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Contents

Foreword

The mission of the International Peace Support Training Centre (IPSTC) is to 'enhance capacity through training, education and research to military, police and civilian personnel in all aspects of peace operations in order to improve on the effectiveness of international response to complex emergencies.' The current collection of issue briefs, as others before, is a contribution from applied research towards the fulfilment of this mission.

This is the third series of IPSTC issue briefs and the first in the year 2011. The issue briefs are meant for the larger audience dealing with peace and security issues in the Eastern African Region. The briefs highlight the contemporary peace and security concerns in the region. They also provide space where the IPSTC researchers can critically analyze these issues and share them with the targeted audience within Eastern Africa and the continent at large.

The current issue has four briefs. The first on Peacekeeping in Eastern Africa emphasises the lessons learnt in contemporary peacekeeping in Eastern Africa in the light of increasing involvement of regional state actors and how this has impacted on the norms of humanitarian interventions.

The second, on Quality Assurance in Peace Support Operations, reiterates the need for minimum basic training quality standards that all training must meet to ensure harmonization of skills and knowledge among the deployed personnel.

The third on the role of different actors and stakeholders in the Djibouti Peace Agreement, argues that the Somali crisis can still be contained if different actors and stakeholders work together in a committed manner by putting all their interests and resources towards bringing Somalia back to stability.

The fourth, on the International Criminal Court in Africa, clearly shows that the post conflict countries must grapple with the challenge of instituting the right transitional justice instruments to address not only the past violations but also to sustainably consolidate the peace after conflict.

The publication of this series at the beginning of the year is a great opportunity for all in the region and the international community at large to contribute actively on the regional peace and security debate

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

Brig Robert Kibochi
Director, IPSTC

Introduction to The Issue Briefs

Peacekeeping in Eastern Africa: Lessons for contemporary Peacekeeping

The 1990s could be described as the age of humanitarian intervention, as the decade featured many cases of military force (or the threat of it) being used to stop serious human rights violations, including Liberia, Sierra Leone and East Timor. Other than Somalia and Rwanda, international involvement in the former Yugoslavia dominates the literature on humanitarian intervention in this period. Humanitarian intervention in Africa

continent has represented one of the major challenges since the 1990s because of the nature of conflicts that we continue to face. In the context of the Eastern African sub-region, those regional political and security organizations that have relatively few resources have encountered challenges in filling the void created by international inaction to intervene in the conflicts. In response to perceived international indifference to escalating conflicts, regional states have begun to exhibit a growing willingness to intervene in regional conflicts as seen by the African Union's and IGAD's continued engagement with Sudan and Somalia

Towards Quality Assurance in Peace Support Operation: A Teaser for Peacekeeping Training Institutions

Is there need for Quality Assurance (QA) in Peace Support Operations (PSO)? This paper argues that the success of training and education (whether in a regular education system or specialized fields such as PSO) is fundamentally driven by the incumbent quality standards. The big issue is not quality versus quantity or growth versus worth. It is the jointly determined functioning of both training processes and standards harmonization among training institutions mandated to produce peacekeepers. This can be conceptualized at a point of time in terms of the nature of training-deployment equilibrium, or alternatively, the mismatch between production of personnel and skill requirement in peacekeeping field missions. It may be argued that this is a product of a PSO development process. But then, is it devoid of the very basic building elements of quality assurance framework (QAF)? Nevertheless, the ways in which such a policy works and the choices training institutions make are intimately linked to the entire fraternity of PSO: trainers, administrators, clients, AU/UN mission workers and development partners. The paper recommends a dichotomous platform for building such a framework: i) the role of African Peace Support Trainers' Association (APSTA); ii) the development partners.

Implementation of the Djibouti Peace Agreement: The role of different actors and stakeholders

Since the removal of President Siad Barre in 1991, the situation in Somalia has deteriorated. Over the last two decades, the crisis has evolved from a civil war characterized by clanism and 'warlordism' to a crisis that today involves transnational crimes, human trafficking, piracy and extremism. In addition, international terrorism is reported to be actively supported by al-Qaeda through Al-Shabaab and Hizbul Islam. The resultant state failure has created a humanitarian catastrophe of immense proportion resulting in a huge number of internally displaced persons (IDPs) and refugees in neighbouring countries. The crisis in Somalia continues to threaten not only the peace and stability of the Horn of Africa but is now assuming a more global dimension.

Several efforts, including the signing of 13 peace agreements have been facilitated by various bodies such as the United Nations (UN), the African Union (AU) and the Inter-Governmental Authority on Development (IGAD) to restore peace, law and order in Somalia, but have failed. In 2005, the Transitional Federal Charter [1] was adopted and the Transitional Federal Government (TFG) established, following the conclusion of the Mbagathi round of talks in Kenya. The TFG was given five-year tenure with key transitional tasks, including reaching out to all Somali stakeholders in order to broaden the scope of dialogue and reconciliation among all Somalis. In furtherance of the Transitional Federal Charter and tasks, the Djibouti peace process evolved, leading to the signing of the Djibouti Agreement between the TFG and the Alliance for the Re-Liberation of Somalia (ARS) in 2008.

The International Criminal Court in Africa: Curbing Impunity or advancing imperialism

Despite the fact that the International Criminal Court (ICC) is a relatively young judicial institution only coming into force in 2002, it seems to have captured the popular imagination of many people the world over as far as curbing international crimes related to war crimes, genocide and crimes against humanity are concerned. Nowhere has it raised more passion than in the African continent. This is mainly because all the investigations it has initiated since its inception have been on sub-Saharan Africa. Its concentration on the continent despite other situations elsewhere deserving its attention, has led to some of its critics labelling it as one more western instrument of imperialism. By looking at the work of ICC in Africa, this paper questions the Court's preoccupation with the continent and the subsequent reactions to and implications for this concern.

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[1] The Transitional Federal Charter which was adopted in August 2004 stipulates certain tasks the Transitional Federal Government (TFG) has to carry out by the end of the Transitional period. The Transitional period which was originally for five years, was extended by parliament after the signing of the Djibouti Agreement until August 2011. The transitional tasks are those that the new Somali Government has to complete by the end of this period.

Issue Briefs

Peacekeeping in Eastern Africa: Lessons for Contemporary Peacekeeping

Julius Kiprono – Conflict Prevention Researcher

Introduction

For many years, the Eastern African region has suffered from a variety of interlocking conflicts: some internal; some cross-border and some driven by external factors. Many of the conflicts appear to be clear-cut, and indeed are often tackled in isolation. But in almost every case the conflicts of the region are recurring and inter-related in a myriad of ways. They pose great challenges for the people and governments of the region. In the wider context these conflicts pose global security threats for the international community. The UN and the AU have taken proactive roles to deal with these conflicts by establishing peace missions.

The United Nations Security Council (UNSC) and the African Union Peace and Security Council (AUPSC) have taken a close interest in the conflicts ravaging the Horn of Africa. Aside from the generation of reports, statements and resolutions necessary to the maintenance of their peace missions in the region, the two organisations have regularly expressed concern as security and humanitarian situations continue to deteriorate in the region. The two organizations, however, need to be aware that the region might be considered a "Regional Security Complex" (Healy 2008: 7). Such an understanding would demand that interventions in one part of the region take full cognisance of the likely (normally unintended) consequences elsewhere.

Regional peace and security initiatives have underlined Africa's determination to come to grips with its conflicts. However, even the regional approach is centred on the perspectives of state interest and initiatives. The conflicts in the Horn are deeply regionalized and governments of the region have focused on resolving these conflicts through a regional approach. Such a regional approach is sometimes marred by inter-state conflicts and narrow state interests. As such it has many weaknesses. At times, there is no consensus among the governments of the region, for example, on the principles that should guide relations among neighbours. The sub-regional organisation, IGAD, has expanded its mandate from environmental and development cooperation to embrace peace and security issues, most prominent in its leadership being efforts to achieve peace in Sudan and Somalia. But IGAD's institutional capacity and political backing to sustain such a role continues to be challenged fundamentally. The issue of regional peace and security might require a well-situated nexus of power (Medhane, 2004: 2). But the problem is more complicated. It boils down in essence to the nature of the state in Africa in general and the Horn of Africa in particular.

It is widely documented that one of the main causes of conflicts in the region is the internal structure of the states and the weakness of democratic representation. This is compounded by the absence of a strong sub-regional security organization. The dictates of statecraft in the Horn have

always demanded engagement with the affairs of neighbours (ibid.). Despite the rhetoric on the need to include human security issues in security thinking, governments in the region still subscribe to militarized conceptions of security. Therefore, regime stability is the priority. What underpins insecurity in the sub-region also includes poverty which cascades into conflicts over resources, vulnerability to economic shocks, weak institutions and poor governance. The problem is that at times these are not seen as national or regional security issues and are given lower priority than military and security affairs. Looking at these issues would help us understand the level of security threat attached to these problems. The same is true with militarization and small arms. The Horn sub-region is a heavily militarized area and many countries of the region maintain substantial armed forces and security organizations. All these issues stand in the way of creating a robust peace and security order in the Horn of Africa

The Primacy of Regional Organizations in International Peacekeeping

Commentators have argued that regional organizations are better suited than the UN Security Council to handle some conflict situations because of logistical, social and political reasons. Prominent among the normative arguments in favour of the primacy of regional organizations are the structural impediments posed by the veto in the Security Council and the reticence sometimes displayed by the Council. Additionally, logistical and budgetary constraints may impair the Council's ability to address a situation that regional organizations may be better equipped to handle (Suyash Paliwal, 2010)

Regional organizations have an increasingly prominent place in international peacekeeping, as a result of both their own initiative and institutional desire on the part of the UN. This is because the decision-making of the Security Council and the priorities of its permanent members may not be entirely adequate for the peacekeeping needs of African states and peoples. Cooperation with the UN is by no means eschewed by Africa's regional organizations and carries significant advantages. In parallel, the UN has recognized that its effectiveness can be greatly enhanced by cooperation with regional organizations. Embracing the practice of the African regional organizations may expand the law of the UN Charter, allowing subsequent state practice to create a customary interpretation of Article 53 in light of the Charter's object and purpose, or opening the door for regional humanitarian intervention. But the international community may desire such expansion to encourage regional peacekeeping in Africa in order to relieve the already overburdened UN. The regional organizations of Africa have reshaped the landscape of international peacekeeping and have substantially influenced the law on the use of force through their instruments and practice. The cultural differences between Africa and the West are more significant than we may appreciate, and an accepted framework in which the African regional organizations maintain primacy over peacekeeping in their continent may be the development needed to establish sustainable peace in Africa.

Although Article 24 in Chapter V of the UN Charter clearly vests the primary responsibility for the maintenance of international peace and security with the UN Security Council, the Charter provides a role for regional organizations and arrangements in the maintenance of peace and security in their respective regions. Article 33(1), in Chapter VI, provides that parties to any dispute endangering international peace and security "shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice." Under Chapter VIII, Article 52(1) stipulates that nothing in the Charter is to preclude "the existence of regional arrangements or agencies for dealing

with such matters relating to the maintenance of international peace and security as are appropriate for regional action." It goes on to invite member states entering into such arrangements or disputes through such regional arrangements or constituting such agencies to "make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council" (See Articles 24, 33 and 52, UN Charter).

On the issue of enforcement action by regional arrangements, Article 51, under Chapter VII of the Charter, recognizes the inherent right of individual or collective self-defence. Chapter VIII, Article 53 (1) provides that the Security Council "shall, where appropriate, utilize such regional arrangements and agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council." Additionally, Article 54 provides that the Security Council shall at all times be kept fully informed of activities undertaken or those planned under regional arrangements or by regional agencies for the maintenance of international peace and security.

In the context of the Eastern African region, those regional political and security organizations that have relatively few resources have encountered challenges in filling the void created by international inaction to intervene in the conflicts. In response to perceived international indifference to escalating conflicts, regional states have begun to exhibit a growing willingness to intervene in regional conflicts as seen by the African Union's and IGAD's continued engagement with Sudan and Somalia. Several political and economic alliances on the continent have been expanded to include military dimensions. While it is important that Africans have recognized the need to take primary responsibility for responding to crises and armed conflict, their political will far surpasses their peacekeeping capabilities.

Although the Security Council has proven increasingly hesitant to authorize United Nations peacekeeping operations, it appears increasingly willing to allow regional, sub-regional and ad hoc initiatives to take an active role to intervene in regional conflicts. There are a number of recent examples of this "burden-sharing" trend. Such regional, sub-regional and ad hoc undertakings have varied significantly in terms of their size and effectiveness. There is nothing inherently wrong with utilizing the peacekeeping services of others. Indeed, Chapter VIII of the UN Charter recognizes a subsidiary but integral role for regional organizations in the maintenance of international peace and security. Article 52 empowers regional organizations to deal with those matters that are appropriate for regional action and encourages them to undertake the pacific settlement of local disputes before referring them to the Security Council.

Peacekeeping in Africa

The unique security challenges and dynamics that continue to confront the sub-region have a bearing on the conduct of peacekeeping in the continent. The problems that the UN has had to face in Africa also reflect the peculiar difficulties of peacekeeping itself, and the wide divergence between what may be regarded as the 'classic' role of peacekeeping and, especially in Africa, the kinds of conflict which the UN and other would-be peacekeepers have been called on to resolve (ISS, 1999). Classic peacekeeping, as James has defined it, '... refers to the international help which is sometimes sent to an immediate problem area when disputing states wish, at least for the time being, to live in peace' Critical to this conception of peacekeeping is that the peace to be kept is one between disputing states, and that these states — at least provisionally and temporarily — have agreed on some basis for living in peace, which external forces are then called on to help police.

This agreement, in turn, creates the conditions for what Margaret Carey has identified as the basic principles of peacekeeping:
- that it should take place with the consent of the states in conflict;
- that the peacekeepers should act as impartial brokers; and
- that force should be used only in self-defence.

No major regional peacekeeping operation, whether undertaken by the UN or by other parties, has fully met these conditions. Most importantly, no such operation has involved any conflict between states in Africa, apart from the Eritrea-Ethiopia conflict. Except for the Democratic Republic of Congo war of the late 90s, direct conflicts between states in Africa have been relatively rare, and none of those that have taken place have involved any substantial commitment of resources to peacekeeping operations. At most, they have involved only relatively low-level attempts at mediation or demarcation by the UN as in the case of the Nigeria-Cameroon, and Chad-Libya border disputes and by other states and organisations in the dispute between Eritrea and Yemen (ibid.). Virtually all African conflicts which have involved external peacekeepers or peacemakers have been conflicts that occurred within states. However, such conflicts have often taken on an international dimension.

The 1990s could be described as the age of humanitarian intervention, as the decade featured many cases of military force (or the threat of it) being used to stop serious human rights violations, including in Haiti, Liberia, Sierra Leone and East Timor. Other than Somalia and Rwanda, international involvement in the former Yugoslavia dominates the literature on humanitarian intervention in this period. Tamara Duffey in her work elaborates on the challenges of intervention in Africa. According to her, humanitarian intervention in the continent has represented one of the major challenges since the 1990s (Tamara. D, 2000). The first impact with a harsh outcome was the intervention in Somalia in the early 1990s. Somalia was not only the first real occasion for the Western military to understand the implications of dealing with complex civil wars, but it was also the first opportunity to understand that culture is an important element to address in peace operations. In her essay 'Cultural Issues in Contemporary Peacekeeping' she notes that the problems of the intervention in Somalia were mostly cultural. 'The operations in Somalia exposed serious organizational culture differences between the military and the diversity of civilian agencies' and yet 'the most significant problems were those resulting from the failure to understand Somali culture'. This lack of understanding involved the highest level of decision-making. In addition 'many contingents arrived in the mission area without knowledge of Somalia, its history and culture, or the conditions on the ground' (ibid.).

Since the Somali crisis, international peacekeeping has continued to evolve into a complex undertaking. Contemporary UN peace operations are, in effect, peacebuilding operations in that they have mandates that combine political, security, humanitarian, development and human rights dimensions in the post-conflict phase aimed at addressing both the immediate consequences and root causes of a conflict. The UN's capability to undertake such system-wide peacebuilding operations is what sets it apart from bodies such NATO and the AU. The EU is the only other multilateral body that has shown potential to develop such a complex peacebuilding operation capacity in the mid- to long-term. This involves combining a range of action and functions under one institutional framework. Combining such a diverse range of functions under one framework has proved to be a daunting task for the UN. In order to manage these interdependencies in the field, the UN has developed the Integrated Missions model that is essentially aimed at enhancing coherence between the UN Country Team, which is humanitarian and developmental in focus, and the UN peacekeeping operation, which is peace and security- focused. The UN missions in Burundi,

Côte d'Ivoire, the DRC, Haiti, Kosovo, Liberia and Southern Sudan all have Integrated Mission management structures.

Peacekeeping is also a dominant theme for the African Union (AU). Over the last half-decade the AU has undertaken two major peacekeeping operations of its own, in Burundi and Sudan, involving 10,000 peacekeepers at a total cost of approximately $600 million (UN Information Service, 2008). Africa is, of course, also a significant troop contributor to UN peace operations, with 34 African countries contributing 28% of the UN's uniformed peacekeepers. In comparison with the peacekeeping missions in Africa during the mid- to late-1990s, the new trend towards large, complex peace operations represents a significant shift in the political will of the international community to invest in peace operations in Africa Over the past half-decade, the AU, and Regional Economic Communities (RECs) like ECOWAS, IGAD and SADC, have significantly increased their capacity to undertake and manage peace operations. The AU, in particular, has played a leading role by deploying its first two peace operations, African Mission in Burundi (AMIB) and African Mission in Sudan (AMIS). One of the most significant developments in the African context is the informal division of roles that has emerged around the sequencing of peace operations. The pattern that is taking shape is that the AU, or one of the RECs, first deploys a stabilization operation, followed by a UN complex peacekeeping operation within approximately 90 to 120 days. This pattern was established in Burundi, where the AU deployed AMIB in 2003 followed by a UN operation (ONUB) in 2004; and repeated in Liberia, where ECOWAS deployed ECOMIL in 2003, followed by a UN operation (UNMIL) later in the same year; and it was repeated again in Darfur where AMIS, first established in 2004, was later replaced by UNAMID.

Contemporary Peacekeeping

The end of the cold war altered the international peace and security landscape significantly. With the easing of East-West tensions, cooperation in the Security Council has been enhanced, presenting new opportunities to resolve certain conflicts. Yet the post-cold war era has also been characterized by the proliferation of other conflicts. Complex and violent intra-state wars—often with regional dimensions—have erupted worldwide. In response to these new political realities, the international community turned to peacekeeping, which expanded in size and scope. From 1991 through 1994, at the height of United Nations peacekeeping, the Security Council established 17 operations. As of December 1994, a total of 77,783 United Nations Blue Helmets from 76 troop-contributing countries were deployed. and 31 Missions were established. The UN Transition Assistance Group (UNTAG) in Namibia, UN Observer Mission in El Salvador (ONUSAL), UN Transitional Authority in Cambodia (UNTAC), UN Operation in Mozambique (ONUMOZ), and the third UN Angola Verification Mission (UNAVEM III) fall into this category of peacekeeping operations. In his 1995 Supplement to an Agenda for Peace report, Secretary-General Boutros- Ghali identified a number of functions of second generation operations: supervising cease-fires; demobilizing forces and reintegrating them into civilian life; designing and implementing demining programmes; dealing with returning refugees and internally displaced persons; providing humanitarian assistance; supervising existing administrative structures; establishing new police forces; verifying the respect for human rights among a cross-section of the population ; designing and supervising constitutional, electoral and judicial reforms; conducting, observing, organizing and supervising elections; and coordinating support for economic rehabilitation and reconstruction. As the international community became increasingly willing to dispatch United Nations peacekeepers to deal with more complex scenarios, a "second generation" of peacekeeping operations emerged — with economic, humanitarian, political and social components—. Rather than simply preserving the status quo, such missions were

intended to build a firm and sustainable peace. Because these operations developed in the post-cold war era, they were able to transcend the conflict management role that the cold war ultimately relegated to first generation operations and encompass peacemaking as well as peace-building.

Intervention in Eastern Africa: Lessons for Contemporary Peacekeeping

One of the most defining and controversial acts in the history of humanitarian intervention has been the international response to the Somali crisis in the 1990s. Somalia has come to represent an interesting study in the success and shortcomings of humanitarian intervention. In fact, Somalia became a 'syndrome'. It certainly represented an important example of the need to identify what kind of troops would be more successful in complex scenarios such as those that were going to proliferate in Africa. Somalia also posed another problem: it became clear that short-term commitment, such as the US deployment of troops in the country, was not of any significant benefit. It is evident today that the types of conflicts that cause state collapse in Africa require a longer and more expensive commitment than was initially proposed in the early 1990s. The failure in Somalia had a powerful impact on the international community, particularly on some of the main peacekeeping contributing countries.

Somalia had an impact on the organisational culture at the UN. In their work, Finnemore and Sikkink talk about organisational platforms from which norms can be advanced, and point out that the institutional cultures of such organisations can have a bearing on the sorts of norms that succeed. As the body authorising humanitarian intervention, the UN is the most significant organisational platform for the norm of humanitarian intervention. In the case of Somalia, the bias towards sovereignty and non-intervention in the UN Charter may have contributed to the wariness states had of endorsing a norm of humanitarian intervention. However, in the case of Rwanda, it was not just the prevailing norms of the UN (both sovereignty and, more significantly in this case, traditional peacekeeping) that hindered the success of the norm, but the bureaucratic culture that prevailed after the failure of Somalia. Many in the international community had suggested that the UN's disastrous handling of the crisis and intervention in Somalia showed the organisation was incapable of fulfilling its peacekeeping role, one of its most significant duties in the post-cold war era (Finnemore and Sikkink, 1998).

The UN might not have withstood another failed intervention in Rwanda. Somalia shaped the international response to the genocide in Rwanda in many ways. The comparison between policies adopted in response to Somalia and Rwanda have also revealed the key factors that have determined the level of success of the norm of humanitarian intervention, for example, the willingness to contribute troops. It is important to remember, however, that the UN did (eventually) authorise a military intervention in Rwanda, initially undertaken by France, and later replaced by United Nations Mission in Rwanda (UNAMIR II), although many questioned the moral legitimacy, methods and effectiveness of the intervention.

However, as much as Rwanda marked a low-point for the norm of humanitarian intervention, the very failure of the international community to stop the 20th century's second holocaust arguably led to the norm's revival. Just as Somalia had led to international scepticism regarding humanitarian intervention, so Rwanda prompted the realisation that the international community needed to create the normative framework necessary to prevent a similar tragedy. In the years following the Rwanda genocide, humanitarian intervention has been heavily debated, both among academics and by policymakers. Rwanda also contributed to the normative shift led by the International

Commission on Intervention and State Sovereignty (ICISS), transforming a notion of humanitarian intervention into one of a responsibility to protect. It was in this normative environment that an ethnic conflict of a different nature in Darfur came onto the international agenda. Today, the success of the humanitarian intervention norm so far lies in the fact that the international community can no longer turn a blind eye to grave violations of human rights.

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Towards Quality Assurance in Peace Support Operation: A Teaser for Peacekeeping Training Institutions

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From the Need for Peacekeepers to the Challenge of Quality

African countries have had to tackle difficult humanitarian and conflict challenges. These challenges, more often than not, have been viewed in terms of scarcity of human capital and technology (TfP, 2008). It is in this regard that African countries in collaboration with development partners have worked towards building an African Standby Force (ASF), through various training and rostering programmes. Despite the high records of trained personnel by peacekeeping training centres, it seems peace operations still fall short of skilled personnel to provide support to the rising number of missions. The ability of training institutions and rostering agencies to retain and timely deploy the trained personnel has tended to deteriorate, particularly among the civilian component of peacekeepers.

In this context, the need for a sustainable human capital for African Standby Force (ASF) has been the main concern for African Union-Peace Support Operation Division (PSOD) and the African Peace Support Trainers Association (APSTA) [2] (Dersso, 2010). In pursuit of this desire, several policy tools have been developed through working groups and consultative workshops. For instance, the November 2006 Road Map Workshop in Gaborone marked the climax in the development of doctrine, training, evaluation as well as operational standards and procedures (Aboagye, 2007). Furthermore, efforts towards harmonization of training was heightened during the April 2007 Addis Ababa Workshop. The ultimate goal of the workshop was to devise a coordination mechanism that would enable APSTA to assist the AU (PSOD) with the harmonization [3] of ASF training approaches among APSTA member institutions (Aboagye, 2007) recognized as Centres of Excellence [4] for Peace Support Operations (PSO) by regional mechanisms (RMs) and the African Union (AU).

The need for Quality Assurance in PSO

Just as is the case in regular education systems, Peace Support Operation Quality Assurance (PSOQA) training occurs in an environment shaped by its own local and regional needs as well as international expectations and standards (Bloom, Canning and Chan, 2006; World Bank 2005; Materu, 2006). The need for PSOQA therefore is informed by the very challenges emanating from African-based missions and the mission space. They include increased demand for peace keepers, the mismatch between skills and mission requirements, the need, on the one hand, to uphold good governance (transparency and accountability) and on the other hand, the inability of training

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[2] The African Chapter of the International Peace Support Trainers Association (IPSTA).
[3] Harmonization in regard to training programmes, evaluation, and course standardization.
[4] The concept of regional Centres of Excellence for Peace Support Operations (PSO) training and education was recognized by the various Regional Mechanisms (RMs) and by the African Union. Starting with the Malta Meeting in 1998, a small number of African military officers had been able to secure funding to participate in the Annual General Meeting (AGM) of the International Association of Peacekeeping Training Centres (IAPTC). In 2001 ISS and ACCORD organized hosting of an African Chapter and the initial members were SADC-RPTC and KAIPTC. Since 2010 membership has grown to more than 15(APSTA 8th AGM Concept Notes October 2010).

institutions to retain trained personnel as well as the shortage of personnel in certain key areas of mission support. All these challenges are pegged to the need for reforms in PSO training and curriculum delivery in efforts to develop capacity for harmonization of training processes. The 2009 G8 Summit report [5] on peacekeeping in Africa strongly recommends the need for improved coordination, aimed at avoiding duplication of efforts and the need to balance quality and quantity in the training of peacekeepers. As has been noted by various interlocutors and in several reports, a hindrance to mission success at times coincides with lack of specific skills in certain areas of the mission. The 2009 DPKO [6] and TfP [7] Joint Peace Operation Report indicates that the demand for African peacekeepers has maintained constant growth partly due to the multi-functionality aspect of peacekeeping missions. A section of the report shows that by 2009 UN CIVILPOL participation in peace operations has increased by 40% over the last five years. For example, the planning requirement for an expanded AU mission in Sudan (AMIS) includes 815 police officers to work with 15,000 local Sudanese police officers (Solli et al, 2009). The challenge lies more on the need to establish a coordination framework through which planning for training and deployment can maintain a balance.

The enigma of Quality Assurance

According the United Kingdoms' Department of Trade and Industry (DTI, 2009), no quality management systems work unless people are empowered and committed to take responsibility for quality, as an on-going process that influences people's behaviour, attitudes and ethos. For full realization of this drive within the PSO domain, peacekeeping training centres require commitment to quality and subsequently communicating this quality within an environment that recognizes the role of culture [8] for effective *Total Quality Management* (TQM). Furthermore, quality management requires constant identification, measurements, prioritization and improvement of existing practices. Borrowing from the industrial parlance, organizations craving for excellence in training may adopt the following techniques while planning and executing training and research programmes: identification of the programme, process mapping, flow-charting, force field analysis, cause-effect analysis, brainstorming, statistical process control, control charts, bar charts, check sheets, as well as matrix analysis.

In the same line, we note that quality management systems are a set of coordinated activities to direct and control an organization in order to continually improve the effectiveness and efficiency of its performance (Materu, 2007). For instance, a course writing board [9] should be established as a consistent thread running through the entire process - from initial workshops for concept development, background research, course development panels and brainstorming, to a detailed course specification sheet that eventually culminates into a complete course content. The process is usually directed by core and support departments [10] in peacekeeping training centres.

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[5] It is a report out of the 2008 Hokkaido Toyako Summit that discussed matters of peacekeeping among members.
[6] DPKO Stands for Department of Peacekeeping Operation
[7] TfP stands for Training for Peace
[8] This refers to the multi-dimensional nature of peacekeeping environment in Africa since the end of the cold war in early 1990s.
[9] Military term for curriculum development; for many Centres of Excellence such as IPSTC it takes approximately seven working days, and it comprises of curriculum experts, applied researchers, conflict analysts, representatives from peacekeeping missions and development partners such as UN and AU. For IPSTC, system approach to training usually forms the theoretical basis and point of reference for this exercise.
[10] Core refers to curriculum sub-department while support is mainly done by applied researchers and analysts.

Quality Assurance and PSO Training

Quality assurance as it relates to a peace support operation may be conceptualized to a programme, an institution or the entire training and education in the peace and security arena. In each case, quality assurance reflects all those attitudes, objects, actions and procedures which, through their existence and use, ensure that appropriate academic and practical standards are being maintained and enhanced (UK, DTI, 2009). It is essential therefore that, like in other education systems, quality assurance in PSO training processes and standards be recognized by stakeholders [11]. Stakeholder awareness on quality assurance, however, is only a means to effecting the standards, values and norms of quality performance. At the root of QA advocacy, there are four issues of concern:

- Are the Centres of Excellence planning to train or engaged in training the personnel required by peacekeeping missions? Are their objectives appropriate?
- Are the institutions producing the desired peacekeeping personnel? i.e. are they operating effectively?
- What are the possibilities and impossibilities of harmonizing training curriculum and delivery standards?
- Does a QA policy exist in peacekeeping training institutions? Who is responsible?

In cognizance of the multiplicity of the working environment, QA standards intended for PSO operates within the following processes or modes:

Modes of Quality Assurance

Generally there are three primary modes of QA globally: assessment, audit and accreditation (Lenn 2004).
Assessment
Assessment is an evaluation which results in a grade; asking the question how good is your output? It is important to note, however, that assessment tends to be less effective due to the emphasis on quantitative rather than qualitative measurements (Stella, 2001); for instance, asking how many books are in the library rather than finding out whether these books are current and relevant to the emerging issues in peacekeeping missions.

Audit

An audit is a check on what an institution explicitly or implicitly claims about itself, (Lenn 2004). Ideally, an institution claims what it will do and a quality audit checks the extent to which the institution is achieving its own objectives, (Ishumi and Nkunya (2003). For example, if the overall goal of training in security sector reforms (SSR) is to enable the trainee to "demonstrate an understanding of the concepts, context and evolution of SSR", then the training auditor asks, how well are you doing what you say you are doing? It is important to note that auditors do not stop at this question, but they create a liaison with assessors and facilitators to establish the approaches and logic for arriving at certain results.

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[11]Stakeholders in this case refers to actors in PSO including peacekeeping missions, AU, UN, training centres, regional mechanisms, rostering agencies, regional economic communities, development partners and other consumers of the training programmes.

Accreditation

According to Blight and Leo (2000) accreditation is an evaluation of whether an institution qualifies for a certain status. This status may have implications for the institution itself (e.g. permission to operate or eligibility for external funding) or its trainees (eligibility for professional engagements in peace operations). Accreditation asks the question, are you good enough to be approved/recruited for a mission? This accreditation question may raise aptitudinal concerns. This is because peace and security missions often are clouded by issues related to insecurity, hostility, cultural shocks and even human rights violation. It is therefore obvious that candidates for such engagements need to be subjected to specific tests to ascertain aptitude levels. How then can this be realized? Quality Assurance Framework (QAF) seemingly provides an immediate suggestion for tackling such rather demanding requirements. In order to fulfill this requirement any institution tasked with training peacekeepers is advised to answer the following questions:

- Are educational objectives appropriately defined over time by the PSO community?
- Are financial, human and physical resources needed to achieve the set objectives adequate?
- Does the institution demonstrate achievement of these objectives?
- Does the institution provide sufficient evidence to support the belief that it will continue to achieve its objectives for a reasonable time into the future?
- Are its plans suitable for the objectives?
- Do its actions conform to its plans?
- Are its actions effective in achieving its objectives?
- What is the measure of the objectives?

Making a Choice for Accreditation

Institutional accreditation focuses on the institution as a whole, giving attention not only to the overall training and educational programmes but to such areas as : mission, governance structures, effective management, professional programmes, facilitation staff, training resources, educational technology[12] , physical facilities, and financial resources. In this case, 'standards' relates to the achievement of the institutional mission and objectives. On the other hand, programmatic accreditation emphasizes certification which prepares a trainee for specific professional duties. Programmatic technique is grounded on the premise that programmes are most effective when developed through the cooperation of both trainers [13] and practitioners [14] . Regardless of the purpose of training and education, a majority of QA experts observe that the relevance of a training programme as it relates to professional expectations and skill forms the basis for vetting an institution designated to offer any academic or practical training (Lenn, 2004; UNESCO, 2006; Liu, and Cheng, 2005). The need for continuous improvement is also recommended by Ishumi and Nkunya [15] . Conversely, it is regarded that QA criteria occurs in many forms [16] . For the purpose of mainstreaming QA into

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[12]In PSO environment educational technology may go beyond instructional techniques to include, for example, exercises such as CARANA, GOLFINHO CC(SADC)

[13] represents peacekeeping training institutions

[14] represents personnel working in peacekeeping field missions

[15] Ishumi and Nkunya (2003) documented recommendations for continuous improvement in the quality of education using the lessons drawn from the University of Dar es Salaam.

[16]According to Lenn 2004 there are about three forms of accreditation; 1)qualification framework:2) standardization 3) moderation system

PSO, the following generic questions can guide the process of developing the required accreditation systems that are specific to regions and programmes:

- What is the institution's purpose or goal?
- Are they known to the members of the PSO Community?
- What do you know about changes in the environment which could affect the goals?
- Is it possible to improve the links between stakeholders' needs and the goals?
- Do the purpose and goals provide an adequate framework for institutional/programmatic evaluation? Where do you want to go? What is necessary to get there? What are the possible alternatives for action? What is needed to implement the various alternatives for achievement? Is the institution able to cover those costs?

Steps in Accreditation

The task of accrediting training and education institutions varies, depending on the nature of the institution and regional political and security dynamics. Based on the professional association PSO training programmes accreditation procedure can be systematic under the following headlines:

Development of Standards: Fundamental to the process of accreditation is agreement on a set of standards sponsored by an oversight body [17] that is applied evenly to all institutions training peacekeepers.

Self-evaluation: The institution or programme undergoing the process is asked to respond to the standards in a written report. The process should be as inclusive [18] as possible so as to promote ownership and responsibility.

External Review: A team of experts of the regional peace operation reviews the self-evaluation report prepared by the institution as compared to the standards for accreditation. The team also visits the institution in order to evaluate the extent to which the institution is implementing training programmes.

Accreditation decision: Based on the self-evaluation and the feedback of the external reviewers, a decision is reached by the accreditation oversight [19] as to whether the institution or programme is accredited, not accredited or is on probation for a certain period of time during which improvements have to be made. An institution that is denied accreditation can experience: 1) the cessation of donor, private or public funding; 2) its trainees being unqualified to enter the peacekeeping profession; 3) a loss of status in the regional or continental PSO Community.

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[17] APSTA could take the lead in this process as an overall organ that supervises the implementation of QA standards
[18] Inclusiveness imply majority of stakeholders including administrators, trainees, mission workers, and facilitators.
[19] Ibid

What Does a Quality Assurance Framework (QAF) look like?

As already mentioned in this paper, the main objective of PSOQA is to serve as a value- adding tool that each institution can use as part of internal quality assurance. In doing so the institution is able to carry out self-evaluation and design a roadmap for continuous improvement. However, each Centre of Excellence is required to translate the PSOQA into a local document that is useful, relevant and acceptable to all role players and most importantly, feasible for execution (UNESCO-ADEA 2009). Given that the rationale for QAF in a regular education system does not radically depart from the PSO requirements, the provision of high quality training and research remains the driving force for QAF. It is under this premise that QA rooted in the minimum standards of the threshold of quality training and public confidence is nurtured. The case for minimum standards in PSO training is informed by the need to:

- protect trainees from inferior and non-relevant training;
- determine the level at which the provision and the delivery of training is acceptable with regard to peacekeeping mission requirements and the PSO working environment;
- identify problem areas and action plans so as to address training and deployment- related challenges; and
- contribute to continuous improvement of quality training for peacekeepers.

Based on the above discussions, this paper proposes coordination mechanism for enforcing QA in a PSO environment; See Annex I

Possible Challenges in Implementing a PSOQAF

Issues of human capacity: Effective QA depends largely on the availability of a highly qualified community of peacekeeping trainers and administrators within institutions and competent professional and technical staff. Professional staff in PSO QA agencies will require two main types of skill sets - skills for system conceptualization and development of methodologies and skills for the implementation of QA processes.

Costs and funding constraints: Programme accreditation can be a costly exercise in a quality assurance system. However, the benefits could be accrued through quality of external peer reviewers thus promoting effectiveness of a programme.
Legitimacy of the process: The quality, integrity and professionalism of peer reviewers are other factors that can enhance   the legitimacy of the QA process.

Autonomy for quality assurance agencies: The legitimacy of the QA process by an oversight agency will depend on large part in keeping the process transparent, open, and free from political and special-interest influences.

Accountability and link to peacekeeping missions' needs: Preliminary findings [20] on QA experiences indicate that most training areas and skills do not necessarily correspond to the mission support deployment requirements.

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[20] Solli et al, 2009; Behrendt and Nutt, 2008 their respective findings have indicated a huge gap between training, recruitment and deployment of civilian personnel.

What are the Options to address these Challenges?

Recommendations for Centres of Excellence and APSTA
In order to institutionalize QAPSO, training institutions may need to accomplish a number of things; i) development of a quality assurance strategy; ii) source for technical assistance for development of standards; iii) establishment of networks for QA experts; iv) strengthening institutional and human capacity required to spearhead the process and; v) the need for an external review system by initiating the appropriate QA regulatory mechanism.
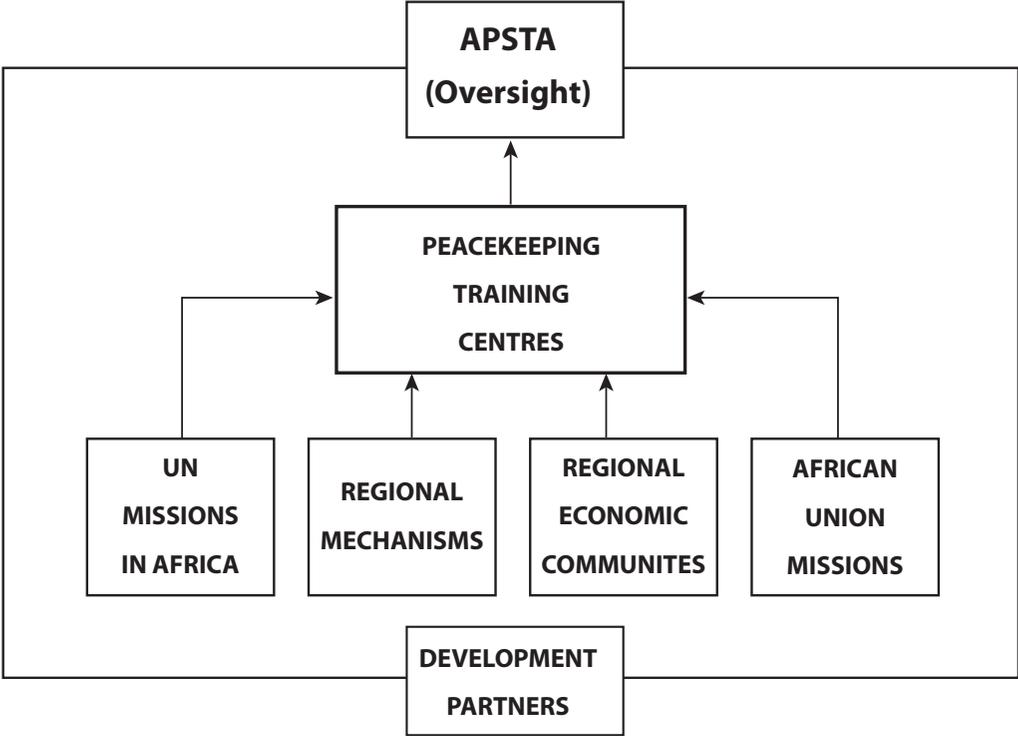
Recommendations for Development Partners

The development community could have a role to play in three aspects; i) support establishment of capacity-building processes for regional QA agencies; ii) establishment of competitive quality improvement funds; and iii) monitor and nurture development of quality assistance specific to the African region.

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Annex I: Proposed Quality Assurance Coordination Framework (QACF)

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Source; Author's own work (Onditi, 2010)

Implementation of The Djibouti Peace Agreement: The Role of different Actors and Stakeholders

C.A. Mumma- Martinon (PhD) – Conflict Prevention Analyst

Introduction

In 2002 the Inter-Governmental Authority on Development (IGAD), led by Kenya, with the support of what was then the Organization of the African Unity (OAU), launched a peace process designed to end the factional fighting in Somalia. Consequently, in September 2003, the parties agreed on a Transitional National Charter (TNC), which was followed in August 2004, by the inauguration held in Kenya, of a 275-member Transitional Parliament. This Parliament elected Abdullahi Yusuf Ahmed as the new President of Somalia.

In June 2006, the forces of the Islamic Courts Union (ICU) took control of Mogadishu, the capital.

Although it brought about relative peace, the six-month rule of the ICU did not provide a breakthrough in the overall peace process. In December 2006, Ethiopian troops intervened in Somalia leading to the collapse of the ICU, followed by the transfer of the TFG from Baidoa to Mogadishu in January 2007. However, the fall of the ICU and the move of the TFG to the capital did not mitigate in any way the violence and instability in the country. In fact, violence intensified throughout the year, 2008, pitting insurgent groups against Ethiopian forces (Mohammed, Abdirizak, 2010). In December 2008, President Yusuf resigned from the presidency and left the country.

In June 2008, the TFG and the Alliance for the Re-Liberation of Somalia (ARS) signed a peace agreement in Djibouti (DPA), in which, inter alia, the parties agreed to a ceasefire and more significantly, the withdrawal of Ethiopian forces and the deployment of a United Nations peacekeeping force. In January 2009, Parliament elected Sheikh Sharif Ahmed, leader of the ARS, as the new President of Somalia. Meanwhile, opposition groups, mainly Al Shabaab that were opposed to the TFG, took control of south and central Somalia. Sheikh Sharif Ahmed's Government has been marked by internal wrangling and instability, leading to the collapse of one government after another with the resignations of Prime Ministers who were mandated to form those governments (Yasin Hibo, 2010). The current PM, Muhammad Abdullahi Mohammed "Farmajo" was sworn-in beginning of November 2010, after the forced resignation of Mohammed Shammarke on 21 September 2010.[21]

The Djibouti Peace Agreement

The Djibouti Peace Agreement was signed between TFG and ARS in June 2008 and facilitated by the UN in Djibouti. The primary requirement of this agreement is,
> "To ensure the cessation of all armed confrontation and a political settlement for a durable peace, promote a peaceful environment; avoid a security vacuum, facilitate the protection of the population and the unhindered delivery of the humanitarian assistance and call for the convening of a reconstruction and development conference." (See inter alia Djibouti Peace Agreement, 2008).

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[21]This is in accordance with the goals of the TFC which states, "The end of the Transitional Period will be marked by National elections of parliament, President and Prime Minister in accordance with the newly adopted Federal Constitution of Somalia".

The signing of this Agreement was motivated by the following:

Over the past 18 years, Somalia has suffered massive human losses and insecurity, and witnessed wide-spread destruction of its physical infrastructure and other vital public investments. A whole generation of young people and adults have been sacrificed or denied education and development.

The human and humanitarian situation is continuously deteriorating and at the same time, the country's international image and standing has been seriously undermined. It is a tragic situation and the 18 years of war and conflict have brought neither durable peace nor stability.

Strengths of the Djibouti Agreement

This Agreement has led to a process which has given the UN Political Affairs Office of Somalia (UNPOS) the role of a mediator to bring together the opposing parties. It has also saved the faltering existence of the TFG, hence avoiding a political and security vacuum which could have been created if it collapsed. The fact that it has the political backing of the UN and that regional and international actors were a witness to it, gives it more international and regional engagement and support. Without this Agreement, the deployment of regional peacekeeping forces could not have been legitimized. It is also the first attempt towards an inclusive government, expanding Parliament from 275 to 550 and bringing on board opposing parties such as the ARS and civil society. The consequence of this inclusion led to an end to armed confrontation between the two opposing sides, which resulted in the integration of the forces and a closer cooperation between them. The formation of the Somalia National Force following the integration of forces from TFG and ARS is an important aspect of the implementation of the DPA. It has also removed restrictions on leadership positions allowing non-parliamentarians to be appointed as Prime Minister (PM) and as cabinet members, giving a chance to Somalis in the diaspora to be part of the political process. It has facilitated humanitarian assistance, after the Government allowed aid delivery. The Agreement also contained provisions for the Government to reach out to the moderate leaders who were not parties to the Agreement (i.e. moderate leaders in Hisbul-Islam and Ahlu Suna Wal Jamaah -ALWJ).

Weaknesses of the Djibouti Peace Agreement

Despite the fact that the Agreement was signed between TFG and ARS, the ARS faction allied to the Asmara region is still excluded. The representation of Somali women in the peace process also remains minimal[22] . Joint disarmament did not take place as envisaged. Expanding Parliament to 550 was not economically viable since there is lack of effective and sustained financial support[23] for TFG. This expansion also mainly focuses on political power-sharing at the expense of genuine efforts to stabilize the country. The TFG has been criticized for not appointing qualified leadership to the Government, that would have brought in both technical and political experience. There is still an absence of proper command and control in the military and the police, leading to poor performance and defection of the military to opposing forces like Al Shabaab.

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[22] This is evidenced by a Statement from the Somali Women' Agenda (SWA) at the 4th International Conference entitled: "PEACE: We cant Wait Anymore," The women retariated, "Without Women's participation Somalia remains limited in her quest for peace." Adopted October 29, 2010 – Nairobi, Kenya.
[23] Brussels pledge of 240 million dollars was not realised.

Challenges of Imple mentation

The challenges facing the TFG, AMISOM, the international community and other partners in correctly addressing the situation in Somalia are multi-dimensional, multi-sectoral and multi-disciplinary as they vary in magnitude and kind (Rodney Kiwa, 2010). There are challenges associated with resource mobilization and management, accountability and corruption, timing procedures and the need for political will which is essential for the implementation of this agreement (Sanda, Jullie, 2010). There are terrorism, piracy, toxic waste dumping, illegal fishing, human and drug trafficking. There are also problems associated with implementation, coordination and competing interests when it comes to restoring security, coalescing political consensus and mitigating the humanitarian crisis arising there from.

For the implemention of the Djibouti Peace Agreement to be enhanced, the following major challenges have to be dealt with as fast as possible: the political process, lack of quorums in Parliament, threats by Ahlu Suna Wal Jamaah (ASWJ), military and security, terrorism and piracy humanitarian and human rights

i)   Political Process

The political optimism that came with the installation of the TFG and the arrival of AMISOM at the beginning of 2009 has been dispelled, if not entirely forgotten. The country has been partitioned into three parts: Somaliland which is a semi-stable state; [24] Puntland a weak state ravaged by the presence of pirates; and Southern Somalia as a failed entity dominated and/or controlled mainly by jihadist Armed Opposition Groups (AOGs) in the name of Al Shabaab and Hizbul Islam. See the Map below:

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[24] Somaliland and Puntland remain as the two islands with relative peace, but they too face a serious challenge if the TFG and AMISOM do not defeat the AOGs. Consultations with Somaliland and Puntland should therefore be broadened as part of the overall efforts to promote stability in those regions and further peace and reconciliation in Somalia as whole. However, consultations must not be construed as preludes to the recognition of the independence of those entities.

Figure 1: Map showing the partition of Somalia
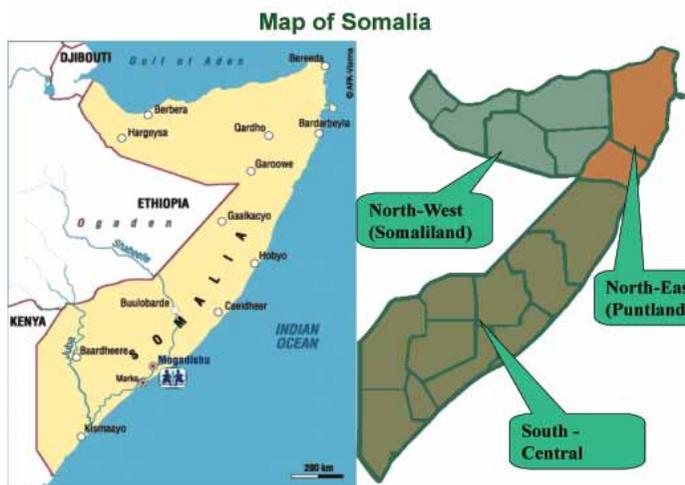
The political process, which is supposed to be driven by the TFG at the centre, has been challenged by recurrent in-fighting and divisions within the TFG, culminating into serious differences between the President and the Prime Minister (Abdikaza Mohammed, 2010). This has seen many members of Parliament lacking confidence in the TFG. These competing interests have eroded the cohesion and unity of the TFIs, and seriously undermined their ability to implement their obligations under the TFC and the Djibouti Peace Process. This dysfunction of the TFIs is serious and disturbing, given that the mandate of the TFG will expire, come 20 August 2011. The instability, fragility and ineffectiveness of the Government were articulated by President Sheikh Ahmed when on 15 September 2010, he presented his case for dismissing PM Shammarke, he observed:

"The Government had failed to deliver services to the people, pay civil servants and soldiers and the Draft Constitution, prepared by the Independent Federal Constitutional Commission (IFCC), was faulty both procedurally and substantively. Procedurally, because after signing of the Djibouti Agreement, on 17 August 2008, the IFCC's membership was enlarged, but before 50 per cent of the new members could commence work, they had to be endorsed by Parliament or by a Presidential Decree and this did not take place. Substantially, because the Draft Constitution had been interfered with by non-citizens and the whole process mishandled, contrary to stipulated procedures" (Kiwa, 2010).

This statement summarizes the prevailing mutual distrust, lack of cohesion and purpose. It is a clear demonstration of disinterest in the peace process by some of the players.

ii) Lack of Quorums in Parliament

The changing nature of Somali politics, the backroom meetings and public pronouncements broadcast are some of the reasons the country's impasse drags on (ibid). For instance, there is always difficulty in securing a quorum for major political debates and elections in Parliament. On November 1, 2010, the Prime Minister Farmajo was voted in by a parliamentary quorum of 391 members out of 550 that make up the parliamentary body. This reflects the deep divisions and

distrust inside Somalia that could be or are exploited by its detractors. Before that, there was a stand-off between the President and Speaker over whether the election of the PM should be by secret ballot or by open show of hands.

iii)   Threats by Ahlu Suna Wal Jamaah (ASWJ)

Perhaps the most disturbing development coming on the heels of the September 21 New York meeting on Somalia was the announcement by ASWJ, on 25 September 2010, that it was ending its partnership with the TFG. ASWJ felt that TFG failed to honour commitments entered into under the Addis Ababa Agreement of 15 March 2010. The political implications of this kind of move spell disaster for TFG since it cannot afford to lose important moderate allies like the ASWJ at this point in time. Other moderates are less likely to join the TFG in its peace and reconciliation outreach.

iv)   Military and Security

The military and security situation in Somalia is extremely volatile and dangerous. The armed opposition groups led by Al Shabaab and Hizbul Islam have not relented in their attacks against the TFG, the Somali population and AMISOM (Maj. Gen. Cyprien Hakiza, 2010). On a daily basis the Somali people are being terrorized and heinous crimes committed against them (H.E. Mohammed Ali Nur, 2010). The AOGs control half of south and central Somalia including: Kismayo which is under total Al Shabaab control. In Mogadishu, the TFG with the support of AMISOM, controls less than half of the city. Neighbouring countries and the European Union have helped train Transitional Federal Forces, but desertions are very high due to lack of a clear command and control structures, inadequate equipment and irregular payment, fuelled by corruption and the absence of accountability (op cit).

v)   Terrorism and Piracy

The July 11, 2010 terrorist bombings of two sites in Kampala and responsibility for the act claimed by Al Shabaab is indicative of the determination by the insurgents, supported by foreign fighters, to export terror beyond the Somali borders. The scourge of terrorism in Somalia can no longer be treated as a Somali problem. The AU articulates the view that the conflict in Somalia is not a war between Somalis, but a war by the TFG and other moderate groups against international terrorism fronted by extremist groups like Al Shabaab and Hizbul Islam. Somalia therefore needs to be supported by 'outsiders' (Basille Gateretse, 2010).

Piracy off the coast of Somalia "is outpacing efforts to control it and more is needed to attack the problem at its root by creating economic alternatives for young Somalis" (ibid). Recent figures show that 438 crew and passengers and 20 ships are currently being held at sea off the coast of Somalia, as pirates employ larger vessels and attack further away from the coast to avoid stepped-up patrols. The pirates are taking greater risks and higher ransoms (ibid). Stepped-up patrols against pirates are welcome and necessary because other countries of the region are also affected. It is a problem that needs to be addressed in the context of the Somali issue, including toxic waste dumping and illegal fishing (Kiwa, 2010).

vi)   Humanitarian and Human Rights

The humanitarian situation in Somalia is dire since it involves the constant harassment and human suffering, particularly that of women and children, at the hands of the jihadist insurgents. Also targeted are civilians, humanitarian workers, journalists and human rights activists. Violence takes the form of rape, killings, abductions and looting etc. The continuing conflict has led to an exodus of

internally displaced people (IDPs) and refugees into neighbouring countries, thus exerting extreme pressure on those countries' social, security and economic infrastructure. Worse still, the unintended consequence of the conflict has been the rise in the recruitment of child soldiers into the ranks of Al Shabaab and even TFG forces (Hibo, Yasin 2010).

The Role of different Actors and Stakeholders in the implementation of the Djibouti Peace Agreement.

The main question to be tackled here is, "What mechanisms and practical arrangements should be put in place to assist TFG implement the Djibouti Peace Agreement towards Post August 2011?" While the TFG has made efforts to bring on board other Somali stakeholders outside the Djibouti peace process, notably the signing of the March 2010 Agreement with ASWJ, and despite the fact that various players have become involved in the Djibouti Peace Process in different ways, a great deal still needs to be done and can be done.

The AU Support to AMISOM

The AU has played a major role by sending its representatives to Somalia, for instance, George Rawlings and former President of Ghana who were sent as special envoys and work closely with IGAD and other countries of the region. Such appointments are meant to improve the image of Somalia reasonably and the activities of AMISOM on the ground. This has further been enhanced by the physical military presence of forces from Uganda and Burundi. The UN is expected to endorse a 20,000 - military component and 1000 police force as an enhancement package for AMISOM which is already providing free medical services to the people, especially in Mogadishu, and also dealing with civilians' and rights' issues in Mogadishu (ibid). At the outset, the AU realized that for the TFG to be able to implement its transitional mandate and deliver basic services it needed to rebuild its institutions, particularly those of the security sector and the public service. So far, 45 recipients have benefited from training at the Uganda Management Institute conducted by the University of South Africa. Other civil servants have benefited in other areas of management. This programme includes a number of African countries that have been through the post-conflict reconstruction process like Liberia, Rwanda, Sierra Leone and Uganda.

AU, through its Inter-African Bureau for Animal Resources (AU/ IBAR) is contributing to Somalia's mainstay sector, livestock. The institution is involved in such programmes as the Somali Ecosystem Rinderpest Eradication which covers south eastern Ethiopia, north eastern Kenya and Somalia. The Somalia livestock certification project, also funded by the AU and EU, was instrumental in the lifting of the ban in November 2009, on Somali livestock export to the Gulf. AU/ IBAR sourced funding from the EU to the tune of EUR 2. 8 million to implement the Somali livestock Emergency Intervention to mitigate the food crisis in Somalia over a period of 24 months from July 2009.
Despite the huge support from the AU, much remains to be done, including: endorsing the revised concept of operations and newly authorized strength of AMISOM up to 20,000 for the military component and 1,680 for the police component; enhancing the capacity of AMISOM troops by paying better troop allowances at UN rates, cater for reimbursements for Contingent Owned Equipment (COE) including minor and major equipment; imposing a naval blockade and a no-fly zone over Somalia to prevent the entry of foreign fighters as well as flights and shipments carrying weapons and ammunitions to armed groups inside Somalia; and ensuring effective sanctions against all those impeding the peace process and reconciliation in Somalia.

The International Community

The International Community should support TFG, especially the UN which should provide adequate and regular financial and material (personnel and equipment) resources to AMISOM and to the Somalia TFG. This would help them to discharge effectively their respective mandates, creating conducive circumstances and conditions that would lead to a smooth transition such as: facilitating and supporting national dialogue, supporting reconciliation with all the parties and establishing the process of supporting political parties. It would also aid co-ordinated efforts among members of the international community to: encourage the TFG to hold public consultation, make the resources available for public consultation, and encourage the population to negotiate on issues of resources by speaking with one voice to unite Somalis and to implement UN resolutions that deal with women's concerns. In addition, backing from the international community would help in strengthening the security and military capacity of the TFG forces and AMISOM by providing funding to enhance their efforts towards making Somalia a secure place. Also, the UN Security Council could redouble its efforts towards funding security and peace initiatives to launch development programmes that include building schools and hospitals, which would allow a smooth transition and maintain the stability thereafter. Finally, international support could be provided for civic education aimed at promoting self-reliance and empowerment of the Somali population and creating job opportunities for the youth sector with the aim of preventing them from joining illegal armed groups

The TFG of Somalia

It should develop a clear action plan, with clearly defined indicators and benchmarks for the implementation of the Djibouti Peace Process (DPP), ensure that a constitution is in place by August 2011[25], call all interested parties for inclusive dialogue, for instance, different groups comprising former members of parliament, those in the diaspora, religious groups, and civil society representatives. The TFG should also conduct a census and introduce national ID cards for all Somali nationals [26] , create space for women and the civil society community to implement some of the programmes planned by the Somali Women's Agenda (SWA). This will ensure that the issue of impunity [27] is tackled and the guilty held accountable, it will also create enough space for these different groups to operate and be part of the constitutional- making process. In addition, the TFG should also create space for willing parties (especially those actors who are not part of the peace process) to dialogue and form their political parties [28] and to be part of the peace- making process. This is the time to reach out to the youth sector, as the future generation of Somalia, and educate them on the importance of their full participation in the peace process.

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[25] The Charter is seen as the only basis of a new constitution, the process of developing and finalizing a Federal Constitution for Somalia is a key task for the TFG. The constitution will culminate in a national referendum adopting it. [Article 11, Para. 3]

[26] While the constitution is being drafted a national census will be carried out simultaneously. [Article 11, Para. 3]

[27] For instance, the continued targeted killings of Ministers, Elders, Leaders and intellectuals, the escalating sexual gender based violence of girls and women, etc.

[28] The Transitional Federal Government shall encourage the formation of political parties in the Republic save that it shall be in accordance with the law. The political parties shall be open for all Citizens and be guided by General Principles of Democracy. [Article 21]

Partnership between AMISOM, IGAD and UNPOS

The partnership and close working relations and collaboration that has evolved among AMISOM, IGAD and UNPOS has created a positive situation for the three mandated organisations to move in unison and achieve their targets vis-à-vis Somalia in a more effective manner (Yifru, Daniel, 2010). This partnership is crucial and should be continued since it will help avoid duplication of efforts and wastage of resources. It will also enable the three to take common positions on issues and send the right messages to other stakeholders like the TFIs. The three should also strengthen the coordination mechanism that they put in place following the signing of an MOU in April 2010.

Other Groups

- Diaspora and the Business Groups need to establish political organizations as rallying points where they can agree on common ideas. Those in the diaspora should also go back to Somalia in order to operate on the spot and engage with national security forces and the police for the reconstruction and rehabilitation of Somalia.
- Civil Society could help promote transparency, advocacy and accountability among the different Somali groups and revive its work of promoting Somali traditional community values.
- The Media can advocate for engagement and inclusion in the constitution-making and post-election process, work with grassroots organizations, using local radio and any other means of communication available. They should provide a balanced and objective portrayal of the Somalia situation.
- The Clerics, Clan Elders and Wise Women need to take a lead role in the constitution making process and in the reconciliation of the population, and at the same time advocate for legislation for local governance.
- Academia and Research Institutions should engage the people of Somalia, the region and international community in exploratory, informed and objective research that can guide policy decisions towards finding solutions for the Somali situation. They could also organize conferences, seminars, workshops and forums to engage different groups of people in the debate towards the future of Somalia.
- NGOs should prioritize the finalization of the constitution development process and sensitize the Somali people to participate in the debate on the constitution.

Conclusion

Currently, the rise of groups like Al Shabaab has worsened the situation. Despite all these challenges, this paper concludes on the premise that the Somali crisis can still be contained if different actors and stakeholders work together and put all their interests and resources towards bringing Somalia back to stability.

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The International Criminal Court in Africa: Curbing Impunity or Advancing Imperialism?

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The International Criminal Court in Africa: Curbing Impunity or Advancing Imperialism?

A major challenge facing countries emerging from civil conflict is how best to deal with the painful legacy of the violent past, while at the same time maintaining the fragile social harmony that often characterizes post-conflict societies. This poses a dilemma in terms of priorities: should the first consideration be given to bringing the perpetrators of past human rights violations to justice, thereby combating the culture of impunity that has come to characterize many civil conflicts? Or is it more important to start by focusing on measures designed to ensure peace and stability? It is within this competing context that various instruments of transitional justice [29] are employed to ensure that while impunity is checked, social integration is not sacrificed.

Societies emerging from conflicts employ different transitional justice mechanisms depending on their needs and context while also trying to respond to the seemingly irreconcilable notions of justice and political demands. The instruments and mechanisms available may be internal, established through national jurisdiction and norms, or they could be international, established by international law. In some instances, a blend of the two could apply. Whether internal or international, the major transitional justice approaches include prosecutions, informal and traditional justice mechanisms, lustration measures, legal policy and constitutional reforms, truth commissions, amnesty, reparations, memorialization and reconciliation.

Prosecutions form one of the central elements of an integrated transitional justice strategy that is aimed at moving a society away from a culture of human rights abuse. Preferably, the prosecution of human rights violations and economic crimes should be carried out within the domestic jurisdiction. However, there may be situations where it is not possible to act through a domestic legal system, whether due to lack of capacity or political will. In these circumstances, international processes, for instance, through the creation of international or hybrid prosecutions, become of particular concern in addressing impunity and violations of human rights (KHRC, 2009). Other international prosecution instruments include ad hoc International Criminal Tribunals and the International Criminal Court (ICC).

As a prosecution instrument, ICC, while relatively young - having only come into effect since July 1, 2002 - has increasingly captured the popular imagination in relation to international war crimes. The International Criminal Court was created by a treaty negotiated in Rome in 1998 and known as the Rome Treaty (Slye, 2004). The Rome Treaty required 60 ratifications before the Court could

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[29] Transitional justice is generally used to refer to the measures taken to address a legacy of human rights violations in the transition from violent conflict and/or authoritarian rule to peace-time and/or democracy. Transitional justice mechanisms may take a number of forms. Most prominently, these include the international criminal court, international tribunals, special courts, truth commissions, local courts and traditional methods of justice.

come into existence; this was achieved, against expectations, by July 2002. The popularity for the Court has risen steadily and by 2010 over 113 countries had already ratified the Rome Statute, 31 of them African.

The clamour by the international community to develop systems to address serious crimes that horrified humanity is not new. During the nineteenth and twentieth centuries, and following the Treaty of Westphalia that established the modern state systems, there was considerable evolution in the international criminal law which then provided the anchorage for requisite systems to address serious crimes. However, even before the development of the modern state system, historical evidence points to the establishment of tribunals that held individuals responsible for 'war crimes' as far back as 405 BC in Greece (USAK, 2008). ICC therefore is a culmination of centuries of efforts under the international system to hold individuals responsible for crimes they commit in war, sometimes in the name of states and other sovereigns.

In accordance with the Rome Statute, ICC has jurisdiction over crimes of aggression, crimes against humanity, war crimes and genocide (Article 5). While the crime of genocide, crimes against humanity and war crimes have been explicitly defined in Articles 6-8, ICC does not have a definition of the crime of aggression. It was decided during the Diplomatic Conference in Rome held in July 1998 that the Court will only exercise its jurisdiction over the crime of aggression once a provision is adopted in accordance with the review procedures under the Rome Statute (Dormann, 2003). In the first ever such review held in Kampala, Uganda in May 2010, one of the major agenda items was the definition and operationalization of the 'crimes of aggression.'

While ICC has considerable advantages and powers in international criminal jurisdiction regarding international crimes, it has several limitations, arising from the Rome Statute. These include the following, among others:

1) Only individuals above the age of 18 at the time of committing the crime may be prosecuted before the court. Therefore, crimes committed by organizations, corporations and states are not subject to the jurisdiction of the ICC.

2) The Court can only hear those cases that involve the most serious international crimes and only in circumstances where there is no other viable forum before which individual responsibility for such crimes can be adjudicated.

3) Further, the Court does not automatically have jurisdiction over suspects, unless they are either a national of a state party to the Rome Statute or the act for which they are being prosecuted was committed on the territory of a state party. The only exception to this rule is if the United Nations Security Council refers the matter to the Court (Slye, 2004).

ICC in Africa

Africa has been actively engaged in the processes leading up to the formation of ICC as well as in its day to day running. Currently, out of the 139 states that have ratified the Rome Statute, 31 are from Africa. Africa is also the largest regional group on the Assembly of State parties (ASP). In terms of current staffing, five of the 18 judges are African: Fatoumata Dembele Diarra (Mali), Akua Kuenyehia (Ghana), Daniel David Ntanda Nsereko (Uganda), Joyce Aluoch (Kenya) and Sanji Mmasenono Monogeng (Botswana) (Plessis, 2010).

In the drafting of the Rome statute, 47 African states were represented, many being members of the Like-Minded Group that pushed for the adoption of the final Statute. Currently, more than 800 African civil society organizations are members of the Coalition for the International Criminal Court (CICC) representing approximately a third of the coalition's global membership. At the level of the state, 21 African countries have national coalitions for the ICC that actively work on implementing the Rome Statute provisions into national legislation and strengthening the Court's activities in Africa. Further, approximately 20 African countries have final or draft national implementation legislation that incorporates Rome Statute crimes and/ or enables cooperation with the Court. These laws ensure that the ICC's high judicial standards exist nationally and contribute to ensuring effective cooperation with the Court (CICC, 2010).

At the continental level, the African Commission on Human and People's Rights issued a resolution on ending impunity in Africa and on the domestication and implementation of the Rome Statute. The resolution further called on civil society in Africa to work together and develop partnerships that further respect the rule of law internationally and strengthen the Rome Statute. Additionally, in the 2004-2007 Strategic Plan of the African Union (AU), one of the AU's five commitments was to ensure the ratification of the ICC treaty by all countries in the continent

ICC Prosecutions in Africa

As a natural outcome of Africa's long engagement with the ICC process, arising perhaps out of the continent's history of conflicts and the resultant international crimes, the court has been actively engaged in curbing impunity and securing justice in Africa. To date, ICC has initiated investigations, exclusively in Africa, a situation that has led to its being seen from some quarters as a Western neo-colonial instrument. The prosecutor has opened cases against 16 individuals for alleged crimes in Northern Uganda, the Democratic Republic of Congo (DRC), the Central African Republic (CAR) and the Darfur region of Sudan. Additionally, the prosecutor is investigating 6 suspects of post- election violence in Kenya with the aim of opening cases against them later. The prosecutor is also engaged in a preliminary step towards initiating a full investigation in Guinea and several other African countries (Congressional Research Service, 2010). Out of these five cases, three of them - Uganda, DRC and CAR - are state-referrals; all being parties to the Rome Statute. The fourth case on Sudan is a UN Security Council referral; Sudan is not a party to the Rome Statute. The case of Kenya, currently under investigation, signifies the first time the prosecutor has proceeded on a case proprio motu. [31]

In the ICC case for Uganda, the Government referred the Lord's Resistance Army's (LRA) situation to ICC in 2003. This action was taken after a two- decade war had been waged, especially in the North by the LRA that had resulted in wide- spread deaths, destruction of property and displacement of the local population. After investigations, the Court in 2005 issued warrants of arrest for Joseph Kony, the LRA leader and four of his top commanders. The prosecutor accused the

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[30] Benin, Botswana, Burkina Faso, Burundi, Central African Republic, Chad, Comoros, Congo (Brazzaville), Democratic Republic of Congo, Djibouti Gabon Gambia, Guinea, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritius, Namibia, Niger, Nigeria, Senegal, Seychelles, Sierra Leone, South Africa, Tanzania, Uganda and Zambia
[31] Powers given by the Court to the prosecutor to initiate investigations on his own regarding crimes committed on the territory of a state party or by a state party national with the authorization of the Pre-Trial Chamber.

LRA of establishing 'a pattern of brutalization of civilians including murder, forced abductions, sexual enslavement and mutilation, amounting to crimes against humanity and war crimes.' (ICC, 2005). Since the indictment, two of the commanders have died and the rest of the group is believed to be hiding in the neighbouring countries.

The indictment of Kony and his commanders was not very well received, especially among the local communities in Northern Uganda, who in spite of the atrocities committed against them, preferred either a national judicial process or the use of traditional justice methodologies. The ICC, they felt, was too far removed from their realities and the warrants of arrest acted more as hindrances to the peace process rather than supporting it.

By focusing its initial investigations in Ituri in Eastern DRC, in February 2006 the prosecutor issued a warrant of arrest for Thomas Lubanga, president of the Union of Congolese Patriots, on charges of enlisting, conscripting and using child soldiers. While initially, his case was halted in 2008 on technical grounds and later released on the same, he has since been re-arrested for the same crimes. In another case involving Congolese nationals, Germain Katanga and Mathieu Ngudjolo are being prosecuted as co-perpetrators for mounting attacks against Hema civilians in Ituri in 2003. Having been arrested and transferred by the Congolese authorities in 2007 and 2008 respectively, they have been accused by the prosecutor of four counts of crimes against humanity and nine counts of war crimes related to murder, inhumane acts, sexual crimes, the use of child soldiers, rape and other abuses (ICC, 2008).

The prosecutor initiated investigations in CAR in 2007 following a state referral. Most of the crimes in question are said to have occurred between 2002 and 2003 when there was an armed rebellion against the Government of President Ange-Felix Patasse led by Francois Bozize. At the time, the President invited Jean Pierre Bemba Gombo, president and Commander- in- chief of the Movement for the Liberation of Congo and former vice-president of the DRC to help quell the rebellion. In his engagement in CAR, he is accused of committing war crimes and crimes against humanity. He was arrested by Belgian authorities in 2008 on a warrant issued by the Court, surrendered to the ICC and was transferred to its detention centre in the Hague (Plessis, 2010).

In Kenya, the ICC moved in after Parliament failed to establish a local tribunal that would have tried the alleged perpetrators of the 2008 post-election violence. Although Kenya is a state party, the ICC engagement did not come by way of state referral, unlike the earlier cases. Instead, for the first time, the prosecutor exercised his proprio motu powers. Investigations were launched and six people who allegedly bore the greatest responsibility for the post-election violence were named on December 15. Currently the prosecutor is preparing to move to trial for the six suspects.

But even before the formal process began, the involvement of the ICC in the search for justice following Kenya's post- election violence generated a great deal of interest, not just within political circles but also among the general public. In Kenya public opinion seems to be divided into two. There are those in favour of the ICC prosecutions. These are mostly people who felt victimized during the post- election violence and who have lost faith in the country's judicial system. The second group represents those who regard ICC as a political instrument being used to victimize their leaders and also by extension, their communities (Kimathi, 2010).

The case of ICC in Sudan to date remains the most controversial in the history of the Court. Out of the five countries where the ICC has opened cases, only Sudan is not a state party. In March

2005, the UN Security Council adopted Resolution 1593 by which it referred the situation in Darfur to the ICC. The prosecutor accordingly, opened an investigation in the same year and arrest warrants were issued for Ahmad Harun (former Sudanese Minister of State for the Interior) and Ali Kushayb (a former militia leader) in April 2007 on multiple counts of war crimes and crimes against humanity. These warrants remain outstanding as the Sudanese Government is not a state party to the Rome Statute and rejects the ICC's jurisdiction. After the issuing of the warrants, Harun was appointed Minister of Humanitarian Affairs and Co-president of the national committee responsible for investigating alleged human rights violations in Darfur (ICC, 2008).

On March 4, 2009, ICC judges issued a warrant of arrest for the Sudanese President, Omar Hassan Al- Bashir. The warrant cites reasonable grounds to believe that Bashir is criminally responsible for five counts of crimes against humanity and two counts of war crimes. These charges stem from the acts of security forces and pro-government militia in the Darfur region during the Government's six year counter insurgency campaign (ICC, 2009). This was the first time a warrant of arrest had been issued against a sitting head of state. While hailed as a move towards ending impunity by many international human rights organizations and western governments, the move was heavily criticized by African and Arab governments who accused the ICC of being biased against Africans and subverting the course of peace in Sudan.

As a sitting head of state, the warrant against President Bashir has generated much controversy. While the Rome Statute states that the Court does not respect immunity in the face of international crimes, it nonetheless asserts the power of international law which grants immunity to a sitting head of state, save for certain circumstances where that immunity is lifted. Further, the ICC works in a complementary capacity to national courts. While national courts recognize the immunity of a sitting head of state, this is not the case with the ICC.

Arising from the concerns over the issuance of a warrant of arrest for a sitting head of state and the undermining of the ongoing peace process in Sudan as a result of the warrant, the AU called for a deferral to give the peace process a chance. When this call went unheeded by the ICC, the AU on July 3, 2010 adopted the Sirte Resolution stressing that member states would not cooperate in the arrest and surrender of al- Bashir. This resolution was unanimously adopted by the AU, with only Botswana publicly distancing itself from the move. Since then, the AU has increasingly adopted a hard-line position, accusing the ICC of being a hegemonic tool of western powers [32]. In talks held between representatives of the European Union (EU) and Africa in Libya recently, the African Union Commission President, Jean Ping reiterated the AU position stating that 'we oppose a two-speed justice, one for Africans, one for others.' He further stated that while Africa stood firmly against impunity, international justice was not dealt out fairly, 'the little chicken thieves are attacked, the others not,' he lamented (Daily Nation, December 2010).

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[32] At the July 2010 Summit, President Bingu wa Mutharika, Current Chairperson of the AU stated that ' to subject a sovereign head of state to a warrant of arrest is undermining African solidarity and African peace and security that we fought for, for so many years'

The ICC: a blessing or a curse for Africa?

While the ICC has been very determined in putting an end to the rampant impunity in Africa by pursuing suspects of war crimes, genocide and crimes against humanity, its efforts have not been well received from all quarters within the continent. Some of the Court's critics have accused it of being another instrument of foreign intervention in a long history of western interference in African affairs. The critics point to the fact that to date, the prosecutor has exclusively focused on sub-Saharan Africa even though there have been other areas that have clearly warranted the ICC's attention like Afghanistan, Chechnya, Colombia and Israel over Gaza.

While it is true that the Court has exclusively focused on sub- Saharan Africa, supporters of the Court state that this has been necessitated by the sheer numbers of conflicts in the continent as compared to other parts of the world which do not necessarily have high attendant numbers of international crimes warranting the Court's attention. Furthermore, three out of these five cases have been state referrals by an African government. The supporters have argued that it is therefore difficult to claim that the prosecutor is biased against Africans. However, a closer look at those state referrals show that the individuals who were referred were either those actively fighting with or opposed to government. As such, the ICC could be used to advance sectarian political interests in the continent.

Another argument for the presence of the ICC in Africa is that national legal systems are weak and so the complementarity principle has led to ICC jurisdiction faster than in some other states. Most of the countries where the ICC has intervened are those emerging from war and still in the process of rehabilitating their justice institutions along with other instruments of governance. In other cases like Uganda, sections of the country have remained outside the effective reach of the central government, thus it has been difficult to apprehend the suspects and subject them to national judicial systems.

The ICC has also been accused of subverting justice in Africa. In Sudan, critics have accused the Court of pursuing justice at the expense of peace while undermining earlier AU and regional efforts to bring peace to the Darfur region. As a result, the AU has unanimously called for a deferral of Bashir's warrant of arrest until the current peace efforts are taken to their natural conclusion. In the case of Northern Uganda, the ICC has been accused of indifference and insensitivity to the justice needs of the local communities who suffered the atrocities of the LRA. While the local communities have shown preference for traditional and local methodologies of resolving the conflict and dealing with the LRA perpetrators, including the Mato oput , the Court has continued with its former course of action without making reasonable efforts to see whether the indigenous formula works or not.

Another criticism levelled against the ICC is its possible use by the UN Security Council to deal with states that are not party to the Rome Statute. While this in itself may be positive, allowing for international and universal jurisdiction, the ICC, through the Security Council, may be subject to the uneven and imbalanced landscape of global politics through the powers of referral and deferral. The skewed institutional powers of the Security Council creates an environment in which it is more likely that action will be taken against the accused from weaker states than from the stronger powers or those protected by powerful states. Thus the perception is that by referring the Darfur situation to the ICC but not acting in relation to, for instance, Israel, the Security Council, through certain influential members, is guilty of double standards (Plessis, 2010).

Conclusion

There is no doubt that the role of the ICC in Africa in curbing impunity should be supported and celebrated. The African states have themselves shown this by their historic ratification of the Rome Statute as compared to other parts of the world. The AU has time and again reiterated the continent's commitment to ending impunity. In the recently held Africa- EU meeting in Tripoli, Jean Ping observed that as proof of this commitment, of the four international courts currently in place including the ICC, two are in Africa - in Tanzania and Sierra Leone (Daily Nation, December 2010). However, the ICC's practice of focusing exclusively on the continent and contradicting international law and the attendant sharp reactions, especially from African and Arab countries, has the potential of jeopardizing its future work in Africa and elsewhere if it is perceived to be less than fair and independent. Notwithstanding the arguments for the disproportionately high number of incidences that warrant the Court's attention in Africa, the ICC needs to be alive to the negative signals it is sending to the continent and strive to employ corrective political measures to avoid losing the trust of the majority of Africans.

By the principle of complementarity, the ICC was primarily envisaged as a support mechanism for national judicial processes. To actualize this, the international community and Africans should invest more in building a viable and credible continental judicial institution in the form of a Pan African Court of Human Rights. This way, the ICC would serve its intended purpose as a complementary rather than a substitute court. This would also be in keeping with the continent's trend in issues of peace and security where the slogan 'African solutions to African problems' is increasingly being actualized through such arrangements as the African Standby Force (ASF).

In the final analysis, the polarized debate on the continent about the ICC has obscured the fact that justice, peace and reconciliation must be considered in an integrated way and therefore, the institutions advancing these values must be mutually reinforcing rather than stand in isolation. Therefore, the ICC should be seen as one of a number of both national and international mechanisms that could make a distinct but complementary contribution to societies afflicted by mass crimes. For this to be achieved, then all players in the community of nations, both members and non- members of ICC must feel valued and respected, otherwise, the institution risks being one more divisive mechanism in an already divided world.

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Conclusions

The first paper concludes that one of the most defining and controversial acts in the history of humanitarian intervention has been the international response to the Somali crisis in the 1990s. Somalia has come to represent an interesting study in the success and shortcomings of humanitarian intervention. It certainly represented an important example of the need to identify what kind of troops would be more successful in complex scenarios such as those that were going to proliferate in Africa. Somalia also posed another problem: it became clear that short-term commitment was not of any significant benefit. It is evident today that the types of conflicts that cause state collapse in Africa require a longer and more expensive commitment than was initially proposed in the early 1990s. The failure in Somalia had a powerful impact on the international community, particularly on some of the main peacekeeping contributing countries.

The experience of Rwanda marked a low-point for the norm of humanitarian intervention, the very failure of the international community to stop the genocide led to the humanitarian norm's revival. Just as Somalia had led to international scepticism regarding humanitarian intervention, so Rwanda prompted the realisation that the international community needed to create the normative framework necessary to prevent a similar tragedy. In the years following the Rwanda genocide, humanitarian intervention has been heavily debated, both among academics and by policymakers. Rwanda also contributed to the normative shift in intervention, led by the International Commission on Intervention and State Sovereignty (ICISS), transforming a notion of humanitarian intervention into one of a responsibility to protect.

The second paper concludes that quality assurance in general and training standards in particular have a major role to play in peacekeeping training programmes. The premier role of quality assurance, as implied in this paper, is to articulate standards to peacekeeping training development and delivery. The paper notes that in most parts of Africa, Eastern Africa included, is recording increasing demands for peacekeepers in different areas of peace missions. However, the rising number of training institutions on the continent does not necessarily translate into quality products reliable for the missions. This points to a need to entrench and support regional peacekeeping training institutions to apply quality standards in selection, training, validation and eventually deployment of the trainees. Developing succinct partnerships with key actors in peace support operations (PSO) would also be an important step in promoting best practices and ethos in peace and security arena. The African Peace Trainers Association (APSTA) is central to this emerging development.

The experience of Rwanda marked a low-point for the norm of humanitarian intervention, the very failure of the international community to stop the genocide led to the humanitarian norm's revival. Just as Somalia had led to international scepticism regarding humanitarian intervention, so Rwanda prompted the realisation that the international community needed to create the normative framework necessary to prevent a similar tragedy. In the years following the Rwanda genocide, humanitarian intervention has been heavily debated, both among academics and by policymakers. Rwanda also contributed to the normative shift in intervention, led by the International Commission on Intervention and State Sovereignty (ICISS), transforming a notion of humanitarian intervention into one of a responsibility to protect.

The third paper discusses Djibouti Peace Agreement, which was signed between TFG and ARS in June 2008 and facilitated by the UN in Djibouti. In answering the question "What mechanisms and practical arrangements should be put in place to assist TFG implement the Djibouti Peace

Agreement towards Post August 2011?", the paper has highlighted the role of different actors in the process including: the African Union, AMISOM, the International Community, The Transitional Federal Government of Somalia, the Intergovernmental Authority on Development, the United Nations Political Office of Somalia and other groups including: the diaspora and the business community, civil society, the media, clerics, clan elders, wise women, academia and research institutions and non-governmental organizations. Despite the many challenges, the paper concludes that the Somali crisis can still be contained if different actors and stakeholders work together in a committed manner by putting all their interests and resources towards bringing Somalia back to stability.

The fourth paper argues that there have been various efforts in Africa to end impunity and hold accountable perpetrators of international crimes related to war, including genocide, war crimes and crimes against humanity. This has been undertaken through various legal instruments including national tribunals, special courts and international tribunals. While these instruments have been country specific, the International Criminal Court with international jurisdiction has come to play a leading role in addressing impunity, especially in Africa where, to date, it has opened cases in five countries. While this is laudable, the paper establishes that its exclusive concentration on sub-Saharan Africa has drawn mixed feelings, especially among Africans, with some of its critics accusing the Court of being a western hegemonic instrument. Therefore, the paper has concluded that despite this preoccupation, it is important for the Court to show balance in its application of justice, failure to which it will lose trust among the majority of Africans.