THE ROLE OF KENYA IN CONFLICT MEDIATION: A COMPARATIVE STUDY OF THE SOMALIA AND THE SUDAN PEACE PROCESSES

BY:

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DECLARATION

I, **CHRISTINE ACHIENG OCHUNG'**, the undersigned, do declare that this is my original

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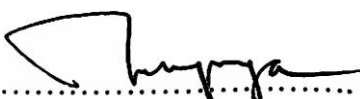
award of any degree by any other person.

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DEDICATION

To my daughter Doreen Atieno and my parents Julia and Fulgence Ochung', whose encouragement will forever be cherished.

ACKNOWLEDGEMENTS

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LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
AU	African Union
AACC	All African Conference of Churches
CSOs	Civil society organisations
CPA	Comprehensive Peace Agreement
CEWARN	Conflict Early Warning Network
DOP	Declaration of Principles
EAC	East Africa Community
ECOWAS	Economic Cooperation of West African States
ELF	Eritrean Liberation Front
EPLF	Eritrean People's Liberation Front
FDRE	Federal Democratic Republic of Ethiopia
GoSS	Government of Southern Sudan
IGAD	Inter-Governmental Authority Development
IES	Institute for Electoral Systems
IGADD	Intergovernmental Authority on Drought and Desertification
ICU	Islamic Courts Union
LAS	League of Arab States
NCP	National Congress Party
NED	National Endowment for Democracy
GoS	Government of the Sudan
NSC	National Salvation Council
NEPAD	New Partnership for Africa Development
NGOs	Non Governmental Organizations
ONLF	Ogaden National Liberation Front
OIC	Organisation of Islamic Conference
OAU	Organization of African Unity
OLF	Oromo Liberation Front
PDF	People's Defense Forces

REC	Regional Economic Communities
SNA	Somali National Alliance
SNM	Somali National Movement
SACB	Somalia Aid Coordination Body
SNR	Somalia National Reconciliation
SSDF	South Sudan Defence Forces
SSLM	South Sudan Liberation Movement
SADC	Southern African Development Cooperation
SRSG	Special Representative of the Secretary General
SPLM/A	Sudan People's Liberation Movement/Army
TFG	Transitional Federal Government
TFI	Transitional Federal Institutions
UN	United Nations
TMC	Transitional Military Council
UNOSOM	United Nations Operation in Somalia
UNDP	United Nations Development Program
UNITAF	Unified Task Force
UNPOS	United Nations Political Office for Somalia
UNSC	United Nations' Security Council
UWSLF	United Western Somali Liberation Front
WCC	World Council of Churches

ABSTRACT

Conflict in the horn of Africa is a phenomenon that dates back to the pre-independence history of the horn of Africa states. Somalia and Sudan in particular are outstanding, since they are peculiar in their own right and have borne the brunt of internal conflicts that have threatened, if not, torn the very fabric the nations. Religion has played a key role in both conflicts though the two nations have a seriously convoluted history between them, leading to decades of war that has led to humanitarian crisis in both countries.

The initiated peace processes so far in the two countries have produced mixed results. Somalia on the one hand has arguably failed in achieving everlasting peace despite the numerous internal peace processes, the OAU (AU), IGAD, UN and other international agencies' attempts to promote peace in the country. On the other hand, South Sudan achieved independence in July 2011 albeit after many decades of deadly war that claimed thousands of lives and left millions displaced. The south Sudan independence is a product of the Comprehensive Peace Agreement (CPA) that was signed in Naivasha, Kenya in 2002.

This thesis therefore interrogates the factors that have led to a successful peace process in Sudan as opposed to Somalia. In all this examination, the paper analyses the role of Kenya in both the peace processes as it has been the main mediator in both Somalia and Sudan. The paper therefore gives a critical comparative analysis of the Somalia and Sudan peace processes by analyzing the role each stakeholder has played in the peace mediation processes in both countries.

The thesis therefore draws conclusions from the Sudan peace process and makes recommendations on how the Somalia peace process can be made successful.

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CHAPTER ONE

INTRODUCTION AND BACKGROUND OF THE STUDY

1.0. Introduction

Kenya, for a long time has been involved in conflict resolution through mediation in her neighboring states of Somalia and Sudan. However, Kenya's efforts in Sudan seem to have borne more fruit than it has in Somalia. Conflict, and consequently conflict resolution has to be squarely situated within the social process, and needs to be framed within the workings of the international political economy.[1] Based on this under the auspices of Inter-Governmental Authority Development (IGAD) conflict resolution in Somalia has failed with the Transitional Federal Government (TFG) of Somalia failing to control majority of Somalia. This paper shall investigate why Sudan is a success story for Kenya's efforts in conflict resolution while peace in Somalia remains elusive despite her relenting efforts to have Somalia conflict resolved. This juxtaposition of these two scenarios shall help in understanding how best Somalia conflict can be resolved and the specific roles Kenya must play if peace is to prevail in the region.

Kenya's role flows from the fact that she is a founding member of the Inter-governmental Authority on Development (IGAD), which was founded in Djibouti in 1986 and now is comprised of seven African countries: Djibouti, Ethiopia, Kenya, Somalia, Sudan, Uganda and Eritrea. The peace talks between the Sudanese government and the Sudan People's Liberation

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[1] Klein A. 2007. Politics, Conflict and Conflict Resolution in the Horn of Africa, p.1

Movement/Army (SPLM/A) are carried out under the auspices of (IGAD).[2]Moreover, Kenya has also played a key role in the Somalia conflict, but her efforts have not come to fruition.

IGAD's search for peace in Sudan dates back to IGAD's engagement in the Sudan peace process began on 7 September 1993 when it established a Standing Committee on Peace to assist negotiations between the Sudanese government in Khartoum and the rebel forces from southern Sudan in an attempt to end the civil war. In July 1993, the IGAD Sub-Ministerial Committee on the Conflict in Sudan established a "Secretariat for the IGAD Peace Process on the Sudan" based in Nairobi with the mandate "to carry out continuous and sustained mediation efforts with a view to arriving at a peaceful resolution of the conflict."[3] Despite many challenges, this effort seems to be bearing fruit as evidenced by the January 2011 referendum that seeks to establish Southern Sudan state by July 2011.

This study therefore seeks to interrogate the reasons for relative success in Sudan as opposed to Somalia while also establishing the reasons for achieving the two contrary results in Somalia and Sudan. Further this study shall analyse the impact of conflict in this countries, the international community and the neighboring countries especially Kenya.

1.1. Background to the study

The desire for peace to prevail across the world cannot be undermined today. Various states and the international community to achieve this noble course have therefore adopted various methods of conflict resolution. This is why, due to the deadlocks in the Democratic Republic of Congo (DRC), Angola, and the like, the United Nations' (UN) Security Council initiated a debate of the

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[2] Chlopak, Leonard, Schechter & Associates on behalf of the Office of the President of the Republic of Kenya. Additional information is available at the Department of Justice, Washington, DC.
[3] See the Intergovernmental Authority for Development available at http://www.africa-union.org/root/au/recs/igad.htm

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use of a regional approach in managing conflicts in Africa.[4] This is, however, not the first

proposal of its kind. Kenya is considered to be peaceful unlike her neighbors that are affected by

a wave of internal and cross-border conflicts. These conflicts, mainly manifesting itself as

political, economic, environmental conflicts, conflicts over natural resources, land and tribal

clashes and lately terrorism are sending signals that all is not rosy not only in Somalia, but to the

whole eastern Africa region. Hence the involvement of Kenya in conflict resolution in the region

as she bears the burden of hosting Somalia refugees and having to contend with terrorism threats

from Somalia. A peace deal signed in October 2008 offers the best hope in years for peace in

Somalia but will require significant support from the international community. The recent

escalation of violence underlines the fragility of the situation, the need for prudent diplomatic

engagement, and sustained assistance for humanitarian relief, peace building and security sector

reform.[5]

In the case of Sudan, beginning in 1983, Sudan – for the second time in its history – erupted into

a bloody civil war between northern Sudan and southern Sudan. The civil war escalated in 1989

when a military junta took control of the weak government in Khartoum. The war resulted in the

displacement of over four million Sudanese people, many of whom fled for refuge in Kenya. The

Somali conflict however erupted after the ouster of Siad Barre in 1991. Since then the country

has remained in a state of anarchy and has been termed as a failed state. Kenya has also for a

longtime been a key state in resolving the Sudan conflict.

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[4] See United Nations, "Security Council, with wide-ranging presidential statement, aims to improve cooperation in peacekeeping, conflict prevention in Africa," SC/7290, 4465th Meeting Thursday 31, January 2001, where it is stated that "The Council underscored the importance of partnership and enhanced coordination and cooperation between the UN, OAU and sub-regional organizations in Africa."
[5] Trevor Keck. 2009. Somalia: Any Chance for Peace? Policy Brief p. 1

In fact, the debate on the topic of regional conflict resolution is intensive and, to a great extent, affirmative within the African continent. Government officials, NGO representatives, and academicians alike have frequently repeated the phrase "African solutions for African problems." After having been reduced to mere clientele during the East-West confrontation, most Africans considered the end of the Cold War as a new era where they would play an active role in their continent's affairs. A leading African in the field of conflict management, Chris J. Bakewesegha, Head of the former Organization of African Unity (OAU) Conflict Management Division, stated that "it is imperative for Africa to take a hard look at the scourge of conflicts and to design viable mechanisms for conflict resolving and management." He further asserts that for "Africa to remain relevant in the New International Order it must fill the vacuum left behind by the Cold War engagement."[6]

Accordingly, the former OAU was restructured to some extent. A new organ, the Mechanism for Conflict Prevention, Management, and Resolution, was established, which seemed to signify the will and effort towards institutionalization of African conflict management. The 1990s also witnessed revitalization of sub-regional organizations. Economic Cooperation of West African States (ECOWAS), Inter-Government Authority for Development (IGAD), and Southern African Development Cooperation (SADC), which were basically formed to boost economic cooperation among the member states, now received an extended mandate to engage in conflict resolution within their respective sub-regions. Indeed, the African initiatives of conflict management are, by and large, greater than ever before. Under IGAD, Kenya has participated in resolving Somalia

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[6] Backwesegha, J. Chris. 1997. "The Role of the Organization of African Unity in Conflict Prevention, Management and Resolution in the Context of the Political Evolution of Africa." In: *Africa Journal on Conflict Prevention, Management and Resolution*, Vol. 1, No. 1, January- April 1997, p. 5.

and Sudan conflicts. While Kenya's involvement is laudable, regional politics seem to have led to the achievement of meager results in conflict resolution.

1.2. Statement of the Research Problem

The problem statement of this study is that despite Kenya's efforts as a mediator to resolve conflicts in Somalia, little has been achieved as opposed to Sudan. Somalia still experiences both internal and cross border conflicts. Indeed the reoccurrence of conflicts and their impact on human development in Somalia has led to the realization of the need to prioritize the resolution of conflict and to promote a culture of peace. Kenya has experienced both cross border conflict and experienced the effects of conflict occurring in neighboring states. As a result, a number of interventions exist to address conflict at regional and international levels. These measures range from IGAD, NEPAD and the EAC.

Conflict resolution in Somalia continues to face major challenges in the current regional environment. Instability in Somalia has led to increased cross border conflicts, proliferation of small arms and humanitarian crisis resulting in the loss of life and property. There is therefore the urgent need to tackle the challenges facing the Somalia conflict resolution processes.

1.3. Justification of the Study

This study argues that while Kenya's conflict resolution efforts in Somalia have not been as successful as in the case of Sudan, it is important to identify the factors that have led to this relative failure in Somalia. The study will therefore propose the best way Kenya and the international community can approach the Somalia conflict with a view to ending anarchy in the country. Sustainable peace in Somalia therefore depends on the reconfiguring of identities as the basis of conflict resolution and post-conflict rebuilding models.

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The unavailability of enough literature on how best Somalia conflict can be solved by the regional initiative (IGAD) is another reason why this study is extremely important. This study will therefore fill this existing gap by providing clear, comprehensive and logical methods of ending anarchy in Somalia. It shall give a comprehensive comparative analysis of Kenya's efforts in the Sudan, its successes and why Kenya and IGAD have failed to resolve the Somalia conflict.

This study will also be useful to scholars, diplomats, students and even the government of Kenya and the international community in establishing how best conflict resolution process in Somalia can be made a success story. The recommendations of this study will therefore become useful in the pursuit of an ever elusive peace in Somalia.

1.4. Objectives of the Study

An extensive examination of the subject is necessary in order to make a general conclusion in respect to the applicability of Kenya's regional approach to conflict resolution in Somalia.

The specific objectives of the study include:

i) to establish the role Kenya and IGAD play in conflict resolution in Somalia and Sudan;

ii) to find out why Kenya's efforts in conflict resolution in Sudan was successful as opposed to Somalia;

iii) to propose how best to solve the Somalia conflict and the practical steps in ensuring everlasting peace in the region; and

iv)   to find out the mechanisms of conflict resolution in Somalia;

1.5. Research Questions

This study proceeds by asking the following specific questions:

i)   What role does Kenya play in conflict resolution in Somalia and Sudan?

ii)   What role does regional politics play in conflict resolution processes in Somalia and Sudan?

iii)   Does the international community support the Somalia conflict resolution initiatives?

iv)   What are some of the milestone achievements by Kenya in her efforts to resolve conflicts in Somalia and Sudan?

1.6. Hypotheses

The study uses the following hypotheses:

i)   that Kenya plays an integral part in Somalia and Sudan conflict resolution;

ii)   that there has been more concerted efforts by Kenya and the international community in resolving conflict in Sudan than in Somalia;

iii)   that regional politics affects the Somalia and Sudan's conflict resolution initiatives; and

iv)   that there have been regional efforts to resolve Somalia conflict.

1.7. Literature Review

The conflict resolution approaches point out strategies that could be employed to find an exit from the conflict's destroying dynamic and that aim toward achieving satisfying solution for all

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parties involved. Burton[7] could be regarded as the main proponent of this perspective. Contrary to the conflict settlement approaches, he considers ongoing conflicts as a result of unsatisfied human needs. This view becomes clear particularly in his approach to problem-solving conflict resolution and respectively in his human-needs theory. He differentiates thereby interests that are changeable or negotiable, from needs, which are quasi natural. Here, security, justice and recognition are to be mentioned among the others needs and values. These values are regarded universal; they are not to be suppressed and are consequently indivisible. In accordance to this conflict resolution intends not to end the conflict as such, but to transform it into a nonviolent conflict.

Although Burton does not give detailed specifications how all of these fundamental needs could be realized, he offers a wide spectrum of methods like workshops, Conflict management discussion groups, or round tables and procedures like mediation, negotiations, or arbitration in order to convert the respective conflict into a situation acceptable for both sides. Basically Burton's point is to improve communication between the conflict parties and to develop a mutual understanding for the interests of the each side. Of central importance is for both sides to make to understand that human needs are not limited resources and that negotiation by all means can lead to win-win outcome.

Expounding on conflicts, Mwagiru contextualizes conflict and argues that what might not necessarily be a conflict, in international relations might constitute conflict.[8] He argues that the

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[7] Burton, J. W.1968. Systems, States, Diplomacy and Rules, Cambridge.
[8] Makumi Mwagiru. 2006. Conflict In Africa: Theories, Processes And Institutions Of Management, Institute Of Diplomacy And International Studies, University of Nairobi and Center for Conflict Research.

former OAU had methods had methods for peaceful conflict management. He therefore

underscores the need for cooperation with the international community in conflict resolution.[9]

Also contributing to the topic, Deng and Zartman provide useful insights into the sources of

African conflicts and assert that regional conflict needs to be updated and contextual analysis of

the African conflict needs to be done.[10]

In his article, Chweya[11] argues that international relations in the past decades or so have

increased cooperation among state and non-state actors in the sphere of security, and

significantly moved away from the state-centered approach to the liberal alternative. He further

argues that IGAD's role for example has become very significant in solving conflicts in the horn

of Africa. He further points out that robust support for civil society is critical to long-term

stability in Somalia. Whether providing humanitarian or development aid, however, the

international community should work through pre-existing clan, business and civil society

structures, which are strong. The Somali diaspora also remains heavily engaged in Somali affairs

and needs to be constructively engaged in the peace process, he concludes.

In her paper *"Culture of Peace and Education"* [12]Ineba Bob-Manuel from Nigeria is concerned

about the fact that for a long period of time, and especially since the end of the cold war, Africa

has been torn apart by extremely intense conflicts which have resulted in thousands of deaths,

and the internal displacement of millions of civilians. She notes that the use of western methods

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[9] See Chapter Four, id. at p. 36.
[10] Francis M. Deng and William Zartman. 1989. *Conflict Resolution In Africa*
[11] Chweya, L. 2004. Emerging Dimensions of Security in the IGAD Region in African Regional Security In The Age Of Globalization. p. 31-48.
[12] Ineba, Bob-Manuel. 2000. A Cultural Approach to Conflict Transformation: An African Traditional Experience, European Peace University Stadtschlaining Austria, 2000.

of conflict resolution has failed. Peacekeeping operations, which have been conducted in the last few years under the auspices of the United Nations, have allowed for the establishment of peaceful processes only in very few countries, for example, Mozambique. More often than not, she argues, there have been resounding failures, with classical examples being: Somali and DR Congo. This, she claims, is mostly because the political, military and sociological realities of these countries were not fully appreciated and comprehended. Today's predominant pattern of conflict in Africa is proving resistant to the available and accepted tools of conflict management. She recommends a new range of flexible and adaptable instruments that can take the more subjective, complex and deep-rooted needs and interests that underpin these conflicts into account. Special attention should be given to the valuable contributions from Africa, she notes.

Bob-Manuel advises scholars and other theorists to try as much as possible to move towards real life in all practicality. Social realities within societies should be taken seriously. Conflicts should be viewed as non-isolated events in their social contexts. She argues that if political processes are not remodeled from the short-term power dominated interests towards longer-term co-operative and people centered interests, conflicts in Africa will continue.

Kidist Mulugeta in his paper '*The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD*'[13] observes that Somalia is the only country in the world without a functioning government controlling the entirety of its territory for nearly two decades. Since 1991, while Somaliland and Puntland have enjoyed relative stability, the southern part has been raked by violence as various clans, warlords and Islamist groups have repeatedly competed

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[13] Kidist Mulugeta. 2009. The Role of Regional and International Organizations in Resolving the Somali Conflict: The Case of IGAD, Submitted to Friedrich Ebert-Stiftung, Addis Ababa December, 2009.

for power and resources. Somalia's ongoing conflict in one of the most unstable regions of Africa has been a source of concern for regional States as well as regional and international organizations. Intergovernmental Authority on Development (IGAD), as a regional organization, has been consistently engaged in trying to resolve the prolonged conflict of Somalia. IGAD member states have committed their resources, time and energy in dealing with this conflict, essentially neglected by the international community. He notes that the major obstacles to various peace initiatives, however, are within Somalia. The conflict has complicated the issue of power sharing, resource allocation, land and properties. It has also deepened the existing clan division which was always manipulated by political elites in order to achieve their narrow interests at the expense of the national agenda. The mushrooming of political elites or/and other stakeholders benefiting from the ongoing chaos has further contributed to the failure of various initiatives.

He further notes that IGAD as an institution faces many challenges. The organization lacks autonomy and capacity to successfully handle a very complex conflict like Somalia. It also lacks the financial capacity to push successfully and forcefully its peace initiatives forward. Yet, despite these challenges, IGAD has been instrumental in bringing the Somali crisis to the attention of the international community. As a regional organization, the role of the African Union (AU) in Somalia has been marginal. The AU has deployed peacekeeping troops, though they are struggling to strengthen their presence in Somalia. The Mission has itself become embroiled in the conflict between the government troops and insurgent groups. Its presence in Somalia, however, has effectively ensured the continuity of the weak Transitional Federal Government.

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He concludes by saying that IGAD is weak—politically, financially, and institutionally. Though its member states have shown commitment in dealing with the issue of Somalia, IGAD had limited authority to actively and effectively deal with the Somali conflict. The chances for it to be strong in the near future are limited, given the prevalent intra- and interstate conflicts among its member states. The member states should be willing to resolve their differences according to international law and practices. In this regard, the IGAD Secretariat, especially the Executive Secretary, should strive to resolve the rivalry by creating a forum for discussion and convincing regional and international actors to help reduce regional tensions. Relations characterized by mutual respect, trust, and peaceful coexistence will be a great boost in enabling IGAD to effectively address regional challenges including the Somali conflict.

In his article *NEPAD and Security in the IGAD Region,*[14] Professor Peter Wanyande posits that security in the IGAD region is a function of the nature of governance, hence the need first to deal with governance issues in the region.

On his part Samson Lukare Kwaje in his article *The Sudan Peace Process: from Machakos to Naivasha* [15] notes that the Sudan peace process has made significant progress and that the remaining issues are difficult but IGAD peace process represents the best chance for peace in Sudan.

[14] Wanyande, P. 2004. NEPAD and Security in the IGAD Region, in African Regional Security In The Age Of Globalization.edited by Makumi Mwagiru pp. 67-81.
[15] Samson L. K. 2004. *The Sudan Peace Process: From Machakos To Naivasha,* in African Regional Security In The Age Of Globalization.edited by Makumi Mwagiru pp. pp.96-105.

Ochieng Kamudhayi in his paper *The Sudan Peace Process*[16] traces the conflict resolution process in Somali. He identifies a number of issues that make this process justifiable as including destruction of property and human life, general insecurity in the region among other issues.

Otieno Michael Oloo in his thesis *"Core States In Regional Conflict Resolution: A Critical Analysis Of Kenya's Role In The Southern Sudan Peace Process"*[17] argues that the motivation for Kenya's involvement in the region's conflicts over the years is based on three thematic hypotheses based on economy, security, hegemonic and power variables as intrinsic national interests. He opines that, economic considerations are an important motivator for Kenya to continually involve itself in managing the conflict in Southern Sudan. He equally argues that security is a major factor for Kenya's involvement in managing/resolving the conflict. With a direct effect on internal (in) security exacerbated by porous borders and proliferation of small arms used in committing crimes within the country, he aptly draws the connection between terrorism, insecurity and its effects on Kenya's tourism industry as a direct security and economic problem. He also highlights the importance and need of/for peace building in the conflict management process as a safety net for preventing resurgence of conflict.

On his part O'Connell Robert in his book *"Of Arms and Men, a History of War, Weapons, and Aggression"* contends, man engages in a broad range of conflict. This broad range is supplemented by the variety of motivators, which compel him to do so. Another defining element of human conflict, according to him, is the material aspect. As O'Connell suggests, only with the coming of agriculture, and later politics, would true warfare become part of the human

[16] Ochieng kamudhayi. 2004. *The Sudan Peace Process* in African Regional Security In The Age Of Globalization,edited by Makumi Mwagiru pp. 107-122.
[17] Otieno Michael Oloo , Core States In Regional Conflict Resolution: A Critical Analysis Of Kenya's Role In The Southern Sudan Peace Process, University of Nairobi.

experience. Then there would be something to steal and governments to organize the theft.[18] But

Weber in his book *"The Theory of social and Economic Organization"* argues that conflict issues

surround the following main sociological categories: wealth, power, and prestige.[19]

Understanding political conflict, he asserts, cannot be accomplished without knowing what is the

object, and the issue of the conflict. Moreover, achieving conflict resolution is not possible

without understanding the issue and the cause of the conflict. The question is what the

commodity is or what are commodities the parties in conflict argue for? Interestingly, he leaves

this question without attempting any answer to it.

Deutsch M[20], the conflict researcher, makes distinction between five basic issues over which a

conflict could arise: control over resources, preferences and nuisances, beliefs, values, or the

nature of the relationship. Pfetsch and Rohloff in their book *"National and international

conflicts"*[21] on their part have identified nine commodities that have historically proven to be the

most disputed conflict issues between the states: territory (border), secession, decolonization,

autonomy, system (ideology), national power, regional predominance, international power,

resources and other. Indeed in international relations and political science this classification is

widely accepted by the conflict scholars.

Contributing to this topic, Adane Ghebremeskel in his paper *"Regional Approach to Conflict

Management Revisited: The Somali Experience"*[22] opines that when a chaotic political situation

[18] Robert L. O'Connell, *Of Arms and Men, A History of War, Weapons, and Aggression. New* York, Oxford University Press, 1989, p. 15.
[19] Weber, Max .1947. The Theory of Social and Economic Organization, New York.
[20] Deutsch, M. 1973). "The Resolution of Conflict", Harvard.
[21] Fetsch, Frank R.,Rohloff, C. 2000. "National and international conflicts", 1945-1995: new empirical and theoretical approaches", London.
[22] Adane Ghebremeskel, Regional Approach to Conflict Management Revisited: The Somali Experience p. 3

evolved after the ouster of the Siad Barre regime in Somalia and the humanitarian catastrophe began to unfold as a result, the world community had to react to the new phenomenon of a "collapsed or failed state." He points out that a multinational force, United Task Forces (UNITAF) and later the UN Operation in Somalia (UNOSOM), spearheaded by the US under UN authorization, and launched "Operation Restore Hope." Despite the initial success in providing protection to the humanitarian transports that supposedly avoided further starvation, UNITAF/UNOSOM failed in securing stability and political settlement in Somalia. In fact, the Somali experience was so disastrous that it precipitated re-evaluation of what he refers to as "interventionist" policy and led to the abandonment of the "grand strategy."

Consequently, he observes, the West adopted a policy of disengagement from Africa. He concludes by saying that the arguments employed in support of sub-regional conflict management emphasize regional actors' political and military advantage, their better understanding of the conflict, their possession of greater acceptance by the conflicting parties, their stronger and lasting commitment, and their relatively cheaper equipment and personnel compared to non-regional actors. Indeed he proposes a strict regional approach to conflict resolution in Africa, especially in Somalia.

Giving his views and opinion on conflict resolution in Africa, the former Secretary-General of the United Nations, Koffi Annan said in his article titled *"Conflict and the Promotion of Durable Peace and Sustainable Development In Africa"* that the 'sources of conflict in Africa reflect... diversity and complexity'. Africa's ethnic diversity has been blamed for the escalation of violent conflict and the implosion of the state and that despite this linking of ethnic entities with violent conflict; it has become clear that identities have a role to play in conflict resolution. He appears

to echo the earlier view that reconfiguring identities in solving conflicts in Africa is paramount if real peace is to prevail in the continent.

International organizations like UNESCO[23] and the African Union have embraced cultural diversity and the expression of different identities as important assets in peacemaking and nation building. Indeed, authors like Tan celebrate the diversity of identities as an asset in the re-engineering of the civic order in his book *"A blueprint for change: Diversity as a civic asset"*[24]. Ethnicity is not in itself a venal or negative force. The historian John Lonsdale[25] has distinguished between 'moral ethnicity' and 'political tribalism,' capturing the benign and negative forces of ethnic identities, respectively. His argument could be construed to mean that if benevolent forces of ethnicity are to be used, conflicts would be unheard of in African states like Somalia.

Providing more insights to the topic of conflict and conflict resolution, Kivimaki Timo in his article *'Initiating a Peace Process in Papua: Actors, Issues, Process, and the Role of the International Community'*,[26] asserts that a successful peace process requires transparent communication between all parties – the special autonomy consultation process is one possible model; the inclusion of secessionist groups; thoughtful conceptualization of implementing mechanisms and processes; and, international facilitation. Regional intervention in conflict resolution is therefore imperative in the quest for a conflict-free Africa and a world void of wars.

[23]UNESCO. 2005. Convention on the protection and promotion of diversity of cultural expressions. Paris: UNESCO

[24] Tan, L. 2006. *A blueprint for change: Diversity as a civic asset.* Washington: Partners for Livable Communities.

[25] Lonsdale, J. 1994. Moral ethnicity and political tribalism, in Kaarsholm, P. & Hultin. J. (eds). *Inventions and boundaries: Historical and anthropological approaches to the study of ethnicity and nationalism.* Roskilde: Roskilde University Press.

[26] Kivimaki, Timo .2006. Initiating a Peace Process in Papua: Actors, Issues, Process, and the Role of the International Community', *Policy Studies* 25, East West Center, Washington. Available at: www.eastwestcenter.org/fileadmin/stored/pdfs//PS025.pdf

Gerard Hagg and Peter Kagwanja in their article, *"Identity and Peace Conflict Resolution in Africa "*[27] also argue that emergence of intra-state wars based on identity requires a reconfiguring of existing conflict resolution mechanisms. They further observe that the limitations of liberal peace models originally configured to deal with inter-state conflicts, but increasingly applied to inter-ethnic conflicts with limited success and often disastrous effects. They call for the recognition of the role of regional peace and security mechanisms in conflict resolution, as far as possible the use of traditional justice mechanisms, especially in the context of increasing state failure on the continent. They further suggest in their article tinge interventions in identity-based conflicts that reconcile democracy and justice, guaranteeing the rights of both majority and minority groups. Somalia as a case in point would apply to their suggestions for everlasting peace to be realized.

Bernard Mayer in his book, *"The Dynamics of Conflict Resolution"*[28], presents a particularly unique perspective on the resolution of disputes and the prevention of conflict. He focuses on a much broader topic than the mere resolution of conflict, as is usually viewed from the standpoint of traditional Mediation or ADR. Mayer presents a useful vision of what he sees as the potential and future for the understanding of conflict and the potential forms that such understanding might allow us to envision as the field of conflict resolution moves forward into the future. He elucidates the concept that going forward with the practice of conflict resolution, we should consider the motivations and meanings that people should or could derive from looking at the world as "a better place" than it is today.

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[27] Gerard Hagg, Peter Kagwanja , Identity and Peace Conflict Resolution in Africa.
[28] Bernard Mayer, "The Dynamics of Conflict Resolution.

Mayer's objective in couching his commentary in this manner is explicitly explained in his book. He plainly states that for him, he sees himself as "committed to his work." He wishes conflict to be handled in a more productive manner. He wishes to make the world a "better" place to live and work. And, he wishes that his work will "help him grow personally." Mayer's book gives a totally new view of conflict resolution as a field of practice. It presents an ethical and moral value system that heretofore has not been the general subject of books on conflict resolution.

The NIC 2020 project paper on Conflict Resolution in Africa also asserts that many conflicts erupt due to clashes over access to resources, for instance as a result of the encroachment of one party on lands traditionally considered by another to be on its own terrain. The paper further states that what is common to all the conflicts are that fighting takes place in areas characterized by deep poverty, economic stagnation and the lack of hope for the future. It is also evident that conflicts are generated by those considered to be from the elite. While conflicts are caused by the reasons referred to earlier, they are mainly manifested by a falling out between elites, or between members of the same national elite. Generally it is those believed to be more enlightened. Somalia as a case in point could well be encompassed within the paper's analysis.

Further, it observes that Africa is a host to a number of regional organizations that have taken upon themselves the responsibility to assure peace and stability in their region, in addition to other political and economic objectives. These organizations include the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC), the Intergovernmental Authority on Development IGAD in the Horn of Africa, and the East African Cooperation (EAC). At the continental level, the sole organization is the African Union.

In addition there is another grouping of over 17 states known as CENSAD, made up of West, North, Sahelian and some Horn of Africa states. The paper concludes that outside of Africa, the diplomatic activity would need to be inclusive of individual states and international organizations, although the influence of major states does go a long way in forming the final decision that international organizations make.

1.8 Theoretical Framework

Conflict is a highly complex concept. It is also dynamic and yet highly contextualized.[29] Interventions to address conflict necessarily reflect similar complexities and dynamics. The overview of existing conflict resolution efforts by Kenya sheds light on the nation's ability or inability to solve conflicts generally and highlights the fact that existing policies, strategies and the institutions that implement them are inadequate to prevent, mitigate and resolve conflict and build sustainable peace.

The study of Kenya's role in conflict resolution is underpinned by Realism as a theory of international relations. Classical realism has usually been grounded in the theory of human nature; either a theological version for example, Saint Augustine or a secular one, for example, Machiavelli, Hobbes, and Morgenthau. Egoism and self-interested behavior are not limited to a few evil or misguided leaders but are basic to *homo politicus* and thus are at the core of a realist theory. This assertion of the realist theory therefore explains the existence of conflict in modern societies. But because human nature, if it means anything, is a constant rather than a variable, it is an unsatisfactory explanation for the full range of international relation, including the field of

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[29] Adan, M., Pkalya, R. 2006. Conflict Management in Kenya, Towards Policy and Strategy Formulation, Nairobi.

conflict resolution. However, attention must also be turned to the structure of the international system to explain state behavior.

Indeed realism focuses on state security and power above all else. Classical realists, as mentioned above believed that states, like human beings, had an innate desire to dominate others, which led them to fight wars. Realism depicts international affairs as a struggle for power among self-interested states and is generally pessimistic about the prospects for eliminating conflict and war.[30] It dominated in the Cold War years because it provided simple but powerful explanations for war, alliances, imperialism, obstacles to cooperation, and other international phenomena, and because its emphasis on competition was consistent with the central features of the American-Soviet rivalry. Indeed, the occurrence of conflict today in Somalia and the eventual involvement by Kenya in conflict resolution could be understood to be strongly grounded in realist theory.

Today the occurrence of conflict within states such as Somalia, explained from a realist point of view, may lead to explanation for ethnic conflict, noting that the breakup of multiethnic states could place rival ethnic groups in an anarchic setting, thereby triggering intense fears and tempting each group to use force to improve its relative position. For defensive realists such as Van Evem, war is rarely profitable and usually results from militarism, hypernationalism, or some other distorting domestic factor. By contrast, Mearsheimer and other offensive realists believe that anarchy forces great powers to compete irrespective of their internal characteristics and that security competition will return.

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[30] Stephen M. Walt, International Relations: One World, Many Theories, SPRING 1998 p. 31.

Early realists argued that states are self-interested, power-seeking rational actors, who seek to maximize their security and chances of survival.[31] Any cooperation between states is explained as functional in order to maximize each individual state's security as opposed to more idealistic reasons. In fact this explains why Kenya has for over the years participated in conflict resolution both in Sudan and Somalia .Similarly, the realist view that any act of war must be based around self interest, rather than on idealism explains why various groups or ethnic communities have always had conflicts in the Sudan and Somalia . Offensive realists argue that anarchy encourages all states to try to maximize their relative strength simply because no state can ever be sure when a truly revisionist power might emerge.

Social scientists are also divided on the question whether social conflict should be regarded as something rational, constructive, and socially functional or something irrational, pathological, and socially dysfunctional.[32]This has important consequences, particularly for conflict resolution. There is also significant polarity among theoretical approaches. There are two contending approaches: the classical and the behaviorist. The classical approach focuses on the macro level of analysis. It is primarily concerned with analyzing the interaction of groups. These groups can be divided along many different cleavages: national, institutional, ethnic, class, and ideological to name but a few. The classical theoretician is concerned with the interaction of groups at the conscious level.

Conflict engenders interaction at a level more intense than that of competition. Although, conflict, competition, and cooperation are inherently interdependent, conflict occurs when competing groups' goals, objectives, needs or values clash and aggression, although not

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[31] Guy, A. Global communication without universal civilization. INU societal research. Vol.1: Coexisting contemporary civilizations : Arabo-Muslim, Bharati, Chinese, and Western. Geneva: INU Press. ISBN 2-88155-004-5.
[32] James E. Dougherty and Robert L. Pfaltzgraff, Contending Theories of International Relations. New York, Harper & Row Publishers, 1981, p. 187.

necessarily violence is a result, as is the case of Somalia.[33] It is apparent that the study of Kenya's role in conflict resolution in the Somalia and Sudan is well grounded by classical conflict theory and realism as a theory in international relations. The study is therefore important in justifying or discrediting realism as a theory whose founding fathers like Hobbes and Machiavelli advanced in the ancient time.

Constructivism

Constructivism also known as social constructivism theory emerged out of debates concerning the scientific method of international relations theories and theories role in the production of international power. Constructivist international relations theories is concerned with how ideas define international structure, how this structure defines the interests and identities of states and how states and non-state actors reproduce this structure.[34] Conflict is one phenomenon that defines the interest of states in the internationalcommunity. This study therefore is underpinned by constructivism.The key tenet of constructivism- the belief that International politics is shaped by persuasive ideas, collective values, culture, and social identities shows that international efforts in in conflict resolution is of great importance.Constructivism argues that international reality is socially constructed by cognitive structures which give meaning to the material world..

Constructivist theory criticizes the static assumptions of traditional international relations theory and emphasize that international relations is a social construction. By "ideas" constructivists refer to the goals, threats, fears, identities, and other elements of perceived reality that influence states and non-state actors within the international system-conflict included. Constructivists believe that these ideational factors can often have far-reaching effects, and that they can trump

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[33] Thomas Schelling, *The Strategy of Conflict*. Cambridge, MA, Harvard University Press, 1960
[34] Michael Barnett, "Social Constructivism" in The Globalisation of World Politics, Baylis, Smith and Owens, 4th ed, OUP, p 162

materialistic power concerns. As such, constructivists do not see anarchy as the invariable foundation of the international system, but rather argue, in the words of Alexander Wendt, "anarchy is what states make of it". Constructivism also believes that social norms shape and change foreign policy over time rather than security which realists cite.

English School of International Relations TheoryThe English School of international relations theory, maintains that there is a 'society of states' at the international level, despite the condition of 'anarchy', literally the lack of a ruler or world state. In broad terms, the English School itself has supported the rationalist or Grotian tradition, seeking a middle way between the 'power politics' of realism and the 'utopianism' of revolutionism. This theory equally underpins this study.

1.9. Methodology of the Research

The researcher shall adopt a qualitative approach methodology to this study and a research method which shall consist of a literature study and semi-structured interviews to elicit information from experts in the field of conflict resolution. The researcher shall have adequate public and official literature sources both of national and international origin at her disposal. The researcher shall conduct interviews with local and international experts. The material garnered from these sources shall enable the researcher to reach her overall research objective which is interpretive, descriptive, and applicatory.

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Due to the exploratory nature of this study a qualitative research design will be adopted. In the authors' view, in qualitative research, the researcher wants to find out not only what happens but also how it happens and why it happens the way it does. In a quantitative study, respondents are usually not free to provide data that cannot be captured by predetermined instruments. They point out that in a qualitative study the variables are usually not controlled because it is exactly this freedom and natural development of action and representation that we wish to capture. The distinction between the qualitative method and the quantitative method lies in a quest for understanding and for in-depth inquiry.[35]"We want to understand, and also explain in argument, by using evidence from the data and from the literature, what the phenomenon or phenomena that we are studying are about."[36]

Given the fact that the number of suitable participants available for selection as a sample will be limited, a qualitative method shall be used. In this study the absence of a large number of suitable participants will preclude the use of a quantitative approach.

The study will target various concerned groups with conflict and conflict resolution. The first category of population target will be various regional conflict resolution initiatives where Kenya is a participant and these will include the following. Primary Sources shall include Ministry of foreign affairs officers shall also be interviewed, Intergovernmental Authority on Development (IGAD) officials shall also be interviewed; Kenyan peace envoys in Somalia and Sudan shall also be interviewed. The east African community (EAC) officials UN -interviews with senior representatives of UN-security council shall be conducted, AU officials shall also be interviewed

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[35] Henning, B., Van Rensburg. 2004. Finding Your Way in Qualitative Research. Pretoria
[36] See Henning, Supra. note at p.3

International non- Governmental Organizations that deal in one way or another with conflict and conflict resolution issues shall also be contacted for more information.. Secondary Sources shall also be used. This group shall consist of secondary sources and this will include the following: Reports on conflict and conflict resolution as found in government libraries and other libraries Commentaries and analysis on peace processes and conflict resolution in Africa.UN Security Council and Non Governmental Organizations (NGOs) reports and other publications

The Internet may be very useful as it would give important views of what is going on, comments from East Africa Community (EAC), AU, IGAD. These groups of target population will enable reliability, repeatability and representativeness.

1.10. Assumptions and Limitation of the Research

The study makes a number of assumptions;

i)   That all Somalia and Sudan states are committed to ensuring a conflict-free region and that the various governments in the region have given enough support to the conflict resolution mechanisms;

ii)   The international community fully supports the IGAD initiative and Kenya's role in helping in this region's conflict resolution; and

iii)   Kenya's efforts in conflict resolution in Sudan were a success.

The study however, has certain limitations. First, due to the limited amount of time available, the study shall mainly rely on secondary sources of data. The study also relies heavily on the availability of respondents most of whom are international experts in conflict resolution.

1.11. Conclusion

The above literature shows that indeed Kenya's involvement in conflict resolution and regional initiatives are highly supported by the international community as evidenced by the authors' views. Kenya's role in Somalia therefore needs a lot of support to be successful just like she successfully played a key role in restoration of peace in Sudan. As a result, conflict resolution should not be the responsibility of a privileged few alone, but rather be a participatory process in every sense involving all affected people. African intellectuals and professionals in the field of conflict studies should seek to inculcate African ethical values into modern academic structures, especially in conflict resolution. it also points out that regional conflict resolution mechanisms like IGAD are instrumental if peace is to be achieved in this region.

1.12. Chapter Outline

Chapter One: Introduction

This chapter looks at the background of the study, problem statement, and justification of the study, hypotheses and research questions. It also deals with theoretical framework and reviews the relevant literature. In this chapter, a critical overview of the relevant literature is taken. The researcher identifies her sources of material to be reviewed. This chapter also details how the researcher is going to carry out her study by detailing her method of study and how she wants to get information that will help her in making the work a success.

Chapter Two: History of Conflict Mediation in Somalia and Sudan

This chapter shall trace Kenya's efforts to broker peace in Somalia and Sudan, risks involved and benefits.

Chapter three: Regional Conflict Resolution Mechanisms and the role of Kenya

This chapter shall take a critical analysis of the regional conflict mediation initiatives, their successes and failures if any and the critical role played by Kenya in the sudan and Somalia peace processes.

Chapter four: the role of international community in Somalia and Sudan peace processes

In this chapter we hall take a critical look at the efforts made by the international community and the UN towards the realization of peace in Sudan and Somalia.

Chapter Five: Summary, Recommendations and Conclusions

The researcher shall, in this chapter list the findings, make recommendations and draw conclusions.

CHAPTER TWO

HISTORY OF CONFLICT MEDIATION IN SOMALIA AND SUDAN

2.0. Introduction

This chapter traces Kenya's efforts to broker peace in Somalia and Sudan, and why Sudan seems to be a success story as opposed to Somalia. Since Sudan and Somalia have suffered long and protracted conflicts peculiar to each one of them, the chapter shall analyse the history of peace processes in each case. With regard to Sudan, it was hoped that the Comprehensive Peace Agreement (CPA) of 9 January 2005 would not only end the long-running southern civil war, but provide the momentum and serve as a model for resolving other conflicts in the country. While the CPA survived until the 2011 referendum on southern self-determination and eventually southern Sudan gaining independence on 9 July 2011, it has not served as the stimulus to end the war and humanitarian crisis in places like Darfur. Nor to date has the CPA advanced any reconciliation between the people of north and south Sudan, provided hope that its commitment to make unity attractive is being fulfilled, or is ushering in a democratic transformation of the country despite South Sudan exercising the right to self-determination and gaining independence in July 2011.

Somalia on the other hand with her protracted history and a state of anarchy experienced since the overthrow of Siyad Barre in 1991, has become a difficult case for peace mediators since all the peace imitative efforts have at best, been least successful.

2.1. SUDAN

2.1.1. A brief history of Sudan conflict

The Sudan conflict can best be traced way back in August 1955, when members of the British Equatoria Corps, together with local police, mutinied in Torit and other Southern Sudan towns.[37] The mutinies were suppressed, though survivors fled the towns and began an inept insurgency in rural areas. Inadequately armed and ill-organized, they were little threat to the outgoing colonial power or the newly formed Sudanese government. However, the insurgents gradually developed into a secessionist movement composed of the 1955 mutineers and southern students. These groups formed the *Anyanya* guerilla army.[38] Starting from Equatoria, between 1963 and 1969, Anyanya spread throughout the other two southern provinces: Upper Nile and Bahr al Ghazal.

In 1971, former army lieutenant Joseph Lagu gathered all the guerilla bands under his Southern Sudan Liberation Movement (SSLM).[39] This was the first time in the history of the war that the separatist movement had a unified command structure to fulfill the objectives of secession and the formation of an independent state in South Sudan. It was also the first organization that could claim to speak for, and negotiate on behalf of, the entire south. Mediation between the World Council of Churches (WCC) and the All African Conference of Churches (AACC), both of which spent years building up trust with the two combatants, eventually led to the Addis Ababa Agreement of March 1972 ending the conflict.

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[37] Suzanne Jambo, Sudan: The challenge of national renewal in *Quest For A Culture Of Peace In The IGAD Region*, p.149.

[38] Anyanya is also known as *Anyanya 1* in comparison to Anyanya 2, began with the 1974 mutiny of the military garrison in Akobo.

[39] See Susan Jambo, ibid.

In exchange for ending their armed uprising, southerners were granted a single southern administrative region with various defined powers. Five hundred thousand people, of which only one of five was considered an armed combatant, were killed in the 17-year war and hundreds of thousands more were forced to leave their homes. President Jaafer Mohammed al-Numeiry announced in 1983 that the penal code had been revised in order to link it "organically and spiritually" with Islamic Law otherwise commonly known as Sharia.[40] Theft, adultery, murder and related offences would henceforth be judged according to the Koran. Alcobol and gambling were both prohibited; non-Moslems, however, would be exempt from Koranic penalties except when convicted of murder or theft. This in effect, totally disregarded the secular interests of Southern Sudan.

In effect, the Addis Ababa Agreement of 1972,[41] which brought relative peace and stability to the South, was unilaterally abrogated by General Numeiry returning the Sudan to war, which fuelled by the Sudan People's Liberation Movement/Army (SPLM/A). It is said that the SPLM/A fired its first shots on May 16, 1983 in Bor.[42] Within two years, the war spread from the Upper Nile and Bahr el Ghazal regions to Equatoria. The rebels, who were mostly Christians, annoyed under domination for years and especially resisted the Islamic law imposed by Numeiry in 1983.

Their first major victory was to interrupt, by killing, or capturing non-Sudanese workers in two major economic projects in southern Sudan: oil fields under exploration by Chevron Oil Company, and the Jonglei Canal dug by a French Construction outfit known as Compagnie de

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[40] See Republic Of Sudan Presidential Decree No.1 of June 1983.
[41] See the Adis Ababa Agreement, supra.
[42] Nyaba, P.A, *Politics of Liberation in South Sudan: An Insider's View*, Fountain Publishers, Kampala, Uganda: 1997 pp.22.

Construction International.[43] The United States inexplicably kept its distance from any involvement in the insurgency problem despite the fact that it viewed the Sudan as a strategically important nation, both as protector of the southern flank of Egypt, its primary Arab ally, and as a possible staging ground for any military operations mounted to protect the Middle East's oil fields as well as fighting and containing communist threats.

The rebellion in the South marshalled by Dr. John Garang continued every year with no sign of abating, resulting in astronomical number of deaths, human suffering, destruction of property and displacements due to criminal reprisals from the government in Khartoum. It is estimated that as many as 200,000 Southern Sudanese and Nuba children and women were taken into slavery— mainly to North Sudan—during raids perpetrated in Southern Sudanese towns and villages. On the pretext of fighting Southern Sudanese rebels, the National Islamic Government of the Sudan (GoS) deployed its regular armed forces and militia notoriously known as the People's Defense Forces (PDF) to attack and raid villages in the South and the Nuba Mountains for slaves and cattle.[44]

Since the 1990s, the leaders of Eritrea, Ethiopia, Uganda, and Kenya pursued a peace initiative for the Sudan under the auspices of IGAD. The IGAD initiative promulgated the 1994 Declaration of Principles (DOP) that aimed to identify the essential elements necessary to a just and comprehensive peace settlement; that is to say, the relationship between religion and the state, power-sharing, wealth-sharing, and the right of self-determination for the south. The Sudanese Government did not sign the DOP until 1997 after major battle field losses to the

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[43] See Susana Jambo, supra.
[44] http://iabolish.com/slavery_today/sudan/index.html last accessed 15th August 2011.

SPLA. In 1996, Osama bin Laden was expelled from Sudan, and he moved his organization to Afghanistan. That must have been due to pressures from within and without given that his stay in Sudan was placing the country on the *axis of evil.*[45] The move probably improved dialogue between the USA and Sudan. In 1997, the government signed a series of agreements with rebel factions, led by former Garang Lieutenant, Riek Machar, under the banner of "Peace from Within". These included the Khartoum, Nuba Mountains, and Fashoda agreements that ended military conflict between the government and significant rebel factions. Many of those leaders then moved to Khartoum where they assumed marginal roles in the central government, or collaborated with the government in military engagements against the SPLA. These three agreements paralleled the terms and conditions of the IGAD agreement, calling for a degree of autonomy for the south and the right of self-determination.

In July 2000, the Libyan/Egyptian Joint Initiative on the Sudan was mooted, calling for the establishment of an interim government, power sharing, constitutional reform, and new elections. Southern critics objected to the joint initiative because it neglected to address issues of the relationship between religion and the state and failed to mention the right of self-determination. It was unclear to what extent the initiative would have a significant impact on the search for peace, as some critics viewed it as more aimed at a resolution among northern political parties and protecting the perceived security interests of Egypt in favour of the unity of the Sudan. Southern critics objected to the joint initiative because it did not address issues of the relationship between religion and the state and failed to mention the right of self-determination. A new process that would address this was mooted under the auspices of IGAD with a view to achieving a just and lasting peace.

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[45] The Axis of Evil are, according to George W. Bush, rogue states which encourage or are linked to Terrorism.

2.1.2. History of Sudan Conflict Mediation Process

The Sudan peace process is distinguishable to the 1930s when the British developed a policy for the south in the Closed Districts Ordinance.[46] Indeed, the Southern Policy was a British design for the eventual political independence of the South from the North. In a nutshell, the Southern Policy entailed both the progressive separation of the South from the North and the fostering of particularism within it. By independence on 1st January, 1956, a number of problems concerning the coherence of the Sudanese polity were left unresolved.[47] The history of the country reveals that several major conferences were convened in an attempt to resolve the conflict between the North and the south, in the hope of reconstituting a peaceful and inclusive modern state in the Sudan. The peace process can therefore be categorized into phases[48] discussed below.

Today, conflict mediation in Sudan cannot be discussed without mentioning the Inter-Governmental Development Authority (IGAD). IGAD's engagement in the Sudan peace process began on 7 September 1993 when it established a Standing Committee on Peace to assist negotiations and end Sudan's civil war. A Declaration of Principles (DoP) was proposed and quickly accepted by the SPLM/A as a basis for negotiations, but was not endorsed by the Government of Sudan (GoS) until 1998. By this time the peace process was floundering and in an effort to re-activate it the mandate was renewed by the IGAD Sub-Ministerial Committee on

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[46] Samson L. K. 2004. *The Sudan Peace Process: From Machakos To Naivasha*, in African Regional Security In The Age Of Globalization,edited by Makumi Mwagiru p.96.
[47] See Samson Kwaje ibid. p.97.
[48] Phase One (1947-1972) included the Juba Conference of 1947, the Khartoum Round–Table Conference of 1965, the Addis Ababa Agreement of 1972 that addressed the first conflict known as the Anyanya war that started from 1955 to 1972. Phase Two 1985–1988 addressed attempts made by the SPLM/SPLA after the start of the present war in 1983 and before the National Islamic Front (NIF) government presently called the National Congress Party (NCP) of Omer el Beshir ascended to power through a military coup. And Phase Three (1898–1993) started after the National Islamic Front (NIF) currently governing the Sudan under the National Congress Party (NCP) took over power and Phase Four (1994–2001) marks the beginning of IGAD as mediator in the Sudan conflict and phase five which is the Machakos process.

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the Conflict in Sudan.[49] This Committee established a Secretariat for the IGAD Peace Process on the Sudan' based in Nairobi with the mandate:

'to carry out continuous and sustained mediation efforts with a view to arriving at a peaceful resolution of the conflict.'

This phase of the peace process led by Special Envoy Ambassador Daniel Mboya also floundered and the next and final phase began under Special Envoy Lt. General Lazaro Sumbeiywo in May 2002.[50] On 20 July 2002 the Government of Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A) signed the Machakos Protocol as a framework for the conduct of the negotiations and after two and one half years of negotiations endorsed the CPA.[51]

Scholars have observed that the Sudan mediation under Special Envoy Sumbeiywo was had effective management of the process and financial accountability, particularly when measured against earlier weaknesses of the IGAD mediation. The mediation was also applauded for its impartiality, success in maintaining the integrity of the process, the generally positive role of the advisors, resource people and ambassador envoys from the region, achieving good relations with the donors, and the steady production of protocols that culminated in the CPA. The mediation also linked together the parties to the conflict, IGAD as the regional organisation, and elements in the international community in an innovative structure. However, the Sudan peace process

[49] IGAD, Nairobi, 23 July 1999.
[50] Samson L. K., supra at 99.
[51] After the signing of the Machakos Protocol, the SPLM convened a Consultative Conference on the IGAD Peace Process (CCIPP) in August 2002, in Kapoeta County where representatives from all the five regions of the New Sudan deliberated on the Protocol. The CCIPP came up with resolutions to be used by the SPLM/A delegation as guidelines for negotiations. The SPLM/A Delegation was fully mandated by the conference to negotiate with confidence.

was in a state of crisis which is not simply due to failures in the implementation of the agreement, but was a result of its narrow approach and short-sighted vision. By assuming a limited definition of peace, focusing solely on the north-south dimension of the conflict, refusing to involve other political parties and civil society, treating the media as a threat to the process, and leaving the fate of the process to SPLM/A leader Dr. John Garang and First Vice President Ali Osman Taha, it was successful in reaching an agreement based on an acceptance of the lowest common denominators of the parties. But this approach largely precluded the realisation of its own stated objectives, which included a sustainable peace, Sudan's democratic transformation, and making unity attractive.

2.1.3. Towards the Comprehensive Peace Agreement (CPA)[52] and Post War South Sudan

In late June 2002, IGAD mediators presented the government of Sudan and the SPLM/A with a "Draft Sudan Peace Agreement" proposal. The Draft Proposal dealt with a number of critical issues facing the two parties to the conflict. On the issue of self-determination, the Draft Proposal altered the long-standing position of IGAD and its Declaration of Principles. IGAD in its DOP specifically endorsed self-determination for South Sudan. In contrast, the 2002 "Draft Sudan Peace Agreement," proposed a "Pre-Transition" period that would last about six months and a "Transition" period that would last no more than four years. The proposal did not address the issue of a referendum directly and instead suggested that "the people of Southern Sudan shall be consulted; this popular consultation shall solicit the views of southern Sudanese in regard to self-determination arrangements as set out in this agreement."[53]

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[52]Signed on January 9th 2005 in Nairobi, Kenya
[53] See the IGAD DOP July, 2002.

Members of the SPLM/A delegation and their supporters viewed the proposals as deplorable and a total abandonment of their basic right to determine their political future. They objected to the proposed government structures and the authority given to the "national government," and to what they saw as the weakened role for southerners within the proposed framework, asserting that southerners would be getting less than what they got in the 1972 Addis Ababa Agreement.

The GoS accepted the proposed draft agreement with a few amendments, since the draft agreement was similar to the government's previous offers. The SPLM/A delegation expressed concerns and gave its response to the mediators, arguing for a shorter transition period and demanding clarity on the issue of self-determination. On July 20, 2002, the GoS and the SPLA, after five weeks of talks in Machakos, Kenya, signed a Framework Agreement to end the war in Southern Sudan. The Machakos Protocol called for a six-year transition period and a referendum on the political future of southern Sudan at the end of the transition period. The Agreement establishes an independent Assessment and Evaluation Commission to monitor and evaluate the implementation of a final peace agreement. The Machakos Protocol also exempts Southern Sudan from the Islamic law or Sharia. The United States, the United Kingdom, and Norway participated as observers in the Machakos IGAD negotiations. The civil society was also on site to witness the momentous occasion.

However, from August 2002 tensions began to mount on the ground. Government forces attacked a number of garrison towns controlled by the SPLM/A, and SPLM/A forces retaliated by attacking the government's main garrison town in Eastern Equatoria, Torit. On September 2, 2002, a day after the capture of Torit, the GoS withdrew from the talks. In a press release, the government stated that it had withdrawn because of SPLM positions on power sharing and the

status of the national capital, even though most observers were convinced the withdrawal was in reaction to the loss of Torit. The GoS demanded the withdrawal of the SPLM/A from Torit and a cease-fire agreement as a condition for its return to the negotiations. In late September, the government intensified its military campaign in the East and massed troops around Torit. In early October 2002, the GoS returned to the negotiations after its forces re-captured Torit in Southern Sudan.

Based on what they characterized as a confidence building measure, the SPLM/A reversed an earlier opposition and agreed to a cessation of hostilities agreement. The second phase of the negotiations at Machakos focused on a wide range of issues relating to power and wealth sharing arrangements. As alluded to, the second phase of the negotiations in late 2002 proved difficult. There were significant disagreements on a wide range of issues. The parties met to discuss the transition period in mid-August 2002 and agreed to the following agenda:

- Structure of Government: Power Sharing, Wealth Sharing, Human Rights, and Judiciary and the Rule of Law

- Security Arrangements

- Modalities for Implementing the Peace Agreement

- Regional and International Guarantees

The first two weeks were designed for briefing and lectures by experts on a wide range of issues relating to nation building and conflict resolution. Shortly after, the parties were given a 51-page report called.[54]

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[54] See Draft Protocol on Power Sharing Within the Framework of a Broad based Transitional Government of National Unity Between the Government of Sudan and the SPLM available at http://www.iss.co.za/AF/RegOrg/unity_to_union/IGAD.html, last accessed on 20th August 2011.

The parties were asked to respond to the mediators' draft. On the question of the presidency there were significant disagreements between the parties. The SPLM/A initially proposed a rotation of the presidency during the interim period. The first three years under Bashir's presidency with the SPLM/A in the vice president slot, and the reverse for the second half of the interim period. The GoS rejected the SPLM/A proposal. The SPLM/A then proposed that Bashir could keep the presidency for the entire interim period provided that the SPLM/A was given the first vice president slot. The government was at first receptive to the idea, but then rejected the SPLM/A proposal arguing that there should be several vice presidents and the President (Bashir) should fill the slots. Members of the government's delegation expressed concerns that to give the first vice president slot to the SPLM/A would be risky since in the event that the president were incapacitated, the first vice president (SPLM/A) would assume the presidency. The SPLM agreed to the proposal of creating several vice president slots, but insisted that the first vice president slot with genuine powers should be given to the SPLM. There were also disagreements on power sharing arrangements in the Executive, Legislature, the Civil Service, and the Judiciary.

Both the GoS and the SPLM/A agreed on SPLM/A participation in all these government structures. The SPLM/A argued that due to historical injustices, southerners should get 40 percent of the seats in the Lower House and 50 percent in the Upper House.[55] The SPLM/A accepted the fact that southerners may only represent a third of the population, while pointing out the absence of a reliable population census. The SPLM/A argued that it is important to maintain a 50-50 percent representation in order to avoid abuses of power by the majority in the Upper

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[55] See the International Crisis Group, Africa Report No.96, 25 July 2005.

House. The government contended that southerners represent less than 20 percent of the population and thus did not deserve to have 40/50 percent of the seats in the Legislature. The mediators proposed a 33 percent representation for the SPLM/A. In the Executive (cabinet) and the Civil Service, the SPLM/A demanded 40 percent of the positions in all levels, while the GoS offered 20 percent.

Such were the intrigues that raised the curtains for the signature of the Sudan Comprehensive Peace Agreement (CPA) on January 9, 2005. The peace deal posed a real threat to many groups associated with the GoS's National Congress Party (NCP) regime, which signed the CPA under some duress both to deflect international pressure over Darfur and to strengthen its domestic power base by securing a partnership with the SPLM. Most members recognised that the free and fair elections required in 2009 would likely remove them from power.

Many also feared the self-determination referendum would produce an independent South, thus costing Khartoum much of its oil and other mineral wealth. There were signs that the NCP would seek to undercut implementation through its use of the militias, bribery, and through the tactics of divide and rule. It actively encouraged hostility between southern groups, with the hope that intra-south fighting would prove a sufficient destabiliser so that the referendum could be postponed indefinitely without it being blamed.[56]

Like most negotiated agreements, the CPA included something for everyone but left all parties short of their full goals. There is growing frustration in Southern Sudan over the lack of visible implementation, little enthusiasm in the North on account of Darfur and the potential for

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[56] International Crisis Group, Africa Report No.96, 25 July 2005, pp. ii.

renewed conflict in the East. The CPA was the culmination of two and a half years of intense negotiations between the government and the SPLM facilitated by IGAD. It is premised on a fundamental compromise: a self-determination referendum for the South after a six-year interim period in exchange for the continuation of Islamic (Sharia) law in the North.

The deal was predicated on extensive sharing of power, wealth and security arrangements and established an asymmetrical federal system, with the Government of Southern Sudan (GoSS) existing as a buffer between the central government and southern states but no parallel regional government in the North. The power sharing arrangements provided for fixed representation in national institutions, including parliament, among the formerly warring parties,[57] who also agreed to conduct elections at all levels of government by the end of the fourth year of the interim period. A number of other institutions, commissions and committees were also created, including a new Upper House in Khartoum - the Council of States - with two representatives from each of the 25 states.

The detailed Wealth Sharing Agreement provided for a new national currency, created parallel central banks for North and South, and set specific revenue sharing formulae for the South and the disputed areas of Southern Khordofan State, Blue Nile State, and Abyei. The GoSS and the central government are to split all oil and other revenue derived from the South evenly. Various protocols cover security arrangements and the status and treatment of the government-aligned armed groups in the South gathered under the South Sudan Defence Forces (SSDF) umbrella. The parties agreed to establish joint integrated units with equal numbers from the SPLA and the

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[57]Seats were accorded as follows: 52 % for the ruling National Congress Party; 28 % for the SPLM, 14 % for other northern forces; and 6 % for other southern forces at the national level. The SPLM was granted 70 % of positions in the southern states and the Government of Southern Sudan. The National Congress Party was granted 70 % of positions in the Northern states.

Sudan Armed Forces.[58] The SPLA and Sudan Armed Forces are to maintain their troops in the South and North respectively.

In effect, the agreement provided for elimination of the SSDF, since no armed groups other than the SPLA or the Sudan Armed Forces are permitted. However, the SSDF is given the opportunity to qualify for integration into the security structures or civil institutions of either party.[59]The Final Ceasefire Agreement spelled out a clear timetable for SSDF demobilisation. Currently, the SPLA and the SSDF have an arrangement under the Juba Declaration which was signed on January 8, 2006 between Lt. General Salva Kiir of SPLA and Major General Paulino Matip of SSDF. The following were the key tenets of the Declaration:

- Complete and unconditional unity between the SPLA and SSDF

- Agreement to immediately integrate their two forces to form one united, non partisan army under the name of SPLA as stipulated in the CPA

- Immediate and total cessation of all forms of hostilities and to ensure that all their forces and persons under their control observe and comply with this Declaration

- Guarantee freedom of movement of people, goods and services in all areas in Southern Sudan

- Declaration of general amnesty covering any criminal acts committed during the past period of hostilities between the two forces

- Appeal to any armed persons or groups outside the two forces to join the process of unity and reconciliation.

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[58]There are to be 24,000 joint integrated forces in the South, 6,000 in both Southern Kordofan and Blue Nile states, and 3,000 in Khartoum.
[59] Article 7a and 7b, "Agreement on Security Arrangements during the Interim Period", September 25 2003.

2.2. A brief summary of the Sudan peace process

Much of Sudanese peoples' lives have been grotesquely damaged by war largely imposed by the ruling Islamic elites and clergies in the country. In fact it can be argued that it has been quite an odyssey.[60] But, with the help of some remarkably good people both in the African continent and the international community, the Sudanese emerged with some peace agreements, which the political history of the Sudan sadly dictates me to call "the deceptive peace agreements.

2.2.1. The Addis-Ababa Agreement of 1972

This agreement was signed by the government of Sudan under Neimeri and South Sudan Liberation Movement (SSLM). Among many things the agreement provided local autonomy for the people of Southern Sudan. Hence, the agreement was signed in 1972. But in 1983, president Neimeri dissolved the agreement saying that it was not Quran or Bible. As the result of this the civil war started in 1983. The SPLM/A insurrection broke out in 1983 and by 1985 the Transitional Military Council (TMC), which overthrew the Nimeiri dictatorship in the same year, appealed to the southern rebels to join the government and resolve their grievances peacefully. However, the TMC was not prepared to accept the SPLM/A as a national party with an agenda for reconstructing the entire country, nor did it agree to the movement's demands to freeze Shari'ah laws introduced by Nimeiri, end defence agreements with Arab countries, and hold a constitutional conference.[61] As a result, this early effort at peace-making collapsed. Two points should be noted here: first, Shari'ah was to prove to be an enduring and difficult issue in

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[60] Peter L. Both, The Sudan peace process: the challenge of implementation Presented on the United Nations Day 24 October 2005 Cultural awareness Dialogue with Members of Sudanese Community in Calgary.

[61] Lesch. A. *The Sudan – Contested National Identities.* (Bloomington: Indiana University Press, 1998).

successive attempts at resolving the conflict, and second, southern self-determination did not figure as a major issue at this time.

2.2.2. The Koka Dam Declaration of 1986

The next internal effort at peace-building took place in a meeting between the National Salvation Alliance (the umbrella organization of the parties that overthrew the Nimeiri regime) and the SPLM/A in March 1986 at Koka Dam in Ethiopia, when agreement was reached on all the SPLM/A's demands. Unfortunately the refusal of the Democratic Unionist Party (DUP) and the National Islamic Front (NIF) to participate in the discussions undermined these achievements. In July 1986 after the holding of national elections the Umma Party leader and Prime Minister, Sadig Al-Mahdi, met the SPLM/A leader, John Garang, and agreed to the Koka Dam recommendations and the meeting 'ended in a note of guided hope'[62], but these hopes were not realized.

This agreement was consummated between the SPLM/SPLA and the Sudanese government. In this agreement, the need to form a national government inclusive of all the parties was agreed, but immediately before the ink could dry, the agreement shriveled from the pages. The government of Sudan decided to go ahead with their makeshift elections in Khartoum without the national opposition parties; hence the peace agreement collapsed and the international community simply went dead silent as usual when they have no interest.

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[62] Sadig Al-Mahdi. Personal correspondence with the author. Khartoum. 23 October 2003.

2.2.3. The Abuja Peace initiative (Abuja I & II) 1991-1992

The Nigerian government saw the need in 1991 and 1992 to reconcile the Sudanese government and the SPLM/A to negotiated a peaceful settlement to the conflict. Here the Southern Sudanese and other marginalized areas called for their right to self-determination. What this means is that Sudan was carved out of an artificial unity which the Sudanese people did not participate in. Therefore, the people wanted to determine their future political destiny through an internationally supervised referendum to be conducted in southern Sudan and other marginalized areas. The Sudanese government rejected this proposal and opted for a military resolution of the conflict.

2.2.4. The internal peace of 1997

The Sudan government and the South Sudan Independence's Movement entered into an agreement in 1997 along the lines of Abuja I and II and also a long the line of IGAD. The only difference here is that only the Sudanese people were working out the agreement without the involvement of the international community. The government of Sudan agreed to the principle of self-determination for the people of southern Sudan and other marginalized areas. They agreed to have the Government of Southern Sudan, just as in the new peace agreement. Dr. Riek Machar of the SSIM (the architect of self-determination for southern Sudan and other marginalized areas) was sworn in as the Vice President of the Sudan. National constitution reflective of the interests of the minorities was also enacted. Everything else looked beautiful and brilliant. However, the Sudan government refused to implement the 1997 agreement. Dr. Riek left Khartoum and joined Dr. John Garang who refused to sign that peace as he viewed it too as a deception.

2.2.5. The IGAD Peace Process

This process, mainly spearheaded by Kenya[63] began in 1994 picking up from the previous peace talks. Both parties agreed on self-determination for the people of southern Sudan after six years of interim period. The agreement, among others, stipulated: equitable allocation of resources in the country referred to as the wealth sharing strategies, the real and actual participation of the southern Sudanese and other marginalized groups into the political system, and the establishment of one country two systems arrangement. This means that there would be a government of Southern Sudan within a United One Sudan for the interim period. If the referendum result is a yes for unity, then that system would remain. If not, southern Sudan then would become an independent entity.

Hence, the Comprehensive Peace Agreement was signed in Naivasha Kenya, on 9 January 2005 and witnessed by many countries and international organizations. The role played by the Kenyan government was tremendous and arguably unrivalled by other nations.

2.2.6. The Comprehensive Peace Agreement (CPA)

In January 2005, the complete CPA was signed in Nairobi, Kenya. In addition to the six protocols, the agreement laid out a timetable by which Southern Sudan would hold a referendum on whether it would secede from Northern Sudan and become its own, separate, autonomous nation.

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[63] Kenya is a founding member of the Inter-governmental Authority on Development (IGAD), which was founded in Djibouti in 1986 and now is comprised of seven African countries: Djibouti, Ethiopia, Kenya, Somalia, Sudan, Uganda and Eritrea. The peace talks between the Sudanese government and the Sudan People's Liberation Movement/Army (SPLM/A) are carried out under the auspices of (IGAD).

The following is a summary of the key steps that were stipulated in the CPA.[64] Beginning in 2002, the government of Kenya helped to facilitate the Comprehensive Peace Agreement (CPA), also known as the Naivasha Agreement, meant to end the second Sudanese civil war. The CPA resulted in six key protocols:

2.2.7. The Machakos Protocol

In July 2002, the Machakos Protocol was signed in Machakos, Kenya and agreed on broad principals of government and governance.

The Agreement on Security Arrangements

In September 2003 the Agreement on Security Arrangements was signed in Naivasha, Kenya and agreed on key security arrangements between the GOS and the SPLM.

The Agreement on Wealth Sharing

The following year in January 2004, the Agreement on Wealth Sharing was again signed in Naivasha, Kenya. It lay down on how the two parties would share wealth, especially oil from the disputed areas like Abyei.

The Protocol on Power Sharing, Protocol on the Resolution of the Conflict in Abyei Area, Protocol on the Resolution of the Conflict in Southern Khordofan and Blue Nile States

In May 2004, the Protocol on Power Sharing, Protocol on the Resolution of the Conflict in Abyei Area, Protocol on the Resolution of the Conflict in Southern Khordofan and Blue Nile States were signed in Naivasha, Kenya.

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[64] See the detailed discussion in chapter III below.

2.2.8. The Referendum

In January 2011, Southern Sudan held an independence referendum vote. Over 98% voted for separation. Again Kenya played an integral role in maintaining peace and preparing for the referendum:

2.2.9. South Sudan independence

Finally on July 9, 2011, a new state of south Sudan was born as the people from the south exercised their right to self determination. This indeed was a key step in ensuring peace prevails in the region as parties.

2.2.10. Conclusion

Despite many obstacles and challenges that faced the implementation of the Comprehensive Peace Agreement, both parties have to be commended for honoring the CPA. However, many challenges facing southern Sudan as an independent state need to be addressed for the realization of everlasting peace in Sudan. All stakeholders must therefore play their role in supporting the new independent state of south Sudan.

2.3. SOMALIA

2.3.1. A brief history of the Somali conflict

History reveals that the seeds of Somali conflict were sown in 1887 and later in 1948 when the country was divided among the British, Italian and French colonial powers and with the British transfer of the Ogaden's autonomy to Ethiopia.[65] As fate would have it the 1969 coup by Mohamed Syiad Barre and the 1978 Ogaden war with Ethiopia were the two major turning points in the Somalia civil war. The Somali crisis proper then began in 1988, when the country erupted in civil war.[66] An armed insurgency, the Somali National Movement (SNM), which had been fighting the regime of Siyad Barre, launched an attack against government forces in the north of the country. Government counter-attacks produced massive displacement and casualties in the north. The international community, led by the United States, responded by freezing foreign aid to the government. Somalia's crisis rapidly worsened over the next two years, as multiple clan-based liberation movements sprung up in opposition to the regime. In part, because of external preoccupation with dramatic political developments elsewhere, such as end of the Cold War and the build up to the first Gulf War, no significant external mediation effort was mustered to address Somalia's deepening crisis.

2.3.2. The Somali Peace Process

Since the outbreak of the civil war in 1991, Somalia has had 14 peace conferences.[67] All, except the Arta Peace Conference held in Djibouti and the IGAD-led Somali Peace Conference, faltered precipitately. The Arta Peace Conference fostered the Transitional National Government (TNG)

[65] Lewis, I.M.(2008). UNDERSTANDING SOMALIA and Somaliland, London: hurst publishers, p.131.
[66] Lewis, I.M(2002). A modern history of Somalia, Athens: ohio university press
[67] Ochieng Kamudhayi. 2004. *The Sudan Peace Process in* African Regional Security In The Age Of Globalization, edited by Makumi Mwagiru p. 107.

in 2000 following five months of deliberations in Djibouti. However, the TNG could not move beyond a portion of Mogadishu and ended up as a paper state. The IGAD-led Somali Peace Conference held in Kenya was the longest initiative ever held to resolve the Somalia crisis. The conference that began on October 15, 2002 in the Kenyan western town of Eldoret and later relocated to Mbagathi, Nairobi culminated in the selection of 275 members of the Transitional Federal Parliament on August/September 2004. Thereafter, President Abdullahi Yussuf Ahmed was elected in a ceremony held at Kasarani grounds in Nairobi on October 15, 2004. The President appointed Prime Minister Ali Mohamed Gheedi and his first cabinet appointment was brought down by a parliamentary vote of no confidence. The president later reappointed Gheedi as his Prime Minister and another cabinet formed was confirmed by Parliament.

Since 1991, the Somali peace processes have been measured and appraised with predictable results or trends. At the end of each peace and reconciliation process to resolve the Somalia crisis, its outcome is assessed to encounter three fundamental negative developments: mushrooming of political factions, proliferation of arms and resumption of fighting. These given reactions are attributable to fear of the unknown and subsequent resistance to maintain the status quo. It is also defined as a reaction to managing change; from a state of lawlessness to restoration of law and order – for all.

The IGAD-sponsored and Kenyan-hosted process is not immune from these realities as the Transitional Federal Institutions (TFI) started to face political rifts within its ranks. The dispute is anchored on lack of consensus on three fundamental issues including the transitional seat of the government and engagement of a protection force from the African Union (AU), including Frontline States. This has induced wrangles that ultimately led to incoherence and relocation to

two different sites. These rifts have marked the split of the TFI into two opposing camps operating from Mogadishu and Jowhar respectively.

Until 1995, the United Nations and United States were the leading players and sponsors in Somali national peace talks.[68] The Organisation of African Unity had assigned Ethiopia the lead role in Somalia in 1993 and, after UNOSOM's mandate ended, Ethiopia started to play a much more active role. The diplomatic initiative passed to the so-called 'frontline states' of Kenya, Ethiopia, and Djibouti, under the reformed Intergovernmental Agency on Development (IGAD),[69] whose mandate was revised in 1996 to include peace and security, thus giving the body a mandate to intervene in Somali affairs. The on-going engagement of regional states has been driven as much by their own security and economic interests, as by a concern to end the Somalia's political turmoil, and divisions between these states has become an increasing hindrance to reconciliation in Somalia.[70] The Islamic states of Egypt, Libya and Yemen have also made periodic endeavors to broker settlements, again largely driven by geo-political and economic interests. The influence of competing regional and international interests in Somalia is illustrated by rival efforts in 1996 and 1997 to mediate an accord to establish Somali government at the Sodere and Cairo talks respectively.

In October 1996, the Kenyan president, Daniel Arap Moi, sought to broker an accord between Ali Mahdi, Hussein Aideed and Osman Atto in an attempt to pacify Mogadishu. President Moi's efforts were soon upstaged when Ethiopia convened a much larger national conference in

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[68] In Search for Peace, A History of Mediation in Somalia since 1988, The Center for Research and Dialogue available at www.crdsomalia.org. last accessed 16 June 2011.
[69] The Inter-governmental Agency on Drought and Development (IGADD) was renamed IGAD. The member states are Djibouti, Ethiopia, Kenya, Somalia, Sudan,
[70] See Healy, supra.

Sodere. The Sodere talks, which stretched from November 1996 to January 1997, involved some 41 Somali leaders, representing 26 factions, and included Colonel Abdullahi Yusuf, Ali Mahdi Mohamed, General Umar Haji Mohamed 'Masale', General Mohamed Said Hersi 'Morgan', Osman Atto, Hassan Mohamed Nur 'Shati-gudud', Hussein Haji Bod, Mohamed Ramadan Arbow, Umar Hashi Aden, and Mohamed Abdi Hashi. The participants agreed to form an alliance - called the National Salvation Council (NSC) - and to hold a further National Reconciliation Conference in Bosasso. The most lasting legacy of the Sodere conference is the '4.5 formula' for fixed proportional representation by clan, which has been employed at subsequent Somali reconciliation conferences.

The Sodere talks were boycotted by Hussein Aideed and by Somaliland. Indeed, it seems clear that a key aim of the Sodere talks was to forge a coalition of like-minded factions against Hussein Aideed's selfproclaimed Salballar 'broad-based' government, of which he became leader after the 1996 death of his father General Mohamed Farah Aideed. Aideed had become a foe of Ethiopia, accused of collaborating with Islamic groups who were considered a threat to Ethiopian national security. Some Somali analysts argue that Ethiopia's main goal in establishing the Sodere group was to legitimize its military incursions into Somalia to destroy bases of the militant Islamist group, Al-Itihad Al-Islami, which was accused of carrying out attacks against government targets inside Ethiopia. Ethiopia mounted major operations against Al- Itihad bases in Gedo in 1996 and maintained a strong military presence in the area in 1997. They claimed to have killed non-Somali foreign fighters and captured documents proving the linkage between Al-itihad and Al-Qaeda's network.[71]

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[71]Uganda and Eritrea (from 1993 until it suspended its membership in 2007). See also Gen. Jama Mohamed Ghalib (2002) Who is a terrorist? Page 4.

2.3.3. United Nations Interventions

In late 1991, the outgoing UN Secretary- General Javier Perez de Cuellar decided to re-engage with the crisis. In January 1992 the United Nations Security Council (UNSC) adopted resolution 733 to impose an arms embargo on Somalia - a full twelve months after the government of Siyad Barre had fallen. The UN then launched its first diplomatic initiative. Under Secretary General for Political Affairs, James Jonah, visited Somalia and persuaded Ali Mahdi and General Aideed to hold talks in New York under the auspices of the UN, the Organisation of African Unity (OAU), the League of Arab States (LAS) and the Organisation of Islamic Conference (OIC). The talks, which signalled the reengagement of the international community in Somalia, produced an agreement on a cessation of hostilities and paved the way for further UN resolutions on March 17 and April 24 that authorized the establishment of the first UN peacekeeping operation in Somalia in April 1992. The mandate of the United Nations Operation in Somalia (UNOSOM), led by the Special Representative of the Secretary General (SRSG), Mohamed Sahnoun, was to maintain a ceasefire throughout the country, promote reconciliation and a political settlement and provide urgent humanitarian assistance.

The Resolution also called upon the international community to support the implementation of a 90-day Plan of Action for Emergency Humanitarian Assistance. UNOSOM began its mission in Somalia in April 1992. Initially consisting of fifty unarmed ceasefire monitors, the operation's mandate was revised in August to protect humanitarian convoys and distribution centres and reinforced with a lightly armed force to protect aid deliveries. Sahnoun sought to mediate the conflict but was replaced by the Secretary-General in October 1992 after criticizing the UN for being slow and bureaucratic. The loss of this experienced and knowledgeable external diplomat

came at a pivotal moment in Somalia, and constituted another missed opportunity, as Sahnoun might have been better placed to avoid some of the mistakes subsequently made by UN diplomats.

2.3.4. The George Bush Initiative

In December 1992 the international intervention was massively scaled up, when the outgoing American president, George Bush, seeking to use Somalia as a test case for more "muscular" UN peace enforcement in the post-Cold War world, authorized the deployment of US forces to spearhead a multi-national Unified Task Force (UNITAF) to bolster the UN operation and to safeguard humanitarian deliveries. Authorized to 'enforce peace' under Chapter VII of the UN Charter, security initially improved under 'Operation Restore Hope', as foreign troops were deployed and heavy weapons were cantoned, although the operation shied away from disarming the factions. Backed by this unprecedented military and humanitarian intervention force, the UN pressured the Somali armed factions - which had grown to 15 in number - to sign a new accord in Addis Ababa in March 1993.

2.3.5. The Addis Ababa Accord

The UN-brokered Addis Ababa Accord committed the 15 factions (each of which represented a clan) to a national reconciliation process and a procedure for establishing a Transitional National Council (TNC) and government institutions. With this apparent diplomatic breakthrough, the UNSC endorsed a new Resolution (814) to expand the UN's role in Somalia, deploying some 28,000 peacekeepers and giving UNOSOM II a mandate to restore peace, law and order and help

re-establish a national government – not only the largest peacekeeping force in the UN's history, but also the most ambitious. Questions of UN and US impartiality were an immediate and enduring preoccupation for Somali factions, who were keenly aware that external preferences could translate into decisive advantages for themselves or their rivals. US and UN policies had the potential to tilt the playing field in ways that helped some and hurt others. Initially, the US delegation led by Ambassador Robert Oakley appeared to be giving General Aideed preferential treatment, in part because Aideed controlled south Mogadishu where the peacekeeping operation was headquartered, and was the only militia leader in a position to disrupt the mission. Indeed, the first US military strikes against a Somali faction were launched against militia of Aideed's nemesis, General Mohamed Hersi "Morgan," in the Kismayo areas in February 1993.

The UN's initial and fateful decision on the key question of who had the right to represent Somalis at the negotiating table – the UN opting to recognize 15 clan-based factions at the peace talks – tipped the scales towards militia leaders and weakened civic and traditional authorities. But in May 1993, when the UN took control over the peace operation (renamed UN Operation in Somalia, or UNOSOM), US and UN officials took steps which worked against militia leaders in general and General Aideed in particular. A perceived bias of United Nations and the United States antagonized General Mohamed Farah Aideed and his Somali National Alliance (SNA) and disputes soon emerged over the interpretation of the Addis Ababa accord. The UN construed it to approve a bottom-up process of local selection of district representatives, while many faction leaders claimed they controlled selection of regional and national councillors. Tensions worsened over the May 1993 Mudug agreement between General Aideed and Col. Abdullahi Yusuf; the UN saw the agreement as a militia alliance intended to weaken its own initiatives, while Yusuf and Aideed presented it as an important and legitimate local peace accord. These tensions

culminated in an armed attack on UN forces by General Aideed's SNA in June 1993 in which twenty-four UN peacekeepers were killed. That attack produced an armed confrontation between the SNA and UNOSOM forces, culminating in the disastrous October 3 firefight in which hundreds of Somalis and eighteen US Army Rangers died and two Black Hawk helicopters were shot down in Mogadishu. The fledgling US administration of President Clinton, under considerable domestic pressure, withdrew its forces from Somalia in 1994. Other countries followed. In 1994, UN diplomats sought to broker a new power-sharing accord bringing together Somalia's top militia leaders into a coalition government through a meeting in Kenya attended by 16 factions including General Aideed and Ali Mahdi but that effort also came to nothing. UNOSOM withdrew from Somalia in March 1995 having failed to achieve reconciliation and revive Somalia's collapsed state.

Despite its many failings, the UN intervention initially had the trust of the warring parties and the acceptance of most Somalis. The new United Nations Secretary-General Boutros Boutros Ghali, a former Egyptian minister of state, played a key role in bringing world attention to the crisis. The intervention did assist in saving the lives of many Somalis from hunger and starvation. In addition, it encouraged the creation of local non-governmental organizations, employed many jobless people, improved security in certain areas, reopened Mogadishu airport and seaport, and supported education and health services. However, the uncompromising positions of the Somali warlords disrupted any peace efforts by the UN and other counties. The UN's efforts were also complicated by competing goals within the troop-contributing countries and some regional countries, especially Ethiopia and Egypt, which sought to exert their influence on the crisis.

In the aftermath of the UNOSOM withdrawal from Somalia in March 1995, the Secretary-General established the United Nations Political Office for Somalia (UNPOS) to help him advance the cause of peace and reconciliation through contacts with Somali leaders, civic organizations and the States and organizations concerned. From a base in Nairobi, the UN continued to engage indirectly, monitoring the situation and providing periodic reports for the Secretary General. For the next five years, however, the diplomatic initiative was left to regional countries and the European Union.

2.3.6. Local Peace Initiatives

UNOSOM's withdrawal in March 1995 did not, as many feared, precipitate a return to whole-scale civil war. Violent conflicts did continue, but military clashes became shorter, more localized, and generally less intense. There were several reasons for this. The huge UN military intervention had helped to curtail the intense conflict between the major factions, and those factions and clans that had gained during the first years focused on consolidating their gains. As the CRD study on south-central Somalia explains, UNOSOM also supported a number of local peace initiatives, providing good offices and mediation, some of which had a positive impact. One such UNOSOM supported regional initiative was in Kismayo in 1994, involving the SNA, SPM and SSDF and representatives of nineteen clans from Middle and Lower Jubba regions (with the exception of the Absame sub-clan which signed the agreement later). Another was the 1994 Bardhere peace conference between the Digil and Mirifle and Marehan clans, which sought to address the fighting between these two communities in 1991-92 which had caused heavy casualties, the breakdown of trade and incessant conflicts over pasture and water resources. Since 1994, these communities have co-existed relatively peacefully.

More significantly, while the foreign military and diplomatic interventions in the first half of the 1990s failed to end Somalia's political crisis, Somalis themselves made progress in reconciliation and establishing public authorities. The most successful and sustained of these processes took place in the secessionist Somaliland state, following the SNM's declaration of independence from Somalia in May 1991.

2.3.7. The Burao Conference

This is the conference at which independence was announced, and was one of numerous inter-clan conferences in Somaliland between 1991 and 1997 that promoted reconciliation, facilitated disarmament, and established political and administrative structures in the former northern regions8. Between 1993 and 1994 many other agreements were reached in Somalia, although most of them were short lived.

2.3.8. Mudug peace accord

One that survived is the June 1993 Mudug peace accord between the forces of General Aideed and the SSDF, which established a ceasefire between the Haber Gedir and the Majeerteen, the withdrawal of militia from Galka'yo town and the opening of trade routes. UNOSOM also supported the Hirab reconciliation in Mogadishu in January 1994 between elders of the chief rival clans, the Habr Gedir and the Abgal, backed by the politicians of the two clans, which reached agreement to end hostilities, remove road blocks, and dismantle the green line dividing the city. Another significant development was the creation in March 1995 of the Digil-Mirifle Governing Council for Bay and Bakool regions. The Council did not survive the departure of the

UNOSOM because Aideed's forces overran Baidoa soon afterwards. It nevertheless established a precedent for the decentralised administration of those regions.

2.3.9. The Sodere Conference

In October 1996, the Kenyan president, Daniel Arap Moi, sought to broker an accord between Ali Mahdi, Hussein Aideed and Osman Atto in an attempt to pacify Mogadishu. President Moi's efforts were soon upstaged when Ethiopia convened a much larger national conference in Sodere. The Sodere talks, which stretched from November 1996 to January 1997, involved some 41 Somali leaders, representing 26 factions, and included Colonel Abdullahi Yusuf, Ali Mahdi Mohamed, General Umar Haji Mohamed 'Masale', General Mohamed Said Hersi 'Morgan', Osman Atto, Hassan Mohamed Nur 'Shati-gudud', Hussein Haji Bod, Mohamed Ramadan Arbow, Umar Hashi Aden, and Mohamed Abdi Hashi. The participants agreed to form an alliance - called the National Salvation Council (NSC) - and to hold a further National Reconciliation Conference in Bosasso. The most lasting legacy of the Sodere conference is the '4.5 formula' for fixed proportional representation by clan, which has been employed at subsequent Somali reconciliation conferences.

The Sodere talks were boycotted by Hussein Aideed and by Somaliland. Indeed, it seems clear that a key aim of the Sodere talks was to forge a coalition of like-minded factions against Hussein Aideed's selfproclaimed Salballar 'broad-based' government, of which he became leader after the 1996 death of his father General Mohamed Farah Aideed. Aideed had become a foe of Ethiopia, accused of collaborating with Islamic groups who were considered a threat to Ethiopian national security. Some Somali analysts argue that Ethiopia's main goal in establishing

the Sodere group was to legitimize its military incursions into Somalia to destroy bases of the militant Islamist group, Al-Itihad Al-Islami, which was accused of carrying out attacks against government targets inside Ethiopia. Ethiopia mounted major operations against Al- Itihad bases in Gedo in 1996 and maintained a strong military presence in the area in 1997. They claimed to have killed non-Somali foreign fighters and captured documents proving the linkage between Al-itihad and Al-Qaeda's network[72] Ethiopia's efforts to forge a political alliance were challenged by competing initiatives in the Arab world. In May 1997, the Yemen government mediated between Hussein Aideed and Osman Atto, each leading a splinter.

2.3.10. The Arta Process

The Arta approach was viewed with suspicion by clans which controlled the capital city and which believed a federal system would harm their interests. Some Somalis suspected it was a divisive ploy of Ethiopian regional policy designed to exacerbate clannish tensions among Somalis. The year 2000 saw a step change in international diplomatic efforts, when the Djibouti government, led by its new President Ismail Omar Guelleh, hosted the Somalia National Peace Conference in the small town of Arta. The process was endorsed by Egypt and the UN which engaged in its first modest mediation efforts since 1994.

The 'Arta process', as it is commonly known, achieved an important political breakthrough, producing a power-sharing agreement in August 2000 to establish a Transitional National Government (TNG), with a Transitional Charter for government, and a significant degree of national legitimacy. This was due, in part, to an innovative peace process that consulted with Somali society beyond the usual faction leaders, including clan elders, civic leaders and business

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[72] Gen. Jama Mohamed Ghalib (2002) Who is a terrorist? Page 4.

people. It utilised the so-called '4.5 formula' developed in Sodere,[73] introducing a system of fixed proportional representation of Somali clans in negotiations and in transitional governments. This allotted an equal number of places to each of the four major Somali clan-families with a half place allotted to minorities and women. The Arta conference also revived the notion of a unitary, rather than federal, state in Somalia.

The TNG, with UN backing, became the first Somali authority to fill Somalia's seat at the UN and in regional bodies since the fall of Siyad Barre. But, critically, it failed to win the backing of all the neighbouring states and the confidence of donor governments. The Arta process had engaged opposition figures from each of the 'blocks', setting the scene for inevitable conflict; the 'blocks' were all aligned with Ethiopia, generating hostility to the TNG in Addis; and the Arta process was backed by Egypt, a strategic rival of Ethiopia. Ethiopia was also concerned about the role and influence within the TNG of the Islamist leader Hassan Dahir Aweys (formerly head of Al-Itihad Al-Islamiya) and others associated with Al-Itihad who, inter alia, made irredentist claims on Somali-inhabited land in Ethiopia. It actively supported the establishment of an opposing alliance of military factions, called the Somali Restoration and Reconciliation Council (SRRC). In Somalia the TNG failed to follow through on the reconciliation efforts begun in Arta to produce a government of national unity. Ultimately it became associated with the powerful Mogadishu clans and business class, and public support for it waned in the face of accusations of corruption. The revival of a central government bucked the trend towards decentralised regional authorities and threatened the power-bases of powerful political leaders. It was unable to project its authority within Somalia, where it was openly opposed by the SRRC. The Ethiopian backing

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[73]Initial research indicates that the concept for the '4.5 formula' originated at the Nationalities Institute in Addis through discussions on ethnic federalism in the 1980s (Interpeace 2009).

for the SRRC further highlighted how the interests of neighbouring counties had become a hindrance to reconciliation in Somalia.

Given subsequent events, the TNG is viewed by some Somalis as a 'lost opportunity' to which the international community failed to adequately respond. It also demonstrated the difficulty of a securing a lasting agreement that does not address the 'interests' and needs of both internal and external 'spoilers'. Although it had a Charter for government, this did not clearly define the tasks of government. While it arrived in Somalia with a degree of goodwill and expectation from Somalis, it failed to build upon that and extend its authority in Mogadishu.

2.3.11. The IGAD Initiative

In 2002, with the TNG considered increasingly irrelevant, foreign governments began to engage in renewed diplomatic efforts in Somalia. IGAD inaugurated a process with the intention of bringing the Djibouti-backed TNG and its Ethiopian-backed opponents in the SRRC into a comprehensive political settlement. The IGAD-led Somalia National Reconciliation Conference (SNRC), held in the Kenyan towns of Eldoret and Mbagathi and mediated by Kenyan diplomats, was supported by the UN and financed by the European Union and other Western donors. It proved to be the longest Somalia peace conference, lasting a full two years, during which the mandate of the TNG expired. External finances sustained the process until a Transitional Federal Charter was adopted and a Transitional Federal Parliament was selected, which duly chose Abdullahi Yusuf as the president in October 2004 for a five year transitional period.

The Kenyan peace process involved a mixture of political and military leaders, traditional elders, and civil society leaders but was dominated by faction leaders. It was designed in three phases to achieve a declaration on a cessation of hostilities, agreement on substantive conflict issues and a charter for government. The talks stalled and were interrupted by violations of the weakly drafted 'ceasefire' several times, until a breakthrough occurred in August 2004 when selection of parliamentarians was completed.

The process was heavily criticized for corruption and the influence wielded by Ethiopia. In direct opposition to the Arta process, the Transitional Federal Charter proposed a federal structure for the state and set out the transitional tasks of the government ant its institutions. From its inauguration in December 2004, the TFG won immediate international recognition and substantial financial support was also anticipated with the inauguration of a World Bank and UNDP Joint Needs Assessment of the country's rehabilitation and development requirements. The TFG relied heavily on sustained international financial and military support but, like its predecessor, the TFG fell well short of serving as a national government. Instead power was concentrated in a narrow clan coalition, and the TFG was viewed as a client of Ethiopia. A Mogadishu-based coalition, comprising dominant clans from the capital, Islamists, leaders of the previous TNG, and warlords, formed an opposition to the TFG and blocked it from establishing itself in the capital.

2.3.12. The Emergence of the Islamic Courts Union (ICU)

In 2006, the ascendant Islamic Courts Union (ICU) defeated rival militia leaders in Mogadishu and spread its authority across most of south-central Somalia. Mediation efforts by the Arab

League in Khartoum between the TFG and the ICU failed in the face of bellicose threats by elements of the ICU to launch a jihad against Ethiopia, which had moved forces into Baidoa in August to protect the TFG.

In late December 2006, Ethiopian forces swept the ICU from power, and installed the TFG in Mogadishu. External pressure on the TFG to negotiate with Mogadishu-based opposition in order to form a more inclusive transitional government met with limited success. Efforts by the TFG and Ethiopia to impose their authority through force provoked violent resistance from a mixture of Mogadishu-based clan militia and the remnants of the militant wing of the ICU – al Shabaab al Mujahidiin ('the Mujahideen Youth Movement'). During 2007 alone, fighting between the TFG and the insurgency caused the deaths of several thousand civilians, the displacement of up to 700,000 people from Mogadishu, and widespread destruction of the city. In early 2007, a small contingent of African Union peacekeepers (AMISOM) was deployed to Mogadishu in advance of a proposed UN peacekeeping operation to protect the Transitional Federal Institutions (TFIs). The AMISOM force, however, was deployed with a confusing and contradictory mandate and was ill-equipped to intervene. Up to early 2008 several UN assessment missions have concluded against an expanded UN peacekeeping operation, a position shared by the Report of the Secretary-General to the Security Council in April 2009.

During his four years in power, Abdullahi Yusuf's government failed to implement any of the transitional tasks set out in the Transitional Federal Charter. By inviting Ethiopia to intervene militarily to oust the ICU from Mogadishu, the TFG lost any semblance of legitimacy and singularly failed to impose its authority over the country. In 2008 a further round of mediation efforts was initiated by the UN to end the fighting between the TFG and proliferation of armed

opposition forces. By late 2008, Somalis inside Somalia were experiencing the worst humanitarian and political crisis since the early 1990s.

2.4. Challenges to the Somalia Peace Process

While the Somalia factions failed to garner systematic international support, several efforts, both domestic and external, to bolster dialogue within the TFI also failed due to both sides sticking to their original positions. However, the situation changed following a meeting of the Speaker and the President in Aden, Yemen and has ended with the signing of the *Aden Declaration* on January 05, 2006. The declaration was short of details and it is unclear at this stage whether the key armed ministers in Mogadishu and other armed political actors would be amenable to the agreement. It is obvious in the Somali political jigsaw that when an obstacle is addressed a new one appears.

Though the TFP session was held as planned in Baidoa, some of the armed ministers failed to turn up. A member of the armed ministers voiced his opposition to an appeal made by the president in the session held in Baidoa. Some of the armed ministers in Mogadishu and other armed factions announced a *Coalition for Peace and Counterterrorism* on February 18, 2006. The move has marked serious confrontations in Mogadishu that left approximately 100 killed and over 100 wounded. The announcement is contrary to the Transitional Federal Charter, Chapter 14, Article 71, paragraph 08 on transitional period that stipulates:

"Effective from the conclusion of the Somali National Reconciliation Conference held in Kenya, all militia organizations, armed groups and factions in the territory of the Somali

Republic shall cease to exist and shall turn in their weapons to the Transitional Federal Government."

That provision is seemingly ambitious and fails to take note of the reality in Somalia and in particular in the absence of reconciliation as a mechanism for trust building. The armed ministers are unlikely to handover their weapons easily without putting in place practical safety nets as their level of vulnerability will increase.

Keen observers on the Somali political landscape contend that the challenges in the TFI are attributed to lack of operational and state management skills. This is evident in the execution of the TFI businesses in which no session, whether parliament or cabinet was held successfully except the parliamentary sessions to elect the House Executive and the President. The TFP has also failed to form the house sub-committees for the past year and a half of its existence.

The Somali parties were divided and their case was entrusted to regional actors with conflicting agendas and interests. The TFI was not founded on reconciliation and remained inorganic in nature. The divided structures defined by rifts relocated to two separate locations in Somalia: Mogadishu and Jowhar. As a house divided cannot stand, their division and insistence on deterrence measures on both sides poisoned the public. In my opinion, the Yussuf-Sharif agreement suggests the traditional politics of personality rather than being issue-based.

Though Somalia's crisis is elite driven in view of the shadow structures dominance, there was need to focus on issues and the wider TFI constituency in order to unlock the stalemate. The agreement in my view is *a victory, which is an indicator for failure*. The playground is

surrounded by fears, fatigue and friction. It is this reality that requires proper management. The international community and the regional actors are reportedly enfeebled by lack of at least minimal unity on the Somali crisis. Their unity would have been instrumental in empowering the Somali leaders from their operational and state management weaknesses.

The wounds of the bitter clan conflict that ravaged Somalia in the past decade are yet to heal. The TFI split into two rival factions soon after its birth and as a result is seen largely as a titular government with no jurisdictional powers. It is neither in exile nor in control of state territory. Hence, genuine reconciliation and sustainable peace among the rival Somali factions and the restoration of a functioning broad-based central government seems elusive. As a "failed state" Somalia is today a country without a functioning government, laws and judiciary system. It is a country where uncertainty abounds; where the rule of the gun is the only recognized rule. In present-day Somalia, criminal offences and human rights abuses are the order of the day with its perpetrators enjoying unlimited freedom. Trade in arms is a booming business with automatic assault rifles easily available for sale throughout the country. The unregulated arms proliferation and trafficking is threatening the stability of the entire Horn of Africa region. The president of the TFG has repeatedly called for lifting of the arms embargo to Somalia to allow performance in the field of security. His rivals both within the government and outside vehemently opposed the appeal and instead urged the international community and in particular the UN Security Council to maintain the arms embargo. They further argued that measures to disarm and collect the abundant arms in Somalia are required rather than marketing new consignments, which would only exacerbate the already fluid situation.

2.5. Conclusion

There is no consensus view on why external mediation efforts since 1991 have borne so little fruit in Somalia. Judgments rendered on the effectiveness of mediation efforts in Somalia are inextricably tied into broader debates over the intractability of Somalia's long crisis. The debate can be broken down into several schools of thought. These are not mutually exclusive, but rather differ in their emphases on the causes of Somalia's protracted crisis.

CHAPTER THREE

REGIONAL CONFLICT RESOLUTION MECHANISMS AND THE ROLE OF KENYA

3.0. Introduction

This chapter takes a critical analysis of the regional conflict mediation initiatives, their successes and failures if any, and the critical role played by Kenya in the Sudan and Somalia peace processes. The chapter also gives a comparative analysis of the role the regional peace initiative (IGAD) has played in both Somalia and Sudan since the peace processes began. It further analyses the mediation efforts challenges and the role played by the IGAD member states in ensuring peace in both Sudan and Somalia.

3.1. Background to the IGAD initiative

The most conspicuous regional peace initiative to broker peace in both Somali and Sudan is the Intergovernmental Development Authority (IGAD),[74] formerly the Intergovernmental Authority on Drought and Desertification (IGADD). IGADD was established in 1986, with the objective of addressing environmental crises that led to food insecurity and famine in the Horn of Africa.[75] Because of the prevailing inter- and intrastate conflicts, the impetus for the establishment of IGADD came from UN agencies, which saw the urgent need for a regional coordination agency to address problems of famine and drought. The founding members were Djibouti, Ethiopia, Kenya, Sudan, Somalia, and Uganda. In 1993, Eritrea joined the Organization after its independence. The headquarters is located in Djibouti.

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[74] It was was established in 1986 with a view to promoting a coordinated approach to the region's common problems in this regard. Its membership consisted of seven states: Kenya; Uganda; Ethiopia; Eritrea; Sudan; Djibouti and Somalia. Despite the organisation's narrow initial focus, IGADD summits provided venues for meetings between member states to address other issues of mutual concern. By 1994 the members of IGADD had come to the realisation that the developmental problems of the region extended beyond the consequences of drought. Indeed, in that same year the organisation began what was to be a long involvement in attempts to help resolve regional conflicts.
[75] See www.igad.org, last accessed on 21st July 2011.

Despite the organization's narrow initial scope, IGADD summits provided a venue for meetings between member states to solve other issues of mutual concern including peace and security. IGADD facilitated peace between Ethiopia and Somalia. By 1994, the members of IGADD had come to realize that the developmental problems of the region extended beyond the impact of environmental degradation. Accordingly, on March 21, they reinforced national infrastructure necessary for implementing regional projects and policies.[76]

The Conflict Early Warning Network (CEWARN)[77] is the unit of IGAD that was established with the objective of preventing conflicts, mainly in pastoral areas, in the region by facilitating the exchange of pertinent information among the member states. ICPAT is IGAD's security sector program striving to build member states' national capacity against terrorism, and promote regional security cooperation by tightening border control and enhancing judicial measures against terrorism.

Further, some seven years later, IGAD is again revisiting its role in the region in the light of the experience gleaned in these two processes, currently edging towards the conclusion of peace agreements. IGAD is now ready to consolidate its position as the primary local regional player concerning issues of human security in the region. In so doing it draws on the many lessons learned over the seventeen years of its existence.

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[76] See the joint communiqué of the IGAD heads of state, IGAD 2001.
[77] See Ciru Mwaura & Susanne Schmeidl eds., *Early Warning and Conflict Management in the Horn of Africa* (Lawrenceville, NJ.: Red Sea Press, 2002).

3.2. IGAD and the Sudan Peace Process

IGAD initiated a peace initiative to resolve conflict in southern Sudan in the mid 1990s, even before the revitalization of the Authority and the assumption of a specific political and humanitarian function.[78] A committee of those member states with common borders with Sudan - Eritrea, Ethiopia, Kenya and Uganda - was set up and a unit to serve the Peace Initiative established in Nairobi. Early on in the process a defining Declaration of Principles was framed and eventually subscribed to by both Parties. These efforts went through periods where there was dialogue alternating with long periods of inactivity. IGAD's initiative was the only one during the last twenty years of civil war, but has become the sole meaningful one in the last few years.

During 1994, IGADD started to undertake conflict management tasks when the Authority hosted and facilitated negotiating sessions between the Sudanese government in Khartoum and the rebel forces from southern Sudan in an attempt to end the civil war. The Sudan peace process, chaired by Kenyan President Moi, brought IGADD into the limelight and revitalized the organisation. This led to the change in name in April 1996 and the creation, within the new Intergovernmental Authority on Development (IGAD), of a department for conflict management. Article 18 of the agreement establishing IGAD states that member states shall act collectively to preserve peace, security and stability which are essential prerequisites for economic development.

The original Ministerial Subcommittee has since been replaced by a permanent secretariat on the Sudan Peace Process, based in Nairobi, to mount a sustained effort to resolve the conflict. President Moi appointed Lieutenant-General Lazarus Sumbeiywo as special envoy to Sudan. The

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[78] See Korwa Adar, "Conflict Resolution in a Turbulent Region: The Case of the Inter-Governmental Authority on Development (IGAD) in Sudan" *African Journal on Conflict Resolution* 1, no.2 (2000): 39-66. For detailed analysis of Internationalization of Conflict, see Makumi Mwagiru, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark, 2000).

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first round of talks held under this arrangement began in February, 2000. In July 2002, talks in Machakos, Kenya resulted in the Sudanese Government and the Sudanese People's Liberation Army (SPLA) signing the Machakos Protocol. The protocol provides for a six-month "pre-interim period" during which hostilities should cease and a formal ceasefire should be established as soon as possible.

During a subsequent six year "interim period", the ceasefire sought to have been maintained and Sharia law should not be applied in the south during that period. After six years, a referendum on southern self-determination should be held. A second round of talks was held in Machakos during August-September 2002, which attempted to negotiate a ceasefire. However, the talks broke down on 3 September when the Khartoum government recalled its delegation for "consultation" over the SPLA capture of the strategic town of Torit. Talks resumed in Machakos in October 2002. On 15 October, a Memorandum of Understanding was signed which agreed to a cessation of hostilities for the duration of talks. On 26 October the Khartoum Government and the SPLM/A agreed to grant unimpeded access to civilians for humanitarian agencies.

The intensive IGAD-led talks during 2002 and 2003 led to the following signed agreements between the Governments of Sudan (GOS) and the SPLA/SPLM:

3.2.1. Machakos Protocol (20 July 2002)

This spelled out a basic formula for a future Sudan, where there would be a federal government and a separate government entity in Southern Sudan, and a system of shari'a governance in the

rest of the country, for an interim transitional period of six years, after which there would be an opportunity for the South to vote on self-determination.

These resolutions came as a result of an extraordinary summit of the IGAD Sub–Committee on the Sudan Peace Process was convened in June, 2001 to chart the way forward by establishing a new mechanism and an innovative approach to the negotiations. Apart from the heads of state of Kenya, Djibouti, Eritrea, Ethiopia and Uganda, the Chairman of the SPLM/A and the President of Sudan also attended the summit. The final communiqué of the summit also recognized the outstanding issues that constitute a stumbling block to the negotiations and recommended serious dialogue between the parties.

The Machakos peace process began in November 2001 when Lt. Gen. Lazaro Sumbeiywo was appointed as a special envoy to the IGAD Peace Process on Sudan, replacing Ambassador Daniel Mboya. Given his position in Kenya as a senior man in the military with direct access to President Moi, Lt. Gen. Sumbeiywo reconvened the process with the hope of trying to make a difference.

In May 2002, Sumbeiywo drew up an agenda and a programme of work for the negotiations. In July 2002, the parties succeeded for the first time in reaching an agreement on the issues of the right to self–determination, and the separation of state and religion.

3.2.2. Memorandum of Understanding on Cessation of Hostilities (15 October 2002)

This provided for a cease-fire in all arenas, and refraining from attacks on civilians, plus the addendum to it of 4 February 2003, in which both Parties gave commitments to notify troop movements and locations, and allowed a Verification and Monitoring Team to investigate alleged attacks.

3.2.3. Agreed Aspects of Power and Wealth Sharing (6 February 2003)

These outlined a possible basis but the two dimensions have still to be translated into concrete agreements.

3.2.4. Agreement on Security Arrangements during the Interim (25 September 2003)

These crucial provisions represent the one area of substantive final agreement so far achieved.

3.2.5. The Development of the Peace Process in Southern Sudan

The fact that Sudan is the first African country to accept post-independence application of the right of self-determination, the way that the GOSS started to behave as a State-in waiting, the endless crises that the SPLM/A created in the GONU and the Presidency, and the rife insecurity, statelessness and lawlessness in Southern Sudan had created an impression that the very existence and viability of Sudan as a State is being challenged.

3.3. CPA Implementation pointers

Politically, since the signing of the CPA the whole scene has undergone drastic change. By adopting the Interim National Constitution, which was accepted by all political actors, the Sudan is having its first consensual constitution since the abrogation of the Transitional Constitution of 1956. A representative Government of National Unity which is having a Southerner as the First Vice President, a Darfurian as the Senior Assistant to the President and an Easterner as an Assistant to the President is set up in accordance with the power sharing formula spelled out in that constitution. An autonomous Government of Southern Sudan is established. A regional coordinating body for the states of Darfur is constituted with a former rebel leader as its Chairman. A robust federated system of governance has also stood up elsewhere throughout the country. All political parties were formally registered including the Communist Party which was once expelled from an elected parliament. The General multiparty elections for all elective offices are slated for early next year, with 25% of all seats reserved for women. Abel Alier, a nationally respected southern lawyer is chairing the Electoral Commission. World-renowned monitors like the National Endowment for Democracy (NED), the Institute for Electoral Systems (IES), and the Carter Center are already in the country advising the Electoral Commission and running civic voter education programs.

All this is being achieved despite the negative impact of the US economic sanctions on federal public finances, tremendous military and security demands imposed by the conflict in Darfur, mushrooming ethnic conflicts, demanding social movements and increasingly prejudiced and irrational crusade for the implementation of the CPA.

As a general principle, implementation of any peace deal is the responsibility of its two parties. By exerting maximum pressure on one party while completely absolving the other from any responsibility the implementation process is put at risk. I will mention few examples to show that actions and inactions of the SPLM/A affecting implementing peace deals sign.

On signing the CPA, the SPLM was supposed to arrive in Khartoum during the pre-interim period to prepare for so many tasks scheduled to start in that period. The late arrival of the SPLM in Khartoum towards the end of the six-month pre-interim meant that all the implementation deadlines were to suffer from an initial slippage of six months. Failure of HE the First Vice President to arrive from Juba on a weekly basis to convene a regular meeting for the Presidency in Khartoum, led to the fact that the Presidency, in spite of the tremendous role assigned to it by the CPA, is now the only constitutional body with no periodical meetings. Unlike the Council of Ministers and the National Assembly, for instance, which convene regular meetings on certain days of the week, the Presidency convenes only emergency and extra-ordinary meetings when need be. This resulted into a huge back log including CPA business and fundamental issues pertinent to the smooth running of the State.

When the SPLM postpones twice the National Census and the process is consequently derailed they shall shoulder the responsibility for all the consequences that followed including the resultant delay in demarcating the electoral constituencies. When the SPLM withholds the name of their nominee in the 1956 Borderline Commission for a whole year they shall bear commensurate responsibility for the delay in that all important process. Withdrawal of SPLM ministers from GONU for two months led to an overall slippage in the implementation schedule that exceeded three months in average. I was a member of the Six-man Committee tasked to

draw a matrix basically to rectify that slippage. UNMIS identified the SPLA crossing of Bahr el Arab to Abyei town, in contravention of the Cease-fire Arrangements, as the main reason that lead to the skirmishes which razed Abyei town to the ground, the major violation that we ever had for the CPA.UNMIS also states that in spite of full withdrawal of SAF troops from the South only 13.7% of the SPLA troops actually withdrew from the north.

3.4. IGAD and the Somalia peace process

With regard to Somalia, both IGAD and the OAU mandated Prime Minister Melese Zenawi of Ethiopia to co-ordinate the peace dialogue and mediation process.[79] IGAD member states and partners held a two-day conference in Rome on 19-20 January 1998. The meeting reached consensus to establish a committee to assist the peace and reconciliation effort of Ethiopia regarding the crisis in Somalia. The IGAD member states also confirmed support for the peace process plan on the Sudanese crisis. Representatives from Italy, USA, Canada, France, Britain and the United Nations also attended the meeting.

The 6th IGAD Summit and Ministerial Session took place in Djibouti from 14-16 March 1998 and was dominated by the issue of Somalia. A declaration expressing concern at he proliferation of initiatives with regard to Somalia was adopted and all concerned partners were requested to channel all assistance provided to Somalia through the IGAD mechanism. In October 1998, Ethiopia hosted a one-day international conference on Somalia under the auspices of IGAD. The conference decided to establish a 15-member committee to spearhead a new peace and

[79] Simon Fischer and D.I. Abdi et al., *Working with Conflict: Skills and Strategies for Action* (London: Zed Books, 2000) pp.115-117.

reconciliation effort in Somalia.[80] The committee will be composed of delegates from the seven IGAD member states, the OAU and the Arab League. Kenya's special envoy on Somalia, Mr Mwangale was chairing the Somalia Frontline States Technical Committee. The Committee convened a Somalia National Reconciliation Conference, which commenced on 15 October 2002 at Eldoret, Kenya. On 27 October, almost 800 delegates witnessed the signature of a Declaration on Cessation of Hostilities, Structures and Principles of the Somalia National Reconciliation Process. It agreed, inter alia, to the cessation of all hostilities from 27 October and to create federal governance structures for Somalia.

Since the collapse of the state in 1991 there have been some 14 interventions to seek a resolution of the several conflicts in Somalia. IGAD set in motion its own Peace Process in 1997. It gave its backing to the Arta Conference in 2000, although the hosting and mediation was provided by the Djibouti Government, which led to the formation of the TNG.

IGAD made a strategic break-through in 2002 with the start of the Somali National Reconciliation Conference (SNRC), which has been the most inclusive forum in the last decade. The Eldoret Declaration signed on 27 October 2002 provided for a Cessation of Hostilities and for the specification of Structures and Principles of the Somalia National Reconciliation Process, in particular the creation of federal governance structures and commitment to the principle of decentralization.

The SNRC organised its work in six reconciliation committees, working on DDR, land rights, reconstruction, conflict resolution and external relations. The key committee was working on a

[80] See Hugh O.Ramsbotham et al., Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts (Cambridge: Polity Press, 1999), pp.158-159.

draft national transitional Charter for the federal structure. Although it was revised repeatedly, the leaders who had withdrawn and then came back did not accept the SNRC Plenary's acceptance of a revised Charter on 15 September. Some delegates, including the President of the Transitional National Government, objected to it and they withdrew from the Process. Efforts continue to persuade the leaders who did not endorse it to remain part of the Process, but clearly much remains to be resolved, chiefly to do with the mode of selecting representatives, the units that will make up the federation and the status of Somaliland.

Despite these delays in finalising an inclusive agreement, prompt completion of the process is now urgently required (such as the selection of MPs, the formation of government, and most crucially the planning by IGAD and partners of the implementation of the final agreement).

3.4.1. Tasks to be performed by IGAD

Certain tasks involving IGAD and other external actors were specified in the Eldoret Declaration were to invite IGAD, the AU and the international community to support and monitor the implementation; to support the establishment of enforcement mechanisms for the safe delivery of humanitarian aid and implementation of this declaration and to implement the UN Arms Embargo". Tasks implied by the Eldoret Declaration included Disarmament and Provision of Security in the Transition. There is no provision in the Cessation of Hostilities Declaration nor in the various drafts of the National Charter for the setting up of a police force or defence force. Governance and Construction of a Federal Structure, the Future Status of Northwest Somalia "Somaliland"and Easing cross-border tensions and conflicts experienced and Conflict Resolution were also included. One measure of the break-down of Somalia society and

contributing factor towards it, is that indigenous processes have been over-stretched and at times disrespected.

3.5. Comparison of Challenges Facing Mediation Process in Somalia and Sudan

The challenges to be faced in the next phase of the Somalia Peace Process are different in many respects from those that face the Process in Sudan: instead of holding the ring and mediating between two strong Parties and trying to involve others, Somalia by contrast faces the central task of building up an effective and accepted governmental system on the wreck of the old and developing a lively political system not based on violence and sectarianism.

The existing CEWARN programme does include the border areas of southern Somalia with Kenya and Ethiopia although the mechanisms are only officially in place in the latter two countries. Plans to put in place similar instruments, especially an independent research unit, on the Somalia side of the border, should e an immediate priority. These should also have their mandate broadened so that they report and organize responses to other forms of conflict that are a crucial part of the Peace Process beyond merely cross border pastoralist encroachments. There is also a case to extend the CEWARN to some of the equally conflict-prone northern and western borders of Somalia, and, given the prevalence of the pastoral way of life, some extension could be possible under existing mandate.

In the early stages of the transition it will be necessary to provide some of these governance functions immediately; not to do so would risk losing the people's support for the process and the 'peace dividend' that so many expect. Some of these functions are provided unevenly and on

an ad hoc basis by UN agencies, NGOs and local civil society organisations (CSOs) and local authority structures where these exist. It would also underpin the Peace Process if provision for such services is enhanced and as quickly as possible, in a coordinated manner; gaps in the most strife-ridden areas should be filled. Such a bridging operation until Somalia government structures can take over,· including the massive training required, might best be handled by a continuing and perhaps restructured version of the present Somalia Aid Coordination Body (SACB) operating from Nairobi, but to be transferred to Somalia. It will also be important for such a body to work more closely with the structures put in place by IGAD and its Partners to implement the Peace Process than has occurred in the past. IGAD may consider initiating a momentum towards establishing a road map for such a response.

3.6. The Mediation Efforts in Somalia Challenges

The collapse of the nation-state, spiral of violence in the county and the breakdown of the rule of law made mediation efforts an unattainable goal.[81] Many resources and efforts have been spent on Somalia for decades searching for peace in the war torn country without success. In addressing the mediation efforts we take into cognisance the past brutal military regimes, clanism and the past colonial history, which influences the present state of affairs. The challenge is the balancing act when the military force comes to intervene in a volatile situation like Somalia. The neutrality demanded in such a hostile environment is a key element to the success of the mission. This hinges on the population, the clan warlord's and the mandate of the mission. European and American forces have not been effective in peace-keeping operations in Africa in general. The American debacle where 18 Marines were killed illustrates this position. Given the

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[81] Imaana Laibuta, The Somalia Conflict And Its Effects On Regional Security In The Horn Of Africa Between 1990 AND 2004 University of Nairobi, 2005.

enormous problems that European and American U.N peacekeepers have had in Africa, and considering the increasing reluctance of western governments to take part in future peace-keeping activities in the continent, African governments have to take a leading role in dealing with African conflicts. This, as witnessed in the Somalia mediation efforts can bear fruits when African leaders take the mantle to search for home grown conflict resolutions.

The Conflict Analysis and Management Theory in Africa, each conflict has unique causes and will require unique solution. A case specific approach will have to be taken in addressing internal conflicts. Military interventions should be considered an instrument of last resort, to be applied only after it has been established that diplomatic instruments cannot be successful. This action should be taken only in a holistic framework of building peace and stability. In management of the conflict, we need further to explore the linkage of the internal and internationalized conflict as in the case of Somalia. It is shown that international and internal conflicts are linked. In this regard international conflicts have domestic sources, which can be traced to the lack of fulfillment of internal needs. In the process of searching for ways and means of fulfilling these needs, it results into internal conflict, which in turn results to internationalization of the conflicts especially due to the nature of inter-state demographic situation of Africa. To appreciate the difficulties of achieving a breakthrough in the mediation efforts we need to look at the factors creating complexity in the structural conflict. The critical challenge we need to address in the failed Somalia intervention is the perception of the intervening forces. What is their role and mandate to execute the operation in the country regardless of the prevailing history of the state? We have to take into cognizance the oppressive military regime, which has oppressed the populations for years. This line of thinking shows a continuum of the oppression and aggression from external forces. It generates and fuels the conflict rather than achieving its former objective

of restoring peace in the nation. This is what happened in the interventions by external peace-keeping missions. It is the basis of understanding the failure of the mission in Somalia.

The failure of coercive diplomacy in Somalia .We need to look at some of the risks involved in coercive diplomacy. We find that as Goodwin points out, the risks are many and diverse to the forces engaged in this process. One is the risk of ultimatum. A soldier has limited chips to bargain with when the situation changes for worse. Two, another important factor which took place in Somalia and is relevant in this study is crisis management and coercion on the ground. It is in this regard that a soldier's 'crisis-management' is specified in the ROEs, but the question arises as to what does the soldier do when the things change especially in political and or social maneuvers in a given geographical area . This situation was experienced when soldiers who expected to be welcomed by the Somalia civilians were murdered instead. We find several factors contributing to this volatile situation and the challenge of finding lasting peace in the country. First is the brutal regime of Barre, which broke all the social and government systems in the country. The second is the pursuit of the Greater Somalia vision, which exhausted the resources and in the process created insecurity in the whole nation. The third fundamental factor is internationalization of the conflict to achieve the vision; which in the process affected security in the Horn of Africa. The fourth factor borne as a result of the collapse of the nation-state is the rise of clan warlords and banditry on an unprecedented scale. The conglomeration of these factors creates complexity of finding lasting peace in Somalia. The same thoughts are echoed by one of the informants: "The US led intervention initiated by President Bush to feed Somalis was a success, but the operation began to fail when the peacekeepers expanded their mission to include rebuilding of state institutions without consulting the Somali people. The failure to disarm the warlords portrayed lack of seriousness by the UN and US in restoring law and order.

This shows that the forces had no clear vision on how reconciliation should proceed...they failed to discard the fiction that a large military force can only be apolitical when it is supporting internally and internationally agreed upon political goals."

IGAD and UN Mediation Efforts were also initiated. The first two mediation conferences were hosted by Djibouti with the support of Egypt and Italy in 1991. They managed to form a new Somalia government led by Ali Mahdi whom Italy and Egypt favoured over his rival, General Aideed. Aideed contested the outcome of the conference blaming Italy and Egypt for plotting to alienate him from the leadership. Eritrea and Ethiopia supported Aideed's claims for power. This resulted into a four-month bloody confrontation between Aideed's supporters and those of the interim government. Between 1993 and 1994 the United Nations organized four ill-fated peace conferences. Three of these were held in Ethiopia and one in Kenya. In March 1993, the UN assisted by the US and Ethiopia, organized other conferences in Addis Ababa. They brought together fifteen factions with the aim of establishing transitional institutions but bore no fruits. In 1994 the UN organized further talks in Nairobi, Kenya, but they also failed. Their outcome always aroused hostilities between General Aideed's Somali National Alliance and Ali Mahdi's Somali Salvation Alliance. The continued hard line stance taken by Gen Aideed, led to various clashes between his militias and the UN Peacekeeping Force which had been deployed to enable humanitarian assistance . Subsequently the US, which was the major component of the force, declared him a fugitive. This led to a bloody confrontation between him and US forces. The US was badly humiliated by the militias who killed and mutilated scores of Marines. The US and UN immediately withdrew from Somalia. This led to further chaos, more suffering and loses of lives. Later Gen Aideed was killed during inter-militia fighting and his son, Hussein Aideed, who had been living and working with the US Marines, replaced him . In October 1996, the

former Kenyan President Daniel Arap Moi arranged the first face-to-face meeting between Hussein Aideed and Ali Mahdi. The leaders verbally agreed on a cessation of hostilities. However, soon after, heavy fighting erupted in Mogadishu dashing hopes for peace in the Somalia capital. In January 1997, twenty-six Somalia factional leaders met in Sodere, Ethiopia, and formed the National Salvation Council (NSC). They agreed to convene a national reconciliation conference in Boosaaso in north eastern Somalia, to form a provisional government. Mohamed Ibrahim Egal, president of the self-proclaimed republic of Somaliland had no desire to see Somaliland reintegrated into Somalia. He rejected all invitations to the conference and so did Hussein Aideed . In the same year the Organisation of African Unity (OAU) and Intergovernmental Authority on Development (IGAD) mandated Ethiopia to pursue further Somalia reconciliation process but all efforts failed. After a series of consultative meetings among various sub-clans in 1997, the Somalia's self-governing State of Punt land consisting of five regions namely; Bari, Nugal, Mudug, Sol and Eastern Sanag came into being in mid 1998. By then many prominent and educated Somalis were either dead or had fled as warlords ruled everywhere. Stability only existed in the Somaliland Republic and smaller mini states like Puntland and Juba land. Although unrecognised internationally, they were the only signs of stability in a totally failed state. In 2000 Djibouti hosted a reconciliation conference in Arta, which resulted in the formation of a Transitional National Government (TNG), the first in a decade. This enabled the formation of a national police force and army and half of the estimated 20,000 militiamen roaming the countryside were demobilized. However the external interference from Ethiopia, which viewed Djibouti as a meddler in the internal affairs of Somalia due to her own vested interests, helped to form an alternative government of Somalia Restoration and Reconciliation Council (SRRC). In 2001 former Kenyan president Moi, invited the TNG and SRRG for talks in Nakuru Kenya. They agreed to share power but again external interferences

made the deal flop. In 2002, IGAD Heads of States and Governments met in Khartoum, Sudan and mandated Kenya, Ethiopia and Djibouti to coordinate and hold new peace conferences under the auspices of IGAD. They initiated a peace process in Eldoret, Kenya in October 2002, which was supported by the European Union, United Nations, Unite States and the Arab League. The factional leaders and the Transnational National Government signed a cease fire in October 2002 and a truce was reached in December same year although some fighting continued in Somalia. They concluded an agreement to form a 450 member federal government in 2003 based on clan quotas. In July 2003, a Declaration of Agreement led to a transitional parliament that comprised of 351 members apportioned by clan. The political leaders in consultation with the clan elders selected the members of parliament. The members of parliament were then to select a transitional president who would serve for five years. In August 2004, as part of the IGAD led process, the Somali Transitional Federal Assembly (TFA) was established with Abdullahi Yusuf Ahmed as the president and Ali Mohamed Gedi was elected the Prime Minister. They further swore in a reduced 275 member parliament who elected a speaker and a deputy speaker. However, the new government is yet to settle fully in Somalia.

Reconstruction and Reintegration of Somalia: The challenges emanating from the reconstruction of Somalia are: i. A need for a well-planned disarmament programme. The disarmament must be comprehensive, impartial and transparent. ii. A critical need for rehabilitation, reintegration and transfer of skills to generations of gunmen and women who are involved in banditry and crime. iii. The new government on its part has to win the support of the Somali people as well as those in Diaspora, Somali civil society and business community. iv. A credible police security force will herald the beginning of new era in the country. v. That the efforts to reconstruct and reintegrate a country emerging from war into relative peace are necessary to prevent recidivism

into violent conflict. vi. That Partnership with civil society and the private sector is crucial in reconstruction, it is the government that should provide the framework within which the other actors must operate and which will define the general development of the country. vii. That the government should develop a consistent strategy for demobilization and reintegration of combatants and militias and repatriation of refugees from other countries. viii. Somalia can make use of Kenya's highly recognized military institutions to train its security forces. Subsequently Kenya could also send its own security forces to help in restoring and maintaining law and order in Somalia. This will help in creating a strong bond between the two countries as they share a border, a coastline and a common people. The informants interviewed were clear in their recommendation that the critical role is to be played by the people in building the broken systems and infrastructures. One of them was categorical that; "To resolve the conflict and find lasting peace, I would recommend that emphasis be put on the rehabilitation and reconstruction of basic infrastructure to prepare the country to enter a constitutional phase. This should include putting in place institutions of democratic governance, rule of law, decentralization of power, protection of human rights and safeguarding of the integrity of the country. All disputes must henceforth be settled through dialogue, negotiations and other peaceful legal means."

3.7. IGAD's Involvement in Somalia

Since the transformation of IGADD to IGAD, one of the priority areas of IGAD has been addressing the long standing inter- and intra-conflicts of the Eastern Africa region. In this regard, IGAD has been engaged in various activities to address the Somali crisis.[82] From 1991 to 2002, IGAD gave a mandate to member states to deal with the issue of Somalia. The issue of Somalia

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[82] Kidist Mulugeta, supra.

was mainly handled by Djibouti and Ethiopia (Interview with Ethiopian Ministry of Foreign Affairs official one). This shows that, at the outset, the members of IGAD were relatively on common terms to reach a consensus on the Somalia peace initiative taken by one of them.

3.7.1. Djibouti's Initiative in 1991

Immediately after the demise of the Barre regime in June 1991 the President of Djibouti, Hassan Guoled Aptidon, offered his good offices for mediation among the warring parties of Somalia. Djibouti's effort was supported by IGADD and its member states. The meeting was attended by the Somali Salvation Democratic Front (SSDF), Somali Patriotic Movement (SPM), United Somali Congress (USC), Somali Democratic Movement (SDM), and IGADD. The participants agreed to hold a national reconciliation conference. Accordingly, the government of Djibouti convened the second conference in July, 1991. At the end of the meeting, the Somali participants agreed to a cease-fire and to establish a provisional government. However, the agreement did not hold. One of the powerful faction leaders, General Aidded rejected the new government, which resulted in widespread violence. The SNM, which declared the independence of Somaliland, also boycotted the meeting.

It has been argued that Djibouti, a neighboring state was involved in the talks for various reasons.[83] It came in as a member of the Technical Committee, later renamed the IFC. What emerged clearly indicates that Djibouti had all along tried to safeguard the results of Arta. Also Ethiopia created the SRRC to circumvent the results of Arta that did not favour them. In the interest of Djibouti, it was important to influence the results from Nairobi in order to keep Abdikassim in office. A friendly Somali government is useful for economic purposes to Djibouti,

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[83] Ochieng Kamudhayi, supra. P.117

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which lacks resources and whose population of 300,000, cannot sustain a viable market to its business oriented economy. Djibouti pulled out of the conference just at the time the TNG was ending its term of office. Encouraged by Djibouti and invoking a section of the 1960 constitution, Abdikassim renewed his tenure in government and defied all appeals to return to the negotiations in Nairobi.

Additionally, Djibouti during its absence utilised the time to create a new alliance in Mogadishu, the National Salvation Council. This was an alliance of all the dissatisfied faction leaders who had withdrawn from the peace talks. Apparently the TNG of Abdikassim Salaad has signed a Memorandum of Understanding with the National Salvation Council. Following the agreement and the subsequent interventions by various groups, Djibouti returned to the negotiations with a formidable force to take on the Ethiopia backed SRRC.

3.7.2. Ethiopia's Efforts

In 1993, the UN-sponsored peace conference was convened in Addis Ababa. Fifteen faction leaders attended the meeting. It was also agreed to establish a two-year transitional Council. The Addis Ababa peace process strengthened the role and legitimacy of the faction leaders which denied room for new Somali leaders. This process also failed because of the fierce competition among factions that were unable to see beyond their short-term benefits.

In the mid-1990s, IGAD mandated Ethiopia to coordinate the peace dialogue and mediation process. Ethiopia hosted the Sodere peace process in 1996. It was given recognition by the IGAD heads of states and governments. Many political actors—including twenty-seven faction

leaders—participated, although a few boycotted the peace talks. The participants of the peace process established a National Salvation Council "as part of a preparatory course of action leading to the establishment of a Provisional Central Government of Somalia" (UNSC 1997). Before the Sodere agreement could be implemented, however, the Egyptian government convened another meeting of the same Somali faction leaders and those who boycotted the peace process. The Cairo process (1997) also collapsed when several Somali allies of Ethiopia withdrew and convened another peace process in Bossaso, Somalia in 1998.

In response to the Egypt's action, IGAD members expressed their serious concern on the proliferation of initiatives with regard to Somalia, during the 6th IGAD Summit and Ministerial Session that took place in Djibouti from March 14–16, 1998. In the same meeting, all concerned partners were requested to channel all assistance to Somalia through the IGAD machinery.

The internal division among IGAD member states started to be more conspicuous during the Arta conference. Ethiopia sponsored the establishment of the Somali Restoration and Reconciliation Council (SRRC) as a counter balance for the TNG. This move disappointed the government of Djibouti, which wanted to see the strengthening of its brain child, the TNG. Eritrea, which was in a fierce war (1998–2000) with Ethiopia, supported the TNG as the Ethiopian rejection of the TNG became well known. However, IGAD continued to serve as a forum to facilitate dialogue among antagonistic neighbors on regional issues.

However, the return of Djibouti with the National Salvation Council and the TNG has tilted the balance in favour of its rivals. Ethiopia went back to the drawing board to strategize and it is this perspective that explains the ensuing stalemate. On this basis, a solution to the Somali conflict

will entail a satisfactory answer to the concerns of Djibouti and Ethiopia. The last but not least of these considerations is the fact that the Prime Minister, Meles Zenawi, had taken refuge in Somalia for a long time. During this period he made friends with some of the current faction leaders in Somalia whom he would like to ensure become leaders like he did.

3.8. The Role of IGAD in the Establishment of the Transitional Federal Government (TFG) of Somalia: The Eldoret Peace Process

The TNG continued to be a government only in name. The members of IGAD remained divided and the international community became more indifferent to the prospect and legitimacy of the Somali government. By mid-2002, Somalia had returned to the periphery of the international agenda. The UN was reluctant to take up the leadership role in Somalia, after its infamous failure to restore stability in the early 1990s (Interview with IGAD official three). It was during this time that members of IGAD made "a strategic break-through" in 2002 with the convening of another peace conference. Nonetheless, the regional rivalry—particularly between Djibouti and Ethiopia over the TNG—became palpable. Moreover, the unresolved border conflict between Eritrea and Ethiopia made it difficult for member states to take initiatives individually and get acceptance. Consequently, they were forced to use IGAD as a forum (Interview with AAU academician four). As a result, IGAD, changed its approach of endorsing the initiative of one of its members, and showed a relatively visible effort during the Eldoret peace process (Interview with IGAD official three).

Role of Eretria

Eritrea on its part saw this as perfect opportunity to settle scores with Ethiopia. The two countries have had a long-standing border dispute. Eritrea sought an alliance to counter Ethiopia's interests and ambitions in the region. While struggling to settle scores it found perfect allies in Djibouti, which bears a personal grudge against Ethiopia, and Uganda whose aim is to scuttle Kenya's ambitions to retain regional supremacy. For these reasons, peace remains elusive in Somalia because at any one time there must be one side that the solution favours while the opposite side makes a deliberate effort to scuttle the progress.

Role of other nations

Egypt, Libya and the Arab League followed the proceedings at Mbagathi keenly on the ground that they are Muslim states like Somalia. However, Egyptian interests go beyond Islam. Egypt was keen to safeguard its Nile designs through the conflict in Somalia. The Nile question affects all the riparian states of Kenya, Uganda, Tanzania, Rwanda, Burundi, Ethiopia and the Sudan. Through colonial agreements Britain granted exclusive rights to Egypt over the use of Nile waters at the expense of the others.[84] Egypt would like this protracted conflict in Somalia to continue to ensure Ethiopia's distraction from developments at home. In this case there would be no danger that Ethiopia will divert the waters of the Nile for irrigation purposes.

Role of Kenya

Kenya's role is weakened by the fact that it has not formulated any foreign policy for Somalia. This means that Kenya tried to tread the path of an impartial mediator. Because Ethiopia and Djibouti are clear in their vision, Kenya was forced to ally itself with either one of the two at one

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[84] C. Mbitiru, "Egypt May soon Lose Control Over the Nile Waters." *Daily Nation* (Nairobi) 16th February 2004, p.17.

stage or the other because of the way they couched their interests in good propaganda. At the beginning of the negotiations their perfect ally was Ethiopia, and in its absence, Djibouti. As the two states battled for supremacy in the outcome of the Somalia conflict, Kenya stood watching the battle of these giants without knowing who was right and who was lying. The withdrawal of Ethiopia left Kenya vulnerable to the machinations of Djibouti which influenced the Safari Park Agreement a great deal.

On their recommendation the ministers took over the running of the peace process thus sacrificing professionalism at the altar of politics. The ensuing stalemate was the result of a badly negotiated agreement. The failure to use shuttle diplomacy to make the various Somali factions meet at a round table meant that the core issues remained buried deep in their hearts. Lack of skills is reflected in the short-cut that was taken of using the leaders only and assuming that they had no audience that also needed to be engaged.

The hurry with which an agreement was supposedly obtained is another indicator of lack of skills on the part of those who hijacked the process from the people who were supposed to facilitate the negotiations. This situation created the difficulties experienced at the negotiations.

3.8.1. The Eldoret Peace Process

The IGAD Summit held in Khartoum in January 2002 agreed to convene a new peace process under the auspices of IGAD. The IGAD leaders assigned the responsibility of undertaking the peace process to what they called the IGAD Technical Committee, which was composed of the front-line states, Ethiopia, Djibouti, and Kenya. Due to the intensified rivalry between Ethiopia

and Djibouti over the TNG, Kenya was considered neutral and was designated as a chairman of the IGAD Technical Committee. The assumption was, that "Ethiopia and Djibouti's partisanship would cancel one another out, leaving Kenya to provide unbiased leadership" ICG noted[85] Kenya's endeavor was supported by ambassadors of IGAD member states seated at Nairobi. The conference was held in the Kenyan town of Eldoret (Interview with IGAD official three).

3.8.2. The Three Phases of the Eldoret

The Eldoret peace conference consisted of three phases. In the first phase, it was envisaged that 300 Somali political, military, traditional, and civil society leaders would agree upon the desired results of the conference. This preliminary preparation aimed to create a sense of ownership among the Somali actors.

The second phase would tackle substantive issues of the peace process. This stage consisted of six reconciliation committees working on the federal charter/constitution, disarmament, demobilization and reintegration, land and property, local conflicts, economic recovery, and regional and international issues. Roughly seventy five delegates, selected by the plenary, would constitute the reconciliation committees. After dealing with specific issues, they were expected to present their report to the plenary.

In the third phase, the report of the committees would be discussed and approved by the plenary. After that, this phase would deal with the contentious issue of power sharing with the objective of forming a broad-based and functioning central government. The Eldoret peace framework was promising. It tried to take lessons from the previous failed initiatives. As ICG noted, it gave

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[85] International Crisis Group 2002.

priority to substantive issues over the issue of power-sharing and the issue of representation was taken seriously.

The IGAD Ministers "expressed concern at the unacceptable absence of certain Somali leaders from the third and final phase of the conference" and warned the leaders to come to the peace talks without any conditionality. The Facilitation Committee warned the Somali leaders by stating: "Spoilers and those who obstruct the process from within and outside SNRP will be named publicly and subjected to targeted international sanctions." As a way forward, the Ministers "reinforced further the robust mandate given to the IGAD Facilitation Committee to remove all bottlenecks in the distribution of seats among sub-clans and in the subsequent selection of members of parliament and use its discretion to channel the peace process to its conclusion.[86]

At the third and final stage, the source of the division was how to select the 275-member Transitional Parliament. The IGAD Facilitation Committee proposed and appealed to most Somali leaders to agree on the "4.5 formula," in which each of the four major clans would have sixty-one delegates and minority groups collectively thirty-one. Though divergent interpretations of the formula led to bitter division between the TNG and SRRC, the Transitional Parliament was established based on the so-called 4.5 Formula, as it was intended by the Facilitation Committee.

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[86] IGAD Communiqué 2004.

The new TFG parliament ratified the Charter. The Charter, which created institutions assigned responsibilities, roles and obligations. Major political agreements reached by the different factions for political dispensation in the Charter included:

• election of the president by parliament,

• traditional leaders to elect parliamentarians in consultation with the political leaders

• parliament to be composed of states and regional administrations and

• the interim period to be five years

In a major power-sharing structure, Somalia would have a president, a prime minister, and three deputy prime ministers.[87] On October10, 2004, the newly established Transitional Federal Parliament elected Abdullahi Yusuf, the former President of Puntland, as President of the TFG.

The Eldoret/Mbaghati peace took over two years under the auspices of IGAD, more than the time initially planned, which was six to nine months. As noted earlier, the process was hampered by lack of genuine commitment from the Somali leaders, division within the IGAD members, and mismanagement of the conference both logistically and financially. However, the IGAD Facilitation Committee showed maximum patience in concluding the process with the formation of a new government. The Facilitation Committee met eleven times in one year to address the more complicated issues in the process.[88] It is worth noting that the peace process was taken under the auspices of IGAD. Despite their differences, the members were committed to restoring peace and stability in Somalia. It was particularly the member states that played crucial roles. They were also able to bring most of the Somali actors into the peace talks. In spite of the lengthiness of the peace conference, the IGAD members managed to complete the process with

[87] IGAD Secretariat 2003, 10.
[88] IGAD Secretariat 2003, 25.

the establishment of a new government, which offered a new opportunity to try to achieve stability in stateless Somalia.[89] IGAD achieved what other organizations had failed to take action on.

In addition, IGAD's ownership of the peace processes helped to secure the exclusion of secondary actors from outside the region: principally Egypt, Libya, and Yemen. Moreover, IGAD's peace-making activities helped to secure legitimacy for the organization and build wider international acceptance as the only appropriate forum for tackling conflicts in the Horn (Healy 2009, 11). The role of IGAD secretariat, however, remained marginal although the Eldoret peace process was convened in its name. The leadership and mediation role was carried out mainly by the front-line states.

3.8.3. The Role of IGAD in Sustaining the TFG

The TFG, formed in October 2004, could not move into Somalia because of volatile security and the emergence of the UIC as a major political player in the same year. The UIC was popular among the Hawiye, which is a dominant clan in Mogadishu. This became a major obstacle for the newly established TFG to get legitimacy and install parties, the TFG and the UIC, participated in a dialogue. However, two rounds of peace talks that took place in Khartoum, Sudan, under the auspices of the Arab League did not bring any accord. Both parties accused each other of violating the terms of the agreement. TFG accused the UIC of expanding its territorial control while the UIC pointed out that the TFG invited Ethiopian troops into Somalia. The third round failed to take place when the UIC insisted on the withdrawal of Ethiopian forces as condition for taking part in the dialogue.

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[89] IGAD Secretariat 2004, 25.

As an attempt to prevent the escalation of war in Somalia, the Extra-ordinary Session of the Council of Ministers' Meeting held in Nairobi, Kenya on June 13, 2006 encouraged and supported the TFG to pursue constructive dialogue with all of those who recognized the Transitional Federal Institutions and its Charter. IGAD expressed its readiness to support constructive dialogue in Somalia. The Ministers also threatened to catalogue all those involved in the illegal use of arms to terrorize and harm innocent civilians. In this regard, it recommended that those involved in these activities should be subjected to the legal international process for prosecution for crimes against humanity.

They also agreed to give amnesty to those who may have been involved in these illegal activities in the past, but who now agreed to surrender and follow the path of dialogue with the internationally recognized TFG, which was the legitimate authority for Somalia. The IGAD member states agreed to apply the same sanctions against all warlords and to grant free passage to be extended to those warlords who surrendered and subjected themselves to dialogue with the TFG. This "carrot and stick" approach of IGAD could not bring any change to the realities on the ground. The leaders of the UIC continued to announce that they aimed to establish an Islamic state that included all Somalis in the Horn of Africa, including the Ogaden region of Ethiopia. The UIC declared jihad on Ethiopia claiming that it had its forces in Somalia supporting the TFG. Thus, the main ally of the TFG, Ethiopia wanted to crush the UIC by declaring them as "clear and present threat for national security" (Interview with Ethiopian Ministry of Foreign Affairs official). In the meantime, the UN Security Council Resolution 1725—adopted on December 6, 2006—partially lifted the arms embargo and authorized the AU and IGAD member states to establish a training and protection mission in Somalia. However, the AU and IGAD

could not deploy any force as the TFG forces supported by Ethiopian troops launched a massive offensive against the UIC on December 25, 2006.

3.8.4. Ethiopian Intervention[90]

The Ethiopian government declared war on UIC in late 2006 by categorizing it as a terrorist organization. The Ethiopian military intervention in Somalia was motivated by the UIC's alleged link to terrorists, irredentist rhetoric, support to Ethiopian rebel groups (OLF and ONLF), and dependence on Eritrea. Surprisingly, the UIC forces were quickly defeated and left most of their controlled areas, which enabled the TFG to move to Mogadishu. This position has been reiterated at almost all levels of the IGAD meetings. Ethiopia withdrew its forces in January 2009, after the signing of the Djibouti peace process.

3.9. The Establishment of the TFG II and IGAD

The glaring flaws of the TFG, the escalation of the attacks, and the tragic humanitarian disaster led the international community to consider new peace talks. The aim was to reach out to the moderate elements of the ARS, broaden the base of the TFG, and marginalize the radicals. With these objectives, the Djibouti peace process was started in Djibouti on May 9, 2008. However, the peace process divided the ARS between ARS Djibouti, which was willing for negotiation, and ARS Asmara, which was opposed to any dialogue with the TFG before the withdrawal of all

[90] The intervention of Ethiopia in Somalia was supported by all IGAD members except Eritrea. All the meetings of IGAD appreciated the sacrifice Ethiopia was making for the peace and stability of Somalia and the region as a whole. Session 26 of IGAD Council of Ministers— held on April 13, 2007 in Nairobi, Kenya—stated the following to demonstrate its unequivocal support to the Ethiopian military intervention in Somalia (Interview with Ethiopian Ministry of Foreign Affairs official): The Council of Ministers expresses its appreciation to the Ethiopian Government for all the sacrifices it has made to promote the common position of IGAD Member States, which is fully consistent with the commitment of the organization for the success of the TFG and for the interest of the people of the IGAD region to achieve peace and stability and to protect the region from terrorists and extremists (IGAD Council of Ministers, 2007).

foreign troops. The ARS-Djibouti and the TFG agreed to form a new unity government by expanding the number of Somali parliamentarians to 550 and elected the former leader of the UIC, Sheikh Sheriff and Omar Abdirashid Ali Sharmarke as the new President and Prime Minister of the TFG, respectively.

The two sides also agreed to establish a Joint Security Force. Ethiopian forces fully withdrew as agreed by the Djibouti peace process. Despite the establishment of the new government, the security situation remains precarious. The Djibouti peace process took place under the auspices of the UN. However, IGAD, cognizant of the serious problems of the TFG fully supported the peace process, which aimed to broaden the base of the Somali government by reaching out to the moderate elements of the ARS. It also sent a clear and strong political message to the former TFG President Abdullahi Yusuf, who opposed the process. This contributed to the resignation of President Abdullahi Yusuf, which facilitated agreement between the TFG and the ARS-D. IGAD also established a Facilitators Office for Somalia Peace and Reconciliation to keep a close eye on the developments of the peace process in Somalia.

IGAD Facilitators Office for Somalia Peace and Reconciliation

IGAD established a Somalia Facilitator Liaison Office in Addis Ababa in October, 2008. The Facilitator's Office is mandated to: facilitate reconciliation; assist institutional and capacity building efforts; assist the mobilization of 2008 alone, IGAD held two extraordinary summits and five extraordinary Council of Ministers meetings and Somalia was one of the major agenda.[91] In 2009, the Council of Ministers met four times to exclusively discuss the Somali issue. The frequency with which the organs of IGAD have been meeting was testimony to the

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[91] IGAD Secretariat 2008, p 50.

members' commitment to the Somalia issue. Member States' commitment to the peace of Somalia was mainly witnessed during the Eldoret peace process. Despite the internal divisions and frustrating rivalry between the Somali actors, they remained fully engaged in the process for almost two years. When the Eldoret process was suffering from huge financial deficit, Kenya, the Chair of the Technical/Facilitation Committee, carried the burden of the costs of the conference. Hence, member states of IGAD showed their commitment and invested their scarce resources on the Somalia peaces processes.

3.10. Challenges Facing the Somalia Peace Process

Rivalry among Member States

The strength of any organization depends on the relationship between its member states. However, the history of IGAD member states has always been full of rivalry. Politically, almost all of them have issues of dispute between themselves. The historical rivalry among IGAD member states show that the region is in serious crisis (Interview with AAU academician two). The organization is thus a reflection of this reality. The rivalry among member states has led to endless competition in framing and initiating peace processes in Somalia. It has also become difficult to have a common position on Somalia. Ethiopia and Eritrea have taken their proxy war to Somalia by supporting and arming various Somali factions further aggravating the conflict since 1998. The formation of the TNG was not welcomed by Ethiopia, while Eritrea supported it. Ethiopia and Djibouti also demonstrated contradictory views on the Somali peace processes. The internal dynamics, therefore, made it very difficult for IGAD to function properly and deal with regional security issues.

This has led many close observers to conclude that IGAD is in a coma. While this is the dominant opinion, there is also a view that the effect of the regional division is exaggerated. No matter what their differences, the member states work for their common interest. For instance, more than 70 percent of IGAD's Council of Ministers meetings revolved around Somalia, showing that when it comes to their interest, they are ready to engage in dialogue.

Regional Instability

The IGAD is immersed in dealing with a number of regional issues. Somalia is not the only conflict in the region. Member states of IGAD are ravaged by intra- and interstate conflicts. Sudan is in a crisis; Ethiopia was engaged in a civil war for a long time and still is confronted by small-scale armed resistance; Kenya is a very fragile state; neither Eritrea nor Uganda are doing well. The nature of the state in the region is at the root of all of the troubling news that comes out of the IGAD member states. The state is oppressive and at least in fragile

Lack of a Regional Power

In addition to the prevailing regional instability and conflict, the IGAD region lacks a regional power. Nigeria and South Africa are taking the lead with regard to ECOWAS and SADC, respectively. But, no one state takes such responsibility from IGAD member states; none of them has the capacity to assume an unchallenged regional leadership. Though Ethiopia has the military might and large number of people, it lacks the economic muscle to exercise regional leadership. Kenya does not have the military supremacy to set the tone of regional agendas. And, Sudan despite its oil wealth and territorial supremacy is weakened by internal conflicts.

Different Approaches in Addressing the Somali Conflict

The member states of IGAD differ in their approach to addressing the Somali conflict. There is a fundamental difference, particularly on the use of either federal or a unitary system. Djibouti, Eritrea, and Kenya promote a unitary structure arguing that it advocates and maintains the unity and territorial integrity of Somalia. They see federalism as a way of "balkanizing" the country. In fact, these countries have taken this position given the possible implication of federalism for their own internal political systems. According to Ethiopia and its allies in Somalia, federalism promotes a more useful political settlement with regards to existing regional entities such as Puntland and Somaliland. As Ethiopia itself is a federal state, it may have a political interest to see another federal state as a neighbor (Interview with IGAD official three). This difference was reflected in the Somali peace conferences. In Arta, under the influence of the government of Djibouti, a unitary form of government was adopted. However, in Eldoret, because of Ethiopian pressure, the conference endorsed a federal system of governance for Somalia. Although the Eldoret Declaration called for a federal system, several faction leaders claimed that they signed under pressure from the Technical Committee, mainly Ethiopia. This proves that there is no consensus on federalism both in IGAD and among other delegates who have signed the Eldoret Declaration (Interview with AAU academician four).

The Limited Capacity of the Secretariat of IGAD

Despite its broad mandate, the revitalized IGAD was not provided with sufficient capacity, resources, and political commitment.[92] The IGAD Secretariat is weak with only few professional and administrative.

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[92] See Healy supra.

In terms of peace and security, the role of the IGAD Secretariat is marginalized. The Secretariat does not influence decisions. It just implements decisions taken by the Council of Ministers and the Assembly. There were even times when the Secretariat did not attend the meetings of the Council of Ministers (Interview with Ethiopian Ministry of Foreign Affairs official). In the whole Somali peace process— both before and during Eldoret—one barely saw the role of the Secretariat and the Executive Secretary of IGAD. The front line states were in charge of the management of the peace processes. Some observers argue that member states do not want to see IGAD as a strong regional organization. They all want to use the organization as a forefront to promote their agenda. According to Sally Healy,

The IGAD peace initiatives ... were political initiatives conceived and largely executed by one or more member states. The mediation was not entrusted to the IGAD Secretariat, which had neither the capacity nor the authority to lead and manage the peace processes that were carried out in its name (2009, 11). There are, however, observers who argue that IGAD does not need an elaborate structure. Rather, what needs is a lean structure. According to these observers, IGAD should only implement the decisions undertaken by member states. Its institutional capacity is, therefore, seen as adequate to fulfill its mandate (Interview with AAU academician four). This shows that there are divergent opinions as regards the role the organization should play.

Dual membership

IGAD also suffers from the dual membership of most of its member states, which at the same time belong, to other regional organizations. This divides their focus and reduces their commitment to IGAD. Uganda and Kenya are members of the East African Community (EAC)

and all IGAD members except Somalia are members of COMESA. Moreover, Eritrea, Djibouti, and Sudan are members of the Community of Sahelo Saharian States (CEN-SAD).

Financial Constraints

IGAD lacks the necessary institutional capacity to play a significant role in Somalia's peace processes. IGAD has been dependent on donors, mainly the IGAD Partners Forum (IPF), comprising donor states and organizations, to execute its projects. The operational cost of IGAD, however, has been covered by member states' contribution. Except for Ethiopia the other IGAD member states do not pay a substantial amount of their contributions. As a result, IGAD faces serious financial constraints. The above table indicates that, except for 2004, the total accumulated unpaid contributions of the IGAD member states has been increasing since 2000, creating a financial burden both for the Secretariat and the member states and affecting the operational capacity of IGAD. There is a general perception that the current staff is insufficient to effectively manage the magnitude of IGAD's vision and mission. The IGAD Facilitator's Office for Somalia Peace and Reconciliation has only four professional staff and the total IGAD staff members are not more than thirty.

The prevalence of poverty, ongoing conflicts within and between member states and lack of political commitment are often mentioned as reasons for the accumulation of the financial arrears. Moreover, member states themselves are dependent on external assistance to carry out their own development programs.

Lack of Regional Policy on Peace and Security

The Somali peace processes exposed IGAD's lack of a comprehensive regional peace and security policy to address the fundamental causes of regional crises. IGAD does not yet have a common policy and objective on regional security issues, although a draft strategy has been debated for some time now (Interview with IGAD official two). The attempts within IGAD to forge a common approach to conflict resolution have focused more on revitalization of the organization than on common security policy and strategy. Priority is given to short-term political gains. The absence of political values such as democracy, respect for human rights, tolerance for diversity as well as weak economic bondage are the factors that hamper the development of common policy. In addition, most states in the region have not completed their state formation. Therefore, territorial problems proliferate, causing inter- and intrastate conflicts that impact the entire region. Furthermore, there is no hegemonic power. This obstructs the establishment of a comprehensive peace and security structure (Interview with AAU academician two). Some observers argue that the members are not ready and willing to have a common peace and security policy. This view is vindicated when the IGAD Council of Ministers rejected the comprehensive peace and security strategy, which was prepared over a period of more that three years.

Lack of Sufficient and Appropriate International Commitment

The international community shows a lack of interest in the Somali crisis. This is particularly true after the Black Hawk Down incident, in which eighteen US marines were killed. Somalia has been "forgotten" by the International Community.

The international community demonstrated less interest in the IGAD-led peace process on Somalia. The TNG, which was the result of the Arta peace process, was not recognized by the

US and the EU. In Eldoret, the EU and the US—despite their modest financial contributions—remained largely less engaged diplomatically. And, the UN, represented by a Special Representative of the Secretary General, kept a low profile. This coupled with lack of interest from the Security Council, made the role of the UN only symbolic and limited to keeping track of the process. The huge financial debt of the Eldoret conference is a clear instance of the lack of international support to the IGAD-led peace process. IGAD also failed to deploy IGASOM, partly due to absence of political and financial support from the international community. The Bush administration did not support the proposal and lifting of the arms embargo.

3.11. Conclusion

There was lack of inclusivity of interested parties in southern Sudan, notably civil society and other political parties, and at the national level for a peace process that claimed to be comprehensive. The result is an agreement that is effectively a bilateral arrangement between the SPLM and the NCP for which most people in Sudan feel no sense of ownership.

The peace process never developed trust and understanding between the parties, and in its absence and the failure to commit to wide-ranging reconciliation, the mediation followed Western practice and emphasized legal requirements and time-tables. But the great number of bodies and commissions formed to regulate, monitor, and adjudicate disputes have not managed to overcome the lack of trust between the SPLM and the GoS, and as a result the implementation of the agreement is far behind schedule. The elitist approach of the mediation was also manifest in its distain for the media. Instead of viewing the media as a partner in the peace process, a

valued critic, and a crucial instrument with which to engage the Sudanese public and provide a measure of accountability, it was treated as an enemy and a threat.

The lack of inclusivity of the peace process means that the Sudanese people can only pass judgment on the CPA through national elections, but the elections have been delayed and the difficulties in demarcating the north-south border and ending the conflict in Darfur may result in a further postponement. In addition, the development of a democratic culture conducive for the holding of fair elections has not been permitted to emerge in either north or south Sudan where security regimes dominate. Lastly, the National Assembly has passed legislation that prohibits parties participating in the national election unless they endorse the CPA, thus precluding a negative assessment of the agreement.

The narrow focus of the mediation and the emphasis on reaching an agreement meant its implications were not fully appreciated. Thus the agreement to dissolve OAGs threatened to unleash a war between the SPLA and the South Sudan Defence Force, while the power sharing arrangement which gave the SPLM and the NCP the lion's share of state power undermined efforts to reach a settlement in Darfur and have encouraged secessionist sentiments in the country. While international engagement in the peace process is necessary, the mediation failed to appreciate that this engagement posed a threat to the sovereignty of Sudan and the IGAD region. The conclusion of the US and its allies that their security and the 'war on terror' necessitates heightened military and diplomatic involvement in the Horn raises fears that the region could again – as it was during the Cold War – become a focus of competition and conflict for external interests.

Although never stated, the mediation was carried out on the basis of a narrow model which focused on ending the violence (many respondents referred to it as an extended cease-fire), instead of laying the basis for a sustainable and comprehensive peace in the south and the country at large.

The lessons to be learned from the weaknesses of the Naivasha process include the need for a strong commitment to democratic change as the cement upon which any peace agreement should be built, and that in turn necessitates a comprehensive conception of peace. It requires a much wider involvement in the process, robust reconciliation, and respect for the media. This approach also recognizes that endemic conflict, such as that suffered in Sudan, is the result of deep seated problems which necessitate structural change. The lessons to be learned also include the need for the mediation to weigh the effect of its endeavours on other conflicts. Although the Sudan peace process needed the financing, expertise, and legitimacy provided by the international community, the injection of external foreign policy concerns into the process posed a threat to national and regional sovereignty which IGAD needs to be aware of and respond appropriately. Lastly, the experience of the Naivasha peace process makes clear that peace processes do not end with the signing of a peace agreement, but must continue into the post-conflict period.

These lessons form the basis of an alternative approach which will be longer, more complex, stress process and principles over legalise and agreements, and offer no promises of success. But the record of failure of mediation of conflicts in the Horn of Africa makes clear that a different approach must be considered.

CHAPTER FOUR

THE ROLE OF INTERNATIONAL COMMUNITY IN SUDAN AND SOMALIA PEACE PROCESSES

4.0. Introduction

The international community has played a significant role in the Sudan and Somali peace process. However, it remains a puzzle whether their efforts in both two countries have borne fruit in the same measure or their efforts are concentrated in Sudan more than in Somalia leading to a successful peace process in the former state. Their involvement is traceable after the Cold War and before the events of September 11, 2001, the Horn of Africa ceased to be strategically important.[93] Nevertheless, the region received international attention during the 1990s due to the UN and US intervention in Somalia[94] the civil war in Sudan, and the concerted international effort to end the conflict between Ethiopia and Eritrea. Despite a high level of international engagement and regional initiatives to resolve the region's many conflicts, peace remains elusive.

Somalia is a failed state, and warlords' machinations continue to ravage vulnerable people. Peace in Sudan hesitantly moves forward despite the resurgence in Darfur, while hostility between the state and various ethnic communities in Ethiopia continues to fester. The UN-brokered cease-fire between Ethiopia and Eritrea which both accepted and the judgment of the independent boundary commission barely holds. In fact, progress towards permanent peace has stalled since Ethiopia rejected the decision of the boundary commission.

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[93] Abdi Ismail Samatar and Waqo Machaka ,Conflict and peace in the Horn of Africa: A regional approach *In Quest for a Culture of Peace in the IGAD Region*, 2006. p.21.
[94] Dagne, T. 2000. "The Horn of Africa: Another Humanitarian Crisis," *Mediterranean Quarterly* Summer 2000.

4.1. Brief involvement of International community

Individual governments have made several attempts to mediate conflicts in the region. In one memorable peace-making effort Sudan brokered the Khartoum Declaration between Somalia and Ethiopia in 1964. This Organization of African Unity (OAU) – now African Union – sanctioned agreement maintained the cease-fire between these two states for 13 years. The Addis Ababa agreement in 1972 between the Sudanese government and the southern Sudanese resistance that lasted for nearly a decade was another important regional effort. The two agreements have been two rare cases of semi-successful, regionally negotiated conflict resolutions.

In recent years IGAD has attempted several times to reconcile conflicts between countries, such as Eritrea and Ethiopia, and within nation states Sudan and Somalia. However, the complexity of conflicts in the Horn of Africa and disagreement among the leaders of IGAD member states tends to undermine the organization's ability to advance a peace agenda.[95] Those issues undermined the Djibouti-mediated Somali reconciliation conference in 2001. More recently, the IGAD-arbitrated Sudanese mediation is sufficiently advanced to lead to a settlement[96]Reports indicate that IGAD has made this progress because of pressure exerted by the United States and others.

In contrast, the Somali reconciliation conference has been stumbling for nearly two years and IGAD mediators have become partisan in the process.[97] The major powers seem loath to nudge the process forward although some progress has been made recently. The quality of leadership and system of governance in each country are key to resolving local, national, and regional

[95] El-Affendi, A. 2001. "The impasses in the IGAD peace process for Sudan: the limits of regional peacemaking?" *African Affairs* 100: 581-599.
[96] International Crisis Group, 2003.
[97] Samatar, A. I. and Samatar, A. 2003. Somali Reconciliation: Editorial Note. *Bildhaan: International Journal of Somali Studies*, 3: 1-16.

conflicts. Democratic and effective governments in the region alone can reverse the Horn's nightmare. Such governments can take advantage of global opportunities and minimize global machinations that accent intra and interstate conflicts.

4.2. International Intervention

There have been several interventions from two main sources into Somalia in an attempt to restore order. The first of these is Ethiopia, which intervened in 2006 and the second is a series of UN backed missions into Mogadishu with the objective of achieving some level of peace and security so that humanitarian missions could operation in the region effectively. This originated with the United Nations Operation in Somalia (UNOSOM) in 1992, shortly after the collapse of the Somalian government.[98]This initially proved to be a success, and humanitarian aid was able to reach parts of Somalia that had been greatly affected by famine. However, as the operation continued into subsequent years, the effect of falling public opinion in the United States and other states which had contributed to UNOSOM meant that the operation was abandoned in 1995.[99]

What UNOSOM proved, however, was that international intervention was an effective short-term solution to crises. It is not easy to put a figure to the amount of Somalian lives saved due to the operation, but it is clear that many in Somalia would have suffered without the aid that the international community was able to provide.

[98] 'United Nations Operation in Somalia (UNOSOM 1992)', Australian War Memorial, [http://www.awm.gov.au/units/unit_20244.asp, accessed online 19/6/2009].
[99] United Nations Operation in Somalia (UNOSOM 1992)', Australian War Memorial, [http://www.awm.gov.au/units/unit_20244.asp, accessed online 19/6/2009].

The combination of civil war and humanitarian crises after the state collapsed in 1991, led to the first UN operation in Somalia (UNOSOM I). It was authorized by Security Council Resolution 751 of April 24, 1992 (Dagne 2009). The Mandate originally granted to UNOSOM I was to oversee the ceasefire in Mogadishu, provide security for UN Personnel, and deliver humanitarian assistance.

Nonetheless, UNOSOM I could not provide the desired security due to the failed ceasefire and continued looting. As a result, the UN Security Council authorized a US-led unified Task Force (UNITAF). The idea was to provide security along the lines of the UNOSOM I. Eventually, UNITAF's mandate was expanded under UNOSOM II in May 1993 to include "establish[ing] transitional government institutions and consensus on basic principles and steps leading to the establishment of representative democratic institutions," according to Security Council Resolution 814.

In May 1993, UNISOM II forces were attacked, which led to a battle in which eighteen American soldiers were killed. After this incident, US troops pulled out of Somalia— followed by the UN troops in March 1995—without having accomplished their mission.

4.2.1. Sudan and Somalia: International Intervention

It can be seen that international interventions in the region have not always gone according to plan.[100] Somalia is a case where intervention succeeded to some extent, and in Sudan there is still as pressing need for intervention. In this section, I will show that intervention has more than one benefit for the international community. Despite its shaky start, the UN-brokered Somali peace

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[100] D Johnson, *The Root Causes of Sudan's Civil Wars*, James Currey, Great Britain, 2003, page 221.

accord still has the potential to achieve a historical milestone.[101] Two essential elements that were absent in the 14 previously failed peace conferences were prominent in this one: genuine peace-makers with considerable political capital and a relatively neutral third party to facilitate the process. Naturally, the Somali people are anxiously trying to find some sort of inspiration and are galvanized by the optimistic appeal of this latest one. However, this is hardly unique. Like a person lost in a desert for a long period finds hope and motivation to survive upon seeing a desert mirage, Somalis found temporary comfort to ease their desperate psyche in every one of the aforementioned peace conferences.

To begin with, there are the obvious humanitarian benefits gained from assisting a country out of a civil war. Secondly, intervention gives legitimacy to the structure of the international system. The limitations placed on United Nations mean that it cannot act decisively in the interests of both the people being oppressed, and the wider global community. A member state is able to withdraw from an intervention, as seen in the UNOSOM operation in Somalia, simply due to domestic pressures. By either imposing binding commitments on member states, or by relaxing some of the restrictions of the UN Peacekeeping forces, a UN lead mission into a war-torn country would have far greater effect.

The economic benefits of intervention can also not be ignored. The various conflicts in Africa are the key reason that it has been unable to progress economically in comparison to the rest of the world. A conflict-free Africa would see both positive benefits for both African people and the

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international community, as African nations would be able to fully utilize their many natural resources without disputes and barriers to progress.

Indeed international intervention is a necessary tool to achieve a stable and peaceful African continent, and can be a successful method, but only if each state involved has the political will to complete the intervention without abandoning it halfway through. The calls for independence from various groups such as Southern Sudan, Puntland and Somaliland also need to be respected, as ultimately it prevents power struggles between competing cultures from occurring. The international community has seen enough genocides and civil wars in Africa to allow the status-quo to continue.

4.3. International Community and IGAD's role in Reconciliation and Peacemaking in Sudan and Somalia

The 1996 IGAD Agreement included among its principles the peaceful settlement of conflicts, the maintenance of regional peace, stability and security, and the protection of human and people's rights. A new objective was:

'[to] promote peace and stability in the subregion and create mechanisms within the sub-region for the prevention, management and resolution of inter and intra-State conflicts through dialogue'[102]

This unpromising state of affairs was the starting point for IGAD's most successful venture to date in conflict resolution. The Comprehensive Peace Agreement (CPA) between North and

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[102] IGAD 1996: Art.7g.

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South Sudan is often cited as a good example of an African regional peace initiative, but IGAD's institutional role was relatively low key. This long-term engagement enabled those involved to capitalise on opportunities to come to a settlement. Without IGAD's sustained involvement these would most likely have been lost.

In Somalia, the conflict in Somalia was very different to the conflict in Sudan and stemmed from the comprehensive collapse of state institutions. Without a government, Somalia was unable to exercise its membership of IGAD, or indeed any other international forum, and IGAD had difficulty confronting the problem of state breakdown. In 1993 the OAU had assigned Ethiopia the lead role in supporting peace and reconciliation in Somalia, but at that stage peace and security in Somalia was firmly on the UN agenda. The country was then in the throes of significant international interventions (UNITAF, UNOSOMs I and II) designed to create a secure environment for humanitarian relief operations and restore political order.

4.4. Role of Neighboring States

The most obvious place to look for relevant external actors is in the immediate neighborhood of a country, and we do indeed find several states in region to have played a major role in the Somali conflict, just as the subregional organisation, IGAD, has had a significant role to play. Having relegated the latter to the chapter on international organisations, we shall in this chapter first look at the subregion as such and then at four of its consitutent states, Ethiopia, Eritrea, Kenya and Djibouti.

4.4.1. Ethiopia

Ethiopia has several reasons to take whatever happens in Somalia very seriously. First of all, the two countries were at war with each other in 1978, with Somalia as the aggressor Even though it strains the imagination to envision a renewed Somali attack in the foreseeable future, as a long-term prospect it is certainly not at all inconceivable. Ethiopian concerns about what a strong Somali state might do are quite understandable, especially considering that the Somali claims to the Ogaden/Somali Region have never really been abandoned.

Secondly, not only might a real war again become conceivable, but even before that Somalia might foment unrest among the ethnic groups of Ethiopia, especally the Somali. The present constitution of the Federal Democratic Republic of Ethiopia (FDRE), adopted after the fall of the *Dergue* in 1991, grants the various ethnic groups quite extensive rights under the principle of "ethnic federalism," including a formal right of secession,[103] but the implementation of these lofty principles leaves quite a lot to be desired. In fact, the so-called "Somali Region" (also known as "Region Five") remains marginalized from Ethiopian politics and government repression has been quite severe.[104]

There is thus a fertile ground for any Somali attempts at instigating conflict, the leaders of which might even play the religious card by couching Somali national aspirations in terms of Muslim rights, perhaps even by proclaiming *jihad*, as did the Somali UI.[105] It not only appealed to the Ogaden National Liberation Front (ONLF) and the little known United Western Somali

[103] Eshete, Andreas: "The Protagonists in Constitution-Making in Ethiopia," in Goran Hyden & Denis Venter (eds.): *Constitution-Making and Democratisation in Africa* (Pretoria: Africa Institute of South Africa, 2001), pp. 69-90.
[104] Hagmann, Tobias: "Beyond Clanishness and Colonialism: Understanding Political Disorder in Ethiopia's Somali Region, 1991-2004," *Journal of Modern African Studies*, vol. 43, no. 4 (2005), pp. 509-536; Samatar, Abdi Ismail: "Ethiopian Federalism: Autonomy versus Control in the Somali Region," *Third World Quarterly*, vol. 25, no. 6 (2004), pp. 1131-1154;
[105] Keller, Edmond J.: "The Ethnogenesis of the Oromo Nation and Its Implications for Politics in Ethiopia," *Journal of Modern African Studies*, vol. 33, no. 4 (1995), pp. 621-634.

Liberation Front (UWSLF), but also to the Oromo Liberation Front (OLF) which claims to represent the largest ethnic group in Ethiopia. This was probably quite worrying as the "Oromo question" is one that Addis Ababa would certainly not want.

4.4.2. Eritrea

Neither Eritrea as such nor the incumbent government in Asmara has any real stakes in the Somali conflict. Hence it seems to be the hostile relationship with Ethiopia which is driving the Eritrean behaviour *vis-à-vis* Somalia. This hostility is something of an enigma in its own right. Eritrea certainly had good reasons to resent Ethiopia's incorporation of the former Italian colony of Eritrea in 1962, abrogating the federation which the UN had enforced in 1952.[106] Hence the long war of liberation by first the ELF (Eritrean Liberation Front) and then the EPLF (Eritrean People's Liberation Front), the latter led by the present president Issayas Afeworky, which lasted until the final overthrow of the brutal dictatorship of the *Dergue* under Mengistu Haile Mariam in 1991.

4.4.3. Others

Although the entire territory of Djibouti is also encompassed by the irridentist Somali national project, there is no real animosity between the two countries. The small neighbour has on more than one occasion tried to play the role as honest broker and has hosted conferences devoted to Somali state-building and, most recently, to reconciliation between the TFG and those factions of ARS which did not boycott the event, producing the Djibouti Agreement.

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[106] Negash, Tekeste: *Eritrea and Ethiopia. The Federal Experience* (New Brundswick, NJ: Transaction Publishers, 1997).

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4.5. The United Nations

Ineffective UN missions to Somalia from 1992 to 1995 (UNOSOM-I and –II), left the country in a worse shape than when the UN arrived. Ever since, the UN's involvement has been rather low-key, focusing mainly on humanitarian issues in which connection the orgnisation's various subsidiaries and agencies have been the main actors, e.g. the UN Development Programme (UNDP), the UN Children's Fund (UNICEF), the World Health Organization (WHO), the WFP, the UN High Commissioner for Refugees (UNHCR), the Food and Agriculture Organization (FAO), the UN Office for the Coordination of Humanitarian Affairs (OCHA), and others. Many of these had an actual presence in Somalia until 2006 when all international staff were relocated, mostly to Nairobi, because of the intolerable security situation.

As a coordinating body, a United Nations Political Office for Somalia (UNPOS) was established in 1995, headed by a Special Representative of the Secretary General (SRSG), and located in Nairobi.[107] Somalia has also been continuously on the agenda of the UN Security Council (UNSC), mainly because of the sanctions imposed on Somalia with UNSCR 733 (23 January 1992) which have remained in force ever since—even though their effectiveness is a matter of some dispute. To oversee this sanctions regime, a Sanctions Committee was established by UNSC in resolution 751 of 24 April 1992.[108] In addition to this committee, the UN also established a Panel of Experts followed by a Monitoring Group, preparing comprehensive reports on violations of the sanctions regime. Since 2003 the latter has been producing very detailed and insightful reports on the various breaches of the embargo. It has, for instance, documented extensive violations of the regulations by several states, especially Ethiopia (in

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[107] The website of UNPOS is at www.un-somalia.org/About/index.asp.
[108] Farrall, Jeremy Matam: *United Nations Sanctions and the Rule of Law* (Cambridge: Cambridge University Press, 2007), pp. 107-128, 288-297.

support of the TFG) and Eritrea in support of, first, the splinter faction of the TFIs from Mogadishu and then the UIC.

This should be added the clandestine (and usually denied) support provided by Uganda and Kenya to the TFG and the even more secret support provided to the UIC by Arab countries such as Egypt, Libya and Syria as well as by Djibouti and Iran, not to mention the assistance provided by *Hezbollah* and even the *Al Qaeda*. Throughout the present crisis, the Secretary General has presented regular situation reports and the UNSC has passed several resolutions, mainly endorsing the various IGAD and AU initiatives (e.g. in UNSCR 1725 of 6 December 2006) for an international force whilst making it clear that this also entails the specification included in the IGAD deployment plan, according to which "those States that border Somalia would not deploy troops to Somalia". [109]

There was thus no authorization of the Ethiopian intervention. [110] The Council did, however, amend the embargo to allow for the deployment of AMISOM (UNSCR. [111] Some consideration has also been given to the deployment of a UN peacekeeping operation, the requisite strength of which was (very conservatively) estimated at around 20,000 troops with substantial air and maritime components. No decisions had been taken by the end of 2008, and considering the departure of the Ethiopian troops and the likely collapse of what little is left of the TFG, it seems highly unlikely that such a force will ever materialize.

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[109] art. 4
[110] UNSCR 1725, art. 4.
[111] IRIN: "Somalia: Gov't Welcomes Authorisation of Peacekeeping Force," *IRIN News*, 22 February 2007..

4.6. The African Union

In the absence of a UN mission, the African Union has—probably unwisely—stepped into the breach. Considering the attitude of IGAD, the AU could not easily go against one of the REC's (Regional Economic Communities) designated as its operational arms *in statu nascendi* and as a central component of the African Security Architecture. Nor would it have been easy to go against the expressed wishes of its host country, Ethiopia—and especially not at a historical juncture when the AU's utility was being assessed by the world community with a view to granting much needed external support.

The AU as well as its predecessor the OAU hardly played a significant role in addressing the state collapse in Somalia. There have been fifteen peace initiatives with the view of forming a functioning central government. None of them, however, was sponsored by the OAU/AU. Subsequently, it is safe to conclude that the OAU/AU was not a leading actor in Somalia affairs until recently. It is pertinent to say that it has been limited in endorsing the decisions of the regional organization, IGAD, other initiatives taken by the UN and member states. As IGAD is taken as one of the five building blocks of the AU, it could be argued that the AU endorses the decisions of IGAD that promote policy coordination and harmonization.

Moreover, considering that the OAU had already recognised the TNG, the AU chose to view the TFG as a simple successor which made its support for the latter almost preordained. The actual role of the AU was, however, quite modest, mainly because of a lack of armed forces and other resources. Having first dispatched a fact-finding mission and then acknowledged the need for the dispatch of "peacekeepers" to assist the TFG—and having endorsed the proposal by the United States and IGAD to lift of relax the arms embargo—the AU's Peace and Security Council in

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January 2007 mandated a peacekeeping mission (AMISOM) to take over from the Ethiopian forces. Even though it was mandated to comprise 8,000 troops—and partly financed by EU and US support of €15,000 and $14,000, respectively—by the end of 2008, however, only Uganda and Burundi had actually sent forces which had come under heavy fire and proved totally incapable of establishing even a modicum of peace in Mogadishu.

In frank recognition of its inadequacy the AU has all along argued in favour of a UN mission in Somalia—or perhaps a "hybrid mission" such as that in Darfur—and on the 16 December reiterated the call for such a mission, offering to "re-hat" AU forces, but seemingly to no avail. The most likely outcome is therefore that the force will soon be withdrawn, leaving the AU weakened rather than strengthened by the heroic but futile attempts.

4.7. Foreign Powers

Among the foreign states which, in their individual capacity rather than as participants in multilateral initiatives, play a role in Somalia, only the United States is really of any significance. Unfortunately, however, just as in the early nineties the consequences of its various initiatives and activities have been predominantly negative and counterproductive. The main difference between the nineties and recent years seems to be that whereas the predominant motive then was altruistic and humanitarian it is now selfish and focused on US national security. Both then and now, however, Washington seems to have accomplished almost the exact opposite of what it was aiming for. In the nineties the result was an exacerbation of the humanitarian crisis, whereas it is now a growth of Islamist militancy and perhaps even terrorism. Somalia and Sudan have been "securitised" by the US under the heading of the global war on terror,

4.8. Western Humanitarian Agencies and Islamic Charities

Both during the first civil war in the early nineties, the long period of statelessness and the current humanitarian crisis, there has been an urgent need for assistance to the civilian population of Somalia, which has made both the various humanitarian agencies of the West (besides those affiliated with the UN mentioned above) and the several Islamic charities significant actors.

However much such agents strive for strict impartiality, there is not such thing as neutral assistance. First of all, not everybody can be helped all the time, necessitating choices of whom to help and whom not— and the recipient of assistance will usually be able to somehow transform humanitarian assitance into politically or even militarily relevant assets, thereby strengthening themselves relative to their adversaries.

Secondly, the very provision of aid usually requires negotiations with armed local actors seeking to "tax" the providers at the expense of the intended recipients and to the benefit of their own armed forces. Moreover, because of the logistical difficulties most aid will usually be provided to those needy groups who are most accessible rather than to those most resperately needing it. Hence, even aid offered for the most unselfish reasons can occasionally do harm, even as far as famine relief is concerned.

Among the international humanitarian NGOs working in Somalia one might mention the

International Committee of the Red Cross, *Médicins sans Frontieres*, CARE, CARITAS, OXFAM and Save the Children. Most Islamic relief agencies (e.g. the network of Red Crescent societies) and charities are entirely comparable to the Western, secular or Christian ones, only religiously founded on Islam's central tenest about alms and *zakat*.

4.9. The Diaspora

The Somali diaspora which is scattered all over the world have also had conflicting interests in the country. This could be attributed to clannism which is a major factor in the Somalia conflict.

4.10. The Effectiveness of IGAD's Contribution to Peace and Security

The signing of the Sudan and Somali peace agreements in quick succession in late 2004 and early 2005 created an impression that IGAD was proving unusually adept at performing its new conflict-resolution role.[112] Two IGAD settlements within three months appeared a remarkable accomplishment, especially when taking into consideration that both addressed long and complex conflicts that had defied previous attempts to secure peaceful settlement.[113] However, a closer examination of the circumstances in which the agreements were achieved points to a more nuanced judgment about IGAD's institutional role. In origin, the IGAD peace initiatives in Sudan and Somalia were political initiatives, conceived and largely executed by one or more member states. The lead regional mediators were also interested parties.[114]They did not entrust the mediation to the IGAD Secretariat, which had neither the capacity nor the authority to lead and manage the peace processes that were carried out in its name. Indeed, at the point when the

[112] Francis, D. J. 2006. Uniting Africa: Building Regional Peace and Security Systems.Aldershot: Ashgate.
[113] Sally Healy, Working Paper no. 59- *Regional and Global Axes of Conflict* - Peacemaking In The Midst Of War : An Assessment Of IGAD'S Contribution Toregional Security, November 2009. Royal Institute of International Affairs CRISIS STATES RESEARCH CENTRE
[114] Khadiagala, G. L. 2007. Meddlers or Mediators? African intervention in civil conflict in Eastern Africa, Leiden: Brill.

Sudan process began in 1993 the organisation had no remit to work on peace and security issues and had yet to develop its conflict resolution mandate. Once underway, the peace talks required an organizational and logistical effort that was beyond the capacity of IGAD's modest secretariat in Djibouti. The Sudan and Somalia peace processes both relied heavily on Kenyan diplomatic capacity. Kenya supplied the chief negotiator in each case: General Sumbeiwyo as mediator in the Sudan process and Ambassador Bethwell Kiplagat for the Somali process.

The importance of Kenya to the success of the peace processes was not confined to its provision of diplomatic and organisational capacity. Its ability to maintain political neutrality was vital. Without Kenya's neutrality after 1995 IGAD's Sudan process might not have survived. Kenya went on to play a key role in securing government agreement on the Declaration of Principles when Khartoum was under maximum pressure. Similarly Kenya provided a neutral venue in 2002 for the different Somali parties backed by Ethiopia and Djibouti.

Notwithstanding its institutional weakness and lack of authority over member states, the IGAD Secretariat successfully institutionalized donor support through the IPF. The willingness of external donors to carry the financial burden of the peace process was both a blessing and a burden. The extent of their involvement generated frictions over the ownership of the process and the imposition of spurious deadlines ('deadline diplomacy') tied to financing IGAD has been powerless to persuade Ethiopia and Eritrea to normalise relations or to finalise a peace settlement. Their intense mutual hostility continues to poison regional relations and exacerbate other conflicts. It remains the key obstacle to any progress towards developing an improved regional security framework. At the technical level, IGAD's Secretariat continues to do innovative work on peace and security. The programme funds of the IPF have generated analysis

and project work that deepens analysis and recommends action. It has developed an early warning mechanism, the Conflict Early Warning and Response Mechanism (CEWARN), which is monitoring three areas of pastoral border conflict.[115]

4.11. Measuring Success in Sudan and Somalia

IGAD's conflict-resolution activities have displayed a clear, unresolved tension between IGAD, the political forum – characterised by mutual suspicion, alliance-building and power play among member states – and IGAD, the regional organisation – seeking to develop the institutional capacity to improve peace and security and give practical assistance towards conflict resolution. Where IGAD has been able to claim some success it has more often found itself reaping the whirlwind of regional and international power politics than advancing classical mediation and peace-building processes.

The key question is what impact IGAD's reconciliation activities have had in enhancing peace in the region, among states as well as within Sudan and Somalia. In the case of Sudan an assessment of the success of the CPA cannot ignore the conflict that erupted in Darfur towards the end of the CPA negotiations. The negotiation of the CPA could be seen as a contributing cause of the Darfur rebellion because it provided an example to other marginalised groups that armed struggle could secure political advantage.[116] It also aroused fears among the Darfuris that

[115] Apuuli, Kasaija P. 2004. 'IGAD's Protocol on Conflict Early Warning and Response Mechanism (CEWARN): A Ray of Hope in Conflict Prevention', in Alfred G. Nhema (ed.), *The Quest for Peace in Africa: Transformations, Democracy, and Public Policy*. Addis Ababa: OSSREA.
[116] Woodward P. 2004. 'Somalia and Sudan, a tale of two peace processes', *Round Table* 375: 469-82.

their own marginalisation would be entrenched since the CPA negotiations purported to be a national settlement but involved only two parties.[117]

Despite bringing an end to the war in the South, the CPA was widely criticised for the limited scope of the negotiation to address the problems of Sudan as a whole. It was confined to the Northern government and the Sudan People's Liberation Movement (excluding other key constituencies in the country, including in the South) and failed to involve civil society or other stakeholders who were needed to build a sustainable peace [118] Some of its weaknesses are implicitly a product of how the problem was framed when the organisation was first seized of the matter.[119] As befits a forum for regional co-operation, IGAD's frame of reference was to settle a troublesome conflict rather than to achieve the transformation of Sudan. It was about empowering the South, upholding their right not to live under Sharia law and giving them the option to gain independence. On all these scores the CPA can be regarded as a considerable success.

Four years on the CPA has maintained the peace and provided for the injection of significant financial resources into the South and the large-scale return of refugees. The South has established a government of its own, the Government of Southern Sudan (GOSS), and maintains its own armed forces. The CPA will culminate in a referendum in 2011 when in Mogadishu in late December 2006, it did so unilaterally. Ethiopia provided justification for its military intervention on three grounds recognized under international law: the right to self-defense in face

[117] Nathan, Laurie. 2007. 'The Failure of the Darfur Mediation', *Ethnopolitics* 6(4): 495-511. Natsios, A. S. 2008. 'Beyond Darfur: Sudan's Slide toward Civil War', *Foreign Affairs* 87(3): 77-93.

[118] Young J. 2007. *The Sudan Peace Process: a study commissioned by IGAD.* At http://www.sudantribune.com/IMG/pdf/Igad_in_Sudan_Peace_Process.pdf

[119] Cliffe, L. 2004. 'The Sudan-IGAD Peace Process: Signposts for the way forward', *African Security Analysis Programme Occasional Paper* 86, Pretoria: Institute for Security Studies.

of clear and present danger, against terrorist threat and at the invitation of a legitimate government.[120]

4.12. Conclusions

In more than thirteen years since IGAD added peace and security to its mandate there has been no appreciable reduction in the level of conflict in the Horn of Africa. The region still lacks the most rudimentary regional security framework. IGAD member states continue to flout the old fashioned inter-state rules of respect for territorial sovereignty and non-interference in each other's affairs, 'victims of their neighbor's insecurities, or conversely, as threats to the neighbours'. As yet, there are few signs of their moving towards collective security arrangements or genuinely endorsing institutional processes of regional consultation or decision making. All this could point to the conclusion that IGAD is paralyzed by conflict among its member states and unlikely to succeed in advancing regional conflict resolution.

The existence of IGAD nonetheless brings a new diplomatic dimension to conflict management in the Horn of Africa. This is a forum that locks in the regional states but also locks out other interested parties beyond the region. The new ingredient is the internationally conferred legitimacy that IGAD possesses to address conflict within the region. Paradoxically, the recognition that national security interests are intimately connected across the region implies that, however imperfect and compromised, IGAD's regional peace and security activities will remain in place and gain incrementally in importance. If IGAD is to consolidate its role, its institutions, including the Secretariat, will eventually need to be strengthened so that it can assert

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[120] Yihdego Z. W. 2007. 'Ethopia's Military Action against the Union of Islamic Courts and others in Somalia: some Legal Implications', *International and Comparative Law Quarterly* 56: 666-76.

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some autonomy. But the organisation has already played a crucial agenda-setting role in directing African and wider international responses to conflict in the region. Over the longer term, and provided that other member states recognised its utility, IGAD also has the potential to serve as the forum in which unequal relationships and localised hegemony could be managed without recourse to violence.

Somalia has been in constant turmoil since 1991. The complexity of the problem, led to at least fifteen failed peace processes. The region and the international communities that have been affected by the prolonged crisis have tried various and sometimes contradictory solutions to resolve it.

CHAPTER FIVE

SUMMARY, RECOMMENDATIONS AND CONCLUSIONS

5.1. CONCLUSION

5.1.1. Sudan

Sudan's conflict can majorly be attributed to the religious differences between the north and the south and also the colonial legacy left by the British when Sudan attained independence in 1956. However, with the observation of the CPA by both parties, it can be argued that the Sudan peace process has been successful despite the teething problems faced by the new south Sudan state.

It can also be argued that despite the southerners exercising their right of self-determination in January 2011 referendum and attaining independence in July 2011, there are many obstacles that still face the south as a nation. Constant tensions in Abeyie, Blue Nile and Khordofan states remain a great challenge to the new state of southern Sudan.

Secondly, constant raids of southern civilians by the northerners pose a threat to the south as this might ignite the war in future between the north and the south. Both parties must therefore respect the sovereignty of one another for sustainable peace to be realized for posterity and prosperity of the south.

5.1.2. Somalia

Somali political culture is an impediment to reconciliation. Clan-based politics is viewed both as intrinsically divisive and as imbuing Somali politics with chronic instability and fluidity, making it exceptionally difficult to hold together alliances for any period of time. Assessments which place primary blame for the Somali impasse on Somalis themselves are understandably popular

with many external actors. This reasoning can lead to cynical or fatalistic positions that "nothing can be done" to resolve the Somali crisis. But it can also lead to more constructive interpretations focusing on the need to reshape the interests of spoilers, marginalize intrinsic spoilers (i.e., the "warlords"), improve confidence-building measures, propose state reconstruction models which are non-threatening to anxious citizens, and explore mechanisms to incorporate the most beneficial or unavoidable aspects of clan-based politics into peace talks while minimizing clannism's penchant for divisiveness.

The Somalia political instability has been attributed to internationalization of the conflict by the Barre's regime in its aim of achieving the Greater Somalia vision. The use of clanism as a clarion call backfired with the defeat of the army in Ogaden, leading to the collapse of the state. The raise of the tribal warlords keeps on fuelling the conflict and complicating the peace process in the region. The immediate post independent era was marked by internal socio-political instability centred on the merger of the colonial territories and the support of irredentist conflict activities in the north-eastern Kenya and south-eastern Ethiopia. When Barre consolidated his power base he adopted a calamitous policy, which favoured his clan, and this led to disintegration of the Army that was formerly the central figure of his power structure.

The collapse of the state in 1991 left the country without a central government or viable infrastructures. However the disaster in Somalia was not created by fighting alone, but rather by the massive, persistent and deliberate violations of human rights committed by all factions. The collapse of the state has been followed by diverse mediation efforts. These range from regional bodies, UN, US and many others without success. The most recent and successful effort has been under the auspices of IGAD. The outcome of the 14th Somali Peace and Reconciliation

Conference in Kenya led to a possible rebirth of the Republic of Somalia. The conference elected 275 members of parliament and new president, Colonel Abudullahi Yusuf. The prospects are however gloomy for the new government as it is faced with anarchy, and fears of growing terrorist groups. This is why Kenya, a terrorist victim in 1998 and 2002 has been in the forefront to ensure that order, stability and security prevail in Somalia. Another challenge is repatriation of about three million refugees back into the country; who are spread in many parts of Kenya, Horn of Africa and the rest of the world. A reconciled Somalia will offer hope for security, stability and peace in the whole Horn of Africa.

It can also be argued that Somali crisis has constituted a series of missed opportunities for external mediators. Some emphasize the lack of international political will and interest in addressing Somalia. The UN comes under harsh criticism in some analyses for its inattention to Somalia in the early years of the crisis (1988-92), while the US is blamed for its unwillingness to address Somalia following the failed UNOSOM mission. Others focus on the lack of follow-through and the failure of external actors to provide timely, robust support to newly-declared transitional governments. This was a central feature of the debate in 2000 and 2001 between those who argued for a "wait and see" approach to the TNG versus those who advocated immediate aid in order to "prime the pump" and build confidence in the fledgling government. This latter view stresses that the months immediately following peace accords constitute a brief 'window of opportunity' which is lost if external assistance is delayed and the fledgling government fails to earn "performance legitimacy" in the eyes of the Somali public.. Other critics of external mediation in Somalia focus not on political will but on poor performance. The UN and other mediators have been accused of bungling peace talks due to gross incompetence,

weak capacity, lack of neutrality, conflicts of interest, insistence on inappropriate timeframes, and lack of understanding of Somali political culture.

These were especially popular criticisms of UNOSOM mediation in 1993-94, and resurfaced again in critiques of the Eldoret phase of the Kenyan-based peace talks in 2002-04.. Added to this are criticisms that external actors fail to coordinate their policies and have rival interests, resulting in opportunities for Somali leaders to engage in "forum shopping." Another critique of mediation which is periodically voiced is the practice of isolating delegates in foreign hotels instead of convening the conferences in country. While some of these criticisms are unfair, ad hominem attacks on mediators, others reflect accurate concerns about the very uneven quality of external mediation over the years.

5.2. RECOMMENDATIONS

5.2.1. Somalia

For the young and fragile Somalia government to succeed in rebuilding the state security and prosperity, it is important that security measures are reinforced and infrastructure be reconstructed to ensure the smooth running of the new government. Neighboring countries such as Kenya can assist by sending skilled manpower and security forces and advisors to Somalia.

The leaders need to work on a progressive plan aimed at restoring peace, security and stability by involving the clans and their leaders and not just the warlords, especially in disarmament to pacify the process. That the government must face the challenge of reconciling people at all levels of the society including inter and intra clan and sub-clans, factional and political

groupings. The people have to be determined to support this new dawn and future. The conflict has resulted to disunity on the basis of clan, ethnic, political, and sectarian religious lines.

Rehabilitation, reintegration and transfer of skills to generations of gunmen and women who missed school and vocational training opportunities in all disarmament programmes will therefore be critical.

Emphasis has to be put on the rehabilitation and reconstruction of basic infrastructures to prepare the country to enter a constitutional phase. This will include building institutions of democratic governance, rule of law, decentralization of power, protection of human rights and safeguarding the integrity of the country. All disputes must henceforth be settled through dialogue, negotiations and other peaceful legal means.

In keeping with the United Nations arms embargo against Somalia, the neighbouring countries have to cooperate to make sure that their borders are not used for weapons movement. The international community needs to assist in establishing an impartial National Somali Army and Police Force.

Kenya should move fast to solidify its relations with Somalia by assisting in reinforcing security across the border. The two countries security forces should cooperate to guard the region, especially the North Eastern Province where banditry, trade in arms and porous boundaries are entry points of the terrorists. Kenya should also consider setting up industries in Somalia since theirs are non existent. Meanwhile it should strengthen its trade relations with Somalia to enable

it export manufactured and agricultural products. A stable Somalia will not only create the right environment for Kenya to develop, but will stabilize the whole Horn of Africa.

To achieve this goal, Kenya must play a major role in rebuilding a peaceful neighbouring country, which is in control of its destiny and welfare. On its part, Somalia can establish lasting peace by abandoning its dream of a Greater Somalia. Lobbying for a change in the new Somali flag without the five-pointed star that symbolizes the dream is essential. The international donor community, institutions such as the International Monetary Fund, World Bank and Somalis in Diaspora, need to come to the aid of Somalia by providing funds to rebuild the ruined infrastructures. The United Nations in collaboration with the African Union should hasten the deployment of peacekeeping forces in the country to ensure that peace and security prevail for smooth running of the new government. The government has the responsibility to manage the reconstruction process through national authorities, provincial and local channels as well as security forces. This will call for peaceful environment by establishing a transparent, representational and interactive political structure, to avoid the spectacle of people falling back to clanism and lawlessness. There are governments and other outside actors who supported various groups and persons in Somalia. These actors should call for a regional reconciliation and discard their personal interests for the sake of prosperity, peace and stability. Therefore, for a lasting peace to prevail in Somalia as well as its Diaspora, a legitimate government that is accountable to its citizenry and sensitive to their needs must emerge. Its authority has to be built from the grassroots. Therefore United Nations, African Union, Intergovernmental Authority on development and the rest of the donor world and the international community must exercise steadfastness in their support for Somalia.

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The picture is not all gloomy as there is room for international and local Somali actors collectively correct the anomalies in the Somali political scene. The outcome of the Mbaga process, which is inorganic in nature, has to be legitimized with organic structures throu promotion of linkages with the grassroots.

Civil society has to be empowered as a vehicle for partnership and change. Throug reconciliation, the dynamics would be turned into an opportunity but this would be sustainab only if the shadow structures pursuing dwarf strategies swallow their pride.

To disconnect the stronger regional and international links enjoyed by the shadow structures, th UN Security Council has to come up with a practical resolution to address the violation on th arms embargo to Somalia. It is the Somali civic population that is on the receiving end. Th international community should abstain from the double standards and overcome the fatigue tha sometimes overwhelms them, so as to resolve the Somali crisis once and for all.

The international community has to revisit its intervention and overcome the incoherence, and attempt to come up with some unity on the issue of Somalia. Their incoherence paves way for rejectionists to shoot down any initiative to resolve the Somali crisis. The international community could pursue a policy of neither withdraw nor dominate.

The TFG has to first put its house in order and then engage in dialogue with Somaliland. Somaliland made significant progress and has to be lauded for the investment that nurtured this positive outcome. At all costs imposition has to be avoided and the path of dialogue pursued. The militarised politics responsible for the negative peace prevailing in Somalia has to be abandoned

and replaced with dynamic, accommodative and knowledge-based peace culture consistent with the traditional and religious values of the local population.

The TFG II is not shining anymore. Its institutions are dysfunctional and some of its leaders are said to be opportunists. But, it should be noted that it has only been one year since its establishment. It has survived in Mogadishu, despite deadly attacks from Al-Shabaab and Hizbul Islam. In the short term, the TFG II's security apparatus and institutions should be strengthened. IGAD member states should continue their support in terms of training, finance, and logistics. But, it has to be done with precaution and full coordination. The recruitment of TFG II forces to be trained, for instance, should be carefully selected to avoid desertion and infiltration by the Al-Shabaab. IGAD member states and the TFG II should also strengthen their intelligence to identify and apprehend hard core elements of the Al-Shabaab.

Following a one-sided militaristic approach alone, however, could exacerbate the situation. The TFG should seriously engage with various actors and expand its governing coalition. It should strengthen its ties and negotiate power-sharing with various clans and groups as it did with Al-Sunna Wal-Jama. More effort should also be exerted in bringing all actors including those who allied with Al-Shabaab for tactical reasons and are willing to negotiate. The existing clan division among the radicals should be manipulated.

5.2.2. Sudan

Further, the regional and international community should make a point of immediately following up on their promises to those countries emerging from conflict. The international community should also be unrelenting in their support for the sustenance of peace even after the

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independence of the south. The IGAD countries have provided immense support for the peace process in Sudan and their efforts resulted in the CPA signature. It is hoped that they will continue to provide even more support for peace in the Sudan and the region.

To overcome the manipulations by self-centered groups there is need for the civil society organisations to promote political awareness in the post independent south Sudan. The traditional leaders and moderate religious groups could be empowered to build on the social codes, morality and ethics as instruments to project strong pillars for nation building. The civil society has to come up with a self-definition and promote shared value within itself. A respected civil society personality could be identified to become a goodwill ambassador to build on the shared value. There is need to liberate the youth whose future was misused and ended up as a powerhouse for the shadow structures. The socio-economic superiority espoused by the women has to be encouraged and more space in other sectors explored. Their superiority has to be used as an opportunity but their concerns should be addressed first.

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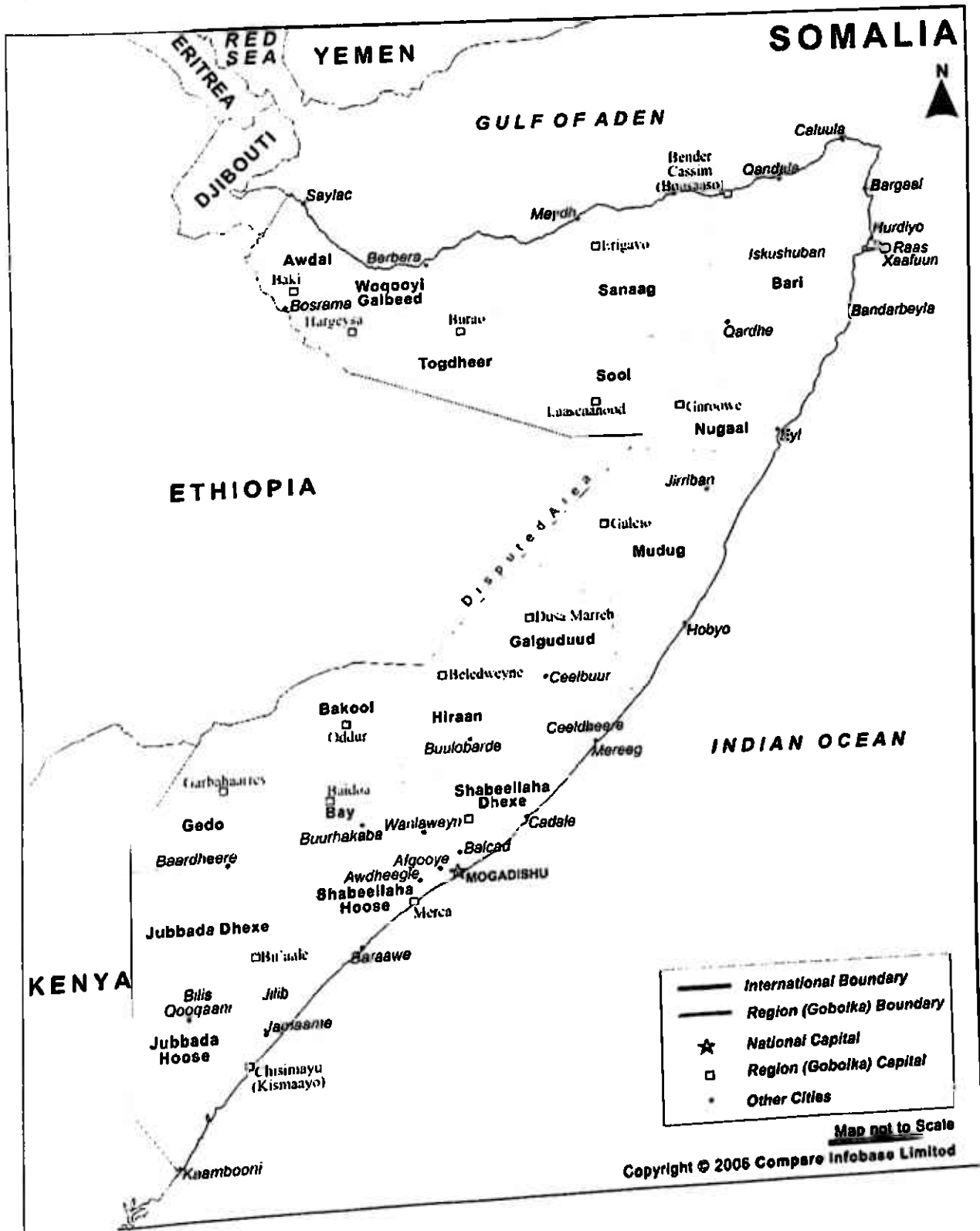Woodward P. 2004. 'Somalia and Sudan, a tale of two peace processes',*Round Table* 375: 469-82.

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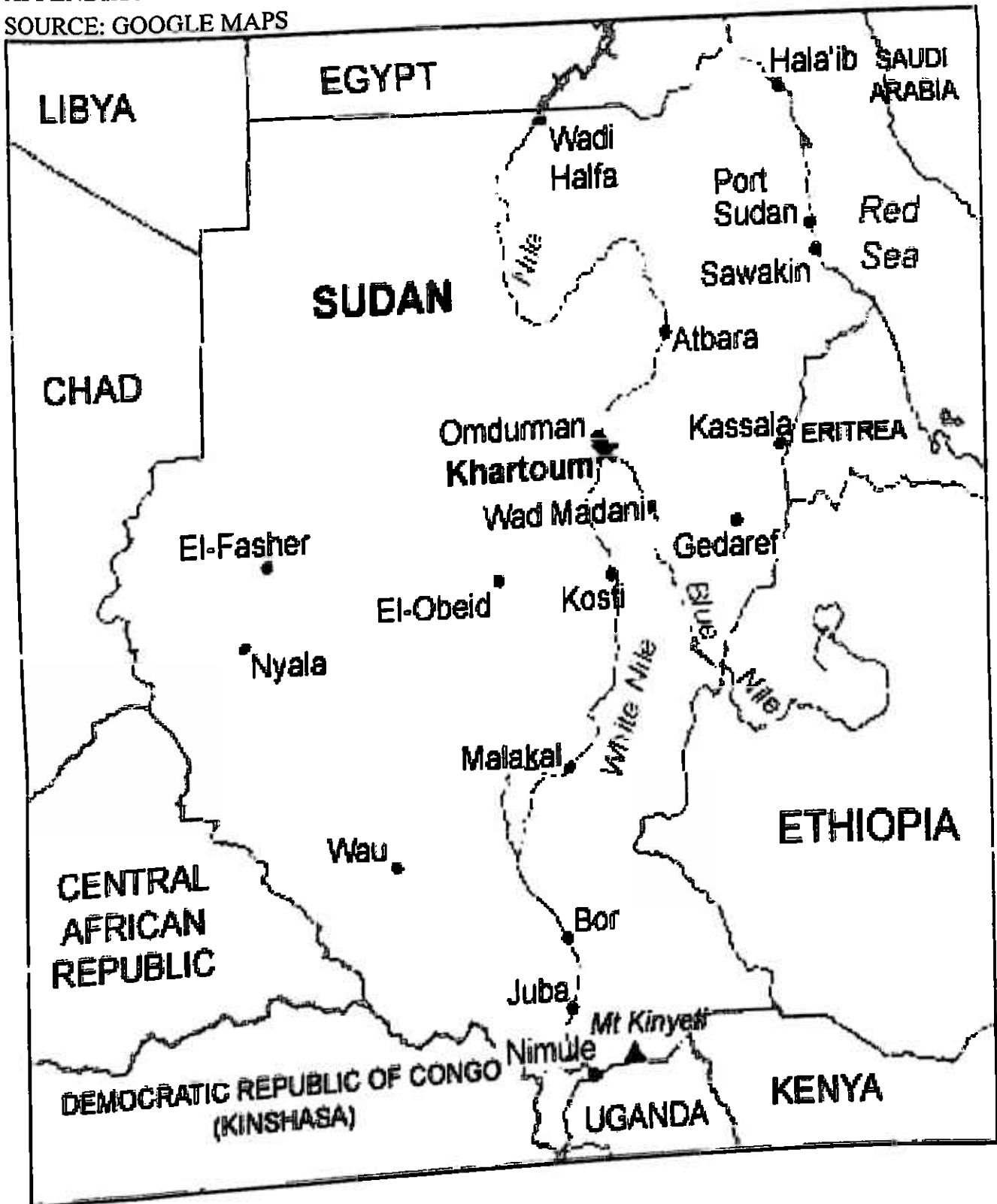
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APPENDIX I: MAP OF SOMALIA

SOURCE: GOOGLE MAPS www.mapsofworld.com

SOUTHERN SUDAN

ETH

A'Ali
an Nil

Al
Wahdah

Shamat Bahr
al Ghazal

Gharb Bahr
al Ghazal

Warab

JunQali

SOUTHERN SUDAN

Al Buhayrat

Gharb al
Istiwaiyah

★JUBA

Sharq al
Istiwaiyah

Bahr al
Jabal

UGANDA

KF