Conference on:

The Review of Peace Agreements/Initiatives in the Horn of Africa

March 2011
Addis Ababa, Ethiopia

Mr. Wagdi Kamil
Justice Africa
00249912214217
wagdik@yahoo.com
Sudan

Ato Yared Debebe
IPSS
0910 055090
Ethiopia

Ato Yemanne Negish
Reporter News Paper
0911 570435
yemanng@yahoo.com
Ethiopia

Ato Yohannes Tekalign
AAU
0911 390942
yohannesteka@gmail.com
Ethiopia

Ato Yonas Ashine
AAU
0911 931538
Yonniashine2010@gmail.com
Ethiopia

Ato Zerihun Abebe
AAU
0913 028882
Zabebe23@yahoo.com
Ethiopia

Ms. Selam Fesseha
New Generation University College
selamiyef@yahoo.com
Ethiopia

Dr. Solomon Dersso
ISS
0910 426974
Solomon.dersso@gmail.com
Ethiopia

Ato Solomon Dessalegn
New Generation University College
0911 879247
soolkool@yahoo.com
Ethiopia

Solomon W//Gebriel
AAU
0911 886000
tmsol@yahoo.com
Ethiopia

Ms. Susi Bessant
British Embassy
0911 227047
Susi.bessant@fca.gov.uk
Ethiopia

Ato Tafesse Olika
AAU/PSIR
0911 734453
Tafese.o@gmail.com
Ethiopia

Ato Tamrat Kebede
Executive Director
InterAfrica Group
011 6 189592
tamratkg10@gmail.com
Ethiopia

Ms. Tigist Hailu
CEWARN/IGAD
0911 663514
T_hailu.cewarn@ethionet.et
Ethiopia

Ms. Tigist Tesfaye
New Generation University College
0911 437834
tigistgelagle@gmail.com
Ethiopia

Ato Tilahun Tadesse
AAU
0911 085512
Tile97@yahoo.com
Ethiopia

Ms. Timnit Abraha
Private
0911 246744
timnit@yahoo.com
Ethiopia

Ms. Victoria Elia Huli
University of Juba
00249 128531136
elia_vicky@yahoo.com
Sudan

Conference on:

The Review of Peace Agreements/Initiatives in the Horn of Africa

Ethiopia
Ato Minyahil Abebe
AAU
0912 066834
a.au93@yahoo.com
Ethiopia

Ato Mogus T/Michael
EIIPD
0911 202031
eiipd@ethionet.et
Ethiopia

Mr. Mohamed S. Omar
IGAD
0911 512643
Mohamed.omar@igad.int
Ethiopia

Mr. Mohamoud Hayir
PCCI
Mohamoud-haghi@gmail.com
Somaliland

Monem Elhoweris
CEWARN/IGAD
0911 507977
g.elhoweris.cewarn@ethionet.et
Ethiopia

Mr. Hugh Fenton
Royal Danish Embaasy
Hugfen@um.dk
Ethiopia

Ato Murad Mohammed
IPSS
0921 607729

Ethiopia
Nathan M. Machani
Kenya Embassy
0911 252286
nmmachgni@yahoo.com
Ethiopia

Mr. Ochieng Adala
Africa Peace Forum
00254 722 300747
oadala@ananiafrika.org
Kenya

Ato Omer Ahmed
New Generation University College
0911 012414
Omermoalin7@yahoo.com
Ethiopia

Ms. Pernille Mortensen
Danish Embassy
0911 512699
permor@um.dk
Ethiopia

Mr.Rashid Abdi
ICG
254 728 970 639
rabdi@crisisgroup.org
Kenya

Mr. Ricardo Sousa
ISS
Ricardorps2000@yahoo.com
Ethiopia

Dr. Samuel Assefa
0912 701164
Ethiopia

Ethiopia
Ato Habtamu Fantahun
0911 654019
habtamufantahun@yahoo.com
Ethiopia

Mr. Ibrahim Farah
Farahig2002@yahoo.com
Sudan

Mr. Kabundi Trice
AU-PSC
NKTK87@gmail.com
Ethiopia

Ato Kahssay G/Yesus
Justice Africa
Sudan

Mr. Kizito Sabala
IGAD
00254 722 850282
Kizito.sabala@igad.int
Kenya

Ms. Ladan Affi
Ladan.affi@gmail.com
Sudan

Ms. Lena Schildf
Swedish Embassy
0911 237776
Lena.schildf@foreign.ministry.se
Ethiopia

Ms. Linda Joseph
GOSS
0920 113422
Lenda1700@yahoo.com

Ethiopia
Manar Abdelmagied
CEWARN
mahdelmagied@gmail.com
Ethiopia

Ato Melaku Bizualem
AAU
0911 384452
bizualemmealku@yahoo.com
Ethiopia

Ato Melaku Mulualem
EIIPD
0911 635211
melakumulu@yahoo.com
Ethiopia

Ato Melkamu Abome
AAU/IPSS
0912 034991
melkamuaboma@yahoo.com
Ethiopia

Ms. Merekaje Loran N.
SUDEMOP
249955057002
lmerekoje@yahoo.com
Sudan

Ato Mesfin Solomon
MCC
0911 125115
Ethiopia

Ato Milkessa Midega
AAU, Institute of Federalism
0913 836492
Milko8@yahoo.com

Table of Content

Dr. Dereje Alemayehu
Christian Aid
deredje@gmail.com
Ethiopia

Mr. Doradji Kettong
Embassy of Chad
0921 882063
Ethiopia

Dr. Tamere Teka
SPCS
092722625
spcstamoll@gmail.com
Sudan

Mrs. Eileen O'bray
Private
0913 464002

Ato Eneyew Abera
AAU/IPSS
0911 395907
gebremenfas@yahoo.com
Ethiopia

Ato Engeda G/Medhin
FSFP
0913022843
engedagmedhin@yahoo.com
Ethiopia

Ato Ermias Y/Berhan
AAU
0911 081096
eybh@yahoo.com

Ethiopia
Ato Anwar Muktar
Ministry of Foreign Affairs
0911 997949
Anwarmuktar1@gmail.com
Ethiopia

Ato Ermias Gizaw
AAU
0911 949892
Eyasugizaw@yahoo.com
Ethiopia

Feven Netsanet
FES
0922 346634
Ethiopia

Firehiwot Sintayehu
AAU
0911 141707
Firehiwot.s@gmail.com
Ethiopia

Mr. Gale Emmanuel
IPCS South Sudan
Gale-manuel@gmail.com
South Sudan

Mr. Gatwech Wuor
New Generation University
College
gatwechntnk@yahoo.com
Ethiopia

Ato Getachew Uta
Ministry of Foreign Affairs
0913 870390
getachewuta@gmail.com

Ms. Anne M. Nyakato
Uganda Embassy
0921 786473
anyakato@gmail.com
Ethiopia

Ato Ayenew Addis
Ethiopian News Agency
0911 962081
Ethiopia

ATo Ayten Anema
PDC
0911 731892
aytenne@gmail.com
Ethiopia

Ato Aytenew Fenta
AAU
0913 116239
Antenew3000@yahoo.com
Ethiopia

Ato Bantihun Getahun
Ministry of Foreign Affairs
0913 814856
Bantegeta2000@gmail.com
Ethiopia

Batheleh Abdi
CEWARN/IGAD
0911 630309
Ethiopia

Ato Bayenew Lisanework
AAU
0916 829501
kiyuye@gmail.com
Ethiopia

Ato Befekadu Dhaba
New Generation University
College
0911 612854
dbefeaau@yahoo.com
Ethiopia

Ato Bizusew Mersha
InterAfrica Group
0911 403037
mershb@gmail.com
Ethiopia

Mr. Chaplain Kenyi
University of Juba
Kenyi.wani@yahoo.com
South Sudan

Ms. Claudia Roos
GIZ
0912 121599
Claudia.roos@giz.de
Ethiopia

Ato Demessie Fantaye
AAU
dbiftu@psir.aau.edu.et
Ethiopia

Foreword

The Horn of Africa has a lengthy history of both intra-state and inter-state conflicts. Over the years, numerous and various types of peace initiatives and agreements have been tried to mitigate and/or resolve them. There is an increasingly noticeable effort on the part of regional and international institutions aimed at peace building in the sub-region. While each peace effort has had its own success or failure, none has yet achieved success in building a stable sub-region. Where a few peace agreements have managed to end or discontinue conflicts, they are mostly fragile and not durable. An overwhelming evidence suggests they have failed. As a result, the Horn continues to be one of the most unstable, conflict ridden sub-region in the continent, wherein inestimable human resources and physical capital are destroyed.

In light of the situation, InterAfrica Group (IAG), using specific case-studies, organized a conference on Peace Initiatives and Agreements (on 3-4 March, 2011) to create an opportunity for examining particular aspects of processes of peace negotiations and agreements that had yielded positive results or failed to deliver the expected outcome. The proceedings of the conference, and the appraisal of peace agreements, along with the peace process case-studies on Kenya, Sothern Somalia, Somaliland, Ethiopia and Eritrea and Sudan presented in this publication by the distinguished scholars, provide exhaustive analysis and profile of lessons learned and offer mutual grasp of peace building processes. Hence, I am confident the publication (albeit humbly) will contribute towards the general endeavor of resolving conflicts and establishing sustainable peace in the Horn of Africa.

Inclosing, I would like to express the gratitude of IAG to Professor Medhane Tadesse; Dr. Solomon Dersso, Dr. Ibrahim Farah, Dr. Deredje Alemayehu, Mr. Daniel Mekonnen and Mr. Paulos Tesfagiorgis and Dr. Adam Djibril for presenting their valuable research papers.

Tamrat Kebede
InterAfrica Group, Executive Director

**IAG takes this opportunity to once again thank the Royal Danish Government
for providing the funds for the conference.**

Ato Adugna Sime
AAU
0912 924617
adumeba@yahoo.com
Ethiopia

Aluel Bol
GOSS
0913 867801
Ethiopia

Amb. Arop Deng
Government of South Sudan
0911 511920
ardekuo@yahoo.com
Ethiopia

Amb. Berhnau Dinka
TJRC
dinkaber@yahoo.com
Kenya

Ms. Amsale Negatu
AAU
0911 428478
Amsale-negatu@yahoo.com
Ethiopia

Mr. Anderson Bradly
Africa Center for Strategic   Studies
USA Embassy
andersonbg@state.gov
Ethiopia

Participants List

Mr. Abdelkhalig A. Hamid
Sudan Embassy
0913 316810
Kholog55@hotmail.com
Ethiopia

Mr. Abdrashid Warsame
CEWARN/IGAD
0911 254152
a.warsame.cewarn@ethionet.et
Ethiopia

Mr. Abdulkadir Adem
Pro-Development Network
0911 836982
Abdulkadir_adem@yahoo.com
Ethiopia

Ato Abiyu Sebsibe
AAU0911 420890
Ethiopia

Mr. Adam Musse Jibril
Somaliland Ecological Society
0920438269
adamjibril@hotmail.com
Ethiopia

Mr. Adem Hardalla
University of Khartoum
0912 232642
Adlanhardallu1@hotmail.com
Ethiopia

Proceedings

InterAfrica Group hosted a conference on the Review of Peace Agreements/Initiatives in the Horn on 3-4 March 2011 at Desalegn Hotel, Addis Ababa. Presentations showcased at the conference dealt with case studies addressing various peace agreements in Kenya, Sudan and Somalia, as well as, the theoretical underpinnings guiding peace processes and peace agreements.

Mr. Tamrat Kebede, Executive Director of InterAfrica Group (IAG), gave the opening remarks for the conference. He stated that overwhelming evidence suggests that peace agreements have not been able to mitigate interstate conflict in the Horn. There have been both regional and international initiatives that have attempted to build peace in the sub region, and although some have been successful in stalling conflict in the area, most have been un-durable. As a result, the Horn remains one of the most unstable regions in Africa. The primary objective of this conference is to provide a comprehensive review of lessons learned in peace processes witnessed in countries, such as, Kenya, southern Somalia, Somaliland and Sudan. This would showcase negotiations that have yielded positive results, as well as, negotiations that have failed to provide positive and sustainable outcomes ultimately enhancing our understanding of sustainable peace. Mr. Kebede concluded by thanking the presenters and moderators of the conference. He also thanked the Royal Danish government for funding the meeting.

Amb. Berhanu Dinka was the moderator for all the sessions of the conference. He preceded the first presentation with a few remarks. He stated that the conference was of vital interest to practitioners of peace and security issues in the Horn of Africa. Amb. Dinka next introduced the presenter for the first paper, Mr Demissie Fantaye, who would present the "Appraisal of Literature on Peace Agreements" authored by Dr. Medhane Taddesse. Dr Demissie is a lecturer on political science and international relations at Addis Ababa University. His research interests include development policy analysis and conflict, with a special focus on the emerging problem of piracy.

Mr. Fantaye began his presentation by providing a brief background on Dr. Tadesse, who is an academic and specialist on conflict in the Horn of Africa and author of two books and numerous articles on the topic. The title of the article for the conference, "Peace Agreements in the Horn of Africa: An appraisal of the literature", can be seen as a succinct encapsulation of the contents of the paper. The article provides an overview of literature on peace agreements the Horn of Africa region, as well as, pinpointing strengths & weaknesses of this literature. Way forwards are identified in direct linkage with the appraisal.

The Horn of Africa is defined by chronic inter and intra state conflict with large human, economic and societal costs. This has pushed regional governments, external bodies and regional bodies to engage in conflict resolution, however, the results have been miniscule. Multiple peace agreements have been seen, but results in terms of peace and post conflict reconstruction have been limited and have seldom brought long lasting peace. There are certain variables that can be identified in explaining the failure of peace agreements, and Dr. Tadesse specifies seven in particular. One overarching theme that underlies most of these variables is the lack of comprehensiveness in peace processes witnessed in the Horn. There is a widespread tendency to define actors of conflict in narrow terms, particularly focusing on individuals and groups that are armed, which undermines the inclusiveness of the process. Other stakeholders and interested parties, such as civil society and the citizenry, are relegated. Another variable within the issue of comprehensiveness is the extent to which peace agreements address the structural or root causes of conflict. There is a consensus within the field of conflict resolution that addressing structural causes is essential in attaining positive results through peace agreements. Issues such as economic inequality and political marginalization are often sidelined in such negotiations.

Another variable identified by Dr. Taddesse is the weak commitment to implementation which relates to the wider issue of the interests and goals of parties in a conflict setting. Attention has been

19:00	Reception

Day 2 Friday 4 March

Moderator:	**Amb. Berhanu Dinka**
09:30 – 10:00	Somalia Peace Process *Dr. Ibrahim Farah*
10:00 – 11:00	Discussion
11:00 – 11:15	Tea Break
11:15- 11:45	Somaliland Peace Process *Adam Djibril*
11:45 – 12:45	Discussion
12:45 – 13:30	Reflection and Wrap-up
13:30	Lunch

**Review of Peace Agreements/Initiatives
in the Horn Program**
3-4, March 2011
Desalegn Hotel, Addis Ababa

Day 1 Thursday 3 March

Moderator: Ambassador Birhanu Dinka

08:30 – 9:00	Registration
9:00 – 9:15	Opening Remarks *Tamrat Kebede (IAG Executive Director)*
9:15 – 9:45	Appraisal of literature on Peace Agreements *Professor Medhane Taddesse* (*p*aper presented *by Demessie Fantaye)*
9:45- 10:45	Discussion
10:45 – 11:15	Tea/Coffee Break
11:15 – 11:45	Sudan: CPA *Dr. Solomon A. Dersso*
11:45 – 12: 45	Discussion
12:45 – 14:15	Lunch
14:15 –14: 45	Kenya: The Power Sharing Agreement *Dr. Dereje Alemayehu*
14:45 – 15:45	Discussion
15:45	Tea/Coffee Break

centered on the role of spoilers, who have opted out of peace agreements via sabotage. The costs and benefit entailed by any peace agreement need to be spread out evenly. Spoilers are not necessarily intransigent in their positions, and a cost-benefit analysis of their positions could render alternative ways through which they can become supporters of the process.

A third variable which can have an impact on the success of peace agreements is the level of international support, follow up activities and resources directed to conflict resolution, agreements and post conflict scenarios. Many attempted agreements have had low levels of international resource and support. However, this variable requires some qualification: international support, resources, and involvement in general can have negative effects as well. Primarily, the over involvement of external actors could lead to the domination of the peace agreements by external bodies pushing local agendas and interests to the background, in the process elevating international interests over local ones.

Modalities of implementation and verification have played a key role in determining the success of agreements. One example mentioned in the article is the CPA (Comprehensive Peace Agreement) which included detailed and rigorous modalities on implementation. The CPA can be seen as an implementation schedule of several agreements that had been signed earlier.

A fifth variable identified in the article is the role of regional and sub regional organizations in the process of peace making and conflict resolution, e.g. the AU (African Union), IGAD (Intergovernmental Authority on Development). These institutions tend to focus on brokering peace agreements with limited involvement in the actual implementation and follow up of the agreements. Regional bodies tend to be sidelined in the implementation process by other bodies/agencies which can be one possible explanation for the failure of peace agreements. The lack of follow up or involvement in the implementation process can be linked to gaps and capacity deficits. The author contends that there needs to be more

resources directed to the implementation context. Mr Fantaye further added that there needs to be a differentiation between the conceptualization of peace agreements, particularly between peace agreements addressing interstate and intrastate conflict, and settlements in the context of post election crisis which is a fairly new phenomenon. The different classifications are important in order to remain sensitive to the realities and impact of peace agreement implementation.

Mr. Fantaye continued the presentation by highlighting the preliminary points of the article, namely the literature and analysis of peace agreements in the Horn have been weak and limited. The dynamics of conflict and post conflict scenarios have been ignored in the literature both by regional and western academics. In addition, the study of peace agreements have been dominated by Western academics with limited input by local academicians. Consequently, context based perspectives have been ignored and the influences of factors such as political economy on conflict has received limited attention.

The literature on peace agreements in the Horn classifies the processes according to specific states. Mr. Tadesse identifies some of the seminal works done in this regard, including the work of Alex De Waal, John Young, Gerard Prunier and Jeremy Brickhill on the Sudan, and Matt Bryden and Ken Menkhaus' assessments of peace agreements in Somalia.

Mr. Tadesse pin pointed strengths and weaknesses in the literature of peace agreements. There tends to be a singular focus on peace agreements often precluding an examination of interrelated peace agreements and ignoring "a larger context" analytical framework. This corresponds to an absence of a comparative approach. Secondly, there is disproportionate focus on certain peace agreements, for example, the CPA and DPA (Darfur Peace Agreement) have received significant attention while PA's in the eastern part of Sudan have received negligible attention. Other agreements that have lacked proper scrutiny include the agreement between the FRUD (Front of the Restoration of Unity and Democracy) and the Djiboutian government, and the Algiers peace agreement between

See VOA "Eritrea Reopens African Union Mission," available at http://www.voanews.com/english/news/africa/Eritrea-Reopens-African-Union-Mission-114212594.html (accessed 19 January 2011).

[37] Nathaniel Meyers "Africa's North Korea: Inside Eritrea's Open-Air Prison," *Foreign Policy*, July/August 2010, also available at http://www.foreignpolicy.com/articles/2010/06/21/africas_north_korea?page=0,0 (accessed 25 October 2010). Meyers writes: "It was the first time the African Union had ever supported sanctions against one of its own members."

[38] Meyers, note ** above.

[39] On the concept of social anomie, see Nicole Hirt "'Dreams Don't Come True in Eritrea': Anomie and Family Disintegration due to the Structural Militarization of Society," GIGA Working Papers, 119/2010, January 2010, 7-9.

[40] International Crisis Group *Eritrea: The Siege State*, Africa Report No. 163, 21 September 2010, ii.

[41] Berouk Mesfin "The Eritrea-Djibouti Border Dispute," Institute for Security Studies, Situation Report, 15 September 2008, available at http://www.iss.co.za/dynamic/administration/file_manager/file_links/SITREP150908.PDF? (accessed 10 January 2009), citing William Zartman *Ripe for Resolution: Conflict and Intervention in Africa* (1989) 15.

[42] See, for example, Daniel R Mekonnen and Loot Pretorius "Prosecuting the Main Perpetrators of International Crimes in Eritrea: Possibilities under International Law" *Journal for Juridical Science* (2008) 33(2): 76–108.

Ethiopia Border War (1998–2000)," available at, http://www.awate.com/martyralbum/statistics_files/statistics.htm (accessed 16 January 2005). Some reports indicate that between 100 000 and 150 000 soldiers from both sides died during the war. See Daniel R Mekonnen *Transitional Justice: Framing a Model for Eritrea* (2009) 106–110.

[24]Mekonnen, note *, 106–110.

[25]For violations committed by both governments, see Claims Commission, Partial Award, Prisoners of War, Ethiopia's Claim 4, award of 1 July 2003; Partial Award, Diplomatic Claim, Ethiopia's Claim 8, award of 19 December 2005; Partial Award, Western and Eastern Fronts, Ethiopia's Claims 1 and 3, award of 19 December 2005; Partial Award, Diplomatic Claim, Eritrea's Claim 20, award of 19 December 2005; Partial Award, Loss of Property in Ethiopia Owned by Non-Residents, Eritrea's Claim 24, award of 19 December 2005; Partial Award, Western Front, Aerial Bombardment and Related Claims, Eritrea's Claims 1, 3, 5, 9–13, 14, 21, 25 and 26, award of 19 December 2005; Partial Award, Economic Loss throughout Ethiopia, Ethiopia's Claim 7, award of 19 December 2005.

[26]See Claims Commission, Final Award, Ethiopia's Damages Claims, award of 17 August 2009.

[27]See Claims Commission, Final Award, Eritrea's Damages Claims, award of 17 August 2009.

[28]BBC News "Eritrea to Pay Ethiopia Millions," http://news.bbc.co.uk/2/hi/africa/8208285.stm (accessed 18 August 2009).

[29]Centre for International Security and Arms Control, Stanford University "Why Peace Agreements often Fail to End Civil Wars," available at http://news.stanford.edu/pr/97/971119civilwar.html (accessed 27 January 2011).

[30]Asmarino.com "Interview with the Ethiopian Prime Minister Mr Meles Zenawi," available at http://tig.delina.org/tig/documents/171audio (accessed 12 August 2009).

[31]Ulf Terlinden and Tobias Debiel "Deceptive Hope for Peace? The Horn of Africa between Crisis Diplomacy and Obstacles to Development" *Peace, Conflict and Development* (2004) 4: 4.

[32]Ulf Terlinden and Tobias Debiel, note * above, 4.

[33]Ulf Terlinden and Tobias Debiel, note * above, 5.

[34]Centre for International Security and Arms Control, Stanford University, note * above.

[35]International Crisis Group *Eritrea: The Siege State*, Africa Report No 163, 21 September 2010: 5, 20–25.

[36]In January 2011 Eritrea has reinstated its membership at the AU. Whether this development will make any positive change in the current stalemate is to be seen in the future. However, it comes as a positive development.

Ethiopia and Eritrea. Although the causes and consequences of the Ethio-Eritrean conflict have been extensively studied, the peace agreement itself has barely been addressed.

Other weaknesses identified by Mr. Taddesse include;

- The overt focus on the procedural components of peace agreements which sidelines other crucial issues, such as, implementation.
- The analysis of peace agreements in the Horn of Africa ignores security sector issues, such as, demobilization and reintegration.
- Narrow conceptualization of stakeholders.

Ways forward directly linked to the identified weaknesses include:

- The need on the part of institutions and academics to study peace agreements on a more even basis.
- A need to focus on processes instead of procedural outcomes.
- A need to include an assessment of security sector issues in the review of peace agreements.

Discussions began with participants posing questions for the presenter. A participant asserted the article supposes the failure of peace processes in the Horn is partly due to a lack of a theoretical foundation that can be utilized during peace processes. This supposition places the failure of peace processes primarily on academicians which may unduly inflate the role of scholars in peace processes. A second participant asked whether PA's should be uniform processes replicated in different areas, and whether the literature reviewed in the article addressed only peace agreements processes or whether the literature addressed implementation processes as well. A third participant stated that the source of the conflict is dependent on the nature of the socio political situation among the communities.

Mr. Fantaye responded that weaknesses on the part of public policy

researchers and institutions are identified in the article, however, they are not featured as the central reason for the failure of PA's in the Horn of Africa. PA's need to be diverse in type and application due to the contextually different situations they're applied in. According to literature on the subject, many scholars believe there is a propensity towards state failures and state conflict, and there are many academics who believe history plays a role in the processes of state formation, i.e, state formation as an alien process with a lack of indigenous input. Other explanations have included neo patrimonialism… etc.

Amb. Dinka added that practitioners and academics need to be segregated in the analytical framework. Practitioners have an immediate prerogative to stop conflict and prevent fallout from conflict. Academics tend to step in post mortem, i.e. when peace processes are near completion. Amb. Dinka cited the West African approach where negotiations have often been conducted secretly with limited involvement by the citizenry. This creates a contentious relationship between the negotiating elites and the masses since the latter is barred from proceedings.

The plenary continued with a participant noting that the article attests that the influence of the political economy on peace processes is not well analyzed. The participant commented that academicians have a responsibility to explore the impact or interlink between the two. A participant responded to the statement by saying that addressing this issue is not only the responsibility of academicians; practitioners have a duty to address this as well. The primary variables in peace agreement processes are political and not technical. The paper contends that PA's are not based on strong theoretical underpinnings; however, this disregards the politicization of the process. Recognition of the political dimension of peace agreements requires a rewiring of practical wisdom as well. A second participant noted that peace processes are usually conducted in clandestine ways prohibiting academicians from getting an insider's perspective, and delimiting the ability of scholars to shed light on a process. The basis for academic analysis should not be to identify loopholes, but to create a foundation for follow up agreements. A third participant stated

[9]Tesfa-Alem Tekle "Ethiopia Says Thwarted Eritrea-Planned 'Terrorist' Attack," *Sudan Tribune*, available at http://www.sudantribune.com/Ethiopia-says-thwarted-Eritrea,37718 (accessed 22 January 2011).

[10]Plaut, note * above.

[11]Thabo Mbeki "The African Renaissance Statement of Deputy President, Thabo Mbeki," SABC, Gallagher Estate, 13 August 1998, available at http://www.dfa.gov.za/docs/speeches/1998/mbek0813.htm (accessed 31 December 2010).

[12]This section relies heavily on Mekonnen and Tesfagiorgis, note * above.

[13]Won Kidane "Civil Liability for Violations of International Humanitarian Law: The Jurisprudence of the Eritrea-Ethiopia Claims Commission in The Hague" *Wisconsin International Law Journal* (2007) 25(1): 28.

[14]Claims Commission, Partial Award, *jus ad bellum*, Ethiopia's claim 1–8 ('*jus ad bellum*'), award of 19 December 2005, paras 14–16.

[15]UNMEE "The Conflict and its Aftermath," August 2006, http://www.unmeeonline.org/index.php?option=com_content&task=view&id=16&Itemid=47 (accessed 17 August 2006).

[16]See UNMEE, Press Briefing, August 2006, http://www.unmeeonline.org/index.php?option=com_content&task=view&id=413&Itemid=53 (accessed 17 August 2006).

[17]Jonathan Ewing "Ethiopia and Eritrea in Turmoil: Implications for Peace and Security in a Troubled Region," Institute for Security Studies, Situation Report, 1 December 2008, http://www.iss.co.za/dynamic/administration/file_manager/file_links/SITREPETHERIT301108.PDF? (accessed 10 January 2009).

[18]Algiers Peace Agreement, article 4(2).

[19]Algiers Peace Agreement, article 5(1).

[20]Boundary Commission, *Decision on the Delimitation of the Border between Eritrea and Ethiopia*, Chapter 8, *Dispostif.*

[21]Claims Commission, Partial Award, *jus ad bellum*, paras 14–16. See also the operative part of the same award. For a critical appraisal of the decision of the Claims Commission on *jus ad bellum* claims, see generally Christine Gray "The Eritrea/Ethiopia Claims Commission Oversteps its Boundaries: A Partial Award?" *European Journal of International Law* (2006) 17(4): 699–721.

[22]Dan Connell *Conversations with Eritrean Political Prisoners* (2005) 103–124, 125–135.

[23]Others indicate that this number is too conservative. See, for example, Awate Team "Statistical Report of Eritrea's Casualties in the Eritrea-

Footnotes

* Issue paper presented to the Africa Working Group (AWG).
** Bank of Ireland Fellow, Irish Centre for Human Rights, National University of Ireland, Galway; email: daniel.mekonnen@nuigalway.ie; danielrezene@gmail.com.
***Senior Advisor, Democracy and Constitution Building, Africa and Middle East Programme, International IDEA; email: p.tesfagiorgis@idea.int.
[1]David H Shinn "Challenges to Peace and Stability in the Horn of Africa," paper presented at the World Affairs Council of Northern California, 12 March 2010, available at http://www.scribd.com/doc/28390831/Challenges-to-Peace-and-Stability-in-the-Horn-of-Africa (accessed 27 January 2011).
[2]This paper consolidates and develops further the most important findings of the present authors made in a previous and similar contribution: "Dealing with the causes and consequences of the 1998–2000 Eritrean-Ethiopian border conflict: The need for a holistic approach towards transitional justice" in Roba Sharamo, Berouk Mesfin and Jamila El Abbellaoui (eds) *Regional Peace and Security in the Post-Cold War Horn of Africa* (Institute for Security Studies: Pretoria, forthcoming 2011).
[3]Agreement on Cessation of Hostilities between the Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia, 18 June 2000, available at be http://www.pca-cpa.org [hereinafter Agreement on Cessation of Hostilities].
[4]Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea, 12 December 2000, available at http://www.pca-cpa.org [hereinafter Algiers Peace Agreement].
[5]This regime is the military dictatorship of Mengistu Hailemariam which ruled Eritrea and Ethiopia from 1974 to 1991. For further on this, see Andargachew Tiruneh *The Ethiopian Revolution 1974–1987: A Transformation from an Aristocratic to a Totalitarian Autocracy* (1993) 15.
[6]Shinn, note * above.
[7]Martin Plaut "Report of the 2010 Atlanta Peace Conference on the Horn of Africa," broadcast on BBC's *From Our Own Correspondent*, 25 December 2010, transcription available at http://www.bbc.co.uk/iplayer/episode/p00cjwpw/From_Our_Own_Correspondent_25_12_2010/ (accessed 27 December 2010).
[8]Plaut, note * above.

the low level of international support for PA's coincides with low levels of regional support. The participant questioned why this is the case since regional bodies like the AU and IGAD have peace and security infrastructures. The need to expand PA's to include appropriate stakeholders can be seen in the Sudanese peace process as well, where the exclusion of civil society organizations was witnessed. A fourth participant contended that the politicization of implementation processes hinder appropriate execution procedures. For example, during the CPA proper, modalities were put into place but implementation was problematized due to the politicized environment of the implementation period. Another participant stated that there is a tendency to look at broader dimensions of conflict without looking at the social gaps created by conflict. This requires an analysis of the local concerns within a certain conflict landscape.

Further, a participant asked why the article didn't address literature on implementation as well. Another participant questioned why discussions on academicians and practitioners presented the two sides as mutually exclusive actors. This raises definitional issues on the nature of academia and the academic. The intentions of academicians play a huge role in defining what they produce, for example, if the intention of an academic is to explore policy ramifications the analysis would concentrate on policy related issues. Whether the interested parties are equipped with technical or political expertise either side should be well aware of both aspects for proper analysis or intervention.

A participant added that it is difficult to make a firm statement on PA's since the analysis should be context driven. Another participant affirmed that the lack of constituents is the major reason for the failure of PA's. The participant added that the extent of external involvement versus local involvement needs to be better defined. The lack of international support, and lack of local involvement identified in the article, combined with the negative factors associated with external involvement, creates some confusion in terms of delimiting the types and extent of internal and external involvement. In response, Amb. Dinka stated that the international community

should support peace processes as secondary input, refraining from becoming one of the main actors. Fundamentally, they need to be included as secondary players, and should avoid dominating the process.

The plenary continued with a participant asking for the basis or parameters for judging a PA as a success or failure. He added that demanding comprehensiveness in each PA process may be an idealistic view compromising the utilitarian feature of peace processes. A second participant returned to the issues of technical versus political practitioners adding that the differences are categorical. The usurpation of technical processes by political experts occurs because political experts have the appearance of having technical knowledge. They can harm the process by demystifying the political process. The plenary concluded with a participant stating that media influence on PA's should not be discounted.

The second presenter for the conference was Dr. Solomon Deresso who presented a paper on the Sudan peace agreement entitled, "Negotiating and Implementing Peace in the Horn of Africa: Lessons from the CPA." Dr. Deresso is a senior researcher at the Peace and Security Council Report program of the ISS (Institute of Security Studies) at the Addis Ababa office. He also serves as a non-staff assistant professor at the Institute of Human Rights at Addis Ababa University. Previously, he was a doctoral research fellow at the South African Institute for Advanced Constitutional, Public, International and Human Rights Law. His recent publication includes: "Perspectives on the Rights of Minorities and Indigenous People's in Africa." He is currently finalizing a paper on the North-South peace process in the context of the South Sudan referendum.

The presenter stated the CPA since 2005, has gone through various stages and moments of serious challenges. The 2011 referendum indicates the CPA is now entering the final stages. The terms of the CPA will be completed in June 2011. The presenter stated the paper would address some of the fundamental issues related to the CPA, particularly, how the CPA came about, what were the internal-

mate between the two countries. Nonetheless, it is also questionable whether handing over Badme would in itself normalise relations between the two countries. This is so because the commissions established by the Algiers Peace Agreement have not resolved adequately all issues that have led to the border conflict and other matters that emanate from this conflict. All such matters are significantly contributing to the prevailing stalemate between the two countries.

The repercussion has proven too costly to the entire Horn of Africa, by contributing to other major conflicts in the region, such as the civil war in Somalia. In real sense, the Eritrea-Ethiopia border conflict is yet to be resolved fully. The primary responsibility in this regard falls on the governments of the two countries. The international community also takes its own blame for failing to enforce the decision of the Boundary Commission, resulting from a binding international agreement between the two countries and for failing to looking into all means available to resolve the conflict between the two counties and its destabilizing effects on the entire region. This calls for a fresh and concerted diplomatic effort supported by continued political dialogue between the two countries which is severely missing at this moment. Another round of negotiations might be inevitable to resolve the stalemate but this should only be done as a supplement to, instead of a replacement of, the Algiers Peace Agreement and the decisions of the Boundary Commission and the Claims Commission.

decision and effort to pursue good neighbourliness in the entire Horn of Africa region. Political dialogue supported by concerted diplomatic efforts is the most strategic option for addressing this problem. Given the myriad unresolved issues, another round of negotiations might be inevitable. If this has to happen, it should be one which supplements and not replaces the terms of the Algiers Peace Agreement and the decisions of the Boundary Commission and the Claims Commission. There are a number of outstanding issues not fully resolved by both commissions and these can only be resolved either by a second round of devastating armed conflict which is not favoured by all except by those who benefit from wars, or by a peaceful and tactful political negotiation between the two governments. In this regard, much is expected from the Eritrean government which has completely out ruled any possibility for dialogue. This is relevant to avoid the continued stalemate between the two countries and the possible resumption of another conflict in the nature future. At the same time, stringent measures by the international community may also be required when the actions of governments seem to go beyond control.[42]

V. Concluding Remarks

Once praised as amongst the most promising countries in Africa, Eritrea and Ethiopia have remained arch-enemies since the outbreak of a border conflict in May 1998 which ended officially in June 2000. In December 2000 the two countries signed the Algiers Peace Agreement which stipulated for the formation two independent commissions, among others, to resolve the border conflict and decide on concomitant issues. A Boundary Commission and a Claims Commission were accordingly established and both commissions have rendered arbitration awards in several of the contentious issues. The flashpoint of the conflict, Badme, has been awarded to Eritrea by a decision of the Boundary Commission. However, Ethiopia refused to hand over Badme, reneging on its obligations emanating from the Algiers Peace Agreement and customary international law. This is now seen as a major factor to the continued stale-

external forces that influenced the signing of the CPA, successes and disappointments in the implementation of the CPA, and ultimately what lessons can be drawn from these experiences. The presenter stressed the use of the term disappointment highlighting the fact that it is difficult to pinpoint failures at this point since the parameters of failure remain uncertain. Disappointments can be identified in the implementation of certain modalities. The CPA was a success in ending the war, however it remains to be seen whether it was successful in addressing the various aspects and dimensions of the conflict. Consequently, success can be defined as the ability of the agreement to end the war, but the creation of positive peace i.e. peace beyond the absence of violence remains to be seen.

In order to understand lessons learned from the CPA, it is important to identify the circumstances that led to signing of the peace agreement and the various internal and external factors that influenced the process. Internally, the recognition by the NCP (National Congress Party) and the SPLM (Southern People's Liberation Movement) that neither side can win the war created the necessary momentum for both sides to enter negotiations. The SPLM also overcame the divisions and splits which occurred in the South in the 1990's, emerging as the major military and political force in South Sudan. This eased negotiations because the South became a unified entity. In North Sudan, despite access to new oil revenue which allowed the military to be equipped with modern arms, the morale and competence of troops remained inadequate to meet the challenges of the SPLA guerilla movement. The 2003-04 war in Darfur added to the war fatigue in the North. The leadership of John Garang in the South and Alios Mantahar in North also played a crucial role in pushing forward negotiations due to the personal relationship that formed between the two leaders, as well as, Garang's dedication to a united and transformed Sudan. This ideal was well accepted in the North, possibly softening the position of Northern Sudanese towards negotiating.

The presenter contended that external influences were more critical

for the signing of the CPA than the position of internal parties. Post cold war changes, especially in Ethiopia and Eritrea, which led to the adoption of self determination as a central tenant in governing motifs, changed the regional dimensions for resolving the war in Sudan. The 1994 Declaration of Principles, sponsored by Ethiopia and Eritrea, was an expression of this theme, i.e. it stipulated the right to self determination for the people of South Sudan.

There were numerous negotiations in the 1990's that in some case led to ceasefire, but were ultimately unsuccessful. The turn of the century brought about more concrete processes, primarily due to the U.S government's proclaimed War on Terror. This led to the active involvement of the U.S. in peace negotiations in the Sudan due to the perceived linkages between Sudan and Al Qaeda. In 2000, the U.S. UK, Norway formed a Troika to support the IGAD led peace process between North and South Sudan. The 2002 Machakos protocol framework resulted in a compromise on self-determination and relationship between state and region. This culminated in the signing of the CPA in January 9th 2005.

The CPA is not a single agreement. It consists of various agreements and annexes on permanent ceasefire and modalities of implementation. The Machakos framework provides procedures and mechanisms for further talks on peace and establishes a pre- transition period of 6 months, a 6 year interim period and an internationally supervised referendum. The second agreement on security arrangements (2005), in which both sides agreed to maintain separate armed forces and the withdrawal of northern forces from the south, also saw the establishment of a joint integration unit. The integration unit was manned by 21,000 persons, with both sides contributing half of the personnel. The next agreement dealt with wealth sharing (2004); under this agreement both sides decided to share oil wealth equally for the 6 year interim period. The protocol on power sharing (2004) established a territorial and political power sharing outline. The protocol on the resolution of conflict in south Korodofan, the Blue Nile and Abyei (2004), also provided modalities for final status: the three areas are given special constitutional

favours war as a foreign policy and is notoriously know for its "alarming tendency of fight first and talk later."[35] For example, for the past several years, Eritrea has withdrawn its membership from AU and IGAD, closing the most immediate diplomatic corridors and making it extremely difficult for external actors who wanted to assist in the resolution of the stalemate.[36] Complicating matters, Eritrea was hit by stringent sanctions of the UN Security Council adopted in December 2009. The resolution was initiated, first by IGAD and subsequently backed by the AU before it was finally endorsed by the UN Security Council. It is described as the first ever to be formally initiated by the AU against its own member state, after the experience of apartheid in South Africa, thus becoming one of the most exceptional resolutions in the history of the UN.[37]

Clearly, Eritrea has already amassed "unravelled record of international provocation."[38] Externally, this has made Eritrea a pariah state and internally it has turned the nation into a completely militarised state where a combination of excessive militarism, authoritarianism and social anomie,[39] is rapidly fragmenting societal fabrics and state apparatus. This can possibly lead to a complete state failure, unless the sad state of affairs is halted immediately. In a region which has already produced one failed state in the last two decades, the possibility of Eritrea becoming another failed state is not farfetched. This claim has a very strong support base at least in the following assertion by one of the leading think-tanks on human security:

> All this is necessary to prevent another failed state from emerging in the Horn [of Africa]. That outcome is otherwise distinctly possible given the widespread lack of support for the government within the country and the deteriorating state of the army, whose ability to either sustain Isaias Afwerki's regime or to successfully manage regime transition is increasingly questionable.[40]

As argued by Berouk Mesfin, the real causes of conflict, including border problems, are present anywhere.[41] What is lacking is a policy

Eritrean government at the earliest stage of the conflict is criticized by the authors for its stubbornness which has thwarted finding a solution during this phase. According to the authors, "only after Ethiopia had carried out several massive offences did [Eritrea] gradually give way and become receptive to a process of negotiation."[32] At the end of the conflict and particularly after the Boundary Commission awarded Badme to Eritrea, the stubbornness came from the Ethiopian government when the latter refused to hand over Badme unconditionally.

Terlinden and Debiel also identify one characteristic feature of the peace process, which is over concentration on the countries' elite, ignoring societal actors and opposition forces. This means that the peace process lacked popular support base and ownership within the general public in Eritrea and Ethiopia. Similar to the initiation of the war, the conclusion of the peace agreement was handled and seen as a clandestine, almost private matter between rulers. In terms of long term societal recovery and reconciliation, a number of issues have remained enigmatic. Based on this observation, Terlinden and Debiel describe the peace process as something which cannot be dealt within classical categories of international conflict and disregarding core domestic aspects. This was clear from the domestic political developments in the two countries that took place shortly after the signature of the Algiers Peace Agreement. In both counties, senior government officials who openly criticised their respective governments on the conduct of the war were either criminalised (in Ethiopia) or remain in detention without trial for about ten years (in Eritrea).[33] This strengthens the belief that for some leaders war is often safer than peace as "it has a familiar pattern" in terms of imposing orders, stifling dissent, and in some cases generating unravelled profits. To war mongering leaders, peace may be seen as something which involves loss of political control as it requires bargaining concessions and contingent exchange of promises that can come undone.[34]

A major part of the stalemate is Eritrea's belligerent foreign policy, described by the International Crisis Group (ICG) as one which

status under the CPA.

The CPA envisioned South Sudan would exercise the right of self determination at the end of the interim period. The framework through which self-determination would be exercised was in sharp contrast to the Declaration of Principles in which self determination was conditional on the ability to implement various reforms in South Sudan. Under the CPA self-0determination is non- conditional.

The 2011 Referendum marks the end of the 6 year transitional period, however, it was preceded by a checkered transitional period. The period was marked by political standoffs, deepening mistrust between the parties of the CPA, a great deal of uncertainty and lack of commitment. Delays in implementation included the delay in conducting a national census which was supposed to occur in 2007, but instead was completed in 2009. Other delays were seen in national elections (moved from 2009 to 2010) and deadlines on security arrangements. Ceasefire agreements were breached in 2006, 2008 and 2011. Popular consultations which were supposed to occur in South Kordofan, Abyei and Blue Nile states are not yet complete. Wealth sharing has been undermined, partly due to a lack of transparency regarding oil revenues, which has delayed the process. The inability to implement the transformational goals, specifically making unity attractive and implementing democratic reform, have failed. However, the referendum in south Sudan was successful in terms of organizational achievements, despite numerous doubts that had surrounded the process.

Current assessment suggests that the CPA has seen both successes and disappointment. The most prominent success was the avoidance of war; the most prominent disappointment may be the inability to apply the transformational goals present in the agreement, i.e. establishing a democratic and inclusive polity.

The presenter next highlighted the lessons learned from the CPA

process. The CPA is a result of interplay between internal and external factors. Internally, the realization by both parties that a military solution was unviable contributed to their involvement in the peace process. This was supported by a highly conducive regional/external environment. The comparative advantage of regional and international actors was employed efficiently in peace negotiations. Regional actors, such as IGAD and the international community, utilized their particular strengths and vantage points in a manner that encouraged the process. The value of negotiating separate subject individually from the overarching framework was also witnessed in the CPA process. Spreading out the CPA process over such an extended period allowed parties to avoid deadline diplomacy.

The comprehensiveness of the CPA agreement is questionable because it evolved into a deal between the main parties of the north and south. The center-periphery crisis in the Sudan was not addressed by the CPA. Some argue that this irresolution and concurrent limits on self-determination in south Sudan exacerbated the conflict in Darfur.

The security arrangements that allowed armed movements to keep their forces, i.e. the SPLM was able to maintain a separate security force, was an important provision in the CPA. This prevented the threat of domination by the NCP over the peace process. It enabled the south to keep its state and avoided the mistakes of the Addis Ababa Agreement of 1972. John Garang and the SPLM were aware that one of the reasons for the failure of the 1972 Agreement was the integration of the South Sudanese army into the main party. The presence of a separate security force addresses one of the major issues seen in the development of peace processes in the region i.e. striking a balance between having integrated force versus maintaining a separate force that can defend the oppositions stance in peace negotiations.

The CPA was fundamentally an elitist process; there have been limited attempts to create a constituency for the CPA. Additionally, the lack of trust between the negotiators of the process was one of the

This, in turn, has caused immense frustration on the part of the Eritrean government, which has equated the international community's inaction with support for Ethiopia's real or purported intransigent position. The outcome is Eritrea's prevailing attitude towards the international community and its undesirable path of entering into any conflict calculated to antagonise Ethiopia, including a proxy war in Somalia. As is now known, this has finally led to the adoption by the UN Security Council of Resolution 1907 in December 2009. The resolution condemns Eritrea, among other things, for its destabilising role in Somalia, an act which is a by-product of the unresolved border conflict with Ethiopia.

Another important factor for the failure of the Algiers Peace Agreement is the absence of robust democratic institutions and accountability in both countries. Democracy is a vital tool not only for good governance but also for peace and security in any country or region. Democracy has not yet taken its deep roots in both countries. The situation is by far worse in Eritrea than in Ethiopia. The governments in the two countries descended to power from a history of liberation struggle which is replete with undemocratic style of leadership given the very common pattern of secrecy and military exigency among liberation movements. After transforming themselves to governments, the Ethiopian government has confirmed (or tried to confirm) its access to power in several rounds of general election, although these processes have not been free from serious criticisms. In the case of Eritrea, the access of the current government to power has never been confirmed in a national election since the country's independence in 1991. Although with varying degrees, both counties lack strong democratic institutions (parliament and judiciary) that can monitor delicate matters of peace and war as would be designed and implemented by the executive branch of government which remains the most powerful government institution in both counties.

As noted by Terlinden and Debiel, pride and stubbornness have also contributed in aggravating the conflict and frustrating the solutions devised by the Algiers Peace Agreement. The approach of the

since Eritrea's de facto independence in 1991 and de jure independence in 1993. Ulf Terlinden and Tobias Debiel explain one of the unofficial root causes of the conflict as follows:

> No less importantly, the rapid and fierce escalation of the border conflict had to do with unresolved claims to supremacy. While Ethiopia, also vis-à-vis Eritrea, sees itself as the region's dominant power because of its geographical position, size and history, the self-image of Eritrea's leadership is still stamped by its victory over Mengistu and the military superiority of the EPLF [Eritrean People's Liberation Front] over the TPLF [Tigray People's Liberation Front] at that time.[31]

Consequently, addressing merely the declared cause of the war, that is, the disagreement of where the border lies and where Badme is geographically located – as important as this may be, since it has become an issue – will not bring a lasting resolution to the conflict or eliminate its destabilising effect on the region. With regard to the origins and root causes of the conflict, article 3 of the Algiers Peace Agreement envisages the establishment of an independent and impartial body, in addition to the Boundary Commission and the Claims Commission, which shall investigate the background of the conflict. This body was to be set up by the Secretary General of the then OAU in consultation with the Secretary General of the UN. This never happened, denying the Eritrean and Ethiopian public the opportunity to know the real causes of the conflict that go beyond the border issue.

The crisis requires an approach which addresses both the officially known root cause of the conflict and the undisclosed root causes, or at least contributing factors, to the conflict. The fact that Badme has now been awarded to Eritrea, but Ethiopia is not willing to hand over the town unconditionally lies at the epicentre of the conflict. The international community has not done enough to coerce Ethiopia into implementing the decision of the Boundary Commission, resulting in an excessive delay in the demarcation of the border.

main reasons for the inadequate implementation of the CPA. Initially, lead negotiators were trustful in their views towards each other, however this eventually declined and undermined the implementation of the CPA. The presenter concluded by stating PA processes should never be solely linked to the goodwill of the negotiators. External actors need to be actively involved in monitoring the implementation process in order to avoid weaknesses in the process stemming from distrust between negotiators.

The plenary began with a participant stating that the CPA is the most encouraging process to occur in Sudan since the country's independence. But loopholes have complicated implementation and final successes, including, democratic transformation. The agreement has divided the country on a religious basis, i.e. the secular south and the Muslim north. The division of wealth was construed on a North and South basis (regional basis), without the necessary input of a needs assessment. Points of difference between the SPLM and the NCP have been exacerbated. The NCP has been reluctant to implement the agreement, subsequently delaying the implementation of almost every item. This has been aided by the fact that the NCP holds 52% of seats in parliament and has passed legislation through the use of this majority. Beyond the North-South divide, problems have been emerging in the West, East and Northern parts of Sudan. The concentration on avoiding all out hostilities has led to the neglect of other pertinent issues that need to be addressed by the CPA. In addition the NCP has supplanted other ministries that were identified as implementing actors. The participant concluded by stating that post referendum issues are now the overriding concern.

A second participant added; the issue of appropriate external and internal involvement in the CPA is vital for appropriate implementation in the post referendum period, and therefore strong recommendations are required on this issue. A third participant agreed the CPA was primarily a North-South agreement which relegated groups not encompassed by the major parties. The participant questioned how the lack of mass participation will affect the sustainabil-

ity of the agreement. A fourth participant raised the issue of ownership. There appears to be competition among sub regional bodies in the continent for ownership over the CPA process; this can be seen as part of the "Africanization" of peace and security in the conflict. This concept of African solutions for African problems is swathed by conceptual problems. African problems are not indigenously prescribed and most regional organizations lack the institutional capacity to endure whole scale ownership. It is problematic to address the issue of ownership when most of these institutions are dependent on foreign donors for financial support. However, external involvement is more likely to be extended in a way that's conducive to external parties' interests. The participant added the divisions in Sudan are not only North-South, there are also institutional divisions as well.

Mr. Deresso responded to some of the queries stating the dominant issue at the start of negotiations was the cessation of violence. Consequently, the issue of inclusiveness was diluted in order to address ongoing hostilities. The presenter pointed out that the AU High Level Implementation Panel was one of the mediums through which grass root participation was attempted. It introduced a process whereby the conflict in Darfur was dealt with from a grass roots perspective. This is a significant process because Issues that led to the conflict are issues that can be seen from the citizen's perspective, therefore, gaining their insight is valuable for the peace process. Grass root consultations were a major component of other peace processes, such as, the one witnessed in South Africa. The CPA was devoid of such procedures; civil society actors and popular movements were excluded. There should have been a constituent forming process following the signing of the CPA and this relates to the lack of attention given to the idea of a transformed Sudan. The presenter added, however, the lack of involvement of certain sectors in the CPA process won't have any effect on the implementation process, including the transitional period.

The democratic transformation process of South Sudan won't transpire unless stakeholders are committed to a democratic system. This raises the issue of whether priority should be given to security

The Agreement on Cessation of Hostilities was meant mainly to halt active hostilities between. Understandably, its focus was limited on how to achieve this particular objective. Provisions on the enforcement of the arbitral awards of the two commissions had to be clearly defined in the final pact, the Algiers Peace Agreement. Nonetheless, the latter has completely evaded this issue in that it does not contain specific provisions referring to non-compliance and/or enforcement mechanisms. On the other hand, it is important to note that the Algiers Peace Agreement is an international peace accord brokered by a number of global actors, namely, UN, EU, AU, IGAD and USA. Given the broad global support the peace accord enjoys there is adequate space for diplomatic and political leverage on the part of these actors. Nonetheless, little has been done by the international community in terms of ensuring the full implementation of the symbolic part of the Algiers Peace Agreement, namely, the decision of the Boundary Commission. However, as noted in the previous section, the handing of Badme to Eritrea may not necessarily bring a lasting peace between the two countries, because there are myriad of issues which have never been addressed properly since the commencement of the conflict.

Another shortcoming of the Algiers Peace Agreement is that it does not address the core issues of the conflict satisfactorily. As is now widely agreed, there are two major classifications of the causes of the conflict: official and non-official. What the world knows as the "official" root cause of the conflict is the claim to ownership of Badme, which was finally awarded to Eritrea. In reality, however, the conflict is not only about this particular issue.[30] There are myriad intertwined economic, diplomatic and political issues behind the conflict. Some of these issues may even date back several years to when the two current governments were liberation movements fighting against the authoritarianism of the Derg regime. What the Boundary Commission and the Claims Commission tried to resolve is only the "official" cause of the conflict, as stated by the two parties – the ownership of Badme and issues directly related to this. Nonetheless, the crux of the conflict lies in several economic, diplomatic and political differences that have been brewing clandestinely

immunities as are accorded to diplomatic agents under the Vienna Convention on Diplomatic Relations.

The parties agree that the delimitation and demarcation determinations of the Commission shall be final and binding. Each party shall respect the border so determined, as well as territorial integrity and sovereignty of the other party.

Neither the above provisions nor other stipulations of the Algiers Peace Agreement have adequately provided for enforcement mechanisms that address non-compliance of either party with the decision of the Boundary Commission or that of the Claims Commission. This is the most daunting shortcoming of the Algiers Peace Agreement. On the other hand, article 14 of the Agreement on Cessation of Hostilities contains some provisions which might be taken as relevant for purposes of non-compliance. The relevant part of the provision reads as follows:

The OAU and the United Nations commit themselves to guarantee the respect for this commitment of the two Parties until the determination of the common border on the basis of pertinent colonial treaties and applicable international law, through delimitation/demarcation and in case of controversy, through the appropriate mechanism of arbitration. This guarantee shall be comprised of: a) measures to be taken by the international community should one or both of the Parties violate this commitment, including appropriate measures to be taken under Chapter VII of the United Nations Charter by the UN Security Council.

From the above, it is clear that the commitment of the OAU (now AU) and the UN was limited up to the time when the common border would be determined on the basis of the pertinent colonial treaties. The document is silent as to what would happen after the determination of the common border and in particular in case of non-compliance by one of the parties with such a determination.

issues or the democratic transformation of South Sudan. The Abyei factor is the most crucial issue which will test the sustainability of the PA and the demarcation of North Sudan- South Sudan borders. Discussions continued with a participant stating the politically motivated nature of the agreements may not reflect actual realities, consequently masking the people's actual needs. A second participant indicated the CPA has left some important/outstanding issues behind. The participant added the AU High Level Implementation Panel should be replicated in the North and the South. A third participant stated the issue of stakeholder exclusion should be viewed as a procedural issue that was a necessity, considering the prevailing issues at the start of the process.

A fourth participant questioned the current role of negotiators and how they will influence the transitional process. A participant addressed this inquiry stating in the current post referendum period, the majority of northerners are pleased that southerners have achieved self determination since this is the realization of the people's wishes. However, there are concerns the SPLM might be contaminated by the activities of the NCP. Another participant added initially, there was much skepticism surrounding the referendum. However, in the period leading up to the referendum there was a change in the political climate which brought about a renewed focus on the exercise of self determination. The deciding factor in the post referendum is wealth division, i.e. the division of oil revenues. Successful negotiations on wealth may lead to strengthened economic ties. The idea of a New Sudan had been suspended following the death of John Garang and the rise of SPLM separatists. The current challenge in the south is bridging the social capital between the different sectors of society. There is also a new interim constitution being crafted that will require backing by the different political constituents. The participant concluded by stating transforming South Sudan from a rebel movement to a political movement will require political capacity and support.

Another participant commented the major dangers for the CPA are

existent in the NCP and some political forces in the south. John Garang had stated the agreement is not his, and instead is for the people. Yet the people didn't participate in process. There have also been statements following the CPA that have gone against its core values, showing that the cornerstones of the CPA have been undermined in more than one circumstance.

The presenter responded to the issue of external involvement, affirming that external involvement doesn't entail danger. Regional and international actors can bring certain advantages. For example, external actors could be influential in the enforcement of an agreement. Local actors and regional actors can bring different types of knowledge, conflict awareness and have a higher degree of intimacy towards the issues at hand. There needs to be a combination of these different strengths and approaches. External involvement should give credence to local ownership and guidance, and interested parties should not be excluded from the negotiating table.

The third presentation was made by Dr. Dereje Alemayehu on the Kenyan Power Sharing Agreement.

Name: **Dereje Alemayehu**, Dr.
Born: on 29/08/52 in Welega, Ethiopia
Nationality: German
Passport Nr. 258 607951
Issues on 26/03/2007 in Berlin by the Municipality of Schoneberg in Berlin
Valid till – 25/03/2017

- MA in Development Studies from Free University Berlin
- PhD in Economics (**magna cum laude**) from Free University Berlin
- 1987 – 1998: Lecturer at the Free University Berlin (Development studies and African Political Economy)
- 1998 – 2000 – Freelance development consultant

- 2000 – 2002 - Country Representative in Burkina Faso for

IV. The Aftermath of the Peace Agreement

In section II above, we have asked why the Algiers Peace Agreement has failed to deliver its expected outcome, namely a lasting peace between Eritrea and Ethiopia. One possible and simplistic answer is: lack of genuine political commitment on the part of both governments to resolve the border conflict according to the commitment they made in the Algiers Peace Agreement. However, there are also a number of other factors that have contributed to the failure of the peace process.

The main problem with the Algiers Peace Agreement is that it lacked clearly defined implementation mechanisms. As in most peace processes, the urgency and intensity negotiators displayed at the negotiation stage (particularly the negotiation of the Agreement on Cessation of Hostilities) was lacking during the implementation stage, notably at the stage which requires the full implementation of the decision of the Boundary Commission which awarded the flash point of the conflict, Badme, to Eritrea. As far as implementation is concerned, the Algiers Peace Agreement is incomplete and vague. The document is replete with expedient stipulations that are not easy for implementation. Experts with an extensive experience in this area advise that implementation of peace processes require careful development of carrots and sticks for foot-draggers.[29] This essential requirement was a glaring shortcoming of the Algiers Peace Agreement.

There are two paragraphs in the Algiers Peace Agreement which are closer to enforcement mechanisms. These are paragraphs 14 and 15 of article 4, which read as follows:

> The parties agree to cooperate with the Commission, its experts and other staff in all respects during the process of delimitation and demarcation, including the facilitation of access to territory they control. Each party shall accord to the Commission and its employees the same privileges and

diers were killed in the war.[23] Thousands were maimed, families and children displaced, and farms and means of livelihood abandoned. From the start of the war, 77 000 Eritreans and Ethiopians of Eritrean origin were inhumanely and arbitrarily deported from Ethiopia, without any chance to bid a decent farewell to their loved ones or to collect their property and belongings. In the process, families were separated and many were subjected to gross violations of international humanitarian law.[24] The human suffering sustained by Eritreans in the 1998–2000 border conflict was exceedingly harsh. With a varying degree, similar violations were also perpetrated against Ethiopians living in Eritrea, including their expulsions and prevention of taking their belongings along with them, or selling their property.

Although the excesses of both governments[25] have contributed much to the immense suffering of civilians and non-civilians, the starting point of this misery was the unlawful act of aggression by the Eritrean government and its obstinate refusal to withdraw from territories occupied after 12 May 1998. The determination of the Claims Commission (the award of 9 December 2005 on *jus ad bellum*) on the culpability of the Eritrean government is the most authoritative source in this regard. In August 2009, the Claims Commission also decided on the amount of damages each government has to pay to the other as a result of the violations perpetrated in the two-year border conflict. Accordingly, the Eritrean government has to pay Ethiopia a total of $174 036 520,[26] and the Ethiopian government has to pay Eritrea a total of $163 520 865, including that of individual claimants, which amounts to $2 065 865.[27] This means Ethiopia was awarded a net payment of $10 515 655. Nonetheless, the crux of the matter goes beyond this. As Plaut notes, "the real tragedy is that the money, like the rest of the internationally supported peace process, will settle very little."[28] The challenge has a lot do with the failure to resolve the root causes of the conflict and understandably this has necessitated far-fetching repercussions to the entire Horn of Africa region.

APSO (An Irish Development Agency)

- 2002 – to present : Christian Aid Country Manager for East Africa (Kenya, Uganda and Tanzania)
- 2007 – to Present: Chair – Tax Justice Network Africa

Elements highlighted by the presenter in consideration of political violence in Kenya include:

- Attempted settlements in Africa have been marred by local resistance. The prevalence of malaria also had an influence on the placement of settlements, i.e. colonies were established where malaria was less wide spread. This was evident in Kenya.
- The divide and rule policy of British colonialists was implemented via ethnic lines and was exercised arbitrarily. For example, the Mt Kilimanjaro area was initially part of Kenya; it was given to the German colonial rulers of Tanzania by the British as a birthday gift for the King. This anecdote showcases the capricious method through which colonial lines were established.
- During the height of the Mau Mau rebellion in Kenya, British colonialists were keen to maintain their power, particularly in white settlement areas. This created a trend where victims of colonial resettlement became perpetrators, by settling in other ethnic areas and evicting indigenous populations.

The presenter highlighted that a repressive state apparatus was used to keep the country united in the post independence period. Following independence a transfer of power was negotiated between British and Kenyan elites. The Kenyan elite maintained the extractive and repressive state apparatus; it was further institutionalized during Jomo Kenyatta's rule, i.e. a ruling clique was established. Furthermore, ethnic divisions were institutionalized since the ruling group emanated from a specific ethnic group.

The collapse of the Soviet Union brought about democratic transformations in Africa and a related phenomenon which the presenter

termed as "election fetishism," i.e. a belief that elections are the hallmark of democracy. This disregards the accountability of government to its people, and the creation of democratic institutions which is not addressed in election processes. Since multi-party elections started taking place in Kenya, there have been two violent events during post election periods (1992, 1997). One of the major reasons for hostilities is the fragmentation of society along ethnic lines. Since the political spectrum stifles competition, there is a higher chance for abuses of power and manipulation of ethnic differences to achieve political domination.

The elections in 2002 were largely peaceful, and brought about the end of the Moi rule and the installation of a ruling coalition. The period was marked by high levels of optimism, but this was short lived. Terms of the Memorandum of Understanding (MOU), signed following the establishment of the coalition, were undermined. For example a new constitution based on a parliamentarian democracy was supposed to be formulated within 100 days of the creation of the coalition; the constitution never materialized. Furthermore, a national unity government was later created which included members of the deposed government. This led to the marginalization of groups who contributed to the accession of the coalition. This laid down the groundwork for the next round of election violence.

Two years later a referendum on a new constitution was rejected by the Kenyan population. The new constitution was a reversal of the terms agreed upon during the signing of the NARC coalition MOU, i.e. the new constitution increased the powers of the president. The election results were divided along ethnic lines and rebuilt the ethnic alliances in Kenyan polity. Those who rejected the referendum became part of the Orit democratic movement; those who accepted the constitutions formed another block. This introduces the dictums of the power analysis, which structures power as visible, invisible and hidden. Visible power is the infrastructural or institutional arrangements, invisible power is the hidden cultural societal norms; and hidden power is the actors providing support and guidance in the background of visible actors. During the period of the referen-

The areas initially invaded by Eritrean forces on that day were all either within undisputed Ethiopian territory or within territory that was peacefully administered by Ethiopia and that later would be on the Ethiopian side of the line to which Ethiopian armed forces were obligated to withdraw in 2000 under the Cease-Fire Agreement of June 18 2000.

Consequently, the Commission holds that Eritrea violated Article 2, paragraph 4, of the Charter of the United Nations by resorting to armed force to attack and occupy Badme, then under peaceful administration by Ethiopia, as well as other territory in the Tahtay Adiabo and Laelay Adiabo Weredas of Ethiopia, in an attack that began on May 12 1998, and is liable to compensate Ethiopia for the damages caused by that violation of international law.[21]

Throughout the entire 1998–2000 border conflict, the Eritrean government was repeatedly requested by international mediators to withdraw its troops from the controversial territories and enter into peace dialogue with Ethiopia. The Ethiopian government, on its part, refused to enter into any dialogue before Eritrea withdrew its troops from those territories occupied on or after 12 May 1998, and demanded a strict restoration of the status quo ante. In light of the final verdict of the Claims Commission on *jus ad bellum*, the precondition presented by the Ethiopian government since the start of the conflict seems justifiable. However, the Eritrean government rejected the precondition, only to accept it after a humiliating defeat in May 2000.[22]

By the time Eritrea signed the Agreement on Cessation of Hostilities on 18 June 2000, irreparable damage had already been done to the country and its people. Ethiopia had already occupied a substantial part of Eritrea's territory, displacing some 700 000 people from their homes and villages. In addition to the humiliating defeat, according to conservative government figures, 19 000 Eritrean sol-

ing has been used by the Eritrean government as a major pretext to maintain Eritrea for more than ten years in a situation of an undeclared state of emergency. Although the Boundary Commission and the Claims Commission have resolved several fundamental issues, a multitude of other intricate issues remain unresolved between the two governments. These issues, especially at this stage, can only be resolved by a genuine political commitment, including political dialogue on the part of both governments, which is currently lacking. Several sources have repeatedly reported on the danger of a renewed war between the two countries. In effect, the two countries are at war through their active involvement in the ongoing civil war in Somalia.

Important to the current debate are some of the awards of the Claims Commission delivered on 9 December 2005. In one of the awards, the State of Eritrea was found to be in violation of international humanitarian law for unlawfully invading the flashpoint of the conflict, Badme, which, before the war, was peacefully occupied by Ethiopia. Legally speaking, the border conflict escalated into a fully fledged war, when on 12 May 1998, Eritrean forces invaded some territories under the peaceful control of Ethiopia. According to the Claims Commission:

> The evidence showed that, at about 5.30 a.m. on May 12 1998, Eritrean armed forces, comprised of at least two brigades of regular soldiers, supported by tanks and artillery, attacked the town of Badme and several other border areas in Ethiopia's Tahtay Adiabo Wereda, as well as at least two places in its neighbouring Laelay Adiabo Wereda. On that day and in the days immediately following, Eritrean armed forces then pushed across the flat Badme plain to higher ground in the east … Ethiopian defenders were composed merely of militia and some police, who were quickly forced to retreat by the invading Eritrean forces. Given the absence of an armed attack against Eritrea, the attack that began on May 12 cannot be justified as lawful self-defence under the UN Charter.

dum, there were assumptions of hidden power brokers negotiating the maintenance of the status quo, nullifying the element of change assumed in the process.

The Kenyan structure promotes a "winner takes all" approach which creates a situation where political actors are unwilling to accept defeat since failure is not accommodated. This negates the exercise of democratic contest and ultimately led to the collapse of Kenyan nationhood and statehood. The collapse of nationhood was seen in the eruption of neighborhood conflicts along ethnic lines. The state machinery was also split according to ethnic lines.

The national reconciliation process (KNDR) was an important process in the aftermath of the post election violence. This was partly due to the expression of African voices which was reinforced by the role of Kofi Anaan. However, the process was imposed and guided, primarily by external pressure, which was expressed through Kenyan elite. The two blocks accepted the peace agreement after prolonged pressure from external actors. The lack of internal goodwill towards the process led to an agreement that resembled a truce between warlords as opposed to a process of national self-reflection. The contents of the peace accord are holistic, with an inclusion of both mid-term and long term solutions, and restore fundamental rights and liberties.

The first step in the reconciliation process was to establish a grand coalition government. The Kenyan cabinet is now the biggest cabinet in Africa, which doesn't reflect the efficiency of government, but rather, the expansive absorption of different ethnic groups. There are 46 ministers with permanent secretaries. Ministries were created in order to accommodate different factions. e.g. there is a Ministry of Health and a Ministry of Health Services.

The Justice and Reconciliation Commissions reviewed local issues and the constitutional review process, however, the impartiality of the commission has been questioned. The Commission on the Review of the Post Election Violence was impartial and comprehen-

sive, however, nothing was done based on the findings of the commission.

The peace agreement fundamentally prevented further bloodshed. However, the current political situation is still worrisome. Polarization is still being fomented by different ethnic groups and negotiations between different political groups are at a standstill. The dysfunctional state-society relation was predicated by a successful state building process in the past that failed to incorporate nation building alongside state building. The institutionalization of unchecked corruption has occurred alongside glaring and rampant poverty and youth unemployment. This creates an opportunity for the manipulation of ethnic divisions. Current political challenges:

- How to forge a cohesive state bypassing polarized ethnic groups.
- How to contain the predatory state mechanism
- How to ensure the rural and urban poor have a voice in the political construct.

The presenter added that the national block should not be abandoned and should be used to pursue enduring peace. The dialogue should be expanded beyond the political elite to include the communities. Ethnic coalitions should be replaced by national coalitions in order to promote nation building. A commitment is needed by the national elites to end poverty, since development is a political process that needs to be incorporated in the national agenda. The political platforms of the different political groups are similar therefore; similar vantage points can be utilized to promote nation building. Credible democratic institutions, an independent and law abiding judicial and law enforcement sector are needed. Civil society should also mobilize to maintain the political accountability of rulers and generate political will to bring about democratic change and empower citizens.

The moderator started the plenary by commenting on presentation. The election violence in Kenya shows the mutation of election pro-

movement of UNMEE personnel and other hostile acts. Some observers note that with the termination of UNMEE's mandate the risk of a return to war has considerably increased.[17]

According to the Algiers Peace Agreement, Eritrea and Ethiopia agreed to submit their disputes to two independent bodies, working independently from each other. The first was the Eritrea-Ethiopia Boundary Commission (the Boundary Commission), whose mandate was "to delimit and demarcate the colonial treaty border based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law."[18] The second was the Eritrea-Ethiopia Claims Commission (the Claims Commission), whose mandate was to decide, through binding arbitration, on all claims for loss, damage or injury that were related to the conflict and were the result of violations of international humanitarian law, including the 1949 Geneva Conventions, or other violations of international law.[19]

As regards the issue of ownership over Badme, the Boundary Commission, in its decision of 12 April 2002, decided that the town belongs to Eritrea.[20] Contrary to its declared commitment to honour the decision of the Boundary Commission, Ethiopia stipulated a set of preconditions before it would hand over Badme to Eritrea. In a legal sense, the Ethiopian government's refusal to implement the decision of the Boundary Commission and accordingly hand over Badme to Eritrea reneges on the obligations of Ethiopia emanating from the Algiers Peace Agreement and customary international law. However, this issue is part of the complicated background of the conflict, which is not yet adequately addressed. Therefore, it is questionable whether handing over Badme would in itself normalise relations between the two countries. What is clear now is the fact that the Algiers Peace Agreement has not attained its intended main objective.

The failure of the peace process and the ensuing political stalemate between the two governments have now destabilised the entire Horn of Africa. Ethiopia's refusal to accept and implement the rul-

dress some of these factors when we discuss the issue of why the Algiers Peace Agreement has failed to deliver its expected outcome, namely a lasting peace between Eritrea and Ethiopia. Before that, it is important to discuss the genesis and development of the 1998-2000 border conflict and the current stalemate between the two countries.

III. Origin and Development of the Border Conflict[312]

Controversies abound the circumstances that led to the commencement of the border conflict in May 1998.[13] However, the Claims Commission established that the conflict started when Eritrean forces attacked Ethiopian administered territory in the western r egion of the border between the two countries.[14] The most known flashpoint of the conflict is a border village called Badme, over which both countries claimed ownership, triggering a full-scale war in May 1998. The border conflict came to an official end on 18 June 2000 when the two countries signed the Agreement on Cessation of Hostilities.[15] By signing this agreement, the two countries officially committed themselves to ceasing hostilities. Ever since the ratification of this agreement there has been no major armed conflict between the two countries. However, the situation is very tense.

The Agreement on Cessation of Hostilities paved the way to the comprehensive peace accord, the Algiers Peace Agreement, which was signed by the two countries on 12 December 2000. Prior to that, on 31 June 2000, the UN Security Council, by Resolution 1312 (2000), established the United Nations Mission in Ethiopia and Eritrea (UNMEE). One of the major responsibilities of UNMEE was to operationalise the mechanism for verifying the cessation of hostilities.[16] To ensure this, the entire border between the two countries was supervised by UNMEE's peacekeeping forces, which were physically stationed in the border area and kept apart the armed forces of the two countries. As is now known, the mandate of UNMEE was terminated on 31 July 2008 by the UN Security Council after repeated obstruction of its tasks and hostilities on the part of Eritrea against UNMEE, which included severe restrictions on the

cesses in Africa: where elections have resulted in the solidification of the status quo due to the denial of election results. This contradicts the end result of durable peace and good governance entailed in election processes. In addition, the stalemate in post election periods often results in shotgun marriages between different factions to assuage political fears. This is an unsustainable arrangement because the citizenry are often unwilling to accept these conciliatory setups since it does not address their electoral expressions and is viewed as an imposition. The lessons learned from the Kenyan example should be considered in upcoming elections in Africa. Amb. Dinka asked the presenter to elucidate on the positive and negative influences of civil society on the election processes.

A participant stated the situation in Kenya following the 2007 elections was a typical example of Murphy 's Law. Kenya was undergoing peer review at that time, which already highlighted all the problems that would appear in the post election period. Some of the problems arose from the ethnic building seen during the colonial period. The participant stated the survival of Kenya can be attributed to a strong civil society which is vocal, and sometimes chaotic, but provides a check and balance system for the political structure, alongside a vibrant and vocal press. A second participant questioned whether the presented paper focused on the historical background of the conflict, or whether the focus was on the peace accord that led to the conclusion of the conflict. The participant also asked what the possible solutions for election fetishisms are, and whether elections need to be conducted in specific contexts where accountable governments will be necessary outcomes. This needs to be analyzed alongside the realization that democratic cultures arise from the practice of elections, and there may need to be several attempts before a democratic culture can flourish through the electoral process. The participant added the Kenyan peace accord needs to coincide with the transformation of the political culture. Kenyan politicians manipulate grievances for political ends and unless this culture changes the issues that arose in the post election period will resurface. This has been further problematized by the President's attempt to bypass the legislative process and attempts to institute his pre-

ferred candidates in different posts. The perpetrators of the post election violence also need to be brought to justice. A third participant stated that the transition to a mature democracy is a long process which requires consensus via a reconciliation process. A fourth participant questioned the nature of invisible power and whether it may be the most influential factors in the political structure. The participant also asked how a military coup was avoided in Kenya.

The presenter stated the paper gave a socio economic background for the current impasse in the Kenyan political climate. However, while the current process has avoided a massive emergency, it has not resolved primordial issues in the country. A fixation on elections sidelines the other components of democracy, such as, promoting interest based politics and institution building. The presenter added he was not trying to minimize the role of media in Kenya, however a more worrisome progression is the changing nature of alliances in the country. The major factor for shifting alliances is the influence of ethnic politics. Breaking, establishing, and reforming alliances is a never ending process that is working against the peace processes and the implementation of the peace accord. For example, campaigns for the 2012 elections began in 2008 showcasing the urgency of establishing alliances for the purposes of political domination.

During the post election violence, state security forces were criticized for not sufficiently protecting the populace. This has led some groups to create their own militia. There is a belief that security and police forces sided with political factions, creating a situation where security was beholden to specific war lords.

Discussion continued with a participant questioning how multiculturalism is contributing to peace building or conflict in the Horn. Another participant questioned the relationship between nation building and democracy as seen in the Kenyan case, where robust progress has been seen with regards to the indicators of democratic progress i.e. freedom of press, and freedom of association. However, it appears these entitlements have not contributed to democratic

rity threats and strategic challenges for more than six decades. Eritrea and Ethiopia are two major players in the intertwined dynamics of the Horn of Africa.

Another long time observer of the region, Martin Plaut, describes the Horn of Africa as "a region in which governments routinely plot against each other, cultivating opposition movements to undermine neighbouring regimes." According to him, this region has "a long tradition of infiltrating rebels across border, of shipping arms and ammunition to foster rebellion."[7] Characteristically, the countries in the Horn of Africa suffer from a deep mistrust which makes it easier for them "to plot and scheme than plan for peace,"[8] as they are sure that the other counterpart would also be doing much the same. One pertinent example in this regard is an allegation by the Ethiopian government publicised in January 2011 which accuses Eritrea of infiltrating seven militants allegedly trained by the Eritrean government to commit terrorist attacks in Ethiopia.[9]

In a region where "open discussion and public debate is firmly suppressed,"[10] there is no room for democratic dialogue, which is a very essential precondition for peace and security. The sad reality in the Horn of Africa resonates with the astute observation of one of the architects of "African Renaissance," the former South African President, Thabo Mbeki. He describes some parts of Africa as places where "guns have usurped the place of reason" routinely, and "opposing ramparts [speak] to one another in the deadly language of bazooka and mortar shells and the fearsome rhythm of the beat of machine-gun fire."[11] The Horn of African portrays these distinct characteristic features and the current debate on the Algiers Peace Agreement is to be seen within such context.

Taking further the above observation, David Shinn asks: "why has there been so much conflict and instability in the Horn of Africa over the past sixty years or so?" One of the reasons he provided in response to his own query is: leadership deficiency in the countries of the Horn. In addition to this, there are a number of other factors which contribute to regional instability in the region. We will ad-

I. Introduction[2]

Eritrea and Ethiopia fought a devastating border conflict between May 1998 and June 2000. On 12 June 2000, the two countries signed an Agreement on Cessation of Hostilities,[3] which was followed by a comprehensive peace accord, known as the Allergies Peace Agreement, signed[4] on 12 December 2000. As an agreement intended to end a violent conflict, the peace agreement has averted the continuation of active hostilities between the countries. However, a situation of "no war no peace" which is no less harmful than an active hostility has prevailed between the two countries for the last ten years. The Algiers Peace Agreement has remained largely ineffective in terms of ushering a lasting peace between the two countries. By analysing the most important factors that led to the near failure of the Algiers Peace Agreement, this paper analyses the ensuing stalemate between Eritrea and Ethiopia, and proposes key recommendations for improvement.

II. Contextual Background

Apart from being two of the poorest countries in the world, Eritrea and Ethiopia share a common history of political violence and prolonged episodes of armed conflict. Counting only from the last quarter of the 20th Century, both countries have suffered from extreme levels of political repression under the Derg regime.[5] Both countries emerged victoriously from their grisly past in 1991 by which time Eritrea became a de facto independent state, which was to be a de jure independent state in 1993, after an overwhelming national referendum for independence. Both countries belong to the Horn of Africa, which is one of the most troubled regions in the world. Some experts, such as a former US Ambassador to Ethiopia, describe the Horn of Africa (*with a bold assertion*) as a region which "has consistently been the most conflicted corner of the world" since the end of the Second World War.[6] The simplest arithmetic model translates this assertion into a suffering of more than sixty years. This means the Horn of Africa has been under constant secu-

progress. The linkage between democracy and nation building has eluded the Kenyan experience. Democracy has not bridged the rift created by ethnic divisions within governance and this may entail a more expansive version/model of democracy. The participant reiterated there may need to be a replacement of the ethnic coalitions by a national coalition as suggested by the presenter. Further a participant stated while Kenya has a better democratic culture, especially in comparison to other African nations, the political culture is questionable. The concern on quelling overt violence has overshadowed the necessary attention that should have been awarded to the peace accord, consequently, the peace accord doesn't address long term grievances.

Dr Alemayehu reiterated ethnic coalitions are dangerous, while nation building and democracy should be reconciled in order to promote the idea of one polity. The interests of varied factions need to be taken in by a national polity because the nation is the recognizable entity in the international arena. This requires a redefinition of the citizen-state relationship in Africa. Pitting ethnic differences against each other is dangerous: once ethnic differences are enhanced it is difficult to offset the effects of cleavage. In addition to ethnic cleavages, there are existent pyramidal patronage systems. The state is being utilized according to private arrangements. This system allows for the private enrichment of individuals decreasing the incentive for contributing to the nation building project.

A participant questioned whether the issue of small arms was addressed during the peace process. The participant added the Kenyan circumstance is complex and ridden with latent grievances. Transformations within the political culture have been occurring since 1991-92 when pressure was applied on Kenya to develop into a multi-party state. Civil societies have been established as the vanguards of democracy, however, the participant questioned how long civil society would be able to retain this position, in particular, whether civil society will succumb to political fault lines. The participant cited Singapore as an example of an alternative political system created in detraction of the democracy norm. They were initially

criticized for abandoning democracy as a model, however, following the success of the country in economic sectors, these concerns have dissipated.

Another participant posed the relativity issue in relation to the variable conditions of democracy. The conditions of democracy are identified in terms of political awareness, willingness and commitments to respect democratic principles. Yet the acceptance of majority rule is often mentioned as another element of democratic rule. A third participant questioned who should preside over the democratic transformation of Kenya. In Africa the source of violence has sometimes been state sponsored, therefore, it may be contradictory to endow the state with the power to guide democratic transformation. Consequently, prior to importing ideas on political structures, African states need to assess whether proposed solutions are feasible to start with. A few participants added that good governance should be the primary concern, and democratic transformation needs to come from within. Another participant added there needs to be a combination of traditional systems of governance with more modern state systems, especially, in the process of forgiveness and reconciliation. Africa has leaders that transform themselves according to current demands. Elections have led to insecurity due to the fact that leaders often have ulterior motives beyond those expressed in election campaigns. Another participant questioned the influence of religious institutions in Kenyan politics. The participant pointed out, despite the noted failures of the Kenyan peace accord the power sharing agreements used in the process have been elevated as a model other African countries are emulating , ironically, as a way for leaders to remain in power. Another participant noted the main reason for failed states is corruption in the economic and political spheres.

Dr. Alemayhehu concluded the first day by recapping some of the fundamental issues that had been raised during the plenary. The state democratization process has been of particular concern for the plenary. The reshuffling of alliances in order to maintain power structures fundamentally relates to the relations between state and

Eritrea-Ethiopia: The Algiers Peace Agreement and its Aftermath[*]

Daniel R Mekonnen** and Paulos Tesfagiorgis***

I rest my case; the Horn of Africa has been the most conflicted corner of the world since the end of World War II and this situation is not likely to change any time soon.[1]

Abstract

Eritrea and Ethiopia are two major players in peace and security of the Horn of Africa. After the demise of the Derg regime in 1991, there was a great deal of hope for peace and security of the region. At that time, Eritrea and Ethiopia emerged from a long history of armed conflicts and committed themselves to a peaceful coexistence. After a brief respite of seven years, the two counties embarked in what has become one of the biggest interstate armed conflicts of recent years. The war was officially concluded in June 2000 by an agreement on cessation of hostilities which was finally buttressed in December 2000 by a peace accord, known as the Algiers Peace Agreement. In spite of this, a very tense military and political confrontation has prevailed between the two countries for the last ten years, becoming another major factor for the description of the Horn of Africa as "the most conflicted corner of the world" since the end of the Second World War. Taking this as a point of departure, the paper analyses the 1998-2000 Eritrea-Ethiopia border conflict with the objective of identifying the major causes of the failure of the Algiers Peace Agreement. In so doing, the paper also adopts some key recommendations for improvement.

Key terms: Eritrea, Ethiopia, Horn of Africa, conflict, peace, security

Table II

The Somaliland Democratization Process
(the four main elections)

Election	Date	Funded	Local and international observers	Observers comments	The outcome
Election of the district councils	2002	Somaliland government	Local observers	Free and fair Free and	Local government Councils 332 members
Presidential Election	2003	Somaliland government	Local and international observers teams from Africa, EU, USA	Free and fair	President and vice president from UDUB Party
Parliament Election	2005	25% Som. Government 75% Donor Community	Local, and international Observers from EU,USA,	Free and Fair	82 members of House of the Representatives Followed an acceptance of the outcome by the party which lost the election
Second Presidential Election	2010	25% S. Government 72% Donor Community	Local and International Observers EU,USA,	Free and fair, and met the international Standards	President and vice president from Kulmiye Party. Followed by smooth and peaceful transition of power

citizenship. When the new Kenyan constitution was enacted, patterns of voting were established along ethnic lines. One sector that may be able to allay the problems that have arisen from ethnic cleavages is the Kenyan civil society, since a good part of civil society is united along national issues. Civil society should maintain the role they have assumed as the check and balance system for governments.

The first presenter for the second day was Dr. Ibrahim Farah who is an academic based in Nairobi. His areas of interest include political and conflict analysis at the academic and policy levels in the Horn of Africa and, particularly, Somalia. His paper addresses the Somalia peace processes.

The presenter commenced his presentation stating it is a critical analysis of the Somali peace processes with a specific focus on the Eldarath-Magadi peace process and the Djibouti supplements. The analysis would address why the processes failed, and if there are any lessons learned that can be extracted for future situations.

Following the outbreak of civil war in the early 1990's, Somalia has attracted international attention in the guise of peace building and peace mediation. Mediation processes were more focused on the creation of a governance system in the country. This indicates that interventions were veered towards power sharing agreements as opposed to garnering a peace process holistic in nature. To date none of the interventions have succeeded. The Addis I and Addis II agreements (late 1992 early 1993) gave the first code of conduct for humanitarian engagement in Somalia and also provided a power sharing agreement between, and among, warlords. This was followed by the 1995 EU commissioned study conducted by LSE (London School of Economics and Political Science) which resulted in the production of a menu of options. This was followed by the 1999-2000 Arta peace process.

The failings of the numerous peace processes requires examination and raises a question whether the approaches utilized in mediation

efforts were appropriate for the conflict in Somalia. Both Track I and Track II approaches in conflict management were utilized in different circumstances. The UN used and targeted the Track I approach due to the identification of warlords as the political elite of society. The EU-EC block focused on civil society and former prominent personalities from Somalia among others, i.e. a focus on Track II agents. The Arta peace process was initially holistic until warlords abandoned the process, after which Djibouti began to function as Track I agents, while the majority of civil society functioned as Type II agents.

The discussions that occurred under the auspices of these peace processes were concerned with post conflict relations as opposed to addressing historical grievances. The Eldarath peace process was held under the auspices of IGAD in Kenya. All Somali leaders, with the exception of Somaliland, and members of the transitional government were invited to partake in negotiations. There was also a last minute inclusion of civil society actors who were handpicked and did not necessarily represent the spectrum of civil society actors in the region. Participation was based on power politics, i.e. who controlled what territory. It was fundamentally a power sharing process which resulted in a power sharing agreement. It was an outcome oriented approach, instead of a process-oriented approach, despite the long period spent on the process, i.e. from 2002- 2004. Divisions between the IGAD technical committee and the facilitation committee, the lack of a clear roadmap for a post conflict engagement in Somalia, and divisions within the international community based on clashing interests, all contributed to the faultiness of the process.

Some of the key issues discussed during negotiations included: land and property issues, economic recovery, reconciliation, the creation of a Somali constitution, and DDR (disarmament, demobilization and reintegration.) Many of the issues raised were highly relevant. Traditional elders were invited at the last minute which contributed to the time consuming nature of the process. Despite the lengthiness of the process and the relevance of issues raised, the election of

Table I

The Somaliland Peace and Reconciliation Conferences
(the three main conferences)

Peace conference	Participants	Source of funds	The outcome
The Burao Grand Peace and Reconciliation conference 18 May 1991	Representatives from all Somaliland communities	Internally raised funds	1-Reconciliation of the warring parties to the conflict; 2-declaratioon of the creation of Somaliland Republic 3-Establishment of SNM transitional government 4-Accomodation of non Issaq communities in the government
The Borama peace and State building conference, from 24 January to May 1993	Representatives all Somaliland clans communities	Internally raised funded	1-Transfer of power by SNM to the people by 2-Establishment of civilian government headed by Mr. M. Ibrahim Egal 3-Poduced a transitional National Charter 4-produced a code of conduct for Somaliland clan communities, based on solemn oath by all clan leaders.
Hargeisa Peace and Reconciliation conference October 1996	The number of voting delegates was 300 plus newly selected clan representatives	Funded by the government	1-Cssation of all hostilities 2-Opposition grievances were addressed 3-Minorites rights accommodated by increasing their representation in the Parliament 4-An interim constitution was adopted

nesses owned by the Islamists, they became the strongest and most organized section of the middle class. And thus, they are politically the most active players in the Somali region today. How to deal with rather than how to defeat them (at least in the foreseeable future) is perhaps the right question. However, both in short term and in long terms, to curb and finally defeat this formidable dominant force ought to be a subject for a serious study. An acceptable common ground concerning this question can possibly be based on the following:

- there should be clarity about the fact that these tasks are beyond the possibility of a single country. And therefore, common understanding and common strategy amongst all concerned parties is inevitable;
- a long term and comprehensive policy should be in place;
- political and developmental solution should be the center of all actions to restrain their influence;
- regional and international supported alternative system of education is urgently needed;
- creation of a middle class free from extremism should be included in any long term future plan of action;
- Somaliland should be freed from the isolation by granting it a diplomatic status, whereby access to the international financial institutions would be possible;
- a policy of building-blocs is needed for Somalia and to support any viable internally induced peace and state build imitative, that can serve as an alternative to the illusion of building a central state on the sky.

the leadership was non transparent due to heavy manipulation which reversed much of the positive progress made during negotiations.

The Djibouti supplement occurred with the blessing of IGAD in Djibouti. It was viewed as a "Plan B" for Somali actors. The presenter attested it wasn't a Somali peace process, which is why he phrased the Djibouti talks as supplements. Actors involved in the Djibouti discussion included ARS Somali, ARS Djibouti and the TFG. Similar to the Eldarath meeting, civil society was included at the last minute and was later rejected as stakeholders. Despite pre conference negotiation between two key actors, which started in June 2008 and ended in 2009 with the election of President Sheikh Sherif, the end result became a "winner takes all" scenario. It ended with the formation of an ARS Djibouti government instead of a unity government. The Djibouti supplement also lacked a clear road map that would identify ways forward in post conflict Somalia. Key institutions, like a High Level committee and a Joint Security committee, were established, but were immediately abandoned/ became non functional, following the formation of the government. Key issues discussed during the Djibouti supplement included: the establishment of a unity government; the establishment of an inclusive parliament; the issue of addressing unity through the government; the creation of mechanisms that would ensure the accountability of the unity government; the need to respect and recognize international legal instruments; and the need to reach out and address marginalized groups. Despite the highly relevant nature of the issues discussed, there was no follow through following the Djibouti discussions, and the actors and issues mentioned were abandoned by the government.

The presenter posited the fundamental issue which has reappeared throughout the presentation, namely whether the Eldarath and Djibouti processes were power sharing agreements or peace processes. The failures of the processes are a testament for the intractability of the Somalia crisis; however, it is not the sole reason for the weaknesses in the processes. There are five key explanations as to why

the peace processes did not materialize on the ground. First was the lack of local Somali ownership over the processes. Second was the use of the wrong approaches at the wrong times, i.e. Track I or Track II approaches were used separately, instead, a holistic approach to conflict resolution would have been preferable. Third, was the lack of genuine political will among the Somali leadership. Fourth was the lack of a long term commitment by the international community. Finally, there was an overriding focus on post conflict relations which undermined the mechanics of reconciliation. There was too much focus on the institutional aspects of the Somalia conflict, with no attempts to address the psychological and perceptional elements, relegating the outcomes of peace processes to a "post conference" state of affairs.

The non-functionality of the outcomes of the peace processes can be attributed to the use of misguided diplomatic approaches, and the lack of a nationalist visionary leadership. Regional and international interventions, particularly post 9/11 events in Somalia, were another setback in implementation. The turbulent and complex history of the Horn has burdened Somalia with historical baggage neighboring countries often refer to past events in establishing their foreign policy objectives towards the country. Specifically, a prosperous Somalia could pose a problem due to the perception that the greater Somalia project may resurface.

The use of parliamentary democracy in Somalia is problematic due to the fiercely republican, democratic, and pastoralist mode of livelihood the society functions under. Parliamentarian democracy has been sidelined in Puntland as well, where despite having a parliament and a house of elders, the parliament does not have the same leverage as the president and vice president. The problem is Mogadishu is centered around the power sharing agreement which has created two power centers at the president and premiership levels. There was also a lack of a willing patrons for the nascent institutions.

The power sharing agreement, weaknesses in civic responsibility, and the lack of institutional support for the TFG have also served

All these destabilizing factors express the ambitions of certain Somali politicians. The rest of the Somali people have no interest in, using this ideology as a weapon for power and resource.

The challenge dangerous of all those mentioned, is the unprecedented threat posed by the Islamic Extremism, which is one of the most futilitarian and destructive trends that the Muslim world had faced since AD 657, when according to Basil Davidson "Islam had witnessed an endured and devastating schism between Sunni and Shi'ite" (Basil Davidson, Africa in history p112) Today too, Wahabi-Selifia extremism caused another schism within Islam. For the last 40 years or so, Arab Petro-dollar money enabled this Extremist School of Thought unrestrained possibilities to outpour a torrent of poisonous ideas into the Muslim world, to change the very human heart of Islam, the peaceful coexistence of all mankind, and tolerant tenets in Islam.

The huge amounts of funds that had been flowing from Saudi Arabia and other Gulf states to the so called Islamic messengers in the Horn of Africa, who graduated from the Islamic universities in Saudi Arabia and the Sudan, targeting the young generations has been a constant policy of indoctrination. This policy constituted a blueprint of brainwashing program. It included a plan to send them back to Africa to deliver the new violent message of Wahabist extremism. Thousands of Madarass, Mosques, and institutes that hold Arabic names and communicate only in Arabic are built every year in all corners in the Somali region. The Somali language and culture have been put in the list of forbidden (Haraam), de-Islamized and demonized. These efforts served for a policy of reproduction of new generations of extremists.

More funds have been pumping into the new Islamists in order to support them to enhance the far-reaching steps taken towards business creation, that has been expanding throughout the civil war period. It has been described as a black economy by Pro. Madhene Taddesse, ("Al-Itthadd, political Islam and the Black economy in Somalia", Addis Ababa 2002) As a result the vast majority of busi-

- None of these peace conferences were, as such, a real Somali peace process by ownership, but mainly were based on a 'damage control' policy maintained by the foreign players, (whose concerns were understandable);
- The participants in these peace conferences represented nobody but themselves, as they came to these meetings for power sharing and employment seeking;
- No traditional mechanism of conflict resolution was part of these processes;
- A Short term and quick fixing solution policy was employed;
- Anti-terrorism policy was central to those peace processes, as a result of the threat to the regional and the International securities posed by the Islamic extremism.
- All funds came from outside, which were easily available to cover the expenses of the big hotel's bills in Nairobi, Addis Ababa, and Djibouti for the Somali politicians, for UN staff involved, for special chartered -planes in and around the region.
- The ridiculous 4.5 power-sharing formulas had shown the poverty of ideas and lack of democratic consciousness of those Somali participants by mapping out the Somali Society only through clan lines, which was partial and unfair. And more so, by ignoring social classes outside pastoralist communities;

Conclusion

The peace processes in the Somali region confronts formidable challenges from the following three sources:

- Clan domination ambitions;
- Pan-Somalism (as contrast to democratic Somalism)
- Islamic extremism which constitutes a dreadful challenge, on two levels; as a dark theological belief, and a sadist political force.

to undermine peace processes in the region. There was some support for the TFG in official capacities, however a large part of the TFG is not receiving any technical support. The use of the 4.5 power sharing formula in Somali is problematic because it undermines the rights of the minorities. Power sharing is often relegated to the major clan groups. A lack of civic responsibility is also evident, particularly in Al Shabab areas. This contrasts with regions such as Somaliland where civic responsibility has played a large role in maintaining the peace in the area despite lack of governance structures. Al Shabab control over much of south central Somalia has undermined the implementation of peace processes.

The presenter concluded with one main argument, namely,the various Somali actors and various stakeholders have to define the limits and characteristics of peace building and state formation. Although peace building and state formation are interrelated, peace building requires reconciliation, mending of relations, and trust building. State building is characterized by tensions, anxiety and competition. The two can be contradictory processes which have led to the misuse of power sharing agreements in most of the processes. The presenter ended stating there needs to be an appropriate distinction between the two courses of action.

The plenary began with a participant stating state formation is often a top-down imposition. The participant asked whether a bottom up approach is being considered in the case of Somalia. A second participant questioned whether a Somali state is necessary considering the wide availability of social services and the continued functioning of society without a state infrastructure. The participant specified the deficit of local ownership has been evident in the various peace processes, especially considering, all processes were initiated by external actors. The participant questioned what will happen following the end of the TFG mandate in August 2011.

A third participant questioned how Puntland and Somaliland succeeded in state formation and why the examples set by them aren't

being replicated in Somalia proper. Another participant added there has been a lack of ideas and creativity in dealing with the Somalia conflict. For example, Somali cultural and traditional systems could be used to reconcile warring clans and communities, i.e. the bottom up approach. The participant asked whether this can be seen as an alternative medium for mediating the Somali conflict. The participant also asked the presenter to clarify the issue of civic responsibility, why a sense of civic responsibility is missing in Somalia. A fifth participant posited three questions, the definition of "true" Somali heritage as claimed by some clans in Somali, the role of Al Shabab in the peace processes, and how African states should intervene in the conflict.

The presenter responded that the Somalia conflict defies conventional wisdom. This is depicted in the ongoing debate on the use of peace processes versus the use of power sharing mechanisms. For example, two prominent scholars on the Somalia conflict have depicted Somali in contrasting ways; on the one side there is a perception that Somali's are fierce republicans; on the other hand, they're depicted as pastoralist democrats. The conflicting depictions signify the numerous status' and governing systems the country has undergone. Currently, there is strong clan kinship system within the society. Prior to this system, Somalia was under 21 years of military rule with clearly defined layers of authority. In the pre-1969 period Somalia was the first African democracy with an elected civilian government and coherent political institutions. The history of the state showcases the numerous identities and governing ideologies the state has assumed, creating an assortment of influences leading up to the current state of affairs.

The presenter added there needs to be a Somalia state, and the main issue is how to attain this polity. The main differentiation between the peace processes in Somalia, Puntland and Somaliland, is the issue of local ownership and clan homogeneity, i.e. clans are largely homogeneous in Hargess and Gero. The effects of the civil war was also more severely felt in Mogadishu since full blown civil war broke out in the city. Puntland and Somaliland have received tech-

havoc.

Somalia's Peace Processes vs. Power Greed and Lack of Wisdom

An Arab proverb says that "anything that begins with dishonesty ends with disaster". Almost all Somalia's leaders used a common political literature and positions. They have employed unhistorical, and incorrect views about the timing when the Somali conflict was begun and why? All have mistakenly agreed that the Somali conflict has started with the overthrow of the Military dictatorship in 1991, and argued that lack of able opposition forces was the root cause of the Somali conflict. Yes, this was true to a certain extent, but does not reflect the main issue. In this respect distortion of historical facts were purposely made-up to blame the incapacity and failure of those who were involved. It was an attempt searching reasons favorable for absolution of Siyad Barre's inhuman crimes against the Somalis in general and the Somaliland people in particular.

Nine years of continuous denial of the rights of Somaliland people for power sharing, and twenty one years of marginalization and punishment is the case in point. It is true that the majority of the Somali people have suffered in one way or the other, but to disallow the reality that some have suffered more intensely and extensively under a Somali autocratic regime, is what human common sense consider utterly unacceptable.

The logic behind the Somalia's failed peace processes match with the deception and unfaithfulness of the Somali leaders. That is why all peace conferences, right from the first conference in Djibouti in 1991 up to the last one, also in Djibouti 2009 (Djibouti–supplement) have been ended up with failure. The following characteristics were common and widespread, without exception, in these processes:-

- All of these peace conferences, have taken place outside the country;

following factors:-

- The Somali National Movement (SNM) which led the struggle against Siyaad Barre military regime has been a true democratic organization. Its literature and actions had been coherent and compatible with both the modern and traditional value systems of the Somaliland Society;

- The entire processes of peace building and state formation as well as democratization processes were homegrown and indigenous based initiatives, free from external influence;

- Traditional mechanism of conflict resolution and management was in place all along, from the days of the armed struggle till today.

- Policy of self-reliance and self-sufficiency has been Somaliland's basic point of reference.

- In spite of these principles, and the historic achievements that Somaliland has been realizing in the last two decades, the way to these achievements was harsh and uneven at all times, full of difficulties and challenges, objective and subjective, natural and manmade that included:

a) Acute poverty and backwardness, which made Somaliland to be known as one of the least developed and poorest in the region in terms of economic indicators,

b) Imposition of isolation by the international community; UN, AU, EU, USA and other governments and international organizations;

c) War of economic attrition and diplomatic disruptions waged on Somaliland by the Arab countries spearheaded by Egypt.

d) All-out war, hidden and explicit, against Somaliland by Somali Irredentists, (a war that increasingly enhanced and unfolded with the rate and extent of progress Somaliland has been achieving over the years);

e) Continuous conspiracies and sabotages by extreme Islamists and terrorists;

f) Civil wars and perpetual anarchy in Somalia that has been a source of disturbance causing a situation of instability and

nical assistance in terms of drafting governance related documents, but otherwise, the peace processes were wholly owned at the grass root level. The issue of cultural affinity helped keep participants engaged during peace processes and relegated interference from warlords. However, culture was not the only uniting factor. The bottom up approach was conclusive in the success of the nation building projects.

Discussions continued with a participant questioning whether external or internal processes were the deciding factor in the failure of the state building process. A second participant questioned the negative depiction of state building in Somalia, and whether any initiatives by institutions or civil society organization have had a positive impact on the lives of the Somali people. A third participant stated the core leadership of the Al Shaba originates from outside Somalia. The participant questioned how this can be intertwined with the idea of locally owned peace processes since foreign influence is evident on the ground. A fourth participant stated there needs to be an essence of inclusiveness at the grass root level and this entails incorporating traditional systems of mediation. A fifth participant raised the issue of conflict entrepreneurs and the spoiler effect they may have on peace processes. The participant asked which of the two processes, peace building or state formation, should come first in consideration of the lack of strong leadership in Somalia.

Another participant stated the Djibouti process was primarily led by the UN, not IGAD. The participant asked whether Somaliland and Puntland should be recognized as independent states.   A participant asked whether Puntland and Somaliland should be seen as examples that can be replicated in Somalia. Another participant stated Arab countries have used obstructionist diplomacy in the Somali conflict identified in a UN decree. The participant inquired whether regime change in Egypt and Libya, could have an impact on Somalia. A participant continued the discussion on Arab roles in the conflict, stating the role of Egypt has been important in Somalia, particularly as the site of a proxy power struggle with Ethiopia. Ethiopia is promoting the creation of a loose federal structure in Somalia

while Egypt is promoting strong unitary states. Proxy power struggles are being witnessed between Ethiopia- Eritrea as well. The participant asked how this regional security complex could influence peace in the country. A participant asked whether there is any threat from a reconstituted Somalia, especially in consideration of Al Shabab influences in the country.

Dr. Farah addressed the Al Shabab factor stating Al Shabab is a Somali entity and a force to be reckoned with. The current government in Mogadishu has tried to hold discussions with them, however they are not responding because of their non recognition of the TFG. Al Shabab is capitalizing on extremist positions, although there may be moderate elements in Al Shabab due to the fluidity of the clan system. Military defeat could lead to the appearance of moderate elements in the organization. The Al Shabab attacks on the TFG show the TFG needs support in the security sector.

There has been a lack of political organizations in the last two decades of the Somali political culture. Despite the existence of institutions in much of south central Somalia organizational capacity has been lacking. A Somalia state is still existent but it requires reconstitution and reinvigoration beyond the security sector formation. There has been a complete breakdown of state institutions. A holistic approach could do well and elements of the Sudan CPA process or the Kenyan peace process can be utilized in this regard. The Kenyan national accord restored fundamental rights, identified the need to address humanitarian needs, the need to overcome political crisis, and related long term issues. This type of holistic approach would be worthwhile. The inclusive nature of Somali society has helped ward off some of the consequences of the conflict, for example remittances from abroad, and the extended family structure have served as a lifeline for many Somalis. Various women and youth groups are also attempting to provide a positive contribution to the society.
Somaliland is a model for transparency and accountability and can serve as one of the best examples in the Horn of Africa. The elections that occurred in Somaliland can be an exemplary model if a

choice, one of the two, either voluntary demobilization of the clan militia or the state of Somaliland". Egal gave choice and asked clan leaders; which clan of you would like to be the first? Suldan Mohamed Farah, a Suldan of one of the Issaq sub-clans declared, "We as clan would take the honor to be the first". Others immediately followed him, one after the other. And the task was done within a few days. This step taken by the new government towards consensus building in a 'pastoral democracy' was without any doubt an inescapable in the post civil war period for the sake of the peace processes.

The raison d'être of democratization

Democratic transition which was put in process after 2000 came as a result of the determination and conviction of the people and leadership to the need that the transformation of the Somaliland's political system from traditional to modern was a historical imperative, in other words, from selected representation to elected representation as a response to the pledge made by the SNM which was articulated in its manifesto to 'establish a democratic society in Somaliland'. This was stated once again in the Declaration of Independent by the SNM Central Committee in 18 May 1991, as a conclusion of the Burao Grand Peace and Reconciliation Conference.

Democratic transition was put on track in 2000 with the introduction of the multiparty system. The following steps were taken:

- Referendum on the Constitution in 2001 which won 97 % of public approval;
- Election of district councils in 2002;
- Presidential and vice-presidential election in 2003;
- Parliamentary election in 2005;
- Second presidential and Vice-presidential election in 2010;

The Somaliland's peace and state building process was thus a matter of continuous successes realizing gains after gains, though this has been going in slow paces, it became steady and robust, due to the

The grand peace and reconciliation Conference in May 1991, opened up a new opportunity for the people of Somaliland to build a new type of state different from previous Somali governments models-a state that is broad based and genuinely representative; a state that is based both on traditional and modern value systems of the society; a state that addresses both urban and rural interests and cultures. This was the wisdom behind fashioning the Council of Elders (Guurti) as the highest legislative organ of the new born state. The SNM transitional government from 1991 to 1993 had timely transferred the power to the people in 1993 as a result of the successful end of the Borama peace conference, the second important peace conference after Burao in 1991. Never before, had such a transfer of power to the people by a liberation front had taken place anywhere in Africa.

The very idea behind the empowerment of the Guurti was perceived as an unavoidable measure for balancing and harmonizing the traditional and modern aspects of the new state. The Guurti was seen as a symbol of the core value of the rural society that represents the conventional model of governance in the Somali society. And thus, the traditional Somali culture of governance, in the post conflict situation, and the vision based on modern institutional building necessary for democratically elected representative government were rightly accommodated/managed.

One important aspect of the state building process was started with the demobilization of the SNM fighters, whose basic structure had been purely clan militias with the aim to reorganize them as a national army. Demobilization of the clan militias constituted a serious challenge for President Egal's new government. It was necessary to handle this issue with care. And after the Borama peace conference which took place in a historical juncture with regard to the state building process, president Egal played an important role in this issue by calling all clan authorities and community elders to a meeting to tell them that their part in the endeavors to realize a voluntary demobilization was exceptionally crucial. He said, "We have no

federalist governance system were to be instituted in Somalia. The relationship between Somaliland and Somalia needs to be pushed forward. The presenter added the establishment of an independent Somaliland state would be preferable. Dr. Farah ended by stating that visionary leadership could lead to positive civilian leadership following the end of the TFG mandate in August 2011.

The last presentation of the conference was by Mr. Adam Musa Djibreel, a journalist by profession. He was a freedom fighter during the struggle against Siad Barre between 1981-1991. He became an acting member for the Somaliland Committee for Peace. He later became the chairman for the Somaliland Ecological Society. He was the representative for Somaliland in Great Britain from 2007-2010. His paper provides a comparison between the peace processes in Somalia and Somaliland.

Mr Djibreel began his presentation by questioning the sharp contrasts between the peace processes in Somaliland and Somalia. In order to identify the factors differentiating the two processes there needs to be an analysis of the history of Somali opposition and politics during the Siad Barri period, particularly, their ideological make up, their relations with the people, and their relations with regional and international communities.

Somaliland was a British protectorate beginning in 1884 and was united with Somalia in 1960. Somaliland gained independence and withdrew from Somalia in 1991. The Somali opposition movement in the early 1980's emerged out of frustrations with the dictatorship ruling in the country. These internal issues were aggravated due to the war with Ethiopia which arose out of the Greater Somalia project. Three main organizations emerged in the early 1980's; two emerged from what is now known as Somalia proper, Somali Salvation Democratic Front (SSDF) and United Somali Congress (USG.) Both organizations were led by military officers who contested Siad Barre's hold over power. The third organization called Somali National Movement emerged from Somaliland. SNM was founded in London in 1981 and was led by a group of intellectuals and techno-

crats-the majority of whom were graduates from Western countries, i.e. Western oriented intellectuals. The SNM emerged as the pro democratic helm of the opposition.

The SNM entirely depended on internal funding from within the country. SSDF, headed by Abdulahi Yusuf, depended on external funds mainly from Libya; from 1983-1985 50million USD was given to the organization by Colonel Quaddaffi. The presenter contended the SSDF and the USG were organizations heavily oriented by the guidance of their leaders reducing both movements to power struggles with Siad Barre's regime with no real ideological inclination. The United Somali Congress came later in 1987 when the system of Siad Barre was about to disintegrate. The USC played an important role in organizing the people of Mogadishu in opposition. In contrast the SNM was a democratic movement in the real sense of the concept, and it was able to organize 6 national congresses during the 10 year struggle leading up to independence in 1991. The leadership of the SNM was decided during these congresses, and the transitions of leadership were peaceful and democratic. The SNM also combined traditional and modern systems of governance. The Council of Elders (Guurti) represent the traditional system and are elected by clan constituencies. The Council was in charge of reconciliation between clans and units. They were also responsible for raising funds. This system is still functional and was enlarged following independence. The Central Committee of the SNM represents the modern system. The Committee is elected by congress.

Somaliland achieved state formation through the processes of reconciliation and forgiveness. This process was initiated at the grass root level which is the primary differentiation from the process in Somalia. Somaliland has been able to organize peaceful elections; the first was a referendum on the constitution in 2001 which was followed by the election of local government officials in 2002, presidential elections in 2003 which were followed by the elections for the council of representatives in 2005, and finally, the presidential elections in June 2010.

Poverty and unemployment are some of the challenges faced by

conspiratorial venture of politicians; it came out of challenges and the sufferings of the people. The Pains of the past had sparked the awareness and the willpower of the people with regard to the need for peace. This has happened after a long protracted war, imposed on the Somaliland people, and as a result of the destruction of the cities (Burao and Hargeisa), the first and the second largest cities in Somaliland, and the systematic genocide committed by the Somali armed forces in the1987-8. These awful experiences were enough to motivate such an extraordinary brave step to initiate the Grand peace Conference in Burao in May 1991. The wisdom behind the peace and reconciliation process can reasonably be traced to the culture of peace inherent in the Pastoral consensus based democracy of the Somali people in general and the Somaliland people in particular. The Burao peace conference which was highly representative had issued a four point basic resolution:

- Reconciliation of the warring parties to the conflict.
- Declaration of the creation of the Somaliland Republic;
- Establishment of SNM government for two years, after which the power shall be transferred to the people;
- Accommodation of the non Issaq communities in the government;

The grand peace and reconciliation conference in Burao was just the beginning of a series of countless peace conferences, such as Berbera 1991, Shiekh 1992, Eirigaabo 1992, Borama 1993, and Hargeisa in 1996, to mention a few. All of these conferences had the following common characteristics:
- all were held inside the country.
- all were based on Bottom-up approach.
- No foreign funds were used.
- All deliberations and discussions were open and transparent.
- All of the resolutions were consensus-based.

their leaders were in a comfortable life, relaxing in the big hotels in Addis Ababa and Dere-Dawa cities. They came to ask for their share of the money, in order to enjoy as their leaders had been doing. The business community who used to raise funds for the organization, themselves came to Addis Ababa asking, not only, about their share, but also insisting to get refunds from the money they had contributed earlier for the organization. These had led the organization to corruption, indifference, apathy, more disputes over money, more fragmentation on sub-clan lines and finally to disintegration. The majority of the officers and fighters as well as politicians either went back to re-integrate in the Somali army or sought refugee in Europe and the United States. Abdilahi Yusuf himself, the leader of the SSDF, was arrested by the Ethiopian authorities, accused of crimes of assassinations of leaders and fighters from the organization. The real story behind his arrest was attributed to other reasons amongst Somalis, and it was widely believed to be different from what the Ethiopian authorities said. The unofficial story said that he had attempted to escape to Libya.

Achievements vs. setbacks:

The current peace processes, both in Somaliland and Somalia, maintain a great deal of legacy from previous occurrence and practices. To an acceptable degree it looked like a repetition of the same experiences of the past. The ever-mounting successes in the Somaliland peace and reconciliation building as well as far-reaching steps taken towards democratization directly negate that of Somalia's. But this, most probably, was not a surprise to those who closely followed the historical background of the two Somalis from the colonial past to the post colonial period, as well as the legacy of the war of liberation, from 1981 to 1991. Drawing parallel lines of the two peace processes, would certainly help to develop a wider and clearer view of the distinctive aspects of the two peace processes.

1-Somaliland's peace process did not begin with conviction in an established ideological stand about the future, nor did it start on a

Somaliland which can be seen as ever present issues in the context of underdeveloped areas. However, the radicalization of Islam is emerging as the main threat to Somaliland. The vast majority of the middle class in Somaliland are moderate Islamists. Radical Islam in Somaliland has been imported from the Middle East, stemming from the Islamic branch of Wahhabism. The presenter stated radicalization is occurring under the larger agenda of Arabicization. For example, there are a growing number of radicalizing learning centers throughout the region which educate young students in Arabic as opposed to using the Somali language.

The presenter next addressed the Somalia peace processes. He stated the peace process in Somalia proper is often depicted as a hopeless case. Somali people need to identify the historical and ideological factors that contributed to the current state of affairs in the country, particularly, the ideology of greater Somalia. This requires critical self-analysis which is abrogated in the Somali context in favor of blaming external factors and entities. Democratic nationalism needs to be fostered as opposed to aggressive religious nationalism.

The presenter concluded stating that Somaliland has already attained de facto international recognition and has an appreciation of the international community. The achievements of Somaliland in turn are appreciated the world over.

Discussions began with a participant expressing his admiration for the progress made in Somaliland. However, this shouldn't forestall criticism of Somaliland, in particular the failure of Somaliland to address tensions with Puntland, and the border disputes with Sool and eastern Maakhir. A second participant asked if there is an overarching Somali identity encompassing Somaliland or if there is a distinct cultural identity associated with Somaliland.

Mr Djibreel responded that the process of peace building and democratization in Somaliland has faced some problems. There are ongoing efforts to deal with the border disputes peacefully. In particular, Somaliand and Puntland need to focus on collaboration by

concentrating on the common enemies, the Al Shabab, which are currently infiltrating both regions and piracy. This will have a destabilizing effect on both entities. The people of Somaliland have their own cultural heritage based on a century of separate rule the country has experienced. This cultural differentiation has been exhibited in the peace process. There is a distinct Somaliland history and societal construct. However, this doesn't mean there is enmity with Somalia proper; regional integration remains a priority.

Discussions continued with a participant asking how one clan dominance has contributed to the peace process in Somaliland. Another participant stated the society in Puntland has been supported by piracy. A fourth participant stated the lack of recognition of Somaliland is based on the acknowledgment that there has to be dialogue and concomitant understanding between Somaliland and Somalia proper before the international community recognizes Somaliland as a state. A fifth participant stated differences in clans and clan systems can be downplayed by concentrating on shared values. Another participant questioned the effect of disputed areas in both Puntland and Somaliland, and what effect this will have on the continued search for statehood in the country. He raised the possibility communities in Somali proper might desire reunification and questioned whether this would have an impact on Somaliland and Puntland.

Discussion was followed by a reflection session which provided a forum for participants to revisit issues raised during the two day conference. Some of the issues raised during the conference were recapped. The revision of peace agreements and the assessment of the Sudan CPA revealed the first priority of peace processes is the cessation of conflict. There are underlying causes of conflict, usually related to lack of good governance, and resulting in massive violations of human rights. There are immediate/proximate causes and root causes to conflict. Post election violence has emerged as a recent phenomenon in Africa, and this creates an impetus to establish legitimate institutions. Amb. Dinka added the East African region should consider co-opting civil society organizations into sub-regional structures. This has been achieved in other regions, such as West Africa, where ECOWAS has included CSO's into the struc-

Examples that reflect this facts in real life include:-
It was on the heights of the cold war when the Somali people rose against the military dictatorship and took up arms to be engaged in one of the epical wars of liberation and for democracy in Africa. When the Somali opposition came to neighboring Ethiopia, which already declared Socialism, and become a close allay of the Soviets, different Somali opposition organizations were obliged to establish pragmatic working relations with the Ethiopian government and through Ethiopia with other regional and international powers friendly to Ethiopia. The Ethiopian, government put heavy pressure - direct and indirect- on the Somali opposition organizations to become Socialists. The SSDF of Col. Abdilahi Yusuf Ahmed had immediately welcomed the idea and accepted to follow suit. But the SNM had utterly refused all sorts of pressure and remained honest and open to their friends and foes alike.

However, the Ethiopian government used all its leverage to isolate the SNM and at the same time, embrace the SSDF of Abdilahi Yusuf in order to empower him. Ethiopia asked its friends to cooperate with the SSDF and isolate the SNM. At this point, col. Kaddafi's money and arms came for the SSDF in abundance and with openhandedness. Financial Support given to SSDF was estimated up to 50m USD, from 1982 to 1986, plus all kinds of armaments.

This foreign money finally destroyed the SSDF. The Libyan money that came in huge amounts made more harm than good. Previously SSDF had been dependent, mainly, on internal funds raised by the people, and only in part on the Ethiopian support, particularly on armaments. Then, as soon as the Libyan money became the dominant source of finance, the situation drastically changed from good to bad and from bad to worse. Before the arrival of foreign money, the SSDF fighters were self-motivated, devoted and a duty bound to the national task which deserved all sacrifices. With that huge amount of Libyan money, the SSDF fighters gradually became demotivated and lost their willingness for sacrifices. They started coming back from the fronts to the cities as they become convinced that

democracy. All party organs, Central Committee and Executive Committees had been democratically elected bodies by the general congress to be held in every two years. In each congress the chairman had been changed except at one time when the chairman was reelected. All the changes of chairmen had taken place in a peaceful and democratic manner.

The structure of the SNM had included a Council of Elders (Guurti) that was the representative of the all Issaq sub-clans with almost equal representations. After the liberation, the Guurti members were enlarged to include members of the other Somaliland non Issaq clans.

During the armed struggle, the task of the Guurti was clear, and included the following:

- Mediation, reconciliation, conflict management, and resolution;
- Fund-raising within their constituencies;
- Conducting constant campaigns for the collection of new recruitments of fighters from their clans.

The purpose behind the idea of including the Guurti was to make the SNM a broad based representative organ of both urban and rural sectors of the society. These two aspects of the SNM structure during the struggle continued to exist in the post liberation period and became the basis of the Somaliland state. After the liberation, the Guurti's task was revised to include the tasks that were required for the tremendous responsibility of peace building and reconciliation processes.

V-Foreign Relations: The lessons learnt from the experiences of the armed struggle from 1980s to 1990s confirmed the validity of the universal wisdom that 'internal factors constitute fundamental and decisive in all aspects of life, while external factors play only a secondary role.

ture.

Reflections began with a participant stating the literature review session contained very important observations and laid out terms of reference for researchers. Long debated issues were addressed. With regards to implementation, lack of commitment to the implementation process was highlighted, along with the weakness of follow up mechanisms. In the case of Sudan's CPA, the international community abandoned Sudan after the signing of the agreement. Some of the PA's tend to be too narrow, and there needs to be a way to incorporate other stakeholders in this process.

Weaknesses of the Somalia peace processes have been identified as the lack of local ownership. However, there have always been attempts to include the civil society in Somalia in peace processes as part of an attempt to make the Somali peace process all inclusive. There needs to be an identification of modalities for incorporating or selecting those who should participate in peace processes. The lack of active participation in these peace processes by regional organizations, particularly IGAD and the AU, needs to be amended despite the fact that its capacity deficits may be to blame.

A participant stated peace agreements should be delivered internally. External involvement should be of a supplementary nature. Visionary leadership and political will are also required for the successful initiation and implementation of peace processes. The process of reaching peace agreements needs to be inclusive to ensure ownership. PA's need constituencies that can represent community ideals in order to maintain a participatory monitoring system of implementation. PA's should be considered an interim measure to solve conflict while political cultures are revised. Another participant cited Richard Holbrooke, and Thabo Mbeki, as examples of conflict mediators who should be seen as models for the need to groom key individuals who can provide quality mediation. Peace processes cannot be entirely dependent on technocrats. The ability of key individuals to mediate conflict has been recognized in traditional systems as well. For example, in the traditional structure in Somalia, important community personages are designated for conflict media-

tion purposes.

Further a participant stated there needs to be a process of democratization in Africa. The next participant highlighted there have been approximately 15 conferences on Somalia, and the people selected to participate were personalities opposed to representatives of constituencies. Proper representation needs to be a consideration for future forums. Mr. Tamrat Kebede stated the nature of conflict and the nature of peace initiatives vary from country to country; consequently, positive lessons should be used where they are applicable and pertinent. For example, the CPA is exhaustive with detailed prescriptions which may not be applicable in every scenario. This signifies democracy is a journey not a destination and that it can be a protracted process.

The following participant stated while the conference has been educative, including community representatives from affected areas should be considered for future meetings. Another participant added deadline diplomacy has been witnessed in the context of DDR in Africa. Unreasonable deadlines should not be imposed during such important processes. Another participant highlighted the need for appropriate management for the transition from conflict to peace. The lack of clear baselines and performance indicators at the start of the peace process may be contributing factors for the failure of some of these initiatives. A participant concluded this session by stating the governments of North and South Sudan should resolve post referendum issues peaceably.

Closing remarks for the conference were provided by Amb. Dinka who thanked InterAfrica Group and Mr Tamrat Kebede for organizing the conference.

Peace Agreements in the Horn of Africa:
An Appraisal of the Literature

Medhane Tadesse[1]

Executive Summary

 The conclusion they reached at was that political leadership should lead the gun. Accordingly the organizational structure and constitution of the SNM gave the Central Committee the right (which predominately comprised of civilians) to lead the struggle. The SNM gave a clear definition to the form and substance of the war as a "protracted people's war", the final goal of which was understood to be realization of an alternative democratic system of governance. Both the SSDF and the USC were led by military officers; Col. Abdilaahi Yusuf Ahmed and General Mohamed Farah Aydeed respectively, the two men were military officers almost from the same generation with Siyaad Barre, and who disagreed with him only about who should have led the 1969 military coup D'état. Both men had more or less the same ambitions, and though they failed to fulfill their planned coup because Siyaad Barre had preceded them by a calculated implementation of his own plan. They rejected to cooperate with him, and openly opposed his leadership. As a result, they were imprisoned for five years, and finally joined the opposition movements outside the country bringing with them their militaristic Junta mentality.

III-Internal party democracy:- Party democracy was also another area where the SNM and the Southern Somali organizations had a sharp disparity. Party building policy was differently approached and handled. While SSDF and USC had been entirely military organizations and lacked clear program of action, norms and regulations of party life, the SNM was almost a different type of organization. As a party, the SNM was formed in March 1981 in London, while its armed wing was established one year later in March 1982 in Ethiopia, the only country that gave such an opportunity for the Somalis to operate from their country for obvious reasons. Siyad Barre and Mangistu regimes were Military Juntas with great contradiction among them, each of them had been hosting the other's opposition. The military wing of the SNM was under the leadership of the politicians, and any confusion or mix-up of these two tasks was never allowed.

The SNM remained democratic and enjoyed a clear internal party

- Their political practices and programs
- Their commitments to the cause they claimed to been adherent;
- Their methods and approaches to the struggle- what kind of war, people's war, or military coup d'état?
- Their relations to their people;
- And their foreign relations;

I- The class origin and ideology: All the leadership of the three opposition organizations; the Somali National Movement (SNM), the Somali Salvation Democratic Front (SSDF) and the United Somali Congress (USC) came from the upper middle class with nomadic/ pastoral background, which did not cut down all links with the tribal society which still has its own strong influence in the minds of the people and motivates most of their actions. That urban educated middle class (the majority of that generation) as well as the current leadership are understandably in an ideological and class identity crisis (with a different degree and levels). They are still committed to the clannish political stands and perceive that their interests lies in protecting the exclusive vertical stands of the clan, in one hand, and on the other they feel belonging to the urban interests that embrace all social, economic and cultural interests of the different clans and social classes, which as a result of the rapid urbanization process.

The Somaliland's political elite, by contrast, in their political practices since 1991 showed that they were consistent, moderate, more principled and have more institutional adherent by orientation and performance.

II- The methods and approaches to the struggle:- This was also one of the most serious issue that the Somali political movements have faced. It was a matter of extreme importance to have clarity about the form of the struggle and the ways and means to carryout the mission to realize liberty.

This paper is concerned with an assessment of the literature on Peace Agreements in the Horn of Africa. There are several notable difficulties with the way Peace Agreements/PAs/ in the Horn of Africa have traditionally been approached by researchers and academics. Partly, this is an extension of the problems of research on PAs at the global level. In sum, there has been little comparative analysis in the way that PAs have been defined or conceptualized in individual peace processes, many of them have rarely been comprehensive or holistic, and often there appears be little meaningful relationship in the literature between any particular peace agreement and actual implementation. This reflects the reality that until recently there was lack of focus within the academic community. Unlike most of the academics who maintain that the actors of the various conflicts as well as policy makers in the region are responsible for the grim reality of peace processes, it will be contended here that partly to blame is the failure to base the peace processes on a sound theoretical grounds.

The key hypotheses of this review then are first, that the profile of PAs has varied very much from agreement to agreement; second, this has been dominated by a handful of Western observers which have injected their own experiences and narrow perceptions into the study; and third, the evidence suggests that peace processes and agreements in the Horn have never been treated as a major focus of study by their own. They were relegated into, at best, one section in a whole chapter, and at worst, a mere mention in a detailed study of conflicts in the sub-region. Fourth, in almost all the attempts at dealing with PAs as a subject neither the external dimensions , nor the security arrangement of PAs per se, have received enough scholarly attention, and there has been even less effort to link the emerging literature on peace agreements and negotiations with a case-study work on individual processes. Fifth, there has been little scholarly follow up on the implementation of peace processes and lack of a holistic approach on lessons learned.

Introduction

Peace making and mediation is a major subject of its own which requires specialized studies, expertise and resources. Over the past decade, peace processes have emerged as a vital concern for national and international policy in conflict-affected societies. The end of the Cold War allowed a renewed interest on conflict resolution and the ways in which conflict terminates. Peace processes are influenced by the broader human security agenda. A key stimulant for this was the realization that conflicts constitute a major impediment to the development aspirations of the African continent. In the wake of the multi-layered violent conflicts in the 1990s the international community, civil society and regional organizations became concerned about ending conflicts and peace making everywhere in Africa, with a particular emphasis on the Horn of Africa that have constituted a particular sense of urgency.

Meanwhile, the increasing focus of development agencies on peace, human security and governance issues created the space within which a strategic emphasis on PAs began to emerge. In this sense there has been greater readiness from regional organisations and international actors to actively engage in peace agreements throughout the world, particularly Africa. Peace Agreements (PAs) have been an important vehicle for ending civil wars, furthering the agenda of peace-building and democratization. As a result, PAs have been, to a varied degree, an integral part of research and analysis in conflict studies. However, the profile of PAs in conflict research has varied very much from agreement to agreement; overall, the evidence suggests that PAs has not been a priority in most academic journals and policy processes.

This paper in the first instance is based on years of personal engagement in analysing conflicts and peace processes in the Horn of African Sub-region. A close examination of the disparate writings on peace processes in Africa and beyond is also a major component of this review. As a result, while referring to the limited relevant literature, this study is largely based on discussions with a range of people, mostly activists, mediation experts and policy makers, carried out over the years. A thorough examination of IGAD's regional based peace process cannot be considered in this paper, and instead

two Somali states a reality again after thirty years of the failed union.

These dissimilarities in cultural aspects had a strong impact on the way Somalis had to act in making different histories vis-à-vis peace and state building processes.

Somaliland's spectacular achievements that consolidated the multi-party democratic course of action when examined against the continuous failure of the Somalia's peace process, where absence of sanity and sense of rationale prevailed for more than two decades, creating, misery and despair raises questions about the future prospects Somalia's peace process. The story of cultural differences that had taken shape during the colonial period had once again come into the forefront of the Somali political landscape, and sharpened during the armed struggle against Siyad Barre regime in 1980s to 1990s. This was a significant experience that has to be given sufficient attention. During this period, Somali opposition political organizations emerged on the political scene   from both the South and the North (known today as Somalia and Somaliland) and had taken up arms to fight the regime. This happened when any access to legal opposition inside the country was denied.

A serious study on this experience requires an exceptional attention, in order to understand the basic reasons why Somalia and Somaliland have embarked upon different tracks to peace. It would provide more clarity about the nature of political movements that led to the collapse of Siyaad Barre regime in Mogadishu in 1991.

The two different political cultures have further matured and became clearer during the armed struggle.

For this reason, there is a need to revisit the experience of the Somali political organizations from 1980s to 1990s, looking at it from the perspective of the following areas:

- Leadership qualities, their class origin and political orientations;

least, this was simplistic, unrealistic and embodied within the charming ideology there are dangerous and devastating consequences. First and foremost, the simplistic perception that all Somalis on earth are sons and daughter of an exclusive ethnic group that belong to the Somali speaking pastoralist society was the basis of the unfairness and injustice against many Somalis. The fact is that Somalia is also a multi-ethnic and multi-cultural society: Xamarians, Brawaanians, and all Bantu speaking people inhabitant the banks of the two main rivers, Juba and Shabele, who are not from the minority groups as Somali ruling classes used to claim, but one of the largest communities in the region.

Somali irredentism lacked a wider view of the region, where multi-ethnic, multi-religion states do exist as in Ethiopia, Kenya and Djibouti. Moreover, they have overlooked the main issue, the democratic rights of the Somalis in Ethiopia, Kenya and Djibouti. The most fundamental issue is the fact that the authoritarian views of Irredentism facilitated for dictators to use the doctrine as a weapon to oppress and subjugate the Somali people in general and the Somaliland people in particular. All the blights that withered and dashed the hopes of the Somalis in peace and democracy were due to this ideological policy, which has been used as an instrument for the ambitions of Somali dictators to exercise domination over the whole region. The Invasion against Ethiopia in 1977 is a case in point.

Indeed, it is high time now for those honest and truthful Somali intellectuals to forward an initiative that redefines Somali Nationalism, and transform it into a democratic nationalism. Redefining Somali Nationalism means to preserve the interests of all Somalis, and instead of the perfidious and dishonest lip-service about unity, to recognize diversities within the society and address the needs of different social classes. To look at the Somali society from a wider spectrum would open the way to focus on the root cause of the Somali conflicts and to recognize realities on the ground.

A wider perspective would eventually give people the possibility to see the dissimilarities that have created all differences that made the

the intent here is to restrict the focus to the most recent and major peace agreements in the sub-region: the peace agreements in Sudan (CPA, DPA, and EPA), the post-2001 Ethiopia-Eritrea peace agreement and the Somali peace processes.

The Literature on Peace Agreements

With the emergence of a renewed focus on peace agreements in the late 1990's at the global level, research on PAs by close observers of the peace and security situation in the Horn began to gather real momentum. This coincided with the making of peace agreements in the sub-region. Several attempts in Sudan failed to bring about peace and security, until some hope was restored in 2005 by the signing of the Comprehensive Peace Agreement/CPA/. No less than twenty three national-level peace initiatives for Somalia have already taken place since 1991.[2]

The International Level: What to make of it?

The most important works at the global level that had ,and still continue to have, a great deal of impact on researching PAs in the Horn of Africa are the one's provided by *Accord Peace Agreements Index (2001)* such as *Conciliation Resources: Accord: an International Review of Peace Initiatives*(since 2004),[3] *Accord, Peace by Peace. Addressing Sudan's Conflict (2006), and United States Institute of Peace* (2005).[4] Now we have, interalia, the IDRCs (*International Development Research Center'*) intensely written and powerfully complied materials, an online resource that gives the impression that it is a result of many years of work. Other recently formed think thanks with global reach such as the *International Crisis Group/ICG/*-mainly since 2006[5] have begun to provide an assessment of PAs within the framework of policy papers on flash points of conflict. With the publication of several volumes of papers edited by these organizations between 2001 and 2007, the way was prepared for fuller and more objective studies of PAs in Africa in general and the Horn of Africa in particular.

At an individual level, the works of Mats Berdal *Reflections on*

'Consolidating Peace in the Aftermath of War' (2007);[6] Stedman, S. J., Rothschild, D. and Cousens, E. M. (eds.) (2002);[7] Alejandro Bendana (2003),[8] and others sought to dispel the myths surrounding PAs and uncover the secrets behind them. These represent some of the earliest works and depictions of PAs on a global scale and are a valuable contribution to the study of peacemaking processes. Stedman's riveting account of how PAs go down the drain during the implementation phase, particularly 'the difficulty score' serves as strong departure point to analyze the efficacy and sustainability of peace agreements elsewhere, including those related to the Horn of Africa. Equally relevant and to the point are Mats Berdal's (2007).

However, the most important writer who greatly influenced many in the way (including myself) of critical thought and examination of PAs in the Horn is *Alejandero Bendana.*In articles that are sometimes combative in tone and judgment,Alejandero writes with quite antipathy of the international system and its models of peacemaking. Nowhere is that sense of defiant critique of the international community more evident than in one of John Young's memo on the *Sudan Peace Processes: No More Diplomacy but Revolution (2006).*[9] Rather than encourage national ownership and support a process agreed upon by local actors and help in its implementation, external actors try to dictate the terms of peace. This message has come out most clearly in the Horn of African context where the reports note that most PAs have been dictated by external players. Bendana's volumes set the standards for reviewing the international approaches at conflict resolution and peacemaking.

Based on a comparative study of international experiences (notably in Latin America) he concluded that the dominant model of peace building applied by multilateral organizations and governments is 'top down, externally and supply-driven, elitist and interventionist,'[10] and that is an apt description of most of the peace process in the Horn of African sub-region. My take on what this means is that first, the concepts, institutional structures and timeliness that guide peace processes need to be 'home grown', and reflect local needs, priorities and circumstances. Second, peace processes should be seen as a global policy issue, inviting greater input and commitment

elite became more politicized and directly connected to the Italian politics and culture. In contrast the Somaliland educated class were trained to be less politicized and more technocratic oriented. It is generally believed that the Somaliland educated class is more traditionalist than modernist.

Confronting the Legacy of Irredentism

Irredentism is an ideology that conveys exclusive national or ethnic world outlook, which politically tends to unite all those who belong to the same race under one ethnically identified and acclaimed sort of state. Somali Nationalism had taken this turn in the 1940s under the leadership of the Somali Youth League (SYL) whose slogan; "oh all Somalis wake up, wake up and support one another". This slogan politically had been visualized to mean the five Somalis union for which the five cornered star Somali flag stood. The definition of Irredentism, had been one of the most intricate issues throughout the history of mankind, and had been a subject of serious debates in philosophical and political schools of thought from Plato to Marx. Many scholars have agreed that ideology is an outlook about the present, and the preferred future for particular group of political elite. And have argued further that ideology comes 'almost entirely' from political extremism which always oppose the status quo, and propose an abrupt change (Leon P. Baradat Political Ideology p7). From this definition, one can see how the Somali Youth League (S.Y.L) and subsequent post independence Somali leaders, from Sharmarake to Siyaad Barre, had presented the preferred view of Somalia, and the way to realize it, as a typical extreme nationalism. The assertion of the unity of the all Somali ethnic group under one nation-state, by all means included force, which resulted in a cycle of inter and intra regional wars, that led to impoverishment of Somalia and created havoc finally ending in total state failure. At the beginning, this ideological assertion was seen as rightful and legitimate by the vast majority of the Somali people and thus was accepted as the mainspring of the Somali nationalism. However, as times went and economic, social and political problems mounted up, the people came to realize that something was wrong. Today, a considerable section in the Somali inhabited areas is convinced, that at

On the other hand, The British colonial system in Somaliland sharply differed from that of the Italian rule in Somalia regarding the local culture and tradition.

While the Italian rule was known as brutal and crude, the British were more refined and artful, to the extent that they respected the local culture and tradition. Moreover, they used traditional systems as an instrument to their colonial ends. Through this policy they ruled Somaliland indirectly as they did in the rest of the African territories they had colonized. Under the British rule, Somaliland traditional authorities had operated through delegation of powers by the British governor. Council of elders (Local authorities) consisting of clan Chiefs and prominent elderly personalities exercised powers and ruled by customary laws through which traditional democracy of the Somali society survived and existed side by side with the British modern system of governance. A system of Islamic Courts on family issues had also existed side by side with the customary law as part of the indigenous culture which still is valid and vigorous.

Britain's colonial authorities never intermixed with the local population nor did they have intermarriage. Unlike the Italians in the South, the English language remained the administrative language confined only to the educated elite and not as common media of communication among the local populace.

An important aspect of the British rule in Somaliland that impacted positively on Somaliland's future course of political development was related to the distinctive quality of the British educational system. Though it was elitist it played a significant positive role in many generations of Somaliland's educated class who were relatively against corruption, fraud and mismanagement of government property. The British education system focused on producing a class of technocrats to run the administration, while the Italian education system was aimed at producing politicians, as Italy was mandated by the UN to prepare the country for independence.

As a result of these two different educational policies, the Southern

by major powers, particularly during the implementation phase. And external actors seeking to encourage peace can maximize the impact of their assistance during the implementation period.

The Regional Level: What it is?

Unfortunately, there are few detailed works on peace agreements in the Horn of Africa. Most of them are done by academic specialists who carry the burden of incorporating PAs into their research at some level or the other. These include John Young, Alex de Waal, Jeremy Brick hill, Gerard Prunier, Matt Bryden, Ken Menkhaus, Sally Heally and co. and last but not least the ICG. We don't have a great deal of research on PAs that is set in Africa by Africans.

A great deal of work on Sudan, particularly Darfur belongs to Alex de Waal, though he treats the subject within the context of broader analysis and not as a separate theme, with some exceptions such as *'As they sign a peace is this face of yet another tragedy?'* (March 8, 2005).[11] In all his writings on Sudan Alex is known for making up anecdotes about peace processes, including the Comprehensive Peace Agreement/CPA/, but his sympathy and adoration of the international instruments is so great that at times his policy proposals are a negation of his very analysis. There are, broadly speaking, two major areas of weakness. The first belongs to sources; besides his policy recommendations have never been hard-hitting. Sharp and cutting his analysis could be, his conclusions doesn't bite. He is often correct to note the origins of the problem and the real challenges faced by PAs, but he is unconvincing in his critique of the implementation phase.

Although he makes clear his own view that the problem lies with the Government of Sudan/GOS/ he understands that the conclusions will not be warmly received by governments and regional organizations. This approach has spilled over to and fatally wounded the works of the African Union High Panel -The Mbeki Panel- on Sudan. Alex provided Briefing Papers as early as 2004 (Justice Africa/InterAfrica Group or IAG Briefings 31) on the run-up to the

signing of the CPA all the way up to 2007.[12] This provided an opportunity to follow the peace process in Sudan on a regular basis, and helped a lot in our understanding of the issues surrounding PAs, particularly the issues surrounding the CPA. The notes from Alex now defunct are still the basic guide to the mechanisms and processes that brought about the CPA. His chief sources were a couple of well-connected Sudanese. Given the dearth of work on Sudan and his significant contribution to research on the conflicts in the region, one would have expected a major preoccupation on peace agreements. Contrary to what others might suppose, his works has hardly placed PAs at the center of his writings.

The Sudan Peace Agreements (discussed more fully by John Young and Alex), and the Somali Peace processes (some what covered by Matt Bryden and Ken Menkhaus) received a great deal of attention than the Algiers Agreement between Ethiopia and Eritrea. With in Sudan, most of the focus is on the CPA,a nd to some extent the Darfur Peace Agreement/DPA/.Unfortunately there are few analytical studies of the conflict in Eastern Sudan and the Eastern Sudan Peace Agreement/EPA/, apart from that of John Young,[13] an unpublished memo by Sara Pantuliano (See: *Comprehensive Peace? Causes and Consequences of Underdevelopment and Instability in Eastern Sudan'*, (2005)[14] and a study by the Brussels based International Crisis Group, *Sudan: Saving Peace in the East (*2006).[15] The most serious work on the EPA is however, the one by John Young which is largely based on interviews of a range of people, mostly activists, carried out in a number of centres of Eastern Sudan, including Port Sudan, Sinkat, Kassala, New Halfa, Gedarif, and during the course of a two week visit to Asmara in September-October 2006.[16]

John's works added considerably to our understanding of the disparate PAs in Sudan. A veteran observer of Sudan (alongside Alex and Gerard Prunier) and author of more than a dozen articles, among others, he keeps reminding us that peace processes in Sudan, including the CPA, have totally missed the point. His is the view that foreign diplomats have given the CPA, an agreement that is not comprehensive, sanctions majority power to an Islamist cabal in

By
Adam Musse Jibril

The Somali people share common language and religion, and therefore, common sense of belonging to the Somali nation which is still under formation in the scientific meaning of the word. The classical concept of nation means development of social classes, and the emergence of an industrial class, which becomes the dominant economic class that leads the evolution of a nation. It protects markets within a defined border where nation state historically emerged. In this respect, an European historian described the process as follows: "colonialism had accelerated the emergence of what was already an embryonic nation" (Casaneli, Mark Bradbury 23). The Somali people pertain to a particular identity and cultural realities. However, this reflects a relative picture and not all features of life. Consequently, diversities and dissimilarities dominate the Somali societies. They had no history of central authority before the colonial era, a fact that justifies attributions such as 'People of Republics', 'pastoral Democracy', and so on. Colonialism had both negative and positive impact on the life of Africans in general, and Somalis in particular. President Nelson Mandela was quoted as saying "they have oppressed us but they modernized us".

An important part of the cultural dissimilarities between Somalia and Somaliland, the outcome of which are currently feasible, had taken shape in the colonial period of the British and the Italian. Whilst Somaliland had been a protectorate, Somalia was a colony under which the Italians imposed an ideology of cultural domination and racism, which undermined the Somali traditional and cultural traits. Italian settlers took over a sizable fertile land on the banks of Shebelle and Juba rivers and turned the indigenous farmers in these areas into semi-slave agrarian workers. Furthermore, as a result of the resistance movements led by the clan leaders, the Italians purposely disqualified the traditional Somali-African system of governance. A certain degree of intermarriage and assimilation had taken place during the colonial times, and the Italian language had became a common media of communication in the urban areas.

xiSee UNDG and World Bank's report: *Somali Reconstruction and Development Framework: Deepening Peace and Reducing Poverty*, Vol. II; South-Central Somalia, October 30, 2006.

xiiSee *Somali capital rocked by fresh clashes*, AFP, Tuesday, April 17, 2007.

xiiiAs a result, the ARS splintered into two groups: ARS-Djibouti jointly led by Sharif Hassan Sheikh Aden and Sheikh Sharif Sheikh Ahmed; and the ARS-Asmara led by Sheikh Hassan Dahir Aweys.

xivSee the Djibouti Agreement, August 19th 2008.

xvIbid.

xviSee the 26th October Agreement, October 26th 2008.

xviiIn this case, seventy-five additional seats in the Parliament would be reserved to this end. See the 26th October Agreement, October 26th 2008.

xviiiSee for example, "Statement by the Council of the League of Arab States at the Permanent Representatives at its Extra-ordinary Session on the Developments in Somalia," Cairo, 4 December 2008; "Continued support for Somalia's Unity Government," Press Release, United States Embassy, Nairobi, Friday, December 05, 2008; See also "Statement by the Presidency of the Council of the European Union on Somalia," Paris, 8 December 2008.

xixInterview, Sheikh Ismael Moallim, Nairobi, December 2008. This same argument is also put forth by seasoned politicians like Ismael Buba, former TFG foreign minister.

xxSee Ken Menkhaus, *Somalia: State Collapse and the Threat of Terrorism* (London: Oxford University Press, 2004).

xxiSee "Somalia: Countering Terrorism in a Failed State", Nairobi/Brussels, ICG Africa Report No. 45, 23 May 2002.

xxiiSee *The War on Terror and the Terror of War: Somalia and the Horn of Africa*, Lecture at the Nordic Africa Institute, Thursday 11 September 2008.

Somalia and Somaliland peace processes:
A comparative analysis of the two experiences

Khartoum that has little support, divides and weakens the opposition, and is perpetually in a state of crisis. One criticism of his approach is its propensity to conclude that all peace processes in Sudan suffer from similar problems. Rather than refining his simple explanations, he merely extends it from the CPA and EPA to the DPA.

Managing to be both humorous and deadly serious John has repeatedly made a point that the Peace Processes in Sudan are deeply flawed. He further asserts that not only have the foreign diplomats produced a failed peace process in Darfur, a southern peace process in crisis, and a third in the east which does not begin to address the problems of marginalization for which easterners went to war. His analysis has all the indications that the EPA was signed by Eritrea on behalf of the Eastern Front, leaving the problem largely unresolved. I wonder if he is quite as pessimistic now as he was a year or two ago. On the other hand, Alex de Waal, tilts towards putting the blame on the actors of the conflict than on the approaches adopted by the International Community/IC/ or the Sudanese government for that matter. Gerard Prunier, by contrast, in many of his writings that appeared in *Open Democracy* takes the view that we already know where the problem is and what the solution should be.[17]

In Gerard Prunier's view the Sudanese government, including the West which has been repeatedly fooled by the NCP, is solely responsible for the complications created on peace processes, turning the country into a mere collection of unviable peace agreements. Gerard himself indulges in exaggeration when he claims the NCP is responsible for everything. His writings have been 'very popular'- perhaps because it is always tempting to distinguish among the NCP -led government and its opponents and external actors- reveal a problem of his approach. His success is limited chiefly by a problem of sources, one that oddly echoes the works of Alex de Waal. His works suggest a surprising addition to this list of limitations.

A slightly different and more useful observation on the Darfur peace process that, infact, represents a slight departure, if not an improvement over most of the expert' comments on Sudan peace

processes is the one by Jeremy Brickhill (2007).[18] Jeremy's questioning of the viability of peace agreements that lack detailed and robust security arrangements seem to be largely influenced by his association with the on-going debate on Security Sector Reform/SSR/ and Peace Agreements within the African Security Sector Network/ASSN/. ASSN is exceptional in Africa, even beyond, in providing the most insightful, serious and focused analysis on the nature of peace agreements. It is fair to say that the vast literature of PAs based on a broader policy imperative, though it represents perhaps the most impressive research of recent years, seldom draws from an analysis of SSR.[19] Those articles and policy papers, supplemented by dozens of secondary sources, are certainly the basis for a standalone report on *Security Sector Reform Provisions in Peace Agreements*.[20] Edited by Eboe Hutchful, Chair of the ASSN, this superb collection of materials is a profoundly suggestive and illuminating work on PAs and security in Africa to date.

Apart from the literary aspects of SSR and security arrangements, the work by the ASSN (2009) has extensively dealt with some of the key aspects (such as comprehensiveness, inclusivity, and role of external actors, implementation and follow up mechanisms) of PAs in Africa. For this reason alone all researchers and academic specialists on conflict should read the works of the ASSN and use its method as a guide for interpreting contemporary events and texts. This fascinating and ambitious project makes arguments that are important well beyond SSR provisions in Peace Agreements and the groves of the academe. Partly an extension of this exercise is the paper on the *War on Terror and Peace Agreements in the Horn of Africa* (2008).[21] A focused paper, one full of fresh insight into the relationship between two or three complex factors: War on Terror, interstate conflicts, and Security Arrangements in PAs in the Horn of Africa, it could be of much interest to all specifically interested on the nature, course and outcome of PAs.[22]

Since 2002 or so several short notes have come out on the Somali peace processes by Matt Bryden and Ken Menkhaus (and to some extent Ronald Marshal). Menkhaus (2003)[23] commented on almost

whose areas of interest include political and conflict analysis –

[i] As per various UN/NGO reports, Somalia is a least developed, low-income, and food-deficit country. Global acute malnutrition (GAM) rates are, for example, believed to be high – with rates above 20 percent in severely food insecurity areas such as Gedo, Bay, Bakol and the Juba regions in southern Somalia. The situation in the South-central is aggravated by civil strife, insecurity and poor rains, while areas along the Juba River suffer from floods and general cyclical droughts. In addition, Somalia has some of the world's worst health indicators, i.e. life expectancy at birth being 46.2 years and a quarter of children dying before the age of five. See UN/NGOs reports, UNICEF reports, and NSP/UNDSS Security Updates.

[ii] See for example, *The United Nations and Somalia 1992-1996* (New York: Department of Public Information, United Nations, 1996); and S. Illing *Helping Rebuild Somalia: The EC in Somalia 1993-1996* (Nairobi: Majestic Printing Works, 1997).

[iii] For a detailed discussion and analysis on the UN intervention in Somalia, See also Chopra, Jarat et al, 'Fighting for Hope in Somalia' Norwegian Institute of International Affairs, *Peacekeeping and Multinational Operations No. 6, 1995*.

[iv] Under *UNSC Resolution No. 751*, the US-led UNOSOM interventions force was created and was mandated to undertake a peacekeeping mission with the consent of the Somali factions.

[v] See S. Illing *Helping Rebuild Somalia: The EC in Somalia 1993-1996* (Nairobi: Majestic Printing Works, 1997).

[vi] See Ken Menkhaus, 'International Peace Building and the Dynamics of Local and National Reconciliation in Somalia' *International Peacekeeping*. 3:1 (1996).

[vii] See more on this in Ian Lewis et al, "A Study of Decentralized Political Structures for Somalia: A Menu of Options," (London: LSE, 1995).

[viii] Stressing respect for Somalia's sovereignty, independence and unity, the UN Security Council reaffirmed its commitment to a comprehensive settlement for Somalia and issued a statement calling the Arta peace process as the most viable basis for peace and reconciliation. See *UNSEC Statement No., S/PRST/2001/30* issued on October 31st 2001.

[ix] See the Transitional Federal Charter of the Somali Republic, February 2004.

[x] Yusuf resigned on December 29th 2008 in Baidoa for having failed to bring peace to Somalia. See *Somalia's President quits office*, BBC Monday, 29 December 2008.

reconciliation in the country including the ongoing debate on post-August 2011 Somalia.

Instead of conclusions…

At the beginning of the 21st century, a still "stateless" Somalia is mapped out into various zones: Mogadishu, the capital; South-central Somalia; northwest Somalia "Somaliland;" northeast Somalia "Puntland;" and a number of other regional entities and/or enclaves. The foundations of these zones are in line with clan cleavages and possible foreign impositions for possible attraction of aid and a share of the future 'national' cake.

While most non-Somali attempts to resolve the Somali conflict were full of competition over the management and/or micro-management of the process, various diplomatic approaches were also used and in the wrong times; Somali ownership was lacking and so was a visionary Somali leadership to take the processes further and implement their outcomes on the ground. In other words, it is the Somalis to blame more than anybody else. But, equally -- if not the most -- important, was a lack of a clearly stipulated and/or spelt -out roadmap on the post-negotiations phase of any peace process/agreement.

In conclusions, the current situation in Somalia and on the overall picture of the Somali peace processes, Somali actors and various mediators face the almost impossible task of supporting complex peace processes leading to state formation. There is the definitional problem of the terms 'peace-building' and 'state formation.' Although peace-building and state formation are inter-related, peace-building requires and therefore must focus on reconciliation, mending of relations and the restoration of trust unlike state formation, which is, on the other hand, naturally characterized by competition, anxiety and tension. This means the clearer distinction of the two -- and how they are utilised -- is and will remain a key determinant for any future peace process for Somalia.

Footnotes

[1]The author, Dr. Ibrahim Farah, is a Nairobi-based Somali academic

all peace making efforts, focusing on their shortcomings as externally driven. However, no one is more responsible than Matt Bryden (2002), for clearing away the confusion of the Somali Peace Processes. The most notable, in this case, is his exposé' on *The IGAD Peace Process for Somalia: One Step Forward or Two Steps Back?* In this he asked the pertinent question-why should the Eldoret initiative succeed where others failed? And his sort of 'simple' answer is that, it probably won't. Further explaining his position Matt argued that, like most Somali peace conferences, the Eldoret conference has, among others, been preceded by insufficient consultation with the principal Somali actors, with little meaningful diplomacy to build confidence in the process.

During the past five years there have been several short profiles on Conflict resolution Best Practices in Africa at the *Tswalu Dialogue* of the Brenthurst Foundation[24] (produced by a colloquium of African experts) which is also available in a digital edition. Given the explosion of papers by the International Crisis Group/ICG/, it is also comforting to have one analysis on the *Ethiopia-Eritrea Peace Process, Weaknesses of the Algiers* Agreement (2008)[25] one that provides a critique of the military and political conflict with an overview of the Algiers Agreement. A major contribution on PAs in the Horn that deserves appreciation is the work of Sally Healy and Co., *Lost Opportunities in the Horn of Africa: How Conflicts Connect and Peace Agreements Unravel* (2008)[26] which has produced a thoroughly engaging and compelling analysis, original in its treatment of several PAs in one discussion paper. By asking what is the common denominator in all the three major PAs and tracing their connections with a wide range of factors in each respective countries, Sally made a serious attempt to provide a comparative analysis of the major peace processes in the sub-region. This is a rare accomplishment.

Gaps and Limitations

As the preceding section clearly shows, during the past few years we have had several several attempts at researching peace agreements, of which the work by the ASSN is the most recent and the finest; and more studies may be on the way. And yet we cannot seem to

get enough out of it. This makes the review on the literature on PAs in the Horn less interesting than it really is. Part of the reason for this pessimism is that most of the research on PAs in the Horn is devoid of comparative analysis, lacks details and is highly fragmented. The problematic nature of current research on peace processes overall reflects the underdeveloped conceptualization of PAs at the time that many of these PAs were negotiated or documented, not least among the countries, organizations/agencies leading the process. The fragmented approach favored in these PAs was enhanced by poor coordination among academic/research institutions, researchers and decision makers, and the policy community at large. The results are less satisfactory.

This brief over view ends with six broad reflections on the current research on PAs that have implications for future research on the subject. The study on peace agreements in the Horn suffers from 1) disjointed approach 2) uneven coverage 3) Unnecessary emphasis on textual provisions 4) lack of follow up in the implementation phase 5) weak dissemination, and 6) narrow view of the security sector.

1. Thus far, peace agreements in the Horn of Africa have been considered in isolation from each other. Regional analysts, for their part, have traditionally avoided a topic that transcends country case studies and challenges generalisations. The only exception is the work by Sally Healy, *Lost Opportunities in the Horn of Africa: How Conflicts Connect and Peace Agreements Unravel* (2008) which tried to sketch a comparative analysis of the three major PAs in one study report.
2. The profile of PAs has been uneven; overall coverage, consistency and follow-up have tended to be limited in most of them.   By contrast, the CPA followed by the DPA have received considerable attention, and follow up themes on both attract commentaries, often drawing upon extensive field experience and a substantial body of literature, even though many gaps remain. Indeed, there is some question as to the extent to which there is an understanding that a comparative

Somalia the 1980s.[xx]

When the rebel groups which overthrew the pre-1990 military regime were unable to agree on any form of power-sharing, particularly the USC, the Somali Patriotic Front (SPM) and the USC splinter groups in the capital, and the country plunged into protracted civil war, *Al Ittihad* and *Al Islah* sought to take advantage: *Al Ittihad* attempted to seize targets of opportunity – strategic sites such as airports and commercial crossroads, coastal towns etc; while Al Islah focused on the business and education sectors for long-term strategic purposes including their emergence in the late 2000s as ICU. The difference between the two is that *Al Ittihad*'s target is to impose a strict Islamic *Sharia* regime in Somalia and as a result maintained a number of military bases in the country while *Al Islah* served as a long-term societal change movement. And although the radical thinking was still there in Somalia between the late 1990s to the late 2000s, there were no organized military presence anywhere in the country.[xxi]

There is, however, a different school of thought on the war on terror. According to Prof. Samatar, for example, contrary to the claims of the US Government, the war on terror has provided political cover for dictatorial tendencies including developments in Somalia; hence contributing to the absence of peace and justice in Somalia and in the Horn of Africa region. Samatar argues that the tactics of the war on terror are similar to those of the Cold War, and that the latter significantly contributed to the demise of Somali democracy by opportunistically supporting sectarian local political projects. The main consequence of the Cold War and the war on terror has been terror visited on civilians and societies. For example, in Somalia, it meant the destruction of the country's public institutions, a brutal civil war, and the reign of warlords.[xxii]

The problem of terrorism and counter-terrorism in Somalia and the Horn of Africa aside, and apart from the presence and active engagement of *Alshabab* in today's Somali political life, armed insurgents and the anti-terror tactics played by the TFG and other Somali actors are and remain to be a major challenge to lasting peace and

including post-9/11 and its effects in Somalia and in the Horn of Africa region; the lack of clearer roadmaps deliberated and agreed upon during the peace processes and which, attached to the peace agreements signed, were binding the parties to implement; the problem with the country's turbulent history with its neighbours which is unfortunately haunting the region's leaders and which is possibly helping shape policy towards Somalia; post-process leadership crisis and wrangles; lack of a willing patron to support the ascent institutions; marginalization of local forces, i.e. women, youth etc; the use of the 4.5 clan power-sharing formula; the lack of civic responsibility like that practiced in the northern parts of the country; and, finally, the fact that the *Alshabab* insurgents control much of South-central Somalia including a major portion of Mogadishu, the capital.

VI. Other challenges- political Islam and the war on terror in Somalia

Historically, religious identity linked with that of the Somali identity featured in Somali life for a very long time. This is because Somalia is well placed in the central part of the Arab and African worlds. This has to do with the notion that Somalia is believed to be an extension of the Arabian Peninsula and Somalis, who are 100% Muslims, put their loyalty to Islam far stronger than their loyalty to any other ideology or regional identity as was practically seen during the past two decades of anarchy and lawlessness in the country. This is due to the fact that people found solace and looked upon Allah for help during the two-decade long period of suffering.

Islam, on the other hand, played an important role in both conflict and political management in the war-torn country where Islamic groups tried to fill in a socio-political vacuum created by the absence of a functioning state system. It also offered security services and protection through the quasi-police and Islamic *Sharia* courts which were -- and are still -- run throughout the country including Mogadishu, the capital. Two such principal Islamic organizations in Somalia, initially known as *Al Ittihad Al Islami* (Islamic Unity in English) and *Al Islah Al Islami* (Islamic Peace) emerged [visibly] in

analysis is required. While there is some literature emerging on Peace Agreements, as well as some case-study work on the specific processes, there has been little effort to relate the two.

3. Focus on the *textual* provisions of a peace agreement, than the issues surrounding them. Too little is known of the situation surrounding the signing of the agreements. The works so far don't try hard to bring to light nuances and shades of meaning that have forced signatories and eluded mediators.In other words, majority researchers on PAs in the Horn of Africa failed to ask the real question- *when is a peace agreement really a peace agreement?* Many of them, with a couple of exceptions, made little effort to interrogate the issue- why do some peace processes succeed and others don't? Specifically, what did the peace agreement say about (and the links between them) addressing the real and underlying causes of the problem; issues of transitional justice; Disarmament, Demobilization, and Reintegration/DDR/; what was the nature of the *implementation regime*, and how did it function in practice?

4. In most of the studies, important issues of implementation have been conceived rather narrowly, with the primary emphasis on the signing. Even so, expositions covering these areas have typically been vague, focused on short-term actions, and lacking detailed analysis on implementation plans or schedules. In even fewer cases have researchers sought 'sustained' scholarly engagement on implementation arrangements? What is still not clear (from either this literature or the relevant peace making and peace building efforts) is the linkage between DDR and broader SSR processes. As a consequence, there has been little in terms of addressing the real issues that lead to the formal signing of peace agreements-usually a complex of factors such as-what drove the conflict parties to the negotiating table? Were they negotiating in good faith, or were negotiations mainly a tactical ploy. In this regard, most of the researchers did not attempt to assess the implementation phase of PAs against a checklist of good practices.

5. On the other hand, PAs and associated concepts still lack extensive dissemination in the Horn of Africa, and are uneven in their penetration among the academic community and within the respective countries .More to the point, PA remains rather a weak point in the agenda of some of the regional organizations (such as the AU**)** which have played such prominent roles in conflict resolution in general and the orchestration of peace agreements in particular. This may well explain the persistence of weak presence in many aspects of the CPA, and even in recent peace agreements in Somalia and Sudan (the Djibouti and Doha processes respectively).

6. Most of the literature on peace agreements have tended to have a correspondingly narrow view of what constitutes the 'security sector', this being usually limited to military and paramilitaries, and (much more rarely). As mentioned elsewhere in this paper, peace agreements have tended to have weak Security Sector Governance/SSG/ provisions. A reading of the political and institutional arrangements in many agreements shows that they have usually prioritized mechanics of power-sharing and reconstruction of operational bodies rather than addressing institutions of security governance.

PAs and their relations with security arrangements is a theme that has received only intermittent attention in the mainstream peace and conflict research. These are highly critical to understanding the course of a peace process. Many (with the exception of Jeremy Brickhill, June 2006) failed to link failed to focus on, the seemingly, less important but crucial issues such as-what were the specific security demands of the various negotiating partners, and how did these affect subsequent chances for implementation? Were discussions on security issues and security agreements 'robust' or 'weak' (or somewhere in between)? What immediate and contextual factors explain the security and justice provisions of the peace agreement? Crucial issues of security arrangements, in which DDR and SSR are critical, have not attracted much political will and policy attention, in spite of the well-founded perception that this impacts disproportionately upon the failure of peace processes. Thus, those that most negative-

government which was a government entirely formed by the ARS-Djibouti only. With nobody challenging them, the new TFG continued as the legitimate Somali government in Mogadishu.

Although the Djibouti supplement more or less followed the same official diplomatic approaches used by all other past processes, it seemed to have gained more currency at the time. For example, the TFG and the ARS chief negotiators were determined at the time in their efforts to make it work. Similarly, members of the international community voiced their support for the peace process: from the League of Arab States, to the EU Presidency, to the United States.[xviii] However, like all other past processes, it is yet to materialize to-date. The TFG is still struggling with security concerns instead of attending to its more appropriate governmental tasks.

Challenges and obstacles

While the above survey of failed peace processes in Somalia since 1991 is sobering, it also serves as a reminder of the intractability of conflict and management in contemporary Somalia. None of these peace processes took root as all lacked the key ingredients for lasting peace and reconciliation: local Somali ownership; the use of the right approaches and at the right time; genuine political will by Somali 'leaders;' long-term commitment by the international community; and, most important of all, a focus on the psychological and perceptual aspects of the conflict rather than on post-conflict relations. In other words, there was less focus and attention on the mechanics of lasting peace and reconciliation.

The effectiveness of the two peace processes under study – and their agreements – are debatable. Whether one should make contingency plans and is therefore interested to look at the processes with pessimistic lenses or, contrary to the Somalo-pessimists, whether one wants to never lose hope, it is a reality that the two peace processes and/or agreements have had major challenges and obstacles including the use of the wrong diplomatic approaches to manage the Somali conflict; lack of Somali ownership; lack of nationalist and visionary leadership; regional and international interference

Importantly, the political statement outlined the two parties' commitment for an inclusive parliament, a government of national unity, and shared power and responsibility through political cooperation. This was elaborated further in discussions by the HLC's subcommittee on political cooperation. This was particularly significant as it opened the door for discussion of power-sharing and a governance structure that would enable the implementation of all other aspects of the agreements, including justice and reconciliation, reconstruction and recovery, and the implementation of the longer term work of the JSC on transitional security arrangements.

The second agreement

In line with the above, and building on the October 26th agreement, the parties at the Djibouti talks -- at the HLC -- once again signed another document on 25th November 2008. The parties agreed on a number of guiding principles as a framework to strengthen their commitments on political cooperation – particularly of the establishment of a unity government and an inclusive parliament including addressing impunity through the unity government; establishing mechanisms that will place priority on ensuring accountability – political, financially and morally – of the unity government and respecting recognized international legal instruments.xvi

The parties also agreed on a number of proposals including: the enlargement of the parliament by an extra 275 seats allocated to the ARS-Djibouti; the intention by the parties to reach out to those who are outside the process as well as members of the civil society, including women and the business community, and the Diaspora;xvii the new inclusive parliament's responsibility to elect a new 'Somali' leadership; the principle of responsible sharing of leadership positions that would be adhered to; a two-year extension of the transitional period; the fact that all agreements resulting from the process would be embedded as amendments to the Transitional Federal Charter (TFC); and that the establishment of a working group that would engage, under the facilitation of the UN on details of the unity structures. The process was speeded up soon after Yusuf resigned and elected Sheikh Sharif Sheikh Ahmed as president of a unity

ly influence the outcome of peace processes are left out of the equation; and these are by far the most determining factors in PAs.

Policy makers and development partners have not been much of help either. Indeed, a critical weakness in the research on PAs in the Horn of Africa and, indeed, much of Africa is its profound disconnect with the policy community and decision makers. Research and advocacy programmes on PAs in Africa appear to have largely bypassed the needs of the decision makers at both national and regional level. Another problem is evident too: narrow focus on stakeholders in PAs. Most researchers (perhaps with the exception of Alex de Waal and Matt Bryden) lend little attention to the role of other (popular) sectors in the status and lifetime of PAs. Alex de Waal's *New Multilateralism* thesis (2007)[27] is probably the closest one can get to focusing on other stakeholders, such as civil society and NGOs in PAs in the Horn of Africa. Largely missing are also a comparative analysis of the contrasting roles of Civil Society in other regions and countries such as Guatemala, South Africa, and East Timor.

Key Issues

Many have tried hard to provide analysis, resources and a data base on peace agreements in the Horn of Africa. But they have been less successful. This is partly attributed to the complexity and diversity of the subject, including a great deal of technicality and some aspects of vagueness attached to it. Still, closer look at the literature on PAs suggests some diversity to peace Agreements—not unexpectedly, given that PAs, in spite of certain generic features, are unique in terms of their origin and context, the issues they seek to address, the negotiations that led up to them, the parties (internal and external) driving the processes, and the outcomes and lessons learned.

The case-studies so far have failed to blend analysis of historical with current Peace Agreements across a wide diversity of political and cultural contexts, actors, processes, etc, in part to determine the

extent to which lessons learned from past experiences are being applied to contemporary cases (e.g.: Somalia, Sudan), identifying in particular changes in the approach to PAs, to implementation and monitoring, in the roles of local, regional and international actors, and finally, the persistent gaps and how these might be overcome. In a nutshell, what is really missing (and therefore required from) the research on PAs in the Horn is the following:

- A critical investigation of the development processes of the peace agreements and their implementation within the regional environment and the international context.
- A review and analysis of security arrangements(and the inclusion of SSR provisions in peace agreements) and the monitoring of their implementation; and
- A comprehensive and comparative analysis of the lessons learned from previous agreements and the monitoring of their implementation'.

Conclusion

The Horn of African sub-region has come to occupy a central place in the making of Peace Agreements/PAs/. Despite this, there has been little effort to encourage research and policy analysis into this important subject matter. Over the years, analysts have built a "wall" separating study on PAs from the study of all other aspects of regional conflicts. Indeed, the theme of PAs has been relegated into a sideshow and anecdotal references in conflict studies. There is reason to believe, however, this tide may be turning, albeit far too slowly. So much so that, the problem at present is that the monographs have become so numerous, so fragmented, unrefined and so specialized(or narrowly focused) that most academic specialists on peace and security have tended to struggle and throw up their hands at the possibility of synthesizing all this studies, of bringing them together in comprehensive narratives.

While the study of Peace Agreements and their implementation has recently received considerable scholarly attention, there is a

captured not only Mogadishu, but most of South-central Somalia.[xi] Impressed with a 6-month old peace nobody has ever witnessed in and around Mogadishu, the capital, especially since the early 1990s, the Arab League facilitated talks between the TFG and the ICU in Khartoum in June and September the same year but as more talks were planned, the TFG overran the ICU bases in Mogadishu and throughout South-central Somalia with the Ethiopian military leading the incursion. From early 2007, there has been an ongoing war between the TFG and the Ethiopian military on one side and remnants of the ICU supported by Hawiye clan militia forces and other nationalist elements in Mogadishu, the capital.[xii] This armed insurgency splintered into more groups leading to the formation of the more radical group: *Alshabab*.

The Djibouti supplement, 2008

The Djibouti supplement came after the realisation that the TFIs alone could not deliver and govern Somalia and that the opposition was gaining the upper hand on the ground. Pioneered by the UN Secretary-General's Special Representative (SRSG) for Somalia, Ambassador Ould Abdallah, the idea of Somali talks between the 'government' and the 'opposition' was received well in all corners, but, with cautious optimism. Many based their argument on the fact that giving Somali talks another chance was important as Ould Abdallah defended his case very well in New York.

Following preparations and consultations, the TFG and the opposition ARS-Djibouti[xiii] have been brought together in peace talks in Djibouti under the leadership of Amb. Ould Abdallah. The first round of these talks resulted in the signing of the Djibouti agreement on 19th August 2008. This agreement has laid the foundation for more comprehensive dialogue through the establishment of a Joint Security Committee (JSC) and a High Level Committee (HLC) dealing with the country's political issues.[xiv]

The two committees have begun work, again resulting on 26 October 2008 in a ceasefire agreement and a political statement.

ponements, the 275-seat Transitional Federal Parliament (TFP) was sworn in on August 22, 2004. The assembly's members were selected under the '4.5 Somali clan' formula, according to which each of the country's four major clans selected 60 Members of Parliament (MPs) while a coalition of the smaller minority clans selected the remaining 35 which is half a share. Each group was then given the task of dividing the seats along sub-clan lines. On September 15th and October 10th of the same year, the TFP elected the country's new Assembly Speaker and President respectively. And in early November, its first cabinet was constituted.

The new Transitional Federal Institutions (TFIs) were also charged with overseeing the writing of a new constitution, and the staging of elections after five years. Under the terms of the January 2004 accord, 'Puntland' was to be reunited with the rest of Somalia and, despite the fact that 'Somaliland' was not party to the accord, the TFIs were also mandated to open dialogue with the 'Somaliland' leadership at such time as they had completed the peace process throughout the rest of the country.[ix] Unfortunately, after four years and a half in office, the TFIs could not fully operate in Somalia as 'the Somali government.' There have also been internal splits concerning such matters as the seat of government, the mode of governance, cabinet appointments and endorsements, the deployment of a foreign stabilization force including Somalia's neighbours, and the formation of regional administrations including one for Mogadishu, the capital: Banadir administration.

These wrangles led to the resignation of the TFG's president.[x] This is partly because, the TFIs framework – and the resulting 'Somali' peace agreement -- was founded on a delicate power-sharing formula, which was itself indicative of the reality that reconciliation, after almost seven years, has not yet been achieved.

In June 2006, for example, there was the worst outbreak of violence in Mogadishu since 1991, when the Islamic Courts Union (ICU) emerged as a popular Islamist regime in the country and at the same

'multiple deficit', ranging from the holistic and comparative analysis, the role of external actors, the status and health of an *implementation regime*, including the study of the security dimensions, and the analysis to the political economy of PAs as such. Neither is well-researched or clearly understood. On the one hand researchers found it difficult to integrate security arrangements in to the study and policy recommendation on PAs. On the other, there is a gap between research on PAs and the policy community. Research on peace agreements in the Horn is 'half dead, half alive'. Further, while there is some literature emerging on Peace Agreements, as well as some case-study work on the specific processes, there has been little effort to relate the two.

Footnotes
[1] Medhane Tadesse is academic specialist on peace and security issues in Africa. He, among others, serves as a Senior SSR Advisor to the African Union. He is also the editor of the currentanalyst.com.
[2] Matt Bryden. *The IGAD Peace Process for Somalia: One Step Forward or Two Steps Backward,* October 2002. Both Matt Bryden and Ken Menkhaus

(2006) have enumerated 19 national level initiatives between 1991 and early 2006. When the Sodere (1996), Cairo (1997) and Arta (2000) initiatives are taken into consideration, the total is around 23.

[3] For Instance, the work complied by Markbradbury and Sally Healy. AC-CORD, Issue 21.An International Review of Peace Initiatives. *Whose Peace is it anyway? Connecting Somalia and International Peacemaking.* <u>Accord Peace Agreements Index. Conciliation Resources.</u> Mark Simmons and Peter Dixon. *Peace by Peace: Addressing Conflicts in Sudan.* Issue 18, 2006.

[4] C. Crocker, F. Hampson, P. all (eds) *Turbulent Peace: The challenges of managing International Conflict.*

[5] International Crisis Group. *Sudan: Saving Peace in the East.* Africa Report No. 102. (January 5, 2006); and *Beyond the Fragile Peace between Ethiopia and Eritrea: Averting New War,* Africa Report no. 141 June 2008 and Why Algiers is failing: Weaknesses of the Algiers Agreement.

[6] Mats Berdal, *'Consolidating Peace in the Aftermath of War - Reflections on 'Post-Conflict Peace-Building' from Bosnia to Iraq',* in John Andreas Olsen, ed., *On New Wars* (Oslo: Norwegian Institute for Defense Studies, 2007).

[7] Stedman, S. J., Rothchild, D. and Cousens, E. M. (eds.) (2002). <u>*Ending Civil Wars: The Implementation of Peace Agreements.*</u> Lynne Rienner Publishers: London.

[8] Alejandro Bendana, 'What *King of Peace is Being Built? Critical Assessments from the South,*' International Development Research Centre, (Ottawa: January 2003).

[9] John Young, *The Sudan Peace processes: No More Diplomacy but Revolution,* An Unpublished Memo, June 2006.

[10] Alejandro Bendana, Ibid. This is aptly quoted in John Young's '*Flawed Peace Process leading to Flawed Peace' (2006).*

[11] (De Waal, Alex. *'As they sign a peace is this the face of yet another tragedy?'* <u>Parliamentary Brief.</u> (March 8, 2005); <u>Alex de Waal</u>, 28 September 2006 '*Darfur peace agreement: so near, so far'.* <u>Open Democracy.</u>

[12] *Briefing Papers* <u>Justice Africa/InterAfrica Group-IAG</u> Briefings 31 January 2004-March2006.

[13] Young, John. *'Eastern Sudan: Caught in a Web of External Interests.'* <u>Review of African Political Economy.</u> No. 109. Vol. 33. (September 2006); John Young, 2006. *Eastern Sudan: Local Conflict, Marginalisation and the Threat to Regional Security.* CPRD/ISS, 2008.

[14] Sara Pantuliano. '*Comprehensive Peace? Causes and Consequences of Underdevelopment and Instability in Eastern Sudan',* Unpublished NGO Paper, September 2005)

[15] International Crisis Group. *Sudan: Saving Peace in the East.* January 2006.

[16] Eastern Sudan: Local Conflict, Marginalization and the Threat to Re-

president and a Transitional National Government (TNG). The first Somali interim government in more than a decade then took up office in Mogadishu in September 2000. Overwhelmingly positively received by Mogadishu residents, the government haltingly tried to establish itself in Mogadishu, the capital throughout its three-year term. There were, however, no concrete plans to expand its influence to the rest of the country.

Subsequently, a number of faction leaders resisted the TNG and formed a coalition of opposition groups with a rotating chairmanship: the 'Somali Reconciliation and Restoration Council' (SRRC). The TNG continued to meet with resistance from the SRRC and other independent warlords, largely due to their belief that by sidelining them and labelling them as criminals, they could effectively prevent them from participating in, and contributing to the peace process.

As with the EC initiative then, the delegates at the Arta peace process focused on institutional and constitutional solutions to the conflict, rather than looking at the mechanics of reconciliation. Moreover, although the establishment of an interim government and certain other state institutions was noteworthy, the hope and belief at the time for the initiative was that the process would have gone further and dealt directly with the issues of dialogue and national reconciliation.

III. Peace processes or agreements? A critical analysis of the Eldoret/Mbagathi peace process and the Djibouti supplement

The Eldoret/Mbagathi peace process, 2002-2004

The Eldoret/Mbagathi peace process was launched in October 2002 in Kenya and under the auspices of IGAD. Despite the fact that talks delayed partly due to problems of numbers and participation, in late January 2004, a major breakthrough was achieved when around forty warlords and politicians signed an agreement at State House in the Kenyan capital of Nairobi agreeing on a transitional charter to establish a new national assembly. After several post-

were invited to attend the seminars, all of whom supported the concept of establishing 'a decentralized state with constitutional guarantees for the full autonomy of its constituent units.'

In addition to the seminars held in Kenya, three follow-up seminars were also held in Somalia. However, apart from leading to the establishment of the 'Puntland' regional government in north-eastern Somalia, the formation of a 'Supreme Council of Elders', and the establishment of an 'autonomous government' in Baidoa, the seminars had minimal impact on Somali sentiment or on the nature and extent of the civil war.

It has been suggested that the reason for the limited effectiveness of the EC initiative was due, in part, to the fact that -- just like the UN attempt -- it focused on constitutional debates rather than on conflict management (with particular reference to taking cognizance of grassroots views, the sentiment of the Somali people and the positions of the various warring factions).[vii]

The Arta peace process, 1999-2000

Yet another long-awaited peace process was initiated in September 1999 by President Gelle of Djibouti, who appealed both to Somali leaders and member states of the Inter-Governmental Authority on Development (IGAD) to join him in addressing Somalia's security situation.[viii] The president hosted a preliminary conference in Djibouti, which was attended by sixty scholars, all of whom gathered to discuss how best to approach the reconciliation process. The conference focused its attention upon members of civil society, including traditional clan leaders and community elders, as well as prominent political figures from past Somali governments. President Gelle also asked IGAD member states to provide him with the necessary support and back up to allow the peace process to proceed.

The actual peace process began in May 2000 in Arta, Djibouti with delegations from all corners of Somalia in attendance. Discussions continued for over four months and concluded with the election of a 245-member Transitional National Assembly (TNA), an interim

gional Security.CPRD/ISS. 2007.

[17] Opendemocracy.net For instance Gerard Prunier: *Sudan between Peace and War* November 1, 2007.

[18] His paper on *'the Challenges of Implementing Effective Security and Stabilisation Strategies in Peace Processes'*, African Security Sector Network/ASSN/ presented in Kampala, Uganda in June 2006 was later updated into Brickhill *2007, 'Protecting Civilians Through Peace Agreements - Challenges and Lessons of the Darfur Peace Agreement'*, ISS Paper 138, Institute for Security Studies, Pretoria

[19] The ASSN emerged as a result of a process of interaction and ensuing initiatives from a group of African scholars and practitioners with an interest in SSR in 2003. Since then, it has been engaged in cutting-edge analysis on the nature of PAs, with a particular focus on SSR and DDR.

[20] *'Security Sector Reform Provisions in Peace Agreements'* by the Global Facilitation Network for Security Sector Reform-GFN-SSR. University of Brimingham,2009.

[21] Medhane Tadesse.*'War on Terror, Peace Processes and SSR in the Horn of Africa'*. GFN-SSR, Maputo, Mozambique January 2008.

[22]Ibid. It also includes various treatises and sections on the Somali Peace processes (2003) and a note on the *Doha Accord: Perils of Peace Agreements in Sudan* (March 2010) currentanalyst.com; and chapters on 'Towards a Framework of *Conflict Resolution Best Practices in the Horn of Africa'. Towards Conflict Resolution Best Practice-Report of the 2008 Tswalu Dialogue. The Royal United Services Institute* May 2008; *'UN Peacekeeping in the Horn of Africa'*. From Global Apartheid to Global Village: Africa and the United Nations. University of KwaZulu-Natal press.2009.

[23] Ken Menkhaus. "*Protracted State Collapse in Somalia: A Rediagnosis*" *Review of African Political Economy* (2003)

[24] Among which one relating to the Horn of Africa is "Conflict Resolution Best Practices in Africa", The Tswalu Dialogue by the Brenthurst Foundation, 2008.

[25] ICG. Beyond the Fragile Peace Between Ethiopia and Eritrea: Averting New War, Africa Report no. 141 June 2008.

[26]Sally Healy, 'Lost *Opportunities in the Horn of Africa: How Conflicts Connect and Peace Agreements Unravel*' Royal Institute of International Affairs. A Horn of Africa Group Report by Sally Healy. 2008.

[27]'In Search of a Peace and Security Framework for the Horn of Africa'. In Conference on the Current Peace and Security Challenges in the Horn of Africa. CPRD/IAG, March 2007.

Aideed's militiamen and civilians). Following these losses, the US announced a phased withdrawal from the region, whereupon most of the western forces and of the UN followed suit.

UNOSOM consequently staged a complete withdrawal from Somalia in March 1995, leaving neither national peace nor a revived national government structure in its wake. Instead, the withdrawal led to the further fragmentation and disintegration of the country, which in turn led to a heightened degree of factionalism, a multiplication of warlordism, and widespread low-intensity warfare. It is believed that the UN targeted the warlords and ignored other Somali actors and at the same time focused more on the country's post-conflict relations rather than the structural root causes of the conflict. In other words, it approached the institutional and constitutional solutions to the conflict, rather than looking at the mechanics of reconciliation.

The European Commission's attempt, 1995-1996

In addition to the UN initiatives for Somalia, the EC chose to pursue its own approach towards peace and reconciliation. As a consequence, in 1995, the EC commissioned the London School of Economics and Political Science (LSE) to conduct a comparative study to assess the implications of various types of political and administrative decentralization in Somalia.[v] They further specified that the resulting findings should be made available to both the general public and the leading Somali scholars and decision-makers of the day.[vi]

The report, which was titled "A Study of Decentralized Political Structures for Somalia: A Menu of Options," focused on four models: (1) confederation, (2) federation, (3) a decentralized unitary state, and (4) a community-based type of power sharing known as 'consociation.' The EC also sponsored two seminars in Naivasha and Nakuru, Kenya, which took place in June and November 1996 and were convened specifically to discuss the study's findings. A broad spectrum of Somali traditional and religious leaders, professionals, women and other representatives of Somali civil society

Negotiating and implementing peace in the Horn of Africa: Lessons from Sudan's Comprehensive Peace Agreement of 2005*

Dr. Solomon A. Dersso**

Introduction

broker peace and create a government for Somalia; to date, none has succeeded. Some of the most notable of these included the UN initiative, the European Commission (EC) attempt, and the Arta peace process in Djibouti.[ii]

There were also many more local peace processes held, facilitated and funded by Somalis. However, this section will only provide an overview of the three selected cases in order to help set the stage for a more critical analysis of the Eldoret/Mbagathi peace process and the Djibouti supplement, of which this paper is concerned about.

The UN Initiative, 1993-1994

With the assistance of the Ethiopian government, the UN facilitated two peace and reconciliation efforts in Addis Ababa in January and March 1993. Fifteen factions attended the two national reconciliation conferences, the result of which was the 'Addis Ababa Accords.' These were never implemented, however, due in part to the influence of warlords, who acted as spoilers to block a political process which would have allowed local communities to select their own leadership.[iii]

In late 1992, in the aftermath of intense media coverage, the US decided to join the on-going international drive for peace in Somalia. They resolved to lead what was termed 'an international humanitarian intervention,' which was known as the Unified Task Force (UNITAF), and was later code-named UNOSOM. The mission of the initiative was the cessation of factional fighting in Somalia, and the end of the famine that then raged in the country.[iv]

Later, the UN was drawn into armed conflict with the late General Aideed, a powerful warlord operating in Mogadishu at that time. The conflict soon escalated, however, into one between the UN-led international forces and General Aideed's United Somali Congress (USC) forces. Eventually, this led to the loss of twenty-four Pakistani and eighteen US troops, as well as thousands of Somalis (both

The Comprehensive Peace Agreement, which ended two decades of North-South civil war in Sudan, was signed in 2005 between the NCP led Government of Sudan and the Sudan People Liberation Movement/Army (SPLM/A). Since 2005, the CPA has gone through various stages and encountered moments of serious challenges. Following the holding of the South Sudan referendum last January, the CPA has entered its final stages. Although the debate on the success of the CPA will not be finalized before the resolution of post-referendum issues that are under negotiation, the CPA term will be completed in July 2011. A lot of lessons can thus be drawn both from the process of negotiation and implementation of the CPA.

In this paper, I plan to raise some of the questions surrounding the signing and implementation of the CPA in Sudan. I will address these questions as a means of identifying the lessons to be drawn from the CPA in terms of negotiating and implementing peace in the Horn of Africa. The questions include: how did the CPA come about? What set of factors did contribute to the signing of the CPA? What are the internal and external forces that played active role in catalysing the signing of the CPA? What are the main features/components of the CPA? What are the successes and disappointments in the implementation of the CPA? What factors contributed to these successes and disappointments? What lessons can be drawn from Sudan's CPA?

Towards the CPA

It is generally accepted that the interplay of various internal and external factors created the conditions that led to the signing of the CPA in 2005. Internally, one such factor is the recognition on the part of both the NCP and the SPLM/A that neither of them can win the war. SPLM/A overcame its split of the early 1990s and be-

came the major political and military force in South Sudan. Despite the opportunity that the new oil revenues offered in equipping the government army with modern arms, the morale and competence of the troops remained inadequate to meet the challenges presented by SPLA's guerrilla warfare.[1] The eruption of another war front in Darfur during 2003 and 2004 must also have created further impetus to a negotiated settlement of the North-South civil war. The trust and good will that the lead negotiators, SPLM leader John Garang and Sudanese First Vice President Ali Osman Taha, established between themselves helped in creating commitment and momentumfor signing a peace agreement. The commitment of Garang for a united but transformed Sudan was received well in the North and earned him respect among North Sudanese. Arguably this contributed in softening the opposition of nationalists and hardliners in the North against the inclusion of the right of South Sudan to self-determination.

However, it seems that the influence of external factors and actors contributed more to the eventual signing of the CPA than the convictions of the two parties to end the North-South civil war. The post-cold war changes in the leadership of the countries of the region, most notably Ethiopia and Eritrea, changed the dynamics of regional engagement to resolve the civil war in Sudan. In 1994, these countries sponsored under the umbrella of IGAD and after negotiation with the two parties a Declaration of Principles (DoP)[2], a framework document that laid down the foundation for subsequent negotiations that led to the signing of the CPA in 2005[3]. The DoP proposed the establishment of a secular democracy and fair sharing of wealth in Sudan – failing that, the South could exercise its right to self-determination through referendum. Although various negotiations took place throughout the 1990s and some resulted in ceasefire agreements, it was only after the turn of the new millennium that the negotiation between the two sides gained momentum.

This directly corresponds to the US post 9/11 policy of 'war on terror'. Given Sudan's historical and continued perceived ties with al Qaeda, the country attracted the active involvement of the US un-

Peace processes or agreements? A critical analysis of the Eldoret/Mbagathi peace process and the Djibouti[1] supplement

By
Dr. Ibrahim Farah

I. Introduction

In Somalia, the year 2010 has been yet another year of political uncertainty, renewed hostilities, crime, armed conflict, human rights violations and displacement – especially in and around the capital, Mogadishu and much of South-central Somalia. Up in the north, more or less, violence can be reported to exist in 'Puntland;' And in addition to the emergence of Sol, Sanag and Cayn (SSC) as a new politico-military wing, 'Somaliland' and 'Puntland' are also yet to resolve their dispute over Sol and Sanag regions and the district of Buhodle in Togdher region. In the middle of such a complex web of crisis, including the current massive humanitarian crises,[i] there is a vibrant civil society and a determined Diaspora willing to help. There is, however, no uniform policy and/or operational work-plan to work through. And this is the same with all the various Somali actors including the armed insurgents.

Whether this has to do with the country's past peace processes and/or agreements or not or whether there are other factors contributing to such a mess is but some of the focus of this paper. This paper aims to critically look at some of the past peace processes and/or agreements and find out why they failed and there were any successes, if at all, that one can build on.

II. Somali peace processes: An overview

Since the civil war broke out in early 1991, Somalia has attracted considerable external efforts at peace-building and mediation. While the most dramatic was the failed UN Operations in Somalia (UNOSOM I and II) in 1993-94, there were many other attempts to

significant elements of the draft constitution before the referendum stage was key for this success. This hindered the different parliamentary factions from torpedoing the process as none of them could muster a two-third majority.

[23]During the referendum Green was the colour given to "Yes" vote and Red to "No" vote. Those who formally and half-heartedly supported the draft were called "Watermelons" – superficially green, but red inside).

der this policy.[4] This allowed the US to exert influence on Khartoum, which in the aftermath of 9/11 sought 'to normalize relations with the US by offering cooperation against international terrorism and peace in the South'.[5] It was also in the year 2000 that the US, UK and Norway formed what has come to be known as the 'Trioka' to provide leadership and support for the IGAD led peace process. It was against the background of such favourable regional and international context that Lieutenant-General Lazarus Sumbeiywo of Kenya was appointed Special Envoy for the IGAD peace process, and negotiations resumed in 2002 in the Kenyan town Machakos. The result was the Machakos Protocol of 20 July 2002 in which the two parties reached a compromise on issues of self-determination and state and religion. Following the signing of six peace agreements, this process eventually culminated in the signing of the Comprehensive Peace Agreement (lamping all the various agreements and protocols) on 9 January 2005.

The salient features of the CPA

CPA is a complex and 241-page-long agreement. It consisted of various agreements addressing various subject matters (security arrangements, wealth sharing, power sharing, the three transitional areas with annexes and modalities). The first agreement, the Machakos Protocol was not a peace agreement *per se*, it was rather a framework agreement laying down the founding principles as well as the procedures and mechanisms for further talks about peace. The annex to this protocol contained an agreement stipulating the need for a pre-transition period of six months, a six-year transition period, followed by an internationally supervised referendum in which the people of South Sudan will decide between independence and unity.

Under the Agreement on Security Arrangements, which, as the second agreement of the CPA, was signed on 25 September 2003, the two sides committed to maintain separate armed forces, the withdrawal of 91,000 northern forces from the South in two and a half years, and the redeployment of SPLA forces from northern territories within eight months. The agreement also envisaged the establishment, with equal contributions from Sudan People Armed Forc-

es and SPLA, of Joint Integrated Units of 21,000 for the duration of the six-year interim period after which, if the South voted in favor of unity, the forces of the two sides will form a unified 39,000 strong force.

The next agreement is the Agreement on Wealth Sharing, which was signed on 7 January 2004. Under this agreement, the two sides agreed that they would divide the revenues from oil equally during the six-year interim period. The Protocol on Power-Sharing signed on 26 May 2004, established power-sharing arrangements both territorially and politically. Territorially, this agreement provided for the establishment of a federal form of government in which power is divided between the national territory and the South. Accordingly, South Sudan is guaranteed to constitute its own autonomous government during the six-year interim period. Political power-sharing involved the formation of a Government of National Unity under an Interim Constitution of Sudan. While SPLM/A gets the post of First Vice President in the three-member presidency, the various portfolios of ministries were also shared between the NCP and SPLM/A with a few posts assigned to other political groups. Additionally, at the National Assembly SPLM should be given 28% of the seats and NCP 52 % of the seats with the rest of the seats assigned to others.

The Protocols on the Resolution of the Conflict in South Kordofan, the Blue Nile, and Abyei, signed on 26 May 2004, provided for provisions on how these three border areas are to be administered during the transition and the mechanisms for determining their final status. They are given a special constitutional status under the CPA, and during the interim period, they will be jointly administered with the NCP and SPLM/A taking 55% and 45 % of the seats of the executive-legislature seats within these regions. At the end of the interim period, while the oil-rich and historically significant Abyei was envisaged to hold a referendum to decide on joining the North or South, the two other areas were granted a process of popular consultation on the basis of which they will negotiate the terms of their relationship with the Khartoum government.

ship of the Coalition Government and the National Accord and Reconciliation Act (NARA). Parliament Act, Nairobi: Government of Kenya, February 2008.

[17]"THREE-AND-A-HALF months after a disputed election, the politicians at last agreed on a coalition cabinet. Everyone gets a slice of the cake; everyone, that is, except the average Kenyan voter, who may wonder how his paltry income can go towards paying for 40 ministers, 50-odd assistant ministers, a new prime minister's post for the opposition leader, Raila Odinga, and a second term in the ever plush presidency for Mwai Kibaki. Almost half of Parliament's members now have some ministerial position. Many will get extra salaries, security and cars. The cabinet may now cost $1 billion a year, about one-eighth of expected government revenue". The Economist, April 17 2008)

[18]The Ministry of Health for example was divided in to two: Ministry of Public Health and Sanitation and Ministry of Medical services. This is not more ridiculous than creating a Ministry of Hydrogen and a Ministry of Oxygen in place of a Ministry of Water.
Commissions created after the establishment of the Grand Coalition

[19]As we shall see shortly, these two Commissions came up with varied results, one concluded with questions rather than giving answers; the other with recommendations and action plans that could have brought justice to victims, ended impunity and established the rule of law. The reports were invariably shelved to dust and the recommendations were not acted upon. However, it should be stated that both Commissions operated independently without any tangible interventions or hindrances on the part of the state and with the cooperation of most state organs.

[20]Government of Kenya. Report of the Independent Review Commission (Kriegler Report). Kriegler Report, Nairobi: Government Printers, May 2008.

[21]Kriegler was quoted in the Daily Nation of 30 August saying: 'I'm not sure it is in anybody's interest today to find out who won the election. The Government is functioning and the people have moved on. We had people who were enemies in the electoral contest, who seem to be getting used to working with one another, and the awkwardness is wearing off. I don't think it's in anybody's interest to open the Pandora's Box.'

[22]This Committee should not only admired for the final result of its work – that of following a participatory process in drafting the new constitution but also for the skilful rules and procedures that enabled it to lead the process to a successful conclusion. The procedural requirement which stipulated that only a two-third majority in parliament could change or amend

contradictions inside the bourgeoisie is a coup. Even the most substantial bourgeoisie in Africa, that of Nigeria, has been unable to organize bourgeois democracy on a stable basis". (Mamdani 1986)

[7]Sebastian Elischer. Ethnic Coalitions of Convenience and Commitment: Political Parties and Party Systems in Kenya, German Institute of Global and Area Studies, Working Papers N° 68, February 2008

[8]Commission of Inquiry into Post-Election Violence" report (Waki report 2008 p7)

[9]Article IX – Global Campaign For Free Expression: Kenya – Post – election Political Violence, December 1998

[10]The outcome of the deliberations at the conference indicated a strong prime ministerial role but the revised draft retains a strong presidency.

[11]Within the context of the issues discussed in this paper the pattern of voting is worth noting: The overall results at the national level were: 58% against the draft constitution; 42% for; but in Central Province – 93% were for the draft and only 7% against; In Nyanza province the reverse happened: 81% against; 19% for. The animosity manifested by the protagonists along the ethnic divide during the referendum campaign makes it appear a prelude to 2007/8 violence.

[12]"This free-for-all was made possible by the lawlessness stemming from an apparent collapse of state institutions and security forces". (PEV)

[13]Both President Kibaki and opposition leader Raila Odinga accused each other of attempted genocide in various TV interviews. *Kenya Television Network*, January 2, 2008.

[14]Elisabeth Lindenmayer and Josie Lianna Kaye (2009) give a in-depth and detailed account of the difficulties encountered to start the negotiation and the wrangling that surrounded it.; the diplomatic and mediation skills of Koffi Annan to overcome the uncountable number of impasses that had to be overcome.

[15]"On February 26th, in consultation with former President Mkapa, Annan decided to temporarily suspend the talks with the negotiating teams in order to engage directly with Kibaki and Odinga. The gap between the positions of the parties, and the desires of their leaders, as well as the lag between the speed of progress in the room and the crisis happening on the ground, could no longer be tolerated. Behind closed doors, Annan expressed his extreme disappointment at the parties' lack of progress, and at the fact that talks were no longer contributing to the resolution of the crisis. The parties, he implied, had given him no other choice" (Elisabeth Lindenmayer and Josie Lianna Kaye (2009 p26)

[16]Government of Kenya. Kenya Agreement on the Principles of Partner-

While the recognition of the right of South Sudan for self-determination was the pre-requisite for the SPLM/A to sign the CPA, John Garang's push and commitment for a unified Sudan founded on democracy, secularism and equality allowed the NCP government to agree to it within the framework of the CPA's call for 'making unity attractive to the people of South Sudan'. Unlike the DoP, the right of self-determination under the CPA is not conditional on failure to implement the democratic transformation of Sudan. Thus, irrespective of the outcome of the CPA's commitment to make unity attractive, the CPA envisaged that Southern Sudanese will at the end of the six-year transitional period exercise their tight of self-determination through an internationally monitored referendum. It is notable that this is one of, if not the only, most important aspects of the CPA whose successful implementation is decisive for the success or otherwise of the CPA.

Implementation of the CPA

The January referendum marks the culmination of the six-year transitional period under the 2005 Comprehensive Peace Agreement (CPA). Although it was held as scheduled, the referendum was preceded by a far from satisfactory and in many ways tumultuous transitional period. While the CPA and the ceasefire between North and South generally held, the period witnessed series of political standoff, outright fighting and deepening mistrust between the parties to the CPA. It revealed a great deal of uncertainties, lack of commitment mostly on the side of the NCP but also on the side of the SPLM/A, a lack of commitment that at best displayed reckless indifference and at worst deliberate effort to derail the CPA.

Delays in the implementation include the conducting of the national census, which according to the CPA should have been finalized in July 2007, was not concluded until after mid 2011. The national election, envisaged under the CPA to serve as a basis for the democratic transformation of the state of Sudan, originally scheduled to take place in July 2009 was moved to April 2010. The deadlines in the agreement on security arrangements were also breached. Dur-

ing the interim period, the ceasefire agreement was also breached following the eruption of fighting between the forces of the two sides in 2006 and 2008. The list of those areas of the CPA that were seriously delayed also includes the demarcation of the North-South border. The implementation of the commitments of the CPA for the democratic transformation of Sudan and the protocols relating to the three border territories have either been poorly pursued or seriously delayed. The implementation of the Wealth-Sharing agreement has also been undermined by lack of transparency.

These delays and uneven implementation of the CPA have not been without consequences. The fact that those aspects of the CPA relating to the National system and the transitional areas were not implemented is currently affecting all these areas. The transitional period was also a period that witnessed rising tensions between the parties to the CPA and within the North and the South as well as among communities along the borders.

Notwithstanding the above disappointments, the fact that the CPA and the ceasefire between the north and the South have largely held thus far and that most notably the referendum in South Sudan was successfully organized and conducted are no doubt outstanding success stories. This is particularly because many analysts and observers expressed serious doubts and cynicism, albeit not without good reasons, about the CPA's possibilities.[6] Whatever standard of measurement one uses, the CPA has both successes and disappointments. If the CPA's success is to be measured in terms of avoidance of war between the two parties, there is no doubt that the CPA has to a large extent been successful, at least until now. Perhaps, the biggest disappointment is the failure of the CPA's project of transforming Sudan into a democratic and inclusive polity.

Conclusion: Some lessons to be drawn from the CPA

The existence of enabling internal and external environment

William Zartman argues that settlements are achieved when the

Footnotes

[1] I would like to thank the InterAfrica Group for organising the conference and giving me an opportunity to participate. This final version has benefited a lot from the valuable critique participants made after the original presentation and from the many formal and informal discussions I had the privilege to take part in at and around the conference.

[2] These are at least the lessons this author has learnt as a participant at the conference from the other presentations and insightful contributions of participants during the debates following presentations.

[3] Anderson, David (205)

[4] "The result is not only that the indigenous bourgeoisie lacks the commanding presence in the economy held by the hegemonic bourgeoisies of the West, but that its members usually lack even the independent propertied base and concomitant economic strength of its counterparts in Asia and Latin America. This is why the development of the African bourgeoisie has had a more top-down, stratified character than anywhere else. Here state property precedes individual property, and a state position acts as a lever for capital accumulation rather than as a reward for it" (Mamdani 1986).

[5] "The result is not only that the indigenous bourgeoisie lacks the commanding presence in the economy held by the hegemonic bourgeoisies of the West, but that its members usually lack even the independent propertied base and concomitant economic strength of its counterparts in Asia and Latin America. This is why the development of the African bourgeoisie has had a more top-down, stratified character than anywhere else. Here state property precedes individual property, and a state position acts as a lever for capital accumulation rather than as a reward for it" (Mamdani 1986).

[6] "The fact that a political position or state connection is a necessary precondition for membership in the ruling elite gives a life and- death character to the political struggles within it. A political position does not simply reinforce a pre-existing economic position or open up new opportunities where old ones already existed; it is in fact the very foundation of wealth. A downturn in political fortunes almost mechanically leads to a similar downward shift in accumulation opportunities. This is why internal bourgeois struggles in Africa are routinely waged with an intensity not known in many other places; why opposition is normally construed as treason and criticism as sabotage; why elections, whether single or multi-party affairs, are usually predictable hoaxes; and why the typical method of resolving

Bibliography

Article IX – Global Campaign For Free Expression: Kenya – Post – election Political Violence, December 1998

Anderson, David. Histories of the Hanged, The Dirty War in Kenya and the End of Empire. New York: W.W.Norton & Company Inc, 2005.

The Carter Center: OBSERVING THE 2002 KENYA ELECTIONS, May 2003

Sebastian Elischer. Ethnic Coalitions of Convenience and Commitment: Political Parties and Party Systems in Kenya, German Institute of Global and Area Studies, Working Papers N° 68, February 2008

Government of Kenya. Report of the Commission of Inquiry into Post-election Violence. CIPEV Report, Nairobi: Government Printers, October 2008.

Government of Kenya. Report of the Independent Review Commission (Kriegler Report). Kriegler Report, Nairobi: Government Printers, May 2008.

Government of Kenya. Kenya Agreement on the Principles of Partnership of the Coalition Government and the National Accord and Reconciliation Act (NARA). Parliament Act, Nairobi: Government of Kenya, February 2008

Thomas Obel Hansen, Political violence in Kenya: A study of causes, responses, and a framework for discussing preventive action, Institute of Security Studies, 2009

KNCHR. On the Brink of the Precipice: A Human Rights Account of the Kenya's Post Election Violence. Nairobi: KNCHR, 2008

Elisabeth Lindenmayer and Josie Lianna Kaye: A Choice for Peace? A Story of Fourty-One Days of Mediation in Kenya, International Peace Institute, August 2009

Mamdani, Mohamood, Peasants and Democracy in Africa, New Left Review 156, 1986

Frances Stewart: Note for Discussion: Kenya, Horizontal Inequalities and the Political Disturbances of 2008, CRISE: Centre for Research on Inequality, Human Security and Ethnicity, Department of International Development, University of Oxford, March 2008

Axel Harneit-Sievers; Ralph-Michael Peters,: Afrika Spectrum 43, GIGA Institute of African Affairs, Hamburg 2008

moment is ripe and belligerents reach a mutual hurting stalemate.[7] The CPA is a result of the interplay of a number of internal and external factors that created the ripe moment for making peace between the North and South. Internally, the most important factor was the realization on the part of both the SPLM and Government of Sudan that neither was in a position to win the war militarily. That the SPLM/A survived the split it suffered in the 1990s and emerged as a stronger and major political force in South Sudan contributed significantly. This was further reinforced by its military victories in late 1990s. The involvement of external powers able to exert influence on both sides also gave particular impetus for the peace process. This made the cost of failing to conclude a peace agreement higher than negotiating and making a compromise to end the North-South conflict.

Deploying the comparative advantages of regional and external actors in the negotiation process

Neighbouring countries can bring to the negotiation the advantage of their close knowledge of the conflict and relations with the parties to the conflict. With the necessary political will and dedication for resolving such conflict, these countries can play positive role in negotiating peace between the conflicting parties. The lead role that Kenya assumed and the dedication of its leadership and the other neighbouring countries under the umbrella of IGAD for the Sudan peace process played a key part in steering the two parties to and in keeping them at the negotiating table. The involvement of more powerful countries such as the US and other European countries complemented the role of regional countries as they brought both 'carrots' and 'sticks'. These countries used the leverage that they have on both the Khartoum based NCP government and the SPLM/A not only to come to the table but also to stay the course.

Another lesson to be drawn from this is that external involvement in a peace process can be more successful if it takes the form of providing support for a peace process initiated and facilitated under the umbrella of a regional organization rather than powerful countries directly initiating a peace process on their own.

Negotiating separate subjects separately within an overarching framework agreement

Over the course of the two years period during which the CPA was negotiated, the negotiation followed an incremental process whereby the parties negotiated on different subject areas at different times until finally the agreements on the different subjects were put together to form the CPA. One lesson that emerges from this is the value of negotiating separate subjects separately within the framework of an overarching framework agreement that lays down the broad principles agreed-upon between the parties.

The absence of deadline diplomacy

The North-South peace process in Sudan was undertaken over a relatively long period of time. There was a gap of about two years between the signing of the Machakos Protocol and the two annexes relating to permanent ceasefire and modalities of implementation. Another lesson is thus the value of avoiding deadline diplomacy that requires the finalization of negotiations over very limited period of time.

Comprehensiveness of the agreement

The term comprehensive in the North-South peace agreement is in important ways a misnomer. As it might have been noted at the time of the signing of the treaty and as it became clear during the implementation stage, the CPA was more like a deal between two major armed political forces in Sudan. It was negotiated and signed by and mainly directed to the two parties to the CPA. Despite its pretentions, its application was almost exclusively confined to the North-South axis of Sudan's centre-periphery crisis. It thus excluded all other parts of Sudan and all other political and civil society actors from the process. The result has been that the CPA failed to address the centre-periphery crisis in Sudan that affected not only South Sudan but also other parts of Sudan including West

- Peace agreements should be internally driven with own agenda setting. Positive external contributions are of supplementary importance; but reliance on external support undermines national ownership
- The process of reaching peace agreements should be as inclusive as possible to ensure ownership by the polity
- There has to be shared national aspirations and visionary and consistent leadership;
- Political will and unwavering commitment of the political protagonists to implement agreements to the letter and spirit should exist
- A peace agreement "constituency" which is large enough to represent constituent parts of society and strong enough to foil the intrigues of the "spoilers" should be in place.
- Participatory monitoring of implementation process should be devised
- Peace agreements should be considered "doomed to succeed" by all stakeholders
- Peace agreements should be considered as interim measures to solve root causes of conflict

to end pervasive poverty and youth unemployment, glaring horizontal and vertical inequality through land reform, employment creation remain rhetorical in terms of policy, and in practice, these are not visible priorities of the coalition government. Camouflaged in catching phrases, the "collective strategy of private enrichment" remains the priority agenda of the ruling elite.

For the status quo to change and for peace and stability to prevail the contending "ethnic coalitions", whose sole purpose is to grab monopoly of central power in the service of respective patronage systems, should be "de-legitimised" and confronted with a national coalition whose main purpose should be forge nation building.

Further the predatory state should be tamed by bringing it under the control of credible democratic institutions that have the ability to regulate and check the executive such as independent judiciary and functioning security organs that ensure the rule of law.

Ending disenfranchisement of the rural population and the urban poor and ensuring that they have voice and representation in political processes at all levels is to be considered as a precondition to change the status quo. For this to succeed the population should be empowered such that they consider themselves as right holder citizens and relate to the state in its role as a duty bearer. It is only in such a political context that accountability could be ensured and that ending poverty and inequality becomes the single most important and unifying priority of the nation. It is only in such a context that a commitment of the political elite to end poverty as a priority national task could become the only legitimacy of political power. Development, after all is not an economic but a political process propelled by nationalism

Lessons from Kenya: For Peace Agreements to succeed

- The political context and the pre-conflict way of conducting competitive politics should have changed; otherwise it will be like doing things the same way again and again and expecting different results

and Eastern Sudan. Indeed, the limitation of the application of self-determination to South Sudan is believed to have prompted the rebellion in Darfur.[8] One lesson that clearly emerges from this is that for an agreement to serve as a basis for resolving national conflicts and achieving democratic transformation it needs to be inclusive of all issues and political actors.

Security arrangements that allowed the armed movement to keep its forces

One of the interesting features of the CPA is that it allowed the SPLM/A to maintain its own security forces. This prevented the threat of domination from the side of the government that often arises in many post-conflict situations where the forces of the armed opposition forces are usually integrated into the formal apparatus of the state or mostly demobilized. This also enabled the SPLM to keep its 'stick'for defending the terms of the CPA and thereby avoiding the mistakes of the Addis Ababa Agreement of 1972. In this regard, Robert Collins observed that 'John Garang and the SPLM/A had been acutely aware that the great flaw in the Addis Ababa Agreement of 1972 had been the concession by Joseph Lagu and the SSLM over integrated units without keeping a separate southern armed force to defend the Addis Ababa Agreement when it was unilaterally abrogated'.[9]

The limits of exclusion of other organized sections of society

One of the features of the CPA is that it is an elite based agreement exclusively limited to the NCP led government and the SPLM/A and their leadership. Internally, the implementation of the CPA has thus entirely been left to the good will of the two parties and more specifically the leadership that signed the agreement. Both in the process of negotiations and under the CPA, the room for the involvement of organized actors such as in particular civil society ac-

tors other than the NCP and the SPLM/A was very limited. Under the CPA, the NCP and the SPLM/A received 80 % of the seats in the Government of National Unity and 85 % of the Government of South Sudan. The exclusion of other organized sections of the society means that the CPA lacked grass-root level constituency. The consequence of this has been there was no effective mechanism that enabled different sections of the public to monitor, push for and guarantee the full and genuine implementation of the treaty.

There has also been no adequate dissemination mechanism and very little effort and attention was given for educating the public on the contents of the CPA. One consequence of this has been that many people in South Kordofan and Blue Nile states erroneously believed that they, like the people of South Sudan, were entitled under the CPA to the right to self-determination.

Clearly, a decision on the inclusion or exclusion of various organized sectors of society in a peace process need to be made after careful analysis of the benefits and costs of both exclusion and inclusion. Even if civil society actors are not included at the time of negotiation, mechanisms should be provided in the treaty to enable them to monitor, support and guarantee the implementation process. Additionally, serious attention needs to be given to undertake advocacy work to create public awareness about the contents of a treaty and how it affects their rights and status.

External involvement during the phase of implementation

During the negotiations the two parties and most particularly the the lead negotiators Ali Osman Taha and John Garang built good will, commitment and trust between themselves. Many believed that this would be good enough to drive the implementation of the CPA by the two parties. Perhaps because of this, the involvement of external actors including those involved in facilitating the peace process after the signing of the CPA was very low. When the influence

ed has not changed. Shifting alliances and permanent election campaigning to change the equation in the "ethnic arithmetic" is proving to be a big hindrance. Likewise, it is not evident if the Accord has a "constituency" which is large enough to represent constituent parts of society and strong enough to foil the intrigues of the "spoilers". At present "watermelons" seem to be better organised with a stronger mobilising capacity.

The National Accord cannot be discarded as "not feasible" – it should form the starting point for nation-building and enduring peace. However, limiting the dialogue and reconciliation process to the bickering political elite cannot ensure enduring peace. Dialogue and reconciliation at the grassroots level can help minimise elite manipulation and can even be deterrent to manipulation plans.
If the repeat of 2007/8 is to be hindered the political challenges in the run up to the elections to be held in 2012 long run , ethnic polarisation should be overcome and political dialogues and processes that enhance National cohesion facilitated.

Lessons for the way forward to be learnt in the Kenyan context
This paper has argued that the failure in nation – building, but successful "ethnic" building and the prevalence of a predatory state under the domination of a pyramidal patronage system which renders state-society relationship dysfunctional are the root causes of political violence in general and the 2007/8 post-election in particular.

It has further argued that lack of voice and representation of the rural population and the urban poor has resulted in making the population a relatively easy prey to manipulation by the political elite and the polarisation of the polity along ethnic lines. Further, the paper insisted that political competition takes place in a "winner takes all" tradition making acceptance of defeat in competitive politics virtually impossible.

Furthermore, it has argued that instigation of political violence and institutionalised corruption were practiced with impunity. Measures

dum passed with very little unrest and no violence, in sharp contrast to the 2007 elections However its implementation, and especially its enforcement, is far from certain. Not only those who opposed the new constitution but also the "Watermelons" may still sabotage its implementation and enforcement.[23]

The Truth, Justice and Reconciliation Commission

The controversy around the illegibility of its chair and the resignation of some key members has damaged its moral legitimacy; the credibility and acceptability of the outcome of its work is in doubt. It appears more people are now willing to testify before the commission after the controversial Chair stepped aside. The commission is conducting public hearings in deferent regions of the country and is expected to come up with a comprehensive report in September 2011.

Conclusions

As indicated above, the Power Sharing Agreement was not a result of an internal peace process; the ruling elite lacked the political will to find an internally negotiated political solution to "bury the hatchet". It was forced by external and CSO pressure to "hide the hatchet". Genuine commitment and political will to implement the accord seems to lack.

However, even though the fact that it is a product external pressure still characterises its implementation during the last three years, agreement has without doubt prevented a political and national catastrophe. Some of the short term objectives could be considered as achieved. Stopping the escalation of the violence itself is a big achievement. Unfortunately this does not mean it has made recurrence of political violence has become a remote possibility;

The Accord is still on a fragile foundation. Recent developments are not encouraging. It appears the country is heading back to square one. The political context and how political competition is conduct-

of the two personalities that led the process subsequently declined (when Ali Osman Taha was side-lined) or totally disappeared (after the death of John Garang) and mistrust and suspicion permeate the relations of the two parties, the two sides were not able to maintain the momentum and optimism of the signing of the CPA. This seriously undermined the implementation of the CPA with many deadlines unmet and some issues left unaddressed.

This clearly illustrates that the implementation of a peace agreement should never be left to the good will and commitment of the parties to the agreement. Implementation of a peace agreement requires as much, if not more, champions as its negotiation and signing. External actors need to be actively involved during the implementation phase in monitoring implementation, providing support for implementation, and facilitating the creation of local constituency for the agreement through dissemination of information on the agreement and creating avenues for the involvement of civil society.

Lack of an independent implementation monitoring and enforcing body

One of the positive dimensions of the CPA was that it provided for a detailed implementation modalities and global implementation matrix. The expectation was that the CPA would be implemented by the assigned entity in accordance with the terms stipulated and based on consultation between the two parties. While it was commendable that it provided for modalities for implementation by identifying the responsible entities and the procedures for implementation, it left the actual implementation to the will and commitment of the two parties. It did not provide what would happen in the event of a disagreement between the two parties. Accordingly, it has not provided for an independent mechanism for monitoring and adjudicating or enforcing implementation. Many of the delays in the implementation of the CPA are thus partly attributable to this lacuna.

This is one of the differences between the CPA and the interim arrangement that established the transitional period in South Africa in

the early 1990s. As a mechanism to monitor, enforce and arbitrate the incorporation of the 34 constitutional principles into the final constitution, the ANC and the National Party assigned the Constitutional Court the power to certify the final constitution and adjudicate complaints. This ensured that the agreed-upon 34 principles were duly reflected in the design of the final constitution.

trators (known as the Ocamp Six) have been summoned by the Trial Chamber of the ICC. The country's political divide now has taken the form of "Pro-ICC and Anti-ICC". It has become the biggest single divisive issue in the country and a major means political mobilisation.

It is thus obvious that there is no for common position among the main parties on the issue of the ICC intervention; with one side preferring to terminate or delay it. Divisions in the Grand Coalition on this issue is offering an opportunity for the perpetuation of impunity by undermining reforms that could ensure the end of impunity in the country. For this purpose, constituencies are being re-organised along ethnic lines to oppose and stop the ICC intervention. The lack of cohesive national leadership to bring perpetrators of the post-election to account and the divisive mobilisation being carried out signifies that the difference on this issue within the Kenyan political elite is also a struggle between "Impunity verses Accountability".

The other two important commissions which were set up within the framework of the agreement are Committee of Experts on Constitutional Review and a Truth, Justice and Reconciliation Commission. They were established to pursue Agenda Three and Four (i.e. to review long-term issues and pursue a constitutional review process.

A Committee of Ex-perts (CoE) on the Constitutional Review

This Committee was set up with the core mandate of finalis-ing the constitutional review process and delivering a new constitutional dispensa-tion for Kenya. After taking so many hurdles[22] the draft constitution passed by a referendum in August 2010. It is officially promulgated as new dispensation, replacing the British-era constitution in place since 1960. The main components of the new constitution are those providing for greater checks on presidential powers and some devolution of power to lower levels of government. Politically significant is also the fact that the constitutional referen-

second commission did a commendable investigation and came up with clear cut findings and recommendations which could bring justice to the victims of the post-election violence and herald an end of impunity enjoyed by the ruling elite in committing political and economic crimes. It also made concrete recommendations to create new and/or strengthen existing judiciary and security institutions which could ensure the establishment and consolidate the rule of law in the country.

Its report, known as "The Waki Report" after the chair of the commission, distinguishes three major areas of election-related violence:

a. political and social protest accompanied by violent attacks, clamped down upon heavily by the government's security forces;

b. a campaign of ethnic cleansing especially in the Rift Valley, resulting in numerous killings and mass displacement; and, finally, c)

c. the emergence of a more generalised form of ethnic warfare, characterised by existing and revived militias and revenge attacks.

The "Waki Report" proposed the establishment of Local tribunals to try the perpetrators of crime during the Post Election Violence. After waiting for over a year, and as stipulated in the report of the Waki Commission in case of the non-establishment of Local Tribunals, the Chief Mediator was given the famous "envelope" with the names of seven suspected high level perpetrators and organisers of the violence to refer the case and surrender the list to the ICC. At first, the majority of parliamentarians rejected bills proposing the creation of local tribunals. However, when it became obvious that the ICC will take the issue seriously and start investigations, those who opposed its creation with the slogan "let's not be vague; let's go to Hague" started rejecting ICC involvement and insisting on the creation of local tribunals. Recently, although the Raila side claims it is not a cabinet decision, the Government is involved in shuttle diplomacy with Africa including a letter to the President of the UN Security Council to get a deferral. Six suspected high ranking perpe-

Footnotes

[*]This is a revised version of a paper that was delivered at the Inter Africa Group Conference held on 3-4 March 2011 in Addis Ababa, Ethiopia.
[**]Solomon A. Dersso is a Senior Researcher with the Peace and Security Council Programme of the Institute for Security Studies, Addis Ababa. He holds Diplomas in Advanced international Human Rights Law and Minority and Linguistic Rights (Institute for Human Rights, Abo Akademy in Finland) LLB (distinction) Addis Ababa University; LLM (Centre for Human Rights, University of Pretoria); PhD (School of Law, The University of Witwatersrand, Johannesburg).
[1] See Robert O. Collins, A History of Modern Sudan (2008) Chapter 9.
[2] See Douglas H Johnson, *The Root Causes of Sudan's Civil War* (2003), 175.
[3] See John Young, IGAD Peace Process: an Update, in Proceeding of Conference on the Prevailing Interlocked Peace and Security Conundrum in the Horn of Africa (Addis Ababa: Inter Africa Group, 2008) 36.
[4]Johnson (2003), 177-178.
[5] Robert Collins, *A History of Modern Sudan* (2008) 262.
[6] In this regard, Former South African President and current Chairperson of the AU High Implementation Panel (AUHIP) made the following observation 'When the late Dr. John Garang de Mabior, Chairman of the SPLM, and Vice President Ali Osman Taha signed that historic accord, sceptical voices were raised. Some amongst these argued that the agreement was no more than a truce and that the war was certain to resume. Still others claimed that northern Sudan would never allow it to be implemented, or that the southern Sudanese would never be able to establish their own government.' Southern Sudan on the Eve of Self-determination, Lecture delivered at the University of Juba (7 January 2010) http://blogs.ssrc.org/sudan/2011/01/07/southern-sudan-on-the-eve-of-self-determination/ (accessed on 12 January 2010)
[7] William Zartman, I., "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments," 1 (1) *The Global Review of Ethnopolitics* (2001).
[8] For a discussion on this subject see Adam Mohamed, Azzain,, "The Comprehensive Peace Agreement and Darfur," in Alex De Waal (ed.) *War in Darfur and the Search for Peace* (Global Equity Initiative, Harvard University, 2007)
[9] Collins (2008), 269.

Assessment of the Kenya Power Sharing Agreement[1]

By
Dr. Dereje Alemayehu

Introduction

This paper attempts to give a brief assessment of the Kenya National Dialogue and Reconciliation Accord which was mediated by Kofi Annan, Chair of the Panel of Eminent African Personalities set up by the African Union and which led to the singing of a power sharing agreement and the formation of the Grand Coalition after the Post-Election Violence (PEV). Instead of an exegeses of the articles of the agreement emphasis and space is given to the genesis and root causes of the conflict from colonial rule through the post-independence political evolution. The dysfunctional state-society relationship which degrades citizens to malleable subjects through elite manipulation along ethnic lines and the instrumentalisation of the state by the ruling elite to pursue "collective strategy of private enrichment", which thus makes gaining preponderance in the state structure or not loosing the command of the state a life and death struggle between factions of the ruling elite are presented as the root causes of political conflicts which lead to violence.

With regard to the Power Sharing Agreement, its historical significance of stopping the violence which was getting out of control and shaking the very foundation of the Kenyan state and saving the country from a civil war with unimaginable consequences to the country itself and the whole sub-region is highlighted. In terms of its contribution to enhance national cohesion and put an end to the polarisation of the polity along ethnic/regional lines, this paper argues that its achievements are very limited and that the country may go back to square one in future elections.

Concluding the assessment of the power sharing agreement, it is argued that the political context in which competitive political contestation takes place has to fundamentally change for the agreement to be a basis for a lasting peace instead of being just a truce between

13. *The ECK* The manner of appointment of commissioners and the structure, composition and management system of the ECK are materially defective, resulting in such a serious loss of independence, capacity and functional efficiency as to warrant replacing or at least radically transforming it.
14. *Constitutional and legal framework* Although Kenya has a legal framework for the conduct of elections, material defects in the framework combined with a culture of lawlessness at election time bring into question the capacity of the law to provide a sufficient framework for political competition.
15. *Wider responsibility* Though the ECK is primarily responsible for the flaws in the 2007 general elections, Kenyan society has long condoned, if not actively connived at, perversion of the electoral process.[20]
16. *Long-term commitment:* This culture of electoral lawlessness has developed over many years and cannot be reversed without a concerted, non-partisan commitment to electoral integrity on the part of political leaders, which commitment will need to be sustained and monitored over time.

The summary of the findings quoted above were considered worth quoting at length as they contrast with the lack of final verdict about the election in its conclusion. After coming up with such damning findings one would expect a final judgment or a recommendation of sorts with regard to the validation of the election outcome: either a recount of votes, or a rerun of the election or its cancellation with the purpose of holding another election by rectifying organisational and institutional deficiencies which led to the chaos. But, to the surprise of many, its conclusion was virtually "let's forget about this election"![21]

Commission of Enquiry into Post-election Violence (CIPEV)

This Commission was set up with the mandate to investigate the facts and circumstances surrounding the violence, the conduct of state security agencies in their handling of it, and to make recommendations concerning these and other matters. By contrast, the

7. *Electoral system* The first-past-the-post electoral system carried over from colonial days, with its potential for distortion, real or perceived, compounded the problems caused by the originally gerrymandered, outdated and grossly skewed constituency delimitation pattern.

8. *Delays* The gross disparity in constituency sizes also contributed to defects and delays in tallying, recording, transcribing and transmitting results (having moreover to be done by outdated methods) in the large constituencies, which defects and delays also contributed materially to the explosive political climate which then built up as the country awaited the transmission and announcement of results.

9. *Incompetence* The conduct of the 2007 elections was so materially defective that it is impossible – for IREC or anyone else – to establish true or reliable results for the presidential and parliamentary elections. IREC has, however, established by means of statistical analysis of a sample of constituencies that innumerable elementary mistakes in tallying and/or transcribing results as well as patent mistakes of omission, duplication and confusion were made.

10. *Integrity of result* Therefore, although there is room for honest disagreement as to whether there was rigging of the presidential results announced by the ECK, the answer is irrelevant, as (i) the process was undetectably perverted at the polling stage, and (ii) the recorded and reported results are so inaccurate as to render any reasonably accurate, reliable and convincing conclusion impossible.

11. *Law enforcement and dispute resolution* The system of electoral law enforcement and dispute resolution are conceptually defective and were executed poorly if at all by the ECK and the ordinary law-enforcement agencies of government.

12. *Communication* There was no effective communication between the ECK and political *Communication* There was no effective communication between the ECK and political parties, observers, the media or the public, particularly regarding the national tally centre, the lack of transparency resulting in misconceptions, suspicion, rumour and anger.

bickering factions of the political elite as it appears to be the case at present. The issue of voice and representation of especially the rural population and the urban poor should be resolved so as to put an end to political manipulation by the self seeking political elite. The pyramidal patronage system which still pervades the political structure and the context in which political contestation takes place has to be transformed into a political settlement that makes serving society the sole *raison d'être* of the state. For this to be a reality there needs to be a transformation of state-society relationship so that it becomes a relationship between right holder citizens and duty bearer state.

The paper concludes with lessons that could be drawn from the Kenyan National Dialogue and Reconciliation that could be useful in a regional and continental context.[2]

Historical background

Kenya under British Colonialism

Like most African countries, Kenya is not a product of an autonomous and internal historical evolution, but a product of British colonial administration. This means it is not a nation-state set up on the basis of the common history and culture of its indigenous population; but rather a political entity composed of a mosaic of ethnic groups, which were brought and held together by a foreign power to commonly endure its domination. It is also worth noting that the process that unfolded under colonialism was state-building and ethnic demarcation and not nation-building.

"General Malaria" was not so successful in foiling settler colonialism in parts of Kenya. A limited scope of settler colonialism was practiced in the Central Highlands of Kenya by evicting the indigenous population. In addition to the infamous "divide and rule" policy to establish and maintain colonial rule, British colonialists were busy in "ethnic building"; partly as a counter measure to foil incipient nation building. There were different forms of resistance against British rule, the main among which was the Mau Mau rebellion

From October 1952 to December 1959. Kenya was under a state of emergency as a reaction to the Mau Maul rebellion. The rebellion was brutally suppressed making the road to independence in Kenya exceptionally violent.[3]

Post independence political evolution

Colonialism was based on a divide and rule principle. Creating a nation with a unified polity was neither its policy nor its legacy. A repressive administration apparatus was the only "unifying" edifice it left behind. This uniqueness gave the state an ominous significance as an instrument which determines access to material and political resources. The ruling elite which got hold of state control after independence used it not so much to forge national unity, but to use and misuse it to advance its own clientelist interest. Political control of state meant using it as spoils. Maintenance or seizure of power thus became the *ultima ratio* of political competition. Further, political competition was not based on programmes but on individual personalities; the differing personalities always tried to mobilise their "constituency" along ethnic lines. After independence thus "de-racialisation" of politics succeeded; but inclusive politics didn't.

The characteristics of post-independence political process in Kenya confirms Mamdani's statement that in post-colonial Africa political power paves the way to wealth accumulation.[4] The presidency became the place of power, resource allocation and wealth accumulation. The Constitution promulgated at independence was amended on several occasions to entrench "imperial presidency" giving the executive (especially the president) virtually absolute power. The repressive state apparatus created by colonialists proved a ready made tool for the domination of the nascent ruling elite. The strategy of "collective strategy for private enrichment" was based on pyramidal patronage system of governance with ethnicity as foundation of loyalty.[5]

Independent Review Commission on the General Elections in Kenya held on 27th December 2007".

Civil Society stakeholders, such as the newly setup coalition "Kenyans for Peace, Truth and Justice" (KPTJ) were hoping that this commission would shade light on the key irregularities observed during the elections, especially during the tallying process such as: a) Anomalies in election results documents; b) Discrepancies between official results and those published by the media; c) 3) Suspiciously high voter turnout; and d) Discrepancies between presidential, parliamentary and civic vote totals. The Commission was chaired by the South African Jurist Kriegler

The findings of this commission clearly indicates that the outcome of the elections could not claim any legitimacy by any standard. The major findings of the report are damning:

1. *voter register:* among other things that up to 1.2 million deceased persons might have been included in the register;
2. *Delimitation:* the gross disparity in the voting populations of Kenya's constituencies
3. *Fraud:* numerous implausibly high turnout figures reported in the strongholds of both main political parties evidence extensive perversion of polling, probably ballot-stuffing, organised impersonation of absent voters, vote buying and/or bribery.
4. *Permitted irregularities:* the indulgence granted by the ECK shortly before the elections for "black books" (in which the names of voters had been entered at the time of registration) to be used in certain circumstances and for double registrants to be allowed to vote, contrary to previous regulation..
5. *Exclusive strongholds:* effectively only the majority party was represented during polling and counting
6. *Defective planning* The system of tallying, recording, transcribing, transmitting and announcing results was conceptually defective and poorly executed.

Assessing the National Dialogue and Reconciliation Accord The Grand Coalition

The implementation of the Peace Accord started by the establishment of a Grand Coalition Government with Kibaki as President and opposition leader Raila Odinga. It was greeted with a collective sigh of relief by most internal and external stakeholders as a symbol signifying the end of political violence. However, the protracted horse-trading to divide up the key ministerial posts between the two sides and the sheer size of the cabinet (40 ministers and 50 assistant ministers as opposed to 17 in the previous government) has cast doubts from the very beginning on its functionality and if it really was created in the best sense of a national unity government.[17] The new ministries were established or carved out of the existing ones[18] in order to secure the balance of power between Kibaki and Odinga and reward loyalty on both sides.

Almost from the beginning, the Grand Coalition lacked cohesion and a shared commitment. One observes contradictory interpretation of the agreement on a daily basis and serious coalition crisis occurs every three months. By and large pressure internally from Civil Society, media and professional associations and externally from the mediators and development partners plays a big role in keeping it together.

The creation of the Grand Coalition did not bring an end to shifting alliances which characterises Kenyan politics. As a result of this a faction from the Odinga's ODM side has now virtually joined Kibaki's PNU camp, such that the ODM does not any more command a majority in Parliament. This has created a political atmosphere which is not conducive to the functioning of the Grand Coalition in a cohesive manner and in the spirit of the agreement that created it.

As soon as the Grand Coalition started functioning two independent commissions were created to pursue investigations in terms of Agenda One and Two.[19]

Post Election Violence in Kenya before 2002:

If the hallmark of democracy is conducting "multi-party elections" Kenya turned democratic in 1992. But this would amount to a fetish belief in elections. Elections determine who gets majority votes in what ever way to be declared the winner. Without adequate institutional setups, they cannot per se determine how the winner executes power. In other words, elections by themselves don't ensure checks and balances and issues of downward accountability. In assessing the participatory and democratic nature of elections the focus should thus not be on the formal event of "holding multi-party elections". People could be "electing without choosing" and democracy cannot prevail through mere elections alone without functioning democratic institutions. Cultural, institutional and structural deficiencies should be addressed to make elections meaningful and a reflection of the aspiration of voters.

A political context in which there is no separation of a ruling party and the sate creates a condition for "winner takes all" outcome. Under these conditions the political struggle is not so much about offering policy options to the nation, but a life and death struggle by the ruling elite not to lose power and by the opposition elite to gain power to "plunder" in its turn.[6]

The introduction of "multi-party democracy" took place under a socio-political condition sketched above. Fragmentation of society along ethnic lines made especially the rural population and the urban poor an easy prey of elite manipulation. As elsewhere in the developing world voice and representation of the poor is an unresolved political and democratic issue.

National level politics in Kenya is structured to a great extent along ethnic lines. Parties based on ideology or with distinctive programmes are virtually non-existent. As no single ethnic group has numeric preponderance over other ethnic groups, ethno-regional alliances were formed in order to maintain or seize power. What is more, these alliances are characterised by fluidity and shifts of allegation, essentially involving wings of parties.[7]

"Sadly, violence has been a part of Kenya's electoral processes since the restoration of multi party politics in 1991".[8] The two "multi-party" elections (1992; 1997) were accompanied by inter-ethnic clashes partly instigated by the ruling party, partly because of the "omissions and commissions" of state security forces during the violence. Around the first two multiparty elections in 1992 and 1997 more than 1,500 people were killed and about 500,000 internally displaced, mainly in the Rift Valley, but also around Mombassa. Perpetrators were not held to account.[9]

The 2002 elections

The 2002 elections marked an important political turning point for Kenya. It was conducted in a peaceful manner and the outcome was accepted without contestations by losers. The victory of the Rainbow Coalition with Mwai Kibaki at its head ended not only the rule of "imperial president" Arap Moi but also that of the Kenya African National Union (KANU) party. Moi had ruled since 1978 and KANU had been in power since 1963.

The historical significance of this election victory of the opposition coalition in transparent and peaceful elections was celebrated euphorically. However, the honeymoon of the coalition partners and the euphoria of the population was short-lived. The Rainbow Coalition, which appeared to have brought together opposition parties with a shared national vision, soon proved to be a temporary alliance of a self-seeking political elite. The Memorandum of Understanding, which the coalition partners signed, and which was meant to be the joint programme of the Coalition Government was virtually discarded before celebrating its first anniversary. Its promises, that of for example giving Kenya a new constitution in 100 days, did not materialise . It was practically shelved as a result of shifting alliances which characterise Kenyan politics. The talk was of forming a "Government of national unity" in which the Raila faction in the Rainbow Coalision was obviously to be marginalised with key personalities of the defeated ruling party being brought into government.

1. To undertake immediate action to stop violence and restore fundamental human rights and liberties;
2. To take immediate measures to address the humanitarian crisis, promote reconciliation, healing, and restoration;
3. To overcome the political crisis; and
4. to work on long-term issues and solutions, such as poverty, inequality, and unemployment (especially among the youth), as well as the need to confront impunity, tackle land reform, and consolidate national cohesion and transparency.

The negotiation was an entangled and protracted process, which took a zigzag course. Overt and covert pressure continued to be put on both sides with a threat of sanctions for any side torpedoing the dialogue. At one point Annan had to suspend the negotiation.[15] Finally, on February 28th, after intense final negotiations with President Kibaki and Mr.Odinga, an agreement was reached on all the issues of contention in the draft act of parliament. Later that same day, at a ceremony at Harambee House, the two Principals Kibaki and Odinga signed the "Agreement on the Principles of Partnership of the Coalition Government". The agreement created and outlined a new position of a Prime Minister charged with coordinating and supervising the execution of the functions and affairs of government. Further, each member of the coalition was to nominate someone from the National Assembly as Deputy Prime Minister. It was also agreed to take into account the principle of portfolio balance in the coalition government to reflect their relative parliamentary strength. The removal of any minister was to be subjected to consultation and concurrence by the two Principals. The draft National and Reconciliation Act was submitted to Parliament immediately and written into the constitution. This transitional form of government was to be in place for five years when elections, based on the outcomes of the Electoral Review Committee, would take place.[16]

The incumbent president on his part made clear that he was ready and willing to negotiate only when and if the ODM accepted his presidency as legitimate and only as long as the opposition came to the negotiation table without preconditions. He emphasised that his presidency was nonnegotiable. Furthermore he indicated that this is an internal issue which need not be brought to international mediation. For the party of the incumbent president (PNU) the election results could only be challenged in a Kenyan court of law. According to them ODM's refusal to go to court is a proof that their contestation of the election results has no factual basis.

At the outset, the possibility of power sharing was also rejected by both sides. The Government side insisted it could not share power with those whom it had accused of engaging in mass killings. The opposition side reiterated that the only way to do justice to the will of the people and restore confidence of the population in the political process would be through a rerun of the presidential election, thus ruling out any possibility of forming a government of national unity with President Kibaki.

It was within this context of rigid and polarised standpoints that the mediation of negotiation between the two camps started. It was the persistent pressure from the international community (which included targeted sanctions like asset freeze and travel ban "on those who sabotage a dialogue") and the relentless effort of the African Union which finally forced the protagonists to the negotiating table. And it was the moral authority, the skill and perseverance of Kofi Annan, who was assigned as the head of the Mediation Team, which lead to its successful completion.

The contents of the four agendas of the peace accord

After a series of "coercive and persuasive" efforts behind closed doors to bring the two sides to the negotiating table, the two Principals finally agreed to dialogue and Kofi Annan proposed the following four Agenda Items which were finally adopted:[14]

A new draft constitution, which departs from stipulations worked out at the National Constitutional Conference of 2003-2004 and virtually perpetuates the "imperial presidency", was put to a referendum in 2005.[10] The referendum was held in the context of the split within the Rainbow Coalition. Majority of Kenyans rejected the draft. It took the form of an alliance of several ethnic groups against a dominant ethnic group - a late confirmation that "ethnic arithmetic" in Kenyan politics has not been overcome through the democratic victory of 2002. [11]

The 2007 elections

Kenya's December 2007 elections did not follow the peaceful example of those held in 2002. Although the voting process went on quite peacefully, not only opposition parties but also national and international observers were pointing at manipulation in the tallying process. The Electoral Commission should have acknowledged that credibility of the voting process is a precondition for acceptance of election results. It was amidst these allegations of manipulation that the Chairman of the National Electoral Commission announced the incumbent as the winner (only to declare three days later that he does not know who won the elections). No wonder that this led to a massive protest by opposition supporters country wide. The Government tried to suppress the protests by excessive use of force with several dead and wounded. Opposition supporters vented their anger and frustration by perpetrating vengeful violence against alleged supporters of the government. Repression and retaliation gave more and more ethnic dimension to the unfolding crisis and violence. The security forces were being perceived as repressive forces of the ruling party. The fight between Government supporters and opposition supporters degenerated into inter-ethnic conflict. Not the political position of a person appeared to matter, but the ethnic identity. It has also to be noted that, Kenya's notorious criminal gangs were taking advantage of the political chaos. The violence is reported to have caused over 1000 deaths, displacement of over a quarter of a million, and damage to property.

The logic of alliance building during the election campaign was a revamp of "ethnic arithmetic". "The winner takes all" political culture encouraged irreconcilable positions among protagonists with regard to acceptance of outcome of elections. In the words of the, Commission of Inquiry into Post-Election Violence (CIPEV) "the increasing personalization of power around the presidency continues to be a factor in facilitating election related violence" (2008, p8) The bulk of opposition supporters had lost the basic trust in state institutions as a result of erosion of the legitimacy of these institutions by decades of discontent with increasing inequality, disparity among regions, impunity with which rulers accumulated illegitimate wealth by using state power and proximity to it. The collapse of the multiethnic National Alliance Rainbow Coalition (NARC), which de facto signified an attempt at inclusive politics and profound reform, heightened this mistrust. There seemed to be a sense that the election was rigged not to allow an outcome that could put an end to the hegemony of the dominant ethnic group.

The ensuing violence signified the collapse of nationhood and statehood.[12] Many citizens of the country, including faith leaders, camped in their respective ethnic cocoons taking sides and looking at political issues with ethnic lenses; in most cases state institutions were no more neutral organs to stop the violence; they took sides. The verdict of the Commission of Enquiry as regards the conduct of state security agencies, is quite unambiguous: "they failed institutionally to anticipate, prepare for, and contain the violence. Often individual members of the state security agencies were also guilty of acts of violence and gross violations of the human rights of the citizens".

In summary, it won't be an adequate analysis to limit the post-election violence to an internal strife between the bickering political elite. The post election violence also laid bare and brought to explosion the latent discontent and resentment due to the politics of exclusion which have left vast areas of the country marginalised, which condemned the majority of the population to vegetate in poverty (60 percent of the population lives on less than $1 a day),

which enhanced the despondency of the youth by making perennial unemployment its inescapable destiny, and which brought the majority of the country's most fertile land into the possession of the dominating political and business elite.

The Kenya National Dialogue and Reconciliation (KNDR)
It was not the first time post-election violence has erupted in Africa. But it is rarely seen that the African Union and the international community acting decisively and in a united manner as was the case in Kenya. It can thus hardly be the manipulation of election results that motivated the international community to take a common stand in the Kenyan situation. The clear signs that the country reached the brink of a civil war and the equally clear early signs that destabilisation in Kenya would have politically and economically disastrous effects on the entire region should be considered as the major factors that resulted in an active and united international diplomatic engagement.

Only a day or two after violence erupted, blockages of transport from Mombassa via Nairobi and Western Kenya took place and led to supply shortages in East Africa and the Great Lakes region, especially in Uganda, Rwanda and South Sudan. Furthermore, Kenya being the base of many relief and development operations for many international organisations these operations risked to be curtailed by the ongoing violence. A civil war in Kenya, which, despite governance issues, has been an anchor of stability in the region, risked aggravating instability in the already crisis-ridden Horn of Africa.

When the facilitation of the peace accord was initiated, the two sides were too polarised to agree to negotiate, let alone to welcome mediation.[13] The opposition side insisted that the election had been rigged and the presidency "stolen" from them; and maintained that Kibaki's resignation is a precondition for even entering into dialogue. Their demand was a rerun of the presidential election, the formation of a transitional government, and an agreement to undertake comprehensive, legal constitutional reforms, especially concerning the contentious land issue.