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# THE MEDIATION SUPPORT UNIT OF THE INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT: PROSPECTS AND CHALLENGES

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## **Abstract**

Since its revitalisation in 1996, The Intergovernmental Authority on Development (IGAD) has mediated several conflicts in the region including in Somalia, South Sudan and Sudan. However, IGAD's mediation was undertaken on an *ad hoc* basis. Thus the IGAD Mediation Support Unit (MSU) was established in 2012 to institutionalise mediation as a conflict resolution mechanism in the IGAD region. Whilst it is commendable that the MSU has established a standing roster of mediators and a roster of technical experts and developed an IGAD mediation protocol and strategic guidelines for mediation, the unit nevertheless continues to operate on a budget largely funded by donors, and staffing levels that are abysmal. Thus, whilst the involvement of the MSU in regional conflicts continues to be very marginal, the institution has the potential to develop into a leader in mediating regional conflict, if it is capacitated in terms of financial and human resources.

## **Introduction**

IGAD is one of the eight regional economic communities (RECs) recognised by the African Union (AU). It was established in 1986 as the Intergovernmental Authority on Drought and Desertification (IGADD) but was revitalised in 1996 to become IGAD. Since then, the organisation's mandate has been expanded to also include conflict prevention, management and resolution. In this context, the organisation engaged with ending the conflicts in several member states including Sudan (2002–2005), Somalia (2003–2004) and more recently the Republic of South Sudan (2014 to date). In 2012, following the example of the United Nations (UN)

Mediation Support Unit, IGAD established a Mediation Support Unit (IGAD MSU) (*hereinafter* MSU) as a way of streamlining and systematising the organisation's engagement in mediating conflicts. This chapter, within the expanded mandate of the IGAD, discusses the operations of the MSU. The chapter argues that the establishment of the IGAD MSU has not translated into IGAD engaging in more systematic mediation of the conflicts in member states. The organisation continues to use *ad hoc* structures to conduct mediation, while the MSU continues to operate on a budget largely funded by donors, and staffing levels that are abysmal, thus rendering its operations very ineffective. In essence the involvement of the MSU in regional conflicts, if at all, continues to be very marginal. On a positive note however, the MSU has established a roster of mediators nominated by the member states, a roster of technical experts, and developed an IGAD mediation protocol and strategic guidelines for mediation.

Methodologically, this chapter is a result of information gathered through a review of primary (including official IGAD documents) and secondary (journal articles and book chapters among others) documents, and unstructured interviews with key informants who are well informed about the workings of the MSU.

### **Conceptual context**

Formal organisations help manage many significant areas of inter-state relations (Abbot and Snidal 1998:4). States use formal institutions to create social orderings appropriate to their pursuit of shared goals: producing collective goods and solving coordination problems among others. IGAD's MSU was established to coordinate the actions of the IGAD states in dealing with the issue of mediation. Theoretically, two explanations can be highlighted to explain the emergence of international institutions like IGAD's MSU. First, regime theory represents a major advance in understanding international cooperation, focusing on the institutional organisation of international cooperation. In this regard, institutions such as the MSU are invaluable in the advancement of international cooperation. Moreover, according to this theory, the establishment of international institutions for cooperation, results in the creation of norms. In many ways, the MSU aims

at establishing best practices in dealing with the issue of mediation in the IGAD region.

Secondly, the constructivist theory, which focuses on norms, knowledge and understanding explains the emergence of international institutions like the MSU. According to the constructivists, social constructions are fundamental elements of international politics, and they emerge to advance new norms, knowledge and understanding of particular issues (Kratochwil and Ruggie 1986). International institutions are in part both reflections of and participants in ongoing social processes and prevailing ideas. States consciously use international institutions to create information, ideas and norms; and to carry out and encourage specific activities. Going by this, the MSU has been established to provide IGAD member states with a tool to inter alia enhance their capacity to deal with the issue of mediation.

Mediation has been defined as “a non-coercive, non-violent and, ultimately, non-binding form of intervention” (Regan et al 2009: 138). At the heart of mediation is voluntary submission to the process by the conflict parties. According to Boutros-Ghali (1992), mediation falls under the rubric of peace-making, which is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations. Article 52(1) of the UN Charter gives regional organisations an opportunity to engage in a range of activities in the area of conflict prevention, management, and resolution. Between 1989 and 1995, Diehl and Cho have reported that regional organisations concluded 116 attempts at mediation, representing almost twenty attempts per year, an exponential rise as before 1975 on average they conducted approximately two mediations each year (Bellamy and Williams 2010:305).

Regional organisations and agencies, it has been observed, have a comparative advantage when they deal with conflicts that occur in their spheres (Bellamy and Williams 2010:310–311; Akokpari and Ancas

2014:74<sup>1</sup>). First, they can provide greater legitimacy and sensitivity borne of a greater working knowledge of the relevant circumstances. In other words, the states of the region have a better grasp of a conflict situation and its cultural backdrop than other states do. The local knowledge helps regional organisations enjoy some success in providing diplomatic windows of opportunity to respective warring parties through the use of their good offices. Second, the proximity of regional organisations and agencies allows regional actors to deploy and supply troops relatively quickly. Third, in some instances, parties to a conflict may prefer the involvement of regional actors rather than the UN or other external bodies. This argument relies on the notion that the people and governments in that geographic area have an inherent suspicion of what they perceive as outside interventions. Fourth, the region's proximity to the crisis in question means that its members have to live with the consequences of unresolved conflicts. As a result, regional associations are unable to disentangle themselves from an issue and hence may be more likely to sustain engagement over the long term. Lastly, regional operations may be the only realistic option in conflicts where the UN has declined to intervene. In this sense, regional arrangements can help fill some of the gaps in international conflict management left by the UN Security Council's selective approach.

Generally, using the comparative advantage imperative as a basis, IGAD has embraced mediation of regional conflicts as a self-defence function because it sees regional conflicts as posing an existential threat to its being. Thus, solutions to regional conflicts are important because conflicts have the effect of weakening the organisation. King has noted that "concern over the threat that a civil war will spread to regional states and the regional ... consequences of violent internal conflicts, has encouraged [sub/regional

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1 They thus observe first, that regional organisations can help to bring the resources and leverage required to sustain a successful peace process; second, that regional actors' familiarity with the region, including cultural, social, and historical contexts, can make them more effective on the ground while geographical proximity can also facilitate quicker and less expensive responses; and, third, that regional organisations are committed to bring durable peace to their own neighbourhoods in order to avoid possible negative ramifications for themselves, such as cross-border refugee or arms flows.

organisations] to take active intervention measures” (Mutwol 2009:10). It is in this context that the IGAD MSU was established.

## IGAD as an organisation

The IGAD is one of Africa’s youngest sub-regional organisations, founded in 1996 to supersede the IGADD, which was founded in 1986 by the then drought afflicted eastern African countries of Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda (Weldesellassie 2011:1). Following independence, the state of Eritrea and the Republic of South Sudan were admitted as members in 1993 and 2011 respectively. IGADD’s aim was simply to provide coordinated efforts in managing drought and development across the eastern Africa sub-region with a focus on food security (ibid). However, in 1996, IGADD evolved into IGAD, which produced a much broader mandate and ambitious objectives embracing cooperation in almost all socio-economic, political and environmental fields (ibid). In revitalising the organisation, member states were convinced that “the sub-region’s economic and social development ultimately depends on the prevalence of peace and security, and that the absence of those conditions severely constrains or nullifies whatever practical efforts were being made to tackle its basic economic, social, environmental and humanitarian problems” (ibid:3).

The 1996 IGAD agreement included among its principles the peaceful settlement of conflicts, the maintenance of regional peace, stability and security, and the protection of human and peoples’ rights (IGAD, 1996:article 6A). In this context one of the objectives of the organisation is ‘[to] promote peace and stability in the sub-region and create mechanisms within the sub-region for the prevention, management and resolution of inter and intra-State conflicts through dialogue’ (ibid:article 7G). Member states *inter alia* agreed to (a) take effective collective measures to eliminate threats to regional cooperation, peace and stability; (b) establish an effective mechanism of consultation and cooperation for the pacific settlement of differences and disputes; and (c) deal with disputes between member states within this sub-regional mechanism before referring them to other regional or international organisations (ibid:article 18A).

The establishment of the MSU sought to enhance the organisation's capacity for preventive diplomacy and mediation (IGAD 2017:12). It aims to streamline and systematise the organisation's mediation interventions in regional conflicts. It should be noted that IGAD has acquired a pedigree in mediating conflicts in the region. Worthy of note in this regard is the organisation's interventions in the conflicts in Sudan, Somalia and the Republic of South Sudan that resulted in the conclusion of respectively: the Comprehensive Peace Agreement (CPA) in 2005; Somalia National Reconciliation Conference (SNRC) (2004); and the Agreement on the Resolution of Conflict in the Republic of South Sudan (ARCSS) (2015)/ Revitalized Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS) (2018). Whilst IGAD was able to reach these landmark agreements without having a specific structure of mediation, the imperative to establish a specific structure to conduct mediation was made apparent by the hitherto *ad hoc* nature of IGAD's mediation. Moreover, the IGAD Peace and Security Strategy (2010–2014) recognised this deficiency of IGAD and recommended "strengthening [the organisation's] preventive diplomacy [capacity]" (IGAD, n-d) (under which mediation falls). It is in fulfilment of this recommendation that the establishment of the MSU was conceived. The IGAD Regional Strategy 2016–2020 further buttressed the need to strengthen the MSU by noting that IGAD needed to "... focus on policies and practices for management and resolution of conflicts and the promotion of peace in the IGAD Region [with] areas of engagement [including] ... Peace Process and Mediation ..." (IGAD 2015:41). It should be noted that the IGAD Strategy 2016–2020 was drafted at a time when IGAD was involved in mediating the conflict in the Republic of South Sudan that began in December 2013. Thus building on this momentum, the strengthening of the MSU was recommended as a way of institutionalising mediation in the IGAD region.

### **IGAD's MSU**

The MSU was established in September 2012 by the decision of the Committee of Ambassadors to serve as part of the Peace and Security Division with the specific mandate of building IGAD's normative capacity on preventive diplomacy and mediation (IGAD 2020:73). The ultimate aim

of the MSU is to “create an enabling environment for peace, security and economic prosperity” (Key Informant Interview, 13 August 2022). The MSU institutionalises IGAD’s wealth of experience in leading mediation processes and complementing it with mechanisms for Track II diplomacy. Generally therefore, the idea of the MSU is borne from a concept of shifting the norm in mediation from *ad hoc* approaches to practising more structured and institutionalised responses to conflict (ibid).

Track II diplomacy or “citizen diplomacy” refers to “private citizens discussing issues that are generally reserved for official state negotiations” (Naidoo 2000:8). This type of diplomacy transcends the narrow power-based approaches of traditional diplomacy by replacing the nation state as the primary referent of conflict with all interest groups (Apuuli 2011:362). The concept of track II diplomacy stems from the belief that war can be avoided if contacts between people are initiated to build linkages of friendship and understanding. The contacts result in conflict transformation, whereby those engaged in conflict are encouraged to engage in dialogue (Naidoo 2000:8). There exists in the IGAD region, a pool of former diplomats, eminent persons and traditional leaders who can be called upon to mediate in conflicts at community and state levels (IGAD, n-d).

## Prospects of the MSU

For close to a decade of its existence now, the MSU has first of all established a roster of mediators drawn from the member states.<sup>2</sup> Each member state nominated three mediators one of whom is a woman. This is significant because issues of women empowerment for peace is another very important strategic priority for IGAD (IGAD 2015). Moreover, the Women Peace and Security (WPS) agenda as promoted inter alia by UN Security Council Resolution 1325 (2000) reaffirms the important role of women in the prevention and resolution of conflicts, peacebuilding, peacekeeping, humanitarian response and in post-conflict reconstruction, and stresses the importance of their *equal participation* and *full*

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2 The author is a roster member representing Uganda.

*involvement* in all efforts for the maintenance and promotion of peace and security (emphasis added) (UN Security Council 2000).

Secondly, in July 2016, renewed fighting broke out in Juba following the breaking down of the IGAD mediated ARCSS (Centre for Civilians in Conflict 2016). The fighting pitted factions of the Sudan People's Liberation Army (SPLA-In Government), loyal to President Salva Kiir against SPLA-In Opposition, loyal to First Vice President Riek Machar. The clashes which started at the Presidential Palace soon spread over several locations in the capital city, resulting in the flight of Machar from Juba. In the aftermath of the fighting, IGAD decided to salvage the situation by revitalising the ARCSS. Thus, the 31<sup>st</sup> IGAD extraordinary summit appointed Ambassador Ismail Wais to be IGAD's Special Envoy to South Sudan with the task of leading the revitalisation process of the ARCSS (IGAD 2017a:para. 22). At the time of appointment, Ambassador Wais was an MSU roster member representing the Republic of Djibouti. In September 2018, partly due to the efforts of Ambassador Wais, the R-ARCSS was signed by the South Sudan warring parties.<sup>3</sup> The MSU provided technical support to the revitalisation process, and some roster members led some aspects of sectoral mediation between the parties (Key Informant Interview, 17 August 2022).

The MSU has conducted lessons learnt workshops on Somalia (2019), South Sudan (2020) and Sudan (2021) peace processes. The overarching aim of the workshops was to review how IGAD, as an institution, mediated the processes and drew lessons for future mediation. For example, it has been established that whilst the mediators made efforts to address the issues of inclusivity, mandate, spoilers and external guarantors among others, in the Sudan peace process, the issues remained a challenge during the mediation and after the conclusion of the peace agreement. This therefore partly explains why the implementation of the agreement continues to be problematic.

Lastly, the development of the IGAD strategic guidelines on mediation provides its decision makers, mediators, mediation support teams, member states and other peace envoys with a template on how to prepare

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3 The author was part of the revitalisation process as support staff to the IGAD Special Envoy.



for and engage in mediation and preventive diplomacy. Specifically, the guidelines constitute a key instrument to assist and provide technical support to mediators as they undertake mediation interventions within the region (IGAD 2017).

## Challenges

The MSU faces a number of challenges. First of all, the pursuit of Track II diplomacy has not always been welcomed by the member states. Conceptually, this type of diplomacy is meant to supplement state-centred efforts (Track I diplomacy) at conflict resolution. However as the example of the conflict in northern Uganda demonstrated, regional states have not always welcomed Track II diplomacy. In this case, whilst civil society groups had for long advocated for both sides to the conflict namely – the Lord’s Resistance Army (LRA) and the government of Uganda – to engage in peace talks, the call was generally ignored. The warring parties continued to engage militarily, resulting in thousands of deaths, abduction of children and displacement of civilians. Local and international civil society groups calling for a peaceful end to the conflict were accused of being “self-interested” and “motivated more by financial reasons” that peace talks would bring (New Vision, 2010). When eventually the warring parties commenced peace talks in Juba, South Sudan in June 2006, civil society groups were only invited as observers and not as key participants (Apuuli 2011:363). Thus, it is doubtful whether member states would allow Track II diplomacy to replace Track I diplomacy. Moreover, member states see mediation as a role to be played by a global body such as the UN, or the continental body-AU, and/or eminent personalities (Key Informant Interview, 13 August 2022). This has thus restricted the efforts of the MSU to take a lead role in mediating regional conflicts.

Secondly, to a large extent, the MSU is part of the African Peace and Security Architecture (APSA) which is built on the notion of “African Solutions to African problems”. APSA is Africa’s strategy to strengthen the continent’s conflict prevention and management institutions, which is based on the idea that keeping the peace requires permanent institutions, not just *ad hoc* responses. However, as it has been noted, many home

grown African regional institutions continue to fail as a result of the problem of funding (Apuuli 2013:122). African states' reliance on donors to make significant contributions to the financing of these institutions' activities demonstrates little commitment to the notion of African solutions to African problems *with African money* (emphasis added). The MSU continues to suffer from funding problems due to "limited member states funding" (Key Informant Interview, 13 August 2022). Moreover, the funding from the partners comes with financial regulations which must be adhered to and is targeted at issues determined by the funders (ibid). Further, the Unit's attempts to access the AU Peace Fund have hitherto been unsuccessful due to bureaucratic hurdles (ibid).<sup>4</sup> Thus, funding from donors continues to sustain the MSU, thus confirming the view that generally "IGAD has simply become the executing body for the foreign policy wishes of its funders" (Bereketeab, 2019:142). This of course results in the undermining of the notion of "African solutions to African problems, with African money".

Third, the MSU was established as a unit under the Peace and Security Division of IGAD and is headed by a director who reports directly to the Executive Secretary. However, the Committee of Ambassadors (one of the policy organs of IGAD) recommended that the MSU be transformed into a directorate just like for example the Conflict Early Warning and Response Mechanism (CEWARN) and IGAD Centre on Preventing and Countering Violent Extremism (ICEPCVE) (Key Informant Interview, 17 August 2022). This would give the unit more visibility. However, there has been limited political will among IGAD member states to fully operationalise the MSU possibly for the reason that they view the mediation of regional conflicts as falling under bigger organisations such as the AU and UN (Key Informant Interview, 13 August 2022). This of course is in total disregard of the pedigree that IGAD has built in mediating regional conflicts. Be that as it may, the conflict in the Tigray region in Ethiopia provides an example of where IGAD mediation was disregarded in place of a larger organisation.

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4 The Peace Fund is financed from the AU's regular budget, voluntary member-state contributions and from other sources within Africa, including the private sector, civil society, and individuals, as well as through appropriate fundraising activities.

When the Tigray conflict escalated it was the AU, rather than IGAD, which took the lead in seeking a solution with the Chairperson of the AU Commission appointing former Nigerian President Olusegun Obasanjo as the AU's High Representative to the Horn of Africa, with the task of inter alia "... intensifying engagements with all relevant political actors and stakeholders in the region towards entrenching durable peace and stability within the Horn of Africa ..." (AU, 2021). The AU's mediation effort resulted in the signing of a permanent ceasefire agreement by the conflicting parties on 2 November 2022 in Pretoria, South Africa (AU, 2022).

Lastly, whilst the key informants who were consulted in the process of writing this chapter did not raise it, the issue of staffing is a very serious challenge for the MSU. Hitherto, the Unit is manned by two professional staff members, the Director and a Programme Officer. To say that the Unit is understaffed is an understatement. Nevertheless, the MSU's dearth of human resource capacity should be contextualised in the overall staffing levels of IGAD as an organisation. Bereketeab (2019:142) has observed that "... IGAD suffers a shortage of skilled manpower". The fact is that the organisation cannot recruit staff because of limited financial resources. A study conducted in 2016 indicated that "... approximately only ten percent [of IGAD's budget] is raised from member states contributions" (Byiers, 2016:18). This means that 90% of the organisation's budget comes from development partners.

## Conclusion and recommendations

This chapter has traced the origins and the functioning of the IGAD MSU. It has established that the MSU is supposed to provide IGAD with a structure which undertakes mediation and preventive diplomacy in a systematic way. It has been observed that whilst IGAD has mediated in several regional conflicts including Somalia, Sudan and South Sudan, the interventions have been *ad hoc*. Thus the MSU aims to systematise and institutionalise the way IGAD undertakes its mediation interventions. The chapter has highlighted the achievements of the MSU so far including the deployment of one of its roster members to lead the revitalisation of the South Sudan peace process. However, it has also been established that

the MSU faces several challenges including funding, staff shortages and continued marginalisation by the member states of IGAD. The chapter in the end concludes that hitherto, the involvement of the MSU in regional conflicts, if at all, is very marginal.

In view of the challenges facing the IGAD MSU and the conclusion reached, the following recommendations are suggested:

First, is the issue of the role of civil society in IGAD affairs in general, and mediation in particular. The IGAD Civil Society and Non-governmental Organisations Forum which was established in 2003 to serve as the mechanism to involve civil society appropriately in the policy formulation and strategic planning discussions, and the planning, designing and implementation of IGAD programmes and processes, has for all intents and purposes been moribund. According to IGAD (n-d)(a) civil society and non-state actors are not playing their role and should have a much bigger role to play in IGAD's development initiatives such as project preparation and implementation. Whilst CSOs are given a central role in the implementation of the activities of for example, the ICEPCVE (IGAD 2018), they are rather absent in the activities of the MSU. There is therefore a need to also incorporate CSOs in the activities of the MSU in order to make it more inclusive.

Second, the IGAD MSU has the potential to become a 'go to' mediation unit. IGAD as an organisation has built a pedigree in mediation as a result of midwifing peace agreements in Somalia, Sudan and South Sudan. The other existing RECs in the region such as the Common Market of Eastern and Southern Africa (COMESA) and the East African Community (EAC) do not have mediation experience similar to that of IGAD. Thus, the MSU should be capacitated in financial and human resource terms by member states to build on IGAD's conflict mediation successes and become the leading mediation institution in the region.

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