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Foreword

The International Peace Support Operation Centre (IPSTC) was established to enhance peace operation capacity through training, education and research for the benefit of the military, police and civilians. The aim is to improve the effectiveness of international response to complex emergencies. The current collection of issue briefs enhances this mission by contributing to the debate surrounding statehood, human security and the regional peace and security architecture (APSA).

This fifth series of the publication of IPSTC Issue Briefs offers an opportunity for the Centre's researchers to analyse issues, put them into perspective and share the conclusions with a wider audience within Eastern Africa and the continent at large, particularly because the thematic areas highlight contemporary peace and security concerns in the region.

All three papers recognize the fact that security of a region is influenced by several factors. While analysing the issues pertinent to statehood and human security in Eastern Africa region, the authors have suggested policy options available for the national governments and regional organizations. Furthermore, status and structure of the regional peace and security architecture as major features of the regional peace and security landscape are examined, giving various perspectives on how the architecture may be enhanced to increase the effectiveness of response to conflicts.

The publication of this series represents a means by which all in the region and the international community at large could participate actively in the regional peace and security debate.

The research and publication of this series of Issue Briefs has been made possible by the generous support of the Government of Japan through UNDP. I take this opportunity to register our appreciation.

Brig. Robert Kibochi

Director, IPSTC

Introduction to The Issue Briefs

The fundamental principles featuring in all three papers include democratic state governance, human security and the elements for a good regional peace and security architecture.

The first paper enlightens the reader on the role of the state in tackling both state and human security challenges including the battle against poverty, disease and transnational crime. The author concludes that weak states' institutions remain a serious challenge for democratic stability in the region. In this case, therefore, the author alludes to the fact that due to the occurrence of regionalised conflicts, regional organisations including EAC, IGAD, and ICGLR have significant roles to play in restoring formidable state structures that could lay the foundation for democratic governance in the region.

In the second paper, the author identifies key human security challenges to countries emerging from conflict. While emphasizing the case of South Sudan, the author views the lack of basic human needs and the poor status of infrastructure as key drivers of intra-border conflicts to the country in question. In his conclusion, the author acknowledges the role of many actors as spoilers but also recommends comprehensive ways of harnessing this opportunity for peace building processes.

The third paper examines the progress made by the African Union and other sub-regional organisations and identifies mechanisms in operationalising the African Peace and Security Architecture (APSA). The emerging multiple membership of countries in regional organisations is analysed and on this basis the author concludes that the current phenomenon will help to harmonise activities and policies of these organisations. The paper recommends strengthening the structures of the regional peace and security architecture including developing a mechanism by which member states of these organisations can collectively respond to external threats.

Statehood in Eastern Africa and Its Implications for Regional Peace and Security

Leah Kimathi-Post-Conflict Recovery Analyst

There is an emerging consensus among policy makers that effective states are the key to global security and prosperity. The UN High-Level Panel on Threats, Challenges and Change, for instance, argues that “states are still the front-line respondents to today’s threats. Successful international actions to battle poverty, disease, transnational crime, to rebuild after civil war, reduce terrorism and halt the spread of dangerous materials all require capable, responsible states as partners” (UN, 2005).

The notions of state and statehood are closely related to the concepts of nation¹, state², nation-state³ and sovereignty⁴. In the international system, nation-states agree to satisfy specific conditions of statehood that include: the acceptance of only one authority on a defined territory; exclusive power to make and enforce laws; and to ensure a match between authority and territory. These conditions confer upon states independence from other states and also allow them to engage with other states on equal terms.

There are generally two theories that explain the constitution of statehood: the constitutive and the declarative theories. The constitutive theory treats a state as an entity of international law only if it is recognized as a sovereign state by other states. Therefore, the decision of state recognition is left to the subjective interest of other states. There have been several instances where the international community has refused to recognize states despite the presence of most of the ingredients of statehood. Examples of such ‘states’ include the Irish Republic, Biafra in Nigeria, and Somaliland in the Eastern Africa region.

The declarative theory holds that a state is an entity of international law when it meets certain structural criteria and this is regardless of recognition by other states.

1. A nation is constituted by people who identify as sharing real or imagined history, language, or ethnic affiliation.

2. A state is a political entity that has fixed territory, claims sovereignty or external independence possesses a fixed population and government or institutions of rule.

3. A nation-state is a sovereign political entity bringing together a people with a common history of interest and government by a common set of institutions of rule.

4. Sovereignty refers to external independence. It is a statement of recognition as well as of reciprocity in the international system.

Among these criteria are a territory, a population, a political authority and the capacity to enter into relations with other states (Murunga, 2010).

According to Max Weber, one of the core defining characteristics of a state is its absolute monopoly of the legitimate use of violence within a given territory (Weber, 1978). Facing a different context, the Commission for Africa argues that at the heart of the proper function of states and government is establishing an economic environment that encourages investment.

This means basic functions such as providing security, setting sound economic policies under the law, collecting taxes and delivering adequate public services like education and health (Commission for Africa, 2005).

Thus, analysts have variously defined a state and statehood to reflect their particular realities at various times in history and in light of the critical challenges of their time. From an operational perspective, the modern state is seen as one that performs a number of core functions including maintaining social, political and economic order as well as rule of law, the glue that holds all other spheres together (Ghani and Lockhart, 2008)

In Africa, the modern state has its origins in the colonial era. At the time, the state and its institutions were designed as instruments of appropriation and exploitation for the benefit of the colonialists as well as the metropole. At independence, rather than the emerging African elite engaging in state reforms, the leadership of the ruling class inherited the state and in some cases, perfected its institutions and structures of exploitation to serve their exclusivist interests. As a result, African states were born lacking legitimacy; they were not historically embedded in domestic relations of power and domination, and they therefore suffered from a dichotomization between power and statehood. From the outset therefore, the international face of the post-colonial state, born during the Cold War outstripped its domestic importance. The juridical (international) base of statehood maintained African states for much of the post-colonial period, despite severe limitations in terms of their empirical (domestic) statehood (Forrest, 1998).

As a result, most African states have never had very effective institutions, relying instead on the personalized networks of patronage. They have never generated sustainable growth or managed to absorb their youth economically. Factionalism has always been politically prevalent, and states have more often been instruments of private predation and extraction rather than tools for the pursuit of the public good. In Africa, state failure is less an objective condition than a permanent mode of political operation.

Consequently, a number of adjectives have been used to describe the post-colonial state in Africa including, quasi, weak, failed, collapsed, soft, vampiric, overdeveloped, swollen, shadowy, fictive, prebendal, neo-patrimonial, lame, leviathan, belly politic, kleptocratic and many other terms. Although the empirical data from which some of these classifications are derived is highly questionable, they point to the fact that most of these states have failed to guarantee the minimum requirements of statehood for the majority of their citizens, to whom the state has increasingly become an alien construction. These minimum guarantees include governance, control and legitimacy.

In the Eastern African region, as elsewhere on the continent, the nation-state project was severely hampered and taken hostage by the international political environment, especially during the Cold War, with all the states in the region, except Ethiopia, having achieved their independence at the time so that the region soon became a diplomatic battlefield. The two superpowers at that time, United States of America and the Union of Soviet Socialist Republics immediately competed for influence in the region. This power struggle mostly assumed the form of aid, understood both in economic and military terms, a situation that had serious consequences for peace and development in the region. While on the one hand, aid was doled out easily to governments even in situations where it was not very needed, like Kenya, the cumulative effect of this was to accentuate the debt-trap that mounted to the point in the 1980s where it became the defining problem of development in much of the region. On the other hand, aid in the form of military support has been a central reason for major conflicts in the region, more so in the Horn of Africa countries of Somalia and Ethiopia. Military aid has also left the region awash with easily available arms that have fallen into the hands of non-state armed groups, with deadly consequences for the region.

Like colonialism, one of the enduring impacts of the Cold War in the region was that states were intimidated or co-opted into subservience. At the national level, the juridical statehood that was handed down to states as a given stifled or froze any search for alternative political systems in the region. By enforcing juridical statehood, the international system inevitably became guilty of perpetuating the underdevelopment of empirical statehood in the region because of its support for certain corrupt and incompetent governments in order to ward off rival camps as in Siad Barre's Somalia, Idi Amin's Uganda and Mengistu's Ethiopia (Jackson, 1990). Even internal dissent against the malpractices of governance was not tolerated by both the incumbent regimes and their international supporters as this was seen as a possible vehicle of subversion by rival camps.

At the regional level, there were several reasons why countries could not build viable regional peace and security mechanisms to respond to conflict situations. First, the Cold War firmly placed a lid on the simmering conflicts in the region, hence the impossibility of widespread internal conflicts with regional consequences. Even in those cases where there were instances of inter-state conflicts as between Ethiopia and Somalia, the international rather than regional parties moved in to manage them. Second, states developed a complacent attitude that the superpowers and their allies would always provide security and protection for them, in particular, regimes that had close relations with the superpowers and were of strategic importance in Cold War politics. Examples are the constant interference of France in the Democratic Republic of Congo (DRC), Rwanda and Burundi whenever these states were affected by instability, and the USA in its hawk-eyed watch over Kenya as well as the presence of their military base in Kagnew, Asmara. Third, given the Cold War hostilities that played out in the region, any collective regional security mechanism would have been viewed with suspicion through the lenses of rival powers (Francis, 2007).

However, by the late 1970s, the critical failure of juridical statehood in the region as played out by the single party developmental state was evident. While the region had witnessed two major inter-state conflicts - between Somalia and Ethiopia and between Tanzania and Uganda - new forms of conflicts began to dominate. The overthrow of Idi Amin in 1979 in Uganda introduced a novel pattern of regime change. The destruction of an incumbent government by insurgents coming from the periphery or neighbouring states injected a radically different security dynamic into ruler displacement. While the military coups of the post-colonial state era merely alters the personnel at the summit and the security apparatus remained intact, overthrow from the periphery not only sends rulers into flight, but leads to the dissolution of the existing army. Former soldiers flee into the countryside or to neighbouring states, often with their weapons. These can be sold, concealed for future use or used in armed engagements by emergent rebel militias. The fall of Amin, for example, provided an opportunity for Karamoja cattle raiders to acquire a radically escalated level of armament with devastating consequences regarding the intensity of local violence in northern Uganda. (Young, 2004). Government overthrow by peripheral insurgents in the region subsequently occurred in Uganda (1986), Ethiopia (1991), Somalia (1991) and Rwanda (1994).

The severely domestically limited and illegitimate state developed into a patrimonial autocracy in much of the region which deteriorated into crisis by the 1980s, bringing external and internal pressures for economic and political state reconfiguration. However,

the serious erosion of statehood of many polities by the 1990s limited the scope for effective reform and opened the door for state ruptures and implosions along fault lines that were held in check previously, usually by the Cold War. Thus in the 1990s, there were state implosions in Rwanda, Burundi, Sudan, Ethiopia and Somalia.

This crisis of governance, which was not only limited to Eastern Africa but caused a wide-spread challenge in Africa, led to external and internal pushes for democracy in the late 1980s and early 1990s. Beginning with the urban riots in Algerian cities in 1988, street challenges to fossilized single party autocracies sprang up in many countries, emboldened by the dramatic fall of the Berlin wall in 1989. At the beginning of 1990, a striking new pattern of civil society confrontation emerged when Benin's ruler, Mathieu Kerekou, was compelled by an empty treasury and a mobilized populace to accept a sovereign national conference that proceeded to dissolve the existing order in favour of a democratic constitution. Through the national conference processes in many parts of francophone Africa and other processes, nearly all regimes were obliged to make at least some gestures towards a political opening (Ibid). As a result, whereas only eight African presidents went into voluntary retirement and only one stood down after an election defeat between 1960 and 1989, the corresponding figures from 1990 to 2004 were 17 and 15 respectively (Wyk, 2007).

However, by the middle of the 1990s, the democratization euphoria had faded. The political opening was in many cases only partial. Some of the external trappings of democracy were adopted without its internal substance. In many instances, external presentability seemed to drive political reform rather than a genuine commitment to liberalization, leading to the phenomenon of 'virtual democracy.' Former autocrats re-invented themselves and, using the language of democracy, legitimated their hold on power (Kenya and Uganda). Democracy was also used to bargain for aid and other support from the international community by these despots-turned-democrats. While neither democratization nor economic reform came close to meeting the expectations of their initial advocates, taken together, they did erase the earlier postcolonial state's claim to unencumbered hegemony. However, the partially reformed state proved to be substantially weakened, a condition that expressed itself in new forms of violence and disorder in the 1990s. Novel patterns of internal warfare dramatized the limitations of statehood in several countries in Eastern Africa including Rwanda, Burundi, Sudan, Uganda, Somalia and Ethiopia (Kimathi, 2010).

Re-inventing the state in Eastern Africa

After the crises of the 1990s, most states in the region embarked on post-conflict reconstruction with the aim of addressing the root causes of the civil wars. Even in countries like Kenya and Tanzania that did not experience large-scale civil conflicts at the time, there were various efforts to reform the decaying post-colonial state. In post-conflict reconstruction, Eastern African countries, as countries elsewhere, are faced with a few alternative routes: internationally driven reconstruction, internally driven, or a mix of the two.

The international reconstruction process is usually donor driven. The donors often include powerful states in Europe and North America, inter-governmental organizations such as the UN and international non-governmental organizations. The major preoccupation of this engagement is the rebuilding of institutions ranging from the security sector, political reconstruction including developing an election infrastructure, rewriting the constitution and instituting rule of law and economic institutions. The rehabilitation of these institutions commences almost simultaneously. The logic of this reconstruction model is that all issues are interlinked and a state that does not address all of them at nearly the same time risks relapsing into conflict. While this may be true, multiple actors pulling in different directions have often led to the process becoming so complex that it sometimes defies implementation and common sense. Furthermore, the competing donor interests may override the conceptual framework on which prescriptions are based. Another deficiency is that while the model is good for the long-term establishment of state legitimacy, newly created institutions do not generate immediate authority, a necessity to establish order, and therefore cannot curb raw power prevailing in the society during the emergency post-conflict reconstruction phase (Kimathi, 2010). This was the model of reconstruction adopted in Burundi.

Uganda, Ethiopia and Eritrea have emerged as the major cases of internal reconstruction in the region, driven by internal actors. While there still may be pockets of conflicts in the three states, life has largely stabilized for most citizens with governments capable of making and enforcing decisions over most parts of their territories. In all three countries, the first step in reconstituting or constituting the new state was a military victory. Since in this scenario, institutions had ceased to exist, raw power generated by superior force created the initial stabilizing effect (Ottaway, 2003). Authority obtained from raw power was meted out to regularize institutions and processes of government thereby leading to the reconstruction of the state. However, for political reasons, the authorities in the

three states did not go far enough to encourage the emergence of democratic states once they had regularized governments. This led to the reconstruction of the state but not the emergence of democratic states. In the emergent states, Uganda encouraged the “partyless” democracy; Ethiopia, a highly centralized state, was ethnically zoned while Eritrea remains largely a closed society.

Implications for regional peace and security

Eastern Africa has traditionally been a region characterized by civil strife and insecurity, both at the level of the state and the region. The main challenges to both state and human security have originated from political and state fragility, resource scarcities and environmental degradation. All these factors have contributed to a regional context characterized by intrastate conflicts, interstate wars and political extremism. Raging civil wars and interstate conflicts have produced, in turn, forms of statelessness and marginality that have deepened societal insecurities and strained human livelihoods. Consequently, in addition to profound political instability and economic destitution, human security is adversely affected by small arms proliferation, massive movements of people within and beyond the region and escalating communal violence.

The state reconstruction efforts undertaken in much of the region after the conflicts of the 1990s have not radically strengthened and legitimized most states. Despite these efforts, state weakness continues to be apparent in a number of ways. Politically, corrupt, criminal and shadow state networks persist, while there is progressive deterioration of public services, arbitrary application of rule of law and widespread violation of human rights among other violations. Economically, there is uneven economic development along group lines as well as sharp and severe economic decline. Socially, there is mounting demographic pressure, massive movements of people creating complex humanitarian emergencies, legacies of intergroup animosities and conflicts as well as chronic and sustained human flight (The Fund for Peace, 2010). As a result, most countries in the region have been ranked consistently high in various ranking indexes of weak states, with five states of the region (Somalia, Sudan, Kenya, Ethiopia and Uganda) being listed among the 20 weakest states in the world by the Fund for Peace in 2010.

The failed state of Somalia has further complicated the already fragile statehood in the region. Because of the absence of an effective central government, Somalia has become a regional hub for transnational crimes including terrorism, radicalism and the illicit flow of light weapons into the region. Studies by the Bonn International Centre for Conversion (BICC), the International Crisis Group, Saferworld, and the United Nations Institute for

Disarmament Research (UNIDIR) have all traced major small arms and light weapons trade routes in the region to arms traders in Somalia (Mason and Wold, 2002)

Another generalized challenge arising from the weak states in the region is the conflict-prone borderlands. These conflicts, mainly over territorial disputes are the result of poorly demarcated colonially inherited borders, availability of trans-boundary resources as well as poor border administration and management. The latter is especially a factor in the practice of governance in much of the region. Many states face the challenge of exercising power effectively over their territories, much of which are sparsely inhabited with an inhospitable and inaccessible physical environment, especially the further away one moves from the capital. As a result, the far-flung border areas in most Eastern African countries are not effectively governed making border populations vulnerable to all forms of insecurities and further marginalizing their economies. These challenges arise from such security threats as cattle rustling, criminal networks (specializing in smuggling, motor vehicle thefts, drug trafficking, small arms flows, and terror networks), rural-based rebel/militia movements and illegal and undocumented immigration through illegal border points, especially by communities that have relatives on both sides of the border.

Sharing more than 30 boundaries, each of the countries in Eastern Africa has had at least one border dispute with a neighbour. Since the eruption of the Ethiopia/Eritrean conflict in 1998 over a border dispute, there are growing concerns that there could be more inter-state disputes in Eastern Africa as natural wealth is discovered in the borderlands. The recent (2009) standoff between Kenya and Uganda over the ownership of Misingo island in Lake Victoria, the 2008 border incident between Eritrea and Djibouti, the continuing pan Somali nationalism in the region, and border skirmishes between Uganda and the Democratic Republic of the Congo (DRC) over the oil-rich Lake Albert region, all indicate that border disputes are on the rise. In addition to the potential for armed conflict, undemarcated, indefinite, porous, and unmanaged boundaries are leading to illegal cross-border activities that threaten national sovereignties and destabilize regional politics (Wafula, 2010).

At present the hottest border spots are on the Ethiopia-Eritrea border, the Eritrea-Djibouti border, the Somalia-Ethiopia-Kenya borders, the Sudan-Kenya border, the Uganda-DRC border, the Sudan-Chad-CAR-DRC-Uganda borders, and the Kenya-Uganda border. In the second tier of disputes are the Tanzania-Mozambique, Tanzania-Malawi, Tanzania-Uganda, Uganda-Rwanda and the Kenya-Ethiopia borders (Ibid).

Conclusion

The history of state-making in Eastern Africa is somewhat unique compared to the rest of the continent. The region contains two states whose geographic configuration predates colonialism. The present states of Rwanda and Burundi, colonially known as Ruanda-Urundi were already moving towards nation-state consolidation before the advent of colonialism. Similarly, Ethiopia is one of the three African states that remained conventionally uncolonized during the colonial era. However, despite these ‘continuities’ in the history of nation-state making, the region remains today the most conflict-ridden on the continent, being home to the two conflict cycles of the Horn of Africa and the Great Lakes region.

Statehood is continually under threat in the region from internal, regional and international factors. Internally, the weak states’ institutions remain a serious challenge for democratic consolidation. Regionally, security challenges like small arms, cattle rustling, criminal networks and even armed non-state actors are becoming increasingly regionalized. At the international level, the region along with the rest of the continent remains peripheral to international politics and trade. Globalization has also relegated the region to becoming a net recipient of foreign international socio-cultures and traditions that further negatively affect state consolidation.

However, despite these challenges, most states in the region are moving towards democratic governance. The adoption of democracy will not only guarantee intra-state peace and stability, but through democratic peace, that is, as democracies cease fighting each other, Eastern Africa is expected to achieve stability over time. Because of the regionalized nature of conflict, regional organizations including the Eastern Africa Standby Force (EASF), ICGLR, the East African Community (EAC) and the Inter-Governmental Authority on Development (IGAD) have also been at the forefront of promoting democracy, peace and security through various policy instruments and projects.

Towards regional peace and security: policy options

a) State actors

- The genesis of conflicts in the region lies largely in weak state structures. States face challenges not only of guaranteeing the minimum requirements of statehood to their populations, but citizens are also left vulnerable to external state and non-state forces, further weakening the legitimacy of the already weakened state. There is need therefore to ensure that the current state reforms address both the human and state security needs of the populations in the region.
- The region as well as the international community needs to re-interrogate the notion of the state afresh. The dominant Westphalian state model continues to show a number of shortcomings especially in regard to its application among grassroots communities. Towards this re-evaluation, the notion that only anarchy exists in the absence of a central government like Somalia needs to be revised. The varied types of empirical statehood that exist on the ground as well as the multiple processes of state-building and forms of statehood that have emerged in Somalia and Ethiopia since 1991 need to be recognized and engaged with. This will then inform not only the post-conflict reconstruction going on in much of the region but also the configuration of new states like South Sudan.

b) Regional Organizations

- With their supra-national authority, regional organizations should be at the forefront of addressing regional security challenges as well as promoting stable polities because this will reduce both national and regional security threats.
- To reduce border specific vulnerabilities in the region, the conflict engendering variables needs to be transformed into security generating variables for border communities, the state as well as the region. This can be achieved through enhanced structural penetration in border zones to allow development and human security. Given the dynamics of threats and the prevailing internal vulnerabilities, such a process can only take place through a regional approach to development. Sub-regional organizations are the best suited to lead such an endeavour. Already, a number of these organizations are in the process of drafting various policies to respond to regionalized and cross-border conflicts and their impacts.

The ICGLR is perhaps the most advanced in this respect. Article 17 of the ICGLR Programme of Action for Peace and Security provides for the promotion of joint management of the security of common borders as well as preventing and combatting organized trans-national criminal activities, including terrorism (ICGLR, 2006). Subsequently, ICGLR has identified 12 priority border zones that will benefit from systematic efforts of the respective neighbouring countries not only to manage and improve security on the common borders, but most importantly, to promote joint economic development. This programme could be replicated across the Eastern African region where all borders are actual or potential clash points. A regional organization like the EASF that has an effective regional peace and security mandate would lead such a collaborative initiative with the rest of the regional organizations that have economic mandates.

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Human Security Intricacies in Post-Conflict States: *Crafting Reconstruction Approaches for Similar Challenges in Africa*

Francis Onditi-Post Conflict Recovery Researcher

Introduction

Protracted conflicts and insecurity incidences have been recorded in most African countries. The cyclical nature of these conflicts coupled with governance challenges have made it difficult for researchers to predict accurately when such conflicts could end so that reconstruction activities could begin. Recently, diplomats and scholars expressed fears that South Sudan might return to war if human security issues were not adequately addressed (Kurimoto 2011). Access to water, state security, food and infrastructure were indicated as the most crucial issues. The issue of boundary demarcation and rights over the oil reserves is also critical to the transition. In the last quarter of 2010 and early 2011 the world was keen to see how Sudan would drive the interests of southerners to secede and form an independent 54th state of Africa. At the onset, a good deal of ambiguity surrounded this particular debate. As much as columnist writers, scholars and researchers have the right to enjoy the democratic space and the renewed freedom of press in Africa responsibility for public pronouncements and discourses must be considered.

Nevertheless, their roles as *whistle blowers and thinkers* of the society have to be controlled against mere rhetoric that is sometimes regarded as empty expressions characterized by the political class. The Nigerian writer, Wole Soyinka refers to them as a group of political entrepreneurs-egocentric people least concerned about the pleas and suffering of their subjects. The intellectual privilege accorded to those who can write, think, and dream, in general, should be tapped, consolidated and operationalised for the betterment of the population.

In the case of South Sudan, it is like a native village boy from any of the developing nations visiting the city of Los Angeles in the USA who is fervently looking for help to assist him in locating an arcade in the suburbs of the city. Those surrounding the boy can influence him in two significant ways; i) they could mislead the boy completely from his search of the arcade; ii) they could provide a route map to the needed arcade. With the two sets of directives, the poor boy has a choice to make. This paper uses this analogy to provide a critique of the debate that raged between 2010 and early 2011 over the preparation for the separation referendum and post referendum status of South Sudan. The paper synthesizes and concretizes some of the major issues in order to sustain and

influence strategic thinking within the broader framework of human security embodiment in the southern Sudanese mind set.

Scaling up Strategies beyond Public Rhetoric

Adequate baseline resources status already exists in the South Sudan. In the past decade, international organizations have commissioned surveys and studies to document issues related to livelihood and conflict. The United States Agency for International Development (USAID), Small Arms Survey and the Concordis International are a few of the organizations with vast amounts of data on Sudan. In anticipation of the separation, debates originating from the entire Eastern Africa region generated pessimism on whether the separation of the south would survive the storm of negotiations over oil, boundary demarcations, conflicting cultures and even intra-ethnic sensitivity. One of the significant subjects of the raging debate revolved around the question of whether the south should join the East African Community (EAC).⁵ Critique of this school of thought warns the south Sudan leadership against regional cooperation before re-assertion and reintegration. With the existence of empirical data and intellectual wealth in the country one wonders why a lasting solution was not sought to tackle the numerous human security challenges. The general thinking is that not much is being done in preparation for new statehood by the country's decision makers. The way forward is for the southerners to get not only seasoned leaders, but also people with the required skills for development of actionable and feasible work plans. These plans can be used for the process of post-referendum cum post-conflict stabilisation and development for southern Sudan. In this setting, this paper makes its contribution towards this desirable status of affairs by exposing the reader to i) key issues; ii) lessons; and iii) possible imperatives for programme options.

5. The East African, January 24-30, 2011; South Sudan has to grow its economy before it can join the EAC trade block.

The Sudanese Peace Disillusionment since 1956

Sudan is described as the largest country in Africa, criss-crossed with both socio-political and physical features. As at July 2010, the country's population had reached 35,079,814 million.⁶ River Nile and its tributaries are the most significant physical features while the vast north is desert and the south is mainly tropical with climatic influence from the Congo forest basin. Ethnically, the country comprises of black⁷ 52%, Arab 39%, Beja 6%, foreigners 2%, and others 1%. In terms of religion, Muslims form the majority of the population. Sunni Muslim 70% (in north), indigenous beliefs 25%, Christian 5% (Catholic 3-4%, Coptic Orthodox 0.5%, other < 0.5%).

Sudan⁸ entered the 20th century ruled as an Anglo-Egyptian Condominium, a unique constitutional status dating from 1899. After the First World War, Sudanese nationalist sentiment grew, drawing inspiration from Egyptian nationalism. However, it was only much later, after the 1952 July Revolution in Egypt, that Sudan gained independence. The 1953 Anglo-Egyptian Agreement provided for a three-year transitional period before self-rule.

Sudan has been at war most of the time since independence in 1956. The most significant conflicts between north and south were the 1956-1972 and 1983-2005 civil wars. Until 1974, the British had separated north and south, with more political power vested in the northern part.⁹ For fear of marginalization by the north, southern army officers mutinied in 1955, forming the *Anya-Nya* guerilla movement. General Abboud seized power in 1958 and instituted the policy of Islamisation. Gen Abboud was forced out, however, by a 1964 popular uprising. Numerous Arab-dominated governments followed until the 1969 coup by General Nimieri. The failed 1971 Communist coup left Nimieri politically isolated, pushing him to seek peace with Ethiopia, Uganda and southern rebels. The Addis Ababa peace agreement with *Nya-Nya* in March 1972 granted autonomy to the south and integrated *Anya-Nya* into the national army. Systematic violations of the agreement by the Government, combined with an increasing Islamic shift in the late 1970s, and the discovery of oil in the south eventually led to resumption of war and deployment of northern troops to the oil-rich town of Bentiu.

6. <http://www.sudan.net/fact.shtml>

7. These include numerous ethnic groups.

8. <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/sub-saharan-africa/sudan?profile=history>

9. <http://www.prb.org/countries/sudan>

In 1983, southern troops mutinied against the Government. Nimeiri abrogated the Addis Ababa agreement in June, dissolving the south's constitutional guarantees and declaring Arabic the official language. Islamic Sharia law replaced the Sudanese law in September of the same year. Southern grievances crystallised around the Sudan People's Liberation Army/Movement (SPLA/M), led by the late John Garang. A popular uprising overthrew Nimeiri in 1985 and Sadiq al-Mahdi's democratic government (UMMA party) was elected in 1986. Progressive steps towards SPLA-government peace initiatives were halted when the National Islamic Front led a bloodless coup in June 1989.¹⁰

Contextualizing the Southern Sudan Human Security Debate

The Question of Resource Distribution and Geopolitics

Oluoch,¹¹ in the article entitled '*Khartoum on charm offensive for unitary state*' attributes the 21 year old war in Sudan to ethnicity, ideology and oil.¹² He also agrees with the fact that Egypt is an actor due to the Nile water standoff. Questions on whether overreliance on the oil economy is sustainable and the status of infrastructure and the rights issues over land ownership need careful consideration. The architecture of oil refineries and pipeline layout tilts towards the north. The negative impact of separation on Darfur and the unstable states of south Kordofan and Blue Nile are also creating anxiety among peacekeepers and the local community. The pessimistic commentators of the situation in South Sudan have likened it to Ethiopia and Eritrea that went to war after separation. Badru Mulumba¹³ might be right to condemn the assertion that Southern Sudan is desolate; but he does not weigh these dangers against the crucial question of legitimating donor operation. The efforts by the multi-donor Trust Fund (MDTF) of the World Bank¹⁴ has proved inconsistent due to several impeding factors. Lack of proper feasibility assessment and a monitoring system requires urgent attention. Funding conditionalities are major drawback to the stability of South Sudan; such as the co-funding policy in the ratio of 2: 1 that thrived during Dr. John Garang's era under the pretext of local ownership also might not work.

Proposals for post-conflict situation suggestions are that donor organizations concentrate

10. Daily Nation Tuesday March 9, 2010: South Sudan sets sights on independence from North.

11. Mr. Fred Oluoch is a columnist for the The East African.

12. The East African March 29-April 4, 2010; Khartoum on charm offensive for unitary state.

13. The East African October 4-10, 2010; How World Bank lost then gained favour in S. Sudan.

14. The World Bank has been administering the MDTF funds for human security projects such as water, schools, hospitals and roads.

on longer term development efforts while diplomatic interventions such as those rendered by United Nations should focus on quick delivery of relief and early reconstruction process. These may include disarmament, demobilization and re-integration (DDR) and gender mainstreaming of all stakeholders in the new dispensation process.

The situation in oil-rich regions has become increasingly unpalatable. Abyei was accorded special administrative status by the 2004 protocol on the resolution of the Abyei conflict in the Comprehensive Peace Agreement (CPA) that ended the Second Sudanese Civil War. The region, historically believed to have been occupied by the Dajo people, is inhabited mainly by the Ngok Dinka and Messiriya, the latter are known to be nomadic Arabs. Abyei is situated within the Muglad Basin which contains large accumulations of hydrocarbons,¹⁵ an indication of massive occurrence of petroleum gas and oil resources. By 2003 the region contributed more than one quarter of Sudan's total crude oil output. In the runoff for an independent southern state the residents have been calling for a political settlement of the dispute after the 2005 Abyei Protocol failed to resolve the border stalemate. Most commentators feel that settlement of the Abyei dispute could be successful if tackled outside the CPA. The drought-resistant river Kiir and the question of who owns land between the two tribes¹⁶ seems to dominate the tensions. Both the Ngok Dinka and Messirya are cattle keepers and therefore river Kiir is their lifeline. But the conflict goes beyond water to other mineral resource deposits within the belt. Of course, land could mean anything including the oil rich deposits and the pipelines that transmit the liquid gold¹⁷ from the mines to Khartoum. As already mentioned in this paper, the architectural design of the pipelines raises more questions on whether the oil output is equitably shared or is single-destined? Despite the 12 million barrels of oil produced¹⁸ from the southern region, reports indicate that 90 per cent of its people live on less than a dollar a day (Sharpe 2010). In the midst of all these, an arrangement to manage and allocate the oil resources has been futile. The irony is that, while the south houses the oil reserves, the north takes charge of pricing and administration leading to suspicion by the southerners. The landlocked south stands to gain well over 80% of the oil portion but crippled infrastructure still paint the region as the poorest. Coupled with inter-tribal tensions over county boundaries, tussles over grazing space and proliferation of firearms, assurance of stability in the south remain a difficulty enigma to settle.

15. www.Abyei district in the state of south Kordofan.

16. The tribes are the Agok Dinka and the Arab Messirya.

17. The liquid gold in this paper refers to petroleum oil

18. The author, Sharpe estimates the 12 million barrel of oil is produced annually.

Both at local and international levels, River Nile remains one of the drivers of conflict in the region. The May 1929 Treaty signed between the Arab Republic of Egypt and the British colony in Sudan over Nile waters has been receiving critiques in the recent past. The complaint over distribution of benefits and environmental costs by the Nile Basin Countries¹⁹ has been levelled against Egypt which emphasizes the international law principle of ‘*no harm*’ as opposed to ‘*equitability*’. The seemingly conflicting clauses of law that governs transboundary natural resource exploitation has stirred up the River Nile upstream and downstream countries to take sides regarding the section of the law that governs the equitability in the use of water ways.²⁰ Perhaps the perceived difference here lies in the interpretation of the law. Funding remains a central issue to the equitable use of the Nile for most of the upstream countries including South Sudan. The World Bank, which is expected to administer the multi-donor Nile Basin Trust Fund (MNBTF), does not sponsor projects that are under dispute. According to US diplomatic cables unveiled by Wiki Leaks, Egypt sought to persuade the US to help postpone the Jan 9th independence referendum in South Sudan by four to six years because of the potential loss of control over the Nile water.²¹ Water has been a major issue between South Sudan and North Sudan for decades. For example, the construction of the Jonglei Canal in the south was a major cause of tension between the north and south beginning in 1978.²² This notwithstanding, observers re-affirm that the entire Eastern Africa region stand to gain from the separation of South Sudan from the North. The cross-border relationship between the neighbouring states is likely to be more visible in the coming years. Moreover, partnership opportunities among neighbouring countries are obvious. For instance, joint security operation and technology transfer provides an opportunity for close cooperation.

19. Nile Basin Countries are ten as at 2010; Burundi, DR Congo, Eritrea, Ethiopia, Egypt, Kenya, Rwanda, Sudan, Tanzania, Uganda.

20. The East African January 31-February 6, 2011; with the entry of South Sudan as a country, Nile politics will have to be made over afresh.

21. The East African January 31-February 6, 2011; www.FAO land and water information system.

22. The project that begun in 1978 was intended to benefit mainly Egypt and the north, stalled in 1984 due to rising conflict over the rights issues.

Participatory Peace Building

Several factors explain the peace processes and conflict in South Sudan. In May 2010, President Salva Kiir Mayardit reiterated the need to ensure decentralization of democracy as a ticket for self-rule.²³ This was in reference to electoral processes that saw the south secede from the north. In this case Kiir does not believe it is easy to realize the ideal freedom and peace without allowing the full participation of the people in key decision making processes. However, the distrustful post-referendum imaging as projected by Mr. Ernst Jan Hogendoornv²⁴ shows how mind-set daunts the otherwise smooth transition of the country into secession. While holding on to the optimism that the country might gain stability after separation, one has to be in cognisance of the different driving forces against such a future. For example, the question of regional boundary demarcation, oil revenue and the debt-sharing formulae remain the biggest puzzle for both the south and northern states. The notion of the resource-rich yet poverty-stricken south hinders the otherwise logical geopolitical inclination of the new state. Among the keynote speeches by the EU have been those calling for democracy and rule of law through open and transparent elections. But then the concept of democracy has been contested on a number of occasions. For instance, sustaining participation of citizens in peace and development processes raises contextual questions such as, at what stage do you involve everyone in such processes? The debate becomes even more obscure when one seeks to measure the impacts of such participation. In the context of Sudan, the Darfur dilemma and the notion of marginalization have gathered sympathy from both the regional leaders led by IGAD and the international community. One could conclude that this sympathy by development agencies and the donor community is aimed at promoting people-led peace building and reconstruction initiatives.

23. Sunday Nation May 23, 2010; South Sudan sets sights on independence from North.

24. At the time of publishing this paper, Hogendoornv worked with the International Crisis Group.

Institutional Capacity- building against Proliferation of arms

A cursory look at recent media reports indicates that the country is likely to be heading for trouble after referendum. But the reporters seem to have been too pessimistic. The frequent tensions and clashes in some parts of the south are so historical that one might find it hard to make vivid correlation with the recent referendum. Thus tackling symptoms rather than the root cause of the conflict might prove fruitless. Actors in the international politics of Sudan have been keen on boundary demarcations as key in reforms before the south gains independence. The Norwegian People's Aid (NPA) is one of the international organisations supporting land and economic reforms as an engine of stability in the region. On the other hand, the European Union (EU) has been in the forefront of championing for institutional reforms such as establishment of commissions on judiciary and boundaries for strengthening a multi-donor fund kitty. The need to build synergy between donor and the diplomatic communities has been viewed as the most efficient way of harmonizing the various regional stabilization efforts.²⁵

Skin Colour and Conflict

The recent debate on physical features and origin of the black and Arab Sudanese and how this implies on conflict scenario for the people of South Sudan seem to be limited in scope and misleading. Though it sounds obvious that colour plays a role in conflict, the extent of its influence is deeply-rooted beyond simplistic views that have been expressed by commentators. For example, analysis by Kanuma²⁶ makes genuine observations on the outcome of colour segregation in Sudan; however, his conclusion seems incomprehensive and negates the influence of other factors such as ecology in changing people's behaviour and physique. These ecological factors might play very significant role in determining individual's behaviour such as reactions to provocations. By any standard, whether historical, or genetic, the Messirya and the Maasai of Kenya are not related whatsoever, as Kanuma asserts. In fact, comparing the two analogues amounts to an epistemological tragedy. While the Ngok Dinka who neighbours the Messirya, trace their origin from the Bhar el Ghazal region, grouping the two in similar lineage is deceptive.

25. Daily Nation, Tuesday March, 2010

26. The East African January 31-February 6, 2011; the bad guys in Sudan are not Arab Muslims, they are black Africans too.

The issue of colour in Sudan is crucial and its implications on inter-tribal cohesion are an important imperative for finding lasting solutions for the country that has emerged from violent conflicts. In fact, the utility in cultural and genealogical diversity lies in the self-critical analysis of the persons in question as opposed to masking and avoidance tactics. Indeed the northerners have different complexions compared to the southerners as well as different historical origins. The alignment of the Sudanese along colour identity is actually an indication of these genealogical differences. Thus, any livelihood-security intervention strategy has to deal with the colour parameter without any pretence.

Gender and Stability

Gender and re-assertion disparity is also an area of concern during the period of transition not only for South Sudan but any country emerging from active conflict. Wangari Mathai²⁷ (the Nobel-Prize Laureate) asserts that the future of Sudanese women is crucial for the peace and stability of the country. The role of religion (Sharia law) in perpetuating violation against women, particularly in the south, where the majority are Christians is even weightier. Wangari has pointed out that the exclusion of women from major negotiations is a challenge to the peace process in the country. Conflict is a multi-dimensional event that requires comprehensive approaches in addressing its root causes. The Lord's Resistance Army (LRA) of Uganda oscillates in the region across the borders with devastating effects on mainly women and children. The militia carries out criminal activities, including rape and violence against women.

The Food and Agricultural Report (2010) indicates that 4.7 million people are food insecure at the largest north-south border point in Aweil region of the larger Sudan. Lack of food and poverty can be both a cause and outcome of conflict. Development of infrastructure in South Sudan has been slow or non-existent. For instance the Aweil Rice Scheme with the potential of producing 500,000 kilograms of rice took its toll in 1978. The current state of the facility might require approximately \$50 million to be revived for full-capacity production.²⁸ The link between food insecurity and women suffering is common knowledge that requires redress. In order to include women in reconstruction programmes, their changing roles after war must be analyzed appropriately (Gardner and El Bushra 2004).²⁹

27. The East African, January 24-30, 2011; Spare a thought for the oppressed women in the North.

28. www.world bank PPI Project Database; Huge bills and political niches slow growth of Africa's infrastructure.

29. One of the best ways of tackling the challenges related to human security in post-conflict environment is by initiating programmes such as disarmament, demobilization, re-assertion and reintegration (DDRR). However, the process should be integrated to allow participation by wider sectors.

For example during socio-economic reintegration, actors must identify the often innovative role women play in the formal and informal sector. Where appropriate build on successful strategies and programmes to counteract negative ones.

Translating Knowledge and Lessons into Feasible Action Plans

Based on the strategic location of South Sudan, an effort to make practical contribution to the situation in the country is actually an attempt to build stability in the entire Eastern Africa region. Different stakeholders must upscale their contribution. This might be in providing an opportunity for the citizens of the newly created country to live life beyond enmity and conflict imprisonment. Suggestions for translating the academic and policy recommendations into feasible action plans are provided in the following outline:

The Oil Question in Abyei: July 9, 2011 will mark full independence for South Sudan. However, pre- and post referendum Sudan is marred by numerous expectations and reactions. For instance, while expectations among the citizens are high on achieving increased freedom, all is not well with the oil-producing Upper Nile state. According to the army spokesman, Philip Aguer, Malakal is under militia attack, led by renegade leader George Athor.³⁰ The blame game between the north and south over the oil fields on the south-north border increases chances of widespread clashes. A possibility of proxy war emerging against the south is evident as the north backs militias to gain control over the oil fields. By mid March 2011, 100 people were already dead as a result of the clash emanating from the contested Abyei border region.³¹ Tensions have arisen almost evenly in the entire region of the new state of South Sudan. Conflict has been triggered also by various actors. For example, Malakal region bears unique characteristics of many actors including those involved in exploitation of oil resources. The area that borders northern Sudan and Ethiopia is the ground base for many UN agencies and other international groups. The state also harbours some of the leading oil companies; including the Chinese petrodar, Malaysian petronas and Sudan's own Sudapet. Even though the possibilities of peace and stability decrease with the increasing number of conflict actors, an opportunity exists for the southerners to rejuvenate and create a hub for economic prosperity and stability. The following factors may be considered when designing programmes for the south:

30. George Athor is a former army officer who rebelled last year saying he had been cheated out of the governorship of the neighbouring Jonglei state in elections early in the year.

31. Sunday Standard March 13, 2011: Militia attack in south Sudan oil town leaves trail of deaths, injuries.

i) ensuring that former rebels participate in leadership; ii) taking advantage of the synergy presented by the many humanitarian organizations and investors; this could be achieved by attaching responsibilities to the various organizations operating in the entire region; and iii) identifying conflict triggers such as competed water points. The long-term measure for mitigating resource inequality is increasing accessibility of such resources for the most affected rural families and the dwellers of unplanned urban settlement.

Reconstruction and Preventive Development³² : Young (2005) contends that never before in the history of Darfur has there been such a combination of factors causing the failure of livelihood strategies and the loss of assets. Factors driving livelihood failure and conflict emergencies include systematic asset stripping and production failures. Others are market failures, lack of access to natural resources and constraints on the remittances of migrant workers. Researchers from the Feinstein International Famine Centre focused their study on labour migration, livestock production and trade, and on communities' links with central and eastern Sudan and with Libya. The recommendations from the study are that major structural changes need to be addressed at the international, national and state levels. These changes include the process of i) land restitution and compensation; ii) livestock restitution; iii) reconciliation and compensation; and iv) the opening up of transport routes to provide safe passage for people, livestock and goods. Ideally, the wider processes of reconciliation should be linked with livelihood support. The reconstruction process is successful if undertaken in the broader sense of social, political economic and cultural context. South Sudan requires projects that would promote preventive diplomacy through development projects. Thus, any plan for post-conflict reconstruction should address the entire spectrum of conflict prevention, management and post-conflict recovery.

Aid Dependency versus Self Sufficiency: international relief organizations may be effective at spotting potential humanitarian disasters, and responding quickly when victims cannot survive on their own. Socio-economic factors such as mortality rates, nutrition levels, and food security are indicators used by NGOs to gauge the level of crisis and the type of humanitarian intervention required. By focusing exclusively on these more quantifiable dimensions of a crisis, however, we overlook an equally central concern: for instance, with what indigenous means will affected populations reclaim their self-sufficiency in the long term?

32. The term originated from the concept of preventive diplomacy way back in 1945 by Dag Hammarskjöld, former UN Secretary General. It was advanced by Boutros Boutros Ghali in the 1994 Agenda for Development and the Kofi Annan 1999 report which focused on war experiences of Rwanda, Kosovo and Darfur.

Further, how might aid agencies facilitate these survival strategies, against the current approach of importing mass quantities of food and medical supplies to save lives today only to face more aid dependency tomorrow? Douglas (1998) observed that at the height of civil war the greater danger is that non-indigenous ‘crisis management’ itself will further erode the capacity of the societies to rebuild their own strategies of survival, particularly among the aid-dependent countries of the south. A possible solution to the recurring problem of aid dependency in Sudan and similar crises lies in re-evaluating the relation of self-sufficiency to cultural vitality and long-term survival. Simply stated, relief operations are focusing on the day-to-day survival of victimized populations. Long-term, sustainable strategies should aim at restoring their self-sufficiency.

Applying Participatory Monitoring Process: towards the end of 2010 the citizens of South Sudan were anticipating the referendum of Jan 9th 2011. As a result, the Government of South Sudan (GOSS) initiated the “Come Home to Choose” programme entitled to urge an estimated 1.5 million displaced southerners to return home. Considering the high voter turnout on the 9th, the GOSS has an obligation to maintain this momentum. Humanitarian organizations argue that for this spirit to be sustainable, the humanitarian objectives should remain the goal of the repatriation process. The fears of these agencies for the southerners are evident from the discussions. The consequences of violent conflict, according to International Crisis Group, would manifest itself in terms of loss of citizenship, violence and vulnerability. Thus, plans for an organized repatriation process would avoid the threat of violent conflict. According to Hogendoorn³³ the ideal post-referendum scenario is one in which the parties and their border constituencies can achieve the softest border possible. If necessary, a joint monitoring mechanism may help to safeguard the borders, as well as the rights and responsibilities of the people on both sides. Monitoring and review of the human security projects should go beyond the traditional approaches to adopt participatory result-based monitoring systems. This might be the most effective way of increasing local ownership of a post-conflict reconstruction process.

33. At the time of publishing this paper, in 2011, Hogendoorn was the Crisis Group’s Acting African Programme Director.

Fixing natural disasters and human poverty: the South Sudan's frequent natural disasters such as seasonal flooding exacerbate human poverty because they destroy livelihoods and displace people. Subsequent shortages cause conflict and intensify cattle rustling as a way of securing alternative livelihoods among the agro-pastoralist Nuer and Dinka tribes. In turn, clashes over grazing land and water destroy livelihoods, cause insecurity and increase people's vulnerability to future droughts or floods. To reduce disaster risks, World Vision encourages people to form disaster preparedness committees tasked with reviving indigenous early

warning systems for rainfall and winds. World Vision also provides tools to improve drainage systems and dykes to protect people's crops. Evaluation studies conducted in South Sudan indicate some positive achievements in mitigation of disasters (Heijmas 2009; Okechukwu 2009; Rupiya and Schuller 2009 and Skarubowi 2009). For instance, young people, who were the perpetrators of attacks, are responsible for the construction and maintenance of the dykes. In this way, the number of cattle raids has been reduced as young people are given opportunities to improve their community's livelihoods. In order to enhance cooperation between hostile communities, World Vision has provided training on non-violent conflict resolution, organised peace conferences and helped local leaders to settle disputes peacefully. To ensure lasting reconciliation, local institutions seek support from the National Peace Commission and government officials to work out ethnic and political power struggles. Coordination of all these efforts is important for wider impacts.

Lessons from Burundi: in post-conflict Burundi, recurrent natural hazards increase people's vulnerability. Drought and resulting food shortages in 2006 caused people to migrate, putting pressure on host communities' land and resources (Anderson and Olson 2003; Pain 2005). Humanitarian agencies started food distribution, but this only increased conflict between the displaced population, residents and repatriated Burundian refugees, as some groups were served while others were excluded. To reduce tensions, the Burundian affiliate of the Agency for Cooperation and Research in Development (ACORD) facilitated a process of community dialogue. Representatives from conflicting parties – men, women and young people – exchanged views on the tense situation, its consequences and possible solutions. Through negotiated dialogue, community representatives worked out a 'community social contract' containing commitments to address the needs of vulnerable groups. This kind of negotiation is anticipated to enhance social cohesion and ensure the sound management of natural resources. A peace

committee formally signed the contract and monitored compliance. The result was the development of an action plan to combat land degradation and enhance food security. Confidence and social cohesion among the various groups improved. As a result, agricultural production increased due to improved water management and adaptation of appropriate agricultural techniques for drought-prone areas.

Listening to the Voiceless: a survey conducted by the Small Arms Survey organization in 2009, covering largely the Eastern Equatoria state, reveal a number of suggestions from the local community for the way forward. The suggestions for fixing human security challenges include i) education against inappropriate dowries; and ii) strong linkages between violence, cattle and land issues, suggesting a comprehensive approach to the insecurity and underdevelopment challenges. Based on this finding, it is obvious that the region requires a strategic planning approach in order to establish the complex interconnection of various issues and factors influencing the lives of the people of South Sudan and any other nation emerging from conflict.

Concluding Remarks

The discussion indicates that countries with a long history of war, experience high levels of poverty and related human security challenges. It is also apparent that increased number of actors in a conflict phenomenon accelerates its outcome and impact. Therefore, opportunities for conflict emerging states lie in their ability to marshal the synergy presented by the many actors. Creating a productive mix of the actors is the main challenge for humanitarian organizations and government agencies in reversing the current political and security trend in South Sudan.

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Overlapping Regional Economic Communities in Eastern Africa:

Dilemmas and Challenges in the Development of a Common Regional Security Architecture

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Introduction

This paper looks at progress made by the African Union (AU), the Regional Economic Communities (RECs) and Regional Mechanisms in the Operationalisation of the African Peace and Security Architecture (APSA) with special focus on the Eastern Africa region. It tracks and, most importantly, identifies progress in the development of APSA by the aforementioned institutions. The paper then highlights efforts made by the sub-regional organization, IGAD, in developing a common security regime in an attempt to highlight how conflicting regional mandates impact on the operationalisation of common security architecture. Additionally, it identifies specific gaps, needs and priorities, with particular focus on the efforts of sub-regional organizations and how their different mandates compliment or conflict with the operationalisation of key components of APSA i.e. the Peace and Security Council (PSC), the Continental Early Warning System (CEWS) and the African Standby Force (ASF). It is worth noting that the build-up of APSA at the AU and the RECs/RMs has made varying degrees of progress and achieved a certain level of operational readiness and has had a bearing on the progress made so far in operationalising the Eastern Africa Standby Force (EASF).

The level of coordination between the AU and the RECs/RMs has registered some progress, especially as it relates to the operationalisation of two key components of APSA: the African Standby Force (ASF) and the Continental Early Warning System (CEWS). Similarly, the level of coherence in the development of these components is more advanced than in the other two components (the Panel of the Wise and the Peace Fund). This is partly explained by the fact that ASF and CEWS have clearly articulated roadmaps, thereby providing more structured basis for their operationalisation. Beyond ASF and CEWS, there appears to be limited coordination among the other APSA components. The lack of proper communication and coordination between various components and with RECs/RMs has been an impediment in the operationalisation of APSA. One of the key challenges towards operationalisation of EASF is the absence of a single REC in the Eastern Africa region.

The Rationale of an Economic Community in the Context of Common Security Architecture

The rationalization of regional economic communities needs to be seen in the context of the Abuja Treaty's objective of establishing an African Economic Community.³⁴ The treaty divides the continent into five regions: North Africa, West Africa, Central Africa, East Africa, and Southern Africa. Regional economic communities encompassing these continental regions are expected to be federative poles of the future continental common market. In pursuance of the objectives of regional integration and rapid socio-economic development of Africa, the OAU Summit of Heads of State and Government adopted the Lagos Plan of Action in 1980. The main strategy of the Plan for accelerating Africa's development involved collective self-reliance, regional cooperation and integration. However, the sharp increase in the number of actors has become a problem. Instead of five regional economic communities, there are now 14. Each region contains an average of three to four organizations.³⁵ Thus, in West Africa for example, the Economic Community of West African States (ECOWAS) coexists with the West African Economic and Monetary Union (UEMOA), the Mano River Union (MRU), and the Community of Sahel-Saharan States (CEN-SAD). In Central Africa, the Economic Community of Central African States (ECCAS) coexists with the Central African Economic and Monetary Community (CEMAC) and the Economic Community of Great Lakes Countries (CEPGL). In Southern Africa the Southern African Development Community (SADC), the Southern African Customs Union (SACU), and the Indian Ocean Commission (IOC) share space with the Common Market for Eastern and Southern Africa (COMESA), which also covers East Africa and parts of North and Central Africa. East Africa has the East African Community (EAC) and Intergovernmental Authority on Development (IGAD). This overlap of regional economic blocs has its own challenges in that each community operates under the mandate to carry out the economic integration of its members. Therefore, rationalization of regional economic communities requires addressing the splintered regional spaces, overlapping institutions, duplicated efforts, dispersed resources, and disputes over legitimacy that result from the multiple treaties (ARIA II, Rationalizing Regional Economic Communities, 2006).

34. See the Treaty Establishing the African Economic Community agreed on June 3rd 1991, Abuja, Nigeria

35. Twenty-seven of the fifty-three Member States of the AU belong to two or more integration schemes. Among the major regions of the world, Africa has the highest concentration of economic integration and cooperation arrangements

In the past few years, peace and security have become priority issues not only for the African continent, but also for the regional economic communities (RECs). In 1996 for example, Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, and Uganda established the Inter-Governmental Authority on Development (IGAD) to take over from what used to be the Intergovernmental Authority on Drought and Development (IGADD), which was founded in 1986 to coordinate the efforts of the Member States in combating desertification and drought, with an expanded mandate in economic cooperation as well as peace and security. Then came the continent-wide African Peace and Security Architecture where the Eastern Africa Standby Force features. Operationalization of EASF will inevitably impact on the implementation of the IGAD peace and security strategy. This calls for the development of a coherent strategy to properly sequence, harmonize and coordinate the two security approaches.

Operationalisation of the African Peace and Security Architecture

According to the African Peace and Security Architecture (APSA) 2010 Assessment Study, there is a general feeling among the RECs and other relevant actors that APSA is not coherent or comprehensive enough in its current configuration because there are a number of security and related developments that do not fall within the scope of any APSA components. The need for improved governance of security forces on the continent through Security Sector Reform (SSR), the rising tide of terrorism, piracy, disaster management, post-conflict reconstruction and broader governance issues have been identified as challenges that are not adequately addressed under the current APSA. There is also limited coherence between and among the APSA components at the AU and the RECs/RMs. This is particularly notable with the PSC, and the Panel of the Wise and similar structures. All these security challenges are very common in Eastern Africa as compared with the other regions of Africa.

The other challenge is that the various APSA components are developing at different paces. For instance, an inter-locking system that is envisaged whereby the decisions of the PSC benefit from information and analysis from other components such as the early warning systems at the African Union Commission (AUC) and the RECs has been limited. At another level, the REC/RM to REC/RM interface has been equally limited (*APSA 2010 assessment Report*). There is need, therefore, to address the potential gap presented by overlapping memberships in order to ensure that REC/RM to REC/RM coordinating initiatives on peace and security succeed by enhancing inter-REC/RM coordination in Eastern Africa.

The challenge posed by overlapping RECs as well as by the lack of a common REC within Eastern Africa impedes the operationalising of EASF. EASF is operating within a weak legal framework. Currently, there is only an MOU and a policy framework that is not binding, and there is no binding arrangement between Member States for force deployment although every Member State renews its pledge to provide troops. This challenge is compounded by the fact that communications with the RECs in the region (IGAD, EAC and COMESA) is poor and efforts to operationalise the EASF is dogged by inter- and intra- state tensions. There is need, therefore, to devise ways of improving communication and coordination with the RECs in the region to ensure that EASF achieves its intended purpose. Members of EASF should work towards improving coordination and communication between EASF and the RECs in the region because, as of now there is limited or no coordination between EASF and IGAD, EAC and COMESA. Increased coordination could help to address some of the challenges associated with the fact that there is no single REC that covers EASF Member States. Adopting an MOU to cover these institutions would be an important first step towards developing an effective security infrastructure that would cater for the unique security needs of the region.

The IGAD Peace and Security Strategy

In this paper, the Horn of Africa is used as a case study to determine the challenge posed by overlapping RECS to a common security regime. It looks at the region as a Regional Security Complex (RSC)³⁶ and uses the Inter-Governmental Authority on Development (IGAD) Peace and Security Strategy³⁷ as a foundation for peace and security architecture for the sub-region. Given the divergence of several states belonging to more than one regional economic community in the region, as with Kenya, for example, which is a member of EAC, COMESA and IGAD, forging a viable supra-national organization that will realize the building of a regional peace and security architecture will always be a challenge.

36. A regional security complex is defined as a group of states whose primary security concerns are so closely intertwined that their national securities cannot meaningfully be understood in isolation from one another or a scenario in which security threats to any one state of the region has serious security repercussions on the rest (Buzan, 1991; Buzan and Waever, 2003). The concept is anchored on what Buzan calls patterns of amity and enmity among states. Patterns of amity and enmity or friendship and hostility in simple terms, are shaped by a multiplicity of factors. These include territorial disputes, cross-border ethnic distribution, ideological orientations, suspicion and fear and long standing historical links of genuine friendship and expectations of protection or support

37. IGAD has developed a 5-year Peace and Security Strategy (2010-2014)

A defining feature of a regional security complex, therefore, is interdependence, be it conflictual or cooperative. In short, a security complex may exist where there is a high level of mutually-felt insecurity among two or more regional states. Similarly, a high degree of mutual trust and friendship can also demarcate the boundaries of a security complex. Security complexes emphasize the interdependence of rivalry as well as that of shared interests. On this account, external relations between the states of the region support and sustain the conflicts within the states of the region in a systemic way.

The different conflicts interlock with and feed into each other, determining regional external relations that exacerbate conflicts (ibid.).

In the Horn of Africa, the security complex which is part of the broader Eastern Africa region's conflicts in Sudan and Somalia, have become threats or have led to regional security crises. The eruption of conflicts in these countries and the conflict resolution mechanisms used by IGAD has led to the creation of the first regional security architecture that now complements the broader EASF initiative. The two security architectures promise an institutionalized mechanism for conflict prevention, management and resolution. How the two security structures complement each other will be determined by the degree of communication and coordination between them and by extension between various sub-regional organizations in the Eastern Africa region

The Structure of the IGAD Peace and Security Architecture

The general aim of the IGAD Peace and Security Strategy is 'to achieve sustainable peace and security for the attainment of economic integration and development in the IGAD Region.' To this end, it has identified four strategic priorities:

- a. Strengthen and streamline conflict prevention, management and resolution in the IGAD Region;
- b. Strengthen preventive (track 2) diplomacy in the IGAD Region;
- c. Promote cooperation to address emerging common peace and security threats relating to terrorism, maritime security, organized crime and security sector reform within the IGAD Region;

- d. Enhance cooperation in other areas incidental to peace and security, including environmental protection, disaster prevention, management and response, transit corridor management and management of trans-boundary water resources, energy resources and prevention management and resolution of challenges relating to refugees and internally displaced persons. (IGAD 2010:6)

The new IGAD Peace and Security Strategy focuses on the peace and security of the Horn's communities, the states and the region itself. The strategy is premised on the principles of respect for international law, mutual respect and non-interference in the internal affairs of Member States, rejection of the use of force to resolve problems, equitable utilization of trans-boundary resources, respect for territorial integrity and sovereign equality of states, and respect for colonial borders. The security strategy also presupposes such operational principles as *subsidiarity*, *interest convergence*, *constructivism* and *incrementalism* in the course of its implementation.³⁸ The strategy is guided by an underpinning consideration to turn vulnerabilities into opportunities of mutual cooperation for regional peace and security.

The IGAD peace and security architecture fits within the broader framework of the United Nations Charter and that of the Constitutive Act of the African Union, which imposed on Member States the obligation to participate in advancing international collective security, as well as the IGAD Agreement. According to Article 7(g) of the IGAD Agreement, IGAD's objective is to 'promote peace and stability in the sub-region and create mechanisms within the sub-region for the prevention, management and resolution of inter- and intra-state conflicts through dialogue' (*IGAD 1996*). Article 18(a) stipulates that 'Member states shall act collectively to preserve peace, security and stability which are essential prerequisites for economic development and social progress.'

To achieve its goals, the IGAD peace and security architecture comprises the following components:

- IGAD Programme of Conflict Prevention, Management and Resolution (CPMR)
- Protocol on the Conflict Early Warning and Response Mechanism (CEWARN)

38. The discussion is based on IGAD Peace and Security Strategy: 2010-2014 (Final Draft), 19 January 2010.

- Conflict Early Warning and Early Response Units (CEWERUs)
- IGAD Civil Society Forum(IGAD-CSO Forum)
- IGAD Inter-Parliamentary Union (IGAD-IPU)
- IGAD Women’s Desk
- IGAD Capacity Building Against Terrorism (ICBAT),
- Policy Framework for the Eastern Africa Standby Brigade (EASBRIG)
- Panel of the Wise
- Mediation Support Unit (MSU)

In broad terms, elements of the new IGAD Peace and Security Strategy³⁹, under its Strategic Action Priority I, envisages drafting, endorsement, and execution of three major protocols, namely, Protocol on Demobilization and Disarmament; Protocol on Non-Aggression; and Protocol on Conflict Prevention, Management, and Resolution. It also envisages a thorough overhaul and revision of CEWARN’s competence as well as a legal and institutional framework in such a manner as to boost its capability to monitor not only pastoral but also other forms of conflicts, and the full operationalisation of Conflict Early Warning and Early Response Units (CEWERUs) in all IGAD Member States.

As part of its Strategic Action Priority II, the strategy envisions the setting up and running of a Mediation Support Unit (MSU) and framework, including a roster of mediators and a Panel of the Wise. It would also include an institutional and normative framework for Track II/Preventive diplomacy, including enhancing the roles of the IGAD-CSOs Forum and the IGAD-IPU in preventive diplomacy.

The strategy, under its Strategic Action Priority III, contemplates the revision, development, cooperation, and enhancement of a comprehensive institutional, programmatic and normative framework at regional level for combating terrorism, money laundering, trafficking in humans, drugs, small arms, piracy, cyber crime, and intellectual property related crimes; as well as the promotion of security sector reform (SSR).

³⁹. The discussion is based on IGAD Peace and Security Strategy: 2010-2014 (Final Draft), 19 January 2010.

Under its Strategic Action Priority IV, the Strategy requires inter-sectoral collaboration among the various agencies/divisions of IGAD as well as close cooperation among Member States on the development and promotion of normative framework, institutions, infrastructure and capacity for regional disaster prevention, management and response; as well as close cooperation in drawing up and executing a protocol on the management of shared water resources; promoting the conclusion of agreements between states for the use and management of transit corridors; promoting the ratification and implementation of AU Conventions relating to refugees and internally displaced persons; and enhancing sustainable environmental and natural resources management as well as equitable access to natural resources. The existing IGAD organs, namely the Heads of State and Government, the Council of Ministers and the Committee of Ambassadors are charged with the responsibility for implementing the Peace and Security Strategy.

The Way Forward: Towards the Development of a Coherent Regional Security Strategy

First, it has to be borne in mind that the conflict-prone nature of Eastern Africa is sufficient to frustrate endeavours to implement and complete the nascent regional peace and security architecture. Within the emerging Eastern Africa peace and security architecture, room must be made for anticipating and meeting the security challenges of the future. Recently, serious, gross, and systematic human rights violations, including genocide, war crimes, and crimes against humanity, electoral violence, transitional justice, on- and off-shore terrorism, and the unlawful use of marine resources have emerged as key threats to human security in the Horn of Africa.

Despite the challenges, IGAD, in its efforts to contribute to regional peace and security, managed to broker peace processes for Somalia, leading to the formation of the Transitional Federal Government in October 2004, and for Southern Sudan, leading to the signing of the Comprehensive Peace Agreement (CPA) in January 2005. All peace processes undertaken by IGAD, however, stalled when regional tensions came into play and this provides lessons for EASF. Whatever else happens in the long run, an EASF peace and security strategy needs to ensure that it does not overlook the modern approach to security – an approach that emphasizes the security of people and the nonmilitary dimensions of security; the creation of forums for mediation and arbitration; the reduction in force levels and military expenditure; and the ratification of key principles of international law governing inter-state relations. In other words, it should endeavour to consider security

in ways that incorporate political, social, economic and environmental issues. Thus, the common security regime is supposed to provide an early warning of potential crisis, the building of military confidence and stability through disarmament and transparency, the negotiation of multilateral agreements and the peaceful management of conflict.

The APSA strategy attempts to address contemporary peace and security challenges in the region and the EASF and IGAD strategy is well developed to cater for the security needs of the region in the long run. However, the challenge posed by overlapping RECs with different mandates is huge. IGAD is not the only REC involving IGAD Member States that is working on commitments and mechanisms for peace and security. There are overlapping mandates of RECs such as the East African Community (EAC), which embrace the eventual establishment of a political federation of its member states, but does not include all IGAD and COMESA members. The overlapping membership of states in the various sub-regional communities in Eastern Africa weakens the ability of states in sub-regions to pull together their resources in building up relevant security institutions. It also causes potentially conflicting political commitment of states to opposing objectives of the various sub-regional organizations. Moreover, it can be used also by states to evade the responsibility to address specific security problems by claiming that responsibility lies with one or another sub-regional organization.⁴⁰

Competition between regional states exists in every region of the world, and the Eastern Africa region is no exception, including the Horn of Africa.⁴¹ Moreover, regional integration in Eastern Africa remains weak because inter-state security dynamics are influenced by intra-state security problems: displacement, cross-border incursions by rebel groups all have a profound impact on inter-state relations. However, they have been rather unpredictable and prevented the states in the region from establishing substantial and institutionalized interaction - the necessary prerequisite to build a regional security organization. A well-articulated regional peace and security strategy, based on human security, would not of itself, provide a panacea for the complex and entrenched conflicts in the Eastern Africa region. But if properly structured and implemented, this strategy could catalyze and generate incentives for non-violent conflict resolution and disincentives for violent solutions, not only for states but for non-state actors as well.

40. See, Girmachew Alemu Aneme, A Study of the African Union's Right of Intervention against Genocide, Crimes against Humanity and War Crimes, Unpublished PhD Diss., Faculty of Law, University of Oslo, 2008, p151

41. See, Barry Buzan and Ole Wæver, Regions and Powers. The Structure of International Security. Cambridge, Cambridge University Press, 2003, pp. 230, 243

The IGAD peace and security architecture promises a lot more mechanisms for the prevention, management and resolution of conflicts in non-violent ways. IGAD, being one of the RECs heralded as the building blocs of the African Peace and Security Architecture, is expected to play a major role in leading the region towards economic and political integration as well as in improving the human security crisis in the region. Although the Strategy lays down a framework to complement the emerging Eastern Africa regional peace and security architecture, EASF, one thing is clear; the architecture will provide a good foundation for human security, as the Strategy has at least recognized the problem of human insecurity.

A properly structured and well-endowed regional peace and security architecture should include a mechanism by which Member States can collectively anticipate and respond to external challenges to their maximum advantage.

In this regard, even if the Strategy puts great emphasis on Conflict Early Warning and Response Mechanism (CEWARN), unfortunately, it fails to provide for measures or recommendations designed to expand for example, the Eastern Africa Standby Force (EASF) mandate and boost its defence and/or peacekeeping capability. The proposed IGAD Protocol on Conflict Prevention, Management and Resolution (CPMR Protocol) should allow EASF to intervene in the internal affairs of a member state on behalf of IGAD, in the event of a serious and massive violation of human rights, an unconstitutional change of government or any other emergency situation as may be decided by the concerned body. Robust and effective security architecture, however, hinges on the realization that multiple membership to different economic blocs, as has been the case in the region, have a negative impact on forging an effective regional security agenda. Consequently, the need to synchronise and sequence various security organs or mechanisms to avoid competition, duplication of efforts and wastage of resources is of paramount importance.

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General Key Messages of the Issue Briefs

This fact sheet is a quick reference guide regarding issues discussed in the three briefs. Thus, statehood; human security; and the regional peace and security architecture. The key messages include:

- While conflicts in the region are influenced by a multiplicity of factors, weak state structures are pointers as to why it is difficult to achieve regional political stability.
- The centrality of regional organizations in restoring statehood among member states could be achieved by strengthening structures of political processes.
- Eastern African stability is shaken by mainly human security challenges, including small arms, cattle rustling and criminal networks.
- Human security challenges such as poor infrastructure and weak community supportive mechanisms may trigger intra-border conflicts in countries emerging from war such as South Sudan.
- The numerous regional and international actors in the Sudan case pose both challenges and opportunities for South Sudan in the post-independence era.
- While the role of political processes features as the most suitable approach to resolving the emerging intra-border challenges, a comprehensive programme should also consider factors such as: i) land restitution and compensation; ii) building the infrastructure; and iii) modernising the security forces.
- Whereas sub-regional organisations have striven to develop a common security regime in Eastern Africa, the conflicting regional mandates cannot be wished away.
- Inadequate legal and policy frameworks pose a challenge to a workable regional peace and security architecture.
- While the regional peace and security architecture is affected largely by structural factors, regional security challenges such as crimes against humanity, electoral violence, transitional injustices, terrorism and unlawful use of marine resources pose threats to the entire Eastern Africa region.

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