

How African Organisations Support Peace Agreement Implementation

AU, IGAD and SADC mediation, guarantees
and monitoring practices in Kenya,
South Sudan and Zimbabwe

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The Global Transitions Series looks at fragmentations in the global order and how these impact peace and transition settlements. It explores why and how different third-party actors – state, intergovernmental, and non-governmental – intervene in conflicts, and how they see themselves contributing to reduction of conflict and risks of conflict relapse. The series critically assesses the growth and diversification of global and regional responses to contemporary conflicts. It also asks how local actors are navigating this multiplicity of mediators and peacebuilders and how this is shaping conflict outcomes and post-conflict governance.

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Acronyms

AMISOM	African Peace and Security Architecture
ARCSS	Agreement to Resolve the Conflict in South Sudan
AU	African Union
AUC	African Union Commission
C5	African Union High-Level Ad-Hoc Committee (Algeria, Chad, Nigeria, Rwanda, South Africa)
CCJP	Catholic Commission for Justice and Peace
CLO	Coordination and Liaison Office of the AU Panel of Eminent Personalities
COPAC	Constitution Parliamentary Committee
CPA	Comprehensive Peace Agreements
CSO	Civil Society Organisations
CTRH	Commission for Truth, Reconciliation and Healing
CTSAMM	Transitional Security Arrangements Monitoring Mechanism
CTSAMVM	Ceasefire and Transitional Security Arrangement Monitoring and Verification Mechanism
DDR	Disarmament, Demobilisation and Reintegration
EU	European Union
GNU	Government of National Unity
GPA	Global Political Agreement
HLRF	High-level Revitalisation Forum
ICG	International Conflict Group
IGAD	Intergovernmental Authority on Development
IMM	Implementation Monitoring Mechanism
JMEC	Joint Monitoring and Evaluation Commission
KNDR	Kenya National Dialogue and Reconciliation
MOU	Memorandum of Understanding
MVM	Monitoring and Verification Mechanism
ODM	Orange Democratic Movement
ONHRI	Organ for National Organ for National Healing, Reconciliation and Integration
PNU	Party of National Unity
PSC	Peace and Security Council
R-ARCSS	Revitalised Agreement to Resolve the Conflict in South Sudan
REC	Regional Economic Community
RJMEC	Reconstituted Joint Monitoring and Evaluation Commission

SADC	Southern African Development Community
SPLM	Sudan People's Liberation Movement
SPLM-IO	Sudan People's Liberation Movement-in Government
SSOMA	South Sudan Opposition Movement Alliance
TJRC	A Truth, Justice and Reconciliation Commission
ToR	Terms of Reference
UN	United Nations
UNSC	United Nations Security Council
US	United States
ZLHR	Zimbabwe Lawyers for Human Rights

Abstract

Over the past 20 years, the African Union (AU) and Regional Economic Communities (REC) have become pivotal peacemakers in Africa. The intergovernmental organisations, which jointly established the African Peace and Security Architecture (APSA), have facilitated numerous peace agreements to contain violent intrastate conflicts. These agreements, however, often collapse without being implemented. This report explores how African organisations support the implementation of framework agreements for transitions through continued mediation, guarantees and monitoring. To this end, it traces how the AU, Intergovernmental Authority on Development (IGAD) and Southern African Development Community (SADC) supported the implementation of framework agreements in Kenya, South Sudan and Zimbabwe.

Key Findings

- ▶ The role of mediators changes greatly with the conclusion of framework agreements. These narrow the scope for negotiation and require mediators to achieve parties' adherence to accords rather than commitment making. Instead of solely facilitating dialogue, the Africa mediators sought to give direction to talks over implementation modalities and disputes by putting forward detailed solutions, exerting pressure and leveraging resolutions they solicited from the organisations' decision-making organs.
- ▶ In Kenya, the AU Panel no longer acted as mediators but as custodians of the accords. Whilst continuing quiet telephone diplomacy, the Panel did not facilitate regular dialogue meetings. After refraining from using leverage and imposing solutions in the negotiations, the Panel exerted pressure by publicly deploring agreement violations. In a stark departure from common mediation practices, the Panel prompted the prosecution of suspects by the International Criminal Court (ICC) to seek accountability for violence.
- ▶ In Zimbabwe, the SADC Facilitation adopted a directive approach to push for the agreement's implementation. Rather than building consensus among signatories, the mediators detailed solutions and solicited decisions from the SADC Summit and Organ Troika that added pressure on the signatories to accept proposals.
- ▶ In South Sudan, IGAD drew lessons from the omission to facilitate the implementation of the collapsed 2015 agreement. To facilitate the implementation of the 2018 agreement, IGAD mandated a Special Envoy to mediate dialogue between signatories, with non-signatories and in intraparty disputes. These mediation efforts bore little fruit and IGAD's leveraged conflict management relied on coercive diplomacy and direct interventions by Heads of States to break implementation deadlocks.
- ▶ The extent to which the AU, IGAD and SADC decision-making organs acted as guarantors and intervened in implementation processes varied owing to the respective conflict situations, political imperatives, entrenched conflict management practices and organisational architectures.

- ▶ In Kenya, the AU Peace and Security Council (PSC) set benchmarks for the accords and mandated the Panel to support their implementation. But the accords contained no AU guarantees and the PSC took no further resolutions during the interregnum for reasons including the Council's short attention span for peace processes and sensitivity to Kenyan political elites' unwillingness to take instructions from outsiders.
- ▶ In Zimbabwe, the SADC Organ Troika and Summit updated the mediation mandate, set implementation benchmarks, and deplored violations without denouncing the responsible parties. The role of SADC mediators and guarantors was intertwined as the Troika and SADC chair directly engaged in mediation and SADC Heads of States served as both mediators and primary decision-makers.
- ▶ Relating to the previous finding, SADC proved an extremely lenient guarantor. This was due to the Zimbabwean regime's sensitivity to interference in internal affairs, in addition to SADC's anti-imperialist solidarity with the erstwhile liberation movement in power. This was in the face of Western calls for regime change. Further, the inability to force intransigent political and security elites to comply with the agreement was a contributing factor.
- ▶ In South Sudan, six IGAD Heads of States signed the agreement as guarantors. The IGAD Council of Ministers frequently intervened in the implementation process by setting benchmarks and deadlines, and by making appeals, demands and unspecified threats. Whereas IGAD's political authorities neither used arbitration nor sanctions, implementation progress was often prompted by their directives. The guarantors' interventionist approach was owed to the signatories' limited commitment to implement the agreement. However, IGAD's preparedness to enforce implementation faded as Ethiopia and Sudan were caught up in internal crises, and IGAD states prioritised their relations with the dominant party in South Sudan's power-sharing government.
- ▶ The case studies highlight the importance of independent, well-capacitated and credible implementation monitoring mechanisms (IMM) to inform the work of mediators and guarantors, keep track of progress, resolve disputes and render transitional mechanisms transparent to signatories and societal stakeholders.

- ▶ In Kenya, the AU Panel chose an innovative and lean solution by commissioning a research firm to manage an independent IMM that informed the mediation, AU Commission, signatories and the public.
- ▶ In Zimbabwe, the multi-purpose implementation and monitoring mechanism that only included the power-sharing parties produced undisclosed reports. It lacked viable links to SADC, whose attempt to deploy monitors was rejected as an infringement on Zimbabwe's sovereignty.
- ▶ In South Sudan, the representation of the signatories, societal stakeholders, guarantors and international sponsors in the multistakeholder monitoring and implementation mechanism benefited the credibility and acceptance of monitoring reports, which were disseminated to the public. The hybrid mechanism had a pro-active implementation support role as it facilitated the resolution of deadlocks and made recommendations to the guarantors, who periodically reviewed the implementation process based on its reports.
- ▶ The outcome of the transitions and implementation support by the African organisations was mixed. Constraints included the organisations' low capacity to provide sustained support, discords among member states and within the international community, poorly designed and resourced transitional mechanisms and, most importantly, signatories' limited commitment to implement agreements.
- ▶ Kenya's transition stopped electoral violence and stabilised the political, economic and humanitarian situation. It produced comprehensive institutional reforms but no accountability. The AU Panel's interventions helped to keep the power-sharing process afloat. Its relative absence in the interregnum fostered politicking in transitional mechanisms, and the ICC prosecutions which it prompted opened new cleavages.
- ▶ Zimbabwe's transition eased political tensions and violence, restored a level of stability and produced a constitution. It failed, however, to deliver democratic reforms and long-term stability. Pressure by the AU and SADC, upon whose legitimisation the regime depended, prompted the latter to accept negotiations and prevented the collapse of the power-sharing process. But by tolerating numerous agreement violations and endorsing flawed elections, SADC diminished the gains of the transition.

- ▶ South Sudan's ongoing transition achieved a cessation of hostilities on the national, but not on the subnational level. The power-sharing government was volatile, institutional reforms and security arrangements saw little progress, and elections remained unfeasible. The IGAD Heads of States' leveraged interventions which brought about the agreement, a settlement on state boundaries and the power-sharing government. However, IGAD's attempt to prompt non-signatories to join the transition failed. Tensions among members hampered IGAD's transition management. The implementation process, which heavily depended on third-party support, remained precarious.
- ▶ Besides providing financial and technical support to transitional mechanisms, Western governments threw their weight behind African mediations, provided "carrots and sticks" which African mediators could leverage, and participated in multilateral monitoring mechanisms.
- ▶ Western states backed the AU Panel in Kenya as their interests and norms converged with those of the AU. Divergent positions on the crisis resulted in a cacophonous international response to the SADC-facilitated transition in Zimbabwe and cautious Western support for IGAD's conflict management in South Sudan.

1. Introduction

1.1. Peacemaking and support to implement agreements in the APSA

Since the construction of the APSA was initiated by the 2002 Protocol on the Establishment of the PSC, the AU and RECs, which constitute the APSA building blocks, have assumed a key role in conflict early warning, preventive diplomacy, mediation, peace operations and post-conflict reconstruction (Ani 2021; Karbo and Murithi 2018). To improve their peacemaking capacity, the AU and RECs have developed policies and structures for mediation. (Aeby 2021a, 1–7) AU and REC-mandated mediators facilitated many of the over 300 peace agreements that were concluded in Sub-Saharan Africa since 2002 (Coe and Nash 2020, 163; PA-X 2022). In 2017, the APSA building blocks engaged in peace diplomacy in 27 instances and conducted 13 mediations (IPSS 2019, 22). In 2018, the organisations mediated in 14 conflicts and facilitated 13 agreements. These interventions led to mixed outcomes as 10 of the 13 agreements collapsed within 12 months, as did more than half in 2016 and 2017 (IPSS 2020, 42, 52).

Fragile peace accords are prone to collapse for reasons that are beyond the control of third-party sponsors. To render peacemaking efforts more sustainable, however, the AU and RECs must improve their capacity to support the implementation of agreements that are facilitated by their mediators. Comparative research shows that third-parties, such as regional organisations, can, firstly, support the implementation of agreements by continuing to facilitate dialogue among signatories to diffuse implementation disputes that may derail a fragile peace process (Cousens 2008; DeRouen and Chowdhury 2018). Secondly, regional organisations may support implementation by acting as guarantors, who set implementation benchmarks, arbitrate in disputes and sanction agreement violations (Beardsley and Lo 2014; Walter 2002; Wolff 2013). Thirdly, external sponsors may help to establish implementation monitoring mechanisms (IMM), which compile information that mediators, guarantors, signatories and stakeholders need to assess progress, verify compliance and respond to obstacles that can re-escalate conflict. Monitoring may be jointly conducted by third-parties and signatories of agreements. In hybrid implementation mechanisms, monitoring may be combined with verification, dispute resolution and administration of transitional mechanisms (Bell and Molloy 2019; Paladini Adell and Molloy 2019). Importantly, the implementation support roles of mediators, guarantors and monitors are functionally interdependent and here regarded as a system. Regional organisations may fulfil additional functions such as peacekeeping and economic reconstruction that go beyond peacemaking and fall outside the scope of this study.

AU mediation guidelines envision that envoys continue to facilitate dialogue after agreements are concluded. (AU 2013a, 1:89; 2014a, 149–57). IGAD mediators convened a meeting on post-agreement mediation, recognising it as a distinctive challenge. (IGAD 2019e) APSA-facilitated agreements mention the AU and RECs as guarantors, who pledge to support to implementation and assist the signatories to resolve disputes (Coe and Nash 2020, 156; GPA 2008, para. 1). AU and REC policies list monitoring and fact-finding as peacemaking methods. (AU 2002, para. 6; SADC 2001, para. 11). The organisations undertake ad-hoc fact-finding missions and participate in multilateral IMMs (Aeby 2021b, 683; RJMEC 2021a; South Consulting 2009). How African organisations use and combine mediation, guarantees and monitoring in practice to support agreement implementation, however, remains a major research gap. Existing research compares African mediations and discusses the organisations' role during the implementation of specific agreements, but the implementation support practices of the AU and RECs have not been systematically researched. This report explores these practices by examining how the AU, IGAD and SADC used and combined mediation, guarantees and monitoring to support the implementation of framework agreements for transitions in Kenya, South Sudan and Zimbabwe.

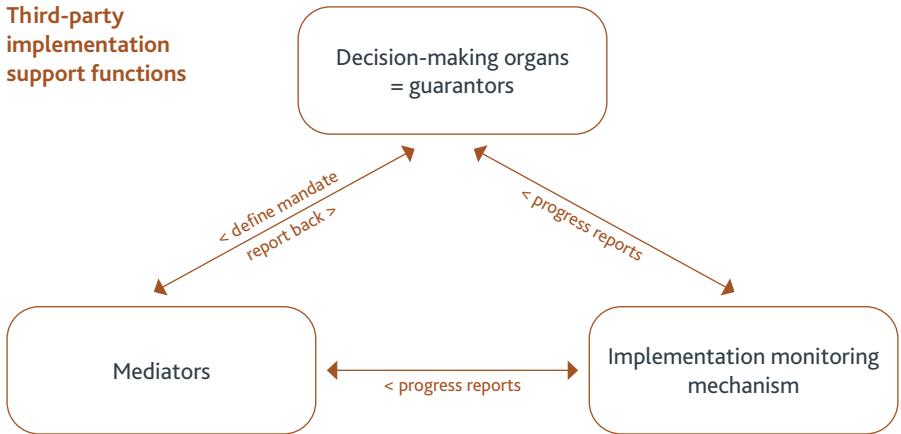
1.2. Research objectives and methods

The objective of this study is to explore:

- (1) How the organisations support the implementation of framework agreements for transitions through mediation, guarantees and monitoring in practice;
- (2) how mediation, guarantees and monitoring are combined;
- (3) why the organisations support the implementation of agreements in such ways;
- (4) how their support practices affected the outcome of peace processes; and
- (5) what role Western states played in the African-led third-party interventions.

The study explores these questions by tracing and comparing AU, IGAD and SADC mediation and implementation support practices in peace processes in Kenya, South Sudan and Zimbabwe, where they facilitated framework agreements for transitions. The study traces the work of: (a) mediation teams, which facilitate dialogue among signatories prior and during implementation; (b) decision-making organs, which serve as guarantors of agreements; and (c) monitors, who provide the information which mediators and guarantors necessitate.

**Third-party
implementation
support functions**



Decision-making organs	Mediators	Monitoring mechanism
Give guarantees for agreement	Facilitate continued dialogue	Track progress in implementation
Set implementation benchmarks	Report back on mediation	Inform mediators and guarantors
Arbitrate in disputes		Inform parties, public and other stakeholders
Sanction agreement violations		Potential additional functions: verification, dispute resolution, administration
Update mediation mandate		

The study focuses on the AU, IGAD and SADC as the three organisations are among the most active peacemakers of the APSA (Coe and Nash 2020, 163). The three case studies include:

- (1) AU support for the Kenya National Dialogue and Reconciliation (KNDR) agreements between 2008 and 2013;
- (2) SADC support for Zimbabwe's Global Political Agreement (GPA) between 2008 and 2013; and
- (3) IGAD support for the Revitalised Agreement to Resolve the Conflict in South Sudan (R-ARCSS) between 2018 and 2021.

The three cases constitute examples rather than a representative selection of the organisations' implementation support practices, and were selected to illustrate different patterns of support practices. The purpose of the comparison of the cases in the Conclusion is to explore these practices rather than to make generalised observations. The cases are of particular interest to PeaceRep's Global Transitions Project because they show implications of the convergence and divergence of Western and African approaches to crises and peacemaking.

The empirical sources comprise policies and open-source documents produced by intergovernmental, state and civil society organisations (CSOs), peace agreements from the PA-X database, and secondary literature. Ten semi-structured key-informant interviews with representatives of African organisations, IMMs and transitional institutions were conducted in video calls between November 2021 and March 2022. The study uses forty interviews that the author conducted in prior research projects. Interviewees were selected due to their involvement and expertise on the organisations and peace processes. The interviewees' perspectives heavily inform the data and analysis. The findings of the exploratory study are preliminary.

2. AU support for Kenya's National Dialogue and Reconciliation Process (2008-13)

Responding to a violent post-election crisis, an AU-mandated Panel of Eminent African Personalities mediated the KNDR agreements in 2008 and supported their implementation during an interregnum that ended with the 2013 elections. The case study, first outlines the negotiation, terms and implementation of the KNDR agreements. It then traces the role of the AU Panel, PSC, Assembly and KNDR Monitoring Project to examine how the AU used mediation, guarantees and monitoring to support the agreements' implementation.

The AU's policy framework for peacemaking provides few guidelines for continued mediation, guarantees, and the monitoring of agreements. The PSC Protocol gives the AU an organisational mandate both to mediate peace negotiations and support longer-term peacebuilding and reconstruction. Treating the conclusion of agreements as a dividing line between peacemaking and -building, the Protocol does not envision mediation in implementation processes. However, the PSC shall promote the consolidation of agreements as part of post-conflict reconstruction and institution-building (AU 2002 Art 14). In terms of monitoring, the protocol solely envisages that the African Standby Force observes ceasefires (AU 2002 Art 13). The 2006 Post-Conflict Reconstruction Policy suggests that a PSC committee monitors reconstruction programmes. Post-conflict countries may seek assistance from the Panel of the Wise, whose mandate entails preventive diplomacy (AU 2006, 5, 36). The 2014 AU Mediation Support Handbook proposes re-negotiation and the conclusion of implementation agreements to complement Comprehensive Peace Agreements (CPA). The non-binding guidelines suggest the AU may provide credible third-party guarantees to protect dividends of mediations and vouch for the enforcement of agreements. Whilst attributing the primary responsibility for monitoring to signatories, AU support may entail monitoring, verification and enforcement (AU 2014a, 148–54).

2.1. The negotiation, terms and implementation of the KNDR agreements

Kenya's post-electoral crisis

The KNDR accords served to contain a post-electoral crisis, but the conflict was rooted in structural conditions which the signatories agreed to address, including: ethnic divides which political elites exploited to build constituencies; economic, regional and historical inequities and poverty; deficient electoral institutions; a power-concentrating executive; unaccountable governance and policing; and impunity for recurring electoral violence (AU 2014b, 14–17; ICG 2008, 1; Lynch 2006; Wamai 2018, 119–24).

In the 2007 elections, President Kibaki's Party of National Unity (PNU), whose ethnically-rooted constituency comprised Kikuyu, Embu and Meru, was challenged by Raila Odinga's Orange Democratic Movement (ODM). This in turn drew support from Luyo, Luhya and Kalenjin communities (ICG 2008, 1–5). A divisive campaign and the ODM's victory in the parliamentary elections, poor electoral management and the rigging of presidential results in favour of a hastily sworn in Kibaki all prompted a constitutional stalemate and an unprecedented wave of intercommunal violence that was in part organised by politicians (ICG 2008, 8; Khadiagala 2008, 7; AU 2014b, 19; Wanyeki 2018a, 59). Over 1,000 people were killed and 600,000 displaced. The scale of violence commanded an AU intervention to protect the population in terms of its Constitutive Act (AU 2000; 2014b, 19).

Negotiation of the KNDR agreements

The crisis prompted an array of mediation initiatives that were feared to enable forum shopping. Kibaki and Odinga, however, refused to engage in dialogue. Kibaki insisted on his rightful place as President whilst Odinga demanded Kibaki's resignation, as he had stolen the election. Kibaki initially rejected an international mediation as an infringement on Kenya's sovereignty, but an African mediation proved acceptable to his party (Lindenmayer and Kaye 2009, 4; Wamai 2018, 124).

The AU mediation was initiated on 8 January 2008 by the Chair of the AU, Ghanaian President John Kufuor, who shuttled between the parties after consulting the AU Commission. Kufuor suggested that a Panel of Eminent African Personalities conducted the mediation. This was chaired by Kofi Annan and included former Tanzanian President Benjamin Mkapa and Mozambique's Graça Machel (AU 2014b, 20; Lindenmayer and Kaye 2009, 6). According to Kanyinga (2022), Annan's Panel was acceptable to the opposition, which feared the AU to favour the government, due to its relative autonomy from the AU. The informal way Ghana's president initiated the mediation was important in achieving Kibaki's acceptance. Crucially, as Khadiagala (2008, 12) highlights, the former UN Secretary General could win the unequivocal support of Western states and the UN for the AU mediation. The international community initially sent mixed signals to the Kenyan parties, with the European Union (EU) deeming the elections flawed and the United States (US) considering a recount unnecessary. But Annan mobilised the EU, US and UN to support the AU mediation. Whereas AU mediations often rely on limited resources from the Commission, the Panel could establish a secretariat in Nairobi using UN funding and staff seconded by UN agencies and the Centre for Humanitarian Dialogue (AU 2014b, 23; Wanyeki 2018a, 102–24).

The Panel could facilitate dialogue as an unbiased African peace broker whilst relying on development partners, the US in particular, to offer carrots and sticks required to press the parties to accept negotiation and compromise (AU 2014b, 236; Lindenmayer and Kaye 2009, 23). It was, therefore, by no means an ordinary AU mediation (Wamai 2018, 127).

After a first joint meeting on 24 January, Annan achieved a public handshake by Kibaki and Odinga, who pleaded for peace and dialogue (AU 2014b, 25). The parties agreed on four overlapping Agenda Items:

- Item One:** Immediate action to stop violence and restore fundamental rights.
- Item Two:** Immediate measures to address the humanitarian crisis, promote reconciliation and healing.
- Item Three:** How to overcome the political crisis by a) finding a political solution to differences over the election outcome, b) reviewing the constitution and c) reforming electoral institutions.
- Item Four:** Long-term solutions for land reform, poverty, regional imbalances, unemployment, government accountability and national cohesion (KNDR 2008b).

The parties rapidly reached agreement on Items One and Two, but an agreement on Item Three that would break the political stalemate proved tedious. (Lindenmayer and Kaye 2009, 12). After ruling out a recount, retally or rerun of the elections, they agreed on a forensic audit by an independent review commission and an interim power-sharing government (KNDR 2008f). A stalemate over the powers of the President and Prime Minister was broken in a meeting with the Panel and Tanzanian President Jakaya Kikwete and in the face of US pressure. On 28 February Odinga and Kibaki signed a power-sharing accord (AU 2014b, 42; Lindenmayer and Kaye 2009, 15–20).

The signing of the power-sharing agreement after forty-one days marked the departure of the lead mediator, Annan, who entrusted the negotiation of Item Four to the former Nigerian foreign affairs minister, Oluyemi Adeniji (AU 2014b, 43). Two additional Item Three agreements on electoral violence, electoral reform and reconciliation were concluded rapidly. However, after the Government of National Unity (GNU) took office in April, the Item 4 negotiations stalled. The signing of a statement of principle on long-term issues on the twenty-third of May, and a corresponding implementation matrix on the twenty-ninth of July marked the end of the negotiations and completed the transition framework (AU 2014b, 48).

The literature attributes the KNDR's rapid success to the Panel's timely intervention and parties' willingness to negotiate a settlement to avert a further escalation. Unlike a Western intervention, the AU mediation was acceptable to both Kenyan parties, and the Constitutive Act gave the AU the authority to intervene. The mediation had wide international support and UN resources, could leverage pressure by Western donors, and prevent forum shopping by establishing itself as the only available option. By consulting civil society and business actors and engaging the media, the Panel gained broad support in Kenya. By separating long and short-term issues, aiming at low-hanging fruits, using a deductive sequential approach, drawing on technical experts, and letting the negotiators explore options rather than putting forward solutions, the Panel achieved the gradual signing of agreements that broke the impasse (Lindenmayer and Kaye 2009, 23; Khadiagala 2008, 14; AU 2014b, 231–41; Wamai 2018, 120).

Terms of the KNDR agreements

Since the parties declined Anan's proposal to sign an "omnibus agreement" to assemble all measures in one document, the transition framework was enshrined in 11 agreements, which were preceded by three agreements on the negotiation modalities, agenda and mediation (AU 2014b, 43).

None of the agreements entailed explicit AU guarantees. Neither did the Panels' Terms of Reference (ToR) and Items One to Three's agreements envisage continued mediation (KNDR 2008e). A mandate from the parties, which is essential to mediate (Nathan 2017), only emanated from the 23 May Item Four Statement on "Long-term Issues and Solutions". The signatories agreed to "request the Panel to continue to provide, on a need basis, support in the implementation of these and previous agreements, including assistance to the various Committees and Commissions provided therein" (KNDR 2008k).

Besides the parties' commitment to implement the outcome of the negotiations, the agreements included few implementation provisions (KNDR 2008d). Parliament should receive weekly reports on Item One and Two measures against violence and for humanitarian relief (KNDR 2008c). Provisions for Item Three Commissions set deadlines, but no benchmarks were defined for the GNU's reform agenda (KNDR 2008g). A Matrix of Implementation for Item Four that was signed four months into the interregnum, finally, detailed schedules for twelve months and identified implementation agencies (KNDR 2008l). None of the accords provided for an IMM.

The Item One agreement required police to use reasonable force, political and community leaders to advocate peace, militias to demobilise, and the protection of basic freedoms and investigation of crimes. (KNDR 2008a). The Item Two agreements envisaged the return of displaced persons, food security, protection of vulnerable groups and a humanitarian fund (KNDR 2008c). A Truth, Justice and Reconciliation Commission (TJRC) should investigate political violence and economic crimes committed between 1963 and 2008 (KNDR 2008j). On Item Three, an Independent Review Committee would audit the elections and recommend reforms (KNDR 2008f). A Commission of Inquiry on Post-Election Violence would investigate the events and make recommendations to the TJRC (KNDR 2008h). Two agreements envisaged a "political settlement" to "manage a broad reform agenda" (KNDR 2008f) and "real power-sharing" in a coalition government (KNDR 2008g). The Kenya National Accords and Reconciliation Act created the office of the Prime Minister with "authority to coordinate" functions of government and allocated ministerial portfolios in proportion to parliamentary strength (AU 2014b, 68). The Item Four agreements included an accord for an "all-inclusive" constitutional review. (KNDR 2008i) To address long-term issues, the parties committed to reforms pertaining to the judiciary, executive, parliament, police, civil service, land, poverty, inequity, regional imbalances, unemployment and corruption. A National Ethnic and Race Relations Commission should promote unity (KNDR 2008k). A Matrix of Implementation detailed the corresponding measures and government structures (KNDR 2008l).

Implementation and outcome

The Item One to Four measures were to varying degrees implemented during the interregnum that lasted from the thirteenth of April 2008 to the seventeenth of April 2013. Regarding Item One, the GNU undertook unsystematic steps to disarm militias, with some remaining intact (AU 2014b, 79; South Consulting 2009, 4). But it failed to set up mechanisms to deliver justice and reparations (AU 2014b, 79). Most displaced persons returned home but thousands remained landless (South Consulting 2012a, 57–60).

Regarding Item Two, local peace committees were formed but dominated by government (Lynch 2018; Wanyeki 2018b). The TJRC became subject to political interference (Lynch 2018; Murithi 2022; TJRC 2013, 22). It did, however, collect 42,465 statements and issue a report finding that the colonial administration and all post-colonial governments were responsible of gross human rights abuses (TJRC 2013, vii). Whilst truth-seeking was a success, the TJRC's recommendations were not implemented and did not translate into accountability (Wanyeki 2018b).

Regarding Item Three, the Commission of Inquiry, headed by Judge Waki, produced a report that would trigger prosecutions by the International Criminal Court (ICC) (AU Panel of the Wise, 2013, 27; Lynch 2018). The Independent Review Commission, headed by Judge Johann Kriegler, found that electoral malpractices made it impossible to establish the winner (AU 2014b, 83). Its findings prompted an overhaul of electoral institutions (Khadiagala 2018; Lynch 2018; Wanyeki 2018b). The GNU was fraught with power struggles, starting with the allocation of portfolios (AU 2014b, 70–80). It was characterized by politicking, factionalism, bureaucratic inefficiency and corruption at the detriment of reforms (Cheeseman 2011, 351; Murithi 2022).

The principal outcome of Item Four was the 2010 Constitution, which was drafted by a Committee of Experts, debated in parliament, and approved in a referendum. Addressing NGOs' long-standing demands, it devolved government, strengthened the division of power and comprised a bill of rights (Brandt et al. 2011, 341; Wanyeki 2018b). After its enactment, the implementation of Item 4 became intertwined with that of the Constitution, which was overseen by a Constitutional Implementation Commission. The implementation schedule prioritized reforms for the 2013 elections at the expense of other measures (AU 2014b, 164; Wanyeki 2018b). Police reform, including new oversight mechanisms and vetting did not improve accountability (Kenya National Commission on Human Rights 2014; Osse 2016; Lynch 2018). No meaningful land reform was implemented (AU 2014b, 81, 178). A National Cohesion and Integration Commission convened dialogues, audited the diversity of the public service, and inserted principles of cohesion and inclusion in policies, legislation and curricula. Few of its recommendations were implemented and minorities remained underrepresented in public office. Political formations were still organized along ethnic lines and the risk of violence remained intact (AU 2014b, 81, 174; Murithi 2021, 447; 2022).

The free and fair March 2013 elections and inauguration of President Uhuru Kenyatta after a narrow win over Odinga ended the interregnum. Despite fears of violence and problems in tallying, the elections were peaceful (ICG 2013a, i; Long et al. 2013). The risk of violence was mitigated by the formation of the Jubilee Alliance that brought together Kikuyu and Kalenjin leaders, a peace narrative in the campaign, policing of hotspots, the devolved system that cushioned national losses on county level, and the fact that Odinga was compelled to accept the results as the reforms he demanded were implemented. (Cheeseman, Lynch, and Willis 2014, 1–3).

In sum, the KNDR accords successfully ended the violence and stabilised the humanitarian and economic situation. It produced significant institutional reforms, a meaningful TJRC, and a peace infrastructure. But it did not deliver accountability for political violence. Kenya's culture of impunity and the risk of violence persisted (AU 2014b, 163–85; Murithi 2021, 447; 2022).

2.2. AU support to implement the KNDR agreements

Mediators: The AU Panel of Eminent African Personalities

During the Item Four talks, the negotiators concurred to meet less often, and that the Panel should be less prominent in the implementation process to ensure national ownership. (AU 2014b, 50). After the PSC requested the Panel to support the implementation of the agreements and recommendations of transitional commissions, (AU 2008d) Annan indicated that there would be no need for a lead mediator once all agreements were signed (AU 2014b, 50). The parties would request the Panel's assistance on a needs basis (KNDR 2008k). CSOs, meanwhile, requested the Panel's continued presence. (Kanyinga 2022) On the twenty-ninth of July, the parties agreed on ToR for the Panel's Coordination and Liaison Office (CLO). It would support political engagements by consulting the negotiators, who formed a Dialogue Team, liaise with the GNU, and prepare ad-hoc facilitation missions. To capacitate transitional mechanisms, the CLO would source experts, mobilise international assistance, coordinate service providers, and report to development partners. It would assist monitoring by briefing the Panel, AU Commission and stakeholders. Finally, the CLO would manage the KNDR archives to retain knowledge. The CLO was funded through a UNPD project rather than AU resources. (AU 2014b, 52).

The Panel's involvement in transitional mechanisms was limited to the nomination of members of the TJRC, Waki and Kriegler commissions, Committee of Experts, Constitutional Dispute Resolution Court and police reform mechanisms. It promoted public participation in transitional mechanisms in the media and by consulting CSOs (AU 2014b, 53–56).

The Dialogue Team met 14 times between 2009 and 2013 to review progress based on monitoring reports (AU 2014b, 59). In the transitions' progressed stages, dialogue meetings often lacked quorum and were cancelled as fractures in the parties led to the replacement of negotiators, who had become ministers, with delegates who lacked interest in the platform. Whereas the CLO's chief of staff chaired meetings of the Dialogue Team and monitors, the Panel did not facilitate dialogue meetings (Kanyinga 2022). Annan loomed large in the background and periodically visited Kenya, but the Panel deliberately minimised its presence to signal that implementation was the parties' responsibility (AU 2014b, 242; Murithi 2021, 424; 2022).

Whilst engaging in quiet telephone diplomacy, Annan made few but important interventions in implementation disputes. In April 2009, Annan responded to the dispute over the allocation of ministries by publicly calling on Kibaki and Odinga to assume their joint responsibility and appoint cabinet. In February 2010, when the two Principals clashed over the authority to suspend ministers implicated in corruption, Annan publicly called on them to collaborate as agreed in the National Accord, investigate corruption, and focus on reforms for the sake of all Kenyans. In January 2011, Annan responded to Kibaki's unconstitutional nomination of judicial officials by publicly expressing concern and urging the parties to collaborate as required by the constitution (AU 2014b, 71–77).

Annan's most momentous intervention related to the parties' failure to comply with the recommendations of the Commission of Inquiry on Post-Election Violence. The Commission advised the GNU to adopt an International Crimes Act and set up a Special Tribunal within 60 days to investigate perpetrators, or else it would approach the ICC (AU 2014b, 104). According to Murithi (2022), Annan was instrumental in creating a sunset provision that ensured perpetrators would be prosecuted and compelled the parties to prove their commitment to implementing the agreements by bringing perpetrators to justice. Whereas the GNU pledged to comply, Parliament voted down the Special Tribunal three times, prompting Annan to express disappointment with the failure to end Kenya's culture of impunity (AU 2014b, 105; Murithi 2022). The Panel extended the deadline after the Principals promised to engage Parliament. The GNU, however, sought an agreement with the ICC to conduct another assessment on whether a Special Tribunal, a different judicial mechanism or the ICC should take charge. Therefore, the Panel concluded that the deadline was moot. On 9 July, Annan submitted a sealed envelope listing twenty alleged perpetrators and evidence to the ICC (AU 2014b, 105–8).

Annan favoured a three-pronged approach, whereby the ICC would investigate chief culprits, a Kenyan court other perpetrators and the TJRC causes of violence. But the GNU made no further effort to create a Special Tribunal (AU 2014b, 108). In December 2010, the ICC summoned six individuals, including three cabinet members, William Ruto (ODM), Henry Kosgey (ODM) and Uhuru Kenyatta (PNU) (AU 2014b, 111). The ICC trials did not result in convictions but had a momentous impact on the transition. Besides prompting Ruto and Kenyatta to form the Jubilee Alliance, it fuelled anti-imperialist rhetoric and the denigration of human rights NGOs that assisted the Waki Commission (Lynch 2018; Murithi 2022; Wanyeki 2018b). After being lobbied by Kenya's government and echoing anti-imperialist sentiments, in May 2013 the AU Assembly called on the ICC to refer the cases to Kenya's judiciary, as holding them in the Hague could destabilise the country and reverse the KNDR's gains (AU 2014b, 121).

Overall, the AU mediation panel's role fundamentally changed in the implementation process. Firstly, after having practised a non-directive mediation style in the negotiations by letting the parties consider solutions rather than putting forward proposals, Annan no longer acted as a mediator but as a custodian of the agreements. Whereas Annan engaged in quiet telephone diplomacy by calling the leaders, he did not facilitate dialogue meetings to resolve disputes. Instead, he exerted pressure by publicly taking the parties to task for violations. His role in bringing about the ICC prosecutions against the parties' apparent will was a massive departure from conventional mediation practices. Secondly, after mediating the power-sharing accords within forty-one days, the Panel limited their presence to signal that Kenyans were in charge. (AU 2014b, 238–42). The lead mediator's absence slowed down the Item Four negotiations and fostered the politicisation of transitional mechanism to the determinant of their implementation. (AU 2014b, 59–74; Murithi 2022). Whilst the CLO's presence was vital, and possible thanks to UN funding, the Panel was not compensated for their prolonged engagement (AU 2014b, 238–42).

Guarantors: The AU Peace & Security Council and Assembly

The PSC mandated the Panel to facilitate the KNDR agreements and support their implementation. However, after the Item Four agreements were signed, Kenya disappeared from the Council's agenda. Whereas the Panel acted as custodians and co-signed the agreements, the AU decision-making organs played no meaningful guarantor role. The minimal involvement may be explained, firstly, by the short attention span of the PSC, which is preoccupied with crisis responses whilst lacking perseverance to accompany protracted implementation processes (Murithi 2022). Secondly, the AU was sensitive to Kenyan political elites' unwillingness to take directions from outsiders (Kanyinga 2022).

After the AU Chair, rather unusually, initiated the mediation, on the twenty-first of January 2008, the PSC endorsed the Panel's mission and called on the parties to fully cooperate with the mediators. By demanding an in-depth investigation into electoral violence and that perpetrators be brought to justice, the PSC set important benchmarks for the agreements (AU 2008a). On the thirty-first of January, the Assembly gave the Panel political weight vis-à-vis competing offers by the East African Community and other international mediators actors by echoing the PSC resolution. (AU 2008b).

After the power-sharing accords were signed, the PSC called for their full implementation, speedy conclusion of talks and international support. (AU 2008c). After the Item Four agreements were signed, the PSC received a report from the mediation recommending that the AU should, through the most appropriate mechanisms, facilitate the implementation of the reform agenda (AU 2008e). On the fourteenth of March, the PSC followed the mediators' advice by requesting the Panel to support the Kenyan parties in the implementation of the agreements, including the commissions provided therein. Crucially, the PSC extended the Panel's mandate to supporting the implementation of recommendations by transitional commissions, thus, providing the basis for Annan's role in enforcing the Waki commission's recommendations and involving the ICC. The PSC requested the Panel to assist the Constitutional Review, advised the AUC to mobilise assistance for reconstruction and called on the parties to reach a common understanding of all agreements to fully implement them. (AU 2008d). However, during the four-year interregnum, the PSC took no further resolutions to guarantee the agreements' implementation. (AU 2013b).

Monitors: The KNDR Monitoring Project

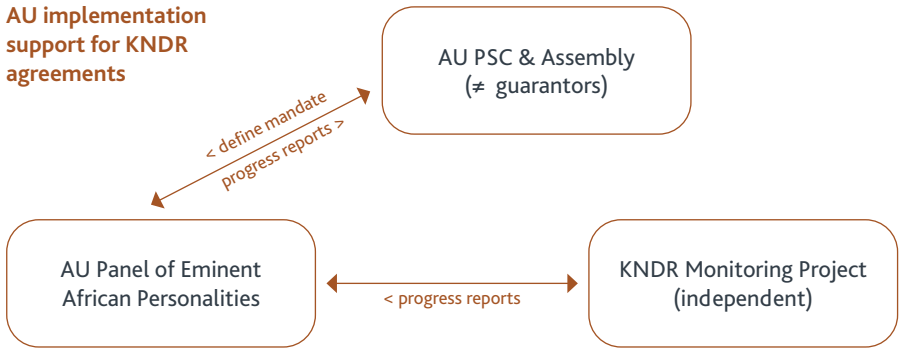
After signing the Item Four agreements, the parties and Panel agreed that the Dialogue Team would track the implementation of all agreements, whilst an independent monitoring mechanism would inform the Panel and stakeholders. The Dialogue Team would use the monitoring reports for their evaluation (AU 2014b, 58). CSOs demanded an independent IMM to hold the political elites to account (Kanyinga 2022; Wanyeki 2018b).

On the twenty-third of September 2008, the Panel announced that a Kenyan research firm, South Consulting, would independently monitor the implementation of the accords to ensure broad awareness of progress and constraints. Periodic reports would be shared with the Panel, GNU and public (AU 2014b, 58). The resultant KNDR Monitoring Project was funded by the Open Society Initiative for East Africa (South Consulting 2012b, 12).

The rationale for creating an independent IMM was that the power-sharing parties that could not track progress as "individual interests" may influence their interpretation of progress. Being tasked to monitor a transition framework that was spread across eleven agreements, the mechanism tracked progress on the four Agenda Items rather than specific agreements (South Consulting 2009, 2). In the progressed stages, it switched to tracking the implementation of the 2010 constitution and preparedness for elections (South Consulting 2012a; 2012b). In addition, the IMM gathered information on social and political issues that affected the transition. It collected data through focus groups and a national baseline survey of public perceptions of the transition. The political scientists utilised documents provided by the government, UN, media and NGOs to compile reports (Wanyeki 2018b; South Consulting 2009). The mechanism's mandate was limited to monitoring whilst the Panel and Dialogue Team evaluated whether parties complied (Kanyinga 2022). After being submitted to the Panel, reports were published on the KNDR website. Annan personally announced reports to create public awareness. The CLO periodically met with CSOs for briefings, evaluations and feedback (Wanyeki 2018b). The Kofi Annan Foundation hosted an event to review the first year of the KNDR process in Geneva. Subsequent annual reviews, at which CSOs could engage political leaders, were held in Nairobi (Kofi Annan Foundation 2009; Kanyinga 2022).

By commissioning a Kenyan research firm to establish the official IMM, the Panel chose a lean and innovative solution, which significantly enhanced the transparency of the transition to societal stakeholders. Together with the CLO, the IMM provided reliable information that the Panel and AU decision-makers needed to evaluate progress and risks. The parties' acceptance of the independent monitoring mechanism was remarkable and owed to Annan's authority, CSOs' advocacy and the fact that it was managed by well-known Kenyan political scientists rather than the AU (Kanyinga 2022; Murithi 2022; Wanyeki 2018b). According South Consulting's Director, the political elites appreciated the need for independent monitoring and viewed it from a technical perspective, not fully realising that the IMM would hold the GNU to account (Kanyinga 2022).

AU implementation support for KNDR agreements



AU PSC & Assembly	AU Panel	KNDR Monitoring Project (Independent IMM)
Mandate continued Panel support		Track progress in implementation
	Quiet telephone diplomacy	Inform mediators and guarantors
	Progress reports to AUC	Inform parties, public and other stakeholders
	Publicly deplore violations	
	Exert public pressure	
	Trigger ICC prosecution	
	Nominate commissioners, experts	
	Manage donor assistance	
	Evaluate monitoring reports	

3. SADC support for Zimbabwe's Global Political Agreement (2008-13)

SADC facilitated the Zimbabwe's GPA process from 2008 to 2013 to contain a protracted political crisis that culminated in a post-election deadlock and state-sponsored violence. The case study, firstly, outlines the GPA's negotiation, terms and implementation. Secondly, it traces the role of the SADC Facilitation, Troika of the Organ on Politics, Defence and Security, Summit of Heads of State and the Joint Monitoring and Implementation Committee (JOMIC) in mediating, guaranteeing and monitoring the transition.

SADC has an organisational mandate for conflict prevention and peacemaking, including mediation (SADC 2001, para. 11). However, SADC policies do not mention peace agreements except for the Regional Strategy on Women Peace and Security 2018-2022, which aims at increasing women's representation in mediation teams, negotiations and mechanisms that emanate from agreements and should become gender sensitive (SADC 2018, 38).

3.1. The negotiation, terms and implementation of the GPA

Zimbabwe's crisis and post-election deadlock

Zimbabwe gained independence in 1980 after a liberation war against the white settler regime, experienced mass killings by government troops in the 1980s, and became an electoral autocracy under the regime of President Robert Mugabe's Zimbabwe African National Union-Patriotic Front (ZANU-PF) (Bourne 2011). In 1999, a civil society alliance launched the Movement for Democratic Change (MDC), which challenged ZANU-PF in elections. To win the support of land-hungry peasants and war veterans, the government enabled a radical land reform, which expropriated white farmers, empowered over 180,000 rural households and collapsed the formal economy. Thereafter, Zimbabwe spiralled into a crisis characterised by flawed elections, violent repression, a breakdown of the rule of law, economic meltdown, adversarial relations with Western states, and pan-African solidarity with the embattled regime of the erstwhile liberation movement (Matondi 2013; Raftopoulos 2009).

After a police crackdown on opposition leaders in 2007, SADC mandated the South African President, Thabo Mbeki, who had previously engaged in quiet diplomacy, to facilitate talks over early elections between ZANU-PF, the main MDC-formation of Morgan Tsvangirai (MDC-T) and the splinter of Welshman Ncube (MDC-N). When the MDC won the unprecedentedly fair 2008 parliamentary elections, the military orchestrated violence by veterans and youth militias ahead of the presidential run-off, whereby about 200 people were killed, 5,000 assaulted and 36,000 displaced (Human Rights Watch 2014a). Mugabe won the sham election unopposed and was hastily sworn in. The AU, SADC and Western states rejected the outcome and Zimbabwe was trapped in a constitutional deadlock (Aeby 2017, 273).

Negotiation of the GPA

As the post-election crisis coincided with the AU Assembly, the AU rather than SADC requested Mbeki to resume the mediation. Instead of demanding Mugabe's resignation, the AU and SADC mandated Mbeki to broker a power-sharing agreement, making ZANU-PF's grip on the presidency the precondition for negotiations (AU 2008b). An attempt by Western states to pass a UN Security Council (UNSC) resolution to impose sanctions and require power-sharing negotiations that reflected the parliamentary election results was opposed by China, Russia and South Africa (Radebe and Muleya 2008).

After the SADC facilitation team had shuttled between the parties, negotiations started on the twenty-first of July with the signing of an MoU. The parties agreed to negotiate an Inclusive Government, accept the exclusive authority of SADC to mediate, and resolve differences through dialogue under SADC's auspices (Muleya 2008a; Chikane 2014; Misihairabwi-Mushonga 2013; Tsvangirai 2013). The AU and SADC pledged to guarantee for the dialogue and resultant agreement (MOU 2008).

The executive power-sharing structure was the crux to an agreement (Misihairabwi-Mushonga 2013; Tsvangirai 2013). Following a marathon meeting with Mbeki, the parties agreed to introduce a Prime Minister and council of ministers alongside the President and cabinet (GPA 2008 Art XX; Chikane 2014; Tsvangirai 2013). The GPA was signed on the fifteenth of September 2008. (Muleya 2008b). Since the agreement did not allocate ministries, negotiations to form the GNU continued for five months amidst a humanitarian crisis (Aeby 2017, 276).

Terms of the GPA

The GPA entailed a comprehensive transition framework but little detail on the design of mechanisms. SADC featured as guarantor but the GPA entailed no measures to sanction non-compliant parties. The power-sharing provisions were introduced into the interim constitution whilst the reform plan was only included in the agreement between the political parties. Since the power-sharing provisions fell under the jurisdiction of the Mugabe regime's Supreme Court, ZANU-PF questioned SADC's authority to arbitrate (Patel 2013; GPA 2008, Art XXII).

As ZANU-PF opposed a third-party IMM, the GPA established JOMIC, which only included the power-sharing parties. (Respondent 19 2022) The hybrid implementation mechanism's functions comprised monitoring, verification, dispute resolution, confidence-building and facilitating implementation. It should be the "principal body dealing with compliance and monitoring", ensure full implementation, hear complaints, and serve as catalyst for mutual trust and dialogue (GPA 2008 Art XXII). By omitting schedules, the GPA enable both procrastination and flexibility in its implementation. (Gumbo 2013; Kanyenze 2013; Matibenga 2013).

The parties pledged to desist from violence and hate speech, and hold perpetrators accountable if prosecutors found evidence. A tripartite Constitution Parliamentary Committee (COPAC) would lead a constitution-making process. Electoral and media reforms should level the playing field (GPA 2008 Art VI - XVIII). The GPA envisaged an Organ for National Organ for National Healing, Reconciliation and Integration (ONHRI) and the interim constitution created the Zimbabwe Human Rights Commission (Austin 2013; Mzila-Ndlovu 2013). The government would ensure that the politicised security forces performed duties in a non-partisan manner. The parties would cooperate to reconstruct the economy and conduct a land audit and reform which Britain should finance. They would jointly seek international reengagement and the lifting of Western sanctions (GPA 2008, Art VI-XVIII). In sum, whilst lacking blueprints for reforms, the GPA addressed the principal conflict drivers (Aeby 2016b, 243–52).

Implementation and outcome

The GPA was only partially implemented in the period between its signing in September 2008 and the July 2013 elections that ended the transition. The Inclusive Government, in which ZANU-PF retained the levers of power, was constantly at the brink of collapse but completed a full term (Aeby 2018, 855–77). The COPAC process produced the 2013 Constitution, which was approved in a rushed referendum. But the poorly designed public outreach and drafting process were riddled with political manipulations, and Mugabe and Tsvangirai effectively held a veto over the draft (Linington 2013; Marunda 2013; ICG 2013b, 2; Crozier 2013; Mangwana 2013; Mwonzora 2013). The constitution created a power-concentrating executive; a bloated parliament; a constitutional court that lacked independence; a bill of rights; and commissions for human rights, peace, gender and land (Crozier 2013; Zvidzai 2013; Mangwana 2013; Mwonzora 2013; COPAC 2012 Chap. 6, Part 4, 124.).

Reforms to promote democratic space, human rights and peace saw little progress. Attempts to redress repressive laws failed in parliament, the media minister blocked reforms, and the Human Rights Commission was muzzled by an Act (Austin 2013; Mudenda 2013; Timba 2013; Tsvangirai 2013; Ngwenya 2013; ZLHR 2013, 82). The OHNRI became an annex to the President's office and undertook few activities as ZANU-PF resisted meaningful truth-seeking, but successfully championed the creation of the National Peace and Reconciliation Commission (Holland 2013; Mzila-Ndlovu 2013). No security sector reforms were implemented (Dzinotyiwei 2013; Moyo, 2013; Human Rights Watch 2014b, 30–34). Political violence declined, but perpetrators were not prosecuted (Lewanika 2013; Matyszak 2013).

The Inclusive Government restored a level of economic and humanitarian stability and social services with donor-assistance (World Bank 2015). Political instability prevented faster economic recovery (Kanyenze 2013; Ndlela 2013). Land governance and the compensation of expropriated farmers saw progress, but a land audit did not materialise and tenure remained insecure (Carrie-Wilson 2013; Matondi 2013; Rukuni 2013; Sachikonye 2013; ZLHR 2013, 63).

Electoral reforms were only partially implemented and Western observers were barred from the 2013 elections (Matyszak 2013; ZESN 2014, 23–25). Parties could campaign freely but veterans, soldiers and politicians entrenched a lingering climate of fear. Poor electoral management compromised the integrity of the vote and the registration disenfranchised suspected MDC supporters (CCJP 2015, 11,33; Matyszak 2013; Masunungure 2013). Whereas the irregularities were unlikely to tip the scales, ZANU-PF won in a landslide (Aeby 2016b, 359–419; Matyszak 2013).

Overall, the GPA reduced political tensions and violence and maintained a level stability. Institutional reforms for democratisation, accountable governance and security sector transformation necessary for long-term stability were unsuccessful. The reasons for the failure to implement GPA mechanisms included ZANU-PF's resistance to reforms that imperilled its grip on the state; the MDC formations' inability to drive reforms; poorly designed mechanisms; and a lack of political support for the SADC-facilitated transition by Western states. The latter failed to offer incentives for moderation and cooperation during the negotiations and after the agreement was struck, but would belatedly ease sanctions and finance the restoration of social services (Aeby 2018, 18–22; 2016b, 359–419).

3.2. SADC Implementation Support

Mediators: The SADC Facilitation and Chair

Following the signing of the GPA, SADC undertook intense mediation efforts for five months to bring about the Inclusive Government's inauguration in February 2008. The resignation of Mbeki as South African President shortly after the agreement was concluded disrupted the mediation and diminished his clout (Chikane 2014; South Africa 2008a; Tsvangirai 2013). Whereas Mbeki remained the SADC Facilitator, interim-President Kgalema Motlanthe mediated as SADC Chair (Chikane 2014; South Africa 2008b). According to Tsvangirai (2013), whose relationship with Mbeki was fraught, Motlanthe would persuade him to join the Inclusive Government.

Negotiations over cabinet portfolios were complicated by Mugabe's unilateral appointment of officials and failure to sign the constitutional amendment into law (Misihairabwi-Mushonga 2013; Mufamadi 2014; Muleya 2008c; Chimakure 2008a). With the MDC-T calling for Mbeki's replacement, the SADC Chair and Organ Troika directly engaged the parties (Chimakure 2008b; South Africa 2009). A breakthrough was achieved at a January 2009 Summit, where ZANU-PF relinquished the finance portfolio under regional pressure. The MDC-T accepted shared responsibility for home affairs and that unresolved issues would be addressed in the power-sharing period (Misihairabwi-Mushonga 2013; Hoekman 2013).

Whereas the outstanding issues would require continued mediation, in the following eight months SADC omitted to respond to a crisis in the GNU. Mbeki's mediation role diminished as Prime Minister Tsvangirai could directly engage SADC leaders and South Africa's President, Jacob Zuma (Aeby 2016b, 259). When the MDC-T temporarily withdrew from the GNU to prompt a SADC response, Zuma persuaded Tsvangirai to re-engage whilst the Organ Troika urged the parties to resolve outstanding issues (SADC 2009; Tsvangirai 2013).

Following Zuma's formal appointment as SADC Facilitator, the mediation included far less shuttling and visits from him, and he relied on a team led by Lindiwe Zulu. The Zuma Facilitation did not fundamentally depart from Mbeki's quiet diplomacy as it was guided by SADC and South African policy norms (Muleya 2009; Nathan 2013). However, as it had to ensure the implementation rather than conclusion of an agreement, the team adopted a more directive mediation approach. Instead of solely building consensus among the negotiators, who continued their dialogue meetings in the interregnum, the mediation gave direction to the talks, drafted proposals, and solicited corresponding resolutions from the Organ Troika and Summit to add pressure on the parties to agree (Aeby 2016b, 291–96; Misihairabwi-Mushonga 2013; Raftopoulos 2011). Deadlocked issues were escalated from the negotiators to the GPA Principals, Troika and Summit for resolution (Mzila-Ndlovu 2013). Since the GPA's full implementation became unrealistic, the Summit mandated the Facilitator to broker a Roadmap to Elections so SADC could end the intervention (SADC 2010; Aeby 2016b, 259, 266, 289).

In March 2011, when tensions over GPA violations intensified, Zuma issued a frank report to the Organ Troika, prompting it to demand the implementation of reforms, to the dismay of Mugabe, who protested that the Facilitator must promote dialogue through persuasion (SADC 2011a). By involving the Troika, Zuma gave the negotiations momentum so that a Roadmap was signed in July (Aeby 2017, 278). When becoming Troika Chair whilst remaining Facilitator, Zuma's ability to direct the talks increased further to ZANU-PF's displeasure (Muleya 2011). Zuma, however, still relied on his team, whose authority to represent SADC Mugabe questioned, and the talks stalled again (Aeby 2016b, 274–5).

In the transition's final phase, negotiations centred on the constitution, which the negotiators found too sensitive to involve foreign mediators (Mwonzora 2013; Mangwana 2013). When the end of the legislative period drew closer, Zuma's team frantically urged the parties to implement the Roadmap. Zuma prompted an Extraordinary Summit to propose that elections be postponed. Following a constitutional court decision that the election date was inalienable, however, the Summit accepted that elections were held in unsuitable conditions. The Facilitator, therefore, gave in and even apologised for an "unauthorised statement" by Zulu, who had deplored the failure to implement electoral reforms and become the target of misogynist attacks by ZANU-PF (Aeby 2016b, 299).

Guarantors: SADC Summit and Organ Troika

The roles of mediators and guarantors were intertwined as the SADC Facilitator, Organ Troika and Chair, all of whom were Heads of States, directly engaged in mediation. The conflation of roles was most apparent when the SADC Chair, Motlanthe, facilitated the inauguration of the GNU and the Facilitator, Zuma, became Troika Chair. Whether the Troika and Summit were chaired by states which supported Zuma's firmer approach vis-à-vis ZANU-PF or staunchly stood with Mugabe considerably affected SADC's handling of the GPA process. (South Africa 2009; Aeby 2017, 276–78).

SADC's decision-making organs acted as guarantors by setting implementation benchmarks, deploring the lack of progress and taking decisions to resolve disputes. However, they omitted the calling out and sanctioning of parties for breaches. The Troika and Summit were extremely lenient guarantors, who tolerated numerous violations and reluctantly intervened in the transition. Likely reasons included ZANU-PF's sensitivity to foreign interference, SADC's high regard for sovereignty, the Southern African liberation party governments' solidarity with ZANU-PF; authoritarian states' unwillingness to enforce democratic principles; SADC's inability to enforce the compliance of intransigent political and security elites; and the need to present the transition as a success amidst Western criticism (Aeby 2017, 285; 2019, 39).

The Organ Troika most resolutely intervened in March 2011 when tensions in the GNU escalated and the prospects of credible elections dwindled. The Troika expressed impatience with the failure to implement GPA provisions in defiance of SADC decisions. Instead of the usual condemnation of Western sanctions, it listed violations committed by ZANU-PF without naming the culprit. It demanded the GPA's full implementation and specified the completion of the constitutional and electoral reforms, an end to violence and deployment of SADC monitors. (SADC 2011a) The Summit approved the Troika resolution, locking ZANU-PF into structures of accountability for its behaviour in transitional mechanisms and internationally (SADC 2011b; Raftopoulos 2011).

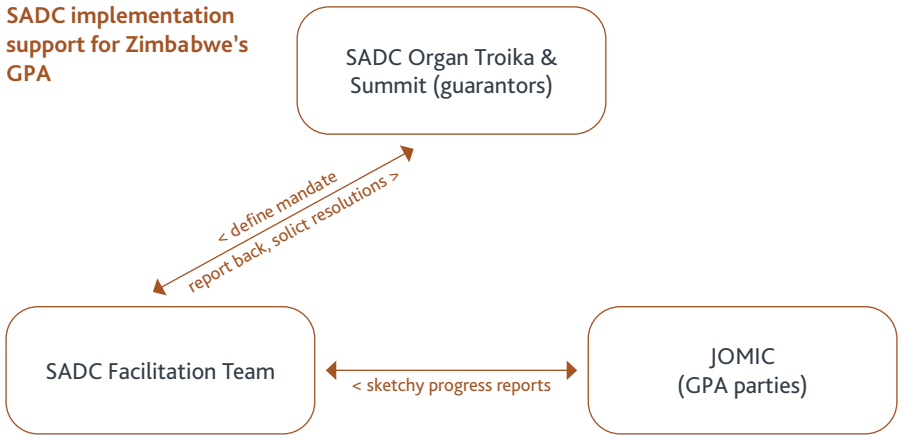
SADC's limited will and ability to guarantee implementation were demonstrated prior to the elections. By May 2013, the Summit was satisfied with the completion of the constitutional reform and no longer mentioned the need to implement the GPA. (Fabricius 2013; SADC 2013a). Whereas it convened an extraordinary meeting to discuss Zimbabwe's readiness for elections, it decided not to interfere in internal affairs by insisting on postponing the election date. (Aeby 2016b, 299). Despite glaring irregularities in the elections, the Summit approved ZANU-PF's incredulous landslide victory (SADC 2013c). The Summit underscored Mugabe's rehabilitation by electing him Deputy Chair (SADC 2013b; ZESN 2014, 6–9). The AU, which was virtually absent guarantor, followed suit by electing Mugabe AU Chair in 2015 (Jones 2015).

Monitors: The Joint Monitoring and Implementation Committee

Since ZANU-PF resisted a third-party IMM and a belated attempt by SADC to integrate monitors in JOMIC, the transition lacked a viable mechanism to reliably inform the guarantors and mediators (Aeby 2021b, 18–20). For two years, JOMIC consisted of a central committee and lacked structures to monitor transitional mechanisms and violence. Thanks to Scandinavian assistance, it later decentralised its structures to monitor violence in communities and conduct peacebuilding programmes for party members. (Aeby 2021b, 18–20; Respondent 19 2022). Yet the mechanism that permitted the power-sharing parties alone to monitor their compliance was ill-suited to inform other stakeholders. JOMIC reports omitted incriminating facts as rival parties failed to agree on findings. The GNU only requested the confidential reports, which could, technically, serve to resolve disputes discreetly in 2013. JOMIC did very little to render the transition transparent to the public (Chamunorwa 2013; Khumalo 2013; Moyo 2013; Mukakiwa 2013).

The GPA negotiators served as JOMIC co-chairs, thus providing a link to the SADC Facilitation. But the Committee only met the mediators two years into the transition. (Chamunorwa 2013; Chiradza 2013; Moyo 2013; Khumalo 2013; Mudzuri 2013). JOMIC was not permitted to share reports with the SADC Organ (Chiradza 2022). After the Troika decided in 2011 to deploy a SADC Technical Team to JOMIC, the co-chairs forwarded reports to SADC and Zuma's team occasionally joined committee meetings (Chamunorwa 2013; Chiradza 2013; Khumalo 2013; Respondent 19 2022). SADC's Technical Team was withdrawn days after its arrival on the grounds that it lacked ToR and ZANU-PF successfully averted its re-deployment (Aeby 2021b, 16).

SADC implementation support for Zimbabwe's GPA



SADC Organ Troika and Summit	SADC Facilitation Team	JOMIC (GPA parties only)
Give guarantees for agreement	Facilitate continued dialogue	Track progress in implementation
Set implementation benchmarks	Broker Roadmap to elections	Inform mediators and guarantors
Arbitrate in disputes	Put forward proposals	Sketchy reports to SADC facilitators
Update mediation mandate	Solicit resolutions to add pressure	Sketchy reports to GNU, parties
Troika and SADC Chair mediate	Report on mediation & progress	No reports to public & stakeholders

SADC Organ Troika and Summit	SADC Facilitation Team	JOMIC (GPA parties only)
		Verification and evaluation
		Dispute resolution
		Peacebuilding for party structures

4. IGAD support for the Revitalised Agreement to Resolve the Conflict in South Sudan (2018-21)

Following the outbreak of civil war in 2012 and the collapse of the 2015 Agreement to Resolve the Conflict in South Sudan (ARCSS), IGAD facilitated the 2018 R-ARCSS together with member states. The case study first outlines the mediation of the two agreements, terms of the R-ARCSS and its implementation. Secondly, it traces the support of the IGAD mediators, Assembly of Heads of State, Council of Ministers, and the Reconstituted Monitoring and Evaluation Commission (RJMEC) between 2018 and 2021.

Promoting peace is an organisational objective of IGAD, which is bolstering its peacemaking capacity. Whilst a mediation protocol was yet to be ratified in 2022, IGAD policies did not mention implementation support. (IGAD 1996; 2016, 46; 2019c). IGAD's women, peace and security agenda, however, echoed UNSC Resolution 1328 by aiming to include women and a gender perspective in peace agreements and transitional mechanisms (IGAD 2013, 1).

4.1. The negotiation, terms and implementation of the R-ARCSS

The South Sudanese civil war

South Sudan became independent from Sudan in 2011 after the protracted civil war that was ended by the 2005 CPA. The agreement was facilitated by IGAD and a Troika including the US, United Kingdom and Norway. Whereas armed conflict declined, peace never took hold (Bello-Schünemann 2019, 3). Instead of being invested in public services and institution-building, oil revenues were consumed by a military-political patronage system (de Waal 2014, 347).

On the fifteenth of December 2013, fighting erupted between soldiers of the Presidential Guard loyal to President Salva Kiir Mayaradit and Vice President Riek Machar Teny. The ensuing violence took on an ethnic dimension and led to at least 1,400 fatalities, displaced over a million people, and put millions at risk of food insecurity (Bello-Schünemann 2019, 20; IGAD 2019a, 2). The escalation of conflict between the two factions of the Sudan People's Liberation Movement (SPLM) took place against the background of weak state institutions, militarised politics, an unequal distribution of CPA dividends, ethnopolitical divides, and historic intraparty tensions. Immediate triggers included the dismissal of Vice President Machar and ministers, whom Kiir accused of plotting a coup, and the dissolution of SPLM structures.

Machar escaped and organised the armed struggle of the SPLM in Opposition (SPLM-IO) against the SPLM in Government (SPLM-IG). To protect Juba and Kiir's government, Uganda intervened militarily (Bereketeab 2017, 149; Deng 2018, 4; IGAD 2019a, 2; Johnson 2014, 300–309).

Negotiation of the ARCSS and R-ARCSS

The AU, IGAD, UN, Ethiopia and Kenya immediately engaged Kiir's government after violence broke out. (IGAD 2019a, 2). On 27 December, the IGAD Assembly appointed three Special Envoys from Ethiopia, Kenya and Sudan as mediators (Bereketeab 2017, 152). On 23 January 2014, a Cessation of Hostilities Agreement was signed but fighting continued. By November, the talks produced the foundations of a CPA, but stalled over power-sharing and security arrangements (IGAD 2019a, 2–4; Vertin 2018, 2–12).

To break the deadlock and improve cooperation with international partners, the Assembly launched IGAD-Plus in June 2015. The contact group comprised the "C5" states forming the AU High-Level Ad-Hoc Committee (Algeria, Chad, Nigeria, Rwanda and South Africa), AUC, UN, EU, Troika and China. IGAD proposed a draft CPA and asked the parties to negotiate amendments. On the seventeenth of August, the resultant ARCCS was signed by Machar's SPLM-IO. Kiir's SPLM-IG signed on the twenty-sixth of August but immediately expressed reservations (Bereketeab 2017, 153; IGAD 2019a, 2–5). The ARCCS comprised transitional governance structures, security arrangements, humanitarian assistance, economic management, transitional justice, constitution-making, a Joint Monitoring and Evaluation Commission (JMEC), and the agreement's integration into a transitional constitution (IGAD 2015).

The SPLM-IO joined the GNU in April 2016 and Machar was reinstated as First Vice President (Bereketeab 2017, 153; IGAD 2019a, 2–5). But implementation made little headway. President Kiir threw subnational power-sharing arrangements into disarray by unilaterally increasing the number of states from ten to twenty-eight (Deng 2018, 6; Vhumbunu 2016).

The transition imploded on the eighth of July 2016 when fighting between guards of Kiir and Machar broke out in Juba. The ensuing violence went beyond the previous theatres of war, involved new conflict lines and prompted a famine (IGAD 2019a, 5). Machar fled to exile and Kiir appointed Taban Deng Gai, the SPLM-IO's chief negotiator, whom a few cadres supported, Vice President (Bereketeab 2017, 155; Deng 2018, 6). The split resulted in competing narratives by Kiir's government and the SPLM-IO, who claimed that the ARCSS was being implemented or had collapsed respectively. An evaluation by JMEC showed that implementation had stalled (Oola 2022).

Analyses that explain the ARCSS' collapse highlight that the conflict was never ripe for resolution. The parties were forced into signing the ARCSS by external actors and, thus, lacked ownership and commitment to implement it. The IGAD mediation enjoyed international support, but IGAD states lacked unity of purpose. Tensions were noticeable between the Ethiopian, Sudanese and Kenyan Special Envoys and the parties could seek concessions by engaging individual states (Apuuli 2015, 120; Bior 2018; IGAD 2019a, 22; Vertin 2018, 19). According to Bereketeab (2017, 152), Ethiopia, Sudan, Uganda and Kenya pursued competing interests, thereby undermining the mediation's neutrality and credibility.

Crucially, IGAD treated the agreement as the mediation's endpoint, which marked the departure of the Special Envoys and support staff who profoundly understood the agreement (Hersi 2022; IGAD 2019a, 24). According to the Senior Advisor of the present Special Envoy, IGAD committed a "sin of omission" by failing to facilitate the implementation of the ARCSS, which the parties were hoped to implement by themselves. The need to mediate dialogue after the agreement was struck, was, therefore, a key lesson for the R-ARCSS (Hersi 2022).

Amidst tensions in Kiir's government, on the twelfth of June 2017, the IGAD Assembly followed JMEC's recommendation by mandating the Council to convene a High-level Revitalisation Forum (HLRF) for ARCSS signatories. It should discuss measures to restore a permanent ceasefire, fully implement the ARCSS, and develop a realistic schedule leading to elections. The Assembly directed the JMEC Chair and IGAD Executive Secretary to provide the HLRF's secretariat and appointed Ambassador Ismail Wais as Special Envoy for South Sudan (Hersi 2022; IGAD 2017; Oola 2022).

The number of delegations was increased from four to fourteen military and political formations, including Kiir's government and Machar's SPLM-IO (Deng 2018, 8; Mayai, Jok, and Tiitmamer 2018, 1). The Forum included civil society actors who, in contrast to the previously included politicised CSOs, were not aligned with warring parties (Oola 2022; Pring 2017).

(Deng 2018, 6) After the Forum launched in December 2017, a Cessation of Hostilities Agreement was signed but immediately violated, prompting condemnation by IGAD Plus (Mayai, Jok, and Tiitmamer 2018, 1–2). Talks between February and May 2018 brought little progress (Deng 2018, 6). In June, the IGAD Chair, Ethiopia's Prime Minister Abiy Ahmed, stepped in as mediator, persuading Kiir and Machar to meet in person. The meeting deadlocked as Kiir rejected Machar's reinstatement (ICG 2019b, 6). The Assembly, therefore, mandated Sudanese President Omar Al-Bashir to facilitate a second round of discussions between Kiir and Machar, who should agree on an IGAD Bridging Proposal on governance and security arrangements and economic reconstruction through bilateral cooperation with Sudan. (Hersi 2022; IGAD 2018a).

Al-Bashir had supported the SPLM-IO and was the only IGAD leader sympathetic to Machar. Sudan could also incentivise Kiir to accept an agreement by holding out a rapprochement between Khartoum and Juba to increase oil production. Besides using his leverage, al-Bashir brought in Ugandan President Museveni to lean in on Kiir (ICG 2019b, 7).

Instead of bringing the parties together in one room and mediating dialogue, Sudanese security officials, who acted as "mediation team", met negotiators individually to coerce them into accepting partial agreements. Ignoring an IGAD resolution, al-Bashir failed to hand the mediation to Kenya for a third round of talks. According to the International Crisis Group, Sudan's coercive diplomacy alienated CSOs in the HLRF as well as the Troika and EU, who would need to finance implementation. Sudan's actions prompted Thomas Cirillo's National Salvation Front to walk out and return to war (ICG 2019b, 8).

By the twenty-seventh of June, Sudan's coercive diplomacy produced the Khartoum Declaration, which provided for a ceasefire supervised by African peacekeepers, a transition framework and Sudan-South Sudan cooperation on oil production. (IGAD 2018b). Thereafter, the parties renegotiated the ARCSS chapters on security arrangement and power-sharing, leaving other chapters largely intact (ICG 2019b, 9). On the sixth of July, they signed an agreement that restructured the ceasefire monitoring mechanism (IGAD 2018c). A day later, al-Bashir, Musveni, Kiir and Machar discussed power-sharing in Entebe, prompting protests by excluded opposition groups. Back in Khartoum, it was agreed that the GNU would have five Vice Presidents, with Machar being the first and Kiir and opposition forces nominating two each. On 30 August, they agreed to incorporate the Khartoum accords into the ARCSS framework but left four issues for resolution at an IGAD summit: decision-making in the GNU, constitutional reform, a regional peace force and state boundaries (ICG 2019b, 9). This led to the signing of the R-ARCSS on the twelfth of September 2018 in Addis Ababa (Deng 2018, 6).

The R-ARCSS sparked little optimism and international partners were reluctant to finance its implementation. Given Al-Bashir and Museveni's role as heavy-handed peace brokers, some stakeholders viewed it as a deal that served the interests of Sudan and Uganda, who sought dividends from oil production and militarily protecting Juba (Jok 2019, 2). Overall, IGAD's conflict management remained plagued by regional rivalries, centralised decision-making at Heads of State-level, and challenges in expanding negotiations beyond warring elites (Biel 2021, 93).

Terms of the R-ARCSS

The R-ARCSS was signed by four main parties: Kiir's government, Machar's SPLM-IO, SPLM Former Detainees, and the South Sudanese Opposition Alliance. The signatories included six "other opposition parties" and nineteen representatives of faith-based, civic, professional, women's and youth groups. Whereas the IGAD Special Envoy and Sudanese foreign affairs minister signed for the IGAD mediation, the Ethiopian IGAD Chair and the presidents of Djibouti, Kenya, Somalia, Sudan and Uganda co-signed the R-ARCSS as IGAD guarantors. The guarantors also included the AUC and C5, whilst the international IGAD Plus partners signed as witnesses (IGAD 2018d, 74–76). The R-ARCSS neither defined IGAD's continued mediation role nor measures the guarantors would take in response to violations. The involvement of AU and IGAD organs in transitional mechanisms and implementation modalities and schedules were detailed in the relevant chapters and in an annexed implementation matrix (IGAD 2018d, 83).

Mirroring the ARCSS, the eight chapters set the terms of the transitional GNU; permanent ceasefire and transitional security arrangements; humanitarian assistance and reconstruction; resource, economic and financial management; transitional justice, accountability and national healing; constitution-making process RJMEC and the agreement's supremacy and integration into the interim constitution (IGAD 2018d, ii).

Chapter One on transitional governance stipulated that the revitalised GNU should implement the agreement in a thirty-six-month transition, which was preceded by an eight-month pre-transition period in which Kiir's incumbent government remained in power. The executive and transitional legislature should be expanded. In the pre-transition, IGAD should restructure all monitoring mechanisms to enhance their effectiveness and include all parties (IGAD 2018d, 2–4).

The R-ARCSS gave the AU and IGAD key roles in mechanisms to establish the number and boundaries of states. An Independent Boundaries Commission should be appointed by the IGAD Executive Secretary, include C5 nominees and receive technical support from the AU and IGAD. A Referendum Commission would be supervised by AU and IGAD, include experts from IGAD and Troika countries, and report to the IGAD mediation (IGAD 2018d, 20–22). The R-ARCSS established twenty transitional commissions for various purposes and a National Elections Commission, which should organise elections with AU and UN support (IGAD 2018d, 26–27).

Chapter Two set the terms of the Permanent Ceasefire and the restructured Ceasefire and Transitional Security Arrangement Monitoring and Verification Mechanism (CTSAMVM), which Sudan and Uganda should lead. Its comprised all signatories, including three IGAD and one AU representative (IGAD 2018d, 29–34).

Chapter Three on humanitarian assistance and reconstruction envisaged a Special Reconstruction Fund, whose board should include the IGAD Plus and IGAD Partners Forum (IGAD 2018d, 40). Chapter Five established a Commission for Truth, Reconciliation and Healing (CTRH), three of whose foreign commissioners should be appointed in consultation with the AUC. The AUC Chair should select the judges of a Hybrid Court, which would use AU documentation. (IGAD 2018d, 58–64).

Chapter Seven established RJMEC to monitor and evaluate the R-ARCSS' implementation. RJMEC should recommend corrective action to the GNU and guarantors in response non-implementation and serious deficiencies. It would propose remedial measures to the GNU and refer matters to the guarantors if parties failed to heed recommendations. RJMEC would oversee CTSAMVM and all transitional mechanisms created under the agreement, which were obliged to provide status reports to RJMEC (IGAD 2018d, 70–72). Whereas RJMEC was an IGAD entity in legal terms, its independent secretariat could autonomously seek financial and technical support from international partners (Oola 2022).

The multistakeholder mechanisms had to include the parties to the agreement (ten), societal stakeholder groups (thirteen), guarantors (thirteen) and IGAD Plus partners (seven). The guarantors included the above IGAD states, IGAD Secretariat, AUC and C5. All members had equal voting power and could take majority decisions if no consensus emerged. The agreement required the IGAD Assembly to appoint a prominent African personality as RJMEC Chair and RJMEC to form thematic committees (IGAD 2018d, 70–72). RJMEC would provide regular briefings to the transitional executive and legislature and quarterly reports to IGAD Chair, Council, AUC, PSC and UN Secretary General. The RJMEC Chair needed to report serious violations to the GNU and IGAD Council, which should convene an extraordinary meeting (IGAD 2018d, 70–72).

Implementation and outcome

The implementation of the R-ARCSS, which was ongoing in 2022, was slow and arduous, and further complicated by COVID-19. Although the initial stage saw more progress than the 2015 agreement, the pre-transition was extended twice from eight to seventeen months because two preconditions to form the GNU were not met: the delimitation of state boundaries and security arrangements that entailed the mammoth task of integrating troops into a unified force (Deng 2020, 2; Haustein, Joshi, and Quinn 2019, 16). Machar refused to return to Juba in the absence of arrangements to assure his security. In September 2019, Kiir threatened he would form a GNU without Machar, thereby causing rifts in the opposition alliance (ICG 2019a, 2–8).

The commencement of the power-sharing period in terms of Chapter One became possible thanks to the IGAD Assembly's intervention regarding the number of states and deferral of unification of armed forces. Machar was appointed First Vice President on 22 February 2020 and a Council of thirty-five Ministers, which fell short of the thirty-five percent quota for women, shortly after. By February 2021, governors for all states were appointed after intense bargaining (Deng 2020, 3; RJMEC 2021b, 2). Since Kiir had essentially won the war, the heavily skewed power balance in the power-sharing arrangement, which according to Pospisil (2021: 197) embodied a formalised political unsettlement, would complicate the GNU's functioning. The Transitional Legislative Assembly was appointed in August 2021 amidst contestations over seats. It excluded the "other opposition groups" and the delay severely affected the constitutional, legislative and electoral reform agenda. On state-level, nine legislatures were formed in 2021 (RJMEC 2022c, 2; ICG 2022). The National Constitutional Committee completed a bill to incorporate the R-ARCSS into the constitution in 2020, but other legislation remained incomplete when its mandate expired and a Judicial Reform Committee was not formed (RJMEC 2022d, 9).

Regarding Chapter Two, the general adherence to the ceasefire was a major success. Whilst the R-ARCSS ended warfare on the national level, community-based and armed conflicts on the subnational level persisted, including an insurgency by non-signatories in Equatoria (RJMEC 2022d, 12; ICG 2021a, 2). Whereas senior commanders were trained, the command structure and troop numbers for the unification of forces had not been determined. Cantonment and sites lacked food and shelter. Disarmament, Demobilisation and Reintegration (DDR) saw no progress beyond the creation of a commission. The National Strategic Defence and Review process stalled. Defections caused instability and fourteen civilian centres were still not demilitarised in 2021. Fewer instances and greater accountability for gender-based violence were reported and progress was made regarding war prisoners and child soldiers (RJMEC 2022d, 12–17; Respondent 16 2022). Since political authority depended on military strength, the feasibility of security sector transformation aimed at downsizing, proportionality and unification was doubtful (Pospisil 2021: 205)

In terms of Chapter Three and Four, reconstruction and humanitarian assistance saw little progress as insecurity prevailed, although assistance workers could move more freely. Whereas 390,000 refugees returned voluntarily, the number of displaced persons and people in need increased in the transition. The Special Reconstruction Fund did not materialise. A COVID-related slump in oil prices worsened the deficit. A financial oversight committee was appointed but corresponding legislation not ratified (RJMEC 2022d, 18–21; Respondent 16 2022).

None of the Chapter Five mechanisms for transitional justice and reconciliation had been established by February 2022, although the GNU endorsed a roadmap. A technical committee for consultations on the CTJH lacked funding. The Hybrid Court was not established and, whereas the AUC undertook expert consultations in 2019, discussions between the AUC and GNU did not take place in the absence of political will to establish structures for accountability (Asige Liaga 2021; RJMEC 2022d, 22).

In terms of Chapter 6, a constitution-making bill which the GNU endorsed in October 2021, was yet to be passed by the legislature (Oola 2022; RJMEC 2022d, 24). The enactment of a permanent constitution was a precondition to amend electoral legislation and reconstitute the National Elections Commission. Preconditions for elections also included the unified army, DDR and return of refugees. (RJMEC 2022c, 2, 15) In the prevalent context of insecurity, political volatility, polarisation, ethno-political divides and low state capacity, elections scheduled for 2022 or later remained unfeasible (Hersi 2022; ICG 2021b, 15–17; Pospisil 2021: 215–222).

In sum, the R-ARCSS achieved a cessation of hostilities on the national but not on the subnational level. The power-sharing process remained volatile and brought little progress on institutional, security and economic reforms, transitional justice and the humanitarian situation.

4.2. IGAD implementation support

After the R-ARCSS was signed, IGAD's implementation support was affected by changing tides in the region. With Al-Bashir's fall in April 2019 and the ensuing military takeover in Sudan that prompted AU sanctions, the R-ARCSS principal broker dropped out (Asige Liaga 2021, 19; Pospisil 2019, 1). Unexpectedly, South Sudan facilitated the October 2020 Juba Agreement for Peace in Sudan (Al-Ali 2021, 7). Ethiopia became embroiled in the civil war in Tigray in November 2020. As Kenya took a hands-off approach, Uganda, whose investments in South Sudan had dwindled, remained the R-ARCSS' principal sponsor (Asige Liaga 2021, 19–20). According to long-term observers, IGAD states' commitment to guaranteeing the power-sharing agreements' implementation faded as they prioritised their relations with President Kiir's dominant SPLM-IG whilst Machar's power base and regional standing waned (Pospisil 2021, 109:197; Respondent 17 2022).

Mediators: IGAD's Special Envoy and Heads of States

Drawing lessons from the omission to facilitate the ARCSS' implementation, on 16 November 2018, the IGAD Council mandated the Special Envoy, Ismail Wais, to ensure that all of the R-ARCSS' transitional institutions were set up within prescribed timelines and reach out to stakeholders and warring groups that had not signed the agreement. The latter should commit to the agreement or else be labelled "spoilers of the peace process" (Hersi 2022; IGAD 2018e; 2021b). The mediation would, thus, entail dialogue between signatories over implementation modalities and separate talks with non-signatories to persuade them to join the transition. The Special Envoy also sought to ease tensions within the opposition alliance that signed the R-ARCSS (IGAD 2019g).

Rather than being exclusively led by the Special Envoy, whose efforts would bear little fruit, the mediation continued to involve direct interventions by IGAD Heads of States, who acted as ad-hoc mediators, and C5 envoys. IGAD would come to take a backseat in talks with non-signatories. As in the mediation of the ARCSS, IGAD invoked the principal of subsidiarity to claim control, raised concern over the interference of external actors, and called on the latter to rally behind the IGAD-led mediation (IGAD 2019d; Pring 2021, 263).

IGAD bolstered the Special Envoy's Office with staff from the IGAD Secretariat and Conflict Early Warning and Response Mechanism (Hersi 2022; IGAD 2018e; 2021b; Respondent 14 2021; UN 2018, 104). The Office expanded its activities by disseminating the agreement, mediating, consulting the fragmented opposition coalition, engaging transitional institutions, briefing the Council, and liaising with envoys of C5 and IGAD countries (IGAD 2019g).

The expansion of activities implied functional overlaps with RJMEC, which was equally tasked to engage the GNU, transitional mechanisms and regional actors to promote implementation. In some instances, implementation agents were confronted with multiple IGAD interlocutors. Whereas the expansion was propelled by donor contributions, the Office's structures could not be sustained (Oola 2022; Respondent 17 2022). According to the Special Envoy, donors discontinued their support finding that IGAD's political organs did not pay the peace process sufficient attention and permitted implementation to stall (IGAD 2021b).

In the pre-transition, the Special Envoy unsuccessfully offered the signatories dialogue platforms to resolve the dispute over the boundaries of South Sudanese states (IGAD 2021b). The Technical Boundaries Committee and Independent Boundary Commission completed their work by June 2019 but the parties could not reach agreement. Therefore, the Commission recommended that IGAD seek a political solution. A dialogue meeting on 21 August and two scheduled meetings with the Special Envoy, which the parties failed to attend, brought no progress (IGAD 2020a; Maphasa 2020, 10). In September, the IGAD Mediation Unit facilitated intraparty consultations on the issue (IGAD 2019g). A committee to resolve the matter, which Kiir and Machar agreed to form in October, never met (IGAD 2020a).

To break the deadlock, on 12 November, President Museveni, the President of Sudan's Transitional Sovereign Council, Abdalfatah Alburhan, President Kiir and Vice President Machar held a tripartite summit. The leaders agreed to extend the pre-transition by six months, but could not resolve the boundaries dispute. (IGAD 2019g). The Council, therefore, directed Wais to facilitate meetings with the parties on the matter and a leadership retreat to build confidence (IGAD 2019i).

As the extended pre-transition was about to expire again the impasse persisted, the guarantors expanded the mediation. Between December and February, three rounds of talks were facilitated by a mediation panel that was headed by South Africa's Deputy President, David Mabuza, and included Museveni's special advisor, Betty Bigombe, and the Special Envoys of IGAD, Kenya and Sudan (South Africa 2020; IGAD 2021b).

In December, four of five parties agreed on a solution comprising twenty-three states. Since the deadlock prevailed, in January, Mabuza unsuccessfully attempted to persuade Kiir and Machar, who reportedly deemed the South African mediator biased, to submit the issue to external arbitration. Most delegations rejected the proposal whilst some considered it depending on the arbitrating authority. When the third round deadlocked, the panel the matter to the IGAD Council and Assembly. The mediators recommending that the highest decision-making organs prevail over the parties to accept a solution with twenty-three states during the transition and determine the permanent federal structure in a new constitution (Fabricius 2020; IGAD 2020a).

Instead of reaching a verdict, the Assembly treated the number of states as an internal affair. It directed the leaders of Uganda, South Sudan and Sudan to hold a summit and granted Kiir's request to consult his constituents and report back (IGAD 2020b). On 15 February 2020, after meeting the Ugandan and Sudanese leaders, Kiir surprisingly announced the return to 10 states, but added three administrative areas under government control. Despite initial objections, the opposition groups accepted the solution that irked Kiir's allies and enabled the GNU's formation (Deng 2020; Maphasa 2020, 10; Pospisil 2021, 109:194). Regional pressure and direct interventions by IGAD Heads of State, in particular Museveni who had Kiir's ear, thus, remained instrumental in breaking deadlocks in the R-ARCSS' implementation (Hersi 2022; Fabricius 2020; IGAD 2021b).

After the GNU's inauguration, the Special Envoy engaged implementation agents and alerted IGAD's political organs about backlogs to prompt interventions, but the transition lacked a continuous dialogue platform. Based on a November 2019 Council decision, the Special Envoy announced a R-ARCSS Political Leaders Retreat in Khartoum, which would be funded by Norway and followed by quarterly retreats to address the trust deficit between parties that stood in the way of implementation (IGAD 2021b). By March 2022, the inaugural retreat had not taken place as IGAD sought to convince member states to host the dialogue (Respondent 18 2022)

To persuade non-signatories to join the R-ARCSS, in 2019, the Special Envoy engaged in talks with Thomas Cirillo and General Paul Malong, who joined the South Sudan Opposition Movement Alliance (SSOMA). Whereas Malong agreed to IGAD-facilitated talks with the government, Cirillo set preconditions that required the R-ARCSS' renegotiation (IGAD 2019g). The Council decided that the agreement should not be opened up and mandated a final round of talks with the non-signatories, who should join the R-ARCSS without preconditions or face consequences (IGAD 2019d; Hersi 2022). Since these talks bore no fruit, the Special Envoy appealed to the Council to "take the necessary action to persuade the non-signatories to join" the transition without conditions (IGAD 2019g).

As its mediation made no headway, IGAD came to support a parallel process for non-signatories that was facilitated by the Rome-based Community of Sant'Egidio. The church-led process was complementary to the IGAD-facilitated national process in that it ruled out the R-ARCSS' re-negotiation and aimed to end the insurgency. IGAD's Special Envoy participated in the Rome talks to ensure they complied with IGAD rules (Hersi 2022; IGAD 2021b).

On 12 January 2020, the GNU and six SSOMA leaders signed the Rome Declaration, committing to adhere to the 2017 Cessation of Hostilities Agreement and dialogue (Community of Sant'Egidio 2020). In February, SSOMA agreed to join CTSAMVM to monitor the ceasefire (IGAD 2020f). IGAD co-signed the Rome Declaration as a witness, endorsed the monitoring arrangements and later encouraged all parties to participate in the Sant'Egidio process (IGAD 2020c; 2021a). However, having lost grip of the mediation, in December 2020, the IGAD Assembly called for the negotiations to be brought back to African soil (IGAD 2020f; 2020e).

In 2021, the dialogue faltered. The reasons included a rift between Cirillo's and Malong's groupings, the killing of a rebel commander in Uganda for which Cirillo blamed the government, and renewed fighting involving SSOMA groups. In March, Malong signed a Declaration of Principles, but talks with Cirillo were aborted. The deadlock imperilled R-ARCSS mechanisms including the envisaged constitutional reform (IGAD 2021b).

In sum, learning from the ARCSS' collapse, IGAD sought to facilitate dialogue to implement the R-ARCSS. However, the mediation efforts of the Special Envoy, who ostensibly lacked authority vis-à-vis the parties, bore little fruit and his Office's implementation support functions overlapped with those of RJMEC. Since IGAD's attempt to prompt the non-signatories to join the transition unconditionally failed, IGAD became a spectator in the church-facilitated dialogue. The IGAD mediation between and within the SPLM formations continued to depend on interventions by the Ugandan and Sudanese Heads of State (Hersi 2022; IGAD 2021b). When infighting in Machar's SPLM-IO escalated in violence in August 2021, IGAD again resorted to mediation on the highest level, led by Sudan's Prime Minister Abdalla Hamdok (IGAD 2021c). Sudan also brokered an April 2022 agreement between Kiir and Machar to contain tensions that threatened to derail the transition (AfricaNews 2022).

Guarantors: The IGAD Assembly and Council

IGAD's leveraged implementation support heavily depended on directives by the IGAD Council of Ministers, which held frequent extraordinary meetings to manage the transition, and the IGAD Assembly of Heads of States. According to observers from RJMRC Secretariat and Special Envoy's Office, implementation progress often resulted from resolutions by the political decision-maker that added regional pressure (Hersi 2022; Oola 2022).

Following the R-ARCSS' conclusion, the decision-making organs conveyed updated mediation mandates to the Special Envoy and Heads of States who served as ad-hoc mediators. As illustrated below, when acting as guarantors, the IGAD Council and Assembly frequently set implementation benchmarks, made demands that were coated in diplomatic language and pronounced unspecified threats. The guarantors neither arbitrated in disputes, as the Assembly refrained from imposing its verdict on state boundaries, nor did they sanction non-compliant parties (IGAD 2020b). This pattern corresponds to the ARCSS process, where IGAD used leverage to advance negotiations but omitted to follow through threats, thereby undermining their credibility (IGAD 2019a, 22).

Besides regional upheavals and prioritisation of amicable relations with Kiir's SPLM-IG, IGAD's transition management continued to be hampered by tensions among states (Asige Liaga 2021, 19; Pospisil 2021, 109:197; Respondent 14 2021; Respondent 17 2022; ICG 2019b, 19). In this context, the Assembly underlined the need to speak with one voice to prevent parallel processes that may undermine the IGAD-supported transition (IGAD 2020b) and diminish member states' influence.

In the pre-transition, the Council decided to convene bi-monthly meetings with the signatories to review pending tasks, commended the parties for upholding the ceasefire, and repeatedly pressed them to implement pre-transition tasks. Regarding Chapter One, the Council urged the parties to meet the gender quota for transitional structures, and appealed to Kiir's government to meet its obligation to disburse funds for transitional mechanisms (IGAD 2018e; 2019b; 2019d). After prolonging the pre-transition twice, the Assembly decided that "a further extension was neither desirable nor feasible", forcing the parties to break the deadlock to form the GNU (IGAD 2019h; 2020e). With Chapter 2, the guarantors demanded the parties ensure the freedom of movement and safety of CTSAMVM monitors, protect civilians, and send forces to cantonment sites. (IGAD 2018e; 2019b; 2019d).

At the start of the transition, the Council urged President Kiir to make appointments in consultation with the power-sharing parties and dissolve the incumbent legislature to make way for an inclusive transitional assembly. It called on the parties to resolve the sharing of responsibilities on state and local level should be resolved within fifteen days, expedite the implementation of security arrangements and formation of the unified forces, and adequately resource the DDR commission. In July 2022, the Assembly set a thirty-day ultimatum to implement outstanding pre-transition tasks, whereafter the IGAD Chair would engage the parties (IGAD 2020c; 2020d; 2020e).

By mid-2021, when Chapter One was largely completed with the formation of legislatures, the guarantors urged the parties to prioritise the legislative agenda and transition tasks including judicial, economic and financial reforms, the Special Reconstruction Fund, transitional justice mechanisms, and constitution (IGAD 2021a; Respondent 17 2022). In August, the Council responded to SPLM-IO infighting by calling for an unconditional end to armed confrontations, threatened that IGAD would not tolerate ceasefire violations and urged all parties to meet. (IGAD 2021c).

In sum, IGAD's decision-making organs were highly active guarantors who frequently intervened by setting benchmarks, commending incremental progress, urging the parties to meeting commitments, exerting pressure and making unspecified threats. The guarantors neither used arbitration nor sanctions, which may have collapsed rather than advanced the transition.

Monitors: The Reconstituted Joint Monitoring and Evaluation Committee

The R-ARCSS's multistakeholder monitoring and implementation mechanisms, RJMEC, and the agreement's ceasefire monitoring mechanism, CTSAMVM, emerged from several predecessors. After the 2014 Cessation of Hostilities Agreement was signed, IGAD created the Monitoring and Verification Mechanism (MVM). The 2015 ARCSS turned the MVM into the Transitional Security Arrangements Monitoring Mechanism (CTSAMM). The latter reported to JMEC, which monitored the entire ARCSS. The 2018 R-ARCSS, finally, transformed the two mechanisms into CTSAMVM and RJMEC (Verjee 2019, 12).

Ali Verjee (2019, 5–25), who served as JMEC's deputy chief of staff and senior advisor to the IGAD mediation, highlights limitations of CTSAMVM's predecessors and the coordination of monitors, mediators, and guarantors. Tensions were rife in the MVM as rivaling armed groups jointly monitored security arrangements. SPLM-IO monitors were underrepresented and feared for their safety in Juba. Although receiving some \$130 million in assistance between 2014 and 2019, the mechanisms were grossly under-resourced and lacked civilian and female personnel, mobility and protection to monitor the vast territory. Before the 2016 clashes in Juba, CTSAMM could not establish the size of troop contingents in the city.

Crucially, Verjee argues that IGAD should not be responsible for both mediation and monitoring, which should be managed by different third-parties. IGAD took charge because Ethiopia, Kenya and Sudan wanted to advance their interests through the ceasefire monitoring mechanism, which understated the Ugandan military's role in the war. The IGAD mediators, who facilitated the ARCSS, omitted to use monitoring reports and give feedback. Interference by IGAD compromised the independence of monitoring. Reports showing ceasefire breaches were withheld during the negotiation of the ARCSS and R-ARCSS. Attacks on monitors were condemned by IGAD but had no consequences. CTSAMM was largely staffed with Ethiopian, Kenyan and Sudanese military personnel and headed by an Ethiopian Major General, who felt accountable to the military chain of command rather than JMEC's Chair (Verjee 2019, 5–25).

After the ARCSS' collapse, JMEC's Chair was instrumental in initiating the revitalisation process. RJMEC's design differed from its predecessor in two regards. Firstly, the Commission was enlarged from twenty-eight to forty-three members to include representatives of faith-based, civil society and women's organisations, eminent personalities, business actors, academics and youths. Secondly, whereas JMEC reports did not necessarily trigger action, the R-ARCSS obliged RJMEC to report all serious incidents to the GNU and IGAD to convene an extraordinary meeting within fourteen days to decide on remedial action if the government failed to adequately respond (IGAD 2018d, 70–72; Oola 2019; 2022).

RJMEC's structures comprised the office of the Chair, Commission and secretariat. Whereas JMEC had been chaired by Botswana's former President, Festus Mogae, the IGAD Assembly omitted to appoint a personality of equal standing to chair RJMEC although discussing the vacancy at the September 2019 summit. Instead, in 2018 and 2020, IGAD appointed former Kenyan Generals *ad interim*, to the detriment of RJMEC's standing vis-à-vis the signatories. (Respondent 17 2022; IGAD 2019i).

According to insiders, the Commission's broadly representative composition greatly benefited the credibility, authority and acceptance of monitoring by the conflict parties and population. But it complicated decision-making, RJMEC's operational management and donor relations (Oola 2019; 2022; Respondent 16 2022; Respondent 17 2022). The secretariat largely consisted of international experts partly because the signatories doubted the independence of local experts. The operations of RJMEC and CTSAMVM were severely affected by financial constraints and insecurity (Respondent 16 2022; Respondent 17 2022).

CTSAMVM comprised the R-ARCSS signatories and groups that committed to the ceasefire in 2020. It remained a separate entity and issued separate reports but contributed information on security arrangements to RJMEC and reported to its Chair. Insiders underscored the positive collaboration between the two mechanisms under the R-ARCSS. Coordination was complicated by the short terms of office of the Ethiopian commanders who chaired CTSAMVM (Respondent 16 2022; Respondent 17 2022).

Using information that transitional mechanisms were obliged to report and an indicator-based system, RJMEC was tasked to track the 233 sequenced pre-transitional and transitional tasks listed in the R-ARCSS implementation matrix (IGAD 2018d, 83–121; Respondent 17 2022). According to Asige Liaga (2021, 9) only seven of sixty-three pre-transitional tasks were completed prior to the power-sharing period. To discuss progress on tasks with implementation agents, the secretariat convened regular meetings with the transitional mechanisms, parties and stakeholders (Oola 2022). To evaluate the gathered information, the Commission and experts, who held monthly and extraordinary meetings, formed six working committees for governance, security, humanitarian, transitional justice, economic, and constitutional affairs (Oola 2019; RJMEC 2022b). Using qualitative and quantitative data to evaluate progress on specific tasks, the committees produced extensively debated and carefully worded narrative reports (Respondent 17 2022). In the forty-two months after the agreement was signed, RJMEC produced twenty quarterly and thirteen R-ARCSS evaluation reports, which were translated into local languages and made available to the public (RJMEC 2022a). RJMEC avoided singling out culprits and highlighted the omissions of the entire GNU that was chiefly responsible for implementation (Respondent 17 2022).

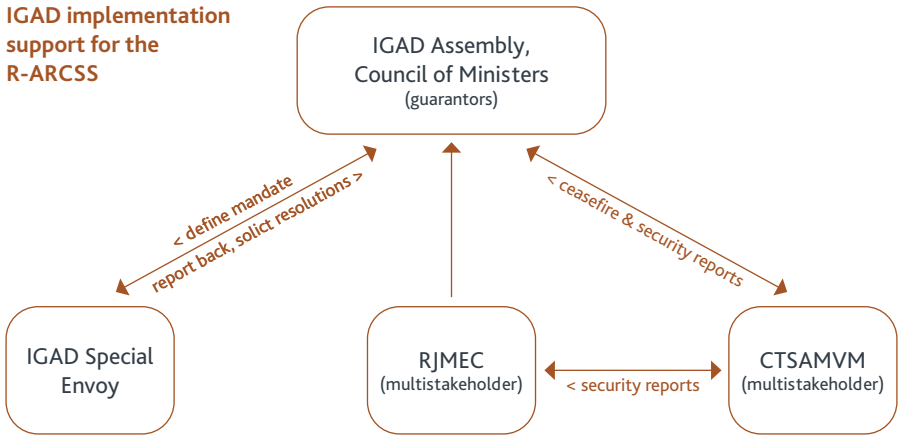
The mechanism's pro-active implementation support went beyond monitoring and evaluation as, RJMEC first elaborated upon proposals for remedial action which it presented to the GNU, transitional mechanisms, and guarantors. Secondly, the Interim Chair of RJMEC engaged the government and other implementation agents to promote implementation by facilitating the resolution of problems and disputes that stood in its way (Oola 2022; Respondent 16 2022; Respondent 17 2022).

Establishing a firm link between the monitors and guarantors, the RJMEC Chair reported to IGAD Council Chair and attended eight Council meetings in the first three years of the implementation period to present reports and propose remedial action (IGAD 2019b; 2019f; 2020b; 2020c; 2020d; 2021a; 2021c; RJMEC 2021c). CTSAMVM was equally represented in Council meetings (Oola 2022; Respondent 16 2022). According to insiders, RJMEC reports made an immediate impact on IGAD decisions although the guarantors based their deliberations on multiple sources (Oola 2022; Hersi 2022; Respondent 17 2022; Respondent 16 2022).

Since the Special Envoy's Office and RJMEC were not formally linked, the coordination of the mediation and IMM hinged on the rotational Chair of the Council, to whom both reported (Oola 2022; Hersi 2022; Respondent 17 2022). Notwithstanding functional overlaps, compared to the 2013 to 2016 ARCSS process, the integration of mediation and monitoring improved. The Special Envoy regularly utilised RJMEC reports, referred to RJMEC recommendations, and highlighted the RJMEC Interim Chair's efforts to resolve deadlocks (Hersi 2022; IGAD 2020f; 2020a; 2019g; 2021b; Oola 2022).

In sum, RJMEC's representative composition benefited the mechanism's credibility and acceptance, which was vital as its mandate entailed monitoring, evaluation, proactive promotion of implementation, and facilitating the resolution of implementation deadlocks and disputes. The two monitoring mechanisms were firmly linked to the IGAD guarantors and the utilisation of monitoring outputs by the mediators and guarantors improved over time (Oola 2022; Respondent 16 2022; Respondent 17 2022).

IGAD implementation support for the R-ARCSS



IGAD Assembly & Council	IGAD Special Envoy	RJMEC (multistakeholder)	CTSAMVM (multistakeholder)
Give guarantees for R-ARCSS	Facilitate dialogue among signatories	Monitor implementation of entire R-ARCSS	Monitor ceasefire and security arrangements
Set implementation benchmarks	Facilitate dialogue within parties	Receive status reports from transitional mechanisms	Verification of reported incidents
Update mediation mandate	Facilitate dialogue with non-signatories	Evaluate data to identify backlogs and breaches	Feed Chapter 2 information into RJMEC

IGAD Assembly & Council	IGAD Special Envoy	RJMEC (multistakeholder)	CTSAMVM (multistakeholder)
Make threats after violations and against non-signatories	Report to IGAD Council of Ministers	Inform parties, guarantors and public	Inform parties, guarantors and public
	Engage transitional mechanism to promote implementation	Engage transitional mechanisms to proactively promote implementation	
	Make recommendations to guarantors, solicit resolutions	Make recommendations to GNU and guarantors	
		Facilitate resolution of deadlocks	

5. Conclusion

The three case studies illustrate how the AU, IGAD and SADC supported the implementation of framework agreements for transitions in Kenya, South Sudan and Zimbabwe through continued mediation, guarantees and monitoring. The Conclusion sums up the findings with regards to the five research questions. Whereas the non-representative case studies do not permit the generalisation of findings about the implementation support of the African organisations, the discussion juxtaposes the cases to explore implications of their implementation support practices.

5.1. How did the African organisations support the implementation of agreements?

Mediators

The modalities of mediations varied in that the AU, IGAD and SADC appointed a panel of eminent personalities, a Special Envoy of the rank of an ambassador, and a sitting president respectively to lead the mediations. Whereas the selection of mediators by IGAD and SADC reflected entrenched practices and the organisations' architectures, the AU's unusual appointment of the Annan-led Panel was owed to the uncommon initiation of the mediation by the Ghanaian AU Chair and the need to garner African and international support for the AU-led intervention. In all cases, the chairs of decision-making organs and other Heads of States stepped in as ad-hoc mediators to accelerate crisis responses and to maximise the mediation's political authority to break deadlocks.

After the conclusion of framework agreements, the mediators were in all instances required to facilitate the installation of interim power-sharing governments, firstly, because modalities of GNUs were either not spelled out in agreements or disputed. Secondly, outstanding issues that were deferred rather than resolved in negotiations prevented the inauguration of the GNUs. Mediators' involvement in dialogue platforms, where negotiators could resolve implementation disputes, varied. The importance of dialogue platforms diminished as bargaining became decentralised and took place in power-sharing executives and transitional mechanisms. The frequency of meetings and presence of mediators generally declined once the power-sharing executives were installed because the crises were hoped to be contained by the agreement, because the availability of high-level official to facilitate sustained dialogue was limited, and because mediators deliberately reduced their presence to project national ownership of transitions.

Crucially, the transitions show that the role of mediators changes substantively with the conclusion of framework agreements, which narrow the scope for negotiation and require the mediators to achieve that the parties adhere to agreements rather than make commitments. To promote the implementation of the agreed terms, the mediators adopted a directive approach instead of facilitating dialogue, whereby they either leveraged the authority of the guarantors to press the signatories to meet commitments or acted as the agreements' custodians (Aeby 2017, 267–79; AU 2014b, 231–44; IGAD 2021b).

In Kenya, the AU Panel no longer acted as mediators but as custodians of the accords. Annan engaged in quiet telephone diplomacy but no longer facilitated dialogue meetings. After practicing a non-directive mediation style, Annan exerted pressure by deploring agreement violations in public statements (AU 2014b, 61–82). When prompting ICC prosecutions, Annan dramatically departed from conventional mediation practices (AU 2014b, 238–42).

In Zimbabwe, Zuma's SADC Facilitation team adopted a directive approach to push for the implementation of the GPA and election roadmap. The mediators put forward solutions and solicited corresponding resolutions from the Organ Troika and Summit that compelled the parties to accept proposals (Aeby 2017, 267–79).

Drawing lessons from the collapse of the 2015 agreement, IGAD facilitated the implementation of the R-ARCSS and appointed a Special Envoy to facilitate dialogue between signatories, with non-signatories and in intraparty conflicts (Hersi 2022; IGAD 2021b). Implementation agents were in some instances presented with multiple interlocutors as RJMEC also had a facilitation mandate (Oola 2022; Respondent 17 2022). IGAD insisted to manage the transition despite its limited capacity but had to take a backseat in the dialogue with non-signatories (IGAD 2020b; 2021b; 2019f). The Special Envoy's efforts bore little fruit and IGAD's leveraged mediation heavily relied on direct interventions by the Ugandan and Sudanese Heads of States (Fabricius 2020; Hersi 2022; ICG 2019b, 7; IGAD 2021b).

Guarantors

The extent to which decision-making organs acted as guarantors and intervened in the implementation process by setting benchmarks, arbitrating and threatening sanctions varied owing to different conflict situations and political imperatives.

In Kenya, the AU PSC and Assembly did not act as guarantors. The PSC set important benchmarks for the negotiations by insisting on accountability for violence, but the agreements included no AU guarantees. The PSC mandated the Panel to support the implementation of the agreements and recommendations of transitional commissions but took no further resolutions in the interregnum.

In Zimbabwe, SADC pledged to guarantee the GPA's implementation but proved extremely lenient and scarcely intervened transition (GPA 2008; MOU 2008). The Organ Troika and Summit updated the mediation mandate, set implementation benchmarks and deplored GPA violations. But the guarantors tolerated numerous violations, refrained from naming and sanctioning offenders, and accepted that elections were held without GPA reforms being implemented (Aeby 2017, 267–79).

In South Sudan, six IGAD Heads of States signed the R-ARCSS as guarantors (IGAD 2018d, 74–76). The Council and Assembly frequently intervened by setting benchmarks and deadlines, urging the parties to meet commitments, and making demands and unspecified threats. The guarantors refrained from arbitrating in the dispute over state boundaries and using sanctions (IGAD 2019b; 2019f; 2020b; 2020c; 2020d; 2021a; 2021c).

Monitors

The monitoring and implementation mechanisms varied widely in their composition, functions, methods, capacity, recipients and links to mediators and guarantors. The case studies illustrate the importance of independent, well-capacitated and credible IMMs to track progress, render transitions transparent to stakeholders, resolve disputes, and inform the work of mediators and guarantors. The peace processes point to the need to develop standards and technical capacity in the APSA to establish sound IMMs.

In Kenya, the AU Panel chose an innovative, lean and efficient solution by commissioning a research firm to conduct the KNDR Monitoring Project. The independent IMM had a narrow monitoring mandate whilst the Panel and signatories evaluated progress. The mechanism was instrumental in informing the mediation, Dialogue Team and public and surveyed public perceptions of the transition (Kanyinga 2022; Murithi 2022; Wanyeki 2018b).

In Zimbabwe, ZANU-PF resisted an independent IMM and deployment of SADC monitors. JOMIC only comprised the power-sharing and did not inform the public. Its multiple functions that included dispute resolution and peacebuilding went at the expense of monitoring. JOMIC's sketchy reports were inadequate to inform the mediation and it lacked appropriate links to the guarantors (Aeby 2021b, 18–20; Chiradza 2022; Respondent 19 2022).

In South Sudan, the representation of the parties, civic stakeholders, guarantors and international sponsors in RJMEC benefited the mechanism's credibility. RJMEC's functions included monitoring, evaluation, and proactively promoting implementation by making recommendations and facilitating the resolution of deadlocks. Both RJMEC and CTSAMVM made reports public and were firmly linked to the guarantors who periodically reviewed progress based on the monitors' reports and recommendations (Oola 2022; Respondent 16 2022; Respondent 17 2022).

5.2. How were the roles of mediators, guarantors and monitors combined?

The interplay between mediation teams, decision-making organs that served as guarantors and monitoring mechanisms varied greatly, illustrating implications of models where the same or different third-parties sponsors fulfil these functions. The models resulted from the conflict situations in the two post-election crises and civil war, the organisations' architectures, their sensitivity to signatories' concerns about their sustained presence, and the involvement of other international actors in the peace processes.

In Kenya, the Panel was relatively autonomous from the AU although the PSC mandated the mediation (AU 2008a; Kanyinga 2022; Wamai 2018, 131). After mandating the panel to support implementation, the Panel rather than the PSC acted as quasi-guarantor (AU 2008d; 2013b). The Panel's autonomy made it trustworthy to the opposition, which suspected the AU to favour the government (Kanyinga 2022), but led to contradictions as the AU Assembly would oppose the ICC prosecutions which Annan prompted (AU 2014b, 121).

In Zimbabwe, the roles of mediators and guarantors became intertwined as the SADC Chair and Organ Troika mediated and as the SADC Facilitator, President Zuma, became the Organ Chair (South Africa 2009; Aeby 2017, 276–78). Requesting authoritative resolutions from the decision-making organs became an integral party of the mediation's strategy to promote implementation (Misihairabwi-Mushonga 2013; Raftopoulos 2011).

Likewise, in South Sudan, the IGAD Chair and other Heads of States acted as ad-hoc mediators the Assembly's behalf (ICG 2019b, 9; IGAD 2021c; 2019g). The Special Envoy recommended that the Council take resolutions that would press parties and non-signatories to comply (IGAD 2019g; 2020a; 2020f; 2021b).

The conflation of mediation and guarantor roles and the soliciting of resolutions permitted the mediators to apply leverage to advance implementation. However, these directive mediation practices likely diminished their ability to act as unbiased, uninterested and trustworthy facilitators, running the risk that parties rejected the mediation.

5.3. Why did the African organisations support implementation in these ways?

The implementation support practices were informed by political considerations, including the interests of member states and organisational norms, and technical factors relating to the capacity and design of organisational structures and procedures.

In Kenya, the escalation of ethno-political violence commanded an intervention to protect the population in terms of the norms of the Constitutive Act (AU 2000 Art 4; 2014b, 234). The international community backed the AU mediation based on the common interest of preventing Kenya that was key to regional stability from sliding into civil war (AU 2014b, 22; Lindenmayer and Kaye 2009, 22–25; Murithi 2022). Once the agreements were concluded, the Panel minimised its presence to signal national ownership (AU 2014b, 241). The PSC's minimal involvement may be explained by its short attention span for peace processes and sensitivity to the political elites' unwillingness to take directions from outsiders (Murithi 2022; Kanyinga 2022). The Panel chose an independent IMM in response to NGOs' demands (Wanyeki 2018b; Kanyinga 2022).

In Zimbabwe, SADC intervened because the political crisis, economic meltdown and mass emigration affected the region. SADC's conflict management was guided by the maxim of preventing Western-sponsored regime change. Both the Facilitation's quiet diplomacy and the guarantors' minimalist interventions were informed by ZANU-PF's sensitivity to interference in internal affairs, SADC's anti-imperialist solidarity with the erstwhile liberation movement, and the inability to force intransigent elites to comply with the agreement. Zuma and the Organ Troika adopted a more directive approach as the lack of implementation imperilled the prospect of elections that were credible-enough to end the SADC intervention. The GPA lacked a viable IMM as ZANU-PF resisted SADC monitors as an infringement of Zimbabwe's sovereignty and the GPA parties monopolised transitional mechanisms (Aeby 2017; 2016a).

IGAD's transition management in South Sudan was compromised by states' competing interests. Yet, the states that used the mediation and R-ARCSS mechanisms to further their individual interest insisted that IGAD rather than a different third-party remain in charge (Bereketeab 2017, 147; IGAD 2019d; Jok 2019, 2; Pring 2021, 263; Verjee 2019, 7). Whereas IGAD facilitated the R-ARCSS implementation as a lesson from the collapse of the 2015 accord, the reasons for the continued reliance on leverage, coercive diplomacy and directives by the guarantors included both entrenched conflict management practices and the warring parties unwillingness to enter and implement the accord (ICG 2019b, 9; IGAD 2021c; 2019g). The reasons for the creation of a multistakeholder monitoring and implementation mechanism require further research, but the divided IGAD evidently lacked the political and technical capacity to manage a credible IMM without its IGAD Plus partners.

5.4. What impact did the implementation support practices have on the peace processes?

Establishing a causal link between third-party interventions and the consolidation of peaceful societal relations is a formidable methodological challenge and cannot be validly done in this study. The discussion nevertheless points to implications of the organisations' implementation practices for the outcome of the peace processes.

In Kenya, the KNDR process stopped the electoral violence and stabilised the humanitarian and economic situation. It produced significant institutional reforms, a peace infrastructure and a truth-seeking process but failed to deliver accountability (AU 2014b, 163–85; Murithi 2022). The AU Panel's interventions helped to keep the GNU afloat but its relative absence slowed down the Agenda 4 talks and fostered politicking in transitional mechanisms. The ICC prosecutions which Annan prompted did not result in accountability but overshadowed the transition, open new political cleavages, and fuelled anti-imperialist sentiments. The Panel ensured that that an independent IMM informed societal stakeholders and kept the GNU in check (AU 2014b, 241; Kanyinga 2022; Murithi 2022; Wanyeki 2018b).

In Zimbabwe, the GPA eased tensions between political elites, reduced violence and restored a level of social and economic stability. Institutional reforms for democratisation, accountable governance and security sector transformation proved unsuccessful (Aeby 2018, 18–22; 2016b, 359–419). Pressure by SADC and the AU, on whose legitimisation ZANU-PF depended, enticed the regime to enter power-sharing negotiations. The SADC Facilitation risked the GNU's collapse by failing to respond to tensions for months but brokered minimal electoral reforms. The Summit kept the power-sharing process afloat and ensured the constitution-making process was completed by withholding its recognition of the government if a party collapsed the transition. However, by tolerating numerous GPA violations, failing to insist on a viable IMM and electoral reforms, and endorsing the flawed 2013 elections, SADC diminished the gains of the transition which could not stabilise Zimbabwe in the long run (Aeby 2016b, 408–17; 2017, 285).

In South Sudan, where the transition was under way in 2022, the R-ARCSS achieved a cessation of hostilities on the national, but not on the subnational, level. The transitional power-sharing structures remained extremely volatile, and security arrangements saw little progress. Transitional justice and a constitutional reform had not materialised (Asige Liaga 2021; RJMEC 2022d, 22). Elections remained unfeasible for the foreseeable future (Hersi 2022; ICG 2021b, 15–17). Whereas the Special Envoy's mediation efforts bore little fruit, the IGAD Heads of States' leveraged interventions brought about the conclusion of the R-ARCSS, a settlement on state boundaries, installation of the GNU, and an April 2022 agreement between Kiir and Machar, which was hoped to prevent the transition's collapse (AfricaNews 2022; ICG 2019a, 7; IGAD 2021b). The guarantors' directives accounted for much of the implementation progress (Oola 2022). Whilst assessments of the impact of monitoring on conflict dynamics differ, RJMEC undoubtedly helped stakeholders and guarantors to keep track of the transition (Verjee 2019, 21; Oola 2019; 2022; Respondent 16 2022; Respondent 17 2022).

Whether the South Sudanese transition, which heavily depended on third-party support and limited ownership by the signatories, would prove sustainable was to be seen. As Logo and Mariani (2022) show in a PeaceRep report that samples perceptions of South Sudanese stakeholders, the R-ARCSS process was widely seen as managed by IGAD and other outsiders rather than the South Sudanese actors, confined to elite bargaining, and unlikely to produce dividends for the wider population.

5.5. What role did Western states play in the African-led conflict interventions?

Besides providing financial and technical assistance to transitional mechanisms, in cases where the interests and norms of the African organisations and Western states converged, the latter supported the African-led interventions by throwing their political weight behind mediations and offering incentives to conflict parties to make peace. Western governments and the African organisations jointly participated in multilateral monitoring mechanisms. Divergent positions on conflicts, however, resulted in a cacophonous international response to the SADC-facilitated transition in Zimbabwe and cautious Western support for IGAD's conflict management in South Sudan.

After the Kenyan government rebuked Western and regional mediation initiatives, Western governments and the UN threw their weight behind the AU-led mediation. The exceptionally broad and unequivocal international support for the AU-mandated Panel was not only essential to prevent forum shopping, but Western development partners, the US in particular, provided carrots and sticks to the KNDR parties which the AU Panel leveraged (AU 2014b, 22; Lindenmayer and Kaye 2009, 22–25; Murithi 2022).

In Zimbabwe, Western states, which were critical of SADC's conflict management that left Mugabe in power, omitted to offer incentives for moderation and cooperation in the GPA negotiations and after the agreement was signed. But the EU belatedly eased targeted sanctions and Western development partners were instrumental in financing the restoration of social services (Aeby 2018, 18–22; 2016b, 359–419).

In South Sudan, the Western IGAD Plus partners supported the ARCSS. The agreement's collapse and Sudan's coercive diplomacy in the revitalisation process prompted Western partners to take a cautious approach vis-à-vis the R-ARCSS, whose implementation depended on donor support (ICG 2019b, 8). The Western IGAD Plus partners co-signed the agreement as witnesses rather than guarantors but committed to participate in mechanisms relating to state boundaries, humanitarian assistance, reconstruction and constitutional reform (IGAD 2018d). Most importantly, the Western partners participated and financed the two monitoring mechanisms. By increasing and cutting financial support to the Special Envoy's Office after finding that IGAD did not pay due attention to the R-ARCSS process, donors contributed to the unsustainable expansion of Office's implementation support activities (IGAD 2021b; Oola 2022; Respondent 17 2022).

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