable effective. The mediation efforts of President Daniel arap Moi in 1985 to resolve the civil war in Uganda show how a commitment to African solutions makes concluding a peace agreement more likely. Moi highlighted his commitment to African solution by describing his mediation efforts in terms of “of loving thy neighbour as you love yourself. If peace, love, and unity, were to be exported, Kenya would have to export them to Uganda.”³⁴⁹ Moi also emphasised that it was Kenya’s “duty as blood brothers to involve us in trying to find longstanding solutions.”³⁵⁰ This sense of duty to find a solution to conflict was not seen as mere rhetoric by the conflict parties. Yoweri Museveni, the Leader of the National Resistance Army which had been fighting the Government of Uganda since 1981, described the mediation effort of President Moi as his “duty as an African to help us seek a peaceful

³⁴⁹ Khadiagala, 25.

³⁵⁰ Ibid., 44.

settlement to the Ugandan problem. It is an honour for him to be at the vanguard of this peace process.”³⁵¹ In addition, Moi’s commitment to African unity made his appeals to resolve the conflict more acceptable. Commenting on his peacemaking efforts in Uganda, Moi was described by the *Standard* as “an astute pan-Africanist who deplores enmity and rancor among fellow Africans. His only holy war has been tirelessly directed at the evil of tribalism whatever form it may take in his own country and elsewhere.”³⁵² In line with this commitment to unity, Moi emphasised that “Kenya is not going to be destabilised by petty differences of factions belonging to Okello and Museveni. I am not interested in factions. I am only interested in unity in Uganda.”³⁵³ From a mediator less known for his commitment to African unity this remark might have interpreted as condescending by the conflict parties, but Moi’s reputation in this regard made his appeal to resolve the conflict more acceptable.³⁵⁴

The same holds true for the way Mandela approached the conflict parties during peace talks aimed at ending the civil war in Burundi. Severely criticising the conflict parties for failing to make peace, Mandela told them that “When people in the West hear about the daily killings and massacres they say ‘Africans are still barbarians – no human being could do what they are doing.’ The fact that women, children and the aged are being slaughtered every day is an indictment against all of you.”³⁵⁵

In short, African third parties are much more likely to conclude peace agreements than non-African third parties in spite of having limited economic and military resources. Anecdotal evidence suggest that the African solutions norm has frequently made the conflict parties comply with African third parties.

³⁵¹ Ibid., 40.

³⁵² The *Standard* quoted in: *ibid.*, 24. The *Standard* is a Kenyan Newspaper.

³⁵³ Ibid.

³⁵⁴ Khadiagala, 25.

³⁵⁵ BBC News, 16 January 2000 "Mandela Slams Burundi's 'Failed' Leaders."

Conclusion

In conclusion, conflict parties in civil wars in Africa, particularly incumbent governments, can rebuff international mediation efforts by emphasising their sovereignty. African third parties are not only more likely to offer to mediate civil wars in Africa, but the offers to mediate by African third parties are also more likely to be accepted. By contrast, offers to mediate by former colonial powers and major powers are more likely to be rejected, which is in line with the argument that conflict parties have normative reasons to not comply with non-African third parties. Anecdotal evidence suggests that conflict parties reject offers of mediation by former colonial powers because of a commitment to the anti-colonialism norm, while offers of mediation by major powers have been rejected as a result of the non-alignment norm and a general resistance against non-African involvement in African affairs. An alternative explanation of why conflict parties are more likely to agree to African mediation than to non-African mediation would be that the involvement of relatively weaker African third parties makes it possible for the conflict parties to participate in negotiations without the intention of signing an agreement, but rather to regroup on the battlefield and mobilise more support. Yet, this alternative explanation does not hold, since African third parties are also more likely to conclude peace agreements.

Indeed, adversaries in civil wars in Africa are also more likely to comply with African third parties once a mediation process has been initiated. In spite of having less resources to provide conflict parties with material incentives to make peace, African third parties are more likely to conclude a peace agreement than non-African third parties. This is in line with the argument that a commitment to the African solutions norm makes it possible for African third parties to pull the conflict parties towards signing a peace agreement.

The next chapter will examine the robustness of the finding that African third parties outperform non-African third parties.

V. A Closer Look at the Findings

While the findings in the previous chapter seem to support the argument that African third parties are more effective than non-African third parties in terms of reaching peace agreements, a closer look at the findings is required due to the possibility of endogeneity, the different levels of success of different types of mediation within the African and non-African category, the different ways in which mixed mediation is conducted, the impact of the mediation strategy, the effect of the end of the Cold War on African and non-African mediation efforts, and the impact of African and non-African mediation on the durability of peace agreements.

Testing for Endogeneity

A third party may choose only to mediate those armed conflicts which are the least difficult to resolve. If this is indeed the case, the results concerning the effectiveness of a type of third party that is more likely to mediate in the armed conflicts predisposed to mediation success would be due to contextual factors rather than the third party's effectiveness. Since it is impossible to know how well a third party would perform in armed conflicts that are *ex ante* more difficult to resolve, the factors that can both influence mediation incidence and mediation outcomes have been included in the previous analyses. However, third parties may choose to mediate certain conflicts based on contextual circumstances not controlled for in the previous analyses.³⁵⁶ If this is indeed the case, then the finding that African third parties are effective might still be a result of endogeneity, since the impact of these unobserved variables could bias the results. In order to control for the possibility that the different types of mediation are

³⁵⁶ Y. Iwanami, "The Selection and Signaling Effects of Third-Party Intervention," *Journal of Theoretical Politics* 26, no. 1 (2014); S. S. Gartner, "Signs of Trouble: Regional Organization Mediation and Civil War Agreement Durability," *The Journal of Politics* 73, no. 2 (2011).

correlated with unobservables relegated to the error term, I have conducted a two-stage least-squares regression in which an instrument is used for African and non-African mediation. This regression suggests that endogeneity is highly unlikely to bias the results.

Different Types of Mediation: Capacity and Legitimacy at Work

Since the results in the previous chapter could in principle be driven by a certain type of third parties within each group, there is a need to account for different types of third parties within each category.

Regional Hegemons: Pax Nigeriana and Pax South Africana?

Of all African states that have mediated in civil wars in Africa, Nigeria and South Africa have the highest degree of economic and military capacity. Several studies address how this greater capacity translates to successful peacemaking.³⁵⁷ However, it follows from Model 1 in Table 5.1a below that the positive and statistically significant impact of African mediation on the prospects for conflict resolution is not driven by mediation efforts by Nigeria and South Africa. When controlling for peacemaking efforts of regional hegemons, the effect of these mediation efforts is negative, though statistically insignificant. Moreover, the coefficient measuring African mediation is not really influenced by controlling for the involvement of regional hegemons. This suggests that the effectiveness of African mediation is mainly driven by African third parties that are not regional hegemons. A plausible reason for why the peacemaking efforts of regional hegemons are not a particularly effective type of African mediation is that the involvement of regional hegemons often prevents the third parties

³⁵⁷ For Nigeria, see: Adebajo. For South Africa, see: J. Cilliers, "The Evolving Security Architecture in (Southern) Africa," *Terrorism and Political Violence* 8, no. 4 (1996).

involved from developing a common approach out of fear for the dominance of the regional hegemon.³⁵⁸ The unilateral mediation efforts of Nigeria during the 1990s have been described as “area boy diplomacy” because of the pressure that was put on the conflict parties to make peace.³⁵⁹ This strategy created some resistance against the Nigerian mediation efforts, which even has been recognised by the Nigerian leadership. Reflecting on Nigeria’s peacemaking efforts, Sule Lamido, Nigeria’s Foreign Minister, stated on 8 August 1999 that “It is important that while you are playing the role of Big Brother, you have to recognize that the countries you are dealing with are sovereign nations. You have to know this and recognize that psychological feeling of independence.”³⁶⁰

Similarly, it has been observed that if South Africa wants to play an effective role in resolving armed conflicts in Africa, it needs to demonstrate self-restraint in the use of superior power in order to reassure weaker states that they will not be dominated.³⁶¹

Neighbouring Countries

Many case studies conclude that neighbouring countries negatively influence peacemaking processes. For example, based on the Inter-Congolese Dialogue, Rogier argues that neighbouring countries can hardly bring about a solution, since they are often the problem to begin with.³⁶² However, Model 2 in Table 5.1a shows that mediation by neighbouring countries does explain some part of the effectiveness of African mediation or mixed mediation efforts, though the impact of neighbouring countries far from drives the effectiveness of African mediation entirely.

³⁵⁸ Adebajo, 17.

³⁵⁹ Ibid., 140.

³⁶⁰ Ibid.

³⁶¹ M. Adelman, "Quiet Diplomacy: The Reasons Behind Mbeki's Zimbabwe Policy," *Africa Spectrum* 39, no. 2 (2004).

³⁶² E. Rogier, "Democratic Republic of Congo: Problems of the Peacekeeping Process," in *Peacekeeping in Africa*, ed. O. Furley and R. May (Aldershot: Ashgate, 1998), 100.

Table 5.1a: The Impact of Different Types of Third Parties on the Likelihood of Peace Agreements in Civil Wars in Africa, 1960-2012

<i>Variable</i>	<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
African Mediation	3.236*** (0.387)	2.590*** (0.450)	3.432*** (0.388)	3.099*** (0.372)
Non-African Mediation	0.699 (0.558)	0.751 (0.554)	0.345 (0.609)	0.710 (0.547)
Mixed Mediation	2.940*** (0.430)	2.407*** (0.460)	2.874*** (0.488)	2.774*** (0.436)
Regional Hegemon	-0.187 (0.290)			0.199 (0.521)
Neighbour		0.856** (0.370)		-1.056*** (0.386)
African Biased Mediation			-1.116*** (0.378)	-0.661** (0.300)
Non-African Biased Mediation			0.897** (0.454)	0.161 (0.114)
African Organisation				-0.004 (0.005)
Territorial Issue	-1.114*** (0.389)	-1.100*** (0.397)	-0.992*** (0.381)	0.376* (0.206)
Intensity	-0.627** (0.290)	-0.711*** (0.274)	-0.587** (0.278)	-0.880*** (0.253)
Duration	0.174 (0.115)	0.173 (0.129)	0.169 (0.119)	0.211 (0.249)
Duration Squared	-0.005 (0.005)	-0.005 (0.006)	-0.005 (0.006)	0.005* (0.003)
Rebel Strength	0.385** (0.192)	0.465** (0.201)	0.382** (0.192)	0.036 (0.023)
Secondary Support	-0.898*** (0.257)	-0.885*** (0.259)	-0.878*** (0.267)	-0.022* (0.012)
Time Since Last Peace Agreement	0.184 (0.238)	0.174 (0.246)	0.248 (0.255)	-3.599*** (0.546)
Spline 1	0.005* (0.003)	0.004 (0.003)	0.005* (0.003)	
Spline 2	0.035 (0.022)	0.033 (0.023)	0.038 (0.024)	
Spline 3	-0.021* (0.012)	-0.020 (0.012)	-0.023* (0.013)	
Constant	-3.598*** (0.541)	-3.640*** (0.561)	-3.702*** (0.556)	
Pseudo-R ²	0.3688	0.3787	0.3827	0.3690
Likelihood ratio chi-square	173.17***	131.80***	174.47***	221.36***
Observations	938	938	938	938

Note: Conflict-dyad-years with no mediation is the reference category. Robust standard errors, clustered on the conflict level, are in parentheses. The cubic splines are statistically insignificant when tested jointly in Model 1 ($\chi^2=0.2558$), Model 2 ($\chi^2=0.3739$), Model 3 ($\chi^2=0.2957$), and Model 4 ($\chi^2=0.2299$). *significant at 10 percent; **significant at 5 percent; ***significant at 1 percent.

The positive impact of mediation by neighbouring countries is in line with a study Gleditsch and Beardsley, which is one of the few quantitative studies that assesses the impact of neighbouring countries on the resolution of civil wars.³⁶³ A major reason for the effectiveness of neighbouring mediation is that restoring relations with countries in the region can be a powerful incentive for a government to make peace. For instance, when mediating between Polisario and Mauritania in the conflict over the Western Sahara, Algeria promised to improve its ties with Mauritania if the latter were to make peace with Polisario. Indeed, after Polisario and Mauritania signed a peace agreement in Algiers in 1979, relations between Mauritania and Algeria were restored.³⁶⁴

Biased Third Parties

Following Svensson, I operationalise biased third parties as third parties that are supporting or have previously supported one of the conflict parties.³⁶⁵ Model 3 in Table 5.1a shows that biased African countries have a negative and statistically significant effect on the likelihood that a peace agreement is concluded. In fact, it follows from Model 3 that had it not been for biased third parties, African third parties would have had an even stronger positive impact on mediation success. This finding is in line with previous studies that found that impartiality is only crucial for non-powerful third parties that do not rely on pressure.³⁶⁶ An example of a failed biased African mediation effort is the involvement of ECOWAS in the second civil war in Liberia from 1999 to 2003, which alternated between mediation, peace enforcement, and

³⁶³ K. S. Gleditsch and K. Beardsley, "Nosy Neighbors: Third-Party Actors in Central American Conflicts," *The Journal of Conflict Resolution* 48, no. 3 (2004).

³⁶⁴ Zoubir, "The Western Sahara Conflict: A Case Study in Failure of Prenegotiation and Prolongation of Conflict," 181.

³⁶⁵ See: Svensson, "Bargaining, Bias and Peace Brokers: How Rebels Commit to Peace; I. Svensson, "Who Brings Which Peace? Neutral Versus Biased Mediation and Institutional Peace Arrangements in Civil Wars," *Journal of Conflict Resolution* 53, no. 3 (2009); I. Svensson, *International Mediation Bias and Peacemaking: Taking Sides in Civil Wars* (New York: Routledge, 2014).

³⁶⁶ James D. D. Smith, "Mediator Impartiality: Banishing the Chimera," *Journal of Peace Research* 31, no. 4 (1994); Favretto, "Should Peacemakers Take Sides? Major Power Mediation, Coercion, and Bias."

peacekeeping. The involvement in peace enforcement efforts, which directly targeted Charles Taylor's forces, undermined ECOWAS' neutrality.³⁶⁷ According to Anthony Nyakyi, the former Special Representative of the UN Secretary-General to Liberia, this lack of neutrality was the main obstacle to peace, as it made Charles Taylor hesitant to become involved in peace talks led by ECOWAS.³⁶⁸

By contrast, biased non-African third parties have a positive and statistically significant effect on mediation success. A plausible explanation for this finding is that the material incentives that biased non-African third parties provide make it appealing to conflict parties to comply with these third parties in spite of their biases. For instance, the conflict parties in Angola's civil war were highly dependent on financial and military support from Russia and the US, which explains why the adversaries cooperated with superpowers in the search for a negotiated settlement.³⁶⁹ The same holds true for the mediation efforts by France in Djibouti's civil war in 1992. France had been providing military aid to the Government of Djibouti since 1977, which gave France leverage over the government side when mediating.³⁷⁰

The findings on biased African and non-African mediation are puzzling when considering Kydd's argument that biased mediation works on a logic of credible information provision.³⁷¹ There is no possible reason why biased African mediators cannot be credible information providers, while biased non-African third parties can be credible information providers. Moreover, the findings reflect the ambiguity in the quantitative literature on the effectiveness of biased mediation. Several studies have provided statistical support for the effectiveness of biased mediation.³⁷² Yet, other studies have found that unbiased mediators are

³⁶⁷ Nathan, "When Push Comes to Shove: The Failure of International Mediation in African Civil Wars," 4.

³⁶⁸ Ibid.

³⁶⁹ MacQueen; Papp; Rothchild and Hartzell.

³⁷⁰ Charbonneau, 60.

³⁷¹ See: Kydd, "Which Side Are You On? Bias, Credibility, and Mediation; Kydd, "When Can Mediators Build Trust?."

³⁷² P. M. Regan, "Third-Party Interventions and the Duration of Intrastate Conflicts," *The Journal of Conflict Resolution* 46, no. 1: 55-73 (2002); Maoz and Terris.

more likely to be successful.³⁷³ These mixed findings may reflect the impact of the type of third party. Indeed, the findings in model 3 in Table 5.1 support those studies in which it is postulated or found that the impact of mediator bias depends on the type of third party that mediates.³⁷⁴

The findings provide additional support for the argument that legitimacy is crucial for mediation success. That African biased third parties negatively influence the prospects for mediation success is in line with my argument that African third parties with partisan interests are ineffective, since partisan interests are likely to undermine the legitimacy of the mediator. If a third party is biased, the mediation effort is likely to be perceived by at least one of the conflict parties as unfair. This, in turn, makes this conflict party re-evaluate their belief about how complying with the mediator is the right thing to do. Finally, this also provides further support for the central argument in this dissertation that the comparative advantage of African third parties in legitimacy-based mediation sets in motion a mediation process that is different from the capacity-based mediation of non-African third parties. In order to be successful, third parties engaging in legitimacy-based mediation need to be unbiased, whereas third parties employing a capacity-based mediation strategy do not necessarily need to be unbiased.

African Organisations

When controlling for the involvement of African organisations in African mediation efforts, the effectiveness of African mediation does not change substantially. This suggests that the effectiveness of African mediation is not solely driven by the impact of African organisations. It should be noted that African organisations in some instances also have an indirect effect on

³⁷³ While Svensson finds that third parties biased towards rebel parties do not have a statistically significant impact on mediation, he finds that the positive substantial impact of unbiased median is greater than mediation by third parties biased towards the government side in civil wars. Svensson, "Bargaining, Bias and Peace Brokers: How Rebels Commit to Peace." See also: Rauchhaus.

³⁷⁴ See: Smith; Favretto, "Should Peacemakers Take Sides? Major Power Mediation, Coercion, and Bias."

the mediation success of African peacemaking efforts. African organisations do more than just mediate, they also mandate and coordinate peacemaking efforts conducted by states. For instance, at the start of the power sharing discussions during the Arusha talks aimed at resolving the civil war in Rwanda, a committee was set up composed of two members from the warring parties and one representative from Tanzania, but also a representative of the OAU. As noted by Khadiagala, the OAU's presence in this committee reinforced a "sense of a collective African responsibility in forging consensus and compromise"³⁷⁵

Former Colonial Masters

On the basis of several cases of conflict resolution in ethnic conflicts in Africa, Rothchild concludes that the prospects for successful conflict management are enhanced when a decolonising state is prepared to mediate between the adversaries.³⁷⁶ Yet, including a variable in Model 1 in Table 5.1b below that measures whether a former colonial power has been involved in mediation in any given conflict dyad-year shows that colonial powers do not have a statistical significant impact on mediation success, though the effect is positive.

Major Powers

Model 2 in Table 5.1b shows that major power mediation is the only type of non-African mediation that has a positive and statistically significant impact on the likelihood that a peace agreement is concluded. I understand a state to be a major power if they are defined as such in the Correlates of War project.³⁷⁷

³⁷⁵ Khadiagala, 75.

³⁷⁶ Rothchild, 250.

³⁷⁷ This means that the US, France, the UK, the Soviet Union, and China are listed as the major powers during the Cold War period. Russia replaces the Soviet Union and Germany and Japan are added to the list from 1991 onwards. See: <http://www.correlatesofwar.org/COW2%20Data/SystemMembership/2008/System2008.html>.

Table 5.1b: The Impact of Different Types of Third Parties on the Likelihood of Peace Agreements in Civil Wars in Africa, 1960-2012

<i>Variable</i>	<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
African Mediation	3.196*** (0.394)	3.191*** (0.386)	3.221*** (0.395)	3.185*** (0.382)
Non-African Mediation	0.319 (0.577)	0.254 (0.597)	1.215** (0.572)	0.714 (0.546)
Mixed Mediation	2.649*** (0.486)	2.559*** (0.470)	3.450*** (0.518)	2.930*** (0.405)
Former Colonial Master	0.994 (0.650)			
Major Power		1.060** (0.463)		
United Nations			-0.856* (0.488)	
Community of Sant'Egidio				-0.129 (0.775)
Territorial Issue	-1.183*** (0.388)	-1.184*** (0.381)	-1.183*** (0.382)	-1.087*** (0.390)
Intensity	-0.751*** (0.263)	-0.738*** (0.267)	-0.823** (0.328)	-0.649** (0.289)
Duration	0.196 (0.123)	0.197 (0.132)	0.166 (0.118)	0.168 (0.120)
Duration Squared	-0.006 (0.006)	-0.007 (0.006)	-0.004 (0.006)	-0.005 (0.006)
Rebel Strength	0.393* (0.205)	0.411** (0.208)	0.410** (0.196)	0.390** (0.195)
Secondary Support	-0.916*** (0.272)	-0.931*** (0.275)	-0.894*** (0.255)	-0.897*** (0.256)
Time Since Last Peace Agreement	0.203 (0.254)	0.199 (0.265)	0.267 (0.262)	0.203 (0.236)
Spline 1	0.005 (0.003)	0.004 (0.003)	0.005* (0.003)	0.005* (0.003)
Spline 2	0.035 (0.024)	0.035 (0.025)	0.039 (0.024)	0.036 (0.023)
Spline 3	-0.021* (0.013)	-0.021 (0.013)	-0.023* (0.012)	-0.022* (0.012)
Constant	-3.655*** (0.539)	-3.649*** (0.569)	-3.667*** (0.567)	-3.603*** (0.556)
Pseudo-R ²	0.3759	0.3778	0.3751	0.3685
Likelihood ratio chi-square	175.51***	175.37***	160.87***	182.55***
Observations	938	938	938	938

Note: Conflict-dyad-years with no mediation is the reference category, except in Model 3 where the unit of analysis is mediation dyad-year and in which non-African mediation is the reference category. Robust standard errors, clustered on the conflict level, are in parentheses. The cubic splines are statistically insignificant when tested jointly in Model 1 ($\chi^2=0.2822$), Model 2 ($\chi^2=0.3311$), Model 4 ($\chi^2=0.2556$), and Model 5 ($\chi^2=0.2154$). The cubic splines are statistically significant in Model 3 ($\chi^2=0.0963$). *significant at 10 percent; **significant at 5 percent; ***significant at 1 percent.

When explaining the effectiveness of these states, particularly of the US and the Soviet Union, observers usually point to their high degree of third party capacity. For example, Touval primarily refers to the “vast military and economic resources” of the superpowers.³⁷⁸ According to Rothchild, successful conflict resolution becomes more likely when great powers press the disputants to reach a compromise.³⁷⁹

The mediation efforts of the Soviet Union and the US in the civil war between the Government of Angola and UNITA illustrate how the economic and military power of superpowers can lead to the conclusion of peace agreements. The MPLA government had paid for the Soviet Union’s military support by oil and diamonds revenues, but Angola still had a total external debt of close to \$9 billion by 1991, of which 65 percent owed to the Soviet Union.³⁸⁰ This gave the Soviet Union leverage over the MPLA government. The UNITA leadership was also provided with material incentives to comply with the mediator, particularly through the involvement of the US, which was the main provider of military support to UNITA.³⁸¹ Commenting on the conclusion of the Bicesse Accords, UNITA leader Savimbi expressed that without the Americans and the Soviets the mediation process would not have gotten anywhere.³⁸²

The United Nations

It follows from Table 5.1b that mediation by the UN has a negative and statistically significant effect. The ineffectiveness of the UN when it comes to mediation has been highlighted before.

³⁷⁸ Touval, "The Superpowers as Mediators," 232.

³⁷⁹ Rothchild, 250.

³⁸⁰ C. Pycroft, "Angola: 'the Forgotten Tragedy'," *Journal of Southern African Studies* 20, no. 2 (1994): 248.

³⁸¹ In 1976, the US Congress adopted the so-called Clark Amendment, which was an amendment to the US Arms Export Control Act of 1976. The amendment made the provision of secondary support to non-state groups in Angola illegal. Yet, in July 1985, the US Congress repealed the Clark Amendment, allowing the US to officially resume its support to UNITA. See: Papp.

³⁸² D. Rothchild and C. Hartzell, "Great- and Medium-Power Mediations: Angola," *Annals of the American Academy of Political and Social Science* 518, (1991): 56.

For instance, Touval has argued that the UN lacks the economic and military resources to successfully mediate.³⁸³ However, the UN commands greater resources than any organisation in Africa.³⁸⁴ Moreover, there are few states or organisations that have a greater capacity to deploy a peacekeeping force than the UN. Accordingly, the ineffectiveness of the UN is best explained through its lack of legitimacy as a result of the African solutions norm, as well as its relatively lack of financial and military resources compared to the major powers. Moreover, perceptions among conflict parties that superpowers dominate the UN Security Council sometimes makes the conflict parties suspicious about UN involvement.³⁸⁵

The Community of Sant'Egidio

Among the non-African third parties that have mediated most frequently in civil wars in Africa, the Community of Sant'Egidio is an exception in terms of its limited financial resources and total lack of military resources. Neither does the Community of Sant'Egidio provide any material incentives when involved in peacemaking. Indeed, Greig and Diehl refer to the mediation efforts of the community of Sant'Egidio as a typical example of non-manipulative mediation.³⁸⁶ The impact of mediation by the Community of Sant'Egidio in a given dyad-year on the likelihood that a peace agreement is concluded is statistically insignificant and not substantial. This is somewhat surprising, as several case studies conclude that the Community of Sant'Egidio is highly effective.³⁸⁷ The statistical evidence shows that the reputation of the community of Sant'Egidio is mainly based on its involvement in Mozambique, while ignoring the less successful efforts in Burundi, Ivory Coast, Senegal, and Uganda.

³⁸³ For example, see: S. Touval, "Why the U.N. Fails: It Cannot Mediate," *Foreign Affairs* 73, no. 5 (1994).

³⁸⁴ Layachi, 35.

³⁸⁵ For instance, see: D. Lanz, "Sudan/Darfur, Abuja Negotiations and the DPA," in *Unpacking the Mystery of Mediation in African Peace Processes*, ed. S. J. A. Mason (Center for Security Studies (CSS) & Swisspeace Negotiation and Mediation Resources, 2008), 80.

³⁸⁶ Greig and Diehl, 7.

³⁸⁷ Sengulane and Gonçalves; Venancio.

Partnering to Make Peace: The Effectiveness of Mixed Mediation Efforts

Mixed mediation was found to significantly increase the prospect for conflict resolution in the previous chapter. However, previous research has found that mixed peacemaking efforts can be frustrated if there is a lack of coordination.³⁸⁸ Table 5.2 below therefore further explores the positive impact of mixed mediation by comparing coordinated and uncoordinated efforts.³⁸⁹

The uncoordinated mixed mediation category includes both competing efforts undertaken simultaneously and uncoordinated separate mediation efforts that are conducted sequentially over time in the same conflict dyad-year. Table 5.2 further distinguishes between coordinated mixed mediation led by an African third party and those that are led by a non-African third party. Although several third parties can be involved in a mediation process, there is usually one third party that takes the lead. Often this is the country or organisation to which the chief mediator belongs. I also consider those coordinated mixed mediation efforts which were conducted jointly. The mediation in Darfur conducted by Special Envoy Jan Eliasson and his AU counterpart Salim Ahmed Salim in 2007 and 2008 serves as an example of a joint mediation effort.

It follows from Table 5.2 that uncoordinated mediation has a negative, though statistically insignificant, impact on mediation on mediation success. The lack of coordination between Portugal, France, and ECOWAS in their peacemaking efforts in the civil war in Guinea-Bissau between 1998 and 1999 illustrate how competing interests can undermine the

³⁸⁸ C. A. Crocker, F. O. Hampson, and P. Aall, "A Crowded Stage: Liabilities and Benefits of Multiparty Mediation," *International Studies Perspectives* 2, no. 1 (2001); C. A. Crocker, F. O. Hampson, and P. R. Aall, "Two's Company but Is Three a Crowd? Hypotheses About Multiparty Mediation," in *Studies in International Mediation: Essays in Honour of Jeffrey Z. Rubin*, ed. Jacob Bercovitch and Jeffrey Z. Rubin (Basingstoke: Palgrave Macmillan, 2002); L. Kriesberg, "Coordinating Intermediary Peace Efforts," *Negotiation Journal* 12, no. 4 (1996).

³⁸⁹ Coordination is understood as communication between the different third parties aimed at working together to make peace.

potential effectiveness of mixed mediation.³⁹⁰ By contrast, all three types of coordinated mediation have a positive and significant effect.

Table 5.2: Logit Estimates on the Likelihood of Peace Agreements in Civil Wars in Africa and the Impact of the Way Mixed Mediation is Conducted, 1960-2012

<i>Variable</i>	<i>Peace Agreement</i>
African Mediation	3.008*** (0.391)
Non-African Mediation	0.518 (0.544)
African Coordinated Mixed Mediation	3.333*** (0.496)
Joint Coordinated Mixed Mediation	2.497*** (0.773)
Non-African Coordinated Mixed Mediation	2.290*** (0.649)
Non-Coordinated Mixed Mediation	-1.605 (1.780)
Territorial Issue	-1.131*** (0.389)
Intensity	-0.332 (0.295)
Duration	0.231* (0.128)
Duration Squared	-0.008 (0.006)
Rebel Strength	0.475** (0.198)
Secondary Support	-0.752*** (0.258)
Time Since Last Peace Agreement	0.197 (0.254)
Spline 1	0.006** (0.003)
Spline 2	0.039 (0.025)
Spline 3	-0.026* (0.014)
Constant	-3.844*** (0.550)
Pseudo-R ²	0.3866
Likelihood ratio chi-square	246.07***
Observations	938

Note: Conflict-dyad-years with no mediation is the reference category. Robust standard errors, clustered on the conflict level, are in parentheses. The cubic splines are statistically insignificant when tested jointly ($\chi^2=0.1958$). *significant at 10 percent; **significant at 5 percent; ***significant at 1 percent.

³⁹⁰ Massey, "Multi-Faceted Mediation in the Guinea-Bissau Civil War."

While all three types of coordinated mixed mediation have a positive and statistically significant effect, Table 5.3 below shows that coordinated mixed mediation that is led by an African third party is by far the most effective, making the conclusion of a peace agreement 1764 percent more likely than when no African mediation takes place. That African-led mixed mediation is the most effective type of mediation resonates with the peace and security policies developed as part of the formation of the AU in 2001. The Peace and Security Council of the AU is mandated to “develop policies and action required to ensure that any external initiative in the field of peace and security on the continent takes place within the framework of the Union’s objectives and priorities.”³⁹¹

Table 5.3: Predicted Probabilities on the Conclusion of Peace Agreements and the Impact of Mixed Mediation in Civil Wars in Africa, 1960-2012

<i>Type of Mediation</i>	<i>Probability</i>	<i>Change (%)</i>
African Mediation		
0 (minimum)	1.1%	
1 (maximum)	14.8%	1305.61%
Non-African Mediation		
0 (minimum)	1.4%	
1 (maximum)	2.6%	83.94%
African Coordinated Mixed Mediation		
0 (minimum)	1.1%	
1 (maximum)	21.0%	1766.03%
Joint Coordinated Mixed Mediation		
0 (minimum)	1.4%	
1 (maximum)	12.2%	752.49%
Non-African Coordinated Mixed Mediation		
0 (minimum)	1.4%	
1 (maximum)	11.8%	737.55%
Non-Coordinated Mixed Mediation		
0 (minimum)	1.5%	
1 (maximum)	1.1%	-28.13%

Note: The relative changes in the predicted probabilities are based on Table 5.2.

³⁹¹ "Protocol Relating to the Establishment of the Peace and Security Council of the African Union " (9 July 2002).

The Impact of Previous Mediation Efforts

The previous analysis has examined whether the effectiveness of African third parties and the ineffectiveness of non-African third parties are driven by specific types of third parties within each category. Another alternative explanation that needs to be accounted for is that the previous mediation efforts of African and non-African third parties impact the effectiveness of subsequent peacemaking efforts. In Table 5.4 below, I consider three ways in which previous mediation efforts may matter through examining the experience of a third party, the connection the third party has with the country in which it mediates, and the reputation for mediation success of the third party.

Experience is measured as the number of conflict years in which a third party has mediated prior to the current mediation dyad-year, regardless in which countries these mediation efforts have taken place. The connection is measured through solely taking the number of years in which the third party has mediated in the country it mediates prior to the current mediation dyad-year. In other words, the connection measures a third party's experience in a specific country. A third party's reputation is measured through coding the number of peace agreements the third party has concluded prior to the current mediation dyad-year. The unit of analysis in Table 5.4 is the mediation dyad-year. The reason for restricting the observations to only mediation-dyad years is that the variables of interest in Table 5.4 cannot be coded for conflict dyad-years which did not experience any mediation.

It follows from Table 5.4 that neither a third party's experience in mediation, its connection with the civil war country, nor its reputation have a statistically significant impact

on mediation success.³⁹² Moreover, controlling for previous mediation efforts does not change the basic finding that African and mixed mediation outperform non-African mediation.

Table 5.4: The Impact of Previous Mediation Efforts

<i>Variable</i>	<i>Peace Agreement</i>
African Mediation	2.061*** (0.628)
Non-African Mediation	Reference Category
Mixed Mediation	2.094*** (0.565)
Third Party Experience	-0.014 (0.019)
Third Party Connection	0.050 (0.085)
Third Party Reputation	0.039 (0.076)
Territorial Issue	-0.946** (0.458)
Intensity	-0.509 (0.374)
Duration	0.119 (0.098)
Duration Squared	-0.004 (0.005)
Rebel Strength	0.431** (0.205)
Secondary Support	-0.680** (0.320)
Time Since Last Peace Agreement	-0.288 (0.424)
Spline 1	0.008 (0.006)
Spline 2	0.023 (0.081)
Spline 3	-0.025 (0.028)
Constant	-2.540*** (0.833)
Pseudo-R ²	0.2047
Likelihood ratio chi-square	67.42***
Observations	938

Note: Robust standard errors, clustered on the conflict level, are in parentheses. The cubic splines are statistically insignificant when tested jointly ($\chi^2=0.1930$). *significant at 10 percent; **significant at 5 percent; ***significant at 1 percent.

³⁹² Third Party Reputation has also been measured as the number of peace agreements concluded by a given third party as a percentage of the number of conflict dyad-years in which this third party has been involved, but this variable does not have a statistically significant effect either.

The Role of Individual Characteristics of the Chief Mediator

African mediation has been operationalised in the previous analyses on the basis of the mandating agency. However, it might be the case that the African identity of the chief mediator rather than the organisational identity of the mandating agency explains mediation success. Accordingly, Model 1 in Table 5.5 below replicates the previous analyses on the likelihood that a peace agreement is concluded, with the only difference that it distinguishes between non-African mediation conducted by an African or a non-African chief mediator.

Out of the 93 conflict dyad-years in which solely non-African third parties were involved, 22 were led by a chief mediator from an African country. The chief mediators in all of these 22 conflict dyad-years were mandated by the UN. If it is the personal identity of a chief mediator that really matters, rather than the organisational identity, then one would expect the non-African mediation efforts conducted by an African chief mediator to be effective. Yet, it follows from Table 5.5 that this is not the case. In fact, the effect of the variable measuring non-African mediation efforts without an African chief mediator is positive and statistically significant at the 10 percent level, whereas the effect of non-African mediation efforts led by an African chief mediator is negative, though not statistically significant. In other words, the personal African identity of African chief mediators leading UN mediation efforts does not improve the prospect for conflict resolution. This provides support for the argument that it is predominantly the organisational identity that makes African mediation efforts more effective.

Moving on from examining non-African mediators led by African chief mediators in Model 1, Model 2 and 3 show the impact of African prominent persons and the influence of culture.

Table 5.5: The Impact of Chief Mediators on the Effectiveness of Mediation

<i>Variable</i>	<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
African Mediation	3.202*** (0.393)	3.162*** (0.442)	3.230*** (0.369)
Non-African Mediation		0.701 (0.547)	0.711 (0.550)
Non-African Mediation with an African Chief Mediator	-0.604 (0.519)		
Non-African Mediation without an African Chief Mediator	1.242** (0.536)		
Mixed Mediation	2.912*** (0.438)	2.886*** (0.454)	2.946*** (0.438)
Prominent Person as Chief Mediator		0.136 (0.654)	
Shared Culture			-0.504 (0.421)
Territorial Issue	-1.132*** (0.395)	-1.067*** (0.394)	-1.097*** (0.387)
Intensity	-0.692** (0.305)	-0.646** (0.292)	-0.634** (0.292)
Duration	0.162 (0.120)	0.164 (0.118)	0.161 (0.121)
Duration Squared	-0.004 (0.006)	-0.004 (0.006)	-0.004 (0.006)
Rebel Strength	0.410** (0.198)	0.400** (0.201)	0.407** (0.204)
Secondary Support	-0.913*** (0.257)	-0.909*** (0.241)	-0.882*** (0.254)
Time Since Last Peace Agreement	0.236 (0.253)	0.202 (0.250)	0.213 (0.237)
Spline 1	0.005* (0.003)	0.005* (0.003)	0.005* (0.003)
Spline 2	0.038* (0.023)	0.036 (0.023)	0.037 (0.022)
Spline 3	-0.023* (0.012)	-0.022* (0.012)	-0.023* (0.012)
Constant	-3.633*** (0.561)	-3.603*** (0.542)	-3.627*** (0.558)
Pseudo-R ²	0.3727	0.3686	0.3696
Likelihood ratio chi-square	191.20	187.63	220.31
Observations	938	938	938

Note: Conflict-dyad-years with no mediation is the reference category. Robust standard errors, clustered on the conflict level, are in parentheses. The cubic splines are statistically insignificant when tested jointly in Model 1 ($\chi^2=0.2207$), Model 2 ($\chi^2=0.1980$), and Model 3 ($\chi^2=0.2112$). *significant at 10 percent; **significant at 5 percent; ***significant at 1 percent.

The mediation is coded as conducted by a prominent personality when one of the following five persons led the mediation effort that are known for their pan-African ideas and commitment to international peacemaking: Haile Selassie, Omar Bongo, Muammar al-Gaddafi, Julius Nyerere, and Nelson Mandela.³⁹³ Mediation led by a prominent person has a positive and statistically significant impact on mediation success, but the impact is not substantial. Moreover, controlling for the influence of a prominent person does not substantially alter the impact of African, non-African, or mixed mediation.

In addition to being a prominent person, a chief mediator might be more effective when he or she shares a similar culture with one or both of the conflict parties.³⁹⁴ Culture is inherently difficult to define, let alone measure in a statistical analysis, but an approximation is put forward by Inman et al., who operationalise culture by measuring religion, ethnicity, and language.³⁹⁵ As follows from Table 5.6 below, a chief mediator that shares a similar ethnicity, religion, and language with at least one of the conflict parties is relatively rare.

Table 5.6: The Shared Culture of Chief Mediators in Civil Wars in Africa, 1960-2012

	African Mediation	Non-African Mediation	Mixed Mediation
Shared Culture	10 (8.9%)	3 (3.2%)	10 (7.8%)
Shared Religion	91 (81.3%)	27 (29.0%)	101 (78.3%)
Shared Ethnicity	12 (10.7%)	6 (6.5%)	20 (15.5%)
Shared Language	57 (50.9%)	29 (31.2%)	59 (45.7%)

Note: The figures in this table show the number of conflict dyad-years in which each type of mediation was conducted by a chief mediator that shares the same culture as at least one of the conflict parties.

³⁹³ I thank some participants at the 13th Jan Tinbergen European Peace Science Conference in Milan in June 2013 for the suggestion to study the effect of prominent personalities as chief mediators. These participants named these personalities, which is why I have chosen to examine the impact of these specific personalities. It is acknowledged that the list is not necessarily all-inclusive, but the list can be used as an indicative test to examine the impact of prominent personalities.

³⁹⁴ For a relatively rare example of a study in which this point is made, see: Wehr and Lederach, "Mediating Conflict in Central America."

³⁹⁵ M. Inman et al., "Cultural Influences on Mediation in International Crises," *Journal of Conflict Resolution*, (2013).

Only 8.9 percent of all African mediation efforts were conducted by a chief mediator that shared a similar culture with at least one of the conflict parties. This figure is 7.8 percent for mixed mediation and 3.2 percent for non-African mediation. Hence, African mediation is indeed more likely to be conducted by a chief mediator that shares a similar culture with at least one of the conflict parties. An example of a chief mediator with a similar culture to one of the conflict parties was Chadian President Idriss Deby, when he mediated between the Government of Sudan and the Darfurian rebels in 2003 and 2004. In addition to being a Muslim and speaking Arabic, Deby shared his Zaghawa ethnicity with some of the Darfurian rebels. Model 3 in Table 5.5 above shows that the effectiveness of African and mixed mediation remain when controlling for the impact of a chief mediator that shares a similar culture with one of the conflict parties. The statistically insignificant impact of the shared culture variable contradicts some of the assertions that have been made in the qualitative literature on the positive impact of a similar culture of the mediator and one or both of the adversaries.³⁹⁶

There are indeed many examples of mediation efforts in civil wars in Africa where culture did not seem to play any role. For instance, Ethiopian Emperor Haile Selassie mediated between the Government of Sudan and the Southern based rebel movement Anyanya in 1972. Selassie shared his Christian faith with most of the Anyanya fighters, though he belonged to the Ethiopian Orthodox Tewahedo. Yet, Selassie's native language was Amharic and he did not share the same ethnicity with the conflict parties either. In spite of the cultural difference, Selassie successfully mediated the Addis Ababa Agreement in 1972. What Selassie did have in common with the conflict parties, however, was a strong commitment to pan-Africanism. Similarly, Tanzanian President Ali Hassan Mwinyi, who mediated in Rwanda's civil war, was

³⁹⁶ For instance, see: Carnevale and Choi, "Culture in the Mediation of International Disputes."

not of Hutu or Tutsi descent, did not speak French, and was a Muslim. While Mwinzi thus did not share a similar culture with the conflict parties in Rwanda's civil war, his peacemaking efforts led to the conclusion of the Arusha Accords in 1993. A telling non-African example is that US Secretary of State Henry Kissinger not sharing a similar culture with the conflict parties did not negatively affect his mediation effort between the Government of South Africa and SWAPO in 1976. It was the fact that Kissinger represented a super power with formidable resources that made him successful in initiating a diplomatic process which would later end the civil war.

Strategising Peace: Disproportionate Allocation of Resources or “The African Way”?

An alternative explanation for why African third parties are more effective than non-African third parties is that they are more willing to invest material resources to make peace in spite of their lower degree of third party capacity than non-African third parties. If this explanation is correct, then it is not African third parties' higher degree of legitimacy that explains their effectiveness, but the disproportionate allocation of resources through the material manipulation of the bargaining environment. By contrast, if it is really legitimacy that explains the success of African third parties, then one would expect African third parties to be effective, regardless of the material incentives provided to the conflict parties to make peace. This touches upon the essence of testing an ideational theory. Jacobs points out that ideational theories have two properties. First, in ideational theories, the decisions of actors need to be influenced by the content of a particular cognitive structure. Second, and crucially, the cognitive structure is not wholly endogenous to objective, material features of the choice

situation being explained.³⁹⁷ Studies drawing on social constructivism usually downplay material power as part of their explanations through focusing on successful cases of norms spreading.³⁹⁸ Yet, in order to establish how much ideas matter, one also needs to know how much material factors matter. As Brooks and Wohlforth put it, “the basic causal mechanisms by which ideas shape choice hinges on some estimate of the uncertainty facing decision makers given material incentives.”³⁹⁹ This section will therefore examine how much the norm of African solutions matters through examining the material incentives third parties provide.

Material Manipulation

Following the capacity-based mediation perspective outlined in the previous chapter, I examine five different types of material incentives that third parties can provide: the imposition of sanctions, the use of force simultaneously to the mediation efforts, the threat to use sanctions or force, the provision or promise of side-payments, and the assurance of non-defection.⁴⁰⁰ If at least one of these material incentives is provided in a mediation effort, I consider the third party to engage in material manipulation. Figure 5.1 shows the number of conflict dyad-years in which African and non-African third parties have used a manipulative mediation strategy based on providing material incentives as a percentage of the total number of conflict dyad-years in which they have been involved in mediation.

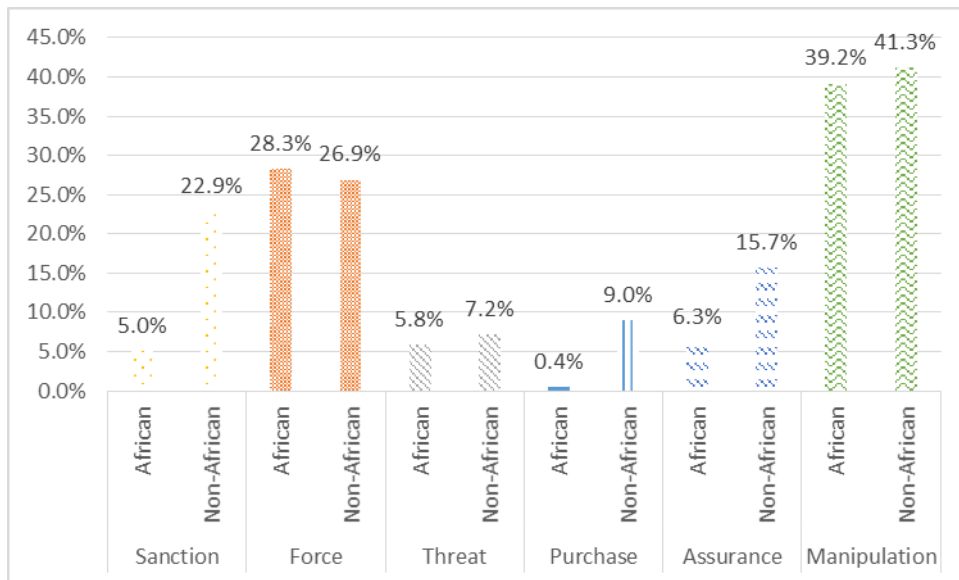
³⁹⁷ See: J. M. Jacobs, "Process Tracing the Effects of Ideas " in *Process Tracing: From Metaphor to Analytic Tool*, ed. A. Bennett and J. T. Checkel (Cambridge University Press, 2014).

³⁹⁸ For an overview of social constructivist studies that downplay material factors, see: M. Finnemore and K. Sikkink, "Taking Stock: The Constructivist Research Program in International Relations and Comparative Politics," *Annual Review of Political Science* 4 (2001): 398.

³⁹⁹ S. G. Brooks and W. C. Wohlforth, "Power, Globalization, and the End of the Cold War: Reevaluating a Landmark Case for Ideas," *International Security* 25, no. 3 (2000): 11.

⁴⁰⁰ For definitions of these different material manipulations strategies, see the section on the capacity-based mediation perspective in the chapter 3. For the operationalisations of these variables, see: Duursma.

Figure 5.1: The Use of Material Manipulation in African Civil Wars, 1960-2012



It follows from Figure 5.1 that non-African third parties have far more often imposed sanctions, provided side payments, and guaranteed compliance than African third parties. In addition, non-African third parties have relatively more often threatened to impose sanctions or use force when they mediated than African third parties, but this difference is less substantial. The only exception is the use of force, which African third parties have used relatively more often, but this difference is not substantial either. Based on these figures it is thus difficult to maintain that African third parties have been more effective than non-African third parties because African third parties provide more material incentives. However, since around 39 percent of the African mediation efforts involved the use of at least one type of material manipulation, the actions of African third parties do not reflect a strong preference for non-manipulative mediations strategies either. This thus contradicts to some extent the view that African third parties have a strong preference for constructive engagement.⁴⁰¹

⁴⁰¹ For examples of such a view, see: Sesay et al., 56; Adelman, "Quiet Diplomacy: The Reasons Behind Mbeki's Zimbabwe Policy."

Having determined the relative frequency of material manipulation strategies of African and non-African third parties, the next step is to examine the effectiveness of these strategies. I have argued that the effectiveness non-African third parties is mainly based on their high degree of economic and military resources. From this perspective, a mediation strategy based on providing material incentives links the third party capacity of non-African third parties to mediation success. The implication of this argument is that a non-African third party that does not draw on its comparative advantage, by not providing any material incentives, is less effective than a non-African third party that does provide material incentives. Table 5.7 below examines the impact of mediation strategies based on material manipulation, which is coded as 1 when at least one of the material incentives mentioned above has been provided by the third party in a given dyad-year.

It follows from Table 5.7 that non-African third parties are indeed only effective when they provide material incentives. This is in line with the view that the capacity of non-African third parties makes them effective when employing a mediation strategy based on material manipulation. Rothchild and Hartzell argue with regard to the mediation efforts to end Angola's civil war that the "capacity [of the US and the Soviet Union] to mobilize resources had a direct bearing upon their ability to exert pressures and manipulate incentives."⁴⁰² Similarly, US Secretary of State Henry Kissinger fully made use of the third party capacity of the US when mediating in Rhodesia. In fact, it has been observed that his mediation strategy was based on an aphorism of Charles Colson that Kissinger often quoted fondly, "If you've them by the balls, their hearts and minds will follow."⁴⁰³

⁴⁰² Rothchild and Hartzell, "Interstate and Intrastate Negotiations in Angola," 199.

⁴⁰³ Stedman, 118.

Table 5.7: Logit Estimates on the Likelihood of Peace Agreements in Civil Wars in Africa and the Impact of Material Manipulation, 1960-2012

<i>Variable</i>	<i>Peace Agreement</i>
African Material Manipulation	2.589*** (0.696)
Non-African Material Manipulation	2.350*** (0.434)
Mixed Material Manipulation	3.389*** (0.706)
African Mediation No Material Manipulation	3.100*** (0.323)
Non-African Mediation No Material Manipulation	0.540 (0.892)
Mixed Mediation No Material Manipulation	3.225*** (0.621)
Territorial Issue	-1.128*** (0.384)
Intensity	-0.651** (0.277)
Duration	0.181 (0.119)
Duration Squared	-0.006 (0.005)
Rebel Strength	0.357* (0.199)
Secondary Support	-0.901*** (0.271)
Time since last Peace Agreement	0.163 (0.245)
Spline 1	0.004 (0.002)
Spline 2	0.032 (0.023)
Spline 3	-0.019 (0.012)
Constant	-3.517*** (0.537)
Pseudo-R ²	0.3560
Likelihood ratio chi-square	254.62***
Observations	938

Note: Conflict-dyad-years with no mediation is the reference category. Robust standard errors, clustered on the conflict level, are in parentheses. The cubic splines are statistically insignificant when tested jointly ($\chi^2 = 0.2727$). *significant at 10 percent; **significant at 5 percent; ***significant at 1 percent.

African third parties have a statistically significant and positive impact on the likelihood that a peace agreement is concluded, regardless of whether a manipulative mediation strategy

is employed. Table 5.8 below further shows that African third parties that do not employ a mediation strategy based on providing material incentives are even substantially much more effective than African third parties that do employ such a mediation strategy. African third parties thus do not necessarily need to provide material incentives in order to be successful; on the contrary, they are more effective if they do not engage in material manipulation.

Table 5.8: Predicted Probabilities on the Conclusion of Peace Agreements in Civil Wars in Africa and the Impact of Material Manipulation, 1960-2012

<i>Type of Mediation</i>	<i>Probability</i>	<i>Change (%)</i>
Mean	2.7%	
African Material Manipulation		
0 (minimum)	2.3%	
1 (maximum)	22.1%	872.21%
Non-African Material Manipulation		
0 (minimum)	2.3%	
1 (maximum)	19.0%	728.40%
Mixed Material Manipulation		
0 (minimum)	2.5%	
1 (maximum)	39.2%	1498.85%
African Mediation No Material Manipulation		
0 (minimum)	2.1%	
1 (maximum)	2.9%	1269.60%
Non-African Mediation No Material Manipulation		
0 (minimum)	2.6%	
1 (maximum)	5.1%	93.64%
Mixed Mediation No Material Manipulation		
0 (minimum)	2.4%	
1 (maximum)	34.4%	1357.30%

The mediation effort that ended Liberia's civil war in 2003 serves as an example of a successful African non-manipulative mediation effort. General Abdulsalami Abubakar, who was the Chief Mediator of the Accra peace negotiations that ended the civil war in Liberia in 2003, actively listened to the concerns of the adversaries without imposing any of his own

solutions to end the conflict.⁴⁰⁴ As is noted by Hayner, some participants in the negotiations “were even frustrated with his mediation style at times: even while Monrovia was being shelled and the urgency seemed great, he remained in listening mode for several weeks, rather than pushing for agreement or action of any kind.”⁴⁰⁵ Another example is the mediation effort by the President of Burkina Faso, Blaise Compaoré, in the civil war in the Ivory Coast in 2007. The mediation efforts in previous years had been characterised by external pressure and the threat of sanctions, yet Compaoré refrained from putting any pressure on the conflict parties and succeeded in concluding the Ouagadougou Political Accord on 4 March 2007.⁴⁰⁶

Sanctions

Table 5.9 further examines the effect of the material incentives that a third party can provide separately. However, it should be noted that it is important to remain careful when drawing conclusions on the basis of Table 5.9 for reasons of multicollinearity. No manipulation is mutually exclusive with all variables measuring the different mediation strategies, but the variables measuring the different mediation strategies are dummy variables that often overlap, since different material manipulation strategies can be used at the same time.

Accordingly, I have used the Stata VIF option to assess whether multicollinearity might bias the results, but none of the tolerance values were unacceptably high. The variable measuring the non-African threat of force is omitted because it predicts failure perfectly. Two observations are dropped. The variable measuring African purchases is omitted because it predicts success perfectly. One observation is dropped.

⁴⁰⁴ D. Nilsson, *Crafting a Secure Peace: Evaluating Liberia's Comprehensive Peace Agreement 2003* (Uppsala: Uppsala University, in support of the Mediation Support Unit, Department of Political Affairs, United Nations, 2009), 18.

⁴⁰⁵ P. Hayner, *Negotiating Peace in Liberia: Preserving the Possibility for Justice* (2007), 11.

⁴⁰⁶ Sguaitamatti, 37.

Table 5.9: Logit Estimates on the Likelihood of Peace Agreements in Civil Wars in Africa and the Impact of Different Material Manipulation Strategies, 1960-2012

<i>Variable</i>	<i>Peace Agreement</i>
No Material Manipulation	2.362*** (0.304)
African Sanction	0.576 (1.295)
Non-African Sanction	-0.562 (0.865)
African Force	1.839*** (0.528)
Non-African Force	0.541 (0.601)
African Threat Sanction	3.529** (1.628)
Non-African Threat Sanction	1.673 (1.298)
African Threat Force	1.907* (1.019)
Non-African Threat Force	Omitted
African Purchase	Omitted
Non-African Purchase	2.625** (1.090)
African Assurance	1.571* (0.903)
Non-African Assurance	-0.035 (0.739)
African Peacekeeping	-0.474 (0.557)
Non-African Peacekeeping	1.226*** (0.438)
Mixed Peacekeeping	1.356 (0.839)
Territorial Issue	-0.942** (0.413)
Intensity	-0.684** (0.338)
Duration	0.243* (0.125)
Duration Squared	-0.009 (0.006)
Rebel Strength	0.450* (0.234)
Secondary Support	-0.726** (0.344)
Constant	-3.828*** (0.524)
Pseudo-R ²	0.3765
Likelihood ratio chi-square	1283.64***
Observations	935

Note: Conflict-dyad-years with no mediation is the reference category. Robust standard errors, clustered on the conflict level, are in parentheses. The model has been estimated using cubic splines and a variable measuring the time since the last peace agreement, but in order to display the table on a single page, these variables are not shown here. The cubic splines are statistically insignificant individually and when tested jointly ($\chi^2 = 0.4184$). *significant at 10 percent; **significant at 5 percent; ***significant at 1 percent.

It follows from Table 5.10 below that the use of sanctions by African third parties has a positive effect on the likelihood of the conclusion of peace agreements, whereas the use of sanctions by non-African third parties has a negative impact. However, neither African nor non-African sanctions have a statistically significant impact. Moreover, table 5.10 shows that the impact of using sanctions is not very substantial. All else equal, the use of sanctions by an African third party only increases the likelihood of the conclusion of a peace agreement with 139.87 percent, while the likelihood of mediation success decreases by 31.93 percent when a non-African third party imposes sanctions in a given conflict dyad-year.

One reason for the low impact of sanctions on the resolution of civil wars is that rebel parties are usually difficult to target through sanctions. For instance, the sanctions imposed against Charles Taylor's NPFL by ECOWAS in 1992 had little impact, since the NPFL was already used to acquiring funds through non-legal ways prior to the formation of the sanctions regime.⁴⁰⁷

The sanctions regime imposed against UNITA in order to resolve the civil war in Angola also remained ineffective. UNITA's diamond sales amounted to around \$1.72 billion between 1994 and 1998, which was a result of many countries, companies, and individual traders not complying with the sanctions regime.⁴⁰⁸ In addition, under certain conditions, governments might be not receptive to negative pressures either. For instance, the US trade embargo imposed on Sudan did not improve the prospects for mediation success in Darfur. Sudan's economic growth in the early 2000s, which was a result of the exploitation of oil in Southern Sudan, was a major reason why the Government of Sudan was unwilling to make any compromises aimed at ending the civil war in Darfur.⁴⁰⁹

⁴⁰⁷ Rothchild, 268.

⁴⁰⁸ M. J. Paulo, "The Role of the United Nations in the Angolan Peace Process " in *From Military Peace to Social Justice? The Angolan Peace Process*, ed. G. Meijer (London: Conciliation Resources, 2004), 31.

⁴⁰⁹ Cockett, 243.

Table 5.10: Predicted Probabilities on the Conclusion of Peace Agreements in Civil Wars in Africa and the Impact of Different Material Manipulation Strategies, 1960-2012

<i>Type of Mediation</i>	<i>Probability</i>	<i>Change (%)</i>
Mean	3.7%	
No Material Manipulation		
0 (minimum)	2.5%	
1 (maximum)	19.3%	675.54%
African Sanction		
0 (minimum)	3.7%	
1 (maximum)	9.0%	139.87%
Non-African Sanction		
0 (minimum)	3.9%	
1 (maximum)	2.6%	-31.93%
African Force		
0 (minimum)	3.3%	
1 (maximum)	17.1%	414.98%
Non-African Force		
0 (minimum)	3.6%	
1 (maximum)	6.6%	80.37%
African Threat Sanction		
0 (minimum)	3.6%	
1 (maximum)	49.6%	1264.72%
Non-African Threat Sanction		
0 (minimum)	3.7%	
1 (maximum)	22.5%	517.50%
African Threat Force		
0 (minimum)	3.7%	
1 (maximum)	24.2%	554.62%
Non-African Threat Force	n/a	
African Purchase	n/a	
Non-African Purchase		
0 (minimum)	3.5%	
1 (maximum)	34.0%	858.83%
African Assurance		
0 (minimum)	3.7%	
1 (maximum)	16.5%	349.94%
Non-African Assurance		
0 (minimum)	3.7%	
1 (maximum)	4.4%	18.12%
African Peacekeeping		
0 (minimum)	3.9%	
1 (maximum)	2.6%	-30.67%
Non-African Peacekeeping		
0 (minimum)	3.1%	
1 (maximum)	11.0%	249.13%
Mixed Peacekeeping		
0 (minimum)	3.6%	
1 (maximum)	13.3%	271.97%

Another reason for the ineffectiveness of the use of sanctions is that it leads to a deterioration in the relations between the chief mediator and the conflict parties. When regional

countries imposed sanctions on the Government of Burundi in 1996, President Pierre Buyoya initially refused to negotiate under pressure.⁴¹⁰ Buyoya also started blaming the third parties for the rapidly deteriorating economy, of which the total losses amounted to an estimated \$127 million in the first few months, with a 40 percent inflation rate and a loss of 25 billion Burundi Francs in the balance of payments.⁴¹¹ The International Crisis Group concluded that the sanctions “undermined the regional peace process by seriously damaging the relationship between Burundi and the other countries of the region.”⁴¹² This may also shed some light on why African third parties that do not employ a manipulative mediation strategy are more effective than African third parties that do employ such a strategy.

Nevertheless, sanctions have been used effectively on various occasions. For example, in May 1979, Nigeria, supported by other African countries, imposed an oil boycott against Chad in order to get N’Djamena back to the negotiation table.⁴¹³ However, what makes this case arguably different from other cases is that the sanctions were imposed at a moment when the authority of the central Government of Chad was very low. As Nolutshungu puts it, “in Chad the state was eclipse. In any event, upholding the convention of non-interference would have been no less invidious than urging reconciliation between parties that did not desire it.”⁴¹⁴ Moreover, while imposing the sanctions, the Nigerian leaders insisted that any new Chadian Government should be subjected to the legitimation by a concert of African states.⁴¹⁵

⁴¹⁰ Wohlgemuth; Maundi et al., 77.

⁴¹¹ Khadiagala, 127.

⁴¹² International Crisis Group, *Burundi under Siege: Lift the Sanctions; Re-Launch the Peace Process. Africa Rapport N°1 - 27 April 1998* (Brussels, 1998), iii.

⁴¹³ Nolutshungu, 131.

⁴¹⁴ Ibid.

⁴¹⁵ Ibid.

Force

Table 5.10 shows that the use of force simultaneously to the mediation effort has a positive and statistically significant effect. It further follows from Table 5.10 that, all else equal, the use of force by an African third party makes the signing of a peace agreement 414.98 percent more likely. This figure is 80.37 percent for a non-African third parties using force.

An example of how the use of force by African third parties can lead to mediation success is the military intervention by Guinea and Senegal in support of the Government of Guinea-Bissau in 1998. The strong commitment of Guinea and Senegal, as well as other countries in the region which endorsed the intervention, has been identified as one of the major factors that led to signing of the Abuja Peace Agreement on 1 November 1998.⁴¹⁶

An example that illustrates how the use of force has been used by non-African third parties to persuade the conflict parties to participate in mediation is the nature of the US involvement in peacemaking in Somalia in 1992. In December 1992, the American-led Unified Task Force was deployed in Mogadishu to create a secure environment for conducting humanitarian operations. However, the force was also frequently used to move the conflict parties to the negotiation table. For instance, as soon as USC-Faction leader General Mohammed Farah Aideed made it clear that he would not participate in the Addis Ababa conference, the US attacked one of his camps in Mogadishu with 400 marines. Aideed subsequently agreed to come to Addis Ababa.⁴¹⁷

However, the US involvement in Somalia also explains why the substantial impact of the use of force is not very high. The use of force created mixed signals. On the one hand, all the militia leaders were included in the mediation process, in which they were considered the major political players who needed to be consulted in order to reach a peace settlement. On the

⁴¹⁶ Massey, "Multi-Faceted Mediation in the Guinea-Bissau Civil War."

⁴¹⁷ Lyons et al., 44-45.

other hand, the military actions against the militias suggested that international force would limit the militia leaders' manoeuvring room.⁴¹⁸

In addition, when the use of force strongly favours one side in a civil war, this side might have less incentive to make any concessions. Elwood argues that as a result of the military intervention by ECOWAS in Liberia in the early 1990s, the Government of Liberia became far less willing to make any compromises in the ongoing peace process.⁴¹⁹ Similarly, regional leaders anticipated that with the military intervention by ECOWAS in Mali in 2012, they would be able to push the conflict parties towards peace, but instead the intervention resulted in the political leadership in Mali actively seeking to consolidate their position.⁴²⁰ In short, the use of force by African and non-African third parties can provide strong incentives for conflict parties to find a diplomatic solution to the conflict, but there are some disadvantages associated with the use of force, which explain why the impact of the use of force is not that substantial.

Threat of Sanctions

Instead of imposing sanctions or using force, a third party can also threaten to punish non-compliance, either with sanctions or force.⁴²¹ Table 5.10 shows that the empirical consequences of the threat to use sanctions is different from imposing sanctions. While both African and non-African sanctions do not have significant impact on mediation success, the threat to impose sanctions by an African third party does have a statistically significant impact. In fact, as follows from Table 5.10, an African third party threatening to impose sanctions has the highest

⁴¹⁸ Ibid., 48.

⁴¹⁹ D. Elwood Dunn, "The Civil War in Liberia," in *Civil Wars in Africa: Roots and Resolution*, ed. T. M. A. Ali and R. O. Matthews (Montreal: McGill-Queen's University Press, 1999), 104.

⁴²⁰ International Crisis Group, *Mali: The Need for Determined and Coordinated International Action. Africa Briefing N°90 - 24 September 2012* (Brussels, 2012), 5. Page 5

⁴²¹ Rothchild, 103-104.

substantial impact of the material manipulation strategies examined. Conflict dyad-years in which African third parties threaten to impose sanctions are 1264.72 percent more likely to be resolved. The threat to impose sanctions by non-African third parties also has a positive effect, namely a 517.50 percent increase in the likelihood of mediation success, though this effect is not statistically significant. That, unlike the actual imposition of sanctions, the threat to use sanctions is highly effective is probably a result of different decision frames that conflict parties have when these two instruments are employed. Once a sanction is imposed, conflict parties might just want to take the cost and hence be less willing to consider their options, whereas when sanctions can still be avoided, they might be willing to comply in order to avoid them.

The mediation effort by Kenyan President Daniel arap Moi between conflict parties in Uganda's civil war in 1985 serves as an example of the effective use of threatening with sanctions. Moi refrained from putting pressure on the conflict parties throughout most of the negotiations. Yet, when the peace talks seemed on the verge of collapse in December 1985, Moi issued an ultimatum, threatening the parties to close the border if the war continued.⁴²² Although this threat initially created some resistance, the conflict parties signed the Nairobi Peace Agreement on 17 December 1985. More recently, in early 2005, South African President Mbeki tried to bring the conflict parties in the civil war in the Ivory Coast to the peace talks by threatening that the AU would impose sanctions, as specified in UN Security Council Resolution 1572, against those obstructing the peace process.⁴²³ The adversaries subsequently agreed to peace talks, which eventually led to the signing of several peace agreements.

The threat of sanctions was also effectively used by the US, the UK, Canada, France and West Germany when these countries mediated between the Government of South Africa and SWAPO in 1977. When the Government of South Africa announced that it was about to

⁴²² Khadiagala, 35-40; Rothchild, 103.

⁴²³ P. Addo, *Peace-Making in West Africa: Progress and Prospects. Kaiptc Monograph No. 3* (Accra, November 2005), 59.

abort the international peace process, the international mediation team threatened South Africa that the Western Permanent members of the Security Council would drop their veto on UN economic sanctions if South Africa would indeed walk away from the international peace process. South Africa subsequently promised to work towards finding an international acceptable solution to the conflict.⁴²⁴

Threat of Force

The threat of force or sanctions by African third parties has a positive and statistically significant impact, whereas the threat of force by non-African third parties is omitted from the model in Table 5.9 because it predicts failure perfectly. No definite conclusions can be drawn on the basis of this finding, as non-African third parties have threatened with force only in two conflict dyad-years⁴²⁵ All else equal, a peace agreement is 554.62 percent more likely to be concluded in conflict dyad-years in which an African third party threatens one or both of the conflict parties with force.

A telling example of how the threat of force can be effectively used in peace processes is the peacemaking effort by the OAU to end the civil war in Burundi. In a visit to Bujumbura on behalf of the region, former Tanzanian President Julius Nyerere raised the possibility of military intervention, telling the army leaders that “You’ll not solve the problem by military intervention, but you must not rule out military intervention. If there is an eruption of killings there, the international community must not sit again with its hands folded, as we did in Rwanda.”⁴²⁶ Nyerere also stated that the “Burundian leaders have to stick to the Arusha initiative. If they don’t then we will be talking about a peace enforcement mission and we don’t

⁴²⁴ Zartman, *Ripe for Resolution: Conflict and Intervention in Africa*.171

⁴²⁵ Two observations are thus dropped.

⁴²⁶ Khadiagala, 120-121.

want to do that yet.”⁴²⁷ These calls for military involvement of African actors put significant pressure on the Government of Burundi, which led to the initiation of peace talks.

The mediation effort of Riek Machar between the Government of Uganda and the LRA serves as another example of the effective threat to use force. Determined to get the LRA out of South Sudan, Machar gave the LRA three options: an ultimatum to either leave Sudanese territory peacefully, accept peace negotiations with the Government of Uganda mediated by Machar, or face military action.⁴²⁸ This threat proved instrumental in getting the LRA to the negotiation table. In short, the possibility of military intervention makes the alternatives away from the bargaining table inferior to participation in peace negotiations.

Purchases

The variable measuring African third parties offering side-payments in Table 5.9 is omitted from the model because it predicts success perfectly.⁴²⁹ However, this does not mean much, as there is only one instance of an African third party offering a financial inducement recorded in the dataset, namely when Libyan President Muammar al-Gaddafi mediated between the Government of Chad and the UFDD in 2007 and offered a significant sum of money to some leaders of the UFDD alliance if they would join the Government of Chad. This strategy proved effective, as the conflict parties signed the Sirte agreement.⁴³⁰

By contrast, non-African third parties have employed a strategy based on side-payments relatively frequently, namely in 20 dyad-years, which amounts to 9 percent of conflict dyad-years in which a non-African third party mediated. This suggest that non-African third parties

⁴²⁷ Ibid., 122.

⁴²⁸ Hendrickson and Tumutegereize, 14.

⁴²⁹ One observation is thus dropped.

⁴³⁰ International Crisis Group, *Chad: A New Conflict Resolution Framework. Africa Report N°144 - 24 September 2008* (Brussels, 2008), 29.

not only have a comparative advantage in terms of their economic resources, but that they are also more willing to use these resources.

Furthermore, those non-African third parties that offer side-payments are highly effective. In fact, of all the material manipulation strategies examined in Table 5.9, purchases are the most effective instrument that non-African third parties can use. It follows from Table 5.10 that when a non-African third party provides or promises a side-payment to one or both of the conflict parties in a given conflict dyad-year, the conclusion of a peace agreement is 858.83 percent more likely.

This finding is in line with anecdotal evidence. For example, the US and the UK provided financial incentives on land resettlement during the Lancaster House conference. According to some observers, the Lancaster House peace process would not have been a success without the provision of these financial incentives.⁴³¹ Purchases lay also at the heart of Remano's decision to sign a peace agreement to end the civil war in Mozambique. The Government of Italy constantly provided extensive financial incentives to Renamo in particular in order to keep it engaged in the peace processes. By the time of the signing of the Rome Accord, the Government of Italy had spent around \$20 million on purchases to promote cooperation in the peace process.⁴³² However, there were always strings attached to these purchases. As an Italian official noted, "With Renamo it was simple. We found out what they wanted, and then provided it with conditions attached. For example, Dhlakama wanted a satellite telephone. We purchased it, put it in a cupboard and showed it to him. We made it clear that he would get it in return for signing one of the protocols. He came back several times

⁴³¹ Rothchild, 259.

⁴³² A. Vines, "The Business of Peace: 'Tiny' Rowland, Financial Incentives and the Mozambican Settlement," in *The Mozambican Peace Process in Perspective*, ed. J. Armon, D. Hendrickson, and A. Vines (London: Conciliation Resources, 1998), 73.

to have a look at it before deciding to sign.”⁴³³ In short, non-African third parties drawing on their economic resources are relatively effective.

Assurances and Peacekeeping

Assurances – or what also has been described as security guarantees – have a positive impact on the likelihood that a peace agreement is concluded. The promise to guarantee a peace agreement of an African third party increases the likelihood of mediation success by 349.94 percent. For a promise by a non-African third party this is only 18.12 percent. Yet, neither the effect of African, nor the effect of non-African assurances is statistically significant.

By contrast, actual peacekeeping by non-African third parties while they mediate increases the likelihood of the conclusion of a peace agreement by 249.13 percent. This effect is statistically significant. This suggests that conflict parties are risk averse. Promises by non-African third parties are not valued as much as a non-African peace mission that is already on the ground. This is in line with Beardsley’s finding that assurances by the UN are not as effective in resolving international disputes as actual UN deployment of troops.⁴³⁴

Furthermore, while the deployment of a non-African peace mission has a positive impact on the prospects for conflict resolution, the deployment of an African peace mission actually decreases the chances of mediation success. Further research is needed on this striking difference, but one plausible explanation is that successful peacekeeping requires military and economic resources, which African third parties have to a far lesser extent than non-African third parties. A telling example in this regard is the lack of financial and military resources the OAU faced in the peacekeeping mission in Chad initiated in 1977, which was the first time the

⁴³³ Ibid.

⁴³⁴ Kyle Beardsley, "UN Intervention and the Duration of International Crises," *Journal of Peace Research* 49, no. 2 (2012).

OAU used military forces for the purpose of peacekeeping.⁴³⁵ The negative impact of African peacekeeping might also suggest that peacekeeping hampers the ability of African third parties to successfully mediate as they become more involved in the conflict. Indeed, the deployment of an ECOWAS peace enforcement force in Liberia that targeted Charles Taylor's fighters has been identified as the major obstacle of peace, as this made Taylor afraid that mediation by ECOWAS would disfavour him.⁴³⁶

Summary

On the basis of the mediation efforts of ECOWAS in Liberia, Elwood concludes that for a third party to be effective it "should be substantially more powerful than the protagonists, have a strong interest in reaching an accord, and be willing to commit substantial resources to implementing its provisions."⁴³⁷ The statistical evidence above shows that when it comes to mediating civil wars this is not the case. While the descriptive statistics in Figure 5.1 show that the notion that African third parties almost always pursue a mediation strategy based on constructive engagement is simply wrong, African third parties with limited economic and military resources that do not employ a threats and rewards based mediation strategy can be effective too. In fact, African third parties that do not employ a manipulative mediation strategy are more effective than African third parties that do employ such a strategy.

⁴³⁵ H. Wiseman, "The OAU: Peacekeeping and Conflict Resolution," in *The OAU after Twenty Years*, ed. Y. El-Ayouty and I. W. Zartman (New York: Praeger, 1984); G. J. Naldi, "Peace-Keeping Attempts by the Organisation of African Unity," *International & Comparative Law Quarterly* 34, no. 03 (1985); A. Sesay, "The OAU Peace-Keeping Force in Chad: Some Lessons for Future Operations," *Current Research on Peace and Violence* 12, no. 4 (1989).

⁴³⁶ Nathan, "When Push Comes to Shove: The Failure of International Mediation in African Civil Wars," 4.

⁴³⁷ Elwood Dunn, 114.

The Impact of the End of the Cold War

In addition to considering the impact of different types and strategies of mediation, another alternative explanation that should be considered is whether there are any structural effects that bias the results. The superior effectiveness of African mediation could be conditional to the end of the Cold War, which has been identified as influencing the effectiveness of third party peacemaking.⁴³⁸ In order to assess whether or not an interactive relationship exists between the Cold War period and the mediation types under study, Table 5.11 below examines the impact of the African, non-African, and mixed mediation, while adding three variables that multiply these three types of mediation with a dummy variable coded as 1 for the Cold War period.

The African mediation, non-African mediation, and mixed mediation variables in Table 5.11 show the impact of these types of mediation during the post-Cold War period.

The Cold War variable captures the effect on the likelihood that a peace agreement is concluded when no mediation takes place.⁴³⁹ Hence, African mediation and mixed mediation have a positive and statistically significant impact on mediation success during the post-Cold War period, whereas non-African mediation does not have a statistically significant effect.

Of the three multiplicative variables, both the African mediation and the non-African mediation variables that are multiplied with the Cold War dummy have a statistically significant and positive effect, though the effect of non-African mediation multiplied with the Cold War dummy is only significant at the 10 percent level.

⁴³⁸ R. Joseph, "The International Community and Armed Conflict in Africa - Post Cold War Dilemmas," *Out of Conflict: From War to Peace in Africa*, (1997); Okoth; Zartman and Touval, "International Mediation in the Post-Cold War Era."

⁴³⁹ See: B. F. Braumoeller, "Hypothesis Testing and Multiplicative Interaction Terms," *International Organization* 58, no. 04 (2004).

Table 5.11: Logit Estimates on the Impact of the Cold War on the Likelihood of Peace Agreements in Civil Wars in Africa

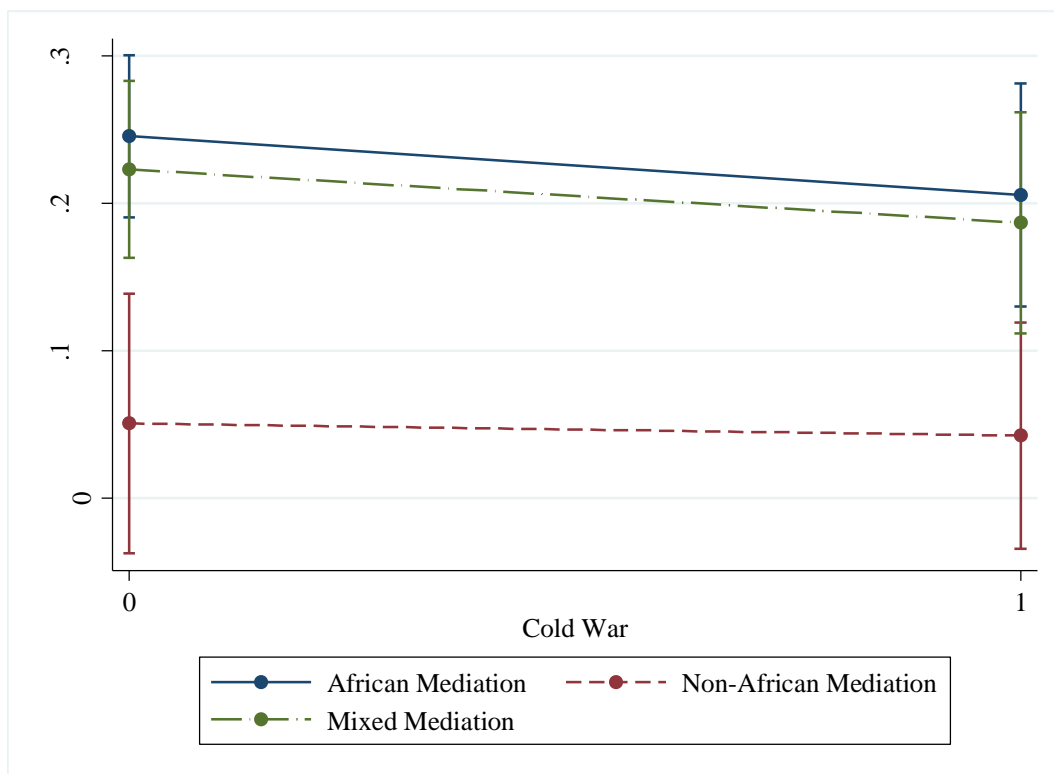
<i>Variable</i>	<i>Peace Agreement</i>
African Mediation	2.566*** (0.433)
Non-African Mediation	0.260 (0.614)
Mixed Mediation	2.558*** (0.475)
African Mediation X Cold War	3.440*** (1.170)
Non-African Mediation X Cold War	2.478* (1.500)
Mixed Mediation X Cold War	0.979 (1.448)
Cold War	-2.303** (1.085)
Territorial Issue	-1.052*** (0.365)
Intensity	-0.703** (0.315)
Duration	0.169 (0.112)
Duration Squared	-0.005 (0.005)
Rebel Strength	0.416** (0.207)
Secondary Support	-0.806*** (0.270)
Time Since Last Peace Agreement	0.152 (0.246)
Spline 1	0.005** (0.003)
Spline 2	0.035 (0.022)
Spline 3	-0.023** (0.011)
Constant	-3.160*** (0.580)
Pseudo-R ²	0.3886
Likelihood ratio chi-square	495.02***
Observations	938

Note: Conflict dyad-years with no mediation is the reference category. Robust standard errors, clustered on the conflict level, are in parentheses. The cubic splines are statistically significant when tested jointly ($\chi^2=0.0876$). *significant at 10 percent; **significant at 5 percent; ***significant at 1 percent.

Based on Table 5.11, Figure 5.2 below shows the marginal effects of African, non-African, and mixed mediation during the Cold War and after the Cold War. The graph suggest that while the impact of non-African mediation has been fairly constant across both periods, the positive impact of both African and mixed mediation on the likelihood that a peace

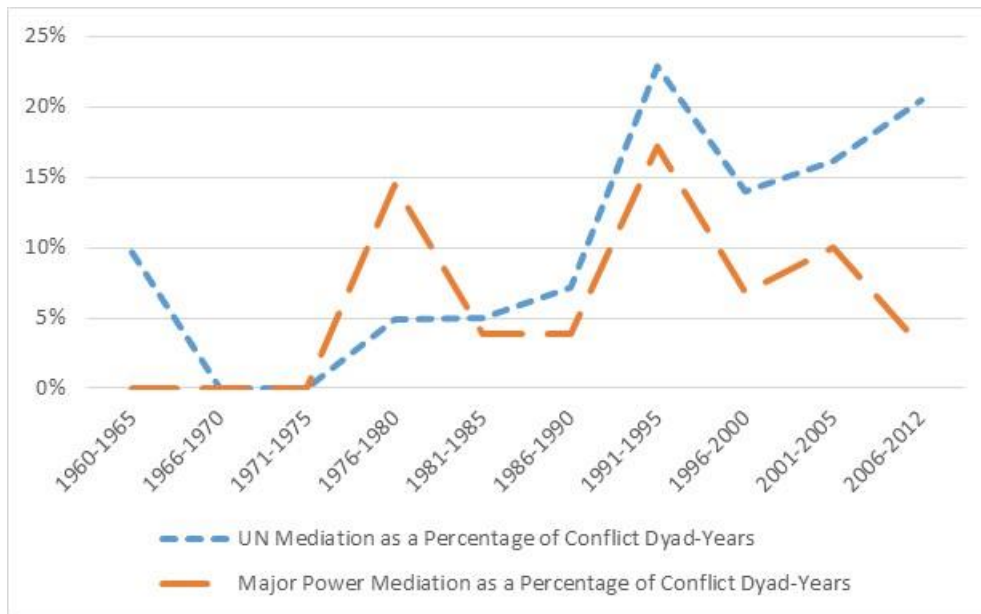
agreement is concluded has been greater after the Cold War. In other words, the effectiveness of African third parties during the 1960-2012 period is partly conditional on effect of the end of the Cold War, though African and mixed mediation also has a statistically significant and positive impact during the Cold War period. Crucially, the positive impact of African and mixed mediation is greater than non-African mediation both during and after the Cold War.

Figure 5.2: Marginal Effects of International Mediation on the likelihood of the Conclusion of Peace Agreements in Civil Wars in Africa with a 95% Confidence Interval



A plausible explanation for why non-African mediation has a statistically significant and greater positive impact during the Cold War is that major powers mediated relatively more often during the Cold War, whereas after the end of the Cold War the UN became much more involved in mediation in civil wars in Africa. Figure 5.3 below shows this trend. As followed from Table 5.1b, major powers have a positive impact on mediation success, whereas UN mediation decreases the likelihood that a peace agreement is concluded compared to when no mediation takes place.

Figure 5.3: Temporal Trend of Major Power and UN Mediation



In short, while there are structural effects as a result of the end of the Cold War, these effects do not drive the overall finding that African mediation outperforms non-African mediation. African mediation outperforms non-African mediation both during the Cold War and in the post-Cold War period.

Seeking lasting Peace: Explaining Post-Agreement Stability in Africa

The conclusion of a peace agreement marks a significant turning point in peace processes. Yet, by itself, an agreement is only a piece of paper. That this literally the case follows from a meeting between Ugandan rebel leader Museveni and a Kenyan mediation team that took place soon after the 1985 Nairobi Peace Agreement had been signed. At this meeting, Museveni tore apart the signed document, stating that he would never share power with generals whom he did

not respect.⁴⁴⁰ Although this is an extreme example of the failure of the implementation of a peace agreement, the failure of peace agreements is not uncommon. On the contrary, peace agreements are more likely to fail than they are to succeed in bringing about lasting peace. Hence, this last section examines the long-term impact of international mediation by African and non-African third parties.

I draw on data from the UCDP Peace Agreement Dataset, Version 2.0, which includes peace agreements concluded in armed conflicts between 1975 and 2011.⁴⁴¹ The unit of analysis in this Dataset is the peace agreement. Rather than selecting an arbitrary timeframe to assess the durability of agreements, I measure the numbers of days between the date when the agreement was signed and the date when the agreement failed. The UCDP considers an agreement to be failed when the validity of the agreement is contested by one or more of the warring parties that signed, either through annulling the agreement or a resumption of armed fighting. If the agreement has not been terminated by the end of 2011, then the number of days from the signing of the agreement up until 31 December 2011 are coded. In order to model the sustainability of peace agreement duration in number of days, I employ hazard analyses. Using hazard models to study the sustainability of peace agreements makes it possible to right censor those agreements that had not yet ended by the end of 2011.

To examine the impact of the different types of mediation under study, three mutually exclusive variables are used that measure whether African, non-African, or mixed mediation led to the signing of a peace agreement. Peace agreements that have been concluded without any mediation thus serve as the reference category to which the influence of these three types of mediation on peace agreement durability are compared. Besides examining the impact of mediation on the likelihood that a peace agreement fails, I assess the effects of mediation

⁴⁴⁰ B. Kiplagat, "Reaching the 1985 Nairobi Agreement," in *Protracted Conflict, Elusive Peace: Initiatives to End the Violence in Northern Uganda*, ed. O. Lucima (London: Conciliation Resources, 2002), 26.

⁴⁴¹ For a detailed discussion of this dataset, see: Harbom et al., "Armed Conflict and Peace Agreements."

strategies involving material manipulation and the deployment of a peacekeeping force aimed at implementing the agreement. In addition to the control variables used in the previous analyses, I control for the following contextual circumstances and characteristics of the agreement:

1. How many times the civil war has been terminated and has become active again. The recurrence of civil wars indicates an enduring rivalry between groups within a country, which some studies have found to be less likely to lead to lasting peace.⁴⁴²
2. The Gross Domestic Product per Capita of the civil war country, used as a proxy for state capacity.
3. Whether the peace agreement was concluded during the Cold War.
4. Whether all dyads within a conflict are signatories to an agreement.
5. Whether a peace agreement has previously been concluded. Conflict parties may learn from past agreements that have failed and as a result conclude better agreements which are more likely to hold. Alternatively, if a peace agreement has been breached prior to the conclusion of a new agreement, then this might negatively affect the level of trust between the conflict parties.
6. Whether the agreement concluded is a peace process agreement. If the negotiated settlement outlines how to tackle some of the conflict issues, rather than stipulating substantial solutions to these issues, the agreement might be more likely to fail.

⁴⁴² K. R. DeRouen, Jr. and J. Bercovitch, "Enduring Internal Rivalries: A New Framework for the Study of Civil War," *Journal of Peace Research* 45, no. 1 (2008); S. L. Quackenbush and J. F. Venteicher, "Settlements, Outcomes, and the Recurrence of Conflict," *Journal of Peace Research* 45, no. 6 (2008).

Previous research has found that stronger agreements are generally followed by longer peace spells.⁴⁴³

The UCDP Peace Agreement Dataset records 121 peace agreements aimed at ending civil wars in Africa that were signed between 1975 and 2011. Of these 121 peace agreements, 46 were concluded with the involvement of solely African third parties, seven with the involvement of solely non-African third parties, and 50 with the involvement of both African and non-African third parties. This means that 18 peace agreements were concluded without any international involvement within this timeframe. The agreement that led to the shortest peace spell is the Addis Ababa Agreement concluded between the Government of Sudan and the SPLM/A-north. Already after three days of the signing of the agreement fighting resumed in El Hamra. Of all the peace agreements that eventually failed, the Bangui-2 Agreement between the CSNPD and the Government of Chad survived the longest, namely 2184 days, which is almost six years.

Table 5.11 below shows the relationship between different types of mediation and the durability of peace agreements through Cox regressions on peace agreement in days. The hazard coefficients of the Cox regressions are reported. A positive coefficient means that as the independent variable increases (e.g. a third party becomes involved in mediation), the time to the failure of a peace agreement decreases. Using the Cox model is based on the proportional-hazards assumption, which holds that “each observation's hazard function follows exactly the same pattern over time.”⁴⁴⁴ In order to test whether the data under study meets this assumption, I use the `estat phtest` option in Stata, which employs a nonproportionality test using

⁴⁴³ V. P. Fortna, *Peace Time: Cease-Fire Agreements and the Durability of Peace* (Princeton Princeton University Press, 2004); Mattes and Savun, "Fostering Peace after Civil War: Commitment Problems and Agreement Design."

⁴⁴⁴ J. M. Box-Steffensmeier and B. S. Jones, *Event History Modeling: A Guide for Social Scientists*, Cambridge: Cambridge University Press, 2004: 132

Schoenfeld residuals.⁴⁴⁵ This test shows that neither of the variables included violate the proportional-hazards assumption, which means a single hazard ratio describing the impact of these variables is appropriate.⁴⁴⁶

Table 5.12: Hazard Estimates on the Durability of Peace Agreements Concluded in Civil Wars in Africa, 1975-2011

<i>Variable</i>	<i>Peace Agreement Ended (1)</i>	<i>Peace Agreement Ended (2)</i>
African Mediation	1.805** (0.733)	2.116** (0.895)
Non-African Mediation	2.498*** (0.771)	2.963** (1.160)
Mixed Mediation	1.605* (0.843)	2.121** (0.986)
Material Manipulation		0.801 (0.623)
African Peacekeeping		-1.523*** (0.462)
Non-African Peacekeeping		-1.648** (0.713)
Mixed Peacekeeping		-0.711 (0.648)
Territorial Issue		-1.239* (0.646)
Duration		-0.124** (0.060)
Recurrence		0.585** (0.279)
GDP per Capita		-0.124 (0.259)
Cold War		0.605 (0.522)
Inclusive Peace Agreement		0.254 (0.347)
Previous Peace Agreement		-0.128 (0.528)
Peace Process Agreement		0.063 (0.346)
Likelihood ratio chi-square	12.00***	64.24***
Observations	121	121

Note: Robust standard errors, clustered on the conflict level, are in parentheses. Cox regressions are used. The models have also been estimated with Weibull regressions, but the differences in terms of statistical significance and substantial impact were marginal. *significant at 10 percent; **significant at 5 percent; ***significant at 1 percent.

⁴⁴⁵ J. M. Box-Steffensmeier and C. J. W. Zorn, "Duration Models and Proportional Hazards in Political Science," *American Journal of Political Science* 45, no. 4 (2001).

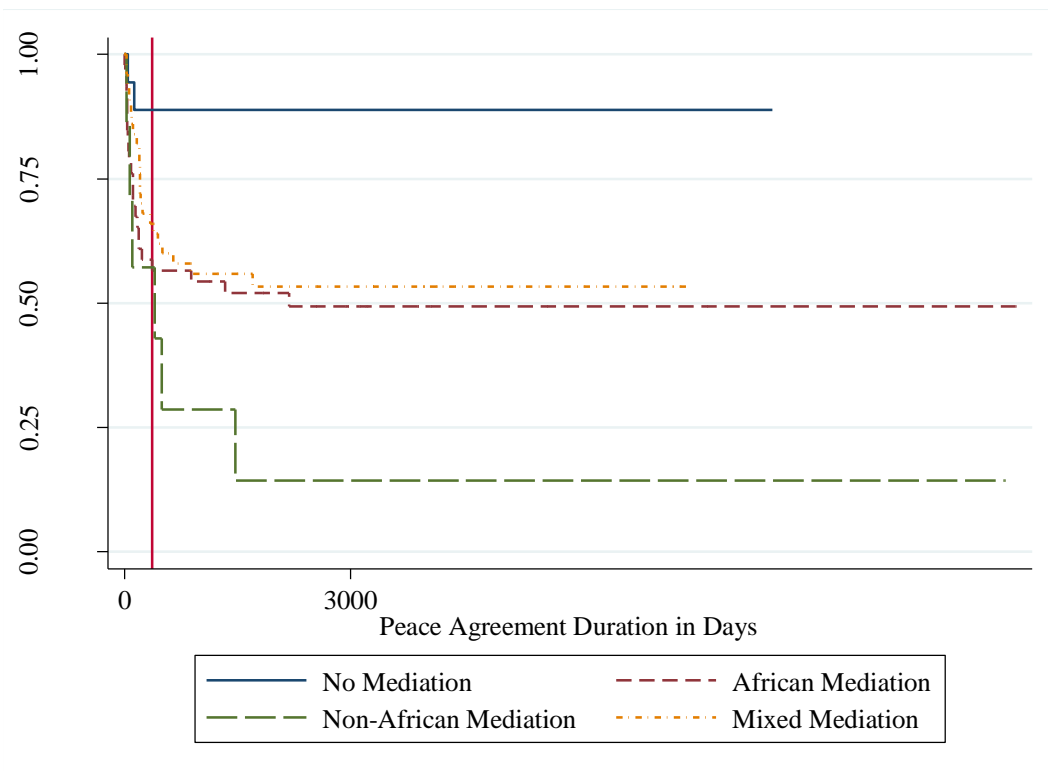
⁴⁴⁶ The chi2 score of African mediation is 0.49, the chi2 score of non-African mediation is 1.76, and the chi2 score of mixed mediation is 0.95.

Model 1 and Model 2 show that African mediation, non-African mediation, and mixed mediation all have a consistent positive and statistically significant effect on the likelihood that conflict parties fail to implement a concluded peace agreement.

International mediation, regardless of whether it conducted by African or non-African third parties, is thus a strong determinant of the failure of peace agreements. Moreover, comparing the two models shows that mediated peace agreements are concluded under circumstances that are more likely to lead to durable peace agreements.

Figure 5.4, which is based on Model 2 in Table 5.12, shows the impact of African, non-African, and mixed mediation on peace agreement duration in a Kaplan-Meier graph. The first vertical line represents the one year mark, while the second red line represents the five year mark.

Figure 5.4: Kaplan-Meier Estimates on the Durability of Peace Agreements Concluded in Civil Wars in Africa and the Impact of International Mediation, 1975-2011



It follows from the graph that many peace agreements fail during the first year of their conclusion. Only around 43 percent of the non-African mediated peace agreements persist until after one year. This figure is around 56 percent for African mediation and 66 percent for mixed mediation. It further follows from Figure 5.4 that only 14 percent of all non-African mediated peace agreements persist beyond five years. This figure is 53 percent for mixed mediated peace agreements and 52 for African mediated peace agreements. Yet, almost no peace agreements fail once they have survived for more than five years. This suggests that it is crucial that conflict parties remain committed to the peace agreement during the first five years of its conclusion.

Since only seven agreements have been concluded in a mediation process in which solely non-African third parties were involved, it is important to refrain from making any definite conclusions. Yet, the evidence seems to suggest that the prospects for durable peace are bleak when a peace agreement has come about as a result of non-African mediation. Indeed, out of the seven non-African mediated agreements in the dataset, only one agreement proved to be durable: the Lancaster House Agreement of 1979, mediated by the United Kingdom, which ended the civil war in Rhodesia. A plausible explanation for this finding is that third parties from outside Africa might be more interested in the conclusion of an agreement, regardless of whether this is a robust and implementable settlement. Cohen coins the term signature obsession to describe the non-African mediation efforts in Angola's civil war, in which a lot of pressure was put on the conflict parties in order to make them conclude a peace agreement.⁴⁴⁷ Similarly, Stedjan and Thomas-Jensen describe the mediation attempts of non-African third parties in the civil war in Darfur as "parachute diplomacy", since top-level

⁴⁴⁷ Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent*, 222.

diplomats only dropped in for a brief period of time and put a lot of pressure on the conflict parties to sign an agreement.⁴⁴⁸

However, it is acknowledged that third parties imposing their own solution are not restricted to the non-African mediation category. In fact, the imposing of peace agreements in African and mixed mediation efforts may also be part of the explanation of why these types of mediation are also strongly correlated with the failure of peace agreements. For instance, according to some observers, the Arusha Peace Agreement failed at ending the civil war in Rwanda because of the inclusion of unrealistic power sharing provisions in the agreement, which military hardliners would never accept.⁴⁴⁹

Figure 5.4 also suggests that unmediated peace agreements have a far greater chance of being implemented than peace agreements that have come about through mediation. One factor that contributes to the unsustainability of mediated peace agreements is that conflict parties do not always sign peace agreements to sincerely make peace.⁴⁵⁰ For instance, Riley and Sesay observe with regard to the civil war in Liberia that "For a long time, Taylor's signing of ceasefire agreements and accords was never an indication of his sincere commitment to a negotiated settlement of the conflict. Rather, such agreements provided him with a breathing space in the fighting, which he used to re-arm, reorganise and relaunch his attacks."⁴⁵¹ Indeed, nine failed peace agreements were concluded between the Government of Liberia and Charles

⁴⁴⁸ S. Stedjan and C. Thomas-Jensen, "The United States," in *The International Politics of Mass Atrocities: The Case of Darfur*, ed. D. R. Black and P. D. Williams (Abingdon: Routledge, 2010), 170.

⁴⁴⁹ C. S. Clapham, "Rwanda: The Perils of Peacemaking," *Journal of Peace Research* 35, no. 2 (1998): 68-69; Jones.

⁴⁵⁰ See: Oliver Richmond, "Devious Objectives and the Disputants' View of International Mediation: A Theoretical Framework," *Journal of Peace Research* 35, no. 6 (1998).

⁴⁵¹ S. Riley and M. Sesay, "Liberia: After Abuja," *Review of African Political Economy* 23, no. 69 (1996).

Taylor's NPFL before the conflict parties finally managed to conclude the Accra Peace Agreement on 18 August 2003, which terminated the civil war.⁴⁵²

Another major reason for the unsustainability of mediated peace agreements is that third parties are often heavily involved in the process leading up to the signing of the agreement, after which third party attention steadily wanes. Recent scholarship has found that there is a discrepancy between the positive short-term effects of mediation and the negative long-term effects on peace agreement duration.⁴⁵³ Beardsley explains this finding by asserting that mediators often provide incentives to adversaries to make peace, but that mediators are often unable or unwilling to sustain these incentives over an extended period of time.

That this argument holds true, at least to some extent, is further confirmed in Model 2 in Table 5.12, which controls for the provision of material incentives in the negotiation process leading up to the conclusion of a peace agreement. Material manipulation is found to increase the likelihood that peace agreements break down, though this effect is not statistically significant. The positive impact of material manipulation on the failure of peace agreements suggests that peace agreements that have been concluded in a process in which the third party provided material incentives to make peace are relatively unsustainable. This is in line with Hurd's argument that unlike compliance on the basis of legitimacy, compliance on the basis of coercion and inducement is difficult to maintain because the actors do not value complying itself, but rather value avoiding the cost of non-compliance and the benefits accruing from compliance.⁴⁵⁴

⁴⁵² This figure is based on the UCDP Peace Agreement Dataset. Other sources might report more peace agreements to have been concluded in Liberia, but these agreements were often merely a ceasefire, thus not meeting the criteria of a peace agreement that I employ in this dissertation.

⁴⁵³ For instance, see: Beardsley, "Agreement without Peace? International Mediation and Time Inconsistency Problems"; S. Werner and A. Yuen, "Making and Keeping Peace," *International Organization* 59, no. 2 (2005).

⁴⁵⁴ I. Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council* (Princeton University Press, 2008), 39.

Indeed, anecdotal evidence illustrates that parties that sign a peace agreement because of the material incentives a third party provides are indeed often left wondering whether they could have gained more from continued fighting.⁴⁵⁵ For instance, when UNITA leader Jonas Savimbi lost the 1992 presidential election in Angola – which was stipulated in the Bicesse Accords mediated by Portugal, the US, and the Soviet Union in the year before – he immediately claimed the elections had been rigged and resumed armed fighting.⁴⁵⁶ Similarly, the pressure put on the conflict parties in Uganda’s civil war by the Kenyan mediation team in the negotiation process leading up to the signing of the Nairobi Peace Agreement has been identified as one of the primary reasons it broke down.⁴⁵⁷

Another reason why material manipulation leads to unsustainable peace agreements is that conflict parties may only comply with third parties pursuing a material manipulation strategy in order to obtain some of the material benefits. For instance, in order to move the conflict parties towards compromise, Libyan leader al-Gaddafi offered a significant sum of money to some leaders of the UFDD alliance if they would join the Government of Chad. Although the rebels initially accepted this offer and signed the Sirte Agreement, fighting between the conflict parties soon re-emerged.⁴⁵⁸ Indeed, after signing the agreement, the UFDD chairman stated that he was not convinced to make peace, but rather signed “to please the Libyan leader who was putting pressure on us.”⁴⁵⁹

Moreover, peace agreements that are the product of a process of material manipulation may be less sustainable because such a strategy makes it more difficult for conflict parties to resolve the underlying conflict issues. As Hendrickson puts it when commenting on the

⁴⁵⁵ Werner and Yuen, "Making and Keeping Peace."

⁴⁵⁶ Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent*, 123; Pycroft, "Angola: 'the Forgotten Tragedy'," 252.

⁴⁵⁷ Kiplagat, 26.

⁴⁵⁸ International Crisis Group, *Chad: A New Conflict Resolution Framework. Africa Report N°144 - 24 September 2008*, 29.

⁴⁵⁹ Ibid.

breakdown of the peace agreements concluded between the Government of Uganda and the LRA during the Juba peace talks, peace agreements are “unlikely to be implementable if they are reached predominantly because of external pressure rather than through a process of dialogue and confidence building that enables common ground to be identified between the interests of opposing parties.”⁴⁶⁰

That the presence of a peacekeeping force is found to have a positive impact on peace agreement duration in Table 5.12 is in line with the literature in which peacekeeping is understood to guarantee non-defection with the agreement, making the conflict parties more confident that their former enemy will comply with the peace agreement.⁴⁶¹ For example Rwandan President Habyarimana expressed prior to the signing of the Arusha Accords in 1993 that “the Arusha talks are a question of mutual trust and goodwill. However, I believe that principal guarantee must be international.”⁴⁶² Hence, while mediation can help in finding a mutual satisfactory agreement, conflict parties will remain very suspicious of the other side.

Perhaps somewhat surprisingly, mixed peacekeeping efforts do not have a positive effect on the successful implementation of peace agreements. However, this effect is not statistically significant. Moreover, it should be taken into account that only a few of the mixed peacekeeping efforts were truly mixed in the sense that the peacekeeping force was a unified force. The majority of observations coded as mixed peacekeeping were in fact transitions from African peacekeeping missions towards non-African missions, as for example the transition from the OAU observer group to UNAMIR in Rwanda in October 1993 after the conclusion of the Arusha Accords on 4 August 1993. A notable exception in this regard is the joint AU-UN peacekeeping force in Darfur, named UNAMID. Yet, some observers point that out that mixed

⁴⁶⁰ Hendrickson and Tumutegereize, 30.

⁴⁶¹ See: V. P. Fortna, *Does Peacekeeping Work? Shaping Belligerents' Choices after Civil War* (Princeton, N.J.: Princeton University Press, 2008); Walter, *Committing to Peace: The Successful Settlement of Civil Wars*.

⁴⁶² Khadiagala, 32.

peacekeeping missions of these kind suffer from a lack of coordination between the different organisations, undermining the effectiveness of the mission.⁴⁶³

In summary, mediation makes the breakdown of peace agreements much more likely. Peacekeeping has positive substantial impact on peace agreement duration, though the effect of mixed peacekeeping is statistically insignificant. Peacekeeping is not a panacea to the negative consequences of a flawed mediation process, but it can mitigate some of the negative long-term effects of mediation.

Finally, since peace agreements that have come about without any mediation are more stable than mediated agreements, one might argue that it is better for third party to not become involved in peacemaking at all.⁴⁶⁴ However, the findings from the previous chapter clearly showed that the initiation of negotiations and the conclusion of peace agreements without the involvement of an international actor are extremely rare. It is therefore perhaps not surprising that peace agreements concluded in these rare instances are also more likely to be sustainable. Conflict parties that were both motivated to make peace without any outside involvement are also more likely to be highly committed to the implementation of such peace agreements. A case in point is the peacemaking process that ended in the conflict between the ANC and South Africa.⁴⁶⁵ Moreover, it should not be forgotten that some of the most intractable civil wars in Africa have been resolved through mediated peace agreements in spite of the fact that these

⁴⁶³ Williams and Boutellis, "Partnership Peacekeeping: Challenges and Opportunities in the United Nations–African Union Relationship."

⁴⁶⁴ For this view, see: E. N. Luttwak, "Give War a Chance," *Foreign Affairs* 78, no. 4 (1999). The negative long-term consequences of mediation also speak to a debate within the field of conflict resolution over whether peace agreements or victories are more stable. M. D. Toft, *Securing the Peace: The Durable Settlement of Civil Wars* (Princeton Princeton University Press, 2009); M. D. Toft, "Ending Civil Wars : A Case for Rebel Victory?," *International Security* 34, no. 4 (2010); L. Nathan and M. D. Toft, "Correspondence: Civil War Settlements and the Prospects for Peace," *International Security* 36, no. 1 (2011). This debate is beyond the scope of this dissertation – and I thus not explicitly compare the long-term effects of peace agreements with victories of civil wars in Africa

⁴⁶⁵ While the conflict between the ANC and the Government of South Africa was not active by the early 1990s, the conflict experienced more than 25 battle-related deaths every year between 1981 and 1988, with the exception of 1984,

successful peace agreements were preceded by several failed agreements. Examples include the civil wars in Mozambique, Sierra Leone, Liberia, and Sudan. One can seriously question whether these civil wars would have been resolved without the involvement of any third parties.

Conclusion

Every peace process is unique and has its own set of idiosyncratic causes attributable to chance. Nevertheless, this chapter and the previous chapter show that some general patterns can be identified with regard to what works and what does not when mediating civil wars in Africa. The statistical analyses in the previous chapter suggest that African mediation is more likely to lead to peace agreements than non-African mediation. Taking into account that the vast majority of non-African mediation in civil wars in Africa is conducted by third parties with a strong capacity to employ economic and military resources and that Africa is the poorest continent in the world, these findings present the current scholarly field on international mediation with a puzzle. Most current studies on international mediation perceive third party capacity as the ticket to mediation success, nevertheless by intervening with only limited and tangible resources, African third parties are still more successful than non-African third parties.

Moreover, the effectiveness of African mediation efforts cannot be explained by the efforts of the two regional hegemonies: South Africa and Nigeria. In fact, when controlling for the mediation efforts of South Africa and Nigeria, African mediation becomes even more effective. This suggests that African mediations in which regional hegemonies do not participate are more effective. By contrast, only the major powers within the non-African third mediation category have a significant effect on mediation success.

A similar difference between African and non-African mediation can be observed with regard to the mediation strategy. African third parties that do not employ a strategy based on

providing material incentives to the conflict parties are more successful than African third parties that do employ a mediation strategy based on material manipulation. Conversely, only the mediation efforts of non-African third parties that provide material incentives have a positive and statistically significant effect on the likelihood that a peace agreement is concluded. Accordingly, African third parties outperform non-African third parties, but this cannot be attributed to African third parties providing more material resources.

The effectiveness of African mediation can neither be attributed to the relationship between African mediation and the cultural similarity of African chief mediators, nor do prominent African personalities that lead the mediation effort drive the effectiveness of African mediation.

The robust finding that African mediation outperforms non-African mediation has two major implications for the literature. First, it shows that the qualitative literature assessing the effectiveness of African mediation is biased as a result of relying on anecdotal evidence or focusing on a limited number of cases, without explicitly and systematically comparing the effectiveness of African and non-African mediation.⁴⁶⁶ Second, the finding that African third parties outperform non-African third parties in spite of a lower degree of economic and military resources contradicts those studies in which a narrow understanding of power is employed to explain mediation success.⁴⁶⁷ While international legitimacy cannot be statistically measured, the statistical evidence of African third parties outperforming non-African third parties, coupled to the wealth of anecdotal evidence suggesting that African mediation is effective due to the norm of African solutions, provides what Hurd describes as some *prima facie* evidence

⁴⁶⁶ For example, see: Jackson, "The Dangers of Regionalising International Conflict Management: The African Experience"; Khadiagala; Franke and Esmenjaud, "Who Owns African Ownership? The Africanisation of Security and Its Limits."

⁴⁶⁷ For example, see: Smith and Stam, "Mediation and Peacekeeping in a Random Walk Model of Civil and Interstate War"; Sisk; Favretto, "Should Peacemakers Take Sides? Major Power Mediation, Coercion, and Bias."

of legitimacy.⁴⁶⁸ Furthermore, the alternative arguments for why African third parties might be more effective than non-African third parties are shown to hold little to no explanatory power. African third parties are not more effective because they invest a disproportionate amount of material resources in making peace, nor are they more effective due to a cultural similarity. On the basis of what Hurd describes as the logic of necessity, the lack of evidence in favour of the alternative arguments supports the argument that African third parties are more effective due to a higher degree of legitimacy.⁴⁶⁹

The case studies in the next two chapters will probe to what extent third party legitimacy explains mediation success in Sudan.

⁴⁶⁸ Hurd, "Legitimacy and Authority in International Politics," 390.

⁴⁶⁹ For a discussion how the logic of necessity can be used as a method to study legitimacy, see: *Ibid.*, 391-392.

VI. Sudan's North-South Peace process: No

Shortcuts to Peace

The quantitative results presented in the previous chapters reveal strong statistical relationships. I conduct two in-depth case studies in order to probe the causal mechanisms that I put forward to explain the effectiveness of African mediation.⁴⁷⁰ More specifically, this chapter examines the extent to which third party capacity and third party legitimacy have driven the effectiveness of African and non-African third parties in the various mediation efforts between the Government of Sudan (GoS) and the rebels in southern Sudan. The next chapter does the same with regard to the mediation efforts between the GoS and the Darfurian rebels.

While the previous two chapters aimed to show the importance of international legitimacy through examining the level of compliance of conflict parties with African third parties, as well as through drawing on the logic of necessity, chapter 6 and chapter 7 will examine the reasons given for compliance and non-compliance.⁴⁷¹ Moreover, conducting case studies makes it possible to examine questions that are difficult to answer when solely employing quantitative analyses, such as how third party capacity and legitimacy combine to affect outcomes. Indeed, a limit of solely using statistical analyses is that this makes it impossible to study how legitimacy and capacity are intertwined. The case studies make it possible to examine to what extent capacity-based mediation and legitimacy-based mediation enable or constrain each other.

⁴⁷⁰ For an overview of the advantages of this case study selection methodology, see: Lieberman, "Nested Analysis as a Mixed-Method Strategy for Comparative Research."

⁴⁷¹ This relates to the second and third method to study legitimacy identified by Hurd. See: Hurd, "Legitimacy and Authority in International Politics."

Employing case studies also makes it possible to examine mediation success in a more nuanced manner. In addition, studying mediation efforts through the use of case studies make it possible to pay attention to more subjective indicators of mediation success, including the satisfaction of conflict parties and third parties with the outcome of a mediation process.

The rationale behind the focus on the mediation efforts in Sudan is that Sudan can be labelled as a typical case in terms of the contextual circumstances under which mediation takes place. Since Sudan is representative for the entire population, examining the mediation efforts to end the wars in Sudan makes it more likely to shed light on the causal mechanisms driving the findings of the statistical analyses. A telling description that reflects the representativeness of Sudan is that Sudan has been referred to as “Africa in microcosm.”⁴⁷² There are several factors that justify this description. First of all, Sudan shares a colonial past with most African countries, gaining independence from the UK and Egypt in 1956. Similar to many other African countries, this colonial past has resulted in a groups of elites in the centre governing the country at the expense of groups of marginalised people in the periphery.⁴⁷³

Furthermore, just as many other African countries, Sudan, prior to the secession of the south in 2011, was heterogeneous in terms of language, religion, and ethnicity. In fact, much like Africa entirely, Sudan consisted of a large Muslim population in the North and large Christian population in the South, though this distinction is highly generalised. Sudan is even more diverse in terms of ethnicity. Although Sudan has both Arab and African ethnicities, these ethnicities are fluid and there exists a great deal of variation within each category.⁴⁷⁴ It is also

⁴⁷² F. D. Deng, "Civil War and Identity in Sudan's Foreign Policy," in *Africa in the New International Order: Rethinking State Sovereignty and Regional Security*, ed. E. J. Keller and D. S. Rothchild (Boulder: Lynne Rienner Publishers, 1996), 100.

⁴⁷³ A. De Waal, "Sudan: The Turbulent State," in *War in Darfur and the Search for Peace*, ed. A. De Waal (Cambridge: Global Equity Initiative, 2007); A. el-Battahani, "A Complex Web: Politics and Conflict in Sudan " in *Peace by Piece: Addressing Sudan's Conflicts*, ed. M. Simmons and P. Dixon (London: Conciliation Resources, 2006).

⁴⁷⁴ F. M. Deng, *War of Visions: Conflict of Identities in the Sudan* (Washington, DC: Brookings Institution Press, 2011); R. O. Collins, *A History of Modern Sudan* (Cambridge: Cambridge University Press, 2008), 1-9.

telling that while Arabic is the main language of Sudan, most studies estimate that more than 100 languages were spoken in Sudan prior the secession of South Sudan in 2011.⁴⁷⁵

Sudan is also representative in terms of the characteristics of the conflicts it has experienced. For example, Sudan has experienced both high intensity dyad-years and low intensity dyad-years, territorial conflicts and non-territorial conflicts, and dyad-years in which one or both parties received secondary support and dyad-years in which none of the conflict parties was provided with secondary support.

In addition to being Africa in microcosm, an advantage of selecting Sudan as a case is that Sudan has almost constantly experienced armed conflict since its independence in 1956. The notable exception in this regard is the peace lull between the conclusion of the Addis Ababa Agreement in 1972 and the abrogation of this negotiated settlement in 1983. This makes it possible to illustrate the impact of all historical periods on the effectiveness of mediation, including the influence of Cold War dynamics and the effects of the establishment of the AU.

Another advantage of focusing on Sudan's civil wars to highlight the causal mechanisms explaining mediation success is that Sudan has experienced a relatively high degree of mediation. It follows from Table 6.1 below that like most conflicts during the Cold War, the first Sudanese civil war experienced little mediation, but both the second Sudanese civil war and the war in Darfur experienced relatively high degrees of African and non-African mediation. It also follows from Table 6.1 that the level of mediation success, in terms of the conclusion of peace agreements, in the first Sudanese civil war and the war in Darfur are below the average level of mediation success in civil wars in Africa, but the level of mediation success is higher for the second Sudanese civil war. Additionally, the successful implementation of the 2005 Comprehensive Peace Agreement (CPA) ending the second Sudanese civil war and the

⁴⁷⁵ J. H. Greenberg, *The Languages of Africa* (Bloomington: Indiana University Press, 1966), 196; D. H. Johnson, *The Root Causes of Sudan's Civil Wars: Peace or Truce* (Kampala: Fountain Publishers, 2011), 1.

failure of the 2006 Darfur Peace Agreement (DPA) allows for a qualitative examination of what explains the implementation and failure of these agreements. Focusing on both the north-south peace process and the Darfur peace process thus essentially follows the logic of a diverse case study selection methodology, making it possible highlight the causal mechanisms of successful and unsuccessful mediation.⁴⁷⁶

Table 6.1: The Frequency of Mediation in Africa and Sudan

	All Civil Wars in Africa	First Sudanese Civil War	Second Sudanese Civil War	Civil War in Darfur
Time horizon	1960-2012	1963-1972	1983-2005	2003-2012
Conflict dyad years	938	10	23	23
Number of mediation dyad years of total conflict dyad years (in percentages)	36%	10%	74%	83%
Number of dyad-years African third parties involved in dyad years out of total conflict dyad years (in percentages)	26%	10%	70%	83%
Number of dyad-year non-African third parties involved in dyad years out of total conflict dyad years (in percentages)	24%	0%	39%	57%
Number of dyad-years in which a peace agreement was concluded out of the total of conflict dyad years (in percentages)	14%	10%	30%	9%

Note: The civil war in Darfur consisted of more than one dyad for most of the years of the rebellion, explaining that the number of dyad-years is greater than the number of years the armed conflict is ongoing.

In order to examine what drives mediation success, the analyses will particularly pay close attention to how material factors and ideas have shaped the way mediation has been conducted by African and non-African third parties, as well as examine the extent to which

⁴⁷⁶ J. Seawright and J. Gerring, "Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options," *Political Research Quarterly* 61, no. 2 (2008).

material factors and ideas influenced the decision-making process of the conflict parties. In order to address these theoretical issues, the following questions will guide the two case studies:

1. Who were the main third parties involved or trying to get involved in mediation?
What were the perceptions of the adversaries about these third parties?
2. What were the material interests of the third parties to offer mediation? Did the motivation of African third parties to become involved relate to the African solutions norm?
3. Did the conflict parties try to emphasise the voluntary nature of the peace process by referring to non-interference in domestic affairs? How did the third parties respond to these efforts?
4. What were the mediation strategies used by the third party? To what extent did these strategies draw on the legitimacy or the capacity of the third party?
5. How have ideas and norms influenced the decision-making process of the conflict parties? To what extent did the African third parties put an explicit emphasis on African unity or their African identity? Did they refer to the pan-African values? Was the African solutions norm applied to the conflict parties' choice of initiating negotiations, signing a peace agreement, and implementing this agreement?
6. What were the material incentives for the conflict parties to make peace?
7. Do legitimacy-based and capacity-based mediation supplement or supplant each other?

I rely on several type of sources to answer these questions. Peace negotiations almost always take place behind closed doors, which makes the available information about mediation processes often limited. This makes it challenging to examine the effectiveness of international

peacemaking efforts. However, there is relatively much information available on the several mediation episodes in Sudan. The following types of sources have been used as material for the case studies:

1. Scholarly books and articles.
2. NGO reports and newspaper articles.
3. Personal interviews with the main participants of the peace process, both adversaries and members of the mediation team. A full list of the names and positions of the interviewees is included in the bibliography.
4. Primary documents, including the internal documents and minutes of several of the mediation episodes, draft peace agreements, policy documents of governments and international organisations, correspondence between different actors, and public speeches. One major source of these primary documents is the Sudan Peace Archive, which has been compiled by the World Peace Foundation.⁴⁷⁷ An advantage of the Sudan peace archive is that it includes correspondence and notes taken by participants in the peace process while the mediation process was still ongoing. In contrast to interviews which are usually held after the fact – which allow interviewees to reflect back and restate their agenda and motivations accordingly – the documents included in the Sudan peace archive reflect the attitudes of the people involved in the peace process at that particular moment in time. In addition, I draw on the minutes of the 1972 peace negotiations kept by the World Council of Churches. Finally, I have had access to internal documents provided to me by someone involved in the Darfur peace process, but who wishes to remain anonymous.

⁴⁷⁷ The Sudan Peace Archive is available at: <http://fletcher.tufts.edu/World-Peace-Foundation/Program/Research/Sudan-Peace-Archive>.

The first section of this chapter is devoted to the civil war between the GoS and Anyanya that started in 1963 and ended with the conclusion of the Addis Ababa Agreement in 1972 as a result of mediation by Ethiopia. The mediation effort by Ethiopia in 1972, led by Emperor Haile Selassie, illustrates how a commitment to African solutions provides a third party with legitimacy, as well as how this legitimacy can pull the conflict parties towards signing an agreement. The remaining sections of this chapter examine the various mediation efforts in the civil war between the Government of Sudan (GoS) and the Sudan People's Liberation Army/Movement (SPLM/A) that started in 1983 and ended in 2005 with the CPA. I will also examine the durability of this agreement up until 2012. More specifically, I will first discuss how the facilitation of peace talks by Ethiopia during the late 1980s was fruitful, but eventually failed as a result of a coup staged by Omar al-Bashir that nullified the peace agreement that had been concluded. I further explain how the imposition of solutions entailing separation of state and religion by former US President Jimmy Carter in 1989 and later US mediator Herman Cohen in 1990 resulted in a failure of these mediation efforts. Next, I examine the mediation effort of Nigeria in 1992 and 1993. Although Nigeria enjoyed a high degree of legitimacy, Nigeria's peacemaking effort failed as a result of a split within the SPLM/A, as well as Nigeria's insistence on Sudan's territorial integrity. Finally, I will examine the IGAD mediation effort from 1994 onwards, which culminated in the conclusion of the CPA in 2005 and led to the successful implementation of this agreement through a referendum on southern Sudan's independence in 2011. The African identity of the IGAD mediation effort played a crucial role in ending the second Sudanese civil war, as this legitimised the mediation effort and made it possible for IGAD to provide the conflict parties with a problem-solving forum. Yet, material incentives provided by non-African third parties, particularly the US from 2001 onwards, also played a major role in moving the conflict parties towards compromise. These material incentives were coordinated with the IGAD mediation team and were well-timed.

Crucially, a long process of problem-solving, which was made possible through IGAD's legitimate involvement, preceded the non-African pressure on the conflict parties. Hence, the mediation effort that ended Sudan's second civil war shows how mixed mediation led by an African third party with a high degree of legitimacy can be highly effective.

Background: the Emergence of the North-South Incompatibility

Even prior to Sudan gaining independence from Egypt and the United Kingdom in 1956, the tense relationship between Khartoum and the southern districts was apparent. The southern members of parliament only agreed to participate in Sudan's declaration of independence on 19 December 1955 when they were promised that the Constituent Assembly would seriously consider a federal constitution. When this assembly rejected the idea of a federal constitution after Sudan had gained independence, the southerners immediately walked out of the constitution-making process.⁴⁷⁸

The insistence on a federal constitution by the southern politicians was motivated by strong desire to get a greater say in the national government and to rectify the uneven economic development of Sudan that had been ongoing since the establishment of the Anglo-Egyptian condominium in 1889.⁴⁷⁹ Southern grievances further intensified following General Ibrahim Abboud seizing power in a coup on 17 November 1958.⁴⁸⁰ Instead of accommodating the demands of southern politicians for more development, a higher degree of southern autonomy, and giving the southerners a greater say in the national government, Abboud aimed to promote

⁴⁷⁸ Johnson, 27; M. LeRiche and M. Arnold, *South Sudan: From Revolution to Independence* (Oxford: Oxford University Press, 2013), 13-15; H. Assefa, *Mediation of Civil Wars: Approaches and Strategies - the Sudan Conflict* (Boulder: Westview Press, 1987), 57.

⁴⁷⁹ Johnson, 9-29; Cockett, 44-46; J. Copnall, *A Poisonous Thorn in Our Hearts: Sudan and South Sudan's Bitter and Incomplete Divorce* (Oxford: Oxford University Press, 2014), 117; J. Young, *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process* (London: Zed Books, 2012), 3.

⁴⁸⁰ Collins, 72-73; Johnson, 27.

national unity through pursuing a policy of Arabisation in southern Sudan.⁴⁸¹ Civil and police posts in southern Sudan were given to northerners, the language of education was changed from English into Arabic, the Sunday rest was changed to Friday, and the actions of Christian churches and missionaries in southern Sudan were further restricted.⁴⁸²

This policy led to the growth of a loosely organised armed opposition movement, called the Anyanya, in the early 1960s.⁴⁸³ The Anyanya sought to represent southern Sudan by trying to secede; or at least obtain a special autonomous status. As noted by Clapham, this makes Sudan the first country in Africa with an indigenous African government that experienced a separatist insurgency.⁴⁸⁴ Many African leaders were concerned about the secessionist goal of the southern rebels, which ran directly counter to the newly formed OAU's commitment to maintain the colonial borders.⁴⁸⁵ Consequently, the southern rebels received almost no external support.

Anyanya grew significantly and became better organised from the early 1960s onwards. While attacks had been taking place regularly since 1955 – including a mutiny of units within the southern army in the Torit garrison and the Malakal garrison during the summer of 1955 – it was not until General Abboud's policy of Arabisation in the south that armed resistance became more organised.⁴⁸⁶ With Anyanya attacking military strategic targets, the GoS

⁴⁸¹ Alier, 24; A. M. Lesch, *The Sudan: Contested National Identities* (Bloomington: Indiana University Press, 1998), 38-40; J. M. Jok, *Sudán: Race, Religion and Violence* (Oxford: Oneworld, 2007), 57-58.

⁴⁸² Deng, 105; G. Barsella, *Struggling to Be Heard: The Christian Voice in Independent Sudan, 1956-1996* (Nairobi: Paulines Publications Africa, 1998), 28-30; Cockett, 45.

⁴⁸³ Johnson, 31; Assefa, 59.

⁴⁸⁴ C. S. Clapham, "Introduction: Analysing African Insurgencies," in *African Guerrillas*, ed. C. S. Clapham (Bloomington: Indiana University Press, 1998), 3-6.

⁴⁸⁵ Johnson, 31; D. M. Wai, *The African-Arab Conflict in the Sudan* (New York: Africana Pub. Co, 1981), 126-134.

⁴⁸⁶ Johnson, 31; Jok, 54; LeRiche and Arnold, 25; Collins, 80; Scopas S. Poggo, *The First Sudanese Civil War : Africans, Arabs, and Israelis in the Southern Sudan, 1955-1972* (Basingstoke: Palgrave Macmillan, 2009), 42-45.

increased its army presence in the south. Consequently, by early 1964, almost the entire Sudanese national army consisting of 18,000 soldiers was deployed in the south.⁴⁸⁷

The First Peace Overtures and Ethiopia Mediates the First Sudanese Civil War

In October 1964, General Abboud stepped down from power, among others because of numerous violent demonstrations in Khartoum against the war in the South.⁴⁸⁸ The Abboud regime was replaced by a civilian government led by Sirr Al-Khatim Al-Khalifa. As soon as this caretaker government was installed, it started looking for possibilities to find a political solution to the conflict.⁴⁸⁹ However, government representatives made it clear that resolving the conflict was a strictly internal affair. Indeed, when a few African leaders tried to get the conflict in Sudan on the OAU agenda, they found little support following a Sudanese announcement that it did not wish such discussion.⁴⁹⁰ Nevertheless, trying to signal to other African leaders that it aimed to resolve the conflict peacefully, the GoS did invite seven African states – Algeria, Egypt, Ghana, Kenya, Nigeria, Tanzania, and Uganda – to what came to be known as the Round Table Conference in Khartoum in March 1965.⁴⁹¹

Although the seven African countries present at the Round Table Conference were only granted observer status, their presence contributed to perception that the conflict was a growing

⁴⁸⁷ R. Iyob and G. M. Khadiagala, *Sudan: The Elusive Quest for Peace* (Boulder: Lynne Rienner Publishers, 2006), 81.

⁴⁸⁸ D. Rothchild and C. Hartzell, "The Peace Process in the Sudan, 1971–1972," in *Stopping the Killing: How Civil Wars End*, ed. R. E. Licklider (New York: New York University Press, 1993), 73; T. M. A. Ali and R. O. Matthews, *Civil Wars in Africa: Roots and Resolution* (Montreal: McGill-Queen's University Press, 1999), 206; Collins, 81.

⁴⁸⁹ Young, 22; Assefa, 61-62.

⁴⁹⁰ Meyers, "Intraregional Conflict Management by the Organization of African Unity," 364; C. Eprile, *War and Peace in the Sudan, 1955-1972* (Newton Abbot: David & Charles, 1974), 141-142.

⁴⁹¹ O. Albino, *The Sudan: A Southern Viewpoint* (Oxford: Oxford University Press, 1970), 50; Alier, 29; Collins, 83.

African concern.⁴⁹² Mohamed Omer Beshir, the head of the secretariat of the Round Table Conference, later reflected on how “the observers were looked upon not as ‘foreigners’ but as ‘brothers’ or ‘friends’, present in spirit of African brotherhood. ... Their interventions were welcomed and came as a cooling element to the heated feelings and emotions of the participants.”⁴⁹³ Beshir also acknowledges how this perception of legitimate involvement allowed the observers to play a valuable role in the peace process: the observers “instilled the feeling in the delegates that the Conference should never be allowed to fail. They advocated the need to unite, to shake off the imperialist inheritances and conciliate religious differences.”⁴⁹⁴

Similarly, Abel Alier, a southern politician participating in the Round Table Conference, recalls how the conflict parties were reluctant to let the observers “leave Sudan with bleak forebodings of the country’s future.”⁴⁹⁵ The Round Table Conference made clear that the GoS was only willing to grant a limited degree of autonomy to Southern Sudan, whereas the southern opposition demanded autonomy within a federation and numerous southern leaders even demanded secession.⁴⁹⁶ In spite of these incompatible goals, the conflict parties signalled their intention to resolve the conflict to the African observers through agreeing to draft an interim programme as a first step to resolve the conflict. This programme stipulated that the conflict parties would temporarily adjourn the conference, while establishing a committee that could study and recommend possible solutions to the conflict. It was also agreed that religious freedom would be guaranteed and that a commission for socio-economic planning in southern Sudan would be set up.⁴⁹⁷

⁴⁹² Iyob and Khadiagala, 81.

⁴⁹³ M. O. Beshir, *The Southern Sudan: From Conflict to Peace* (London: Barnes & Noble Books, 1975), 11.

⁴⁹⁴ *Ibid.*, 7.

⁴⁹⁵ Alier, 31.

⁴⁹⁶ Johnson, 34; F. D. Deng, "Negotiating a Hidden Agenda Sudans Conflict of Identities," in *Elusive Peace: Negotiating an End to Civil Wars*, ed. I. W. Zartman (Washington, DC: Brookings Institution, 1995), 87-88; Alier, 31; Jok, 62.

⁴⁹⁷ Alier, 31-32.

However, when it was decided by the GoS in April 1965 that southerners would not be allowed to vote in the upcoming elections as a result of the security situation in the south, tensions started to increase again.⁴⁹⁸ In June 1965, the newly elected parliament even passed a resolution authorising the new coalition government led by Prime Minister Muhammad Ahmad Mahgoub to “restore law and order” in southern Sudan.⁴⁹⁹ This marked the definite failure of the peace process initiated at the Round Table Conference. Moreover, an offer by President Kwame Nkrumah of Ghana in November 1965 to mediate on the basis of the Round Table Conference was declined by President Mahgoub on the grounds that the conflict was an internal affair.⁵⁰⁰ Consequently, fighting further escalated from 1966 onwards.

Moreover, the conflict became increasingly internationalised. Rebel leader Joseph Lagu started to discuss the possibility of military support with Israeli officials from 1967 onwards, which was provided from early 1969 onwards in the form of military training of the rebels and the provision of modern weapons systems. Israel provided this support in retaliation for Sudan’s support to the Arab countries in the 1967 Arab-Israel war. Several Arab countries – including Algeria, Egypt, Kuwait, and Saudi Arabia – in turn supported the government side.⁵⁰¹ The Arab-Israel war thus internationalised the civil war in Sudan.

Yet, it was not until 1970 that sub-Saharan African states became parties to the conflict. Francis Deng explains the lack of African support to the rebels by pointing out that African leaders, including Ethiopia and Uganda, were inhibited from heavy involvement in Sudan because of the constraints of Africa’s normative environment: “The prevalent Pan-Africanist philosophy emphasized the unity and brotherhood of all Africans, Arabs included, and African

⁴⁹⁸ Jok, 62-63; E. O’Ballance, *The Secret War in the Sudan, 1955-1972* (London: Faber and Faber Limited, 1977), 75.

⁴⁹⁹ Alier, 33; Young, 22-23.

⁵⁰⁰ Assefa, 88; O’Ballance, 90.

⁵⁰¹ Johnson, 36-37; Rothchild and Hartzell, “The Peace Process in the Sudan, 1971–1972,” 70; A. M. Lesch, “External Involvement in the Sudanese Civil War,” in *Making War and Waging Peace: Foreign Intervention in Africa*, ed. D.R. Smock (Washington, DC: United States Institute of Peace Press, 1993), 81.

leaders held fast to the principle of the sacrosanctity of the existing African boundaries borrowed from their former colonizers.⁵⁰² In addition, most of Sudan's neighbours were also at risk of secession, which made the regional leaders of state careful not to provoke Sudan in supporting secessionist groups in their countries in retaliation.⁵⁰³ However, as a result of Khartoum's support for Eritrean secessionists from 1970 onwards – which was a result of other Arab countries pushing Sudan to support the Muslim rebels in Eritrea – Ethiopia became more sympathetic to the southern rebels. The Anyanya fighters also received support from Uganda, after Idi Amin came to power in 1970. As a willing client of Israel, Amin allowed the southern rebels to use Ugandan border areas for their military activities.⁵⁰⁴

The external support of Israel and neighbouring countries was mainly provided to Joseph Lagu and his faction within the southern rebel movement. Lagu demanded allegiance from other rebel factions in return for weapons and ammunition. This approach allowed Lagu to finally unify the southern rebels by 1970.⁵⁰⁵ As a consequence of the external support and unified command, the southern rebels won several battles throughout 1970 and 1971.⁵⁰⁶ This put pressure on the government led by Colonel Gaafar Nimeiry, which had come to power in a coup on 25 May 1969.⁵⁰⁷ While Nimeiry was unwilling to make any concessions with regard to a unitary government and Sudan being an Islamic country, he promised southern leaders that he would consent to a political solution that would take the southern uniqueness into consideration.⁵⁰⁸

Accordingly, in October 1970, a secret meeting was held in London between Anyanya representative Mading de Garang, Sudan's Ambassador Abdin Ismail, and Minister of

⁵⁰² Deng, "Civil War and Identity in Sudan's Foreign Policy," 106.

⁵⁰³ Rothchild and Hartzell, "The Peace Process in the Sudan, 1971–1972," 75; Assefa, 69.

⁵⁰⁴ Iyob and Khadiagala, 84; Johnson, 36–37.

⁵⁰⁵ Johnson, 37; A. Madut-Arop, *Sudan's Painful Road to Peace: A Full Story of the Founding and Development of SPLM/SPLA* (Charleston: BookSurge, 2006), 3–8; Jok, 67; Poggo, 142–144.

⁵⁰⁶ LeRiche and Arnold, 26.

⁵⁰⁷ Collins, 94; Assefa, 71.

⁵⁰⁸ Iyob and Khadiagala, 83–84; Jok, 66.

Southern Affairs Joseph Garang. At this meeting, the GoS representatives proposed to negotiate on the condition that the unity of Sudan would not be discussed. Mading subsequently wrote to Lagu, after which Lagu conveyed that he accepted the precondition that Sudanese unity was non-negotiable.⁵⁰⁹ Lagu also expressed his commitment to peaceful conflict resolution in a letter to the GoS sent in October 1970, writing that “We welcome the idea to prepare for peace talks because we are not just trouble makers, we are a people struggling for a cause, and if that can be achieved by talking we see no reason why we do not accept to talk.”⁵¹⁰

While the GoS expressed a commitment to a political solution to the conflict, Khartoum remained strongly opposed to any third party involvement. For instance, on 27 February 1971, Sudanese Foreign Minister Fraruq Abu ‘Isa once more publicly stressed that Sudan “adhered to its firm stand on non-interference in the internal affairs of other states, especially in those of fraternal African countries.”⁵¹¹ Yet, pressure on the GoS to find a political solution to the conflict steadily increased throughout 1971. Crucially, this pressure not only came from the south, but also from within Khartoum. Political unrest in Khartoum culminated in a communist coup attempt in July 1971.⁵¹² Following this coup attempt, Nimeiry hanged Joseph Garang, the Minister of Southern Affairs, who was also a communist supporting the coup. Joseph Garang was replaced by Abel Alier. As an ideological moderate from southern Sudan, Alier accepted his new post on the condition that he could secretly start talks with the rebels.⁵¹³ Contacts

⁵⁰⁹ Interview with Bona Malwal in Oxford, 11 November 2014. See also: Rothchild and Hartzell, "The Peace Process in the Sudan, 1971–1972," 72; Alier, 54.

⁵¹⁰ Rothchild and Hartzell, "The Peace Process in the Sudan, 1971–1972," 71-72.

⁵¹¹ Eprile, 141.

⁵¹² Jok, 65; Collins, 100-102; Wai, 148; Poggo, 176; Beshir, 99.

⁵¹³ Alier, 36; Rothchild and Hartzell, "The Peace Process in the Sudan, 1971–1972," 69-71; Deng, "Negotiating a Hidden Agenda Sudans Conflict of Identities," 89-90; Collins, 108.

between Alier and the southern rebels were subsequently established through facilitation of southern Christian church leaders and church leaders from Europe.⁵¹⁴

Simultaneously to the prenegotiations facilitated by the church leaders, several African leaders conveyed their wish to see an end to the secessionist demands of Anyanya. This was acknowledged by Omar El Hag Mousa, the Sudanese Minister of Information, in a private conversation on 15 December 1971, in which he said that “All African governments are fed up with the Sudan. They will all be pleased to see the problem finished.”⁵¹⁵ Ethiopian leader, Emperor Haile Selassie, who was facing Eritrean demands for secession, was particularly in favour of a peaceful solution to the conflict that would preserve Sudan’s unity. Selassie’s commitment to such a solution is reflected in the leaders of Ethiopia and Sudan agreeing, in March 1971, to terminate the support to each other’s secessionist movements.⁵¹⁶

Another factor that gave Sudan’s neighbouring countries a stake in the resolution of the conflict was an increase in the flow of refugees from southern Sudan by the late 1960s.⁵¹⁷ In essence, the large refugee flows made the civil war in Sudan also a problem of Sudan’s neighbours. This increased the legitimacy of possible regional involvement in the civil war in Sudan, as the GoS could no longer claim that the conflict was solely an internal affair. According to Assefa, the criticism of African governments mounted against the GoS for its failure to resolve the conflict “produced a genuine eagerness on the part of Nimeiry’s government to search sincerely for a solution to the Southern problem.”⁵¹⁸ Similarly, Bona Malwal, who acted as an external adviser to the southern negotiators, notes that the southern

⁵¹⁴ J. Lagu, *Sudan, Odyssey through a State: From Ruin to Hope* (Omdurman: M.O.B. Center for Sudanese Studies, 2006), 239; Assefa, 101-131; Alier, 75-89.

⁵¹⁵ Eprile, 144; Alier, 75-84.

⁵¹⁶ Rothchild and Hartzell, "The Peace Process in the Sudan, 1971–1972," 75; Deng, "Civil War and Identity in Sudan's Foreign Policy," 108; Assefa, 69; Alier, 91-92; Beshir, 83-85.

⁵¹⁷ Assefa, 159; Beshir, 69-70; Rothchild, 223.

⁵¹⁸ Assefa, 159.

rebels were receptive to African calls to resolve the conflict because of the large number of southern refugees in the neighbouring countries.⁵¹⁹

The interest of African leaders to see the conflict resolved made the conflict parties agree to secret preliminary peace talks in Addis Ababa on 9 November 1971.⁵²⁰ The choice of Ethiopia as host of the talks and Addis Ababa as the venue for peace talks was symbolic. As the chief negotiator of the government side later reflected, "As the seat of the OAU, it was a natural host for the talks."⁵²¹ With progress made during the preliminary talks, the conflict parties agreed to terminate the fighting. This paved the way for official negotiations starting in February 1972.⁵²²

At the start of the first session of the negotiations, the Ethiopian Foreign Minister welcomed the negotiators and emphasised the importance of peace in Africa, as well as the importance of settlement of disputes through discussion, persuasion, and compromise.⁵²³ The subsequent peace talks from this first session onwards can be summarised as a series of reciprocal concessions. In terms of the language in Sudan, it was agreed that Arabic would be the official language, while English would be the principal language for the Southern region.⁵²⁴ It was further agreed that all southern rebels would be granted amnesty if they would lay down their arms.

The nature of the federal arrangement stipulated in the Addis Ababa Agreement was also formulated early on in the negotiations. On the second day of the negotiations, on 17 February 1972, Ezbon Mondiri Gwonga stated on behalf of the southern rebels that a federal system that would not be controlled by Khartoum was the only way of solving the problem of

⁵¹⁹ Interview with Bona Malwal in Oxford, 11 November 2014.

⁵²⁰ Alier, 80; Lesch, "External Involvement in the Sudanese Civil War," 82; Collins, 109; Assefa, 122.

⁵²¹ Alier, 91-92.

⁵²² *Ibid.*, 85.

⁵²³ *Ibid.*

⁵²⁴ Rothchild and Hartzell, "The Peace Process in the Sudan, 1971-1972," 80; Collins, 110; Alier, 100-101.

the Sudan.⁵²⁵ Government chief negotiator Abel Alier responded that the focus should not be on from the composition of the central government, but rather on specific devices which can safeguard the special interests of the South.⁵²⁶ Both sides eventually made a concession on the third day of the negotiations. The parties agreed that the three southern provinces – Bar el Ghazal, Equatoria, and Upper Nile – would constitute a self-governing unit within Sudan.⁵²⁷ In spite of this provision, the leading position of Khartoum was never in doubt. The central government remained authority over matters related to defence, external affairs, currency, customs, trade, and economic development.⁵²⁸ Nevertheless, that southern Sudan would be granted a limited degree of autonomy effectively bridged the position that the status quo should be maintained and the position that southern Sudan should become independent.⁵²⁹

In spite of both sides having made several significant concessions, the conflict parties were unable to reach a final agreement. The most contentious issue that still needed to be tackled was how the Sudanese army had to be organised. The GoS demanded a unified army with a single command, but the Anyanya asserted that Sudan should have three separate armies: one northern army, one southern army, and an army in Khartoum consisting of northern and southern troops.⁵³⁰ Anyanya negotiator Colonel Maggott asserted that a regional army in southern Sudan “was supposed to protect the Southerners against the Northerners.”⁵³¹

When it became clear by the end of the fourth day of the talks, chaired by the church leaders, that the negotiations were deadlocked, it was decided that Ethiopian Emperor Haile Selassie would become directly involved in the peace talks. On the fifth day, on 20 February, prior to conveying a plenary session, Selassie briefly met with both sides separately.⁵³² The

⁵²⁵ Minutes of the 1972 Addis Ababa Negotiations, day 2, 17 February 1972.

⁵²⁶ Minutes of the 1972 Addis Ababa Negotiations, day 2, 17 February 1972.

⁵²⁷ Collins, 110.

⁵²⁸ Rothchild and Hartzell, "The Peace Process in the Sudan, 1971–1972," 86.

⁵²⁹ *Ibid.*, 80; Beshir, 110.

⁵³⁰ Rothchild and Hartzell, "The Peace Process in the Sudan, 1971–1972," 80.

⁵³¹ Minutes of the 1972 Addis Ababa Negotiations, day 3, 18 February 1972.

⁵³² Assefa, 140-141; Alier, 111.

Emperor told the GoS delegation that the fears of the southern rebels should be given some fuller consideration in the light of what had gone on in that part of the country for the last sixteen years. He went on to say that if the GoS wanted to station a force in southern Sudan, it would be wise to base the composition of this army on a fifty-fifty arrangement with an equal number of soldiers from the north and the south. After Selassie had also briefly met with the rebel delegation, negotiations continued in a plenary session.⁵³³

In his opening speech in the subsequent plenary session, Selassie emphasised not only the historical links between Sudan and Ethiopia, but also legitimised his mediation effort by pointing out how African nations had the duty to promote unity and internal cohesion in other African countries.⁵³⁴ Based on the national unity principle, Selassie expressed that a sovereign country should have one army and that Sudan should not be an exception in this regard.⁵³⁵ Yet, the Emperor also pointed out – while adding that his suggestions were not binding to any party – that a mixed army stationed in the south, composed equally of southern and northern elements would help reassure the southerners of their safety and equal place in the country.⁵³⁶ Following Selassie's speech, both conflict parties immediately agreed to the Emperor's proposal.

Negotiations mediated by Selassie continued for four more days, until 26 February. While the conflict parties had already agreed on the fifty-fifty arrangement on the fifth day of the talks, the details of this solution still needed to be worked out. Emperor Haile Selassie put forward a compromise formula that both sides eventually accepted, proposing a unified force in the southern region that would comprise of 6,000 southern and 6,000 northern troops.⁵³⁷

⁵³³ Minutes of the 1972 Addis Ababa Negotiations, day 5, 20 February 1972.

⁵³⁴ Alier, 111.

⁵³⁵ *Ibid.*, 111-112; Collins, 111.

⁵³⁶ Minutes of the 1972 Addis Ababa Negotiations, day 5, 20 February 1972. See also: Alier, 112.

⁵³⁷ Rothchild and Hartzell, "The Peace Process in the Sudan, 1971–1972," 84; Collins, 111.

Around midnight on 26 February, the conflict parties finally agreed on the security arrangements.⁵³⁸

After the agreed provisions were compiled the next day, on 27 February 1972, the parties signed the agreement at a ceremony in the ballroom of the Addis Ababa Hilton. Commenting on the negotiated settlement at this ceremony, Selassie described the agreement as “of more than momentary importance... It augurs well for all the people of Africa at large.”⁵³⁹ Following the signing ceremony, a reception was held at head office of the OAU where the participants of the negotiations were congratulated.⁵⁴⁰ The Secretary General of the OAU held a speech in which he referred to the agreement as “a resounding victory for the Sudan, its people, Government and President but also, and above all, as the beginning of a new era in the peaceful settlement of African conflicts.”⁵⁴¹

To conclude, it is highly likely that the proposal by Haile Selassie had already been considered by the parties themselves. This suggests that it was not the actual proposal made by the Emperor that moved the parties towards compromise, but rather that the proposal was suggested by a highly respected pan-African statesman. Selassie had been one of the key founders of the OAU and as such enjoyed great prestige among African leaders.⁵⁴² Hence, Selassie’s proposal mattered a great deal, but on the basis of a logic of appropriateness rather than consequences. Southern rebel leader Joseph Lagu notes in this regard that no “carrot and stick” were used during the negotiations.⁵⁴³ Similarly, Bona Malwal, an adviser to the southern delegation, notes that it was the legitimacy of Haile Selassie that made him successful in urging

⁵³⁸ Assefa, 142; Lagu, 254. For the text of the 1972 Addis Ababa Agreement, see: Beshir, 158-177.

⁵³⁹ Beshir, 109.

⁵⁴⁰ Assefa, 143; Wai, 157-158.

⁵⁴¹ Beshir, 108-109.

⁵⁴² C. Mitchell, "The Process and Stages of Mediation: Two Sudanese Cases," in *Making War and Waging Peace: Foreign Intervention in Africa*, ed. D.R. Smock (Washington, DC: United States Institute of Peace Press, 1993), 149; Iyob and Khadiagala, 85.

⁵⁴³ R. Barltrop, *Darfur and the International Community: The Challenges of Conflict Resolution in Sudan* (London: I. B. Tauris, 2011), 192.

the conflict parties to extend the negotiations and consider his proposal.⁵⁴⁴ In other words, the legitimacy of Haile Selassie pulled the conflict parties towards signing the peace agreement.

The Abrogation of the Addis Ababa Agreement and the Rise of the SPLM/A

Following the signing of the Addis Ababa Agreement, the leaders of the former warring parties took several measures to ensure post-agreement stability in Sudan. President Nimeiry initiated an official policy of national reconciliation.⁵⁴⁵ A telling example of this policy is that Nimeiry and Alier toured together through southern Sudan to show their commitment to the agreement and increase domestic support for the peace process.⁵⁴⁶ In addition, shortly after the signing of the agreement, President Nimeiry appointed a Provisional High Executive Council headed by Abel Alier to act as the transitional government of southern Sudan for a period of 18 months. Additionally, Joseph Lagu was appointed as a Major-General in the national army, in which many of the southern rebels had been successfully integrated.⁵⁴⁷

In November 1973, elections were held for the Regional Assembly in southern Sudan. Although these elections took place without any significant incidents, suspicion grew as a result of President Nimeiry's involvement to assure that Abel Alier would assume the role of President of the High Executive Council of southern Sudan.⁵⁴⁸ Throughout the 1970s, Nimeiry continued to intervene in electoral and legal processes in southern Sudan, further increasing the resentment among southern politicians against the central government. Some of Nimeiry's involvement could be justified by the fact that the Addis Ababa Agreement authorised the

⁵⁴⁴ Interview with Bona Malwal in Oxford, 11 November 2014.

⁵⁴⁵ Deng, "Negotiating a Hidden Agenda Sudans Conflict of Identities," 92.

⁵⁴⁶ Assefa, 143; Alier, 117.

⁵⁴⁷ Rothchild and Hartzell, "The Peace Process in the Sudan, 1971–1972," 86.

⁵⁴⁸ Ibid., 87; B. Malwal, *The Sudan: A Second Challenge to Nationhood* (New York: Thornton Books, 1985), 28–30; A. B. El Obeid, *The Political Consequences of the Addis Ababa Agreement* (Stockholm: LiberTryck, 1980), 52–54.

Sudanese President to organise relations between central ministries and the regional organs. However, the consequences of this provision contributed to southern politicians asserting that the constitutional warranties for southern autonomy were too weak.⁵⁴⁹

Resentment concerning Nimeiry's policies grew even more when the GoS shifted its policy from a communist orientation towards an Islamic orientation. The reason for this shift was that Nimeiry calculated that the growing internal threat from his Islamic rivals – reflected in a Muslim coup attempt in 1975 and another one in 1976 – could be mitigated through adopting an Islamic political agenda for Sudan.⁵⁵⁰ As part of this agenda, Nimeiry released many political prisoners. In addition, Hassan al-Turabi, a highly prominent figure within the Muslim Brotherhood, was allowed to return from exile in 1977, after which he even was made attorney general.⁵⁵¹

From 1977 onwards, relations between Khartoum and southern Sudan became increasingly strained. With tensions reaching boiling point, Khartoum ordered some southern battalions to transfer to the north in January 1983. These battalions refused this order, claiming that under the provisions of the Addis Ababa Agreement they were to serve Southern commanders. This eventually led to a full-scale mutiny by the 105th battalion in Bor in May 1983, after which battalions in Pibor and Pochealla joined the revolt. In addition, numerous southerners operating from Ethiopia joined the rebellion.⁵⁵²

In an attempt to maintain control over the mutinies in Southern Sudan, President Nimeiry abolished the Southern Sudan Autonomous Region by splitting it into three separate provinces on 5 June 1983.⁵⁵³ This measure violated the constitution, which specified that the

⁵⁴⁹ Rothchild and Hartzell, "The Peace Process in the Sudan, 1971–1972," 88-91.

⁵⁵⁰ Johnson, 55-56; Deng, "Negotiating a Hidden Agenda Sudans Conflict of Identities," 93; Ali and Matthews, 208-209; Jok, 73; Toft, *Securing the Peace: The Durable Settlement of Civil Wars*, 131-132.

⁵⁵¹ Interview with Hassan al-Turabi in Khartoum, 29 December 2014. See also: el-Battahani, 12; Malwal, 31-38.

⁵⁵² Madut-Arop, 43-54; Johnson, 61-62; LeRiche and Arnold, 29-30; Collins, 139.

⁵⁵³ Malwal, 34; Young, 27; Collins, 137.

Addis Ababa Agreement could only be amended by three-quarters majority vote in the National Assembly and a two-third majority in a referendum in the South. Confronted with this violation, Nimeiry stated that the Addis Ababa Agreement is not a sacred document: "It is neither the Quran nor the Bible."⁵⁵⁴ Nimeiry's violation of the constitution only promoted more desertions. Consequently, by July 1983, around 2,500 soldiers had defected to the new rebel movement being formed.⁵⁵⁵ The deathblow to the Addis Ababa Agreement came in September 1983, with the introduction of Sharia law, which further reinforced the perception of the oppressive national government among southerners.⁵⁵⁶

When the conflict started to escalate in the summer of 1983, a group of southerners in the national army, who referred to themselves as the group of the Progressive Officers, formed the SPLM/A.⁵⁵⁷ The group of Progressive Officers had been founded almost immediately after the signing of the Addis Ababa Agreement in 1972, as many of its members believed that the agreement did not address the economic inequality between the different regions in Sudan.⁵⁵⁸ In essence, what is commonly referred to as the second Sudanese civil war can thus be understood as the continuation of the Anyanya rebellion. However, a fundamental difference is that the SPLM/A was strictly speaking not a secessionist movement. While the SPLM/A pressed for a special autonomous status and some elements within the movement even advocated in favour outright secession, the SPLM/A leadership sought radical reform of the national government.⁵⁵⁹ In the first meeting of the newly formed SPLM/A, John Garang, the

⁵⁵⁴ S. Wöndu and A. M. Lesch, *Battle for Peace in Sudan: An Analysis of the Abuja Conferences, 1992-1993* (Lanham: University Press of America, 2000), 6.

⁵⁵⁵ Madut-Arop, 46-54.

⁵⁵⁶ Malwal, 49-50; Deng, "Negotiating a Hidden Agenda Sudans Conflict of Identities," 93; Madut-Arop, 57; Cockett, 77; M. Burr and R. O. Collins, *Requiem for the Sudan: War, Drought, and Disaster Relief on the Nile* (Boulder: Westview Press, 1995), 15-18.

⁵⁵⁷ Madut-Arop, 25; D. H. Johnson and G. Prunier, "The Foundation and Expansion of the Sudan People's Liberation Army," in *Civil War in the Sudan*, ed. M. W. Daly and A. A. Sikainga (London: British Academic Press, 1993).

⁵⁵⁸ Captain John Garang's Letter to General Joseph Lagu, 24 January 1972. In: P. L. Wël, *The Genius of Dr. John Garang: The Essential Writings and Speeches of the Late SPLM/A's Leader, Dr. John Garang De Mabioor. Vol. 2* (Marston Gate: Createspace Independent Pub, 2013), 23-29.

⁵⁵⁹ Ali and Matthews, 200; LeRiche and Arnold, 34-40.

leader of the movement, gave a speech in which he stated that the “new rebel movement we are creating shall fight for the general interest of all the Sudanese people regardless of race, religion, creed and geographical differences.”⁵⁶⁰ In fact, Garang’s thinking on this matter was very much in line with territorial integrity norm aimed at preventing the balkanization of the African continent, as it emerged in the early post-colonial era. It is reiterated in the SPLM Manifesto that “the principle [sic] objective of the SPLA/M is not separation for the South. The South is an integral and inseparable part of the Sudan. Africa has been fragmented sufficiently enough by colonialism and neocolonialism and its further fragmentation can only be in the interests of her enemies.”⁵⁶¹ Nevertheless, the political relation between the north and the south remained one of the most fundamental underlying issues of the armed conflict.⁵⁶² The SPLM/A thus falls somewhat between what Clapham has classified as separatist and reform insurgencies.⁵⁶³

The GoS refrained from entering into negotiations until 1985, dismissing the SPLM/A uprising as a minor mutiny.⁵⁶⁴ Nevertheless, President Nimeiry released several political prisoners to establish contacts with the SPLM/A, thus signalling a willingness to talk.⁵⁶⁵ Moreover, President Nimeiry publicly announced that if the SPLM/A would stop fighting, he would make John Garang Vice President of Sudan. John Garang responded on 29 December 1984 saying that “the war in the south was not started to make me Vice President.”⁵⁶⁶

Garang’s reluctance to engage in peace talks remained in spite of President Nimeiry being ousted from power in April 1985 in a popular uprising led by the National Alliance for

⁵⁶⁰ Speech by Dr. John Garang at the first meeting of the SPLM/A in Mayom, 15 June 1983. In: P. L. Wël, *The Genius of Dr. John Garang: The Essential Writings and Speeches of the Late SPLM/A’s Leader, Dr. John Garang De Maboor. Vol. 1* (Marston Gate: Createspace Independent Pub, 2013), 97-98.

⁵⁶¹ *The 1983 Manifesto of the Sudan People’s Liberation Movement.*

⁵⁶² Maundi et al., 127.

⁵⁶³ Clapham, "Introduction: Analysing African Insurgencies," 6-7.

⁵⁶⁴ Lesch, "Negotiations in Sudan," 109.

⁵⁶⁵ Interview with Bona Malwal in Oxford, 11 November 2014.

⁵⁶⁶ Madut-Arop, 118-119.

National Salvation. A military transitional council subsequently took power, which promised to organise elections in one year and restore democracy.⁵⁶⁷ Nevertheless, the SPLM/A leadership decided to continue to fight the regime in Khartoum, among others because the military council refused to revoke Sharia law.⁵⁶⁸ Garang stated that “The ugly shadow of Nimeiry looms ominously over the military administration in Khartoum” and that the SPLM/A would continue its fight against racism.⁵⁶⁹

Yet, the new regime in Khartoum went at great lengths to convince the SPLM/A leadership that it had clearly broken with Nimeiry’s regime. In the first meeting of the National Alliance on 25 April 1985, the National Alliance leadership invited the SPLM/A and several neighbouring countries to participate in an open dialogue aimed at finding a solution to the conflict that would preserve national unity.⁵⁷⁰ In early June 1985, Prime Minister al-Jizouli Dfallah sent a private letter to Garang, in which he expressed his commitment to the Addis Ababa Agreement and urged Garang to agree to peace talks. It was only by 1 September that the SPLM/A leadership responded to the calls for peace negotiations and declared a unilateral ceasefire. Yet, this reply was only received in Khartoum on 24 October. Moreover, the national army had already begun a new offensive in southern Sudan in July.⁵⁷¹ Several clashes subsequently took place during the second half of 1985.

Ethiopia Steps into the Fray

Hoping that fighting would stop prior to the national elections held in April 1986, the National Alliance Government continued its efforts to initiate a peace process. To this purpose, the

⁵⁶⁷ Johnson, 70.

⁵⁶⁸ Lesch, "Negotiations in Sudan," 110-111.

⁵⁶⁹ Johnson, 71.

⁵⁷⁰ Lesch, "Negotiations in Sudan," 111.

⁵⁷¹ *Ibid.*, 112; Madut-Arop.

National Alliance Government organised a constitutional conference in October 1985, but the SPLM/A opposed the new constitution drafted at this conference since it retained Sharia laws as the official source of legislation of Sudan.⁵⁷² While objecting to peace talks in Sudan, the SPLM/A finally agreed to a peace conference at the Koka Dam in Ethiopia between 20 and 24 March 1986.⁵⁷³

The Koka Dam Conference was attended by 24 SPLM/A representatives and 24 representatives of the National Alliance. In addition, several secular and non-Arab political groups attended the conference, yet the leaders of the Democratic Unionist Party (DUP) and the National Islamic Front (NIF) decided not to attend the conference. Of the major political parties, the Umma Party was the only party that send some representatives to the conference. The Umma Party delegation held some talks with the SPLM/A, which led to the drafting of a document – referred to as the Koka Dam Declaration – that stated that Sudan should be a secular and democratic state.⁵⁷⁴

However, the timing of the conclusion of the Koka Dam Deceleration reduced its impact, as elections were scheduled one month after the document was signed.⁵⁷⁵ After the elections in April 1986, the Umma party formed a government with Sadiq al-Mahdi as Prime Minister, but without a majority in parliament al-Mahdi had to form a coalition with the two other major political parties: the DUP and the NIF.⁵⁷⁶ This shaky alliance of political parties made the implementation of the Koka Dam Declaration virtually impossible. In a meeting with John Garang in Ethiopia at an OAU summit on 31 July 1986, al-Mahdi had promised the SPLM/A leader to repeal the Sharia laws.⁵⁷⁷ Yet, he soon had to renege on this promise, with

⁵⁷² Lesch, "Negotiations in Sudan," 113-114; Collins, 161.

⁵⁷³ Deng, "Civil War and Identity in Sudan's Foreign Policy," 111; Johnson, 71; Young, 80-81.

⁵⁷⁴ For the text of the 1986 Koka Dam Declaration, see: Wöndu and Lesch, 215-218.

⁵⁷⁵ Ibid.

⁵⁷⁶ el-Battahani, 12.

⁵⁷⁷ Lesch, "Negotiations in Sudan," 117; Madut-Arop, 153-155; Collins, 171.

both the DUP and the NIF opposing this promise.⁵⁷⁸ In spite of the Koka Dam Declaration and the promises he had made to Garang, Prime Minister Sadiq al-Mahdi publicly stated that “non-Muslims can ask us to protect their rights and we will do that, but that’s all they can ask. We wish to establish Islam as the source of law in the Sudan because the Sudan has a Muslim majority.”⁵⁷⁹

The war subsequently intensified, resulting in some major military victories by the SPLM/A.⁵⁸⁰ Yet, after encouragement from Egypt, the DUP, which was marginalised in the government collation, agreed to engage in peace talks in Addis Ababa. A series of negotiations subsequently took place between May 1987 and November 1988.⁵⁸¹ Negotiations between Garang and DUP leader Mohammed Osman al-Mirghani led to the conclusion of what came to be known as the SPLM/A-DUP Agreement on 16 November 1988. The agreement built on the Koka Dam Conference, though the SPLM/A dropped its demand for the dissolution of the GoS and agreed that the Sharia laws could be put on hold until the issue was further discussed at a constitutional conference.⁵⁸²

The NIF objected to the SPLM/A-DUP Agreement, fearing that once Sharia laws would be frozen, these laws would never be promulgated. Prime Minister al-Mahdi’s Umma party also objected the agreement, primarily as it had not been involved in the negotiations leading up to the document and that this would increase the influence of the DUP. Consequently, the NIF and Umma cooperated and together made sure the agreement was voted down on 21 December 1988.⁵⁸³ When the agreement was voted down, the SPLM/A immediately went on the offensive, putting even more pressure on the national army. The Sudanese military high

⁵⁷⁸ Wöndu and Lesch, 11; Young, 80-81.

⁵⁷⁹ Johnson, 79.

⁵⁸⁰ Madut-Arop, 159; Iyob and Khadiagala, 90.

⁵⁸¹ Johnson, 84; Wöndu and Lesch, 10; Iyob and Khadiagala, 90.

⁵⁸² Deng, "Civil War and Identity in Sudan's Foreign Policy," 111; Johnson, 84; Lesch, "Negotiations in Sudan," 121.

⁵⁸³ Lesch, "Negotiations in Sudan," 121-123; Young, 81; Collins, 169.

command subsequently gave Prime Minister al-Mahdi an ultimatum: accept SPLM/A-DUP Agreement as a basis for peace with the SPLM/A or they would remove him from power.⁵⁸⁴ As a result, al-Mahdi formed a broad based government – which included the DUP but excluded the NIF – and held official meetings with the SPLM/A in Addis Ababa in May and June 1989. These meetings culminated in a promise by al-Mahdi to endorse the SPLM/A-DUP Agreement on 30 June 1989.⁵⁸⁵

Since this endorsement would almost certainly entail the repeal of Sharia law and a political autonomy for Southern Sudan, the NIF and its supporters strongly objected the endorsement of the agreement. It is within this context that, on the day the agreement was scheduled to be endorsed, a group of officers led by General Omar al-Bashir staged a coup, effectively taking control.⁵⁸⁶ Commenting on the SPLM/A-DUP Agreement, the new leader stated that the agreement “never existed to us. It has no place in our efforts to solve the Southern problem. The conditions included in that agreement are inadmissible to us.”⁵⁸⁷ Al-Bashir also repeatedly stressed that the coup was aimed at preserving the Islamic Arab identity of the Sudan. Indeed, the new regime was Arabic centric, banned all political parties, and imposed strict Islamic laws. The al-Bashir regime exempted the south only from five of the 186 articles of the Penal Code, which was implemented after the Sharia laws had been enacted into the constitution.⁵⁸⁸ Consequently, the coup diminished the prospects for a negotiated settlement. SPLM/A leader John Garang later reflected that the peace negotiations on the basis of the SPLM/A-DUP Agreement had been “at an advanced stage” when the coup took place.⁵⁸⁹

⁵⁸⁴ Collins, 169.

⁵⁸⁵ Lesch, "External Involvement in the Sudanese Civil War," 85; Madut-Arop, 184-185; Collins, 169-170.

⁵⁸⁶ Johnson, 84-85; Cockett, 96-101; Young, 31.

⁵⁸⁷ Lesch, "Negotiations in Sudan," 124.

⁵⁸⁸ Iyob and Khadiagala, 91.

⁵⁸⁹ Lesch, "Negotiations in Sudan," 124.

In spite of dismissing the SPLM/A-DUP Agreement, the new al-Bashir regime was highly motivated to show regional leaders that the new government was committed to peace. At the annual OAU summit that started on 24 July, less than a month after the coup had taken place, al-Bashir went at great lengths to point out how the GoS would achieve peace in Sudan.⁵⁹⁰ Underscoring that it was firmly in control of its domestic agenda, the new government refused mediated negotiations with the SPLM/A on the basis of the SPLM/A-DUP Agreement.⁵⁹¹

Nevertheless, GoS and SPLM/A representatives did secretly meet in Addis Ababa on 19 and 20 August 1989, with Ethiopian diplomats present as observers.⁵⁹² A representative of the GoS chaired the talks on the first day and a representative of the SPLM/A on the second day.⁵⁹³ It soon became apparent during the talks that the parties would be unable to reach consensus on how to resolve the civil war, as they could not agree on the issue of Sharia laws. SPLM/A negotiator Justin Yak Arop accused the GoS of continuing to impose Sharia laws on Sudan.⁵⁹⁴ In addition, since the GoS refused to build on the peace process taking place prior to the coup, the SPLM/A negotiators pushed the government delegates to describe their peace plan. For example, Lam Akol told the government delegates that “prior to your take-over there was a tendency toward peace. There was advanced political work. The new government should present us with a programme for peace.”⁵⁹⁵ The head of the GoS delegation responded by pointing out that the meeting was meant as a preliminary session to prepare for a 45-day National Dialogue on Peace scheduled to start in October 1989.⁵⁹⁶ Yet, the SPLM/A made it clear they would boycott such a conference, arguing that it was not a valid alternative for the

⁵⁹⁰ M. E. Khalifa, *Ten Years of Peacemaking in Sudan: 1989-1999* (Khartoum: 1999), 4.

⁵⁹¹ Maundi et al., 140.

⁵⁹² Interview with Abdalla Idris Mohamed in Khartoum, 14 December 2014.

⁵⁹³ Khalifa, 12.

⁵⁹⁴ Ibid., 19.

⁵⁹⁵ Ibid., 17.

⁵⁹⁶ Ibid., 18.

constitutional conference as stipulated in the SPLM/A-DUP Agreement. Nevertheless, the parties agreed to hold another meeting in due course.⁵⁹⁷

The Carter and the US Initiative

It was also agreed at the meeting in Addis Ababa in August 1989 that the conflict parties would cooperate in order to enable humanitarian relief efforts to reach war-affected and drought-affected regions in southern Sudan. This humanitarian effort – labelled Operation Lifeline Sudan (OLS) – had started in April 1989 and was coordinated by the UN. Afraid that heavy fighting between the conflict parties would undermine the humanitarian relief effort, the US started to exert pressure on the conflict parties from April 1989 onwards.⁵⁹⁸ Former US President Carter rode on this wave of US pressure and visited Khartoum in mid-November 1989 to meet with al-Bashir to initiate a mediation initiative.⁵⁹⁹ Carter was in a good position to initiate peace talks, as the Carter Center had played an instrumental role in the eradication of the Guinea worm disease and river blindness in Sudan. President al-Bashir agreed to peace talks, but asked Carter to coordinate his initiative with Kenya. Negotiations were subsequently scheduled to take place in Nairobi on 1 December 1989.⁶⁰⁰

Although Carter officially operated as a private citizen, his effort was perceived by the conflict parties as being linked to the US. One reason for this is that in addition to being launched in the context of strong US pressure on the conflict parties to conclude a ceasefire in order to facilitate humanitarian assistance, Carter had been in close contact with US authorities

⁵⁹⁷ Lesch, "Negotiations in Sudan," 125; Madut-Arop, 355-356.

⁵⁹⁸ Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent*, 61; Barltrop, 74-76; D. Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe* (Boulder: Westview Press, 2009), 13.

⁵⁹⁹ Interview with Mohamed el-Amin Khalifa, chief negotiator of the GoS, in Khartoum, 18 December 2014. See also: Barltrop, 36-37; Maundi et al., 140.

⁶⁰⁰ Maundi et al., 140-145; Khalifa, 58.

and even had sought endorsement of his peacemaking effort.⁶⁰¹ Reflecting on Carter's mediation effort, the chief negotiator of the government side, Mohamed el-Amin Khalifa, notes that "We knew that mediation by Carter and the US was very similar. As a former US President, Carter would act in the interest of the US. The attempt to make peace in Sudan by Carter was essentially a side stream flowing to a bigger American river."⁶⁰²

It soon became clear when the negotiations in Nairobi started that neither of the conflict parties had adjusted their positions. The government delegation proposed a federal system in which certain regions in non-Muslim regions in Sudan could exempt themselves from a few Islamic laws, whereas the SPLM/A delegation demanded the abolishing of Islamic laws altogether.⁶⁰³ In order to reach a compromise between these incompatible positions, Carter formulated a proposal in which Islamic laws would be suspended for three months, after which a constitutional conference would be organised in order to reach a final decision.⁶⁰⁴ This proposal led Mohamed el-Amin Khalifa to accuse Carter of being biased, rejecting further mediation by Carter.⁶⁰⁵ Khalifa believes that all Carter's suggestions to resolve the conflict were aimed at tackling Islamic legislation: "President Carter neither saw, nor was prepared to understand, the reasons why the government delegation insisted on the existence of the 1983 legislation and what were the impediments to the cancellation or freezing of those [sic] legislation."⁶⁰⁶ Additionally, Khalifa asserts that "Carter perceived the Sudanese Government as fundamentalists. Carter told me to abolish the Sharia laws or the war would continue. I told him that Sharia laws are not the sole cause of the conflict, but Carter kept pushing us to abolish Sharia laws."⁶⁰⁷

⁶⁰¹ Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent*, 68-69.

⁶⁰² Interview with Mohamed el-Amin Khalifa in Khartoum, 18 December 2014.

⁶⁰³ Lesch, "Negotiations in Sudan," 126; Wöndu and Lesch, 15; Khalifa.

⁶⁰⁴ Lesch, "Negotiations in Sudan," 126; Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent*, 68-70; Iyob and Khadiagala, 92.

⁶⁰⁵ Madut-Arop, 357.

⁶⁰⁶ Khalifa, 73.

⁶⁰⁷ Interview with Mohamed el-Amin Khalifa in Khartoum, 18 December 2014.

Carter's insistence on how to deal with Sharia laws effectively terminated his mediation attempt. Yet, bilateral discussions, without the involvement of Carter, continued on the formation of a government of unity and a national army, but all to no avail.⁶⁰⁸ In spite of the irreconcilable positions and a lot of shouting during the negotiations, Carter was positive about the prospects for peace.⁶⁰⁹ While Carter expressed in his evaluation report that the issue of Sharia law remained a major obstacle to peace in Sudan, he also emphasised that the conflict parties were clearly committed to future dialogue.⁶¹⁰

Carter's positive assessment may explain why immediately after the failure peace negotiations in Nairobi, the US stepped up its peacemaking efforts in Sudan. In a personal letter to al-Bashir sent in January 1990, US President George H. W. Bush wrote "I know that you are disappointed, as we are, that peace negotiations have not produced a cease-fire, nevertheless, I urge you to persist in those negotiations. We are urging the SPLA to do likewise."⁶¹¹ To this purpose, a diplomatic shuttle was initiated by US Assistant Secretary of State for African Affairs Herman Cohen. In order to move the conflict parties towards a peace settlement, Cohen formulated a proposal that stipulated the conclusion of a ceasefire, withdrawal of troops, followed by a constitutional conference that would decide on a federal system. With regard to the withdrawal of troops, Cohen proposed the complete evacuation of the national army to positions north of the 11th parallel, while the SPLM/A had to guarantee that it would not take control of southern Sudan militarily if the government forces would withdraw.⁶¹² Cohen based his proposal on intelligence reports that suggested that the new government was willing to let Southern Sudan secede. Yet, as soon as the proposal was presented to President al-Bashir, the Sudanese leader expressed that the proposal was a political non-starter.⁶¹³ The chief negotiator

⁶⁰⁸ Khalifa, 63-68; Barltrop, 38.

⁶⁰⁹ Interview with Mohamed el-Amin Khalifa in Khartoum, 18 December 2014.

⁶¹⁰ Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent*, 68-69.

⁶¹¹ *Ibid.*, 69.

⁶¹² Wöndu and Lesch, 16.

⁶¹³ *Ibid.*

of the government side notes in this regard that “Herman Cohen wanted to solve the conflict simply by drawing a line, which surely would have led to a de facto secession. I told Cohen that cutting up a country is not a solution to conflicts in Africa, because this would only lead to more secessionist groups taking up arms against governments. Cohen then became very angry and started shouting at us.”⁶¹⁴ Moreover, the GoS was unwilling to withdraw its troops as a result of its relatively strong military position. GoS negotiator Mutrif Siddiq recalls that “The government forces controlled almost all towns in southern Sudan, so we were not willing to accept a withdrawal of troops.”⁶¹⁵

Cohen subsequently formulated a new proposal, which stipulated that half of the government forces would be pulled out from southern Sudan, while the SPLM/A would in exchange withdraw all its troops 15 kilometres from the besieged towns. Moreover, the withdrawal of troops would be internationally monitored.⁶¹⁶ Cohen personally presented the adapted proposal to President al-Bashir in Khartoum on 9 March 1990. While al-Bashir promised Cohen to study the proposal carefully, he soon conveyed that he rejected the possibility of a constitutional conference, preferring bilateral talks with John Garrang. Moreover, the GoS highlighted it would never allow foreign troops to monitor the buffer zone, as this would impede Sudan’s sovereignty.⁶¹⁷ US Ambassador Smith Hempstone presented the proposal to Garang in Nairobi a few days later. Garang also rejected the proposal, arguing that the ceasefire would favour the government forces and that he preferred the original proposal.⁶¹⁸ Moreover, the SPLM/A leader emphasised that the proposal did not focus enough on how to transform Sudan as a whole.⁶¹⁹ The same point is made by one of the government negotiators:

⁶¹⁴ Interview with Mohamed el-Amin Khalifa in Khartoum, 18 December 2014.

⁶¹⁵ Interview with Mutrif Siddiq in Khartoum, 13 January 2015.

⁶¹⁶ Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent*, 72-73; Iyob and Khadiagala, 92.

⁶¹⁷ Wöndu and Lesch, 17.

⁶¹⁸ Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent*, 72-73; Iyob and Khadiagala, 92.

⁶¹⁹ Maundi et al., 142.

“The separation of forces proposed by Herman Cohen was not seen as an effective way to end the conflict, because it did not address the root causes of the conflict. It was a ceasefire rather than a comprehensive peace agreement.”⁶²⁰

When it became clear the parties could not agree on the issue of troop dispositions, the diplomatic shuttle shifted its emphasis to promoting a peace conference. In a meeting between Cohen and Garang in Nairobi on 18 May, it became apparent that Garang strongly supported the idea of an all-inclusive peace conference. Yet, when US Ambassador Jim Cheek met with al-Bashir in Khartoum on 26 May, al-Bashir clearly conveyed that he would only consider to sit down man-to-man with Garang. An official rejection of the Cohen peace plan by the GoS followed on 4 June.⁶²¹ A major reason why the government side refused to participate in a peace conference was that such a conference would have to address the issue of state and religion in Sudan and Cohen had repeatedly pushed the government side to compromise on Sharia law.⁶²² However, this was a definite red flag for the al-Bashir Government. In fact, when they would later reflect on the American mediation efforts, representatives of the GoS repeatedly claimed that Sudan had been besieged by imperialist and neo-colonialist forces against its Islamic orientation.⁶²³

After the official rejection of the Cohen plan, the US remained committed to its peacemaking effort in Sudan. Cohen acknowledges that “we saw the mutual rejection of our proposal as just the opening exchange of a long negotiation. We were not about to give up.”⁶²⁴ However, the third party involvement by the US became increasingly untenable, with relations between Washington and Khartoum deteriorating. When the al-Bashir coup took place in June

⁶²⁰ Interview with Mutrif Siddiq in Khartoum, 13 January 2015.

⁶²¹ Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent*, 75.

⁶²² Interview with Mohamed el-Amin Khalifa in Khartoum, 18 December 2014. See also: Lesch, "Negotiations in Sudan," 127.

⁶²³ Khadiagala, 189.

⁶²⁴ Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent*, 75.

1989, most US observers had welcomed this change.⁶²⁵ However, right from June 1989 onwards, the stream of negative feedback reporting on the radical Islamic nature of the new regime had steadily increased.⁶²⁶ The negative perception of the new regime reached a whole new level when the Gulf War broke out in August 1990, in which Sudan supported Iraq.⁶²⁷ According to Cohen this brought “out the regime’s true colors.”⁶²⁸ Diplomatic relations deteriorated even further when the US Navy intercepted a Sudanese vessel, carrying chemicals to Iraqi-occupied Kuwait, on 19 August 1990.⁶²⁹ Finally, the third party role played by the US became virtually impossible following the military action against Iraq in January 1991. Numerous anti-America demonstrations were held in Khartoum, after which the US even shut down its Embassy in Khartoum, effectively terminating its third party involvement.⁶³⁰

Nigeria’s Mediation Effort at Abuja

The failure of the US peacemaking effort suggested that the prospects for peace in Sudan were grim. This made African leaders increasingly concerned about the negative spill-over effects of the war in Sudan for the region. Hence, at the annual OAU summit in 1991, African leaders of state mandated their new chairman, Nigerian President Ibrahim Babangida, to mediate the conflict in Sudan. At the periphery of this summit Babangida and al-Bashir subsequently agreed to negotiations in Nigeria.⁶³¹

The SPLM/A leadership welcomed mediation, since its military position had significantly weakened when the Mengistu Haile Mariam regime was overthrown in Ethiopia

⁶²⁵ Petterson, 13; Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent*, 65.

⁶²⁶ Collins, 186-187; J. M. Burr and R. O. Collins, *Sudan in Turmoil: Hasan Al-Turabi and the Islamist State 1889–2003* (Princeton: Markus Wiener Publishing, 2010), 55-86; Petterson, 14.

⁶²⁷ J. Flint and A. de Waal, *Darfur: A New History of a Long War* (London: Zed Books, 2008), 26; Barltrop, 39.

⁶²⁸ Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent*, 75.

⁶²⁹ *Ibid.*, 76.

⁶³⁰ *Ibid.*, 78.

⁶³¹ Wöndu and Lesch, 21; Khalifa, 99; Khadiagala, 189.

in May 1991. Because the GoS had supported Zenawi's fight against the Mengistu Haile Mariam, the new regime led by Meles Zenawi expelled the SPLM/A office in Addis Ababa and evacuated all southern Sudanese refugees from Ethiopia. The regime change also meant that the SPLM/A lost several protected bases and secure supply lines.⁶³² This gave the GoS a military advantage, making the defeat of the SPLM/A seem like a real possibility.⁶³³ Anticipating this concern, President Babangida sent John Garang a letter, stating that "What is now uppermost in mind is to give Southern Sudan an opportunity for an honourable settlement of the crisis. This will not be possible if you are defeated on the battlefield."⁶³⁴ In addition, the SPLM/A accepted the mediation offer since it did not want to be perceived as unwilling to make peace by the countries in the region.⁶³⁵ In short, while the acceptance of Nigerian mediation by the SPLM/A was at least partly the result of the weak military position in which the SPLM/A found itself, the offer to mediate by Babangida, as the new head of the OAU, could not be ignored.⁶³⁶

The GoS was interested in peace talks too, as it now could negotiate from a position of strength, hoping the SPLM/A would be more willing to compromise. In fact, following the OAU summit in 1991, President al-Bashir sent a team of Sudanese diplomats to Nigeria to meet with Babangida to discuss the possibility of Nigerian mediated peace talks. In addition, President al-Bashir publicly expressed his preference for mediation conducted by Nigeria, stating that "Babangida is the logical mediator because of his sincerity on issues concerning the African continent, Nigeria's experience in solving problems of internal conflict, as well as the fact that he is the current OAU chairman."⁶³⁷ Various government officials expressed a

⁶³² Johnson, 88; Cockett, 111.

⁶³³ R. O. Collins, "Africans, Arabs, and Islamists: From the Conference Tables to the Battlefields in the Sudan," *African Studies Review* 42, no. 02 (1999): 113-114; Iyob and Khadiagala, 94.

⁶³⁴ Wöndu and Lesch, 146.

⁶³⁵ Maundi et al., 136.

⁶³⁶ Collins, "Africans, Arabs, and Islamists: From the Conference Tables to the Battlefields in the Sudan," 113-114; Khadiagala, 190.

⁶³⁷ Iyob and Khadiagala, 94.

desire to learn from President Babangida regarding how Nigeria had overcome divisive politics in spite of its regional, cultural, and religious diversity.⁶³⁸ For example, the Sudanese information minister highlighted that “We are studying the Nigerian experiment in the federal system to benefit from it in proceeding towards federation in Sudan.”⁶³⁹ That the GoS perceived Nigeria as a legitimate mediator because of its own experiences with civil war illustrates how legitimacy is a subjective quality, as ultimately the civil war in Nigeria had been resolved through a military campaign of the Government of Nigeria rather than through mediation.

In addition to hoping to learn from Nigeria’s experience in overcoming a civil war, the GoS anticipated that mediation by Nigeria could restrain the rebels’ claim for self-determination, since Nigeria had overcome the secessionist claims of the Biafran rebels.⁶⁴⁰ Maundi et al. assert in this regard that rather than considering the mediation by Nigeria under the banner of the OAU as an infringement on its sovereignty, the GoS perceived this third party involvement as an act that would reaffirm its sovereignty.⁶⁴¹ Indeed, the GoS negotiation team obtained a confirmation of Nigerian President Babangida prior to the negotiations in which he promised that “Sudan will never be dismembered.”⁶⁴² Finally, the Nigerian mediation was also perceived by the GoS as preventing the involvement of intrusive external actors. Indeed, with Nigeria involved, the possible involvement of the US became much less likely.⁶⁴³

Negotiations were scheduled to take place in Abuja in September 1991. However, on 28 August 1991, Riek Machar, Lam Akol, and Gordon Kong Chuo tried to assume leadership over the SPLM/A, condemning Garang’s undemocratic style of leadership.⁶⁴⁴ Unable to

⁶³⁸ Maundi et al., 144.

⁶³⁹ Iyob and Khadiagala, 99.

⁶⁴⁰ Madut-Arop, 360.

⁶⁴¹ Maundi et al., 136.

⁶⁴² Khalifa, 102.

⁶⁴³ Iyob and Khadiagala, 94.

⁶⁴⁴ Wöndu and Lesch, 21-22; Cockett, 112-113; Jok, 88; Young, 54-57.

remove Garang from power, Machar and his followers subsequently split from the SPLM/A.⁶⁴⁵ As a result, instead of commencing the negotiations in September as scheduled, Nigerian President Ibrahim Babangida sent his special envoy, Ambassador Edward Olu Sanu to Nairobi in mid-October 1991 to meet the different factions. It was decided that prior to formal peace talks with the GoS, the two factions first needed to try unify their movement. From November 1991 up until April 1992, various rounds of inter-SPLM/A talks in Nairobi were facilitated by representatives of the Church. However, when it became clear that the two factions would not reconcile, Nigerian President Babangida decided to revive the plans for the Abuja peace talks, inviting both factions of the SPLM/A to attend.⁶⁴⁶

On 26 May 1992, the Abuja talks were formally opened by the Nigerian Foreign Minister, after which the conflict parties presented their opening statements. All conflict parties heavily emphasised the African nature of the mediation process in their opening statements. For instance, the Chief mediator of the GoS, Mohamed el-Amin Khalifa, recounts: “I told the mediators that I felt honoured to take part in peace negotiations in the newly created Nigerian capital, which stood out as a clear symbol of how Africans can peacefully live together on the basis of national unity.”⁶⁴⁷ Similarly, Lam Akol, the chief negotiator of the Nasir faction of the SPLM/A, stated in his opening speech that “The Mediation of Nigeria in this conflict is of paramount significance. Nigeria, whose area is incidentally equal to that of Southern Sudan, has the largest population in Africa and rich in culture that made it a heavy-weight and a pioneer in African affairs. Furthermore, the fact that Nigeria holds the Chairmanship of the OAU at present makes it hardly surprising that Nigeria could throw its full weight behind the peaceful resolution of Sudan’s conflict. I would want to assure the Nigerian Government and all

⁶⁴⁵ See: D. H. Johnson, "The Sudan People's Liberation Army and the Problem of Factionalism," in *African Guerrillas*, ed. C. S. Clapham (Bloomington: Indiana University Press, 1998), 62-70; LeRiche and Arnold, 77-86.

⁶⁴⁶ L. Akol, *Splm/Spla: The Nasir Declaration* (New York: iUniverse, 2003), 103.

⁶⁴⁷ Interview with Mohamed el-Amin Khalifa in Khartoum, 18 December 2014.

concerned people that our delegation will not let them down and they will find us ready to explore all possible avenues that may lead to a just and lasting peaceful solution of the current problem in Southern Sudan.”⁶⁴⁸

The conflict parties emphasising their commitment to African solutions and willingness to learn from Nigeria’s experiences allowed the Nigerian mediators to exert moral pressure on the conflict parties to find a negotiated settlement. For instance, on the first day of the negotiations, Nigerian Foreign Minister Ike Nwachukwu told the conflict parties to “make your country a nation in which all its citizens have a strong sense of belonging irrespective of ethnic or religious differences.”⁶⁴⁹ The chief mediator of the conference, Minister of Internal Affairs Tunji Olagunju, added that the peace talks should focus on finding a formula that can guarantee the diversities of Sudan.⁶⁵⁰

Several government negotiators highlighted during the peace talks that they were committed to finding such a formula. Angelo Beda stated that due to the artificial borders as a result of colonialism, Sudan needed to “weld a nation out of this collection of people who have different backgrounds.”⁶⁵¹ Additionally, Attorney General Abdalla Idris Mohamed guaranteed that “no ethnic group will be put to a disadvantage.”⁶⁵² However, the government negotiators also pointed out that compromising on the Islamic nature of Sudan would be out of the question. For instance, Minister of development and social welfare Abu Salih argued that the Muslim majority in Sudan had the democratic right to develop policies in line with their religion.⁶⁵³ By contrast, the southern rebels strongly opposed Sharia law. SPLM/A negotiator Nhial Deng made it clear that “There is no way we can accept a state that is Islamic fundamentalist or Arab

⁶⁴⁸ Akol, 338.

⁶⁴⁹ Wöndu and Lesch, 30.

⁶⁵⁰ Ibid.

⁶⁵¹ Ibid., 31.

⁶⁵² Ibid. Confirmed in an interview with Abdalla Idris Mohamed in Khartoum, 14 December 2014.

⁶⁵³ Ibid., 32.

chauvinist” and that the imposition of an Islamic state system would lead to a “full and total divorce.”⁶⁵⁴

In addition to the issues of Sudan being an Islamic state, the other main issues of contention during the negotiations was the issue of self-determination for the south. At the first plenary session of the Abuja talks, on 28 May 1991, the SPLM/A-Nasir expressed its wish to put the possibility of a referendum on the independence of Southern Sudan on the agenda. This demand was based on bilateral peace talks between the GoS and the SPLM/A-Nasir in Frankfurt prior to the Abuja talks, which had led to the conclusion of an agreement on 25 January 1992 that included a provision that granted southern Sudan special political and constitutional status, though the chief government negotiator Ali al-Haj maintained that this only allowed for a referendum on the extent of the decentralisation in the south rather than a vote on independence.⁶⁵⁵

Naturally, the SPLM/A-Nasir demanded to build on this agreement, to which the GoS delegation agreed.⁶⁵⁶ On the second day of the peace conference, after several private consultations between the conflict parties and the mediators, the government delegation accepted to include the referendum on the agenda, though the government delegation made it clear that this referendum would not include secession as an option.⁶⁵⁷ Indeed, insisting that the unity of Sudan would be non-negotiable, Mohamed al-Amin Khalifa, the head negotiator of the government delegation, stated that “separation comes through the barrel of the gun and not by debate.”⁶⁵⁸

⁶⁵⁴ Ibid., 34.

⁶⁵⁵ Johnson, *The Root Causes of Sudan's Civil Wars: Peace or Truce*, 122-123; Barltrop, 40-41; Wöndu and Lesch, 58; Collins, *A History of Modern Sudan*, 206.

⁶⁵⁶ Khalifa, 103; Khadiagala, 190-191.

⁶⁵⁷ Madut-Arop, 363-364; Wöndu and Lesch, 23.

⁶⁵⁸ Wöndu and Lesch, 51. Confirmed in an interview with Mohamed el-Amin Khalifa in Khartoum, 18 December 2014.

That secession was not something that could be negotiated was also advocated by the Nigerian mediation team. Chief mediator Tunji Olagunju told the conflict parties on the second day of the talks that Nigeria is “interested and committed to the unity of Sudan.” Another member of the mediation team, Lawan Gwadabe, reminded the adversaries on the sixth day of the peace talks that “it is not the intention of Nigeria to preside over the balkanization or break-up of Sudan.”⁶⁵⁹ This was also emphasised by the GoS delegation on the sixth day, when Abdalla Idris Mohamed stated “We have not come here to negotiate about the unity of Sudan.”⁶⁶⁰ Hence, by the sixth day of peace talks, it had become clear that the parties could agree neither on the issue of religion nor on self-determination.

Furthermore, as negotiations continued, it became increasingly clear that the issue of religion and self-determination were intertwined. The southern rebels started to highlight that if the GoS would remain unwilling to adopt a secular constitution, then southerners were pressured to pursue self-determination. Indeed, on 2 June, the eighth day of the conference, SPLM/A negotiator Richard Mulla stated that “If the Sudanese government is not willing to yield to a secular constitution, then it is categorically stating that it does not want the unity of the Sudan or that it is prepared to go all the lengths possible to impose unity by force.”⁶⁶¹

When it became clear that no amount of argument would change the government delegation’s unwillingness to compromise on Sudan being an Islamic state, the Nigeria mediation team, together with the conflict parties, drafted a joint communique on 4 June 1992. In this document, the parties recognised “the diversities of Sudan and the need to work towards an institutional/political agreement to cope with and encourage such diversities as is the case

⁶⁵⁹ Ibid., 50.

⁶⁶⁰ Ibid., 51.

⁶⁶¹ Ibid., 47.

in Nigeria.”⁶⁶² The adversaries further committed themselves to continued negotiations mediated by Nigeria in the future, in order to build upon the gains achieved in Abuja.

In spite of its promise to continue negotiations, involvement of the wider region was necessary to bring the GoS back to the negotiation table. In order to revive the peace process, Ugandan President Yoweri Museveni invited a government delegation led by Ali al-Hag and a SPLM/A delegation led by John Garang to Uganda to discuss the modalities of future negotiations. After two days of discussions taking place in Entebbe on 22 and 23 February 1993, the parties issued a communique in which they committed themselves to a second round of peace talks in Abuja mediated by Nigeria. Consequently, formal negotiations resumed in Abuja on 26 April 1993. The Nasir faction was excluded from this round of peace talks.⁶⁶³

The second round of talks encountered the same difficulties as the first round of talks in Abuja. The Nigerian mediation team kept pushing for a Sudan in which the freedom of belief and religious practice would be guaranteed, but the GoS delegation would not even agree to freezing Sharia laws. Prosecutor General Mutrif Siddiq argued that a law either exist or is abrogated: “The term freezing Sharia is not a legal one but it is a political one because, strictly speaking, when you freeze a law then you are plunged into a state of lawlessness.”⁶⁶⁴ Hence, the GoS delegation was unwilling to make a concession that could satisfy the SPLM/A leadership. According to one government negotiator, “The fact that we agreed that Sudan is multi-racial, multi-ethnic, multi-religious is quite enough to demonstrate that there is acceptance to the pluralism of Sudanese society.”⁶⁶⁵ The only concession the GoS was willing to make was to exempt non-Muslim areas of Sudan from only a few provisions of Sharia laws.⁶⁶⁶

⁶⁶² Akol, 341.

⁶⁶³ Wöndu and Lesch, 91.

⁶⁶⁴ *Ibid.*, 104. Confirmed in an interview with Mutrif Siddiq in Khartoum, 13 January 2015.

⁶⁶⁵ *Ibid.*, 106.

⁶⁶⁶ Maundi et al., 146; Barltrop, 42-43.

Moreover, the Nigerian mediation team and the GoS delegation kept insisting that talks on self-determination were a non-starter. Hence, the SPLM/A, in turn, repeated its position that self-determination was dependent on the extent to which a secular and democratic Sudan would be realised.⁶⁶⁷ As SPLM/A negotiator, Salva Kirr, put it: “You cannot maintain Sharia in the Sudan and at the same time maintain unity.”⁶⁶⁸ The second round of the Abuja talks subsequently broke down on 7 May 1993.

Accordingly, the Abuja talks failed in spite of the high level of legitimacy that Nigeria enjoyed. At least two reasons can be identified that explain why Nigeria’s mediation effort was unsuccessful. First of all, the split within the SPLM/A and the loss of Ethiopia as an important ally resulted in a weak military position of the SPLM/A forces, making the GoS less prone to compromise. This illustrates the statistical finding from the previous chapters that peace agreements are more likely to be concluded in conflicts with relatively stronger rebel parties.

A second reason for why the Abuja talks failed is that based on its own experience with civil war in Biafra and its commitment to the territorial integrity norm, the Nigerian mediation team consistently promoted a solution that favoured national unity and secularism. However, since the GoS was unwilling to make any compromises regarding the Islamic nature of Sudan, a mutually satisfactory agreement was out of reach.⁶⁶⁹ The Abuja talks made it clear that any possible solution necessitated tackling the issues of Sharia law and self-determination.

Hence, the Nigerian mediation effort was not entirely fruitless. The high degree of legitimacy of Nigeria allowed the Nigerian mediation team to provide a problem-solving forum to the conflict parties on the basis of Nigeria’s commitment to peaceful conflict resolution and based on its own experiences with internal conflict. Khalifa notes that the friendly and patient

⁶⁶⁷ Maundi et al., 146.

⁶⁶⁸ Wöndu and Lesch, 111.

⁶⁶⁹ Khadiagala, 190.

mediation efforts by Nigeria starkly contrasted those efforts undertaken previously by Jimmy Carter and the US, describing the Nigerian mediation effort as “glorious milestone in the process of inter-African co-operation.”⁶⁷⁰ Khalifa’s description of the Nigerian mediation effort is likely to be the product of Nigeria’s position on self-determination, which shows that a commitment to specific norms can increase a third party’s legitimacy.

The peacemaking initiative by Nigeria was the first sustained regional effort aimed at ending the conflict between the GoS and the SPLM/A. The Abuja talks thus marked increased African involvement to find a diplomatic solution to the conflict. As Iyob and Khadiagala put it, “The Abuja peace initiatives marked the start of a significant shift in regional ownership of the conflict, furnishing an African institutional anchor.”⁶⁷¹ The timing of the Abuja talks is significant in this regard, as the mediation effort took place at a time when African leaders were redefining the way civil wars were addressed. This made the Nigerian leaders motivated to show the effectiveness of African peacemaking efforts in civil wars in Africa.⁶⁷² This commitment was shared by the other countries in the region, as reflected in the involvement of Kenya and Uganda to initiate the second round of the Abuja talks. This involvement by Kenya and Uganda paved the way for mediation by IGAD, shifting the mediation effort even closer to the centre of the conflict.

The Start of the IGAD Mediation Effort: Formulating and Accepting the Declaration of Principles

A landmark in the development of a more robust peace and security architecture in Africa in the early 1990s was the OAU Mechanism for Conflict Prevention, Management and

⁶⁷⁰ Khalifa, 121.

⁶⁷¹ Iyob and Khadiagala, 101.

⁶⁷² Maundi et al., 140.

Resolution; which was adopted in Cairo in June 1993, around one month after the Nigerian mediation effort had been terminated. Cohen explains that a significant effect of this mechanisms was “the collective pressure brought to bear on individual governments to accept OAU interference.”⁶⁷³ While this statement by Cohen is meant as a general observation, he adds that the IGAD mediation in Sudan during the mid-1990s is a telling example of the normative pressure put on conflict parties to accept mediation: “Although both the Sudanese government and the southern insurgents of the Sudan people’s Liberation Army have good tactical reasons not to negotiate, they have faithfully turned up at IGAD negotiating sessions because of this OAU peer pressure.”⁶⁷⁴ Indeed, the GoS remained superior on the battlefield in the wake of the failed Abuja talks, but it also wished to show commitment to the resolution of the conflict. Chief government negotiator Mohamed el-Amin Khalifa states that “Al-Bashir did not refuse mediation by IGAD because an African third party that genuinely wanted to help to make peace in Sudan just had to be welcomed.”⁶⁷⁵ In addition, the IGAD mediation was seen by the GoS as shielding the peace process from strong external pressures from non-African actors. Commenting on the peacemaking effort of IGAD, President Omar al-Bashir suggested that “Africans have become mature enough to resolve their own problems and are no longer in need of a foreign guardian” and further stated that the IGAD mediation efforts would be “without loopholes through which colonialism can penetrate on the pretext of humanitarianism.”⁶⁷⁶ Former Presidential adviser Ghazi Salah al-Din al-Atabani confirms that this was not mere rhetoric: “President al-Bashir believed that African mediation would protect us vis-à-vis western powers.”⁶⁷⁷ Al-Bashir’s statement not only indicates a resistance against

⁶⁷³ Cohen, "African Capabilities for Managing Conflict: The Role of the United States," 78-79.

⁶⁷⁴ Ibid., endnote 4.

⁶⁷⁵ Interview with Mohamed el-Amin Khalifa in Khartoum, 18 December 2014.

⁶⁷⁶ Khadiagala, 194.

⁶⁷⁷ Interview with Ghazi Salah al-Din al-Atabani in Khartoum, 7 December 2014.

non-African involvement, it also shows that IGAD's legitimacy was partly the result of IGAD's ability to shield Sudan from Western interference..

The SPLM/A was initially hesitant to accept mediation by IGAD. Since IGAD is an interstate organisation, the southerners perceived the organisation as likely to favour the government side in the conflict.⁶⁷⁸ Yet, declining mediation by IGAD would risk alienating the entire region. Wöndu and Lesch observe in this regard that "Although SPLM leaders were initially uncomfortable with the composition of the Peace Committee and the way they were approached, they knew that they had no alternative."⁶⁷⁹ Bona Malwal notes how because of "the regional commitment to peace, to be seen to resist peace was extremely difficult, if not impossible, for the SPLM/A."⁶⁸⁰ Similarly, Lual Deng acknowledges that part of the reason the SPLM/A accepted mediation by IGAD was that they did not want to be seen as warmongers.⁶⁸¹

In addition, a strong commitment to peaceful conflict resolution mitigated some of the concerns among the SPLM/A leadership that the mediation effort would favour the GoS. Indeed, Cirino Hiteng Ofuho, a senior SPLM/A negotiator, reflected that a major reason for accepting IGAD mediation was that "it had a clear incentive to see a peaceful solution in Sudan"⁶⁸² Similarly, prior to the negotiations mediated by IGAD, John Garang stated that "I expect a lot from these states because they are our neighbours and the sense they are affected by our problem whether through the exodus of refugees or instability on the borders. Some of these states, like Eritrea and Ethiopia, are on good terms with Khartoum. True, they treat us as rebels and treat the Khartoum government as a government, but there is no other way. So long

⁶⁷⁸ Iyob and Khadiagala, 104.

⁶⁷⁹ Wöndu and Lesch, 153.

⁶⁸⁰ Interview with Bona Malwal in Oxford, 11 November 2014.

⁶⁸¹ Interview with Lual Deng in Addis Ababa, 3 February 2015.

⁶⁸² C. H. Ofuho, "Negotiating Peace: Restarting a Moribund Process " in *Peace by Piece: Addressing Sudan's Conflicts*, ed. M. Simmons and P. Dixon (London: Conciliation Resources, 2006), 20.

as the Khartoum government and the two wings of the Sudanese People's Movement have accepted the imitative, the chances of making progress seem to be good."⁶⁸³

Based on this idea of legitimate involvement, Kenyan President Daniel arap Moi, in his role as the chairman of IGAD, held preliminary separate peace talks with the conflict parties in Nairobi in January and March 1994, after which President Omar al-Bashir officially requested IGAD to succeed Nigeria and the OAU as official third-party. The impact of the African solutions norm on the onset of the IGAD mediation effort set the stage for the nature of the subsequent peace process. Indeed, the compromise inherent in the acceptance of IGAD mediation by the GoS was that the IGAD mediation team was allowed to exert collective pressure, but without being too overly interventionist.⁶⁸⁴ A conscious choice was thus made to employ a strategy of constructive engagement on the basis of IGAD's legitimacy. To this effect, the first step taken by the IGAD leaders was to form a four-nation mediation committee at the Addis Ababa summit in September 1993, consisting of the heads of state of Kenya, Eritrea, Ethiopia, and Uganda. This mediation committee subsequently set up a ministerial committee that would be tasked to conduct the mediation. The rationale of these committees was to truly provide the mediation effort with a collective character.⁶⁸⁵ It was further decided that the ministerial committee would be headed by President Moi.

In January 1994, the ministerial committee started proximate consultations with the conflict parties in order to determine the issues that would be put on the agenda for the formal talks. The SPLM/A insisted on three major items for peace talks: the modalities of a ceasefire, self-determination in the form of a referendum to be held in southern Sudan, and the arrangements for a transitional period. While the GoS had earlier indicated that it was willing to discuss controversial issues in the peace process, it objected to placing the conclusion of a

⁶⁸³ Khadiagala, 195.

⁶⁸⁴ Iyob and Khadiagala, 104.

⁶⁸⁵ Ibid.

ceasefire and the issue of self-determination on the agenda.⁶⁸⁶ Although the parties had not reached a consensus over an agenda for the negotiations, the first round of official negotiations started on 22 March 1994. The conflict parties continued to discuss a possible agenda for peace talks, but the talks reached a deadlock since the GoS consistently made it clear that they would walk out of the peace talks if the mediators would allow the issue of self-determination to be placed on the agenda.⁶⁸⁷

The second round of negotiation, which started in May 1994, began with an appeal made by the Kenyan Minister for Foreign Affairs to “display restraint and sensitivity to negotiation partners.”⁶⁸⁸ In response, Chief government negotiator Mohamed el-Amin Khalifa reiterated that the GoS agreed to allow areas with a predominantly non-Muslim populations to adopt laws alternative to Sharia laws.⁶⁸⁹ This was not a satisfactory concession to the SPLM/A delegation. Hence, the second round of talks was suspended. Since the first two rounds had yielded no results, not even on an agenda for negotiations, the IGAD mediation team drafted a Declaration of Principles (DoP) which the conflict parties were meant to review in preparation for a third round of negotiations in July 1994. The compromise envisioned in the DoP was that while the south would have the right to self-determination because of the high level of polarization in Sudan, priority should be given to unity to be created through a national consensus. This was a radical break with the previous mediation efforts of Nigeria.⁶⁹⁰

The experience of Ethiopia and Eritrea contributed to IGAD’s break with Nigeria’s emphasis on national unity. Indeed, Eritrea’s independence was a demonstrative event to the political leaders of the IGAD members and those in southern Sudan who were aspiring to self-

⁶⁸⁶ Ibid; A. El-Affendi, "The Impasse in the IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?," *African Affairs* 100, no. 401 (2001): 585.

⁶⁸⁷ Khadiagala, 198; Lesch, *The Sudan: Contested National Identities*, 180.

⁶⁸⁸ Lesch, *The Sudan: Contested National Identities*, 181.

⁶⁸⁹ Interview with Mohamed el-Amin Khalifa in Khartoum, 18 December 2014.

⁶⁹⁰ Wöndu and Lesch, 155; El-Affendi, "The Impasse in the IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?," 585.

determination. Although Eritrea had had its own colonial existence, unlike southern Sudan, the Eritrean secession showed that the *uti possidetis* principle was not necessarily sacred.⁶⁹¹ As noted by Lissane Yohannes, who was a Special Political Adviser to the Ethiopian Minister of Foreign Affairs at the time the DoP was introduced, “Both Eritrea and Ethiopia had fought against a regime that denied their people the right of self-determination. So both countries emphasised the right of the Sudanese population to decide on their future. Self-determination does not necessarily mean outright independence, it can also entail a federal system based on voluntary unity.”⁶⁹²

By putting forward the DoP, the mediation team forced the conflict parties to reflect on a possible formula that could function as the basis for future negotiations.⁶⁹³ The SPLM/A accepted the DoP during the third round of negotiations, perceiving the document as including all the issues that were needed to resolve the conflict.⁶⁹⁴ Yet, the GoS refused to put the issue of self-determination on the agenda, arguing that the issues of self-determination and religion and state are not within the mandate of the IGAD mediation team.⁶⁹⁵

A fourth round of negotiations subsequently commenced in September 1994. Prior to this round of talks, Al-Bashir had replaced the head of the negotiation team with the minister of state for presidential affairs, Ghazi Salah al-Din al-Atabani, who was known for his unwillingness to compromise and was appointed to “bring an end to the peace talks.”⁶⁹⁶ The government officials once again played the sovereignty card, referring to the territorial integrity norm to defend their refusal of the DoP. Ghazi Salah al-Din al-Atabani, argued that “Self-determination-alias-separation of southern Sudan is bound to elicit a chain-reaction afflicting

⁶⁹¹ Maundi et al., 130-131.

⁶⁹² Interview with Lissane Yohannes in Khartoum, 23 December 2014.

⁶⁹³ Iyob and Khadiagala, 105.

⁶⁹⁴ Telephone interview with Pascal Bandindi Uru Ndura, 4 March 2015.

⁶⁹⁵ Interview with Mutrif Siddiq in Khartoum, 13 January 2015. See also: Iyob and Khadiagala, 106; Khadiagala, 199-200; El-Affendi, "The Impasse in the IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?," 586.

⁶⁹⁶ Interview with Ghazi Salah al-Din al-Atabani in Khartoum, 7 December 2014. See also: Barltrop, 44.

the rest of Africa. This is an eventuality that the founding fathers of the OAU consciously tried to avoid.”⁶⁹⁷

According to GoS negotiator, Mohamed el-Mukhtar Hussein, the GoS was not only concerned with the issue of self-determination, but also strongly objected to how Sudan’s secularization was framed as a precondition to formal talks.⁶⁹⁸ Ghazi Salah al-Din al-Atabani made it clear that according to the GoS, the “separation of state from religion is impossible because Sharia law embodies Islamic values.”⁶⁹⁹ The fourth round of negotiations in 1994 thus also failed to move the GoS towards compromise on the DoP. Commenting on the failed round of talks in September 1994, al-Bashir stated that the war would be resolved through the barrel of the gun.⁷⁰⁰

The leaders of the mediating IGAD member states met in Nairobi after it became clear the talks had failed, confirming that they would remain involved in mediation.⁷⁰¹ Nevertheless, simultaneously to remaining strongly committed to its mediation effort, several of the IGAD member countries began to support to the SPLM/A. In fact, from 1995 onwards, Eritrea publicly declared its desire to see regime change in Sudan. Around the same time, Sudan started supporting the Lord’s Resistance Army in Uganda, while Uganda started to support the SPLM/A in retaliation. Ethiopia initially tried to not become involved in the civil war in Sudan, but this changed following an assassination attempt on Egyptian President Hosni Mubarak in Addis Ababa in June 1995. This assassination attempt had been plotted in an Islamist training camp in Sudan and evidence suggested that the plotters had been supported by the Sudanese secret service.⁷⁰² Ethiopian political leaders saw this assassination attempt on Mubarak, who

⁶⁹⁷ Khadiagala, 200-201.

⁶⁹⁸ M. E. Hussein, "Negotiating Peace: The Road to Naivasha," in *Peace by Piece: Addressing Sudan's Conflicts*, ed. M. Simmons and P. Dixon (London: Conciliation Resources, 2006), 18.

⁶⁹⁹ Khadiagala, 200.

⁷⁰⁰ Iyob and Khadiagala, 107.

⁷⁰¹ Wöndu and Lesch, 162.

⁷⁰² Burr and Collins, 188-194; Khadiagala, 202; Cockett, 124-125.

was on his way to a meeting at the OAU, as a grave offense to Ethiopia. In response, Ethiopia started to allow the SPLM/A to use bases in Ethiopia, though Ethiopia acted much more discreetly than Uganda and Eritrea.⁷⁰³ In short, following al-Bashir's rejection of the DoP, Sudan became further isolated and IGAD's mediation effort became coercive

Sudan's neighbouring countries that supported the SPLM/A were, in turn, supported by the US. From 1993 onwards, the Clinton Administration took the lead in isolating Sudan.⁷⁰⁴ As early as April 1994, in a visit to Khartoum, the US ambassador to the UN, Madeleine Albright, had warned Sudanese government officials that Sudan was running the risk of "continuing along the path of international isolation if it did not change its attitude on human rights in the war in the south and support for terrorism."⁷⁰⁵ In November 1996, it was announced that \$20 million worth of "nonlethal defensive military assistance" would be distributed to Eritrea, Uganda, and Ethiopia.⁷⁰⁶ According to Woodward, Washington hoped that this support, which came to be known as the frontline strategy, would put pressure on Sudan, particularly since some of the military supplies could end up with SPLM/A forces.⁷⁰⁷

The confrontational approach of the IGAD members, with the support of the US, from 1996 onwards was a double-edged sword. On the one hand, the support to the SPLM/A increased the resistance among Sudanese leaders against the involvement of IGAD, which according to Iyob and Khadiagala "compromised IGAD's mediation hand" since it heightened Sudan's misgivings about IGAD's impartiality.⁷⁰⁸ The confrontational approach also shifted the focus towards regime change rather than peace in Sudan.

⁷⁰³ Burr and Collins, 201-209; Toft, *Securing the Peace: The Durable Settlement of Civil Wars*, 136.

⁷⁰⁴ Khadiagala, 193; Petterson, 108-218.

⁷⁰⁵ Iyob and Khadiagala, 105-106.

⁷⁰⁶ P. Woodward, *US Foreign Policy and the Horn of Africa* (Burlington: Ashgate, 2006), 97; Barltrop, 114; Young, 86.

⁷⁰⁷ Woodward, 98; Cockett, 144-145.

⁷⁰⁸ Iyob and Khadiagala, 108.

On the other hand, the confrontational approach pursued by some of the IGAD members was instrumental in getting the GoS back to the negotiation table. As a result, of the regional and international support it received, the SPLM/A regained its military strength. It even seemed conceivable by 1997 that Juba would be captured by the SPLM/A.⁷⁰⁹ Above all, however, it became clear that neither party could solve the conflict militarily any time soon. Cirino Hiteng Ofuho, a senior SPLM/A negotiator, observes that the military victories of the SPLM/A throughout 1996 and 1997 made it “clear that neither side would gain a decisive victory, the door to the negotiation process started to come back into view.”⁷¹⁰ In other words, a hurting stalemate had developed.⁷¹¹

One way the GoS dealt with this increased military pressure was to engage with the Nasir faction of the SPLM/A led by Lam Akol and Riek Machar. Bilateral negotiations between the GoS and the Nasir faction, without any external involvement, led to the signing of the Khartoum Agreement on 21 April 1997. This agreement offered a referendum on southern self-determination, though the GoS did not compromise on the issue of Sharia laws.⁷¹² Some observers have pointed out that the signing of the Khartoum Agreement was a tactical move of the GoS, aimed obtaining access to the Bentiu oil fields controlled by the Nasir faction.⁷¹³ Cirino Hiteng Ofuho, a SPLM/A negotiator, dismissed the Khartoum Agreement as a hollow document, since the main opposition force in the south was not a party to the agreement.⁷¹⁴ Moreover, the agreement quickly failed and eventually led to Lam Akol and Riek Machar re-joining the SPLM/A. On the other hand, according to Mutrif Siddiq, the former Under

⁷⁰⁹ Collins, *A History of Modern Sudan*, 245-246.

⁷¹⁰ Ofuho, 20.

⁷¹¹ See: Zartman, "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments." It should be noted that the hurting stalemate concept is tautological. Hurting stalemates are often used to explain successful peace processes, yet few scholars have looked at peace processes that failed in spite of the presence of a hurting stalemate. A hurting stalemate is not a sufficient condition for mediation success.

⁷¹² Johnson, *The Root Causes of Sudan's Civil Wars: Peace or Truce*, 122-123; Khadiagala, 205-206; Jok, 243.

⁷¹³ Interview Alex de Waal in Boston, 3 August 2014. See also: LeRiche and Arnold, 100.

⁷¹⁴ Ofuho, 21.

Secretary in the Sudanese Ministry of Foreign Affairs, the conclusion of the Khartoum Agreement was highly significant, as it put the right of self-determination in the constitution. This allowed the GoS negotiation team to compromise on this issue in later negotiations with the SPLM/A.⁷¹⁵

One such compromise was the acceptance of the DoP. At an IGAD summit in Nairobi in July 1997, Kenyan President Moi succeeded in convincing President al-Bashir to finally accept the DoP and resume negotiations with the SPLM/A.⁷¹⁶ Although the DoP does not qualify as a peace agreement, the signing of it was a significant step in the mediation process. It reflected the growing consensus among the major conflict parties what the underlying issues of the conflict were that needed to be tackled. The signing of the DoP also confirmed the legitimate involvement of IGAD. Indeed, Mutrif Siddiq highlights that “The acceptance of the DoP reflected that IGAD was perceived as a viable forum to resolve the conflict. We fully supported the IGAD initiative.”⁷¹⁷

It was also decided at the IGAD summit in July 1997 that negotiations would resume in October 1997. While the IGAD mediators tried to push the conflict parties to discuss how the DoP could be transformed in a sustained negotiations process, the negotiations that were held in October remained deadlocked on the issue of secularism, but also on the modalities of a referendum and the length of the transition period.⁷¹⁸ When talks broke down again, the IGAD mediators issue a communique on 11 November 1997, which stated that the IGAD mediators would shuttle between the adversaries, but that direct negotiations would be adjourned until April 1998.⁷¹⁹ Talks resumed in Nairobi in May 1998. Not wanting to appear as an

⁷¹⁵ Interview with Mutrif Siddiq in Khartoum, 13 January 2015.

⁷¹⁶ Wöndu and Lesch, 166-167; Khadiagala, 206; Barltrop, 46-47; El-Affendi, "The Impasse in the IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?," 588.

⁷¹⁷ Interview with Mutrif Siddiq in Khartoum, 13 January 2015.

⁷¹⁸ Khadiagala, 207.

⁷¹⁹ Wöndu and Lesch, 168.

obstructionist, the GoS accepted self-determination for the south on the basis of a referendum during this round of talks. Yet, the IGAD mediation team failed to build on this concession during another round of talks in Addis Ababa in early August 1998.⁷²⁰

Prospects for the resolution of the conflict remained bleak in 1999. As a result of the completion of the construction of an oil pipeline from the Western Upper Nile region to the north in December 1998, the pressure on the GoS to find a diplomatic solution to the conflict became significantly less from early 1999 onwards. The revenues from the around 150,000 barrels of crude oil that were exploited daily made the GoS impervious to the sweeping set of sanctions that the US had imposed in 1997, including the freezing of Sudanese assets in the US and a ban on financial transactions.⁷²¹ Yet, even prior to the exploitation of oil, Khartoum had proved to be resilient in the face of coercion by regional and international actors.

In short, after the conflict parties had agreed on the DoP, negotiations took place at some point every year between 1997 and 2000, but little progress was made. While it was clear what the conflict issues were, the positions of adversaries seemed truly incompatible. The support provided to the SPLM/A by the third parties involved in mediation could not change this fundamental obstacle to peace. Nevertheless, it will follow from the next section that although the signing of the DoP initially might have been considered a purely rhetorical commitment by the conflict parties, it created a normative benchmark which greatly contributed to formulating a mutual acceptable solution to the war in the early 2000s.

⁷²⁰ Iyob and Khadiagala, 112; Collins, *A History of Modern Sudan*, 261; El-Affendi, "The Impasse in the IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?," 588.

⁷²¹ Iyob and Khadiagala, 112; Toft, *Securing the Peace: The Durable Settlement of Civil Wars*, 137-138; International Crisis Group, *God, Oil, and Country: Changing the Logic of War in Sudan. Africa Report N° 39 - 10 January 2002* (Brussels, 2002), 5.

The IGAD Mediation Effort Continues: Tackling the North-South Incompatibility

From 1999 onwards several developments took place both on an international and a regional level which resulted in improved relations between Sudan and the countries in the region, as well as between Sudan and the US. A first significant regional development was the onset of the border dispute between Ethiopia and Eritrea that escalated into an armed conflict in May 1998. As a result of this war, the leadership of both countries wanted to improve relations with Sudan. Hence, President al-Bashir restored diplomatic relations with both Eritrea and Ethiopia in the spring of 1999, agreeing to abstain from activities that would undermine peace and security in the neighbouring countries.⁷²² In addition, the regional meddling of Uganda in Sudan became significant less after 1999. The Carter Center successfully mediated between the two countries, which resulted in the conclusion of the Nairobi Agreement that stipulated an end to the support of Uganda to the SPLM/A, as well as an end to the support of Sudan to the Lord's Resistance Army.⁷²³ In short, the relationship between Sudan and the IGAD member states was mended by early 2000.

Simultaneously to the improvement of relations with the countries in the region, the international community, most notably the US, started to constructively engage Sudan. The US had been a major backer of UN Security Council Resolution 1044 adopted in January 1996, which condemned Sudan as being a major threat to regional peace, among others because of Sudan's support to terrorism. In April 1996, the UN Security Council adopted another Resolution, which imposed limited travel restrictions on several Sudanese leaders.⁷²⁴

⁷²² Iyob and Khadiagala, 113; S. Srinivasan, "The Politics of Negotiating Peace in Sudan," in *Peacebuilding, Power and Politics in Africa*, ed. D. Curtis and G. Dzinesa (Athens: Ohio University Press, 2012), 204.

⁷²³ J. Neu, "Restoring Relations between Uganda and Sudan: The Carter Center Process" in *Protracted Conflict, Elusive Peace: Initiatives to End the Violence in Northern Uganda*, ed. O. Lucima (London: Conciliation Resources, 2002); P. O. Otto, "Implementing the 1999 Nairobi Agreement," in *Protracted Conflict, Elusive Peace: Initiatives to End the Violence in Northern Uganda*, ed. O. Lucima (London: Conciliation Resources, 2002).

⁷²⁴ Woodward, 93-94.

Moreover, the sanctions imposed by the UN Security Council were deemed as not far-reaching enough by the Clinton administration. As a result, the US imposed its own sanctions in 1997, including the blocking of transfer of US technology to Sudan, the stopping of banking between the US and Sudan, as well as seizing Sudanese assets in the US.⁷²⁵ In addition to these sanctions, the Clinton Administration ordered a cruise missile strike on the Al-Shifa pharmaceutical plant on 20 August 1998, which was in retaliation for the Sudan's alleged involvement in the production of chemical weapons and the links between the Sudanese leadership and al-Qaida. The US intelligence services incorrectly believed that the factory produced chemical weapons.⁷²⁶

With relations between the US and Sudan at an all-time low following the American airstrike on the Al-Shifa factory, several leading US humanitarian organisations requested President Clinton in March 1999 to re-establish diplomatic relations with Sudan and work towards the resolution of the civil war. Clinton subsequently appointed Harry Johnston as his special envoy to Sudan in May 1998, mandating him to strengthen the IGAD mediation effort.⁷²⁷ The US policy shift towards constructive engagement became even more apparent from January 2001 onwards, when the new American administration of President George W. Bush took office and formulated peace in Sudan as a foreign policy goal. At a secret meeting in Nairobi in May 2001, Sudanese and US officials agreed that in return for playing a positive role in the peace process and a promise to normalise relations, Khartoum would provide Washington with intelligence on terrorist networks that had been operating in Sudan throughout the 1990s, including al-Qaida. The US commitment to this deal grew even stronger after the attack on the Twin Towers on 11 September 2001.⁷²⁸

⁷²⁵ Ibid., 94-45.

⁷²⁶ Cockett, 146; Young, 42; Collins, *A History of Modern Sudan*, 239.

⁷²⁷ Iyob and Khadiagala, 113; Woodward, 109; Cockett, 155.

⁷²⁸ Cockett, 156-161; Woodward, 104 and 109; P. Woodward, "Somalia and Sudan: A Tale of Two Peace Processes," *The Round Table* 93, no. 375 (2004).

In order to play a more active role in the peace process, Senator John Danforth had been appointed as US Special Envoy on 6 September 2001.⁷²⁹ Moreover, the Bush Administration decided to build a partnership with the UK and Norway to support the IGAD-led mediation process. As early as from May 1994 onwards, various Western diplomatic initiatives had been coordinated in a grouping, named the Friends of IGAD. The goal of this contact group was to support the regional countries in finding a solution to the Sudanese crisis.⁷³⁰ The Friends of IGAD transformed into the IGAD Partners Forum in January 1997, reflecting the growing international support for the IGAD-led peace process. The IGAD Partners Forum contributed towards financing the peace negotiations.⁷³¹

Yet, it was not until early 2001 that western diplomats started playing an active role in the peace negotiations, when the cooperation between the US, the UK, and Norway – which came to be known as the Troika – was formalised at a meeting in London on 24 October 2001.⁷³² The Troika representatives agreed to put pressure on the conflict parties in order to move them towards compromise. US Deputy Assistant Secretary of State for Africa Charles Snyder notes how the incentive for the GoS to make peace was clear: “Sudan would be allowed back into the international community.”⁷³³ Commenting on the threats and rewards employed by the US, the Norwegian Minister of International Development Hilde Johnson, who was heavily involved in the peace process, states that “The US had the broadest and most powerful set of carrots and sticks at their disposal, and as a Troika we decided to make full use of a range of these.”⁷³⁴ Richard Makepeace, the British Ambassador to Sudan at the time, highlights that

⁷²⁹ Woodward, *US Foreign Policy and the Horn of Africa*, 120-121; H. F. Johnson, *Waging Peace in Sudan: The inside Story of the Negotiations That Ended Africa's Longest Civil War* (Eastbourne: Sussex Academic Press, 2011), 18.

⁷³⁰ Interview with Jan Pronk in The Hague, 1 June 2015. Pronk was the first chairman of Friends of IGAD.

⁷³¹ Barltrop, 47; El-Affendi, "The Impasse in the IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?," 583-584.

⁷³² Iyob and Khadiagala, 105; Johnson, 24-25.

⁷³³ Cockett, 161.

⁷³⁴ Johnson, 27.

“Although the Sudanese leaders were nervous and suspicious about external involvement, it became increasingly clear that they wanted to normalise relations with the Western world.”⁷³⁵

Hilde Johnson emphasises that the representatives of the Troika took great care to not make their involvement look like a “Western take-over.”⁷³⁶ While the IGAD member states and the SPLM/A welcomed the involvement of the Troika, the GoS representatives were more reserved. Indeed, Ghazi Salah al-Din al-Atabani remarks that “The US became involved in the peace process without a clear invitation. You don’t invite the Americans, they force themselves upon you.”⁷³⁷ Similarly, Sayed el-Tayeb speaks about the “self-appointed mandate of the Troika.”⁷³⁸ Nevertheless, after the attack on twin towers and with the prospects of normalising relations with the US, Khartoum was not in a position to refuse involvement by the Troika. Ghazi Salah al-Din al-Atabani, the main adviser to al-Bashir on the peace process, states in this regard that “The United States looked like a wounded lion. It was very difficult for us to predict what kind of action they would take tomorrow. We had to wait and see, and watch what we said and what we did – and engage.”⁷³⁹ The US involvement in the peace process from 2001, which came about on the basis of strategy of threats and rewards, thus illustrates that major powers do not necessarily need a high degree of legitimacy in order to become diplomatically involved in civil wars in Africa.

Moreover, the US representatives – including Assistant Secretary of State for Africa Walter Kansteiner and his Deputy Charles Snyder – openly told the Sudanese officials that they were biased towards the SPLM/A.⁷⁴⁰ Ghazi Salah al-Din al-Atabani reflects in this regard, “I was dumbfounded. Someone was barging into your house telling you that he is there to help

⁷³⁵ Interview with Richard Makepeace in Oxford, 7 November 2014.

⁷³⁶ Johnson, 42.

⁷³⁷ Interview with Ghazi Salah al-Din al-Atabani in Khartoum, 7 December 2014.

⁷³⁸ Interview with Sayed el-Tayeb in Khartoum, 8 January 2015.

⁷³⁹ Ghazi Salah al-Din al-Atabani quoted in: Johnson, 19.

⁷⁴⁰ Interview with Ghazi Salah al-Din al-Atabani in Khartoum, 7 December 2014; interview with Abdel Rahman Ibrahim Elkhalfifa in Khartoum, 17 December 2015; interview with Sayed el-Tayeb in Khartoum, 8 January 2015.

you, but that he would not be fair to you – and you accept it. It was a strange situation.”⁷⁴¹ The acceptance of the biased US involvement sheds light on the finding why biased non-African third parties are still effective in spite of their impartiality. Capacity-based mediation does not require a high degree of acceptability, as it works on a logic of material incentives.

In January 2002, the US became directly involved in mediation for the first time, when US Special Envoy Danforth brought the GoS and the SPLM/A to Buergenstock in Switzerland to discuss the conclusion of a ceasefire in the Nuba Mountains. On 14 January 2002, representatives from the US and Switzerland, in their role as members of the IGAD Partners Forum, began to shuttle between the conflict parties.⁷⁴² On 19 January 2002, after six days of talks, in which the mediators separately discussed possible troop disengagements with the parties, an agreement was reached.⁷⁴³ While the ceasefire was restricted to the Nuba Mountains, Danforth’s effort to reach a ceasefire in this area was used to assess the willingness of the adversaries to resolve the civil war.⁷⁴⁴ Since the ceasefire in the Nuba Mountains essentially held, Danforth published a report in April 2002 that stated that there had been some difficulties in the peace process, but that some major progress had been made. Danforth concluded that “this is the time for a major push for a compromise settlement. I believe that both the Government of Sudan and the SPLM have given sufficient indications that they want peace to warrant the energetic participation of the United States in a long-term peace process.”⁷⁴⁵

⁷⁴¹ Johnson, 20.

⁷⁴² According to Swiss Ambassador Josef Bucher, Switzerland wanted to contribute to the Sudanese peace process in a more direct way than just financing the process, since international peacemaking is one of the five pillars of the Swiss foreign policy. Bucher believes that the conflict parties accepted Switzerland’s greater involvement because of its commitment to neutrality and because Switzerland was in favour of a high degree of autonomy for the South, yet not for secession. See: S. J. A. Mason, *Learning from the Swiss Mediation and Facilitation Experiences in Sudan. Working Paper, Mediation Support Project (Center for Security Studies, Eth Zurich & Swisspeace)* (Zurich: 2007), 6.

⁷⁴³ Khadiagala, 239; Rothchild, 110; J. Brosché, *Darfur: Dimensions and Dilemmas of a Complex Situation* (Uppsala: Universitetsstryckeriet, 2008), 16; Mason, *Learning from the Swiss Mediation and Facilitation Experiences in Sudan*, 15-17.

⁷⁴⁴ Woodward, *US Foreign Policy and the Horn of Africa*, 121-122; Johnson, 27-29; Cockett, 161; Barltrop, 53.

⁷⁴⁵ J. C. Danforth, "Outlook for Peace in Sudan. Report to the President of the United States from John C. Danforth, Special Envoy for Peace," (26 April 2002): 19. Available at: <http://www.state.gov/documents/organization/10258.pdf>.

Simultaneously to greater involvement of the Troika, Kenyan General Lazaro Sumbeiywo was mandated by IGAD in January 2002 as the new chief mediator. Sumbeiywo replaced Daniel Mboya who had been appointed in 1999, following the formation of the Secretariat for the IGAD Peace Process on the Sudan in Nairobi.⁷⁴⁶ After his official appointment, Sumbeiywo started to shuttle between the conflict parties to prepare for official negotiations. A technical preparatory meeting, aimed at establishing an agenda, was subsequently held in Nairobi in May 2002. It was only after the unity of Sudan was placed on top of the agenda and self-determination was put further down, that the agenda for official negotiations was accepted by the GoS delegation. Moreover, the SPLM/A leadership insisted that the ceasefire item was removed from the agenda, as it believed that military pressure was critical in moving the GoS towards compromise.⁷⁴⁷ Once the modalities for the official negotiations were agreed upon, it was agreed that peace talks would start at Machakos on 17 June 2002.⁷⁴⁸

Following two weeks of ventilation sessions, the IGAD mediation team tried to shift the attention of the conflict parties towards a possible solution to the civil war. Sumbeiywo later reflected that when he became the chief mediator he believed that the “DoP was a complete diagnosis but somebody had to do the prescription for every problem.”⁷⁴⁹ Accordingly, Sumbeiywo intended to address each issue in the DoP through negotiations until all issues were addressed. To this purpose, the IGAD mediation tried to make the conflict parties focus on the “one country, two systems” document tabled by Sumbeiywo prior to the official negotiations.⁷⁵⁰ While the mediation team succeeded in initiating substantial

⁷⁴⁶ Khadiagala, 230-231.

⁷⁴⁷ Johnson, 42.

⁷⁴⁸ M. Simmons and P. Dixon, "The Mediator's Perspective: An Interview with General Lazaro Sumbeiywo," in *Peace by Piece: Addressing Sudan's Conflicts*, ed. M. Simmons and P. Dixon (London: Conciliation Resources, 2006), 23.

⁷⁴⁹ Ibid.

⁷⁵⁰ Johnson, 45.

discussions on this document, fundamentally different interpretations on what this solution specifically should look like soon became evident. The SPLM/A negotiators proposed the formation of a confederal structure, preferably with rotating presidency. The government delegation strongly objected a confederal political system, since this would entail a country composed of two equal units.⁷⁵¹

After almost a month of negotiations and workshops, on 17 July, Sumbeiywo instructed GoS negotiator Sayed el-Tayeb and SPLM/A negotiator Deng Alor to engage in discussions on the two sides' red lines, without any other representatives of the conflict parties or the mediators present. It became apparent from the discussion between el-Tayeb and Alor that the SPLM/A leadership would never compromise on the option of secession in a referendum, whereas the GoS would never sign an agreement that would turn Sudan into a secular state.⁷⁵² Sayed el-Tayeb recalls how talks aimed at resolving the underlying issues, rather than third party pressure, eventually showed that a mutual acceptable solution to the war was possible: "It wasn't like someone was sitting there and was pushing some buttons. Actually, everybody initially thought the Machakos talks were destined to fail like all previous rounds of talks. Then I sat down with Deng Alor and we talked at length for the entire day. It became clear that the SPLM/A was absolutely insisting on the right of self-determination, but they started to show a lot of understanding regarding the issue of the relationship between state and religion. Since self-determination was already included in the constitution as a result of the 1997 Khartoum Agreement, we could concede on this point. The next day, we and the SPLM/A agreed to sign

⁷⁵¹ Ibid.

⁷⁵² Ibid., 49; E. Stiansen, "How Important Is Religion? The Case of the Sudan Peace Negotiations," *International Peace Research Institute Oslo (PRIO), Oslo Forum 2006*; O. H. Rolandsen, "A Quick Fix? A Retrospective Analysis of the Sudan Comprehensive Peace Agreement," *Review of African Political Economy* 38, no. 130 (2011).

the Machakos Protocol. It was a huge breakthrough.”⁷⁵³ In short, the Machakos protocol was the product of problem-solving rather than third party pressure.

Sumbeiywo and his mediation team produced a single text on the basis of their notes on the red lines of each party. The document contained all points of contention, but particularly emphasised the issues of self-determination and state and religion.⁷⁵⁴ The IGAD mediation team intended to give this document to the negotiators, but prior to the text being distributed to the parties, American observer Jeff Millington asked Sumbeiywo whether he had checked the document with Washington. Sumbeiywo replied by saying that he was not answerable to Washington.⁷⁵⁵ This confrontation between Sumbeiywo and a US diplomat who tried to expand the American say in the peace process proved to be the first in several more to come.

In the morning of 19 July, the IGAD mediation team distributed the text to the negotiation teams. Sumbeiywo requested the parties to come back with an answer in the evening of the same day.⁷⁵⁶ Sumbeiywo told the parties “You can change the text as you like, as long as you both agree. We are not going to change it unilaterally.”⁷⁵⁷ Both delegations immediately started making phone calls, indicating that the final decisions were made elsewhere.⁷⁵⁸ The parties told the mediators they agreed to the document at one o’clock at night, after which the document was made ready and signed the next day, on 20 July 2002.

In essence, the document, which was named the Machakos Protocol, clarified and consolidated the 1997 DoP. In the Machakos Protocol the conflict parties agreed on the principles of self-determination for the South, Sharia law for the North, and the common goal of building a united Sudan. The Machakos Protocol thus set the framework for further

⁷⁵³ Interview with Sayed el-Tayeb in Khartoum, 8 January 2015.

⁷⁵⁴ Simmons and Dixon, 23.

⁷⁵⁵ Ibid., 24; W. Waihenya, *The Mediator* (Nairobi: Kenway Publications, 2006), 90; Johnson, 50.

⁷⁵⁶ Johnson, 52.

⁷⁵⁷ H. Martin, *Kings of Peace Pawns of War: The Untold Story of Peacemaking* (London: Bloomsbury Academic, 2006), 144.

⁷⁵⁸ Simmons and Dixon, 23-24; Johnson, 51.

negotiations. More specifically, the Machakos Protocol stipulated that following a six-year interim period, southern Sudan was allowed to hold a referendum on whether to secede from northern Sudan.

Although this was the first time the GoS conceded this point to the SPLM/A led by John Garang, the GoS had already compromised on this point in the 1997 Khartoum Agreement that had been signed with a breakaway faction of the SPLM/A. Moreover, the constitution of Sudan had already been adjusted so that it included the right of self-determination.⁷⁵⁹ Mutrif Siddiq states in this regard that “The issue of self-determination was already resolved with the signing of the Khartoum Peace Agreement in 1997. This solution did not come suddenly, but had gradually been developed from the early 1990s onwards.”⁷⁶⁰ Commenting on the decision to implement the Khartoum Agreement, Sayed el-Tayeb states that “Sudan followed Ethiopia’s example in enshrining the option of self-determination in the constitution, hoping and thinking that the outcome would be unity.”⁷⁶¹ Indeed, Ghazi Salah al-Din al-Atabani recalls that “By the time we started the peace negotiations leading up to the Machakos Protocol, the issue of self-determination had become so well-established, we could just not ignore it. But we agreed to give precedence to unity and to work jointly as two parties towards a united Sudan. So this provided the SPLM/A with a moral and legal obligation to prioritise unity.”⁷⁶² Finally, the length of the interim period was the result of a basic compromise. The SPLM/A had demanded a two year interim period, whereas the GoS had demanded a ten year interim period. When no headway was made in this issue, Sumbeiywo simply took the average of these two figures.⁷⁶³

In short, the signing of the Machakos Protocol reflected that the conflict parties had found an appropriate formula to resolve the two fundamental conflict issues: religion and self-

⁷⁵⁹ Johnson, 52-53.

⁷⁶⁰ Interview with Mutrif Siddiq in Khartoum, 13 January 2015.

⁷⁶¹ Interview with Sayed el-Tayeb in Khartoum, 8 January 2015.

⁷⁶² Interview with Ghazi Salah al-Din al-Atabani in Khartoum, 7 December 2014.

⁷⁶³ Waihenya, 87.

determination. Indeed, the conclusion of the Machakos Protocol highlighted that the conflict parties wanted to settle the conflict, as well as that a mutual satisfactory solution to the conflict could be found as long as a legitimate third party provided the environment in which the parties could look for solutions.

The Final Phase of the IGAD Mediation Effort: Pushing the Conflict Parties towards Peace

When commenting on the signing of the Machakos Protocol, John Garang noted that “There are no shortcuts to just peace.”⁷⁶⁴ Indeed, although the conclusion of the Machakos Protocol was a watershed in the peace process, many points of contention still had to be tackled. Hence, the conflict parties agreed that following a break of two weeks after the signing of the Machakos Protocol, the peace negotiations would be resumed.

One major issue that would temper expectations about a quick and successful outcome of the peace process was the fate of three conflict areas located in northern Sudan: the Nuba Mountains, Southern Blue Nile, and Abyei. Several members of the SPLM/A had expressed their concerns to the SPLM/A negotiation team that these areas had been ignored at Machakos, since the contentious 1956 boundaries had been used to demarcate the boundary of southern Sudan. As a result, the Nuba Mountains, the Blue Nile States, and Abyei were de facto excluded from the south, in spite of the fact that all three areas were heavily affected by the war and that the population was highly represented within the SPLM/A.⁷⁶⁵ The SPLMA/A negotiators subsequently insisted that a final peace agreement could not be reached without addressing the

⁷⁶⁴ Speech by Dr. John Garang to Northern Sudanese in the USA after the Singing of the Machakos Protocol in Kenya, 2002. In: Wël, *The Genius of Dr. John Garang: The Essential Writings and Speeches of the Late SPLM/A's Leader, Dr. John Garang De Mabioor. Vol. 1*, 353.

⁷⁶⁵ J. Matus, "The Three Areas: A Template for Regional Agreements," in *Peace by Piece: Addressing Sudan's Conflicts*, ed. M. Simmons and P. Dixon (London: Conciliation Resources, 2006), 34.

concerns of the people in these three areas.⁷⁶⁶ The GoS objected to discussing these areas as part of the IGAD mediation process. To accommodate the GoS, it was agreed that the negotiations on these areas would be mediated by Kenya instead of IGAD, though General Sumbeiywo was nevertheless still the chief mediator in this process.⁷⁶⁷

Expectations were further tempered when the SPLM/A attacked Torit in September 2002.⁷⁶⁸ Yet, this attack only temporally stalled the peace process. President Moi consulted with Garang, obtaining a promise of the SPLM/A leader that he would not conduct attacks like these in the future. Sumbeiywo talked to President al-Bashir and managed to regain the commitment of the GoS to the peace process.⁷⁶⁹ According to Sumbeiywo, it was already clear by then that the conflict parties had confidence in the peace process: "Neither delegation was really keen to run away."⁷⁷⁰ After the SPLM/A attack on Torit, both sides realised the negative impact fighting could have on the peace process.⁷⁷¹ This led to the signing of the Memorandum of Understanding on Cessation of Hostilities on 15 October 2002. The implementation of this document was further improved with the signing an addendum to the MOU on 4 February 2003, which created a Verification and Monitoring Team (VMT).⁷⁷²

Peace talks resumed on 4 March 2003, during which the conflict parties discussed the three disputed areas, though with limited progress. Nevertheless, a major turning point in the peace process occurred at an IGAD summit in Nairobi on 2 April, 2003 when President Omar al-Bashir and SPLM/A leader John Garang met and shook hands, both expressing their

⁷⁶⁶ Simmons and Dixon, "Reflecting on the IGAD Peace Process: An Interview with Nicholas (Fink) Haysom," 30; Waihenya, 93.

⁷⁶⁷ Simmons and Dixon, "Reflecting on the IGAD Peace Process: An Interview with Nicholas (Fink) Haysom," 30.

⁷⁶⁸ Young, 101.

⁷⁶⁹ Waihenya, 96-98; O. H. Rolandsen, "Sudan: The Role of Foreign Involvement in the Shaping and Implementation of the Sudan Comprehensive Peace Agreement," in *Mediation and Liberal Peacebuilding: Peace from the Ashes of War?*, ed. M. Eriksson (London: Routledge, 2013), 80.

⁷⁷⁰ Simmons and Dixon, "The Mediator's Perspective: An Interview with General Lazaro Sumbeiywo," 24.

⁷⁷¹ Ibid; Waihenya, 99.

⁷⁷² Johnson, 63.

confidence in the IGAD-led mediation process and stressing the need to maintain momentum towards the conclusion of a final settlement.⁷⁷³ A new round of talks, addressing security issues, subsequently started on 7 April 2003, but was stalemated on how to unify the national army. Negotiations on security issues continued throughout May and June, but this did not result in much progress.⁷⁷⁴

When it became apparent the peace process had stalled, the Troika started to put pressure on the IGAD mediation team to force a breakthrough through tabling a draft framework on outstanding issues in the negotiations. According to Hilde Johnson, the Norwegian Minister of International Development, both Norway and the US deemed that the time had come for the conflict parties “to take it or leave it.”⁷⁷⁵ The framework agreement that the Troika pushed to be distributed to the conflict parties contained a highly controversial provision, namely that Khartoum would be Sharia free. Sumbeiywo and most of the IGAD mediators therefore initially objected to tabling the document, but later gave in to the Troika delegates.⁷⁷⁶ Consequently, the IGAD mediation team put forward what came to be known the Nakuru Document in June 2003. The document aimed to address all the outstanding issues after the signing of the Machakos Protocol.⁷⁷⁷

To minimise the chances of peace talks breaking down, the IGAD mediators emphasised that the proposals in the document were not put forward on a take it or leave it basis, but rather should be seen as document on the basis of which consensus could be build. The GoS strongly opposed the document.⁷⁷⁸ A government negotiator accused the IGAD mediation team of overstepping their mandate: “We came to discuss the house with you but we

⁷⁷³ Iyob and Khadiagala, 122-123; Johnson, 70.

⁷⁷⁴ Khadiagala, 243; Johnson, 70.

⁷⁷⁵ Johnson, 81.

⁷⁷⁶ Ibid., 80-83.

⁷⁷⁷ Simmons and Dixon, "The Mediator's Perspective: An Interview with General Lazaro Sumbeiywo," 24; Rolandsen, "Sudan: The Role of Foreign Involvement in the Shaping and Implementation of the Sudan Comprehensive Peace Agreement," 80.

⁷⁷⁸ Johnson, 84.

find you even entering the bathroom and the kitchen.”⁷⁷⁹ President al-Bashir publicly stated that “whoever wrote the Nakuru Document must soak it, drink it and go to hell!”⁷⁸⁰ In spite of these accusations, it was clear that negotiations would continue and that the GoS was not willing to terminate the peace process. According to Sumbeiywo, al-Bashir had even sent an emissary to convey that he did not mean his statement and that it was just politics.⁷⁸¹ In addition, Sumbeiywo explains that since the Nakuru document was put forward as a consensus-building document, the conflict parties could not accuse IGAD of imposing their solution.⁷⁸² Accordingly, negotiations resumed in Nayuki, Kenya, in August 2003.

To move the process forward, Sumbeiywo tried to get Vice-President Ali Osman Taha and John Garang engaged in direct talks. Both sides agreed to meet on 1 September 2003. It initially seemed that Garang would renege on his promise to engage in direct negotiations, but he came to Naivasha on 4 September. According to Norwegian Minister of International Development Hilde Johnson, who was close to John Garang, the prospect that Kenya and the other IGAD countries would criticise SPLM/A for not being serious about making peace was decisive for Garang to come to Naivasha.⁷⁸³ From the first meeting between Taha and Garang onwards, the mediation process gained momentum.⁷⁸⁴ Moreover, as a result of the progress already made in the peace process, the talks between Taha and Garang could be conducted on specific issues.⁷⁸⁵ Luca Zampetti, an Italian observer to the Naivasha process, notes in this regard that “When Taha and Garang came in, there were still contentious issues on which

⁷⁷⁹ Waihenya, 117.

⁷⁸⁰ Simmons and Dixon, "The Mediator's Perspective: An Interview with General Lazaro Sumbeiywo," 24.

⁷⁸¹ Ibid.

⁷⁸² Interview with Lazaro Sumbeiywo in Addis Ababa, 1 February 2015.

⁷⁸³ Johnson, 92.

⁷⁸⁴ Khadiagala, 243.

⁷⁸⁵ Young, 104-105; J. Brosché, *Sharing Power – Enabling Peace? Evaluating Sudan's Comprehensive Peace Agreement* (Uppsala: United Nations Mediation Support Unit and Department of Peace and Conflict Research, 2009), 15; Khadiagala, 243.

agreement needed to be found, but the number of issues had already been limited and the two chief negotiators could focus on only the most important issues.”⁷⁸⁶

The talks between Taha and Garang were conducted without the involvement of mediators. As Hilde Johnson observes, the “talks were highly personal, largely conducted between the two leaders and their teams, often alone behind closed doors.”⁷⁸⁷ Taha notes in this regard that “The discussions we had were like a family affair or a family dispute. We felt uneasy about having someone else present.”⁷⁸⁸

Nevertheless, the mediation team continued to play an important role. Commenting on these negotiations, Fink Haysom, a key member of Sumbeiywo’s mediation team, states that “The leaders negotiated and, in a sense, took ownership of the process.”⁷⁸⁹ Yet, Haysom adds that “We came in to summarize, help formulate agendas, rewrite text and suggest compromises, but only occasionally did we perform a deadlock-breaking role. From this point we were largely in the wings”⁷⁹⁰ The important role of the IGAD mediation team during this phase of the peace process is also acknowledged by the conflict parties. Mutrif Siddiq, the Sudanese Under Secretary in the Minster of Foreign Affairs, points out that the IGAD mediation team preparing the ground for bilateral discussions was as valuable as the mediation itself.⁷⁹¹

After almost a month of talks between Taha and Garang, on 25 September 2003, the conflict parties concluded the Agreement on Security Arrangements during the Interim Period, which stipulated that an internationally monitored ceasefire would take effect once a final agreement was signed.⁷⁹² The agreement also stipulated that the forces of the SPLM/A and the

⁷⁸⁶ Interview with Luca Zampetti in Addis Ababa, 4 February 2015.

⁷⁸⁷ Johnson, 2.

⁷⁸⁸ *Ibid.*, 94.

⁷⁸⁹ Simmons and Dixon, "Reflecting on the IGAD Peace Process: An Interview with Nicholas (Fink) Haysom," 30.

⁷⁹⁰ *Ibid.*

⁷⁹¹ Martin, 152.

⁷⁹² The text of the Agreement on Security Arrangements is available at: <http://www.ucdp.uu.se/gpdatabase/peace/Sud%2020030925.pdf>.

GoS were to remain separate entities during the interim period. Yet, if the outcome of the final referendum on Southern Sudan's territorial status would be in favour of unity, then the armies were to be integrated. Maintaining a separate army was a major point of concern to the SPLM/A leadership, as they perceived the formation of a unified force with both northern and southern troops in Southern Sudan as one of the main reasons the 1972 Addis Ababa Agreement had failed to bring peace to Sudan.⁷⁹³

When the parties reached an agreement on security issues, Taha and Garang continued negotiations on the distribution of wealth. During these talks, it soon became apparent that a mutually satisfactory distribution mechanism had to be found to divide the oil between the north and the south. The GoS wanted a majority share of the oil revenues, arguing that they had already invested in the development of the oilfields. The SPLM/A, on the other hand, claimed that the oil wealth had already been exploited by the north in spite of most of the oil being located in the south. The SPLM/A negotiators therefore argued that the south had to be compensated accordingly.⁷⁹⁴

Taha and Garang reached an agreement on how to distribute the oil wealth of southern Sudan on 7 December 2003. They agreed that 2 percent of the oil revenue would go to the oil producing states in southern Sudan in proportion to their output. It was further decided that the remaining net revenue would be divided evenly with 50 percent allocated to the south and 50 percent allocated to the national government during the interim period.⁷⁹⁵ This consensus on the distribution of the oil wealth was formalised on 7 January 2004 in the Framework on Wealth Sharing During the Pre-Interim and Interim Period.⁷⁹⁶ It has been argued that pressure from the

⁷⁹³ Johnson, 89; Toft, *Securing the Peace: The Durable Settlement of Civil Wars*, 142-143; Rolandsen, "Sudan: The Role of Foreign Involvement in the Shaping and Implementation of the Sudan Comprehensive Peace Agreement," 81.

⁷⁹⁴ J. Tellnes, "The Unexpected Deal: Oil and the IGAD Process " in *Peace by Piece: Addressing Sudan's Conflicts*, ed. M. Simmons and P. Dixon (London: Conciliation Resources, 2006), 40.

⁷⁹⁵ Khadiagala, 245.

⁷⁹⁶ The text of this agreement is available at: <http://www.ucdp.uu.se/gpdatabase/peace/Sud%2020040107.pdf>.

US on the SPLM/A made the SPLM/A negotiators shift their demand from 90 percent of the oil revenues to the deal included in the Framework on Wealth Sharing.⁷⁹⁷ However, this is denied by the SPLM/A negotiator who was in charge of the wealth distribution dossier, Lual Deng, who argues that “We started high, but this was just a simple bargaining strategy. We knew we had to agree to far less. This had nothing to do with external pressure.”⁷⁹⁸

Nevertheless, the US did indeed put a lot of pressure on the conflict parties from 2003 onwards. US Secretary of State Colin Powell told John Garang in June 2003 that he wanted an agreement by the end of the summer, but Garang replied that the lesson of the 1972 Addis Ababa Agreement was that a good agreement is preferable to a quick one.⁷⁹⁹ Similarly, when Colin Powell visited Naivasha in October 2003, he attempted to speed up the process in order to score a foreign policy success for the Bush administration. Senior government negotiator, Sayed el-Tayeb, claims that Powell told him that the GoS could contribute to the Bush administration winning elections, since an agreement between the government and the SPLM/A would be a huge foreign policy success. Powell then tried to convince el-Tayeb to help the Bush administration by pointing out that if Bush would win the elections this would prevent an anti-Sudanese Secretary of State from taking office.⁸⁰⁰ After his meeting with the conflict parties, Powell told the press that he was optimistic that an agreement would be reached by the end of December. However, a government spokesman soon rebuked this statement, telling the press that “It is impossible for anyone to dictate a date on the two parties that are negotiating.”⁸⁰¹

In addition, in late 2003, US officials tried to make the conflict parties reach an agreement prior to the State of the Union Address by President Bush in January 2004. Hilde

⁷⁹⁷ Johnson, 112-114.

⁷⁹⁸ Interview with Lual Deng in Addis Ababa, 3 February 2015.

⁷⁹⁹ Johnson, 76.

⁸⁰⁰ Interview with Sayed el-Tayeb in Khartoum, 8 January 2015.

⁸⁰¹ Martin, 153.

Johnson recalls how in a Troika meeting, US Senior Representative on Sudan Mike Ranneberger told the other Troika delegates that “it was important to have a framework agreement capturing the main principles before January 20th – the date of President Bush’s State of the Union address. The parties were promised a Rose Garden ceremony.”⁸⁰² Similarly, Sumbeiywo recalls an incident where Senator Danforth pointed at his watch during a meeting, expressing that a peace agreement need to be concluded on that day because US elections were coming up.⁸⁰³ Sumbeiywo made it clear that this was not going to happen and that the parties needed more time to find a mutual satisfactory agreement. Danforth replied by telling Sumbeiywo: “You have the patience of a saint.”⁸⁰⁴

In January 2004, US officials even arranged an aircraft, urging the IGAD mediation team and the conflict parties to sign an agreement half way, so that the parties to the mediation effort could be flown to Washington to attend President Bush’s State of the Union Address.⁸⁰⁵ The IGAD mediation team resisted this request. Bona Malwal, a SPLM/A member and resource person to the IGAD mediation team, notes in this regard that “The IGAD mediation team was flexible with time. The Troika did not want flexibility, they wanted people either to agree or disagree right away. This was really the basic problem. Time is an asset. If people want one more day, rather than imposing an agreement, just give them another day and they might be able to reach an agreement.”⁸⁰⁶ Similarly, senior SPLM/A member Pascal Bandindi Uru Ndura notes that “It was impossible to speed up the negotiations since the conflict issues were too complex. Moreover, Dr. John Garang wanted to reform Sudan as whole through the peace process, which also required sufficient time.”⁸⁰⁷

⁸⁰² Johnson, 113.

⁸⁰³ Interview with Lazaro Sumbeiywo in Addis Ababa, 1 February 2015.

⁸⁰⁴ Waihenya, 90.

⁸⁰⁵ Simmons and Dixon, "The Mediator’s Perspective: An Interview with General Lazaro Sumbeiywo," 25.

⁸⁰⁶ Interview with Bona Malwal in Oxford, 11 November 2014.

⁸⁰⁷ Telephone interview with Pascal Bandindi Uru Ndura, 4 March 2015.

Chief mediator Sumbeiywo was careful to protect the process from too much external pressure.⁸⁰⁸ For instance, Sumbeiywo limited the ability of external parties, including the Troika representatives, to pressure the conflict parties by excluding them from the negotiations: “When we went to Naivasha the observers were no longer sitting with us. They came to consult with the parties and me about progress, but were more on the periphery than in the process. I had a rule that the swimming pool at the hotel was the last place the observers could come – the boundary. Beyond that it was only the parties, the envoys and members of the secretariat.”⁸⁰⁹ Reflecting on the extent to which the IGAD mediation team shielded the peace process from too much pressure, Haysom states the conflict parties at times “would ask us to ‘liberate’ them from the various envoys in attendance.”⁸¹⁰ GoS negotiator, Ahmed Deriery, confirms this: “He [Sumbeiywo] protected us from the international community. He catered more for our interests and he did not want interference.”⁸¹¹ Similarly, Sayed el-Tayeb notes that “The US was trying to influence the negotiations in Naivasha, but to be fair to Sumbeiywo, when Ali Osman Taha and John Garang came in and told Sumbeiywo that they wanted no external involvement, Sumbeiywo was able to keep the observers out, including the Americans.”⁸¹² A telling example in this regard is Sumbeiywo’s response to US Envoy Jeff Millington’s attempt to speed up the process in late 2003. Millington told Sumbeiywo: “You are not serious. You are allowing them to go on and on. This thing has to come to a closure.”⁸¹³ Sumbeiywo responded by telling Millington that “You may be a superpower, but you do not understand this very well. It is the Sudanese to decide on how to progress and how they want the peace deal clinched, not the Americans.”⁸¹⁴

⁸⁰⁸ Johnson, 81; Cockett, 178.

⁸⁰⁹ Simmons and Dixon, "The Mediator's Perspective: An Interview with General Lazaro Sumbeiywo," 25.

⁸¹⁰ Simmons and Dixon, "Reflecting on the IGAD Peace Process: An Interview with Nicholas (Fink) Haysom," 30.

⁸¹¹ Martin, 152; Waihenya, 146.

⁸¹² Interview with Sayed el-Tayeb in Khartoum, 8 January 2015.

⁸¹³ Waihenya, 126.

⁸¹⁴ Ibid.

Yet, at other times, Sumbeiywo allowed the US to exert its pressure to break deadlocks. After the Framework on Wealth Sharing had been concluded in January 2004, negotiations started to focus again on the three areas. To move the parties towards compromise on this issue, US representatives intervened in these negotiations, proposing that Southern Kordofan and the Blue Nile States would remain two federal states of Sudan; but that Abyei would be granted an interim self-administering status, while organizing a referendum on whether to join the North or the South.⁸¹⁵ The conflict parties agreed to this proposal and subsequently signed two separate agreements on 26 May 2004.⁸¹⁶ Jason Matus, US observer in the negotiations over the Three Areas, concludes that “The US broke the deadlock by essentially writing the protocols.”⁸¹⁷ Jason Matus emphasises how the US involvement in the talks on the contested areas is a telling example of the division of labour between IGAD and the Troika: “IGAD was at the front of the table during most of the peace process. Yet, at the same time, the Government of Sudan was highly motivated to improve its relations with the US. So the cooperation between regional actors and external actors was what made the Naivasha process a success.”⁸¹⁸

On 26 May 2004, the same day as when the two agreements on the three areas were concluded, the adversaries also concluded The Protocol between the GoS and SPLM on Power Sharing. This agreement established a Government of Southern Sudan (GoSS) for the interim period. It was agreed that both in the executive and legislative authorities of the GoSS, the SPLM/A would have 70 percent of the seats, al-Bashir’s National Congress Party (NCP) 15

⁸¹⁵ Interview with Douglas Johnson in Oxford, 27 February 2015. Douglas Johnson acted as a resource person to the mediation team in the Comprehensive Peace Agreement negotiations over the Three Areas. See also: Rothchild, 101; Rolandsen, "Sudan: The Role of Foreign Involvement in the Shaping and Implementation of the Sudan Comprehensive Peace Agreement," 82.

⁸¹⁶ The text of the Protocol between the GOS and SPLM on the Resolution of Conflict in Abyei Area is available at: <http://www.ucdp.uu.se/gpdatabase/peace/Sud%2020040526b.pdf>. The text of The Protocol between the GOS and SPLM on the Resolution of Conflict in Southern Kordofan/Nuba Mountains and Blue Nile States is available at: <http://www.ucdp.uu.se/gpdatabase/peace/Sud%2020040526.pdf>.

⁸¹⁷ Telephone interview with Jason Matus, 26 January 2015. See also: D. H. Johnson, "Why Abyei Matters: The Breaking Point of Sudan's Comprehensive Peace Agreement?," *African Affairs* 107, no. 426 (2008).

⁸¹⁸ Telephone interview with Jason Matus, 26 January 2015.

percent, and other Southern Sudan political forces would receive the remaining 15 percent of the seats. The same formula was applied to the executive authority of Southern Sudan. At a national level, the NCP would have 52 percent of the seats, whereas the SPLM/A would have 28 percent and 20 percent was allocated to other political forces. Finally, the power sharing protocol appointed John Garang as the vice-president, whereas Omar al-Bashir maintained the presidency.⁸¹⁹ The conclusion of the power sharing protocol finalised the political negotiations, but the adversaries still had to reach consensus on technical issues, including a comprehensive ceasefire, security arrangements, and the implementation of the peace agreement. Yet, after the signing of the Power Sharing Protocol on 26 May 2004, negotiations were paused for two months, as the GoS claimed to be too busy with the conflict in Darfur.⁸²⁰

Armed fighting in Darfur emerged in late 2002. According to some observers, the progress made in the Naivasha peace talks in the early 2000s between a seemingly unified north and a seemingly unified south without the inclusion of the Darfurians and other groups that felt excluded, strengthened the Darfurian sense of being marginalised. It has even been argued that the successes of the SPLM/A in the peace negotiations with the GoS emboldened excluded Darfurian groups to take up arms against the GoS.⁸²¹ Yet, even when the Darfurian opposition had taken up arms, the conflict was still ignored by the international community. Moreover, the US and the UK allegedly even actively tried to keep the Darfur conflict from being discussed in Naivasha out of a fear that it might undermine the north-south peace process.⁸²² One US official allegedly told the GoS that Washington would “accept a military solution to Darfur, if it was a quick, surgical approach.”⁸²³ While it is difficult to establish to what extent

⁸¹⁹ The text of The Protocol Between the GOS and SPLM on Power Sharing is available at: <http://www.ucdp.uu.se/gpdatabase/peace/Sud%2020040526c.pdf>.

⁸²⁰ Rolandsen, "Sudan: The Role of Foreign Involvement in the Shaping and Implementation of the Sudan Comprehensive Peace Agreement," 82.

⁸²¹ el-Battahani, 13.

⁸²² Cockett, 180; Barltrop, 126-127.

⁸²³ Cockett, 180.

the US tried to prevent Darfurian groups to participate in negotiations at Naivasha, it is clear that the Darfurians were not allowed to become involved in the IGAD-led mediation effort. Instead, the AU launched a mediation effort aimed at ending the war in Darfur in May 2004.

On 7 October 2004, Garang and Taha resumed the peace talks. Yet, by late 2004, Taha was threatening to walk out of the talks. To prevent this from happening, Sumbeiywo requested US secretary of State Colin Powell to put pressure on the conflict parties to remain committed to the peace process. Sumbeiywo's request was not a rare occurrence. US Special Envoy to Sudan Andrew Natsios estimates that President Bush called President al-Bashir around 12 times during the Naivasha negotiations.⁸²⁴ Sumbeiywo acknowledges that "Whenever one party reneged, I always rang Colin Powell. He came to Nairobi to combat heel dragging as we were trying to give the final push."⁸²⁵ In other words, while shielding the conflict parties from too much pressure, Sumbeiywo also made use of the third party capacity of non-African third parties to apply pressure in several instances.⁸²⁶ Fink Haysom, a resource person within the IGAD mediation team, notes in this regard that the US involvement was a double-edged sword. On the one hand, the US pressured the IGAD mediation team to speed up the process, which could undermine the peace process. On the other hand, Haysom explains that "we also needed them and worked with them. They applied vital leverage."⁸²⁷ Bona Malwal, a member of the SPLM/A and also a resource person to the IGAD mediation team, points to a division of labour between IGAD and the Troika as a result of different mediation strategies: "The Americans tried to make the conflict parties accept their proposals by making it clear that if the conflict parties would not accept the proposal they would be in trouble, whereas African countries tried

⁸²⁴ A. S. Natsios, *Sudan, South Sudan, and Darfur: What Everyone Needs to Know* (Oxford: Oxford University Press, 2012), 169.

⁸²⁵ Simmons and Dixon, "The Mediator's Perspective: An Interview with General Lazaro Sumbeiywo," 25.

⁸²⁶ Waihenya, 25; Khadiagala, 247.

⁸²⁷ Simmons and Dixon, "Reflecting on the IGAD Peace Process: An Interview with Nicholas (Fink) Haysom," 30.

to make conflict parties accept their proposed solutions on the basis of persuasion rather than imposing their will.”⁸²⁸

This division of labour between IGAD and the Troika was the result of an active strategy pursued by the IGAD mediation team. Indeed, the IGAD mediation team always coordinated with the Troika when they should apply pressure.⁸²⁹ The pressure was thus well-timed. Sumbeiywo notes in this regard that “Pressure has to be applied at the right time. I approached the use of pressure during the peace process like a soldier. A soldier will not get out of his trench unless he knows he will hit a target. So you will have to wait long enough until a target provides itself and only then you will be effective.”⁸³⁰ The IGAD mediation team thus made sure that the US pressure was balanced and well-timed.

A concrete example of how pressure by international actors contributed to the conflict parties moving towards compromise is that a UN Security Council meeting was held in Nairobi on 18 and 19 November 2004. Around this time, the presidency of the UN Security Council was in the hands of the US Senator Danforth, who had been closely involved in the negotiations leading up to the Nuba Ceasefire Agreement. Danforth played an instrumental role in getting the UN Security Council to Nairobi in order to push the Sudanese conflict parties towards the signing of a final peace agreement.⁸³¹ Vladimir Zhagora, who was the UN observer to the Naivasha process, explains how the UN Security Council meeting in Nairobi provided the peace process with a new impetus to conclude the process: “The main objective of getting the UN Security Council to Nairobi was to make sure that the Naivasha process was ended as soon as possible. It was an organised exercise in external political pressure on the parties to stop procrastinating. In the presence of the UN Security Council, numerous leaders of state, and the

⁸²⁸ Interview with Bona Malwal in Oxford, 11 November 2014.

⁸²⁹ Waihenya, 25; Khadiagala, 247.

⁸³⁰ Interview with Lazaro Sumbeiywo in Addis Ababa, 1 February 2015.

⁸³¹ Johnson, 158; Waihenya, 138; Collins, *A History of Modern Sudan*, 268; Rolandsen, "Sudan: The Role of Foreign Involvement in the Shaping and Implementation of the Sudan Comprehensive Peace Agreement," 82-83.

international press, the conflict parties were pressured to sign a declaration of commitment to sign a comprehensive peace agreement prior to the end of 2004.”⁸³² The UN Security Council meeting in Nairobi led to the signing of the Memorandum of Understanding on 19 November, which committed the GoS and the SPLM/A to sign a comprehensive peace agreement no later than 31 December 2004.

In order to meet this deadline, negotiations between Garang and Taha resumed again on 7 December and continued until Christmas Eve, when it became clear the deadline would not be met. Although the conflict parties marked the end of the conflict on 31 December by the signing of a permanent ceasefire, the CPA was signed in Naivasha on 9 January 2005.⁸³³ In essence, the CPA put together the six partial agreements that had been signed on the basis of the Machakos Protocol.⁸³⁴ The CPA stipulated that the South was to be given an autonomous status for six years and a referendum to be held in 2011 regarding possible secession from Sudan, the North and South were to maintain separate armed forces, the positions in the central government were to be split equally between the North and the South, and Sharia Law would only be applicable in the North.⁸³⁵

The final phase of the Naivasha process suggests that legitimacy-based mediation and capacity-based can supplement each other. As a result of a coordinated mixed mediation effort led by an African third party, the conflict parties finally terminated the conflict in 2005. IGAD provided the peace process with an air of legitimacy. This, in turn, allowed the IGAD mediation team to provide a problem-solving forum to resolve the underlying conflict issues. According to Senior SPLM/A member Pascal Bandindi Uru Ndura, “The IGAD mediation team never imposed any solutions. They allowed the parties to talk face to face, making it possible to find

⁸³² Interview with Vladimir Zhagora in Boston, 16 October 2014.

⁸³³ The text of the CPA is available at: <http://www.ucdp.uu.se/gpdatabase/peace/Sud%2020050109.pdf>.

⁸³⁴ Brosché, *Sharing Power – Enabling Peace? Evaluating Sudan’s Comprehensive Peace Agreement*, 17.

⁸³⁵ *Ibid.*, 20-23.

solutions based on compromises. This way, it was possible to build confidence in the peace process. The mediation by IGAD shows that the essence of mediation is ownership and compromise.”⁸³⁶ Similarly, government negotiator Sayed el-Tayeb also emphasises that the IGAD countries were instrumental in bringing the conflict parties to the negotiation table and providing them with a platform in which the negotiators could assume ownership in solving the conflict.⁸³⁷ For these reasons, Sayed el-Tayeb asserts that “Many people are claiming credit for the Naivasha peace process, particularly in the US there is this idea that the US brought about the CPA. But the US did not play a really important role.”⁸³⁸

Several mediators closely involved in the process agree that while the Troika provided crucial pressure, it was the sustained effort of IGAD that lies at the heart of the successful mediation effort. For instance, Susan Page, a US advisor within the IGAD secretariat for peace in Sudan, notes with regard to the crucial achievement of making the GoS continue negotiations after the Nakuru document had been presented that “The donors are, of course, always the ones claiming credit, but at that point IGAD asserted itself. It were the presidents of the region who got it back on track.”⁸³⁹ Endre Stiansen, who initially acted as a Norwegian observer within the Troika but later would be seconded as resource person to the IGAD mediation team on wealth sharing, asserts that “It was an African process, no doubt about it. Although the peace process was supported by the Troika, it was not a process in which the Americans came in and took over the process.”⁸⁴⁰ Similarly, Luca Zampetti, an Italian observer to the Naivasha process, argues that “It was the IGAD mediation team led by Sumbeiywo that made the CPA happen. While the work of IGAD enjoyed a sound supporting structure provided by international parties, I believe there is no doubt that only an African institution could have pulled this off.

⁸³⁶ Telephone interview with Pascal Bandindi Uru Ndura, 4 March 2015.

⁸³⁷ Interview with Sayed el-Tayeb in Khartoum, 8 January 2015.

⁸³⁸ Interview with Sayed el-Tayeb in Khartoum, 8 January 2015.

⁸³⁹ Martin, 151.

⁸⁴⁰ Interview with Endre Stiansen in Addis Ababa, 20 January 2015.

Naivasha was an African success. Full Stop.”⁸⁴¹ In short, pressure and inducements by the Troika helped to move the conflict parties towards compliance, but this capacity-based mediation strategy would not have been sufficient by itself. Pressure and inducement cannot adequately explain the conclusion of the CPA.

One could argue that the personal qualities of Sumbeiywo were the single most important determinant of mediation success at Naivasha. Senior SPLM/A member Bona Malwal strongly disagrees with this assertion, stating that “The personality of Sumbeiywo did not play any role, it was rather him representing IGAD.”⁸⁴² While Malwal ignores how Sumbeiywo’s personal skills helped to move the peace process forward at various times, Malwal rightly points out that Sumbeiywo represented the entire region. In addition to being supported by Kenyan Presidents Moi and Kibaki, Sumbeiywo enjoyed strong support from Uganda, Ethiopia, and Eritrea. It was the collective and united support from these countries, as well as the high degree of legitimacy of IGAD, that allowed Sumbeiywo and the IGAD mediation team to maintain the commitment of the conflict parties towards finding a mutually acceptable agreement that could end the war.

In line with this conclusion, Ugandan President Yoweri Museveni, in his capacity as the Chairman of IGAD, highlighted at the signing ceremony of the CPA that “We in the IGAD region and Africa as a whole have created a viable partnership, which reduces chances for outsiders to jump into regional conflicts where they have very little knowledge about them.”⁸⁴³ Similarly, commenting on the resolution of the war between the GoS and the SPLM/A, former Kenyan President Moi stated that it is “a matter of great pride for me, for Sudan and for Africa in general, that it took an African to do what foreigners could not, and thereby reiterate the fact that solutions to Africa’s problems will come from Africans themselves, from the rich recess

⁸⁴¹ Interview with Luca Zampetti in Addis Ababa, 4 February 2015.

⁸⁴² Interview with Bona Malwal in Oxford, 11 November 2014.

⁸⁴³ Iyob and Khadiagala, 124.

of the continent and not from outside its borders.”⁸⁴⁴ Finally, reflecting on his mediation efforts leading up to the CPA, IGAD chief mediator Lazaro Sumbeiywo stated in an interview with the *Sudan Tribune* that Africans do not need to look to the West to resolve their conflicts: “We are known to one another and can settle our own problems.”⁸⁴⁵

The Implementation of the Comprehensive Peace Agreement

The relatively long mediation process leading up to the CPA paid off in the implementation process of the agreement. Sumbeiywo notes in this regard that “The international community tried to push us to sign an agreement even if we had not yet negotiated the implementation modalities. We refused, because implementation modalities are essential.”⁸⁴⁶ Similarly, Fink Haysom notes that “Implementation is often the poor child of peace negotiations. The parties were embarking on this huge collaborative project, with low levels of trust and no policeman, so they needed detailed guidelines for implementation.”⁸⁴⁷ The focus of the IGAD mediation team on producing an implementable agreement is in line with the argument that African third parties have more incentives to continue mediation until a robust and mutually satisfactory agreement has been found, since African actors are more likely to be affected by the consequences of a failed peace agreement.

While the great deal of attention paid to the implementation modalities contributed to successful implementation of the CPA, the close personal relationship that had been formed between Taha and Garang in the final phase of the Naivasha could not be utilised to ensure post-agreement stability. Neither Taha nor Garang were involved in the implementation

⁸⁴⁴ Waihenya, vi.

⁸⁴⁵ Sudan Tribune, 3 September 2006. "Gen Lazaro, the Voice of Reason in Sudan Peace Talks."

⁸⁴⁶ L. Sumbeiywo, "Foreword," in *Unpacking the Mystery of Mediation in African Peace Processes*, ed. S. J. A. Mason (Center for Security Studies (CSS) & swisspeace Negotiation and Mediation Resources, 2008).

⁸⁴⁷ Simmons and Dixon, "Reflecting on the IGAD Peace Process: An Interview with Nicholas (Fink) Haysom," 31.

process of the CPA. John Garang died in a helicopter accident around seven months after the conclusion of the CPA. After the death of Garang, Salva Kiir Mayardit assumed leadership over the SPLM/A, subsequently shifting the SPLM/A implementation policy from an emphasis on the transformation of Sudan to an emphasis on the referendum that could pave the way for independence.⁸⁴⁸

In addition, when it became increasingly clear that the south would likely vote for independence and the US refused to normalise relations with Sudan because of the situation in Darfur, many hardliners within the NCP started to accuse Taha of having compromised the vital interests of Sudan by concluding the CPA. This compromised Taha's position within the NCP and made it impossible for him to play a meaningful role regarding the implementation process of the CPA.⁸⁴⁹ Nevertheless, Andrew Natsios, the US Envoy for Sudan, points out that in spite of the lack of good faith to implement the agreement, the conflict parties remained committed to the implementation of the negotiated settlement: "Over time, Bashir and Kiir forged a working relationship that allowed for the resolution of smaller disputes; the larger ones remained."⁸⁵⁰

The first major post-agreement crisis that required third party involvement occurred on 11 October 2007, when the SPLM/A withdrew from the Government of Unity in protest about the ongoing war in Darfur and Khartoum's delay in sharing oil revenues.⁸⁵¹ Southern ministers

⁸⁴⁸ Interview with Lual Deng in Addis Ababa, 3 February 2015. See also: Johnson, *The Root Causes of Sudan's Civil Wars: Peace or Truce*, 167-177; Young, 176-225; LeRiche and Arnold, 116-120; J. Young, "John Garang's Legacy to the Peace Process, the SPLM/A & the South," *Review of African Political Economy* 32, no. 106 (2005); E. Ahmed, "The Comprehensive Peace Agreement and the Dynamics of Post-Conflict Political Partnership in Sudan," *Africa Spectrum* 44, no. 3 (2009): 143; Rolandsen, "Sudan: The Role of Foreign Involvement in the Shaping and Implementation of the Sudan Comprehensive Peace Agreement," 86-89.

⁸⁴⁹ Interview with Ghazi Salah al-Din al-Atabani in Khartoum, 7 December 2014. See also: Flint and de Waal, 191-192; Natsios, 170-171; I. D. F. and M. Assal, "The National Congress Party and the Darfurian Armed Groups," in *The International Politics of Mass Atrocities: The Case of Darfur*, ed. D. R. Black and P. D. Williams (Abingdon: Routledge, 2010), 32-34; Young, *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*, 108.

⁸⁵⁰ Natsios, 179.

⁸⁵¹ LeRiche and Arnold, 127.

were recalled to Juba. By October 2007, the SPLM/A troops had marched towards the north-south border, ready to confront Khartoum with a three-front war: the Darfurian rebels in the west, the Beja Congress's militia from Red Sea State from the east, and the SPLM/A itself from the south.⁸⁵² Yet, following international pressure, the SPLM/A leadership decided to re-join the Government of Unity on 27 October 2007.⁸⁵³

An issue of contention that required continued third party involvement immediately following the signing of the CPA was the location of the borders of Abyei. The location of the borders of Abyei was a particularly contentious issue, since the accurate distribution of oil revenues depended on an agreement of the borders.⁸⁵⁴ The CPA stipulated that oil revenues were shared on a 50/50 percent basis, but if southern Sudan would vote for independence it would be entitled to all the revenues within South Sudan, which was estimated to be around 75 percent of Sudan's entire oil production, though the exact percentage depended on the borders of Abyei and whether Abyei would join the South or not in case of independence.⁸⁵⁵

The protocol on Abyei included in the CPA stipulated the formation of the Abyei Borders Commission (ABC), which was tasked to demarcate the borders of Abyei. It was agreed that if the five representatives of the GoS and the five representatives of the SPLM/A seated in the ABC could not agree on the location of the borders, five international experts would map the borders. Douglas Johnson, one of the five international experts in the ABC, recalls that it was clear right from the start that the government delegation and the SPLM/A delegation would be unable to reach agreement on a common border within the context of the ABC: "There was no convergence at all and there was no movement on any of the areas."⁸⁵⁶

⁸⁵² Natsios, 183.

⁸⁵³ LeRiche and Arnold, 127; International Crisis Group, *Sudan's Comprehensive Peace Agreement: Beyond the Crisis. Africa Report N°50 - 13 March 2008* (Brussels, 2008).

⁸⁵⁴ Johnson, *The Root Causes of Sudan's Civil Wars: Peace or Truce*, 170; Young, *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*, 184.

⁸⁵⁵ Young, *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*, 183.

⁸⁵⁶ Interview with Douglas Johnson in Oxford, 27 February 2015.

As such, the five international experts issued their decision in July 2005, supported with documentary evidence and interviews, on the location of the borders of Abyei. While in the very last meeting of the ABC, the GoS delegation had indicated that whatever the international experts would decide would be accepted, on the day that the report was handed in, the GoS immediately accused the commission of being biased and having overstepped their mandate.⁸⁵⁷ Tensions over the borders of Abyei increased.

Yet, since the mediators of the Abyei protocol had foreseen that the conflict over Abyei would not easily be resolved, the protocol stipulated that the GoS and the SPLM/A forces needed to withdraw from the Abyei area, with the exception of some Joint Integrated Units, which were specifically tasked to oversee that neither government troops nor the SPLM/A forces would enter Abyei. In addition, the United Nations Mission in Sudan (UNMIS) – which had been set up on 24 March 2005, through resolution 1590 – was mandated by UN Security Council to secure the implementation of the CPA, which included to ensure a ceasefire in Abyei.⁸⁵⁸

Nevertheless, as soon as the international experts of the ABC had issued their report, several minor violent clashes took place in Abyei between different tribal militias supported by each side.⁸⁵⁹ Fighting escalated in May 2008, but as a result of diplomatic pressure from the UN, the conflict parties signed an agreement on 8 June 2008. This agreement stipulated a new ceasefire and referred the boundary demarcation to the Permanent Court of Arbitration (PCA) in The Hague.⁸⁶⁰ In spite of the PCA ruling in 2009, which considerably decreased the size of

⁸⁵⁷ Interview with Douglas Johnson in Oxford, 27 February 2015. See also: Matus, 37; Young, *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*, 258; LeRiche and Arnold, 123.

⁸⁵⁸ Young, *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*, 259; C. Johnson, "Peacemaking and Peacekeeping: Reflections from Abyei," *International Peacekeeping* 19, no. 5 (2012): 641; Brosché, *Sharing Power – Enabling Peace? Evaluating Sudan's Comprehensive Peace Agreement*, 29.

⁸⁵⁹ Young, *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*, 259-260; Rolandsen, "Sudan: The Role of Foreign Involvement in the Shaping and Implementation of the Sudan Comprehensive Peace Agreement," 85.

⁸⁶⁰ Johnson, "Peacemaking and Peacekeeping: Reflections from Abyei."642-643

Abyei and moved the Heglig and Kharsana oil fields to Sudan, the NCP still rejected the ruling and even occupied Abyei with armed forces.⁸⁶¹

Yet, the situation in Abyei notwithstanding, the conflict parties generally stuck to ceasefire stipulated in the CPA as a result of strong diplomatic pressure. Both the AU and the US dissuaded the conflict parties from fighting. Moreover, both the US and the AU continued to prioritise the success of the overall peace process over the resolution of the Abyei conflict.⁸⁶² In his capacity as chairman of the US Senate Foreign Relations Committee, John Kerry stated in October 2010 that “a few hundred square miles cannot be allowed to stand in the way of progress when the fate of millions is at stake.”⁸⁶³

With tensions increasing and the referendum on self-determination for Southern Sudan approaching, the AU started to take the lead in mediating the successful implementation of the CPA.⁸⁶⁴ To this purpose, the AU High-Level Implementation Panel for Sudan (AUHIP) was established during a meeting of the AU Peace and Security Council on 29 October 2009. Led by former South African President Thabo Mbeki, the panel was mandated to assist the Sudanese parties in the implementation of the CPA. On 19 and 20 July 2010, the AUHIP conveyed a meeting in Juba, at which the AUHIP mediators and the conflict parties formulated a framework for future negotiations. Next, between 7 and 13 November 2010, the GoS and GoSS representatives discussed post-referendum issues, agreeing that the overriding principle of post-secession relations between Sudan and Southern Sudan should be the concept of two viable states. However, the negotiation partners could not agree on the status of Abyei, inhibiting them from signing a Framework Agreement. With the 2011 referendum held in the

⁸⁶¹ Young, *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*, 258; LeRiche and Arnold, 123.

⁸⁶² Johnson, *The Root Causes of Sudan's Civil Wars: Peace or Truce*, 172.

⁸⁶³ Ibid.

⁸⁶⁴ Young, *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*, 182; International Crisis Group, *Negotiating Sudan's North-South Future. Africa Briefing N°76. 23 November 2010* (Brussels, 2010), 3.

next month, the AUHIP once more tried to resolve the conflict over Abyei at a meeting in Juba on 13 December 2010, but this effort proved fruitless as well.

In spite of the conflict over Abyei, the conflict parties remained committed to the referendum. President al-Bashir gave a speech in Juba on 4 January 2011, in which he emphasised how his commitment to pan-Africanism made him highly committed to abide by the referendum results: “Whatever be the choice of the southerners, we will accept it and say welcome... But let us provide a good example for brothers in Africa, even if we separate and we will do it peacefully, we will cooperate and provide them with the example of how the United States of Africa could be.”⁸⁶⁵ The pan-African sentiment expressed in al-Bashir was echoed in a speech given by Mbeki the next day in Khartoum, on 5 January, in which he emphasised the African nature of the AUHIP involvement in ensuring the successful implementation of the CPA: “We have come among you not as foreigners, but as fellow Africans who are convinced that we share a common destiny. Accordingly, it is not possible for us to distance ourselves from the problems this sister country and people face, arguing that these are Sudanese problems. To us the problems of Sudan are our problems, its challenges and successes our challenges and successes. Accordingly we cannot and will not stand on some high pedestal, as some from elsewhere in the world do, demanding that Sudan must do this or do the other. Rather we will say, let us, together, do this or do the other, while, at the same time, we respect the sovereign right of the people of Sudan to determine their destiny.”⁸⁶⁶ Mbeki’s statement also illustrates how the African solutions norm has grown deeper over time, as he emphasises how Africa now forms a community of states in the sense that progress in

⁸⁶⁵ Young, *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*, 211.

⁸⁶⁶ Speech by Thabo Mbeki at the Friendship Hall in Khartoum on 5 January 2011. Available at: <http://fletcher.tufts.edu/World-Peace-Foundation/Activities/Sudan-Peace-Archive/~//media/Fletcher/Microsites/World%20Peace%20Foundation/TM%20lecture%20Khartoum%20040111.pdf>.

one African country benefits the entire African community African states. This is in line with several recent studies that also point to this evolution of the African solutions norm.⁸⁶⁷

It was not only the moral pressure levied by the AUHIP that was exerted on the GoS to accept the outcome of the referendum. As is recalled by Rosalind Marsden, the European Union (EU) Special Representative for Sudan at the time of the referendum, the entire international community, including both regional and international actors, were united in their commitment to the successful implementation of the outcome of the referendum.⁸⁶⁸

Against a background of a promise by the conflict parties that they would accept any outcome and strong third party involvement, the referendum on self-determination for Southern Sudan took place between 9 and 15 January 2011. The referendum was held peacefully and it was officially announced on 7 February 2011 that 98.83 percent of the Southerners that had voted choose an independent South Sudan. Moreover, the voter turnout was close to 100 percent in most locations.⁸⁶⁹ With the NCP and the SPLM/A unable to agree on the status of Abyei, it had been decided that referendum on whether Abyei would remain to be part of Sudan or would join South Sudan would be postponed. This turned the status of Abyei into the main focus of the post-referendum and the post-secession agenda for the AUHIP mediation team, particularly as a result of several violent clashes between the protagonists in Abyei.⁸⁷⁰

The referendum held in early 2011 led to secession of South Sudan on 9 July 2011. This ended almost six decades of conflict, which had taken the lives of around 2 million people.⁸⁷¹

⁸⁶⁷ For example, see: Williams, "From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture."; Mwansali, "From Non-Interference to Non-Indifference: The Emerging Doctrine of Conflict Prevention in Africa."

⁸⁶⁸ Interview with Rosalind Marsden in Oxford, 21 February 2015. See also: T. S. Dagne, *Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement* (United States Congressional Research Service, 2011); Rolandsen, "Sudan: The Role of Foreign Involvement in the Shaping and Implementation of the Sudan Comprehensive Peace Agreement," 84.

⁸⁶⁹ LeRiche and Arnold, 23.

⁸⁷⁰ D. H. Johnson, "The Heglig Oil Dispute between Sudan and South Sudan," *Journal of Eastern African Studies* 6, no. 3 (2012).

⁸⁷¹ Copnall, 265; LeRiche and Arnold, 1.

With hindsight, the separation of southern Sudan in 2011 may seem to have been inevitable. Yet, it should be noted that both Taha and Garang were highly committed to a united Sudan when the CPA was signed. Garang perceived the option of secession as a back-up option, as well as a way to provide incentives to the NCP to implement the CPA in good faith. The central paradox of the CPA and its implementation is thus that the conflict parties were committed to a united Sudan at the start of the interim period, but the CPA would eventually lead to a division of Sudan.⁸⁷² The great deal of attention paid to the implementation modalities during the Naivasha talks and the international community's commitment to the implementation of the agreement explain the successful implementation of the CPA.

Conclusion

The different mediation efforts to end the war between the GoS and southern rebels shed light on several of the findings that follow from the statistical analyses in this dissertation. Some of the main findings of this chapter are summarised in Table 6.2 below.

Table 6.2: Summary of the Mediation Episodes in the First and Second Sudanese Civil Wars

Mediation Episode	Main Finding
Ethiopia mediates the first Sudanese Civil War	African third parties with a high degree of legitimacy can successfully make peace in spite of not providing any material incentives to the conflict parties to make peace, because the high degree of legitimacy of these

⁸⁷² Johnson, *The Root Causes of Sudan's Civil Wars: Peace or Truce*, x.

	African third parties pulls the conflict parties towards compliance
The Carter and the US initiatives	Imposing a solution is not an effective strategy to mediate an end to a civil war. A high degree of military and economic resources cannot compensate for deteriorating relations between the third party and a party to the conflict
Nigeria's mediation effort at Abuja	African third parties that have experienced civil wars themselves are valued by the conflict parties because the conflict parties feel they can learn from how this third party has overcome its problems
The IGAD mediation effort: 1994-2002	The legitimacy of African third parties makes it possible to maintain the consent of the conflict parties with regard to their involvement. Mediating an end to a civil war is a time-consuming process, yet the time invested in allowing the conflict parties to solve their own problems may pay off later in the mediation process
The IGAD mediation effort: 2002-2005	The provision of material incentives by non-African third parties in support of an African-led mediation effort can greatly improve the

	prospects for mediation success. Yet, it is crucial that the non-African pressure is carefully managed and applied with a clear goal in mind
The implementation of the CPA	The time spent on negotiating implementation modalities pays off during the implementation phase of an agreement. Continuous strong commitment of third parties is required for the successful implementation of peace agreements

Both in the first and second civil war the Sudanese leaders repeatedly shielded themselves from international peacemaking efforts by emphasising that the conflict was a domestic affair. During almost the entire first Sudanese civil war, African leaders accommodated the request by the GoS to not push for international involvement in Sudanese affairs. The GoS only allowed Emperor Hailie Selassie to mediate in early 1972. The African nature of this mediation effort allowed Hailie Selassie to pull the conflict parties towards signing a peace agreement. The conflict parties were willing to accept Selassie's proposal without the presence of inducement or coercion.

As a result of the African solutions norm, African states are often motivated by a perceived moral obligation to peacefully resolve armed conflicts in Africa, either by themselves or within the framework of an African organisation.⁸⁷³ This commitment of African third

⁸⁷³ Ogunsanwo, "Normative Foreign Policy: The Nigerian Case; Juma, "African Mediation of the Kenyan Post-2007 Election Crisis; Park, "Conflict Management and Mediation Theory: South Africa's Role in Burundi's Civil Conflict; D. Beswick, "Peacekeeping, Regime Security and 'African Solutions to African Problems': Exploring

parties to African solutions operates as an effective signalling mechanism, reassuring the conflict parties that they will be provided with a forum in which they can resolve the conflict issues. The many statements by the representatives of the conflict parties in Sudan's north-south conflict indicate that they were aware of the perceived moral obligation of Ethiopia, Nigeria and later the IGAD countries to mediate the civil war in Sudan. This awareness greatly increased the legitimacy of these African third parties.

The external involvement in the conflict between the GoS and the SPLM/A demonstrates how third party legitimacy contributes to mediation success, but the peacemaking efforts also show that Africa's normative environment often constrains the involvement of third parties. The GoS repeatedly emphasised its sovereignty to ward off unwanted involvement. Yet, as Iyob and Khadiagala conclude, the mediation effort of IGAD and the Troika also shows "the persistence and resilience of external actors in transcending the limits of those international structures and norms."⁸⁷⁴ Indeed, IGAD proved resilient in the face of the GoS regularly emphasising that the conflict was a domestic affair. Instead of imposing a solution to the conflict, IGAD acknowledged the sovereignty of Sudan, while continuing to provide a problem-solving forum which allowed the adversaries to search for a solution to the civil war. While with the introduction of the DoP in 1994, IGAD signalled that self-determination of the south needed to be discussed, the eventual compromise between the application of Sharia laws in the north and the right of self-determination to the south was very much the product a problem-solving process between the conflict parties themselves. The commitment of the IGAD mediation team to both Sudan's sovereignty and the peaceful resolution of the conflict provided IGAD with a high degree of legitimacy, which is why the conflict parties remained committed to the IGAD-led peace process. Sudanese government negotiator Ghazi Salah al-

Motivations for Rwanda's Involvement in Darfur," *Third World Quarterly* 31, no. 5 (2010); Nathan, "Interests, Ideas and Ideology: South Africa's Policy on Darfur."

⁸⁷⁴ Iyob and Khadiagala, 79.

Din al-Atabani emphasises the positive impact of a third party's level of acceptability on the prospects for mediation success "The ultimate indicator of good mediation is a situation in which both parties want the mediator to stay involved."⁸⁷⁵ The mediation effort that ended the civil war between the GoS and the SPLM/A thus suggests that at the heart of the success of African third parties lies their high degree of legitimacy, which allows African third parties to maintain the commitment of the conflict parties to the mediation process and pull the conflict parties towards making peace.

By contrast, at the heart of non-African third parties' contribution to the resolution of the second Sudanese civil war is an ability to exert leverage over the conflict parties based on economic and military resources. The US applied crucial pressure on the conflict parties on several occasions and held out the promise to normalise relations with Sudan, while Norway and the EU shouldered the financial burden of the mediation process. Yet, the mediation efforts to end the fighting between the GoS and the SPLM/A suggest that legitimacy plays a more important role in mediation processes than either coercion or the provision of inducements. A third party that loses its legitimacy is highly unlikely to successfully mediate a conflict. The US is the most powerful state in terms of economic and military capacity, yet when Washington lost its legitimacy in the eyes of the Sudanese leaders because of a mounting critique on Khartoum's Islamists' orientation and the US supporting Kuwait when Iraq invaded Kuwait in August 1990, the US could no longer play a meaningful peacemaking role in Sudan. Similarly, it was only when the US improved its relations with Khartoum from 2001 onwards, it could employ its capacity in order to contribute to the IGAD mediation effort. These observations clearly contradict those studies that understand mediation success simply to be the product of a third party's economic and military resources.⁸⁷⁶

⁸⁷⁵ Interview with Ghazi Salah al-Din al-Atabani in Khartoum, 7 December 2014.

⁸⁷⁶ For example, see: S. Touval, "The Superpowers as Mediators," in *Mediation in International Relations: Multiple Approaches to Conflict Management*, ed. J. Bercovitch and J. Z. Rubin (Basingstoke: Macmillan, 1992);

One striking aspect of the US involvement in the Naivasha process is that the US was clearly biased towards the SPLM/A, but due to its economic and military strength this did not negatively affect the prospects for conflict resolution. This is in line with the finding in the statistical analysis that biased non-African third parties can still be effective, as well as several studies on the effectiveness of biased major powers.⁸⁷⁷ Since the effectiveness of the US operated on a capacity-based comparative advantage, it could be open about how it favoured the SPLM/A, while still providing strong material incentives to the GoS to make peace.

The finding in the statistical analysis that biased African mediation is ineffective is also supported. The IGAD mediation effort only slowly moved forward during the second half of the 1990s when most of the IGAD members were supporting the SPLM/A. It was not until relations between the GoS on the one side and Ethiopia, Eritrea, and Uganda on the other side started to normalise from 1999 onwards that the peace process gained momentum.

Since the peace process gained further momentum following involvement of the Troika from 2001 onwards, several observers have noted that the CPA would never have been concluded had the Troika not become involved in the mediation process. However, these observers that claim that the Troika contributed most to the conclusion of the CPA often fail to note that the pressure put on the conflict parties in the final phase of the mediation process would arguably have never led to the conclusion of the CPA had the conflict parties not agreed on a mutual satisfactory formula at Machakos in 2002 to resolve the conflict. The compromise found at Machakos was the result of a problem-solving process that had been ongoing since

D. S. Rothchild, *Managing Ethnic Conflict in Africa: Pressures and Incentives for Cooperation* (Washington, DC: Brookings Institution Press, 1997); A. Smith and A. Stam, "Mediation and Peacekeeping in a Random Walk Model of Civil and Interstate War," *International Studies Review* 5, no. 4 (2003); T. D. Sisk, *International Mediation in Civil Wars: Bargaining with Bullets* (London: Routledge, 2009); K. Favretto, "Should Peacemakers Take Sides? Major Power Mediation, Coercion, and Bias," *The American Political Science Review* 103, no. 2 (2009).

⁸⁷⁷ Touval, "Biased Intermediaries: Theoretical and Historical Considerations."; Zartman and Touval, "International Mediation: Conflict Resolution and Power Politics."; Favretto, "Should Peacemakers Take Sides? Major Power Mediation, Coercion, and Bias."

the early 1990s, first through the mediation process led by Nigeria and from 1994 onwards the mediation process led by IGAD. Both Nigeria and IGAD enjoyed a high degree of legitimacy which made their mediation acceptable, but crucially also allowed the mediators to make legitimate appeals to make peace. Considering that the GoS initially castigated all peacemaking proposals put forward by IGAD – including the DoP, the Machakos Protocol, and the Nakuru Document – a third party with a lower degree of legitimacy could probably have been easily dismissed by the GoS by playing the sovereignty card, thus prematurely terminating the mediation effort. Both the commitment to African solutions and the negative consequences of the civil war in Sudan for the region, gave the IGAD countries a legitimate stake in the resolution of the conflict. Hence, the Naivasha peace process illustrates how the comparative advantage in legitimacy-based mediation of African third parties and the comparative advantage of non-African third-parties in capacity-based mediation can supplement each other. The US Assistant Secretary of State for African Affairs, Charles Snyder, noted in this regard that “one of the keys to success in Sudan is actually falling in behind the work already done by the Africans, reinvigorating it, and taking it further.”⁸⁷⁸ In short, the facilitative talks by the IGAD and the pressure from the non-African third parties were complementary and effective.

While the mediated negotiations between the GoS and the SPLM/A illustrate how linking the legitimacy of African third-parties to the capacity of non-African third-parties is an effective strategy in resolving civil wars in Africa, it should be emphasised that the pressure put on the conflict parties was applied in a coordinated and strategic manner. Indeed, Sumbeiywo took great care to prevent non-African third parties from putting a high degree of pressure on the conflict parties, as this could have derailed the peace process. The conflict parties owned the peace process, which most likely would not have been the case had the parties been pressured into making peace. Hence, the negotiations between 1994 and 2002 can be

⁸⁷⁸ Rothchild, 101.

viewed as a problem-solving process, in which the adversaries became aware of the opposing side's positions and interests, while the negotiations from 2002 onwards were aimed at reaching an agreement.

In conclusion, underlying IGAD's ability to resolve the conflict between the GoS and the SPLM/A was a perception among the conflict parties that IGAD had the right to work towards a solution of the conflict. The numerous statements made by representatives of the conflict parties reflect a strong commitment to the African solutions norm. The Naivasha peace process was successful as a result of a long process of constructive engagement, while applying an appropriate amount of pressure at the right moment in time. This long process of constructive engagement, during which the conflict parties were pulled towards making peace, was possible because IGAD enjoyed a high degree of legitimacy.

VII. International Mediation in the Darfur

Conflict: African Solutions Gone Wrong

This chapter examines the various third party peacemaking efforts in the civil war between the GoS and Darfurian rebels that emerged in 2003. None of the peacemaking efforts between 2003 and 2012 described in this chapter have led to lasting peace. This chapter first examines the early mediation effort of Chad, which illustrates why biased African third parties hamper the resolution of civil wars. Next, I examine the subsequent mediation process initiated by the AU. This mediation effort, which came to be known as the Abuja peace process, shows how the newly created AU was highly motivated to prove that African third parties are effective at resolving armed conflicts. On the basis of a high degree of legitimacy, the AU mediation team constructively engaged the conflict parties and slowly made some progress. This section thus shows that legitimate third parties can pursue an incremental approach in which the conflict parties are provided with a platform and sufficient time to resolve the underlying conflict issues. Next, I examine the final phase of the Abuja peace process, during which the US and the UK played a prominent role. The final phase of the Abuja process illustrates how non-African third parties that rely on a capacity-based mediation strategy taking over the process can be detrimental to a mixed mediation effort. Enjoying little third party legitimacy, the US and the UK instead relied on their third party capacity, quickly trying to reach a deal through diplomatic confrontation and providing inducements. Eventually only one of the three rebel parties signed the 2006 DPA, under immense pressure from the US and the UK. In the subsequent section, I describe how the 2006 DPA failed almost immediately. The failed implementation of the DPA shows why peacekeeping cannot remedy a flawed mediation process. The final sections examines the post-Abuja peace effort led by a joint AU/UN

mediation team and Qatar. This mediation episode shows why the provision of financial incentives by non-African third parties is an effective capacity-based mediation strategy in terms of reaching a peace agreement, but is at the expense of peace agreement durability.

Background: The Marginalisation of Darfur

Darfur has not always been part of Sudan. For several centuries, it was an independent Sultanate.⁸⁷⁹ Yet, after the defeat of the Mahdist regime in 1889, Darfur was gradually and peacefully absorbed into the Anglo-Egyptian condominium.⁸⁸⁰ Just as southern Sudan, so too was Darfur marginalised during and after colonial rule. Consequently, like the southerners, many Darfurians accused the GoS of favouring the tribes of central Sudan near Khartoum. The discontent about the failure of the GoS to build a modern road between Khartoum and Darfur's capital, El Fasher, is a tangible example of the grievances among Darfurians regarding the region's lack of development.⁸⁸¹

Although several meetings aimed at addressing the grievances in Darfur took place between representatives of the national government and local leaders in Darfur throughout the 1990s, several opposition movements were formed simultaneously. For instance, in June 1994, Ahmed Diraige and Sharif Harir founded an anti-government organisation, named the Federal Alliance Party.⁸⁸² This group would later be one of the groups that formed the Sudan Liberation Movement/Army (SLM/A), the rebel group that first took up arms against the GoS.⁸⁸³ Members of the other major rebel movement in Darfur, the Justice and Equality Movement (JEM), came

⁸⁷⁹ R. S. O'Fahey, *The Darfur Sultanate: A History* (London: Hurst, 2008); Flint and de Waal, 6; G. Prunier, *Darfur: The Ambiguous Genocide* (London: Hurst, 2005), 8.

⁸⁸⁰ O'Fahey, chapters 12 and 13; Young, *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*, 2.

⁸⁸¹ Prunier, 91-92; Copnall, 118.

⁸⁸² A. O. El-Tom, *Darfur, Jem and the Khalil Ibrahim Story* (Trenton: Red Sea Press, 2011), 168; B. Arabie, *Darfur: Road to Genocide* (Bloomington: AuthorHouse, 2012), 89; I. D. F. and Assal, 39-40.

⁸⁸³ Arabie, 103.

together for the first time as early as 1993 at a meeting in El Fasher to form a clandestine cell. This cell would later transform into the JEM.⁸⁸⁴

In spite of the formation of the opposition groups, political dialogue between the GoS and Darfurian leaders continued. When Khalil Ibrahim, the first leader of the JEM, discussed the underdevelopment of Darfur with the Speaker of the National Assembly Hassan al-Turabi, the latter advised the leaders of Darfur to “not talk about food and drinks and to fill people up with faith.”⁸⁸⁵ The unresponsiveness to the grievances among Darfurians is also underlined by Bahar Arabie, a member of the political committee of the SLM/A, who states that “We felt that no amount of political dialogue and discourse could make the Khartoumists think of inclusive politics towards the marginalized and give way to equitable power sharing.”⁸⁸⁶ Consequently, dialogue with the GoS was abandoned in the late 1990s and several Darfuri groups started to prepare for an armed uprising.

In 2000, in order to generate more attention to the marginalisation of the peripheries of Sudan, a twenty five-man committee of regime insiders, who called themselves The Seekers of Truth and Justice, produced a book that was called the Black Book. By using statistics, the Black Book supported the claim that Sudan was ruled by only a small part of the population and that all the power was concentrated in the North. More specifically, it was argued that the vast majority of government positions in Khartoum was held by members of three tribes which represented only 5.4 per cent of the Sudanese population. Many of the authors of the Black Book would later join the JEM.⁸⁸⁷ The basic message of the Black Book is strongly reflected in the stated goals of the rebel movements that took up arms in late 2002. Abdul Wahid, the leader of SLM/A, declared on 14 March 2003 that his movement demanded a “united

⁸⁸⁴ El-Tom, 202-208.

⁸⁸⁵ Ibid., 172.

⁸⁸⁶ Arabie, 60.

⁸⁸⁷ J. Flint, "Darfur's Armed Movements," in *War in Darfur and the Search for Peace*, ed. A. De Waal (London: Global Equity Initiative, 2007), 150; Flint and de Waal, 16-17.

democratic Sudan based on equality, the separation of religion and the state, complete restructuring and devolution of power, even-handed development, and cultural and political pluralism.”⁸⁸⁸ In short, the Darfurian rebel movements sought radical reform of the national government.

While the political goals of the armed opposition movements provide the background to SLM/A and the JEM taking up arms, the emergence of the violent uprising cannot be understood without taking the communal conflicts into account. In brief, the Fur, Zaghawa, and Masalit accused the GoS of allying itself with pastoral nomadic groups that took over their homelands. The Fur, Zaghawa, and Masalit communities subsequently formed self-defence forces, which started to emerge in Darfur as early as the late 1980s, to protect their villages against the attacks of Arab militias.⁸⁸⁹ These communal conflicts escalated in the early 2000s. For instance, in late 2002, government forces and Arab militias surrounded Jebel Marra, killing hundreds of Fur villagers. The regime in Khartoum supporting the Arab militias incited the defence forces to start attacking government targets.⁸⁹⁰ Indeed, many of the defence forces formed in the early 2000s would later fight under the banner of either the SLM/A or the JEM.

One of the first organised attacks took place as early as June 2002, when Darfurian rebels targeted a police station in Golo.⁸⁹¹ Yet, it was not until March 2003 that the armed conflict escalated, when several coordinated armed attacks led by SLM/A leader Abdel Wahid

⁸⁸⁸ M. O. Lounsbury, F. Pearson, and F. S. Pearson, *Civil Wars: Internal Struggles, Global Consequences* (Toronto: University of Toronto Press, 2009), 106.

⁸⁸⁹ M. A. Abdul-Jalil, M. A. Azzain, and A. A. Yousuf, "Native Administration and Local Governance in Darfur: Past and Future " in *War in Darfur and the Search for Peace*, ed. A. De Waal (Cambridge: Global Equity Initiative, 2007); Flint and de Waal, 73; M. A. Azzain, *Evaluating the Darfur Peace Agreement a Call for an Alternative Approach to Crisis Management. Claude Ake Memorial Papers No. 6* (Uppsala: Department of Peace and Conflict Research, Uppsala University & Nordic Africa Institute, 2009), 16; J. Tubiana, "Darfur: A Conflict for Land?," in *War in Darfur and the Search for Peace*, ed. A. De Waal (Cambridge: Global Equity Initiative, 2007); Prunier, 93; A. De Waal, "Who Are the Darfurians? Arab and African Identities, Violence and External Engagement," *African Affairs* 104, no. 415 (2005): 197-201.

⁸⁹⁰ Flint and de Waal, 68-70; J. Brosché and D. Rothbart, *Violent Conflict and Peacebuilding: The Continuing Crisis in Darfur*, Routledge (New York: Routledge, 2012), 53; Prunier, 93; A. De Waal, "Counter-Insurgency on the Cheap," *Review of African Political Economy* 31, no. 102 (2004): 724-724.

⁸⁹¹ Flint and de Waal, 81; Flint, 150; Prunier, 92.

were launched on various government army units. A successful assault on the El Fasher airbase, jointly conducted by the SLM/A and the JEM, on 25 April 2003 marked another turning point in the conflict. The attack not only supplied the rebels with weapons, it established the movement as a viable threat to Khartoum.⁸⁹² Prior to the assault, government officials had described the rebels as armed bandits.⁸⁹³

When the rebel movements took up arms, the GoS initially kept the communication channels open. For instance, after the attack on the police station in Golo in June 2002, the GoS dispatched the chairman of the Parliament's Transport Commission, Idris Yusuf, to negotiate with the armed groups. Sudanese leaders in Khartoum assumed that promising the construction of good roads in Darfur could potentially terminate the armed violence.⁸⁹⁴ From March 2003 onwards, when attacks on government targets became more frequent, the Governor of North Darfur, Ibrahim Suleiman, formed an ad hoc Darfur Security Committee to negotiate an end to the violence in Darfur.⁸⁹⁵ However, the dialogue between the Darfurian opposition and the GoS was terminated as soon as government officials had successfully negotiated the return of commander of the Sudanese air force Ibrahim Bushra, who had been captured during the attack on El Fasher airbase.⁸⁹⁶ That the GoS opted for pursuing a military solution became clear when Ibrahim Suleiman, who was widely known for his efforts to negotiate with the opposition movements, was sacked as the Governor of North Darfur.⁸⁹⁷ However, the rebel movements were much more successful on the battlefield than the GoS had anticipated. Data from the UN and the US suggest that the rebels won 34 out of the 38 encounters with government forces in

⁸⁹² Flint and de Waal, 120-121.

⁸⁹³ Ibid., 119; Flint, 152; Prunier, 92.

⁸⁹⁴ Prunier, 92-93.

⁸⁹⁵ Ibid., 95; Collins, *A History of Modern Sudan*, 288.

⁸⁹⁶ Flint and de Waal, 120-122.

⁸⁹⁷ Ibid., 116-118 and 122.

the middle months of 2003.⁸⁹⁸ Hence, it became increasingly clear to the GoS that a quick military victory was not within reach.

Chad Steps into the Fray: The Perils of Partial Peacemaking

As it became clear that neither side would be likely to gain a military victory, Chad offered to mediate the conflict. Chad was highly motivated to resolve the conflict, since the conflict increased insecurity in Chad due to the many Darfurian refugees that moved to Chad. In addition, similar ethnic groups live in the border region of Chad and Sudan, which made insecurity spilling over from Darfur to Chad seem like a real possibility.⁸⁹⁹

Chadian President Idriss Déby was an acceptable mediator to both conflict parties. Khartoum had supported Déby's rise to power in Chad in 1990 and the two countries had maintained friendly relations ever since.⁹⁰⁰ Mediation by Déby was acceptable to the rebel movements because of Déby's Zaghawa ethnicity. Many leaders within the Darfurian rebel movements were Zaghawa too.⁹⁰¹ It was, however, clear that Déby's allegiance in this stage of the conflict lay with the GoS. In 2002, Darfurian opposition figures requested President Déby to support an armed rebellion, but Déby declined to support such an uprising and instead sent 500 Chadian soldiers to Darfur in 2003 to help the government forces quell the rebellion.⁹⁰²

⁸⁹⁸ Ibid., 120-121.

⁸⁹⁹ A. De Waal, "Sudan: Darfur," in *Responding to Conflict in Africa: The United Nations and Regional Organizations*, ed. J. Boulden (New York: Palgrave Macmillan, 2013), 286; Flint and de Waal, 173; Jok, 240; Collins, *A History of Modern Sudan*, 290.

⁹⁰⁰ Lesch, "External Involvement in the Sudanese Civil War," 97; Flint and de Waal, 27-28; R. Marchal, "The Unseen Regional Implications of the Crisis in Darfur," in *War in Darfur and the Search for Peace*, ed. A. De Waal (Cambridge: Global Equity Initiative, 2007), 178; M. Burr and R. O. Collins, *Africa's Thirty Years War: Libya, Chad, and the Sudan, 1963-1993* (Boulder: Westview Press, 1999).

⁹⁰¹ Hugo Slim, "Dithering over Darfur? A Preliminary Review of the International Response," *International Affairs* 80, no. 5 (2004): 814.

⁹⁰² Flint, 149; Prunier, 98-99; Brosché and Rothbart, 86; Brosché, *Darfur: Dimensions and Dilemmas of a Complex Situation*, 54. Other observers estimate Chad sent as much as 800 soldiers. L. Seymour, "Regional Politics and the Darfur Crisis," in *The International Politics of Mass Atrocities: The Case of Darfur*, ed. D. R. Black and P. D. Williams (Abingdon: Routledge, 2010), 58.

In spite of this military support, a first round of peace talks mediated by Chad took place in Abéché, in late August and early September 2003, under the auspices of President Idriss Déby. JEM boycotted this first round of peace talks, accusing Chad of being biased in favour of the GoS, but the SLM/A accepted to participate in the peace process. Commenting on why the SLM/A agreed to mediation by Chad in spite of the Chad militarily supporting the GoS, SLM/A commander Elhadi Idriss Yahya remarks that at this stage in the conflict the Darfurians rebels would have accepted any third party, as the rebel leadership did not want to signal a lack of willingness to finding a peaceful resolution of the conflict.⁹⁰³ Moreover, the humanitarian situation was extremely grave, putting pressure on the Darfurian opposition to find a way out of the conflict. SLM/A commander Abdulaziz Juma notes in this regard that “We accepted mediation by Chad because the humanitarian situation in Darfur was extremely bad. The government forces started to bomb villages and many people had fled their homes. We accepted mediation to help our people.”⁹⁰⁴ Finally, the rebel movement were willing to accept mediation by Chad because they knew that Déby needed a settlement to keep the Zaghawa population within Chad happy.⁹⁰⁵

On 3 September 2003, after five days of negotiations, the conflict parties signed the Abéché Ceasefire Agreement.⁹⁰⁶ Only a few days later, the SLM/A accused the GoS of breaking the ceasefire, which the latter denied. What is clear though, is that heavy fighting followed the peace talks in Abéché.⁹⁰⁷ In spite of this heavy fighting, international attention was almost exclusively focused on the peace talks between the SPLM/A and the GoS in Naivasha. The GoS encouraged the lack of international focus on Darfur by asserting that the

⁹⁰³ Telephone interview with Elhadi Idriss Yahya, 31 January 2015.

⁹⁰⁴ Telephone interview with Abdulaziz Juma, 11 February 2015.

⁹⁰⁵ Interview with Alex de Waal in Boston, 3 September 2014; telephone interview with Mohamed Basheer Abdalla, 18 April 2015.

⁹⁰⁶ D. Toga, "The African Union Mediation and the Abuja Peace Talks," in *War in Darfur and the Search for Peace*, ed. A. De Waal (London: Global Equity Initiative, 2007), 215.

⁹⁰⁷ Flint and de Waal, 97-99.

Chadian mediation effort succeeded in curbing the armed fighting. Prominent NCP member Sayed el-Tayeb declared in late September 2003 that “the ceasefire is largely respected in spite of a few violations.”⁹⁰⁸

The Abéché Ceasefire Agreement also called for comprehensive peace talks.⁹⁰⁹ Consequently, official negotiations – which came to be known as the Abéché Ceasefire renewal talks – resumed on 29 October 2003, one day prior to the ceasefire which had been negotiated on 15 September would end.⁹¹⁰ Prior to the negotiations, the political committee of the SLM/A had divided their demands between political and economic demands. The most important political demands put forward were autonomy for the Darfur region and rotation of the presidency among the different regions of Sudan. On top of the list with economic demands was an equitable distribution of development projects across Sudan.⁹¹¹ However, the rebel negotiators insisted that before any serious negotiations could take place, the government had to create a conducive environment through demobilising the government-sponsored militias and allowing the deployment of international observers.⁹¹²

The Abéché Ceasefire renewal talks, which were attended by all the rebel movements, dragged on for a week. Throughout this week, President Déby consulted with select groups from both delegations. However, the relationship between the Chadian mediators and the rebel delegations started to worsen when it became apparent that the Darfurian opposition would not lay down their weapons without a satisfactory solution to the conflict. As one JEM negotiator observes, “The Chadian mediators became really angry when they realised that we would not automatically follow President Déby’s demand to make peace, after which things started to go from bad to worse. Gradually we realised that Chad was in the pocket of the Government of

⁹⁰⁸ Prunier, 107.

⁹⁰⁹ Toga, 215.

⁹¹⁰ Prunier, 107.

⁹¹¹ Arabie, 113.

⁹¹² Ibid; Prunier, 107.

Sudan”⁹¹³ While Déby was present in Abéché, the negotiations were chaired by a Chadian general. According to Bahar Arabie, a member of the SLM/A negotiation team, this general expressed on several occasions his hatred of Minni Minnawi, who was around that time the leader of a major faction within the SLM/A. The general also “accused Minni of seeking help from John Garang, the SPLA/SPLM leader, to carry out the war in Darfur.”⁹¹⁴ The Darfurian rebels thus perceived the mediation by Chad as being conducted in a partial manner.

The Darfurian rebels also believed that the Chadian mediation team tried to impose an agreement that would be in the interest of the GoS. SLM/A senior member Mohamed Basheer Abdalla notes that “From very early on, President Déby tried to impose his own view on the armed opposition.”⁹¹⁵ Similarly, Abdullahi El-Tom argues that the Chadian mediators imposed a solution: “The Chadian Government took clearly sides with the Government of Sudan during the negotiations. It followed the narrative of the Sudanese government by urging us to forget about the broader issues and limit the discussions to issues in Darfur. It tried to induce us to make peace by only giving us one ministerial post and a few more government positions in Darfur. They did not realise we wanted true democratisation in Sudan entirely.”⁹¹⁶ Bahar Arabie claims that both “the Sudan government delegation and our host government were eager to rush us to sign an immediate peace agreement, where the SLA/SLM would commit itself to laying down its arms and accept cantonment of its forces in designated areas under the supervision of a joint ceasefire commission which compromised the three parties.”⁹¹⁷ The rebel movements rejected this proposal, since withdrawing their forces to prearranged areas would make them static targets for the Sudanese army. Consequently the talks ended without any tangible results other than the renewal of a ceasefire which was not respected by either side.

⁹¹³ Interview with Abdullahi El-Tom in Oxford, 22 February 2015.

⁹¹⁴ Arabie, 114.

⁹¹⁵ Telephone interview with Mohamed Basheer Abdalla, 18 April 2015.

⁹¹⁶ Interview with Abdullahi El-Tom in Oxford, 22 February 2015.

⁹¹⁷ Arabie, 114.

Another round of negotiations was scheduled to resume at N'djamena on 29 November 2003, one day before the renewed ceasefire at Abéché would end. A closed-door meeting between several Chadian generals and a rebel delegation led by Minni Minnawi took place on the evening of 28 November in preparation of the scheduled formal peace talks. Based on this meeting, it was decided that there was no point in conducting formal peace talks at that point. President Déby met with the rebels later in the evening and told them that he would terminate the mediation process, concluding that his peacemaking efforts were not appreciated.⁹¹⁸ On 15 December 2003, the conflict parties came to N'djamena in order to attend a meeting the next day, but the talks were cancelled last minute.⁹¹⁹ President Déby blaming the failed peace process on the demands of the rebels further compromised his credibility as an impartial mediator.⁹²⁰ The impartiality of Chadian mediation was even further undermined when in January 2004, the Chadian and Sudanese armies jointly attacked and killed a group of SLA fighters led by Adam Bazooka.⁹²¹ This made it clear that Chad was not only involved as a third party, but also was a party to the conflict.

Simultaneously to the Chadian mediation effort becoming less acceptable to the Darfuri rebels, the international community started paying closer attention to the peace process, mainly because the war in Darfur disturbed the peace process between the GoS and the SPLM/A. As a result, the UN, the AU and the US wanted Khartoum to fix the crisis in Darfur as soon as possible.⁹²² Moreover, the worsening humanitarian situation in Darfur started to become increasingly visible. On 19 March 2004, Mukesh Kapila, the UN's humanitarian coordinator in Sudan, publicly stated that ethnic cleansing was taking place in Darfur.⁹²³

⁹¹⁸ Ibid., 118; Prunier, 108.

⁹¹⁹ Toga, 215; Prunier.

⁹²⁰ J. T. Hottinger, "The Darfur Peace Agreement: Expectations Unfulfilled," in *Peace by Piece: Addressing Sudan's Conflicts*, ed. M. Simmons and P. Dixon (London: Conciliation Resources, 2006), 47.

⁹²¹ Flint and de Waal, 129.

⁹²² Ibid., 143.

⁹²³ Prunier, 127; Flint and de Waal, 179; Slim, "Dithering over Darfur? A Preliminary Review of the International Response," 815.

The greater international attention to the crisis in Darfur not only put more pressure on President Déby to mediate an agreement, it also increased the involvement of Western diplomats in the peace process. Most of these efforts were aimed at reaching a humanitarian ceasefire. For instance, Andrew Marshall, director of the Center for Humanitarian Dialogue, flew to Sudan in February 2004 to discuss the possibility of a humanitarian ceasefire with the conflict parties.⁹²⁴ In addition to stressing the importance of a humanitarian ceasefire, Marshall conveyed the message to the rebels that the peace process had the support of the US and the EU, stating that representatives of the international community would attend the next round of talks.⁹²⁵

It was against this background of greater international involvement that the Chadian Minister of Foreign Affairs officially opened negotiations at N'djamena on 31 March 2004.⁹²⁶ Talks were chaired by President Déby and AU representative Sam Ibok. As agreed upon previously in consultations with Andrew Marshall, several representatives of the international community were present as observers. While the rebels welcomed the international observers, the government side did not. The Sudanese national security advisor Salah Gosh even tried to prevent the US from attending the negotiations.⁹²⁷ When US special envoy Rodger Winter wanted to make a statement on behalf of the US Government at the start of the negotiations, the GoS delegation withdrew, after which Winter declined to make his remarks.⁹²⁸ Emphasising that the government side's concerns needed to be accommodated at least to some extent, the Chadian mediation team only allowed international observers to attend talks focused on humanitarian issues, excluding them for talks on political issues. Through this decision

⁹²⁴ Iyob and Khadiagala, 152.

⁹²⁵ Arabie, 134-135.

⁹²⁶ De Waal, "Sudan: Darfur," 87.

⁹²⁷ Ibid; Flint and de Waal, 169; Slim, "Dithering over Darfur? A Preliminary Review of the International Response," 816.

⁹²⁸ Arabie, 141; Toga, 216.

Déby effectively marginalised the role of the US and the EU, making it impossible for these third parties to neutralise his bias in favour of the GoS.⁹²⁹

The peace talks finally progressed towards conclusion when the AU Commission Chairman Alphonse Konaré, who passed by on his way to the Commemoration of the Rwanda Genocide in Kigali, met with President al-Bashir in Khartoum on 6 April and urged him to sign an agreement.⁹³⁰ Two days later, on 8 April 2004, the conflict parties signed the N'djamena Humanitarian Ceasefire Agreement, stipulating among others a 45-day cessation of hostilities.⁹³¹ The ceasefire agreement also called for the deployment of a monitoring team to observe compliance with the ceasefire, as well as the formation of Ceasefire Commission, which would consist of representatives of the GoS, the SLM/A and the JEM. The Ceasefire Commission was chaired by the AU, while the EU acted as deputy chair and the UN and the US were granted observer status.⁹³²

The N'djamena Humanitarian Ceasefire Agreement had two flaws. First, the agreement had no maps, which made it impossible for the 120 military observers of the African Union Mission in Sudan (AMIS) to monitor the locations of the conflict parties. Proceeding without including maps was the result of a rushed mediation process aimed at a quick fix. Second, two versions of the agreement existed. When the mediators presented the agreement to the GoS delegation, they refused to sign the document, insisting that they had agreed to demobilise their militias on the presumption that the text would stipulate that the rebel forces would be encamped. The Chadian mediators agreed with the GoS delegation and insisted that AU mediator Sam Ibok would write this extra clause by hand.⁹³³ Without the consent of the rebels,

⁹²⁹ Iyob and Khadiagala, 152; Seymour, 61.

⁹³⁰ De Waal, "Sudan: Darfur," 87; Toga, 216; S. P. Brooks, "Enforcing a Turning Point and Imposing a Deal: An Analysis of the Darfur Abuja Negotiations of 2006," *International Negotiation* 13, no. 3 (2008).

⁹³¹ Toga, 216-217; Slim, "Dithering over Darfur? A Preliminary Review of the International Response," 817.

⁹³² Toga, 218.

⁹³³ De Waal, "Sudan: Darfur," 288; Toga, 217.

Ibok subsequently added the extra clause and put a mediation stamp on it, after which the GoS delegation signed the agreement. Ibok claims he expected the changed text to be passed back to the rebels for approval, yet it was not.⁹³⁴ The original sentence in this paragraph, to which both parties agreed to, was “The Sudanese government shall commit itself to neutralize the armed militia.” The added sentence stated that “The forces of the armed opposition should be assembled in clearly identified sites.”⁹³⁵ It is highly unlikely that the rebels would have agreed to the added provision, since it would make them static targets for the Sudanese troops. However, after the agreement, Khartoum linked the two sentences and argued that based on the agreement they only had to neutralize the armed militias if the rebels would assemble in clearly identified sites.⁹³⁶

The adding of this extra sentence made the rebel movements even more distrustful of the Chadian mediation team than it already had been. SLM/A representative Bahar Arabie points out that “After the insertion of the cantonment sentence, the rebel movement lost confidence in the neutrality of Chad and called for change of the venue of peace talks.”⁹³⁷ Indeed, the peace talks were due to reconvene in Chad on April 24, but the SLM/A leadership made it clear it would not attend negotiations in Chad. Similarly, JEM leader Khalil Ibrahim expressed that “I don’t think we are going to Chad. The Chadian President should not chair any meeting nor any of his executive.”⁹³⁸ The rebels also refused to participate in another round of mediation in Chad in July 2004. Commenting on the refusal to attend, JEM spokesman Abu Bakr Hamid al-Nur stated “We do not want Chad to mediate for the political issues because they were not fair in the humanitarian talks.”⁹³⁹

⁹³⁴ Flint and de Waal, 175.

⁹³⁵ A scan of the document with the added passage is available in the Sudan peace Archive of the World Peace Foundation: <http://dl.tufts.edu/bookreader/tufts:MS201.001.001.004.00001.00005#page/3/mode/2up>.

⁹³⁶ Flint and de Waal, 175.

⁹³⁷ Email from Bahar Arabie, 7 May 2015.

⁹³⁸ Sudan Tribune, 15 April 2004. "W. Sudan Rebels Say Unlikely to Go to Peace Talks, Want Eritrean Mediation".

⁹³⁹ Sudan Tribune, 2 July 2004. "Darfur Rebels Say Won't Attend Peace Talks."

In short, the early mediation efforts by Chad to end the Darfur conflict serve as an example of the finding that the bias of an African third party can lead to mediation failure. Due to the strong support Chad provided GoS in fighting the Darfurian rebels during the initial stages of the civil war in Darfur, the Chadian mediation team lost their legitimacy in the eyes of the Darfurian rebels, leading to a breakdown of negotiations.⁹⁴⁰

The African Union Mediates the Abuja Talks: Problem-Solving to Progress to Peace

A major reason why the AU was a logical successor of Chad was that the AU leadership was highly determined to establish the AU as an effective organisation.⁹⁴¹ Indeed, O'Neill and Cassis identify the Darfur conflict as crucial with regard to the AU's development of African solutions, describing the peace efforts in Darfur as "test case for its self-declared mandate to have Africans resolve African conflicts."⁹⁴² Similarly, Lanz asserts that the armed conflict in Darfur was an opportunity for the newly founded AU to "match the rhetoric about African solutions with concrete action."⁹⁴³

The conflict parties also displayed a preference for an African solution. The GoS was particularly unwilling to accept non-African mediation. Indeed, the GoS rejected mediation by the US, which had offered to mediate when it became apparent the third party role of Chad had become unsustainable.⁹⁴⁴ Commenting on the US offer to mediate in March 2004, the Secretary

⁹⁴⁰ Telephone interview with Elhadi Idriss Yahya, 31 January 2015; telephone interview with Mohamed Basheer Abdalla, 18 April 2015. See also: Marchal; Seymour.

⁹⁴¹ Prunier, 144; L. Gelot, *Legitimacy, Peace Operations and Global-Regional Security: The African Union-United Nations Partnership in Darfur* (London: Routledge, 2012), 81-83; C. Badescu and L. Bergholm, "The African Union," in *The International Politics of Mass Atrocities: The Case of Darfur*, ed. D. R. Black and P. D. Williams (Abingdon: Routledge, 2010), 100-101.

⁹⁴² W. G. O'Neill and V. Cassis, *Protecting Two Million Internally Displaced: The Successes and Shortcomings of the African Union in Darfur* (The Brookings Institution, 2005), 16.

⁹⁴³ Lanz, 80.

⁹⁴⁴ Hottinger, 47.

of State for Foreign Affairs, Najib al-Kheir, strongly emphasised the sovereign right of Sudan to refuse any third party involvement: “They have a right to propose and we have a right to decide. The US proposal does not conform to our vision, which considers that the conflict is a matter regarding only the sons of Darfur.”⁹⁴⁵ In addition, strong involvement by the UN was also rejected, as the Sudanese leaders feared this would lead to Western powers interfering in the Darfur conflict.⁹⁴⁶ Abdul Mohamed, who was seconded by the UN to contribute to the Darfur peace process recounts the resistance of the government side regarding UN involvement: “They were very suspicious from the beginning. There was a lot emphasis on human right violations and the Government of Sudan clearly saw the UN as an instrument of western governments to put pressure on them.”⁹⁴⁷ Consequently, when mediation by Chad had become untenable, the GoS called for mediation by the AU. Commenting on his preference for the AU to mediate the conflict in Darfur, President al-Bashir stated in an interview on 7 July 2004 that “Africans must learn to solve their own problems before inviting outsiders.”⁹⁴⁸

The Darfurian rebel parties were also committed to mediation by the AU, particularly when it became apparent that negotiations would be held in Nigeria under the auspices of President Obasanjo. Rebel leader Elhadi Idriss Yahya notes that “The Darfurian people were convinced of the good intentions of the African Union. It should also not be forgotten that a prominent role within the African Union was played at this time by al-Gaddafi and that Nigerian President Obasanjo held the Chair of the African Union. The movements had a lot of respect for both leaders. Finally, the African Union had deployed troops in Darfur, which was a clear indication of the commitment to resolve the conflict.”⁹⁴⁹ Another rebel leader notes how “Obasanjo was widely seen as being sincerely committed to bring all parties together and reach

⁹⁴⁵ Prunier, 134.

⁹⁴⁶ Lanz, 80.

⁹⁴⁷ Interview with Abdul Mohamed in Addis Ababa, 17 February 2015.

⁹⁴⁸ Gelot, 79.

⁹⁴⁹ Telephone interview with Elhadi Idriss Yahya, 31 January 2015.

a fair deal in an impartial manner.”⁹⁵⁰ Abdulaziz Juma stresses the same point, but also highlights how the status quo bias of African third parties and the AU in particular worried some of the rebels: “We welcomed mediation by the AU because of its commitment to peacemaking in Africa. However, we also realized that as an intergovernmental organization, the AU was careful to also consider the interests of the Sudanese Government”⁹⁵¹

As early as March 2004, even before the conclusion of the ceasefire agreement in N’djamená on 8 April, senior AU officials had held consultations with Sudanese government officials in Khartoum to discuss mediation by the AU.⁹⁵² On the basis of these consultations, it was decided that official negotiations mediated by the AU would start in July 2004. The director of the AU Department of Peace and Security, Ambassador Sam Ibok, had been mandated by the AU Commission Chairman Alpha Konaré to act as the AU chief mediator at these talks.⁹⁵³ The first round of which later would come to be known as the Abuja peace process started in Addis Ababa between 15 and 17 July 2004. The negotiations mainly focused on the implementation of the N’djamená Humanitarian Ceasefire Agreement. However, due to the existence of two N’djamená agreements, as well as accusations of ceasefire violations from both sides, the parties were unable to agree on an agenda in this round. Nevertheless, the rebel movements’ demands regarding power sharing, wealth sharing, and security issues became clear, allowing the mediators to better structure the negotiations.⁹⁵⁴ Moreover, with the AU taking the lead in mediating the conflict, a wide range of African dignitaries started to urge the conflict parties to soften their positions.⁹⁵⁵ In other words, a coordinated African mediation effort aimed at finding a mutual acceptable agreement increasingly developed.

⁹⁵⁰ Telephone interview with Mohamed Basheer Abdalla, 18 April 2015.

⁹⁵¹ Telephone interview with Abdulaziz Juma, 11 February 2015.

⁹⁵² Toga, 215; Badescu and Bergholm, "The African Union," 101.

⁹⁵³ Toga, 215-216.

⁹⁵⁴ *Ibid.*, 218-221; Badescu and Bergholm, "The African Union," 102.

⁹⁵⁵ Arabie, 145.

The second round of the Abuja process started in Abuja on 23 August 2004, under the auspices of President Olusegun Obasanjo, the chairman of the AU at that time. The negotiations were almost entirely deadlocked from the start of this round of negotiations, since the rebel movements rejected the agenda for negotiations.⁹⁵⁶ In an attempt to move the Darfurian opposition towards accepting the agenda, the AU mediators expressed to the rebels that not accepting the agenda would be a blow to the AU.⁹⁵⁷ Consequently, to show they were negotiating in good faith, the conflict parties agreed to cooperate to improve the humanitarian situation and agreed to a strengthening of AMIS to ensure effective monitoring. The talks resulted in the signing of the Protocol on the Improvement of the Humanitarian Situation in Darfur on 1 September. The talks were concluded on 17 September.⁹⁵⁸

The third round started on 21 October 2004. During this round, the AU mediation team focused on tackling the remaining issues of the second round. Following the two days of seminars, the AU mediation team organised a plenary session on 25 October, in which the conflict parties outlined their vision for a Declaration of Principles (DoP). Separate consultations between the mediators and the conflict parties subsequently continued until 31 October, when the parties submitted their views on the DoP. On the basis of these views, the AU mediation team drafted a preliminary DoP, which was presented on 2 November 2004.⁹⁵⁹ It was stated in the DoP that the GoS should refrain from hostile military flights in and over Darfur. While the GoS negotiators objected to this provision, the rebel negotiators instead demanded a total no-fly zone in Darfur as a confidence-building measure. The AU mediators could not bridge these positions in the subsequent days. As a result, it was decided to continue to discuss the provisions of the DoP in the next round of peace talks.⁹⁶⁰

⁹⁵⁶ Slim, "Dithering over Darfur? A Preliminary Review of the International Response," 820.

⁹⁵⁷ Sudan Tribune, 24 August 2004 "Sudan Peace Talks Deadlocked as Rebels Backtrack on Agenda."

⁹⁵⁸ Toga, 221-223.

⁹⁵⁹ Ibid., 225-226.

⁹⁶⁰ Ibid., 226-229.

The fourth round of the Abuja talks began on 11 December 2004. On 8 December, three days prior to the start of the negotiations, the GoS launched an offensive. This made negotiations on finalizing the draft DoP virtually impossible. Consequently, the fourth round of the Abuja talks was suspended on 21 December.⁹⁶¹

Negotiations were scheduled to resume in early 2005, but tensions within the SLM/A delayed this round of negotiations. The SLM/A leadership repeatedly requested more time to organise a congress that would appoint the leader of the SLM/A and designate a new negotiating team. The efforts to reorganise the SLM/A leadership failed and tensions between Abdul Wahid and Minni Minnawi grew even more. As a result of the emergence of different factions within the SLM/A, it was not until 10 June 2005 that the fifth round of negotiations started.⁹⁶² The negotiations during the fifth round of talks were mediated by Salim Ahmed Salim, the former Secretary-General of the OAU, who had been appointed as the AU Special Envoy for the Darfur Talks and chief mediator in May 2005.

The fifth round of the Abuja talks turned out to be relatively successful. On 5 July 2005, after more than three weeks of negotiating and high level involvement of African leaders, the DoP was signed. The declaration included the establishment of a federal system of government, as well as provisions for refugees to return home and new security arrangements. It also committed the signatories to respect the different ethnic and religious groups in Sudan and work towards an equitable distribution of national wealth.⁹⁶³ The signing of the DoP was welcomed as a clear success on both sides of the conflict.⁹⁶⁴

⁹⁶¹ Ibid., 229-230; Brooks, "Enforcing a Turning Point and Imposing a Deal: An Analysis of the Darfur Abuja Negotiations of 2006," 417.

⁹⁶² Toga, 231.

⁹⁶³ Ibid., 231-232; Brooks, "Enforcing a Turning Point and Imposing a Deal: An Analysis of the Darfur Abuja Negotiations of 2006," 419.

⁹⁶⁴ Interview with Ghazi Salah al-Din al-Atabani in Khartoum, 7 December 2014; telephone interview with Abdulaziz Juma, 11 February 2015.

A sixth round of AU-sponsored peace talks began on 15 September. In order to build on the DoP, the AU mediation team set up three different commissions that focused on wealth sharing, power sharing, and security arrangements respectively.⁹⁶⁵ Within the context of these different commissions, several workshops aimed at clarifying possible solutions to the most contentious issues were held until the first plenary session on 3 October. Building on the workshops and subsequent private consultations with the conflict parties, the AU mediators distributed a compromise text on power sharing on 10 October. The general criteria and guidelines for power sharing included in this text were accepted by the conflict parties.⁹⁶⁶

Hence, while the conflict parties were still far from a mutually acceptable settlement, the conflict parties slowly progressed towards peace during the first six rounds of the Abuja talks. Senior JEM negotiator, Abdullahi El-Tom notes in this regard that “We were moving in the right direction. Yes, too slow for the liking of everybody, including the conflict parties themselves. But every other few days we were making some progress with regard to wealth sharing, power sharing, or security arrangements.”⁹⁶⁷ Mulugeta Gebrehiwot Berhe, an adviser to the AU mediation team at Abuja, confirms that the conflict parties indeed were making progress regarding the resolution of the conflict: “The conflict parties were constructively engaged on finding a solution to the conflict, addressing each other’s concerns. The process increasingly gained momentum.”⁹⁶⁸

The AU provided the conflict parties with a forum in which they could work towards resolving the conflict issues, thus refraining from putting a lot of pressure on the conflict parties. The AU could provide such a forum because of a high degree of legitimacy. This high degree of legitimacy is reflected in a statement by Sudanese Foreign Minister Mustafa Osman

⁹⁶⁵ Interview with Alex de Waal in Boston, 3 September 2014; Interview with Mulugeta Gebrehiwot Berhe in Addis Ababa, 13 February 2015. See also: Toga, 232.

⁹⁶⁶ Ibid.

⁹⁶⁷ Interview with Abdullahi El-Tom in Oxford, 22 February 2015.

⁹⁶⁸ Interview with Mulugeta Gebrehiwot Berhe in Addis Ababa, 13 February 2015.

Ismail at a meeting of the AU Peace and Security Council in July 2004, when the Abuja peace process was about to start: “We need absolute cooperation with the AU on this issue. We are ready to address the problem within the African context.”⁹⁶⁹ This perception of legitimate involvement allowed the AU mediation team to constructively engage Khartoum, rather than isolating and condemning the GoS.⁹⁷⁰ This is echoed in Dersso’s assertion that “The AU’s mediation and peacemaking efforts demonstrate that an area where the AU has a major comparative advantage over external actors is its ability to garner the trust of parties to a violent conflict, particularly of governments which generally object to outside interference. The AU has been able to use this trust to convince the parties, as in the Darfur situation, to agree on negotiations and to secure compromise.”⁹⁷¹

However, the mediation strategy employed by the AU during first six rounds of the Abuja talks would drastically change. The mediation effort in the final round of the Abuja peace process was almost completely taken over by the US and the UK. Motivated by a perception that there was a lack of progress in the peace process, the US and the UK put an enormously high degree of pressure on both sides of the conflict. The US and UK mediators essentially tried to force a breakthrough on the basis of a capacity-based mediation strategy.

The Final Phase of the Abuja Talks: Big Sticks and Juicy Carrots

The seventh and final round of talks of the Abuja process started on 29 November 2005. Around the start of seventh round of negotiations, the US started pushing for a greater role in the peace process. A major reason for this greater involvement of the US was that the relief efforts to alleviate the humanitarian crisis in Darfur was costing a lot of money. Andrew

⁹⁶⁹ Gelot, 79.

⁹⁷⁰ Brooks, "Enforcing a Turning Point and Imposing a Deal: An Analysis of the Darfur Abuja Negotiations of 2006," 414-415.

⁹⁷¹ Dersso, "The Quest for Pax Africana: The Case of the African Union's Peace and Security Regime," 35.

Natsios, the Administrator of USAID from 2001 to 2006, estimates that the humanitarian emergency in Darfur cost Western governments around \$1 billion annually at the peak of the crisis.⁹⁷² These Western Government officials wanted a greater say in the peace process since they were funding a large part of the humanitarian relief effort, the African peacekeeping mission, and the peace negotiations.⁹⁷³ Moreover, Western diplomats warned the parties that funding for the peace process could dry up in the absence of progress during the talks.⁹⁷⁴

In an attempt to pressure Sudanese government officials, several US Congress members initiated an investigation regarding Sudanese officials' involvement in support of terrorism, including the assassination attempt on Egyptian President Mubarak in 1995.⁹⁷⁵ This created a lot of resistance among Sudanese leaders. Sudanese Vice President Ali Osman Taha told Hilde Johnson, the Norwegian Minister of International Development who was heavily involved in the north-south negotiations, that "The way they are approaching this part of the world is not acceptable. If they will insist on this type of behaviour, they will not succeed. I will not be intimidated, not by the US Congress, nor anyone else."⁹⁷⁶

Moreover, just like the Troika had used the prospect of normalised relations with the West to move the GoS towards compromise in the Naivasha peace process, so too did the US and the UK use this prospect during the Darfur peace process.⁹⁷⁷ According to Hillary Benn, "It was made very clear to the government officials that if they were not going to do the right thing to reach an agreement, then they would not benefit from the rewards of a development relationship."⁹⁷⁸

⁹⁷² Natsios, 2-3.

⁹⁷³ Interview with Hilary Benn in London, 21 November 2014.

⁹⁷⁴ L. Nathan, "The Making and Unmaking of the Darfur Peace Agreement," in *War in Darfur and the Search for Peace*, ed. A. De Waal (London: Global Equity Initiative, 2007), 248.

⁹⁷⁵ Flint and de Waal, 179-183.

⁹⁷⁶ Johnson, 123-124.

⁹⁷⁷ Flint and de Waal, 191.

⁹⁷⁸ Interview with Hilary Benn in London, 21 November 2014. Hillary Benn was the British Secretary of State for International Development at the time of the Abuja talks.

However, the GoS attached far less value to the promise of normalized relations with Europe and the US in post-CPA period. Many within the NCP leadership held a grudge against the US for not keeping its promise of normalising relations. US officials acknowledge that relations were indeed not normalised, pointing out that the situation in Darfur did not merit normalised relations. For example, US Deputy Secretary of State Robert Zoellick noted how in signing the CPA the GoS had made a strategic decision which could lead to normalisation of relations, yet the GoS was making a series of tactical errors in Darfur that prevented increased engagement with the West.⁹⁷⁹ US Assistant Secretary of State for African Affairs Jendayi Frazer acknowledged that the US moved the goalposts, but at the same time stated that “We haven’t been able to deliver not because of us, but because of the Sudanese, and that’s what they don’t understand, We say if you sign the north-south agreement and end the war in the south, we’ll take you off the list of state-sponsors of terror. And they take that literally – which means ‘we can kill in Darfur and that’s OK because you said north-south.’ And what that means is stop killing people, and they don’t get that.”⁹⁸⁰

Nevertheless, the Sudanese leaders had anticipated that because of the concessions made in the CPA, the US would lift the economic sanctions and that Sudan would be taken off the list of countries supporting terrorism regardless of the situation in Darfur.⁹⁸¹ Ghazi Salah al-Din al-Atabani states that “Every single US statesman that participated in Sudan’s peace process promised to normalise relations if the government would sign the CPA. These US statesman used Darfur as an excuse to break their promise.”⁹⁸²

The lack of normalised relations not only made further promises of normalised relations seem unlikely to be kept, it also resulted in the ascendance of those opposing dialogue with the

⁹⁷⁹ Cockett, 225.

⁹⁸⁰ Copnall, 185.

⁹⁸¹ Natsios, 169.

⁹⁸² Interview with Ghazi Salah al-Din al-Atabani in Khartoum, 7 December 2014.

Darfurian opposition. At a meeting between Sudanese Vice-President Ali Osman Taha and Assistant Secretary of State for Africa Walter Kansteiner in London in 2003, the latter once more promised that Sudan would be removed unconditionally from the list of countries sponsoring terrorism after a final peace agreement was signed. This guarantee was acceptable for Taha.⁹⁸³ Consequently, many within the NCP blamed Taha for the lack of normalised relations in spite of the major concessions made in the CPA. As a result, power within the NCP had shifted towards hardliners, such as presidential advisor Nafie ali Nafie, who perceived involvement of Western countries as forcing Khartoum to make destabilising and self-destructive concessions.⁹⁸⁴ Bona Malwal, a member of the SPLM/A and an adviser to President al-Bashir in the post-CPA period, remarks that “The way America wriggled out of its promise to normalise relations because of Darfur generated a great deal of suspicion. Zoellick was not taken seriously.”⁹⁸⁵ This sentiment against Western involvement in the peace process is also reflected in a public statement by President al-Bashir on 13 November 2005, delivered just roughly two weeks prior to the seventh round of the Abuja peace talks was about to start. Commenting on the efforts of US Deputy Secretary of State, Ambassador Robert Zoellick, to mediate the conflict in Darfur, al-Bashir said that “We don’t need Zoellick to resolve our internal problems.”⁹⁸⁶ Hence, the US enjoyed very little legitimacy, when it became more heavily involved in the Darfur peace process from early 2006 onwards.

Simultaneously to the US stepping up its involvement, negotiations conducted by the AU continued during the first few months of 2006. These negotiations continued to be conducted within the three commissions on power sharing, wealth sharing, and security

⁹⁸³ Cockett, 179.

⁹⁸⁴ Interview with Ghazi Salah al-Din al-Atabani in Khartoum, 7 December 2014. See also: Flint and de Waal, 191-192; Natsios, 170-171; I. D. F. and Assal, 32-34; Young, *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*, 108.

⁹⁸⁵ Interview with Bona Malwal in Oxford, 11 November 2014.

⁹⁸⁶ Sudan Tribune, 13 November 2005. "Sudan to Us: "We Don't Need You"."

arrangements respectively.⁹⁸⁷ While the conflict parties had agreed on many power sharing provisions by the start of the seventh round of the Abuja peace process, some highly contentious issues remained, including the level of representation of Darfurians in the executive and the legislature.⁹⁸⁸ The lingering hope among the rebels that the inclusion of the SPLM/A in the national government would help them completely vanished in January 2006, when the SPLM/A made it clear the CPA would not be revised.⁹⁸⁹ Hence, the rebels and the newly created Government of Unity had to share power within the framework of the CPA. Al-Bashir's NCP was not willing to give up any of its seats within the executive and legislative authorities. Instead, it was only willing to allow power sharing between the SPLM/A and the Darfurian opposition. In other words, if the Darfurian opposition wanted to obtain any seats within the executive and legislative authorities, this would be at the expense of the number of seats of the SPLM/A. This constrained the Darfurian rebels in terms of what they could achieve in Abuja.⁹⁹⁰ Another rebel demand that was impossible to meet as a result of the CPA was the desire of the SLM/A to separate religion and politics in northern Sudan, since preserving Sharia laws in northern Sudan was one of the most fundamental aspects of the CPA.⁹⁹¹

The provisions included in the CPA also hampered peace talks on wealth sharing. The rebel negotiators recognised that the CPA in principle provided a solution to many of their demands on wealth sharing. Yet, since these wealth sharing provisions in the CPA had not yet been implemented when the negotiations were ongoing, they choose to emphasise the importance of wealth sharing mechanisms in an agreement on the conflict in Darfur. The GoS negotiators, in turn, dismissed these demands, referring to how the CPA addressed the concerns

⁹⁸⁷ Toga, 235; Brosché, *Darfur: Dimensions and Dilemmas of a Complex Situation*, 76.

⁹⁸⁸ Toga, 235-236.

⁹⁸⁹ Hottinger, 48.

⁹⁹⁰ Ibid; De Waal, "Darfur's Elusive Peace; Brosché, *Darfur: Dimensions and Dilemmas of a Complex Situation*, 15; Brooks, "Enforcing a Turning Point and Imposing a Deal: An Analysis of the Darfur Abuja Negotiations of 2006," 423-424.

⁹⁹¹ A. De Waal, "The Dpa and Its National Context," in *Peace by Piece: Addressing Sudan's Conflicts*, ed. M. Simmons and P. Dixon (London: Conciliation Resources, 2006), 51.

of the Darfurian rebels.⁹⁹² In addition, there was a strong belief among all the people in Darfur that they had to be compensated for loss of life, injuries, damage to properties, and suffering. Yet, since the southern Sudanese had not received any direct compensation, the SPLM/A negotiators representing the Government of Unity strongly opposed direct compensation.⁹⁹³ Alex de Waal notes that “The most important issue for Abdul Wahid was compensation money. However, the issue of compensation money was problematic, since the CPA did not stipulate any compensation for the south. Moreover, following the formation of the Government of Unity as stipulated in the CPA, a member of the SPLM/A, Lual Deng, assumed the role of government negotiator in charge of the wealth sharing dossier at Abuja. Lual Deng was unwilling to compromise on the issue individual compensation since the south had not received any individual compensation either, though Deng was ready to set up structures for reconstruction and development.⁹⁹⁴ Lual Deng claims that the direct compensation of the Darfuri population would have been far too expensive and therefore not feasible: “compensation had to be delivered in the form of funds for recovery and development.”⁹⁹⁵

While talks on wealth sharing moved slowly, some progress was made in the first few months of 2006 with regard to the security provisions.⁹⁹⁶ It was decided that all armed groups would withdraw to their areas of control as part of an Enhanced Humanitarian Ceasefire Agreement. Yet, the areas of control were fiercely contested. A crucial aspect of the agreement on withdrawal of troops was therefore the identification of the conflict parties’ areas of control.

⁹⁹² M. A. Azzain, "The Comprehensive Peace Agreement and Darfur," in *War in Darfur and the Search for Peace*, ed. A. De Waal (Cambridge: Global Equity Initiative, 2007), 207.

⁹⁹³ De Waal, "Darfur's Elusive Peace," 372; Toga, 236.

⁹⁹⁴ Interview with Alex de Waal in Boston, 3 September 2014.

⁹⁹⁵ Interview with Lual Deng in Addis Ababa, 3 February 2015.

⁹⁹⁶ Interview with Alex de Waal in Boston, 3 September 2014; interview with Mulugeta Gebrehiwot Berhe in Addis Ababa, 13 February 2015.

To this purpose, AMIS started, from mid-March onwards, to chart the positions of the conflict parties' forces on secret maps in the possession of the mediators.⁹⁹⁷

In short, the sub-groups on power sharing, wealth sharing and security arrangements made slow but steady progress during the first few months of 2006. While numerous major issues of contention remained, the conflict parties had agreed on several aspects of a possible mutually acceptable solution to the conflict, including several power sharing provisions and security arrangements. Consequently, on 3 March 2006, AU chief mediator Salim Ahmed Salim instructed his mediation team to draft a comprehensive document on the basis of the bilateral consultations with the conflict parties and plenary sessions that had been held. However, at this same meeting, it was decided to not yet distribute this draft agreement to the conflict parties in spite of donor pressure to do so, as this might derail the peace talks.⁹⁹⁸

While not distributing the draft agreement, Salim wished to convey how much progress the AU mediation had made up until April 2006. As such, Salim briefed the UN Security Council on 18 April 2006 that the conflict "seems at last to be ripe for resolution."⁹⁹⁹ The members of the UN Security Council welcomed this assessment and set a deadline that the negotiations would be concluded by the end of the month.¹⁰⁰⁰ Under pressure from the US, Salim subsequently set a deadline on 30 April 2006 for the parties to sign a peace agreement. In order to meet this deadline, the AU mediation team distributed the draft peace agreement on 25 April, which had previously been drafted by the AU mediators.¹⁰⁰¹

⁹⁹⁷ Interview with Nurudin Azeez, Military liaison officer of AMIS to the Abuja peace talks and head of the mapping team, in Addis Ababa, 17 February 2015; interview with Mulugeta Gebrehiwot Berhe, technical adviser on security arrangements at the Abuja peace talks, in Addis Ababa, 13 February 2015. See also: Toga, 238-239; J. Brickhill, "Protecting Civilians through Peace Agreements: Challenges and Lessons of the Darfur Peace Agreement. ISS Paper 138 " *Institute for Security Studies*, (2007): 8-9.

⁹⁹⁸ Interview with Interview with Alex de Waal, adviser to the AU mediation team, in Boston, 3 September 2014. See also: De Waal, "Darfur's Deadline: The Final Days of the Abuja Peace Process," 268; Flint and de Waal, 217.

⁹⁹⁹ Brooks, "Enforcing a Turning Point and Imposing a Deal: An Analysis of the Darfur Abuja Negotiations of 2006," 425; Nathan, "The Making and Unmaking of the Darfur Peace Agreement," 254.

¹⁰⁰⁰ Flint and de Waal, 211.

¹⁰⁰¹ Toga, 240; Brooks, "Enforcing a Turning Point and Imposing a Deal: An Analysis of the Darfur Abuja Negotiations of 2006," 425-426.

The GoS delegation surprisingly immediately accepted the draft agreement, presumably because it anticipated that the distributed document would be a more favourable settlement than a revised agreement based on negotiations with the rebels. In fact, the head of the GoS delegation, Majzoub El Khalifa, immediately arranged for a meeting with the press to make a picture of him holding the document in front of his chest.¹⁰⁰² The AU mediation team had not anticipated this quick acceptance by the GoS. Instead, the mediators had hoped that the document could serve as a basis for negotiations. The acceptance by the GoS was problematic, since the rebels did not accept the document and requested at least three more weeks to review the draft peace agreement.¹⁰⁰³ However, this request was rejected. Instead, a number of high-profile diplomats arrived on 2 May in order to force a breakthrough in the negotiations; most notably US Deputy Secretary of State, Ambassador Robert Zoellick, and the British Secretary of State for International Development, Hilary Benn. Together with Nigerian President Olusegun Obasanjo, Zoellick and Benn took over the mediation process on 2 May. According to Alex de Waal, the AU mediators were mere spectators during the final days of the Abuja talks.¹⁰⁰⁴

In contrast to the Naivasha talks, where the pressure from Western powers was carefully managed by the IGAD mediation team, the involvement by the Western diplomats in the final stage of the Abuja talks was organised in an ad hoc manner. Zoellick and Benn were not given a mandate and instructions by AU diplomats or members of the AU mediation team, but rather acted on their own discretion.¹⁰⁰⁵ Hilary Benn recounts that “Things had clearly reached a critical point. The cork came out. We dropped everything and off we went. The negotiations had dragged on and we tried to achieve critical mass.”¹⁰⁰⁶ Alex de Waal, who acted as an

¹⁰⁰² Flint and de Waal, 218; Toga, 241; De Waal, "Darfur's Deadline: The Final Days of the Abuja Peace Process."

¹⁰⁰³ L. Nathan, "The Failure of the Darfur Mediation," *Ethnopolitics* 6, no. 4 (2007): 498.

¹⁰⁰⁴ De Waal, "Darfur's Deadline: The Final Days of the Abuja Peace Process," 270.

¹⁰⁰⁵ Interview with Hilary Benn in London, 21 November 2014.

¹⁰⁰⁶ Interview with Hilary Benn in London, 21 November 2014.

external adviser to the AU mediation, explains that “Zoellick made a last moment decision to go to Abuja, and when he decided to go, then Hillary Benn also came. For the AU mediation, the plan became clear only after Zoellick had arrived in Abuja. I do not think that either the US or the AU had a worked out plan until the last minute.”¹⁰⁰⁷

The mediation efforts of Zoellick and Benn seems to suggest that this last minute plan was to put as much pressure on the conflict parties as possible. Upon their arrival in Abuja on 2 May, Zoellick and Benn made it instantly clear that the conflict parties only had 48 hours to approve the draft agreement. Zoellick promised the rebel leaders that if they signed the agreement, the US would guarantee its implementation. To back-up this promise, Zoellick carried personal letters with him from President Bush assuring the rebel leaders of the US’s commitment to the implementation of the DPA.¹⁰⁰⁸ Since many previous agreements had been violated, the rebel parties attached great value to this promise. Moreover, the draft DPA stipulated that the armed groups were to withdraw to their respective areas of control, which made it possible for any conflict party to exploit the ceasefire by launching a surprise attack. The promise by Zoellick that the US would be closely involved in the implementation of the DPA made it far less likely that any party would exploit the ceasefire and the troop withdrawals.¹⁰⁰⁹ Indeed, according to Bahar Arabie, a member of Minni Minnawi’s mediation team, Minnawi believed that Khartoum would do everything possible to not implement the DPA, but he eventually would sign the agreement because the US would support him financially to reconstruct Darfur and diplomatically to secure his position in Khartoum.¹⁰¹⁰

The US not only promised to guarantee the implementation of an agreement, it also threatened with sanctions. The UN Security Council had imposed an arms embargo on all non-

¹⁰⁰⁷ Email from Alex de Waal, 27 November 2014.

¹⁰⁰⁸ Brooks, "Enforcing a Turning Point and Imposing a Deal: An Analysis of the Darfur Abuja Negotiations of 2006," 428-429.

¹⁰⁰⁹ Hottinger, 49.

¹⁰¹⁰ Email from Bahar Arabie, 7 May 2015. See also: Arabie, 173.

governmental entities operating in Darfur as early as in July 2004.¹⁰¹¹ This sanctions regime was strengthened with the adoption of resolution 1591 and resolution 1593 on 29 and 31 March 2005 respectively, which expanded the scope of arms embargo to also include all the parties to the N'djamena Ceasefire Agreement and any other belligerents, imposed a travel ban and an assets freeze on individuals designated by the UN Sanctions Committee, and called upon the International Criminal Court (ICC) to investigate war crimes in Darfur.¹⁰¹²

Zoellick and Benn continued to threaten the conflict parties with sanctions, but this did nothing to move the conflict parties towards compromise.¹⁰¹³ Commenting on the threat of sanctions, a senior GoS official reflected that “the United Nations Security Council has threatened us so many times, we no longer take it seriously.”¹⁰¹⁴ GoS official Ghazi Salah al-Din al-Atabani reflects that “The only carrot the US could provide was not using more sticks, and the only stick would be not using more carrots.”¹⁰¹⁵ The sanctions did not influence the decision-making calculus of the rebel parties either. When Zoellick expressed that all those obstructing the peace process would be prosecuted by the ICC, Khalil Ibrahim allegedly responded by demonstratively putting his hands together, telling the mediators that they could handcuff him and bring him to The Hague, but he would not sign the agreement if the content of the document would not be changed.¹⁰¹⁶ Similarly, Elhadi Idriss Yahya, a SLM/A commander, notes that prior to coming to Abuja, the rebels had already been risking their lives in the field every day. Whether travel restrictions would be imposed against them or whether their bank accounts would be frozen was not one of their concerns.¹⁰¹⁷ Similarly, a mediator recalls that when Hillary Benn made clear that sanctions would be imposed against those not

¹⁰¹¹ United Nations Security Council, *Resolution 1556 on Sudan (30 July 2004)*, S/RES/1556.

¹⁰¹² United Nations Security Council, *Resolution 1591 on Sudan (29 March 2005)*, S/RES/1569.

¹⁰¹³ Brooks, “Enforcing a Turning Point and Imposing a Deal: An Analysis of the Darfur Abuja Negotiations of 2006,” 429.

¹⁰¹⁴ Nathan, “The Making and Unmaking of the Darfur Peace Agreement,” 249.

¹⁰¹⁵ Interview with Ghazi Salah al-Din al-Atabani in Khartoum, 7 December 2014.

¹⁰¹⁶ Interview with Abdullahi El-Tom in Oxford, 22 February 2015.

¹⁰¹⁷ Telephone interview with Elhadi Idriss Yahya, 31 January 2015.

committed to the peace process, one of the rebel representatives stated: “Fine, I do not have a bank account anyway. I don’t travel to America.”¹⁰¹⁸ In short, Zoellick and Benn provided the conflict parties with as many positive and negative incentives as possible to make them sign a peace agreement, but this strategy was not very effective.

The capacity-based mediation strategy employed by Zoellick and Benn was not only ineffective in making the rebels sign a peace agreement, it also undermined the progress made regarding the security provisions. The AMIS mapping team had made great progress in identifying the zones of control of the armed groups, yet several zones of contention remained. Hence, the ceasefire stipulated in the DPA would likely fail if the mediators did not allow for more time to map the areas of control. Jeremy Brickhill, a security adviser to the AU mediation team, asserts that around the time the deadline was imposed and the security advisers were instructed to conclude the entire ceasefire agreement, it would still have taken several weeks in the best conditions to finish the details on the disengagement and the relocation of the armed forces.¹⁰¹⁹ Similarly, Nurudin Azeez, the head of the AMIS mapping team, recalls “We were identifying the locations of the different armed groups, trying to establish the areas of contestation. Yet, there was donor fatigue. Those that were paying for the process wanted to end it and had no patience. This explains the inconclusive nature of the process.”¹⁰²⁰ In short, the capacity-based mediation strategy employed by Zoellick and Benn brought the peace process to an end at a time when the conclusion of successful ceasefire still was unfeasible.

Furthermore, the capacity-based mediation strategy employed by Zoellick and Benn made negotiations on the content of the DPA virtually impossible.¹⁰²¹ Abdul Wahid insisted

¹⁰¹⁸ Interview with Endre Stiansen in Addis Ababa, 20 January 2015.

¹⁰¹⁹ Brickhill, "Protecting Civilians through Peace Agreements: Challenges and Lessons of the Darfur Peace Agreement. ISS Paper 138 ": 12.

¹⁰²⁰ Interview with Nurudin Azeez in Addis Ababa, 17 February 2015.

¹⁰²¹ Nathan, "The Making and Unmaking of the Darfur Peace Agreement," 249; Brooks, "Enforcing a Turning Point and Imposing a Deal: An Analysis of the Darfur Abuja Negotiations of 2006," 423.

that Darfur should be granted a higher degree of autonomy, as well as a greater representation for Darfurians on the legislative and executive level in Darfur. In addition, the draft peace agreement contained \$30 million in immediate funds for compensation for Darfur, as opposed to the \$200 million that Abdul Wahid had demanded.¹⁰²² Yet, instead of allowing for negotiations on these points, Zoellick and Benn told Abdul Wahid that his demands were not in line with the draft agreement that had already been accepted by the government delegation, putting pressure on Abdul Wahid to also accept the peace agreement. Abaker Mohamed Abuelbashar, chief negotiator of the Abdul Wahid Faction of the SLM/A (SLM/A-AW) on wealth sharing, asserts that the pressure put on the rebels by the US and the UK made it impossible for “the parties to negotiate every issue and reach a compromise position.”¹⁰²³ Indeed, commenting on the critique levied against Abdul Wahid for not signing, Abuelbashar further states that “the legitimate question is on what basis the Movement has to sign an agreement which it did not participate in discussing?”¹⁰²⁴

The JEM delegation also demanded further negotiations on the basis of the draft agreement. JEM leader Khalil Ibrahim made it clear that the JEM would not be a signatory to the DPA, telling Zoellick, Benn, and President Obasanjo during the final mediation attempt to make JEM sign: “I cannot sign. The document needs radical modifications.”¹⁰²⁵ Tadjadine Bechir Niame, one of the JEM negotiators, pointed out that the failure of the DPA was a result of it not being a product of negotiations between the conflict parties.¹⁰²⁶ Similarly, JEM negotiator Abdullahi El-Tom expressed that “we have rejected the proposed peace accord because we do not think that the document is a product of a negotiated settlement. In fact, we think that this document is a product of intimidation, bullying and diplomatic terrorism.”¹⁰²⁷ In

¹⁰²² De Waal, "Sudan: Darfur," 292.

¹⁰²³ A. M. Abuelbashar, "On the Failure of Darfur Peace Talks in Abuja," *Sudan Tribune*, (25 August 2006).

¹⁰²⁴ *Ibid.*

¹⁰²⁵ Flint and de Waal.

¹⁰²⁶ Nathan, "The Failure of the Darfur Mediation," 500.

¹⁰²⁷ Nathan, "The Making and Unmaking of the Darfur Peace Agreement," 262.

short, the capacity-based mediation strategy employed by Zoellick and Benn failed to produce a settlement that was acceptable to all the parties involved.

In addition to putting a lot of pressure on the conflict parties, Zoellick and Benn focused their efforts predominantly on the Minni Minnawi faction of the SLM/A (SLM/A-MM). They assumed that of the three major rebel parties, the SLM/A-MM possessed the most effective rebel force. Zoellick and Benn therefore believed that Minnawi's support of a negotiated settlement was essential.¹⁰²⁸ Zoellick made it clear that if Minni Minnawi would sign the DPA, he would be assigned the post of senior assistant to the president, which was on paper the fourth most powerful position in Sudan.¹⁰²⁹ At the same time, Zoellick also threatened Minni Minnawi with possible UN sanctions or an International Criminal Court indictment if he would not sign the DPA.¹⁰³⁰ Despite these promises and threats, Minnawi still had reservations until the last days of the negotiations. In the final meeting of the Abuja process, which was held at Aguda House on the ground of Obasanjo's presidential villa and which started in evening of 4 May 2006 and would last until early in the morning of the next day, Zoellick allegedly told Minnawi, "Have no doubt where I stand. I am a good friend and I am a fearsome enemy."¹⁰³¹ Minni Minnawi signed the DPA the next morning, on 5 May 2006.¹⁰³²

In contrast to Miniawi's decision to sign the DPA, Khalil Ibrahim and Abdul Wahid refused to sign the agreement. In the final meeting at Aguda House, Ibrahim Khalil expressed how the DPA did not meet the core demands of the JEM, emphasising a lack of compensation for Darfurians, insufficient guarantees on the demobilisation of the Janjawiid, and a lack of representation of Darfurians in Khartoum.¹⁰³³ Abdul Wahid told the mediators that he accepted

¹⁰²⁸ Flint and de Waal, 135 and 166; Brooks, "Enforcing a Turning Point and Imposing a Deal: An Analysis of the Darfur Abuja Negotiations of 2006," 415.

¹⁰²⁹ Flint and de Waal, 230; Brosché, *Darfur: Dimensions and Dilemmas of a Complex Situation*, 27.

¹⁰³⁰ Flint and de Waal, 208; Nathan, "The Making and Unmaking of the Darfur Peace Agreement," 251.

¹⁰³¹ De Waal, "Darfur's Deadline: The Final Days of the Abuja Peace Process," 273. Confirmed in an interview with Hilary Benn in London, 21 November 2014.

¹⁰³² The text of the DPA is available at: <http://www.ucdp.uu.se/gpdatabase/peace/Sud%2020060505.pdf>.

¹⁰³³ De Waal, "Darfur's Deadline: The Final Days of the Abuja Peace Process," 274-275.

the security arrangements, but that the power sharing provisions in the DPA would fail to resolve the political dimension of the conflict.¹⁰³⁴

The refusal of the JEM leadership and Abdul Wahid to sign the DPA illustrates how a mediation strategy based on coercion and inducements is ineffective. The mediation efforts of Zoellick and Benn between their arrival on 2 May and the final attempt to make the rebels sign the agreement in the early morning of 5 May resulted in a widespread perception among the rebels that the agreement was *de facto* imposed. In essence, the capacity-based mediation strategy employed by Zoellick and Benn shifted the focus in the negotiations to the signing of an agreement rather than the content of this agreement. SLM/A commander Abdulaziz Juma asserts in this regard that “What Zoellick did not understand was that we were fighting for our fundamental rights. He pressured us to sign an agreement that would not solve the fundamental problem of Sudan and Darfur. The threats of Zoellick were similar to threatening someone not to eat. The threats were unfair.”¹⁰³⁵ Another SLM/A commander also notes how the capacity-based mediation strategy left no room for negotiating: “The use of sanctions brought us to a place where we had to take it or leave it.”¹⁰³⁶ Similarly, one JEM leader reflects that “By the end of the Abuja negotiations we thought of the international players as an extension of that old colonial way of looking at us as some people incapable of thinking and acting in a responsible way. Yet, they were the people who would try to cajole us by using carrots and sticks in order to move us to their imposed solutions. I told the mediators the Darfur Peace Agreement is a misnomer, it is your document not ours.”¹⁰³⁷ Even though the government instantly accepted the draft agreement, several government representatives have pointed to the lack of ownership in producing the DPA. For instance, Ghazi Salah al-Din al-Atabani reflects

¹⁰³⁴ Ibid., 274; A. De Waal, “I Will Not Sign,” *London Review of Books* 28, no. 23 (2006): 5-6.

¹⁰³⁵ Telephone interview with Abdulaziz Juma, 11 February 2015.

¹⁰³⁶ Interview with Yahia Bashir in London, 20 February 2015.

¹⁰³⁷ Interview with Abdullahi El-Tom in Oxford, 22 February 2015.

that “The Darfur Peace Agreement failed because it did not reflect the true interests and aspirations of the primary parties. It was an agreement that was made because the international community wanted a signing ceremony.”¹⁰³⁸ In short, the final phase of the Abuja talks shows how capacity-based mediation can supplant legitimacy-based mediation. Zoellick and Benn pushed the conflict parties too hard and too quick.

The AU mediation team led by Salim Ahmed Salim could not prevent Zoellick and Benn from employing this counterproductive mediation strategy. Flint and de Waal point out that Salim could not keep the internationals at arm’s length and he “allowed the deadlines to become the strategy, giving up on a negotiated agreement and relying on international pressures to force one.”¹⁰³⁹ Similarly, Elhadi Idriss Yahya, a SLM/A commander, asserts that “Salim Ahmed Salim did not show leadership. In the last days of Abuja, everything was done in a hurry. They rushed to sign something which they called an agreement.”¹⁰⁴⁰ Two factors explain why, in contrast to IGAD during the Naivasha process, the AU failed to shield the Abuja process from non-African third parties taking over the process. First, Salim Ahmed Salim was not backed by united group of African countries to resist externally imposed deadlines. The IGAD member states were not directly involved in Darfur and Libya and Chad pursued their own interests in Darfur rather than forming a coalition to work towards peace in Darfur. Second, the international pressure to bring the Darfur peace process to conclusion was higher during the final phase of the Abuja negotiations than during the final phase of the Naivasha negotiations, since a humanitarian crisis was ongoing in Darfur at the time of the Abuja negotiations.

The negative impact of Zoellick and Benn taking the lead in mediating the DPA sheds some light on why African-led mixed mediation efforts are more effective than non-African-led

¹⁰³⁸ Interview with Ghazi Salah al-Din al-Atabani in Khartoum, 7 December 2014.

¹⁰³⁹ Flint and de Waal, 211.

¹⁰⁴⁰ Telephone interview with Elhadi Idriss Yahya, 31 January 2015.

mixed mediation efforts. However, it should also be acknowledged that the Abuja talks highlight that the need of financial support by non-African third parties for African-led peace processes will not disappear any time soon. The AU was highly committed to prove itself as an effective continental organisation, yet failed to pay for the peacemaking efforts to resolve the conflict in Darfur.¹⁰⁴¹ In addition to the western governments sponsoring the peace talks, the UN arranged much of the logistics surrounding the negotiations. Vladimir Zhagora, a senior UN Political Affairs Officer, recalls how the “UN provided dozens of flights and millions of dollars to organize the rebels’ travel to Nigeria.”¹⁰⁴² Since western governments heavily financed the Abuja talks, western leaders and diplomats could greatly influence the peace process. Reflecting on the negative consequences of the non-African pressure for a quick solution to the conflict, Lauri Nathan, a member of the AU mediation team at Abuja, states that “the AU mediators were obliged to heed the deadlines set by their political masters and donors.”¹⁰⁴³ Similarly, Mulugeta Gebrehiwot Berhe, an adviser on security arrangements at the Abuja peace talks, asserts that “The AU was really committed to resolving the war in Darfur. The only problem was that they did not have the resources needed to conduct the mediation. The AU therefore heavily relied on external donors to finance the process, but these donors had their own timelines. The AU mediation was being forced to schedule the timelines of the mediation according to the requirements set by the external donors.”¹⁰⁴⁴

In summary, the legitimacy of the AU made it possible for the AU mediation team to provide a problem-solving forum in which the conflict parties could search for a possible

¹⁰⁴¹ Gelot, 87-88; Williams, "Keeping the Peace in Africa: Why “African” Solutions Are Not Enough," 323-326; A. Keith, "The African Union in Darfur: An African Solution to a Global Problem?," *Journal of Public and International Affairs* 18, (2007). The EU member states together spent around €12 million on the seven rounds of the Abuja peace process, which included financial support to both the negotiators and the mediators. R. Keane and A. Wee, "The European Union," in *The International Politics of Mass Atrocities: The Case of Darfur*, ed. D. R. Black and P. D. Williams (Abingdon: Routledge, 2010), 123.

¹⁰⁴² Email from Vladimir Zhagora, 3 December 2014.

¹⁰⁴³ L. Nathan, "Failings of the DPA," in *Peace by Piece: Addressing Sudan’s Conflicts*, ed. M. Simmons and P. Dixon (London: Conciliation Resources, 2006), 50.

¹⁰⁴⁴ Interview with Mulugeta Gebrehiwot Berhe in Addis Ababa, 13 February 2015.

solution to the civil war in Darfur. Yet, in the final days of the Abuja peace process, western diplomats took the lead in the peacemaking effort. Enjoying little third party legitimacy, the US and the UK employed a capacity-based mediation strategy, providing an intrusive set of positive and negative incentives to the conflict parties to make peace. Moreover, the DPA was presented on a take-it-or-leave-it basis, giving the adversaries less than a week to decide whether to sign or not. This capacity-based mediation effort backfired. Only one out of the three rebel parties agreed to the DPA. Additionally, it will follow from the next sections that the capacity-based mediation effort led by the US also explains why the signatories of the DPA did not stick to the peace agreement.

The Implementation of the Darfur Peace Agreement: Keeping Peace When There is No Peace to Keep

Hoping that Abdul Wahid and Khalil Ibrahim would change their mind, President Obasanjo announced that the non-signatories would have until 16 May to sign the DPA. To this purpose, several members of the AU mediation team remained in Abuja to bridge the differences between the non-signatories and the GoS.¹⁰⁴⁵ A few days after the signing of the DPA, Abdul Wahid proposed to conclude a ‘supplementary agreement’ to the DPA, demanding greater representation at the legislature and executive bodies of Darfur.¹⁰⁴⁶ However, GoS chief negotiator Majzoub El Khalifa rejected this option, instead insisting that Abdul Wahid had to sign the DPA first, after which some of the remaining issues could be negotiated.¹⁰⁴⁷ Abdul

¹⁰⁴⁵ Toga, 242; De Waal, "Darfur's Deadline: The Final Days of the Abuja Peace Process," 280.

¹⁰⁴⁶ Toga.

¹⁰⁴⁷ Flint and de Waal, 227.

Wahid, in turn, insisted on re-opening talks on the DPA. Hence, negotiations between the GoS and the SLM/A-AW remained deadlocked following the signing of the DPA.¹⁰⁴⁸

In contrast to the SLM/A-AW, the JEM leadership refused to continue negotiations after the signing of the DPA. A major reason for why the JEM leadership was not interested in signing a peace agreement was the extensive secondary support that Chad provided to JEM.¹⁰⁴⁹ While Chadian President Déby strongly supported the GoS in the first two years of the conflict, many generals within the Chadian army sympathised with their ethnic kin in Darfur and even supported Darfurian rebels with weapons and ammunition.¹⁰⁵⁰ Khartoum interpreted the support given to the rebels by the Chadian army as double-dealing and subsequently started supporting Chadian rebels in retaliation.¹⁰⁵¹ In autumn 2005, Chadian rebels were even given improved facilities in Darfur.¹⁰⁵² This, as well as pressure from the Zaghawa generals within his army, led Déby to reverse his support for the GoS and instead he started to support the Zaghawa rebels.¹⁰⁵³

Consequently, the SLM/A-MM was the only major rebel party that had signed the DPA. However, due to the rushed nature of the final phase of the Abuja talks, Minni Minnawi did not have sufficient time to highlight the advantages of the DPA to his followers, resulting in widespread accusations that Minnawi had signed the DPA for personal political gain.¹⁰⁵⁴ As a result, many of Minni Minawi's fighters left him, joining either the JEM or the SLM/A-AW.¹⁰⁵⁵

¹⁰⁴⁸ De Waal, "Darfur's Deadline: The Final Days of the Abuja Peace Process," 281-282.

¹⁰⁴⁹ J. Tubiana, *The Chad-Sudan Proxy War and the 'Darfurization' of Chad: Myths and Reality*. HSBA Working Paper No. 12 (Geneva: The Small Arms Survey, 2008); Seymour; Brooks, "Enforcing a Turning Point and Imposing a Deal: An Analysis of the Darfur Abuja Negotiations of 2006," 429-430.

¹⁰⁵⁰ Marchal, 191; Brosché and Rothbart, 86; Prunier, 99.

¹⁰⁵¹ Flint, 191; Brosché and Rothbart, 86; Seymour, 58-59.

¹⁰⁵² Marchal, 174 and 189-194.

¹⁰⁵³ *Ibid.*, 192-194; International Crisis Group, *Darfur's New Security Reality. Africa Report N°134 - 26 November 2007* (Brussels, 2007).

¹⁰⁵⁴ Brosché and Rothbart, 68; Nathan, "The Failure of the Darfur Mediation," 505.

¹⁰⁵⁵ A. Fadul and V. Tanner, "After Abuja: A View from the Ground," in *War in Darfur and the Search for Peace*, ed. A. De Waal (Cambridge: Global Equity Initiative, 2007), 288-289; Brosché, *Darfur: Dimensions and Dilemmas of a Complex Situation*, 26-29.

With the political process surrounding the DPA becoming increasingly strained, calls to deploy a robust UN peacekeeping mission grew stronger. Many Western diplomats had attached great value to the conclusion of the DPA, precisely because it was assumed that this would pave the way for a UN peacekeeping mission.¹⁰⁵⁶ As Prunier puts it, the international community believed that as soon as the DPA would be signed “a magical thunderclap would happen, Khartoum would mellow out and honestly accept a UN troop deployment in Darfur.”¹⁰⁵⁷ However, at no time during the negotiations at Abuja had the issue of how the AMIS mission would be transformed into a UN mission been discussed.¹⁰⁵⁸ In fact, both the US and the UN had been hesitant to address the transition from an African peacekeeping force to a UN peacekeeping force in the Abuja negotiations.¹⁰⁵⁹ Instead, US deputy secretary of state Zoellick had convened a secret meeting with Sudanese Vice President Ali Osman Taha in Paris on 8 March 2006, in which Taha had promised Zoellick that a UN mission could be deployed following the conclusion of the DPA.¹⁰⁶⁰ Yet, when it became clear that the US once again would not normalise relations with Sudan after the conclusion of the DPA, Khartoum backtracked its private promise to Washington to allow a UN peacekeeping force in Darfur.¹⁰⁶¹

Consequently, third party efforts following the conclusion of the DPA mainly focused on getting the GoS to agree to the deployment of a peacekeeping force. To this purpose, the UN Security Council adopted Resolution 1706 on 31 August 2006, which called upon the GoS to accept the replacement of the African union peacekeeping force with a mission under UN

¹⁰⁵⁶ Gelot, 123; Brooks, "Enforcing a Turning Point and Imposing a Deal: An Analysis of the Darfur Abuja Negotiations of 2006," 416; De Waal, "Darfur and the Failure of the Responsibility to Protect," 1046; Badescu and Bergholm, "The Responsibility to Protect and the Conflict in Darfur: The Big Let-Down," 294.

¹⁰⁵⁷ Prunier, 177.

¹⁰⁵⁸ Interview with Nurudin Azeez, military liaison officer of AMIS to the Abuja peace talks, in Addis Ababa, 17 February 2015; interview with Abdul Mohamed, UN mediator during the Abuja talks, in Addis Ababa, 17 February 2015.

¹⁰⁵⁹ De Waal, "Sudan: Darfur," 291.

¹⁰⁶⁰ Flint and de Waal, 211; De Waal, "Darfur's Elusive Peace," 379; Toga, 239; Brooks, "Enforcing a Turning Point and Imposing a Deal: An Analysis of the Darfur Abuja Negotiations of 2006," 422.

¹⁰⁶¹ De Waal, "Sudan: Darfur," 292; T. Murithi, "The African Union's Evolving Role in Peace Operations: The African Union Mission in Burundi, the African Union Mission in Sudan and the African Union Mission in Somalia," *African Security Review* 17, no. 1 (2008): 77.

mandate.¹⁰⁶² Commenting on this UN Security Council Resolution, President al-Bashir stated “We totally reject resolution 1706. Its acceptance would mean placing Sudan under UN mandate. We will not accept such a situation under any circumstances and willingly, because it would turn us into another Iraq.”¹⁰⁶³

The DPA not only failed to result in the deployment of a UN peacekeeping mission, it also hardened the positions of the non-signatories of the agreement. With formal peace talks coming to an end in May 2006, the only subsequent discussions on peacemaking took place in the Ceasefire Commission. This commission had been established under the Humanitarian Ceasefire Agreement concluded in N’Djamena on 8 April 2004. While the JEM and the SLM/A-AW had not signed the DPA, both parties were initially still involved in Ceasefire Commission meetings organised by the AU. However, at the request of the US, the non-signatories of the DPA were excluded from the Ceasefire Commission in August 2006, because they had not signed the DPA.¹⁰⁶⁴ Commenting on the expulsion of the non-signatories, Abdulaziz Juma, one of the rebel representatives within the Ceasefire Commission, remarks that “The possible expulsion out of the Ceasefire Commission was initially used as a threat to make us sign the DPA. We were told to either sign or go back to field to fight. The expulsion thus was in essence a continuation of the pressure put on us during the Abuja talks.”¹⁰⁶⁵ UN Special Representative Jan Pronk also recalls how in the wake of the conclusion of the DPA the non-signatories were marginalised: “Initially the Sudanese delegation labelled the non-signatories as spoilers, but soon this changed to outlaws, and finally they were labelled as

¹⁰⁶² United Nations Security Council, *Resolution 1706 on Sudan (31 August 2006)*, S/RES/1706.

¹⁰⁶³ Asharq Alawsat, 17 February 2007. "Interview with President Umar Hasan Al-Bashir."

¹⁰⁶⁴ De Waal, "Sudan: Darfur," 292; Gelot, 123.

¹⁰⁶⁵ Telephone interview with Abdulaziz Juma, 11 February 2015. Similar points are made by other rebel representatives: telephone interview with Elhadi Idriss Yahya, 31 January 2015; interview with Abdullahi El-Tom in Oxford, 22 February 2015.

terrorists.”¹⁰⁶⁶ In short, the decision to exclude the non-signatories of the DPA from the Ceasefire Commission led to the loss of a forum for interacting with the different rebel groups.

With intense fighting ongoing and no communication between the conflict parties, diplomatic efforts to deploy a UN peacekeeping force in Darfur continued. Yet, it was only after the diplomatic involvement of the UN Secretary-General Kofi Annan that a compromise was finally reached in November 2006, when it was agreed that a hybrid peacekeeping force would be deployed under UN command, but with a principally African character.¹⁰⁶⁷ On 31 July 2007, the UN Security Council formally agreed on the deployment of an African Union/United Nations Hybrid operation in Darfur (UNAMID), consisting of 20,000 troops. It was further agreed that UNAMID would replace AMIS in a transition phase of 12 months.

The deployment of UNAMID did not mitigate the ongoing fighting in Darfur. Hence, in parallel to the deployment of UNAMID, a new mediation effort was launched by the joint AU/UN Mediation Support Team (JMST) in November 2006. The effort conducted by the JMST was led by Jan Eliasson and Salim Ahmed Salim, who respectively represented the UN and the AU. When they were appointed, Salim and Eliasson were tasked to “re-energise the political process.”¹⁰⁶⁸ The mediation effort of Eliasson and Salim took place under challenging circumstances. The process of fractionalisation of the rebel movements, which had already started during the Abuja talks, intensified after the failure of the Abuja talks. Since rebel alliances shifted almost daily in certain periods throughout 2006, tensions between different rebel parties were so high that inviting only some of them to peace talks would result in others rejecting to participate in these negotiations. Most of the initial mediation efforts of Salim and

¹⁰⁶⁶ Interview with Jan Pronk in The Hague, 1 June 2015.

¹⁰⁶⁷ Email from Vladimir Zhagora, 3 December 2014. See also: De Waal, "Sudan: Darfur," 293; Flint and de Waal, 268-269; Brosché, *Darfur: Dimensions and Dilemmas of a Complex Situation*, 59.

¹⁰⁶⁸ J. Flint, *Rhetoric and Reality: The Failure to Resolve the Darfur Conflict. HSBA Working Paper 19* (Geneva: Small Arms Survey, 2010), 23.

Eliasson were therefore aimed at unifying the rebel movements or coordinating the efforts of other third parties that tried to unify the rebels.¹⁰⁶⁹

In addition to having to deal with a multitude of rebel parties, the JMST had to deal with regional support provided to the rebel movements. From late 2005 onwards, the military strength of JEM increased significantly as a result of extensive military support from Chad and Libya.¹⁰⁷⁰ According to UN chief mediator Eliasson, a solution to the Darfur conflict would have been impossible unless there the relationship between Chad and Sudan would have normalised: “We simply cannot divorce the situation in Darfur from the situation in Chad.”¹⁰⁷¹

In spite of the lack of rebel unity and the delegated war between Sudan and Chad, the JMST scheduled a meeting in Geneva to begin on 29 May 2008. However, Abdel Wahid and the JEM leadership refused to attend. Unable to organise negotiations, Salim and Eliasson resigned as chief mediators in July 2008.¹⁰⁷²

The Peacemaking Efforts of the African Union/United Nations Joint Mediation Support Team and Qatar: Buying Peace?

In August 2008, Djibril Bassolé, the former foreign-minister of Burkina Faso, assumed the role of chief mediator of the JMST. Bassolé’s mediation effort took place simultaneously to the controversy surrounding the ICC Indictment of al-Bashir, which was handed down on 14 July 2008. This indictment generated much resistance against the UN.¹⁰⁷³ In response to this indictment, Bassolé expressed the fear that it would dissuade GoS officials from engaging in

¹⁰⁶⁹ Ibid., 23-24.

¹⁰⁷⁰ Marchal, 174; Brosché and Rothbart, 71; Brosché, *Darfur: Dimensions and Dilemmas of a Complex Situation*, 30.

¹⁰⁷¹ Reuters News, 8 April 2008. "Normalisation of Sudan-Chad Relations Crucial for Darfur Peace Envoys."

¹⁰⁷² Flint, *Rhetoric and Reality: The Failure to Resolve the Darfur Conflict. HSBA Working Paper 19*, 27.

¹⁰⁷³ Brosché, *Darfur: Dimensions and Dilemmas of a Complex Situation*, 101-102; Gelot, 55-57; Flint, *Rhetoric and Reality: The Failure to Resolve the Darfur Conflict. HSBA Working Paper 19*, 32-35.

peace talks.¹⁰⁷⁴ Similarly, the AU Peace and Security Council expressed that the peace process in Sudan should not be jeopardised by the prosecution of President al-Bashir and requested the UN Security Council to use Article 16 of the Rome Statute to defer the arrest warrant for one year.¹⁰⁷⁵ A consequence of the arrest warrant was thus that the AU became the indispensable third party of peace negotiations involving the GoS.¹⁰⁷⁶ However, crucially, the AU's stance against the ICC indictment also somewhat undermined the legitimacy of the AU in relation to the Darfurian rebel movements.

Furthermore, around two months prior to Djibril Bassolé's appointment, the conflict in Darfur had entered a new phase, when the JEM had launched an attack on Khartoum on 10 May in what the JEM leadership dubbed Operation Long Arm.¹⁰⁷⁷ Although the JEM fighters only managed to attack Khartoum's twin city, Omdurman, the attack was a clear signal of JEM's commitment to resolve the conflict militarily. Both President al-Bashir and JEM leader Khalil Ibrahim promised new offensives in the wake of the attack. On 20 May 2008, President al-Bashir stated that the GoS would never negotiate with JEM and that the GoS would "deal swiftly with anyone who bears arms outside the armed forces of the Darfur Peace Agreement signatories."¹⁰⁷⁸ Khalil Ibrahim stated that JEM is "not going to stop fighting with the regime. They did not abide by the signed ceasefire agreement and we are not keen to have it now."¹⁰⁷⁹

Nevertheless, since JEM was the strongest rebel movement – both militarily and politically – and the only rebel party that was supported by Chad and Libya, Bassolé decided to focus his mediation efforts initially solely on initiating talks between the GoS and JEM,

¹⁰⁷⁴ A. Duursma, "Mediation with Muscles or Minds? Lessons from a Conflict Sensitive Mediation Style in Darfur," *Conflict Trends*, no. 4 (2011): 17.

¹⁰⁷⁵ AU Peace and Security Council, *Communique of the 142nd Meeting of the the Peace and Security Council of the African Union* (21 July 2008). Available at: <http://www.peaceau.org/en/article/communique-of-the-142nd-meeting-of-the-peace-and-security-council>.

¹⁰⁷⁶ De Waal, "Sudan: Darfur," 300.

¹⁰⁷⁷ El-Tom, 215-225.

¹⁰⁷⁸ Sudan Tribune, 20 May 2008. "Sudan President Says Will Not Honor Ceasefire in Darfur."

¹⁰⁷⁹ Sudan Tribune, 17 May 2008. "Interview: Darfur JEM Chief Determined on Regime Change; Rejects Ceasfire."

allowing the other rebel parties to join in only later.¹⁰⁸⁰ Bassolé believed that if the JEM would sign a deal, then the other rebel parties would follow.¹⁰⁸¹ In early 2009, after it had been agreed that JEM would be the sole representative of the Darfurian rebels, Bassolé succeeded in initiating negotiations between the GoS and JEM in Doha.¹⁰⁸² Qatar facilitating the talks was an attractive option to the JMST, since Qatar was a wealthy and generous host.¹⁰⁸³ Moreover, the involvement of Qatar was acceptable to the GoS, since Qatar had occasionally been a discrete donor to the GoS and had a similar Islamic orientation.¹⁰⁸⁴ Moreover while many rebels opposed Qatar as a venue for peace talks because of this Islamic orientation, this was not an issue for the Islamic oriented JEM.¹⁰⁸⁵

As the host country, Qatar provided material incentives for the conflict parties to make peace through promising to allocate substantial funds for future development projects in Darfur.¹⁰⁸⁶ The Qatari mediators also used private financial inducements to move the parties towards compromise. One negotiator notes, “The money was always floating around at Doha. It was not uncommon that an envelope with money was pushed towards you in return for cooperating in the peace process.”¹⁰⁸⁷ Negotiations between the JEM and the GoS in Doha in early 2009 led to the signing of the declaration of good will and confidence-building agreement (CBA) on 17 February 2009. This agreement was supposed to pave the way for more

¹⁰⁸⁰ Duursma, "Mediation with Muscles or Minds? Lessons from a Conflict Sensitive Mediation Style in Darfur," 17; Brosché and Rothbart, 132.

¹⁰⁸¹ De Waal, "Sudan: Darfur," 296.

¹⁰⁸² Ibid; P. R. Williams and M. T. Simpson, "Drafting in Doha: An Assessment of the Darfur Peace Process and Ceasefire Agreements," in *Monopoly of Force: The Nexus of DDR and SSR*, ed. M. A. Civic and M. Miklaucic (Washington, DC: 2011), 43.

¹⁰⁸³ Barakat, "Qatari Mediation: Between Ambition and Achievement; M. Kamrava, "Mediation and Qatari Foreign Policy," *Middle East Journal* 65, no. 4 (2011).

¹⁰⁸⁴ De Waal, "Sudan: Darfur," 296.

¹⁰⁸⁵ Telephone interview with Elhadi Idriss Yahya, 31 January 2015; interview with Abdullahi El-Tom in Oxford, 22 February 2015.

¹⁰⁸⁶ Brosché and Rothbart, 132.

¹⁰⁸⁷ Interview with Abdullahi El-Tom in Oxford, 22 February 2015.

comprehensive negotiations. However, one day after the agreement was signed, JEM positions were bombed by government forces.¹⁰⁸⁸

Peace talks were resumed in November 2009, but these talks took place in Chad and were mediated by Chadian President Idriss Déby, without the involvement of Bassolé. Following a Sudan-supported attack on N'Djamena by Chadian rebels launched from Darfur on 13 April 2006, Déby became highly concerned that the delegated war with Sudan could lead to his downfall and accordingly actively tried to contribute to the resolution of the war in Darfur.¹⁰⁸⁹ In addition to mediating between the GoS and the JEM, President Déby sent his foreign minister to Khartoum in December 2009 in order to start a process of rapprochement between the two countries.¹⁰⁹⁰ Al-Bashir responded by sending Ghazi Salah al-Din al-Atabani to N'Djamena to discuss the details of a security pact, which was deemed as in interest of both countries.¹⁰⁹¹ Commenting on his negotiations with President Déby, Ghazi Salah al-Din al-Atabani states: "There was a high level of animosity between Chad and Sudan, but President al-Bashir gave me permission to go to Chad to discuss the possibility to normalise relations. This led to six months of negotiations, during which I visited Chad around seven times. When I first went to President Déby, he was very distrustful. Yet, we gradually gained each other's trust and realised that an agreement was in our mutual interest. An agreement was finally reached in 2010. According to this agreement, each side would disarm the rebels operating in each other's country."¹⁰⁹²

Another aspect of the rapprochement between Sudan and Chad was that instead of just expelling JEM from Chad, President Déby would initiate peace negotiations between the JEM

¹⁰⁸⁸ For the text of the agreement, see: Sudan Tribune, 18 February 2009. "Text: Goodwill and Confidence-Building Agreement to Resolve Darfur Conflict."

¹⁰⁸⁹ Flint and de Waal, 207.

¹⁰⁹⁰ De Waal, "Sudan: Darfur," 296.

¹⁰⁹¹ Interview with Ghazi Salah al-Din al-Atabani in Khartoum, 7 December 2014.

¹⁰⁹² Interview with Ghazi Salah al-Din al-Atabani in Khartoum, 7 December 2014.

and the GoS.¹⁰⁹³ Accordingly, Déby presented Ghazi Salah al-Din with the draft of framework agreement that stipulated that in a final peace agreement the JEM should have representation at all governmental levels. Both the GoS and the JEM accepted this framework agreement. President Déby subsequently invited Bassolé to N'Djamena to witness the signing of the framework agreement between the GoS and the JEM on 20 February 2010.¹⁰⁹⁴ Three days later, the GoS and the JEM signed an almost identical agreement in Doha, allowing “the Qataris to claim the glory for the deal hatched entirely in N'Djamena” as Alex de Waal puts it.¹⁰⁹⁵ While Qatar indeed played a minor role in formulating the provisions of the Doha Agreement, Qatar provided strong financial incentives to the conflict parties to sign a peace agreement, promising an amount of \$2 billion for rebuilding Darfur if the GoS and the various rebel movements participating in the Doha negotiations were to sign a peace agreement.¹⁰⁹⁶ In addition, Qatar promised to develop farmland elsewhere in Sudan in order to promote food exports to Qatar. It was agreed that around \$1 billion in funds would be invested in this project.¹⁰⁹⁷

However, low-level fighting between the conflict parties continued and in late April intense fighting between JEM and the government forces broke out. Consequently, JEM left the ongoing negotiations on 3 May 2010, making it clear that it suspended its participation in the Doha process because of the Sudanese army of breaching the cessation of hostilities agreement.¹⁰⁹⁸ Bassolé subsequently resigned in April 2011, after which he was succeeded by the former Nigerian Minister for External Affairs Ibrahim Gambari. Since JEM had suspended its participation in the Doha process, Gambari’s mediation effort shifted to talks between the

¹⁰⁹³ De Waal, "Sudan: Darfur," 296; Williams and Simpson, 45.

¹⁰⁹⁴ The text of this peace agreement is available at: <http://www.ucdp.uu.se/gpdatabase/peace/SUD%2020100223.pdf>. See also: Williams and Simpson, 44.

¹⁰⁹⁵ De Waal, "Sudan: Darfur," 296; Brosché and Rothbart, 133.

¹⁰⁹⁶ Duursma, "Mediation with Muscles or Minds? Lessons from a Conflict Sensitive Mediation Style in Darfur," 17; Barakat, "Qatari Mediation: Between Ambition and Achievement," 19.

¹⁰⁹⁷ Barakat, "Qatari Mediation: Between Ambition and Achievement," 19.

¹⁰⁹⁸ Duursma, "Mediation with Muscles or Minds? Lessons from a Conflict Sensitive Mediation Style in Darfur," 16.

GoS and the newly formed rebel coalition known as the Liberation and Justice Movement (LJM).¹⁰⁹⁹

While the LJM indeed brought together several rebel parties, the around 1,400 Darfurians that Qatar transported to Doha were still highly fragmented. Moreover, few of the rebel representatives participating in the Doha process had actually been fighting in Darfur. Commenting on the LJM negotiators, Mulugeta Gebrehiwot Berhe states that “They were literally migrants. Some of them were migrant labourers in Qatar, others came from Dubai or London. They were not rebels, they were just negotiating in the name of the rebels. Many of the negotiators in the Doha peace process had been involved since the Abuja process, going from one mediation process to the other, while living in hotels and earning per diems for their involvement in the peace process.”¹¹⁰⁰

Nevertheless, the rebels became increasingly unified during the Doha negotiations. Alex de Waal observes in this regard that “the financial and diplomatic inducements to joining the peace talks did have the effect of helping various groups coalesce around the Doha process.”¹¹⁰¹ Progress was also made regarding resolving the conflict issues. Intending to create a consensus document, the mediators drafted initial documents throughout early 2011 that were sent back and forth to the GoS and the rebels. The delegations could come and go at will. In the months that followed, negotiations mainly revolved around political power sharing.¹¹⁰²

In June 2011, the JMST put forward a new draft agreement. On 14 July 2011, the GoS and LJM signed the Doha Document for Peace in Darfur (DDPD).¹¹⁰³ The DDPD reformed the

¹⁰⁹⁹ Ibid., 17.

¹¹⁰⁰ Interview with Mulugeta Gebrehiwot Berhe in Addis Ababa, 13 February 2015. Mulugeta Gebrehiwot Berhe acted as an adviser to the AU mediation team in the Doha peace process.

¹¹⁰¹ De Waal, "Sudan: Darfur," 297.

¹¹⁰² Duursma, "Mediation with Muscles or Minds? Lessons from a Conflict Sensitive Mediation Style in Darfur," 17.

¹¹⁰³ The text of this agreement is available at: http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_2259.pdf.

Darfur Regional Authority as set up in the DPA. It was decided that the Darfur Regional Authority would be used as a mechanism to channel funds to Darfur.¹¹⁰⁴ Telling of how much value the LJM leadership attached to the Qatari funds in order to create economic normality in Darfur is that the LJM Chairman, Tijani Sese, assumed the role as head of the Darfur Regional Administration.¹¹⁰⁵

Although the formulas for power sharing are slightly different, the DDPD was very similar to the DPA concluded in 2006.¹¹⁰⁶ The DDPD stipulated that the movements that signed the DDPD would be entitled to two ministerial posts, four Ministers of State, two governors of Darfur, and about twenty representatives in the Sudanese National Parliament. The similarity of the DPA and the DDPD is striking, since the situation in Sudan had changed significantly since the conclusion of the DPA, most notably as a result of the secession of the south.¹¹⁰⁷ Alex de Waal asserts in this regard that the significance of the DDPD does not lie in the text itself, but in that “the DDPD is a mechanism for Qatari funds to be channelled to Darfur, partly through the Darfur Regional Administration and partly through a new development bank.”¹¹⁰⁸

The effectiveness of Qatar to induce some of the Darfurian rebel parties to make peace through side-payments illustrates the finding in the first part of this dissertation that a non-African purchase is the most effective material incentive a non-African third party can provide. However, these financial incentives did not prove effective in ensuring lasting peace, as the conflict parties continued to disagree on how to resolve the conflict issues. According to one Darfurian rebel, “The only qualification Qatar had to mediate was having money. It could spend a lot of money on the peacemaking process, but money alone cannot solve the

¹¹⁰⁴ Telephone interview with Nagla Mohamed Bashir, 24 December 2014. Nagla Mohamed Bashir is a member of the Darfur Internal Dialogue and Consultation Implementation Committee (DIDC) as stipulated in the DDPD.

¹¹⁰⁵ De Waal, "Sudan: Darfur," 298; Williams and Simpson, 51-56.

¹¹⁰⁶ Interview with Abdullahi El-Tom in Oxford, 22 February 2015.

¹¹⁰⁷ De Waal, "Sudan: Darfur," 298.

¹¹⁰⁸ Ibid.

conflict.”¹¹⁰⁹ Similarly, commenting on Qatari mediation efforts, Elhadi Idriss Yahya notes “Money alone cannot solve anything.”¹¹¹⁰

Conclusion

Unlike the sustained peacemaking effort led by IGAD to end the north-south conflict, the mediation efforts to end the war in Darfur have largely been unsuccessful. Table 7.1 below summarises the main finding of the different mediation efforts aimed at ending the conflict in Darfur.

Table 7.1: Summary of the Mediation Episodes in the Darfur Conflict

Mediation Episode	Main Finding
Mediation by Chad in 2003-2004	Biased African third parties are highly ineffective
The Abuja talks mediated by the AU	A third party with a high degree of legitimacy can provide a problem-solving forum to resolve the underlying conflict issues. Yet, resolving the underlying conflict issues is a time-consuming process
The final days of the Abuja talks mediated by the AU, the US, and the UK	Mixed mediation led by a non-African third party is ineffective and conflict parties in civil wars are unlikely to make peace as a

¹¹⁰⁹ Interview with Yahia Bashir in London, 20 February 2015.

¹¹¹⁰ Telephone interview with Elhadi Idriss Yahya, 31 January 2015.

	result of the provision of material incentives alone
The implementation of the DPA	A peace agreement concluded as a result of a high degree of third party pressure is unlikely to hold and peacekeeping is not a viable alternative to finding a political solution to the conflict
The Doha peace process	The provision of side-payments by non-African third parties is a relatively effective material incentive that non-African third parties can provide to induce conflict parties to make peace, but is not likely to lead to sustainable peace

The mediation effort of Chad early on in the conflict was predominantly motivated to prevent the conflict from spilling over to Chad. As a result of being biased in favour of the GoS, Chad disqualified itself from playing a meaningful mediation role. This illustrates the finding in the first part of this dissertation that biased African mediation is actually less likely to lead to the conclusion of a peace agreement than bilateral negotiations between the conflict parties without the involvement of a third party. The ineffectiveness of biased African third parties contradicts some of the recent literature in which it is argued that biased third parties are highly effective because they can credibly exchange information.¹¹¹¹ A plausible explanation for why biased African third parties are ineffective is that bias among African

¹¹¹¹ For example, see: Kydd, "Which Side Are You On? Bias, Credibility, and Mediation; Kydd, "When Can Mediators Build Trust?."

mediators damages their community-based legitimacy. This would also explain why non-African third parties that are biased do have a positive impact on mediation success. Non-African third parties enjoy little legitimacy and their bias does not undermine a capacity-based mediation strategy.

The AU replaced Chad as the official third party mediating in Darfur. Motivated to show the effectiveness of the newly established organisation, the AU undertook the first sustained effort to resolve the conflict in Darfur. Yet, this commitment to the Abuja peace process did not translate into mediation success. While the AU mediators made some progress towards resolving the underlying conflict issues, an externally imposed deadline and an intrusive capacity-based mediation strategy pursued by the US and the UK terminated the peace process prematurely. A major difference between the Naivasha and Abuja negotiations that accounts for Salim's failure in preventing the non-African take-over is that the Darfur peace process was conducted while a humanitarian crisis was unfolding in Darfur. This resulted in a lot more external pressure on the AU mediation team in Darfur than had been put on the IGAD mediation team in Naivasha. Another major factor that explains why Salim Ahmed Salim was not able to prevent the non-African takeover during the final days of Abuja is that, in contrast to the strong support Sumbeiywo received from the IGAD member countries, no group of African countries helped Salim in shielding the process from too much external pressure. Libya and Chad were more concerned with furthering their own interests in Darfur than in creating a collation of African states that could work towards making peace in Darfur.

During the final days of the Abuja negotiations, the US and the UK relied on a strategy based on coercion and inducements to move the conflict parties towards compromise. The capacity-based mediation effort by the US and the UK shows that third party pressure is unlikely to be effective when a mutually acceptable solution to the conflict has not yet been formulated. Indeed, the capacity-based perspective of mediation success, which is constructed

around a logic of consequences, fails to explain why the coercion and inducements used by the US and the UK could not move the conflict parties towards compliance. This echoes Hurd's observation that a lack of legitimacy makes coercion less effective.¹¹¹²

The final phase of the Abuja process also illustrates that a capacity-based mediation strategy pursued by non-African third parties, if not carefully managed, can supplant the legitimacy-based mediation effort of African third parties. Indeed, the final phase of the Abuja process, in which Zoellick and Benn took over the mediation effort, sheds some light on the finding that African-led mixed mediation is highly effective, whereas non-African-led mixed mediation is relatively ineffective. When Zoellick and Benn took the lead in mediating the conflict, they employed a capacity-based mediation strategy. The irony of the involvement of the US and the UK in the Darfur peace process is thus that both countries initially prevented the Darfur conflict from entering the agenda of the international community, whereas once the CPA was concluded the US and the UK became impatient for a peace agreement, which eventually undermined the peace process. Zoellick and Benn wanted to conclude a peace agreement, while showing little consideration regarding whether the peace agreement was likely to be durable or not. This illustrates that the motivations of non-African third parties may be broader than durable success. It is possible that Zoellick and Benn pursued a quick outcome for their own political purposes rather than in order to produce durable peace. In short, the peacemaking effort at Abuja thus shows the need for a more sophisticated understanding of what drives mediation success than usually found in the scholarly literature. The coercion and inducements used by the US and the UK could not resolve the civil war in Darfur.

The post-Abuja mediation efforts have taken place under extremely difficult circumstances, with splits within the JEM and the SLM/A resulting in numerous different rebel

¹¹¹² Hurd, "Legitimacy and Authority in International Politics," 388.

factions. Moreover, strong support from Chad and Libya made the JEM leadership reluctant to compromise. In spite of these difficulties, mediation led by the JMST succeeded in concluding the Doha Agreement in 2010. The policy change of Chad from supporting the JEM to trying to end the conflict in Darfur contributed to the conclusion of this agreement, but also the financial inducements provided to the conflict parties by Qatar made negotiators more inclined to sign an agreement. The promise by Qatar to financially aid the conflict parties also lay at the heart of the conclusion of the DDPD in 2011. This illustrates the statistical finding in the first part of this dissertation that non-African third parties providing financial rewards are effective in reaching peace agreements. Yet, the failure of the Doha Agreement and the DDPD are also in line with the argument that providing material incentives is at the expense of post-agreement stability.

VIII. Conclusion

Much of the success of mediation efforts depends on the relationship between the third party and the conflict parties. The social structure in which the third party and the conflict parties operate, in turn, greatly determines the nature of this relationship. Within the African society of states, African leaders generally perceive that they are bound by norms related to sovereignty, respect for the colonial borders, anti-neocolonialism, non-alignment, and peaceful conflict resolution. The collective commitment to this cluster of norms, which most African actors internalised as soon as African countries gained their independence, provides African third parties with a social status that, in turn, provides them with a high degree of legitimacy when mediating armed conflict in Africa. I have argued that this high degree of legitimacy makes African third parties more effective than non-African third parties.

The statistical analyses employed in this dissertation support the argument that African mediation outperforms non-African mediation in terms of concluding agreements and contributing to post-agreement stability. In spite of a higher degree of economic and military resources and a relatively stronger inclination to employ these resources, non-African third parties are less effective in mediating civil wars in Africa than African third parties. The high level of compliance with African third parties thus provides some initial support for the argument that a high degree of legitimacy makes African third parties effective.

However, a major caveat regarding the finding that African third parties outperform non-African third parties is that the involvement of a biased African third party in a given conflict dyad-year has a negative and statistically significant effect on mediation success. Since conflicts in Africa have strong regional dimensions, African states have frequently openly supported incumbent governments or have provided covert support to rebel parties prior or simultaneously to their mediation attempt. The statistical analysis employed in this dissertation

suggests that the involvement of third parties that are supporting or have supported one of the conflict parties undermines the prospects for mediation success.

In order to assess whether it is really legitimacy that drives the mediation success of African third parties, I have identified two causal mechanisms that explain how a perception among conflict parties that accepting the involvement of a third party is the right thing to do increases the likelihood of mediation success. First, a high degree of third party legitimacy pulls the conflict parties towards compliance with the mediator. Conflict parties typically have a preference for showing norm conformity, thus often signalling their commitment to peaceful conflict resolution or going at great lengths to justify why they are unwilling to make peace. The more the conflict parties value their relationship with the third party for normative reasons, the more likely it is that they will conform to norms evoked by this third party, such as calls to make peace. Second, rather than moving the conflict parties towards signing a peace agreement through providing material incentives, a third party that is seen as being legitimately involved can maintain the commitment of the conflict parties towards formulating a mutual acceptable agreement to end the civil war. Since international mediation relies on the consent of the conflict parties, the involvement of third parties can in principle be rebuffed by the conflict parties as interference in internal affairs. Yet, the involvement of a third party with a high degree of legitimacy makes it more difficult for the government side in the conflict to wield its sovereignty to limit or terminate the involvement of third parties. Similarly, rebel parties will be more hesitant to terminate a mediation effort of a third party with a high degree of legitimacy, as they do not like to be seen as warmongers by this third party.

The numerous mediation efforts to end Sudan's civil wars illustrate that an African identity allows African third parties to engage effectively in legitimacy-based mediation. The conflict parties in Sudan's first civil war agreed to sign the 1972 Addis Ababa Agreement on grounds of a perception that complying with Emperor Haile Selassie was the right thing to do,

rather than for reasons of material advantage or in anticipation of coercive threats. Similarly, the high degree of legitimacy of the IGAD mediation team made it possible to remain involved in mediating the conflict between the GoS and the SPLM/A. Several years of arduous negotiations between the GoS and the SPLM/A eventually led to a mutually satisfactory peace agreement. The effectiveness of IGAD in moving the conflict parties towards peace thus in large part depended on Africa's normative environment, which provided the IGAD mediation team with a high degree of legitimacy.

The newly founded AU also enjoyed a high degree of legitimacy when it became involved in mediating the Darfur conflict, but the involvement of the US and the UK towards the end of the Abuja peace process mitigated the positive impact of the AU's legitimacy-based mediation effort. Indeed, the capacity-based mediation strategy employed by Zoellick and Benn complicated the search for a mutually acceptable agreement. Short-termism and relying solely on a capacity-based mediation explain why the Abuja negotiations failed. This shows why, rather than coercion and inducements, legitimacy makes mediation success more likely.

While capacity-based and legitimacy-based mediation can be distinguished analytically, the case studies show that these two type of mediation process often overlap. This echoes Hurd's observation that that coercion, inducement, and legitimacy are rarely found in their pure isolated forms.¹¹¹³ That third party legitimacy and third party capacity both determine outcomes of mediation processes is also in line with Barnett and Duvall's observation that multiple forms of power are simultaneously present in international politics.¹¹¹⁴ This dissertation contributes to these observations by showing how different types of power matter for different types of third parties. African third parties relatively more often draw on their legitimacy, while non-African third parties relatively more often draw on their capacity. The

¹¹¹³ Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council*, 389.

¹¹¹⁴ Barnett and Duvall, "Power in International Politics," 44.

case studies essentially isolated the contributions of African third parties and non-African third parties to resolving Sudan's civil wars.

Moreover, this dissertation shows how different types of power combine to affect outcomes of mediation. The case studies employed in this dissertation reveal two distinct ways in which legitimacy-based and capacity-based mediation influence each other. While legitimacy-based mediation and capacity-based mediation supplemented each other during the Naivasha peace talks, capacity-based mediation supplanted the impact of the legitimacy-based mediation effort during the final phase of the Abuja talks. The IGAD mediation team was assertive during the negotiations at Naivasha, but they were mainly tough on the process and left the substance of a possible negotiated settlement to the adversaries. While maintaining a high degree of legitimacy, the IGAD mediation team also made use of the third party capacity of the Troika to break deadlocks during the peace process. By contrast, the failed mediation in the final days of the Abuja process virtually imposed an agreement based on an intrusive capacity-based mediation strategy employed by the US and the UK, thus deciding on the content of a possible solution. In short, the findings in this dissertation suggest that the legitimacy of a third party is crucial, while at times third party capacity can be employed to break deadlocks during peace negotiations.

The way legitimacy-based mediation and capacity-based mediation supplemented each other during the Naivasha process sheds some light on the finding that a coordinated mixed mediation effort in which African and non-African third parties cooperate to make peace – but in which African third parties take the lead – is the most effective type of mediation examined in the quantitative part of this dissertation. This finding also relates to the most relevant policy implication of this dissertation, as it supports the necessity of the emerging peace and security architecture in Africa that seeks to improve cooperation with non-African third parties, but which also seeks to establish African ownership over peace processes in Africa. As pointed out

by the AU Commission Chairperson Jean Ping in 2011: “Lasting peace on the continent can only be achieved if efforts to that end are based on the full involvement of Africa and a recognition of its leadership role because, as stressed by the Summit in August 2009, without such a role, there will be no ownership and sustainability; because we understand the problems far better; because we know which solutions will work, and because, fundamentally, these problems are ours, and our peoples will live with their consequences.”¹¹¹⁵ The mixed mediation effort in the South-North conflict in Sudan illustrates the merit of partnerships between African and non-African third parties, whereas the mediation effort prior to the DPA in Darfur shows the importance of African ownership in these peace processes. The phrase African solutions to African challenges thus should be understood as a division of labour and responsibilities, rather than an excuse for non-African third parties to ignore Africa’s problems or African third parties acting on their own. Indeed, while African third parties should take the lead in resolving civil wars in Africa, non-African third parties should support these processes by lending additional strength.

Finally, this dissertation suggests at least three potential directions for future research. First of all, the case studies in this dissertation are a plausibility probe. I used the case studies to probe the causal mechanisms that I put forward to explain the effectiveness of African mediation. The case studies do not establish causal generalisability. A possible avenue for future research would therefore be to examine whether, like in the case of Sudan, legitimacy has been central to mediation success in other civil wars in Africa.

A second possibility would be to examine whether the effectiveness of continental and regional mediation is unique to Africa. Comparing the effectiveness of different mediation efforts in Africa to other regions, such as South America and the Middle East, makes it possible

¹¹¹⁵ Ping quoted in: Dersso, "The Quest for Pax Africana: The Case of the African Union's Peace and Security Regime," 44.

to determine whether Africa is unique with regard to the effectiveness of continental mediation or not.

A third promising area of inquiry would be to further examine the impact of the support of non-African actors to African third parties, including donor contributions. Mediation in civil wars requires funding, which African third parties often lack. Consequently, African third parties often rely on external funding. For instance, the mediation conducted by Kenya in October 1996 aimed at ending the civil war in Somalia, which was almost exclusively financed by the EU.¹¹¹⁶ The non-African involvement in Sudan's peace processes suggest that external donors can influence mediation processes. The countries financing the AU peacekeeping mission and the humanitarian relief effort in Darfur were putting a lot of pressure on the AU mediation team to impose a deadline and conclude the negotiations. Yet, this negatively influenced the peace process. Only one of the three rebel parties signed an agreement and this agreement soon failed. While the members of the IGAD Partners Forum – which were financing the Naivasha negotiations – were also putting pressure on the IGAD mediators to speed up the peace process, Sumbeiywo succeeded in shielding the peace process from these external influences. Sumbeiywo was able to do so because he enjoyed the full support of the regional leaders. By contrast, Salim Ahmed Salim was not backed by united group of African countries to resist externally imposed deadlines. In addition, the international pressure to speed up the negotiations was higher during the final phase of the Abuja negotiations than during the final phase of the Naivasha negotiations, since a humanitarian crisis was ongoing in Darfur at the time of the Abuja negotiations. In short, how African third parties involved in mediation in civil wars in Africa deal with donor countries trying to influence the peace process seems to influence the prospects for mediation success.

¹¹¹⁶ Deutsche Presse-Agentur, 15 October 1996. "Somali Factions Agree to Ceasefire after Kenyan Mediation."

Furthermore, non-African third parties do not necessarily have to be involved in mediation in order to have an impact on the mediation process. For instance, the close connection between France and Gabon might have influenced the mediation efforts conducted by President Omar Bongo of Gabon in Burundi, the Central African Republic, Chad, and Congo. Future research should therefore also examine whether this non-African involvement, other than direct involvement in mediation, has an impact on the mediation process. For instance, it might be the case that promises to contribute to peacebuilding efforts, including providing development aid, may be implicitly leveraged into the negotiations by external actors. This explicit involvement by non-African states may be used to advance the geopolitical interests of these non-African states. These subtle external influences on mediation efforts are difficult to capture in statistical analyses, but this does not mean they should not be researched in the future. The peacemaking efforts in Sudan suggest that external engagement that is focused on peace and which supports an African-led mediation effort can improve the prospects for mediation success.

In conclusion, African third parties are more likely to resolve civil wars in Africa than non-African third parties. This suggests that African third parties can be effective mediators, rather than meddlers as they are sometimes portrayed. The level of compliance with the African solutions norm in Africa contradicts the prevailing view in the literature that only third parties with a high degree of economic and military resources are effective in mediating civil wars. Security dynamics in Africa can be partly explained in Realist terms, but international norms affect the behaviour of African actors to a great extent. One plausible reason for why capacity-based mediation is widely seen as more effective is that when it works it produces an easily observable specific action: a third party coerces or induces the conflict parties. By contrast, when legitimacy-based mediation works this is the result of a much more subtle influence: a third party maintaining the commitment of the conflict parties towards mediated negotiations

and pulling the conflict parties towards making peace. Hence, this dissertation suggests that legitimacy of a third party is not ‘real’, but it has real consequences. Indeed, the understandings of the international environment in Africa constitute an international structure that is highly influential in shaping outcomes of mediation processes. From this perspective, it is striking that the focus in the literature on international mediation has predominantly been on third party capacity, while the role of third party legitimacy has largely been ignored. In essence, this dissertation shows that solely focusing on third party capacity entails missing a relevant alternative source of mediation success, namely third party legitimacy.

Appendix 1 - Additional Control Variables

Logit Estimates on the Likelihood of Peace Agreements in Civil Wars in Africa, 1960-2012

Variable	Peace Agreement
African Mediation Only	2.988*** (0.358)
Non-African Mediation Only	0.449 (0.620)
Mixed Mediation	2.687*** (0.467)
Territorial Issue	-0.926** (0.433)
Intensity	-0.565* (0.312)
Duration	0.165 (0.106)
Duration Squared	-0.004 (0.005)
Rebel Strength	0.298 (0.190)
Secondary Support	-0.766*** (0.275)
Dyads	0.085 (0.165)
Ethnic Conflict	-0.298 (0.319)
Level of Democracy	0.065* (0.037)
Economic Growth	-0.015 (0.015)
External Military Involvement	0.114 (0.368)
Peacekeeping	0.421 (0.405)
Time Since Last Peace Agreement	0.314 (0.259)
Spline 1	0.005* (0.003)
Spline 2	0.042* (0.024)
Spline 3	-0.024* (0.013)
Constant	-3.674*** (0.677)
Pseudo-R ²	0.3833
Likelihood ratio chi-square	287.74***
Observations	938

Note: Conflict dyad-years with no mediation is the reference category. Robust standard errors, clustered on the conflict level, are in parentheses. The cubic splines are statistically insignificant when tested jointly ($\chi^2=0.3341$). *significant at 10 percent; **significant at 5 percent; ***significant at 1 percent.

The Table above includes several control variables in addition to the variables controlled for in Model 2 in Table 4.4, including the number of dyads in an armed conflict, whether the conflict entails an ethnic element, the level of democracy in the civil war country, the annual economic growth in the country in which the intrastate armed conflict takes place, whether the conflict parties are supported with military troops, and whether a peacekeeping force was deployed in the civil war country. Adding these control variables does not change the basic findings.

Appendix 2 - Censored Probit Model

Censored Probit Estimates on the Likelihood of Peace Agreements in Civil Wars in Africa, 1960-2012

Variable	Mediation	Peace Agreement
African Mediation		1.318*** (0.339)
Non-African Mediation		Reference Category
Mixed Mediation		1.201*** (0.241)
Territorial Issue	-0.389 (0.257)	-0.595** (0.239)
Intensity	0.335*** (0.121)	-0.327* (0.194)
Duration	0.081*** (0.029)	0.128 (0.081)
Duration Squared	-0.002 (0.001)	-0.004 (0.004)
Rebel Strength	0.494*** (0.111)	0.273* (0.166)
Secondary Support	0.111 (0.122)	-0.473*** (0.172)
Cold War	-0.808*** (0.216)	
External Military Support	-0.655*** (0.203)	
Time Since Last Peace Agreement		0.070 (0.137)
Spline 1		0.004** (0.002)
Spline 2		0.022* (0.013)
Spline 3		-0.015** (0.007)
Constant	-0.921*** (0.273)	-1.920*** (0.639)
Rho		0.262 (0.396)
Likelihood ratio chi-square		127.97
Observations		938
Uncensored Observations		334

Note: The unit of analysis is mediation dyad-year. Non-African mediation is the reference category. Robust standard errors, clustered on the conflict level, are in parentheses. The cubic splines are statistically significant when tested jointly in ($\chi^2=0.0489$). *significant at 10 percent; **significant at 5 percent; ***significant at 1 percent.

The observations in Model 3 in Table 4.3 are restricted to conflict dyad-years which experienced mediation. When restricting the observations to this sub-set of cases the finding that African third parties are more effective than non-African third parties in mediating peace agreements remains. However, it might be the case that only including the dyad-years in which mediation takes place leads to a biased sample. Hence, the table above presents the results of a censored probit model. The rho parameter in this model is statistically insignificant, suggesting that there is no selection bias.

Appendix 3 - Testing for Endogeneity

The instrument used to test for possible biased results, as a result of endogeneity, consists of variables that influence the onset of one or more types of mediation, but do not have a direct effect on the likelihood that a peace agreement is concluded and are not correlated with the error term in the structural model. This allows for the consistent estimation of the impact of mediation on the likelihood that a peace agreement is concluded.¹¹¹⁷ In addition, good instruments must have a plausible theoretical basis for why they influence the dependent variable through the instrumented variables.¹¹¹⁸ I use two variables to create the instrument. Two variables, as opposed to one single instrument, are used because two variables – both African and non-African mediation – need to be instrumented, which means at least two instrumental variables are required.¹¹¹⁹

The first variable used to construct the instrument measures the number of refugees from the civil war country.¹¹²⁰ There is a wealth of anecdotal evidence that points to a robust relationship between the number of refugees and the onset of mediation. It has been well-documented that Sudan's neighbouring countries became more determined to resolve Sudan's first civil war, when the flow of refugees from southern Sudan started to increase by the late 1960s.¹¹²¹ Algeria was determined to mediate the Western Sahara dispute between Morocco and Polisario, because of the many Saharawi refugees that had fled to Algeria.¹¹²² Khadiagala notes that when Kenya offered to mediate the civil war in Uganda in 1985, Kenyan government officials were well aware that Ugandan instability "created refugees who consumed enormous

¹¹¹⁷ J. M. Wooldridge, *Econometric Analysis of Cross Section and Panel Data*, Cambridge: MIT Press, 2002, 84-86.

¹¹¹⁸ A. J. Sovey and D. P. Green, "Instrumental Variables Estimation in Political Science: A Readers' Guide," *American Journal of Political Science* 55, no. 1 (2011).

¹¹¹⁹ Sovey and Green.

¹¹²⁰ Data are taken from the UNHCR, available at: <http://data.un.org/Search.aspx?q=refugees>, accessed on 15 May 2014.

¹¹²¹ Assefa, 159; Beshir, 69-70; Rothchild, 223.

¹¹²² Y. H. Zoubir, "The Western Sahara Conflict: Regional and International Dimensions," *The Journal of Modern African Studies* 28, no. 02 (1990).

resources, strained social services, and caused domestic instability through cross border raids and the spread of firearms.”¹¹²³ As result of the civil war in Sierra Leone, around 500,000 refugees fled to Guinea and Liberia, which explains why ECOWAS was so concerned with peacemaking in Sierra Leone.¹¹²⁴ As the main destination of refugees fleeing from the civil war in Rwanda that started in 1990 and the civil war in Burundi that started in 1994, Tanzania had a great stake in resolving these conflicts.¹¹²⁵ The large refugee flows from Somalia to the neighbouring countries explain the regional initiative coordinated by IGAD to end the civil war in Somalia.¹¹²⁶ Similarly, Chad was highly motivated to resolve the conflict in Darfur, since the conflict increased insecurity in Chad due to the many Darfurian refugees that moved to Chad.¹¹²⁷

Although most refugees reside in the region of their home country, non-African third parties also have incentives to mediate when large number refugees have fled the civil war country. For instance, between the start of the conflict in Darfur in early 2003 and late 2007, the EU had disbursed around 282 million for humanitarian support, of which a huge portion was spent on setting up and sustaining refugee camps.¹¹²⁸ In addition to humanitarian considerations, western countries wished to play a more active role in the resolution of the conflict in Darfur because of the financial costs associated with the humanitarian relief effort.¹¹²⁹ The number of refugees from a civil war country thus have strong impact on both African and non-African mediation.

¹¹²³ Khadiagala, 24.

¹¹²⁴ Adebajo, 19.

¹¹²⁵ On the refugees from the civil war in Rwanda, see: Jones, 62; Khadiagala, 58. On the refugees from the civil war in Uganda see: *ibid.*, 115.

¹¹²⁶ K. Mulugeta, *The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD* (Addis Ababa: Friedrich Ebert-Stiftung, 2009), 25-26.

¹¹²⁷ Flint and de Waal, 173.

¹¹²⁸ Keane and Wee, 119.

¹¹²⁹ Interview with Hilary Benn, British Secretary of State for International Development between 2003 and 2007, in London, 21 November 2014. Interview with Jan Pronk, UN Special Representative to Sudan between June 2004 and October 2006, in The Hague, 1 June 2015.

Furthermore, there are no theoretical reasons why the number of refugees residing outside a civil war country make the resolution of a civil war more or less likely. The number of refugees only has an effect on mediation success through mediation. One could, however, argue that more intense conflicts produce more refugees and conflict intensity has been found to be correlated with mediation success.¹¹³⁰ While conflict intensity might indeed influence how many people decide to flee a civil war country, the number of refugees from a civil war country does not automatically go down when the intensity of a conflict decreases. Refugees have been shown to be risk-averse and usually do not return at all or only return when the conflict has been resolved.¹¹³¹ I will run a regression below in order to empirically establish whether the number of refugees from a civil war country is associated with the intensity of the conflict

The second variable to construct the instrument measures whether the government side in a civil war is a white minority regime. The governments of both Rhodesia and South Africa denied the status of African peoples, which made African mediation in these countries less likely. Another reason for why countries with a white minority regime were less like to experience African mediation is that the conflicts in these countries were typically perceived as colonial struggles by most African leaders. Hence, resolving these conflicts was not seen as an African responsibility, making African mediation less likely and non-African mediation more likely. Yet, there are no theoretical reasons to assume that the civil wars in Africa in which the government side was made up by a white minority regime were more or less intractable.

Model 1 and 2 in the Table below show how the two variables used to construct the instrument condition the choice of third parties to mediate civil wars in Africa in an ordinary

¹¹³⁰ Mason and Fett; Svensson, "Bargaining, Bias and Peace Brokers: How Rebels Commit to Peace."

¹¹³¹ K. Jacobsen, *The Economic Life of Refugees* (West Hartford: Kumarian Press, 2005), 8-9; C. Bell, *Peace Agreements and Human Rights* (Oxford: Oxford University Press, 2003), 233-258.

least squares model. In addition, Model 3 shows how the number of refugees from a civil war country is not correlated with the intensity of the civil war. The models cover all conflict dyad-years between 1975 and 2012. Since data on number of refugees are only available from 1975 onwards. Hence, 87 observations between 1960 and 1974 are dropped.

Exogenous Determinants of African and Non-African Mediation, 1975-2012

<i>Variable</i>	<i>African Mediation (1)</i>	<i>Non-African Mediation (2)</i>	<i>Intensity (3)</i>
Refugees	0.000** (0.000)	0.000** (0.000)	-0.000 (0.000)
White Minority Regime	-0.112* (0.062)	0.373*** (0.130)	
Constant	0.149*** (0.049)	0.150*** (0.050)	0.201*** (0.020)
R ²	0.07	0.05	0.00
Likelihood ratio chi-square	5.95***	6.31***	2.44
Observations	851	851	851

Note: Conflict-dyad-years with no mediation is the reference category. Robust standard errors are in parentheses. *significant at 10 percent; **significant at 5 percent; ***significant at 1 percent.

The coefficients of refugees numbers in the models show “0.00”, which is a result of this being a continuous variable with high values and a great deal of variation. The coefficient of Refugees is 0.000048 in Model 1 and 0.0000338 in Model 2. Nevertheless, it follows from the Table below that the substantial impact of the number of refugees and a white minority regime on African and non-African mediation is quite high. The probability of African mediation is only 14.9 percent when the number of refugees is one standard deviation below the mean value, whereas the probability of African mediation becomes 38.41 percent when the number of refugees is one standard deviation above the mean. This is an increase of 15.19 percent. The onset of non-African mediation is also associated with the number of refugees from the civil war country. The probability of non-African mediation changes from 16.19 percent when the number of refugees is one standard deviation below the man to 33.02 percent

when the number of refugees is one standard deviation above the mean. This is a change of 86.71 percent. African mediation becomes 39.45 percent less likely when the government side in a civil war is a white minority regime, while this makes non-African mediation 151.70 percent more likely. In short, both instrumental variables have a strong substantial impact on both types of mediation.

Predicted Probabilities on the Onset of African and Non-African Mediation and the Impact of Refugees, 1975-2012

	<i>Probability Of African Mediation</i>	<i>Change (%)</i>	<i>Probability Of Non-African Mediation</i>	<i>Change (%)</i>
<i>Mean</i>	27.82%		25.72%	
<i>Refugees</i>				
-1sd (115.687)	14.9%		16.79%	
+1sd (4871.583)	38.41%	158.19%	33.02%	96.71%
<i>White Minority Regime</i>				
0	0.278826		24.30%	
1	0.168818	-39.45%	61.17%	151.70%

The two variables included in the Table above are used as an instrument to substitute for the main explanatory variables – African and non-African mediation – in the Table below. Model 1 shows the results of an ordinary least squares regression with only African and non-African mediation as independent variables, from which it follows that non-African mediation does not have a significant impact in an ordinary least square model either. Model 2 shows the reduced form, in order to show that the instruments only have an indirect impact on mediation success. Indeed, the impact of the instrumental variables disappears when African and non-African mediation are added in Model 3. The variables used to construct the instrument thus do not have a direct impact on mediation success.

Ordinary Least Squares and Two-Stage Least Squares Estimates on the Likelihood of Peace Agreements in Civil Wars in Africa, 1975-2012

<i>Variable</i>	<i>OLS (1)</i>	<i>OLS (2)</i>	<i>OLS (3)</i>	<i>OLS (4)</i>	<i>2sls (5)</i>
African Mediation	0.397*** (0.036)		0.399*** (0.037)	0.366*** (0.036)	0.299** (0.116)
Non-African Mediation	0.011 (0.032)		0.011 (0.033)	0.004 (0.032)	0.033 (0.123)
Refugees		0.000*** (0.000)	-0.000 (0.000)		
White Minority Regime		-0.031 (0.051)	0.010 (0.057)		
Territorial Issue				-0.069*** (0.019)	-0.078*** (0.024)
Intensity				-0.036 (0.027)	-0.038 (0.027)
Rebel Strength				0.045** (0.017)	0.050** (0.021)
Secondary Support				-0.078*** (0.022)	-0.080*** (0.022)
Constant	0.036*** (0.009)	0.100*** (0.018)	0.038** (0.015)	0.072*** (0.024)	0.083** (0.034)
R ²	0.25	0.02	0.26	0.29	0.28
Likelihood ratio chi-square	72.65***	5.63***	36.45***	34.25***	18.19***
Observations	851	851	851	851	851

Note: Conflict-dyad-years with no mediation is the reference category. Robust standard errors are in parentheses. Since the African and non-African mediation variables are not mutually exclusive, I check for multicollinearity using the Stata VIF option. The tolerance values of 1.20 for both African and non-African mediation in Model 1 and 1.26 for African mediation and 1.21 for non-African mediation in Model 4 suggest that multicollinearity is not significant. *significant at 10 percent; **significant at 5 percent; ***significant at 1 percent.

Model 4 shows the results of ordinary least squares regressions in a full model to compare with the results of the two-stage least-squares regressions in Models 5. The two-stage least squares analysis regresses the endogenous variables on the instruments, after which it includes the predictions for these endogenous predictors as the predictors in the second-stage equation. The instrument created on the basis of the two instrumental variables described above is sufficiently strong with F-scores of 18.19 for African mediation and 11.91 for non-African mediation. The F statistics are thus above the often-used threshold of 10 to identify weak

instruments.¹¹³² Model 5 shows that the statistical significance and the sign of the coefficient of the variables measuring the different types of mediation in the exogenous model do not change in the endogenous two-stage least squares models. African mediation thus continues to effect positive change toward the likelihood that a peace agreement is concluded even when using an instrument for African mediation incidence and when controlling for other factors that influence the prospects for conflict resolution. What is more, the p-value of the Durbin-Wu-Hausman test is statistically insignificant for model 5, which is another indication that endogeneity is not an issue.

¹¹³² Sovey and Green.

List of Interviews

Abdalla Idris Mohamed, Khartoum, 14 December 2014. Former Sudanese Justice Minister and Attorney General. Member of the GoS delegation at the Nairobi peace talks in December 1989 and the Abuja talks in 1992 and 1993. Member of the National Constitutional Review Commission of the 2005 Comprehensive Peace Agreement.

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Abdellatife Abdulla Ismail, Oxford, 28 October 2014. Deputy Chairman SLM/A, second generation. Attended all Abuja rounds of negotiations between 2005 and 2006.

Abdul Mohammed, Addis Ababa, 17 February 2015. Head of political affairs for UNAMID.

Abdulaziz Juma (also known as Danforth), telephone, 11 February 2015. SLM/A commander who attended the peace negotiations on Darfur in Chad between 2003 and 2004. Member of the Ceasefire Commission between 2004 and 2006.

Abdullahi El-Tom, Oxford, 22 February 2015. Senior member of the Executive Board of JEM. Participated in the Darfur peace negotiations in Chad, Abuja, and Doha.

Ahmed Fadul, telephone, 30 August 2015. SLM/A representative in the Ceasefire commission. LJM negotiator and spokesperson.

Alex de Waal, Boston, 3 August 2014. Adviser to the AU mediation team between November 2005 and May 2006. Informal adviser to the AU mediation team between 2007 and 2009.

Bahar Arabie, email, 7 May 2015. Member of the SLM/A-MM negotiation team in the Darfur peace negotiations in Chad between 2003 and 2004.

Boitshoko Mokgathe, Khartoum, 15 January 2015. Senior Political Officer of the AU in Khartoum.

Bona Malwal, Oxford, 11 November 2014. Member of the Twelve-Man Committee formed during the 1965 Round Table Conference. Adviser during the 1972 Addis Ababa Agreement. Sudanese cabinet minister for culture and information under President Nimeiry from 1972 to 1979. SPLM/A member. Resource person to the IGAD mediation team. Adviser to President al-Bashir in the Government of National Unity after the conclusion of the CPA.

Cirino Hiteng Ofuho, telephone, 29 August 2015. SPLM/A negotiator during the Naivasha talks.

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Idris Mohamed Abd al-Kader, telephone, 14 January 2015. GoS negotiator during the Naivasha talks.

Jan Pronk, The Hague, 1 June 2015. Dutch Minister for Development Cooperation between 1989 and 1998. Chairman of the Friends of IGAD between 1994 and 1998. UN Special Representative to Sudan between June 2004 and October 2006.

Jason Matus, telephone, 26 January 2015. USAID Adviser on Sudan. US observer in the negotiations on Abyei, the Nuba Mountains, and the Blue Nile.

Lazaro Sumbeiywo, Addis Ababa, 1 February 2015. Chief mediator of the IGAD mediation team during the Naivasha peace talks between 2001 and 2005.

Lual Deng, Addis Ababa, 3 February 2015. Senior SPLM/A member. Minister of oil within the Sudanese Government of Unity between 2005 and 2011.

Luca Zampetti, Addis Ababa, 4 February 2015. Italian observer to the Naivasha peace talks.

Lissane Yohannes, Khartoum, 23 December 2014. Special political adviser to the Ethiopian Minister of Foreign Affairs on the Sudanese peace talks between the GoS and the SPLM/A. IGAD Special Envoy to the Assessment and Evaluation Commission of the CPA. Chair of standing committee on the horn of Africa.

Mohamed Basheer Abdalla, telephone, 18 April 2015. Representative of SLM/A-MM.

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