International Peace Support Training Centre
Nairobi, Kenya

The African Peace and Security Architecture:
It's Capacity in Responding to Conflicts in Eastern Africa

Repatriation and Reintegration of Refugees
in East Africa: Cases of Rwanda and Somalia

Voluntary repatriation of Rwanda Refugees

The first voluntary repatriation of Somali refugees

Effective Strategies for Responding to Contemporary Conflicts in Eastern Africa

ISSUE BRIEFS

2016 SERIES

May 2016

Compiled by

IPSTC Peace and Security Research Department

Table of Contents

Foreword

The International Peace Support training Centre (IPSTC) is a research and training institution focusing on Peace Support Operations (PSO) capacity building at the strategic, operational and tactical levels within the framework of the African Peace and Security Architecture (APSA) and has evolved to become a regional Centre of Excellence for the African Standby Force (ASF) in Eastern Africa.

IPSTC addresses the complexities of contemporary UN/AU integrated PSO by describing the actors and multi-dimensional nature of these operations. The research conducted covers a broad spectrum ranging from conflict prevention through management to post-conflict reconstruction. The Centre has made considerable contribution in training and research on peace support issues in the Great Lakes region and the Horn of Africa through design of training curriculum, field research and publication of Occasional Papers and Issue Briefs. The Occasional Papers are published annually while the Issues Briefs are produced quarterly. The issue briefs are an important contribution to the vision and mission of IPSTC. The First Quarter Issue Brief No. 1 (2016) focuses on two key aspects of emerging and increasing interest with respect to peace and conflict in Eastern Africa: *The African Peace and Security Architecture : Its Capacity in Responding to Conflicts in Eastern Africa and Repatriation and Reintegration of Refugees in East Africa: Cases of Rwanda and Somalia.*

The Issue Brief provides insights into the dynamics of peace and security concerns in the region that are valuable to policy makers and aims to contribute to the security debate and praxis in the region. The articles in the Issue Brief are also envisaged to bolster the design of the training modules at IPSTC.

Brigadier P. Nderitu

Director, IPSTC

Abbreviations

APSA	African Peace and Security Architecture
AFISMA	African-led International Support Mission to Mali
AMISOM	African Union Mission in Somalia
AMIB	African Union Mission in Burundi
AMIS	African Union Mission in Sudan
AMISEC	African Union Mission for Support to Elections in the Comoros
AMU	Arab Maghreb Union
AU	African Union
ASF	Africa Standby Force
APF	Africa Peace Fund
CAR	Central Africa Republic
CEWS	Continental Early Warning Systems
CEN-SAD	Community of Sahel-Saharan States
COMESA	Common Market for Eastern and Southern Africa
CJTF-HOA	Combined Joint Task Force-Horn of Africa
DDR	Disarmament Demobilization and Reintegration
DRC	Democratic Republic of Congo
ECOWAS	Economic Community of West African States
ECCAS	Economic Community of Central African States
EAC	East African Community
EASF	Eastern Africa Standby Force
EU	European Union
FOC	Full Operational Capability
FOMAC	AU Multidimensional Force for Central Africa
GDP	Gross Domestic Product
HIPPO	High Level International Independent Panel on Peace Operations
HRW	Human Rights Watch
ICG	International Crisis Group

IDPs	Internally Displaced Persons
IGAD	Inter-Governmental Authority on Development
INTERPOL	International Police
LRA	Lord's Resistance Army
NATO	North Atlantic Treaty Organization
NARC	North Africa Regional Capability
NGOs	Non Governmental Organisations
NISR	National Institute of Rwanda
OAU	Organisation of African Unity
PSO	Peace Support Operations
PSOD	Peace Support Operations Division
PSC	Peace and Security Council
RECs	Regional Economic Communities
RMs	Regional Mechanisms
RDC	Rapid Deployment Capability
RPF	Rwanda Patriotic Front
SADC	Southern African Development Community
SFG	Somali Federal Government
SNP	Somali National Police
S&R	Search and Rescue
TCC	Troop Contributing Countries
UK	United Kingdom
UN	United Nations
UNAMID	African Union/United Nations Hybrid Operation in Darfur
UNDOC	United Nations Office on Drugs and Crime
UNDOF	United Nations Disengagement Observer Force
UNDP	United Nations Development Program
US	United States
UNHCR	United Nations High Commissioner for Refugees

Introduction to the Issue Briefs

This first quarter issue brief combines two papers that address two aspects that are key to peace and security concerns in the Eastern Africa region. The first paper examines *The African Peace and Security Architecture: Its Capacity in Responding to Conflicts in Eastern Africa* and the second paper explores *Repatriation and Reintegration processes of Rwandan and Somali refugees*. In the first paper, the author examines the capabilities and challenges of the framework in effectively responding to conflicts in the continent against five capability areas. These include: the Peace and Security Council, Africa Standby Force, the Peace Fund, Continental Early Warning System and the Panel of the Wise.

Overall, the paper notes that progress in operationalizing the main APSA capability areas has increased in tempo over the past few years and is being matched by an increasing assertiveness by the AU and some of the sub-regional organizations in response to African crises and post-conflict situations. However, the AU and sub-regional organizations are faced with the challenge of responding to crises on the continent at the same time as they are developing the capacity to do so. The picture is therefore uneven, and by and large, the sub-regional organizations are less advanced in operationalizing APSA capabilities than the AU. Also, the state of preparedness of regional brigades varies. With some minor exceptions, the standby force framework is yet to significantly contribute to Africa's peace operations and those that have been launched have been on an ad-hoc basis. Again, as recent assessments indicate, there is a need to improve the coherence of the system as a whole, including its linkages to regional and global initiatives, capacities and the assistance available from partners.

In the second paper, the author addresses the different motives that governed the repatriation of Rwandan and Somali refugees and highlights challenges that these two processes faced. There are social, legal, economic, political and security factors that limit the smooth repatriation and reintegration of refugee returnees in their countries of origin. From 1994 to 2013, over 3.4 million refugees had returned home and been reintegrated with the rest of the communities. However, despite the massive repatriation, over 100,000 Rwandan refugees are still residing in different parts of the world. In Somalia, the repatriation process has few chances of succeeding or producing the expected results unless there are signs of greater stability in the future.

The African Peace and Security Architecture: It's Capacity in Responding to Conflicts in Eastern Africa

Carolyne Gatimu

Introduction

The African Peace and Security Architecture (APSA) is a collective term for a number of capability areas highlighted in Article 2 of the Protocol establishing the African Union's (AU) Peace and Security Council (PSC). These are: decision-making structures – the PSC itself; an early warning mechanism – the Continental Early Warning System (CEWS); an integrated response capacity comprising military, police and civilian elements – the African Standby Force (ASF); a capacity for preventative diplomacy and advice – the Panel of the Wise; and a mechanism for making available adequate financing for peace initiatives – the AU Peace Fund. As a whole, the APSA can be thought of as a framework for enabling a coherent and effective African contribution to peace and security on the continent and, as an element in one of the AU's core documents, has a statutory basis. It fits also together with the AU's emphasis on the promotion of democratic governance and human rights. The APSA requires AU to work closely with its sub-regional partners (the African Regional Economic Communities and Regional Mechanisms - RECs/RMs) on the same agenda and for both sets of organization to have the support of their member states (Brett, 2013; AU, 2010; Dersso, 2010).

The Organization of African Unity's (OAU) inability to provide better life for the African people and to deal with the protracted conflicts that have consumed millions of African lives and resources coupled with the reluctance of external forces to respond timely to crises such as that in Somalia and to rebuff the horrific incident that happened in Rwanda in 1994 provided a rationale for the shift from OAU to AU in 2001 (Beza, 2015). The shift driven by an 'African Renaissance', spearheaded by a few African leaders, was marked by the clarion call 'African solutions to African problems' with the issues of peace and security at its core and to this end, APSA was created (Bachemann, 2011).

In general, progress in operationalizing the main APSA capability areas has increased

---

1 Africa's contributions to the UN peacekeeping operations have increased from 10,000 to 35,000 per annum in the same time span, and deployments to African operations have hovered around the 35,000 to 40,000 mark per annum in the past three years. See Peace and Security Report 2015, Institute of Security Studies.

in tempo over the past few years and is being matched by an increasing assertiveness by the AU and certain of the sub-regional organizations in response to African crises and post-conflict situations. This has most recently been illustrated by the response to the crisis in Mali in 2012/13, but other examples include Darfur, Somalia, northern Uganda, eastern DRC, Guinea-Bissau, and South Sudan. There is also an increasing connectivity to the global peace and security architecture as epitomized by the United Nations (UN) and a number of joint initiatives are emerging. As a consequence of its willingness to take a greater share of the responsibility for resolving African crises, the AU is demanding more representation in decision-making organs and access to funds and other resources.

While political decision-making, early warning, preventive diplomacy, a speedy and flexible response capability, and adequate and predictable funding are specified in the PSC Protocol and are absolutely central to the APSA, the AU is increasingly taking the view that a wider range of capabilities is needed to respond effectively to Africa's peace and security challenges in a manner that is also preventative. These include: security sector reform; counter-terrorism; post-conflict reconstruction and development; maritime security; small arms and light weapons proliferation; and disarmament, demobilization and reintegration (DDR). By and large, the operationalization of these other capabilities is less developed than the core APSA areas and there is substantial policy and technical work required. APSA as a whole continues to require significant external support and partnership for its development.

On the other hand, the AU and the sub-regional organizations are faced with the challenge of responding to crises on the continent at the same time as they are developing capacity to do so. The overall picture is therefore uneven, and by and large, the sub-regional organizations are less advanced in operationalizing APSA capabilities than the AU. Also, the state of preparedness of the regional brigades varies. With some minor exceptions, the standby force framework has not yet contributed to African peace operations and those that have been launched have been on an ad-hoc basis. Again, as recent assessments indicate, there is a need to improve the coherence of the system as a whole, including its linkages to regional and global initiatives, capacities and the assistance available from partners (Brett, 2013).

This paper evaluates the capacity and challenges of the framework in effectively responding to conflicts on the continent against its five capability areas. It also analyses the gap between APSA and the realities on the ground.

Organisation of the Paper

Following the introduction, the next section contains the statement of the problem and highlights the objectives of the paper. Section three looks at the conceptual framework while section four discusses in depth the main pillars of APSA and how far their capacities have developed. Section five takes a look at the main challenges experienced under APSA as well as the lessons learnt along the way, while the last section entails a conclusion and way forward.

Problem Statement

Despite a significant growth in African peace operations and increased tempo in operationalizing the main APSA capability areas over the past few years, overall, building the framework has been slower than expected and more than a decade later, the process still remains incomplete. For example, although presumed to have achieved full operational capability (FOC) by the end of 2015, the ASF is yet to mount any mission (Karock, 2014; Williams, 2011). Again, the development of ASF has been largely uneven across the five regions. Some regions have made better progress than others, and in 2013, an AU-mandated *Independent Panel of Experts* released a report noting that significant shortcomings, gaps and obstacles needed to be addressed before reaching FOC by the end of 2015. The most critical areas which needed to be addressed included clarifying and simplifying the mandating and decision-making processes for operations, strengthening the ASF planning elements at the level of AU commission and the regions, converting pledged capabilities into deployable capabilities, and developing the necessary mission support architecture that would strengthen the deployment of operations and would support them once in the field (Lotze, 2015). However, some of these areas are yet to be clearly concluded on and another major obstacle in assessing the achievements of ASF's FOC is lack of a clear definition of FOC.

The AU has also recently shelved its earlier proposal to deploy 5,000 peacekeeping troops to contain the ongoing crisis in Burundi. The PSC had earlier on adopted a communique` that threatened to launch a 5,000 strong force to protect civilians in Burundi. The communique` had given the Burundian government 96 hours to consent to the operation or face the scenario of the AU deploying the force anyway. This was seen as an act of the AU finally flexing its muscle but the member states attending the AU summit in early 2016 decided that no troops would be deployed without Burundi's consent, marking a 180-degree turn on the AU's earlier position. Instead, a decision was made to send a high-

level delegation to the capital, Bujumbura, to negotiate a solution acceptable to President Pierre Nkurunziza.

Again, African states do not have a good track record of making their own funds available to pay for continental conflict management activities. Despite a series of initiatives, AU has failed to secure sustainable, predictable and flexible financing of its conflict management activities. As a result, the Peace Fund remains largely underfunded. The CEWS also has major challenges and remains a work in progress. For example, its personnel have been criticised for being unable to generate early discussions within the PSC on the crisis surrounding the Kenyan elections of 2007 or instability in Guinea-Bissau in late 2008 as well as the ongoing crisis in Burundi (Karock, 2014; Williams, 2011). Issues of decision-making, sustainability, resources/funding, coordination, inter-operability, coherence and partnerships are contentious within the framework lending the question of how capable APSA was to respond to current conflicts on the continent. Despite the operationalisation of the framework still being work in progress, in some instances, it has been ineffective. This paper is therefore going to focus on all these dimensions in establishing the capabilities and limitations of the framework.

Objectives

This paper seeks to:

a) Assess the capabilities of the framework in anticipating and responding to emerging conflicts in Eastern Africa;

b) Analyse the challenges and limitations of APSA; and

c) Determine ways in which the framework can be strengthened so as to effectively address conflicts on the continent

Conceptual Framework

The conceptual framework below (Figure 1) shows APSA conflict management capabilities. In establishing the capacity of the framework to respond to on-going and emerging conflicts on the continent, the paper makes an analysis of the five capability areas: political decision-making; mediation and advisory/preventative diplomacy; gathering and analysis of information and early warning; speedy and flexible response by peace support operations; and adequate and predictable funding.

Figure 1: APSA Conflict Management Capabilities
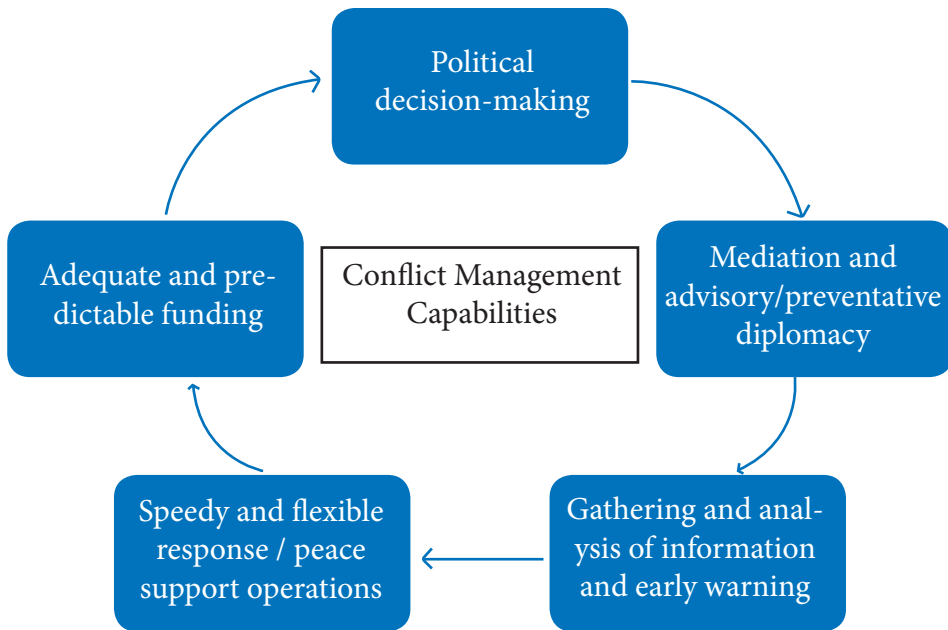
Source: Author's own conceptualisation.

Main Pillars of APSA

APSA denotes a complex set of interrelated institutions and mechanisms that function at the continental, regional and national levels. Nationally, there are AU member states, which house the majority of capabilities relevant to conflict management. Regionally, the APSA relies on the continent's regional economic communities (RECs). The AU recognises eight RECs as well as two mechanisms for coordinating the ASF (the East African Standby Force coordination mechanism and the North Africa Regional Capability). The relationship between the AU and RECs is supposed to be hierarchical but mutually reinforcing: the AU harmonises and coordinates the activities of the RECs in the peace and security realm, in part via liaison officers from the RECs serving within the AU commission in Addis Ababa. At the continental level, a variety of institutions coordinated by the AU's PSC comprise APSA (Williams, 2011).

Figure 2: Principal Institutions of APSA
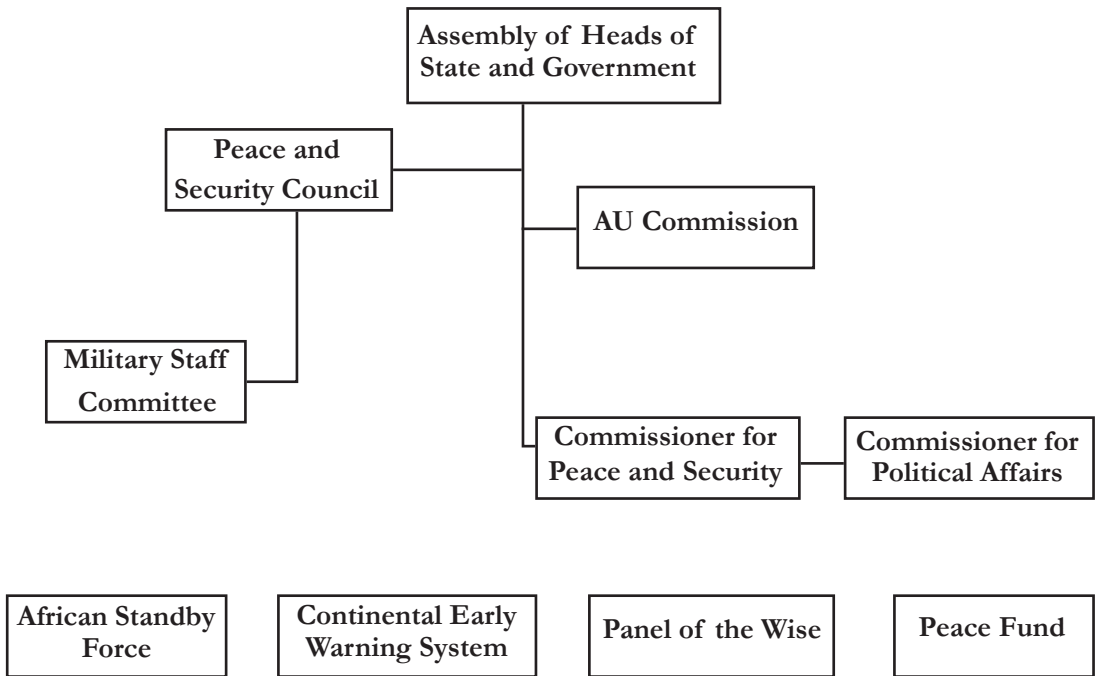
Source: Adapted from Williams, 2011.

APSA requires AU to work together with its sub-regional partners, which are the regional economic communities and regional mechanisms which include the following:

Regional Economic Communities/Regional Mechanisms

ECOWAS	EAC	SADC	IGAD	CAS
AMU	COMESA	CEN-SAD	NARC	EASF

The Peace and Security Council (PSC)

Officially launched in May 2004, the PSC is AU's standing decision-making organ for the prevention, management and resolution of conflicts and is modelled along the lines of the UN Security Council. The PSC comprises 15 members, elected by the AU Executive Council on regional basis (three from Central Africa; three from East Africa; two from North Africa; three from Southern Africa; and four from West Africa). Ten of the

members are elected for a term of two years, and an additional five elected for a term of three years. Members can also be re-elected immediately for another term. There are no permanent members and no veto. PSC chair rotates on a monthly basis, in alphabetical order of the English-language names of member-states. The membership is based on the principle of "equitable regional representation and rotation" whereby the north, west, central, east, and southern regions of Africa present candidates for election. Within the PSC, these regional groupings have played indirect but important roles in two main senses. First, member states often coordinate issue stances with their fellow REC members. Second, regional clusters will often take the lead in formulating the PSC's response to sub-regional issues (AU, 2015; Ganzle and Franke, 2010).

The PSC's main objectives are to promote peace, security and stability in Africa; anticipate and prevent conflicts; promote and implement peacebuilding activities; coordinate and harmone efforts to prevent and combat international terrorism; develop a common AU defence policy; and encourage democratic practices, good governance, and the rule of law, as well as protect human rights and fundamental freedoms. To achieve this daunting list of objectives, the PSC was given eighteen "powers" ranging from assisting in the provision of humanitarian assistance to military intervention. PSC members are meant to have good standing within the AU (i.e., have paid their dues, respect constitutional governance and the rule of law etc.) and be willing and able to shoulder the responsibilities of membership. However, the recent selection of states to the PSC puts the rigour of applying this principle into question. For example, Burundi was re-elected to the council in 2016 unopposed despite the political crisis that the country was facing. Similarly, Equatorial Guinea and Zimbabwe have served in the council before despite their poor performance in respecting the rule of law.

When the PSC was launched in May 2004, its creation was hailed as a historic watershed in building a durable peace and security order. By 2010, the PSC had held over 170 meetings, issued over 100 communiqués and authorized sanctions against several African states as well as peace operations in Sudan, Comoros, Mali and Somalia, among others.

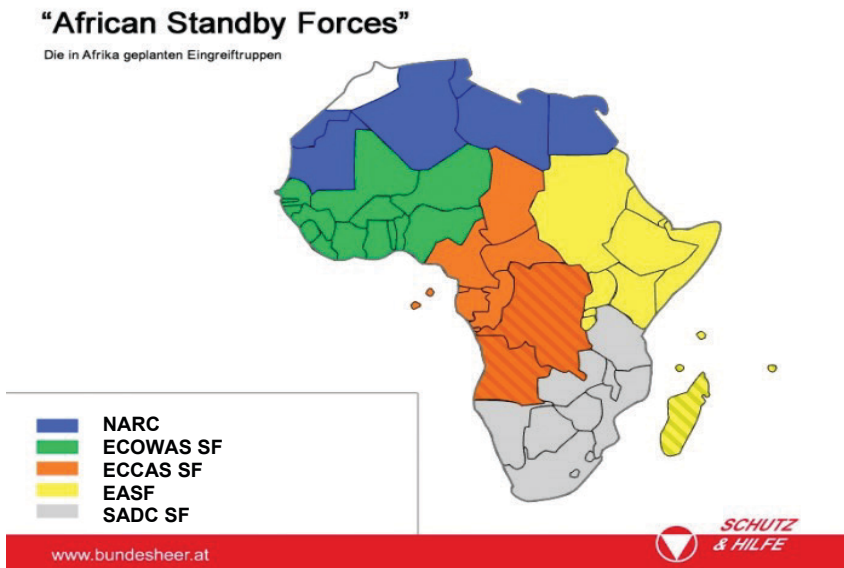| Box 1: Examples of AU-led Missions and Other Activities		
Name/Location	Time	Action(s)
AU-led missions (including peace operations and electoral missions)		
AMIB, Burundi	April 2003 – May 2004	First AU peace-keeping mission (became a UN mission in 2004)
AMIS, Sudan	2004 -2007 and December 2007 –ongoing	AMIS merged into UNAMID (not AU-led)
AMISOM, Somalia	February 2007 – ongoing	Deployment of Ugandan, Burundian, Djiboutian troops. Kenyan troops joined in 2011
Electoral and Security assistance Mission, Comoros	May 2007	
Operations Democracy, Comoros	March 2008	Intervention in Capital (Ajouan)
Electoral Mission, Rwanda	September 2008	AU and South African observers endorse elections (while EU election observation mission to Rwanda remains critical)

Source: Ganzle and Franke, 2010.

Box 2: Examples of Threats of Sanctions/Suspension of AU Membership		
Name/Location	Time	Action(s)
Mauritania	August 2005, August 2008	Country suspended following coups
Togo	February 2005	AU protest forced Gnassingbè Eyadema to hold elections. he was officially elected President in May 2005 - under suspicion of electoral fraud
Guinea	December 2008	Country suspended following coup
Madagascar	March 2009	Country suspended following coup
	March 2010	Sanctions enter into force, namely travel bans, freezing of funds and other financial assets and economic resources, as well as diplomatic isolation against government
Eritrea	May 2009	AU urged the UN Security Council to impose sanctions against Eritrea for supporting Islamist insurgents in Somalia
Niger	February 2010	Country suspended following coup

Source: Ganzle and Franke, 2010.

The African Standby Force (ASF)

As a rapid force meant to be deployed in cases where there is perceived or actual conflicts or to intervene in respect of grave circumstances as envisioned in the Constitutive Act of the AU (Art. 4, h and j), the ASF offers the AU with a means of timely response to conflicts and for the first time a common position and action plan for the development of its peace support operations (PSO) capacity (Beza, 2015). The ASF is not a monolithic African army but a set of sub-regional standby arrangements that are established through member states' pledges and along with the RECs and regional mechanisms including the Central, Eastern, Northern, Southern and Western African sub-regional forces. The ASF is composed of standby multidisciplinary contingents with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice. It is intended to enable the AU to respond to a wide range of contingencies from observation to monitoring missions, to preventive deployments, humanitarian assistance missions, peacebuilding operations, and interventions in a member state in grave circumstances.

"African Standby Forces"
Die in Afrika geplanten Eingreiftruppen

- NARC
- ECOWAS SF
- ECCAS SF
- EASF
- SADC SF

www.bundesheer.at

SCHUTZ & HILFE

Each state in the sub-region is expected to establish a contingent of the ASF and all standby forces in the sub-regions can be used for operations across sub-regions as it is suggested that if member states of a certain sub-region lack capacity, encouragement will be given to potential lead nations to form coalitions of the willing as a stop-gap arrangement pending the establishment of regional standby force arrangements. Each sub-region is also expected to establish an entry point standby force at brigade level

with 5,000 troops per sub-region thus making the overall number of the ASF troops to about 20,000. In quick response to war crimes, genocide and crimes against humanity, it is suggested that potential lead nations should be identified with standing deployable headquarters capacity of greater than brigade level, and with forces that are capable of seizing points of entry, ideally using airborne or airmobile assets (AU, 2003).

The ASF has benefitted from having a roadmap for its operationalization (most recent Road Map III intended to bring the ASF to full operating capability by the end of 2015). The ASF's basic concept rests on the five regional standby capabilities that will be able to deliver peacekeeping forces at pre-set levels of readiness and capability according to a set of six envisaged scenarios following a decision by the UN or AU. Important elements of the ASF design have been largely defined in Road Map I (core concepts, doctrine, standards and command structures) and were reinforced in Road Map II (leading to the AMANI AFRICA Command Post Exercise in October 2010).

Box 3: ASF Mission Scenarios and Timelines for Development		
Scenario	Description	Deployment Requirement (from mandate resolution)
1	AU/Regional military advice to a political mission	30 days
2	AU/Regional observer mission co-deployed with UN mission	30 days
3	Stand-alone AU/Regional observer mission	30 days
4	AU peacekeeping force for Chapter VI and Preventive Deployment Mission (and AU Peace building)	30 days
5	AU Peacekeeping Force for complex multidimensional peacekeeping missions including those involving low level spoilers	90 days with the military component being able to deploy in 30 days
6	AU intervention, e.g. in genocide cases where the international community does not act promptly	14 days with robust military force

Source: AU (2003).

The actual progress on the ground, however, is variable and some regions are more advanced than others. It is generally held that the regions progressing best are West Africa, East Africa and Southern Africa, although the modalities differ and there is reliance on a few countries in each region. In Southern Africa, the SADC Brigade is largely dependent upon South Africa to act as lead nation. The situation in East Africa is more evenly balanced. Although Ethiopia is often seen as the regional hegemon, Uganda, Kenya, and

Rwanda are all active members of EASF. In West Africa, Nigeria plays a determinant role. However, the difficulties in getting AFISMA (African-led International Support Mission in Mali) off the ground in 2012 suggest that the ECOWAS ASF contribution may not be as advanced as previously thought. In general, training and evaluation, logistics and command and control are areas that are lagging behind. The police and civilian components are also developing more slowly. Observers have pointed to the gaps in policy and disparities between the various regional arrangements as having implications for mobilization, deployment and interoperability of the ASF. They may also be perpetuating the existing ad-hoc approach to interventions that are largely outside the ASF's structures and heavily supported by external partners (Brett, 2013).

Despite the many challenges, the ASF has recorded some successes. Since its establishment in 2003, the ASF has exhibited a great deal of progress. African leaders' desire and commitment that is seen both in the establishment of the APSA (with the ASF at its centre) and the elaboration of various documents intended to provide the technical and conceptual basis and the regulatory setup for the operation of ASF could perhaps be seen as one of the most important achievements of the ASF (Beza, 2015; Batware, 2011). The decentralization of the ASF into the five RECs was meant to bestow upon regional actors the responsibility of ownership of regional security matters and the enhanced efficiency could amount to the success of the ASF. The exhaustion and thus reluctance of the UN to involve peacekeeping missions in Africa, which resulted in the channeling of resources mostly in the form of training and finance to the ASF from multilateral donors (such as the UN and EU) and bilateral donors (Germany, France and Britain), may also have positively contributed to strengthening of the ASF.

Moreover, the capacity built from both internal initiatives and external assistance helped the AU to: let all the regional brigades (save for the NARC-North Africa Regional Capability) conduct various trainings and joint exercises meant to enhance their operational readiness; develop capabilities of the West, South and East African regional standby forces to conduct PSO up to and including Scenario 4; and activate the ASF and mandate it to deploy missions in reaction to violent conflicts in Burundi (AMIB), Darfur (AMIS), Somalia (AMISOM), the Central African Republic (FOMUC), Comoros (AMISEC) and Mali (AFISMA), though the effectiveness of such missions is largely obscured by the many challenges they experienced (Lotze, 2013; Lotze, 2015). Additionally, multilateral (including AU, REC/RM, UN and EU) planning and decision-making processes for multi-dimensional PSO have also increasingly become the norm.

Despite numerous political hurdles, there remains ample room for improvement. The AU and RECs/RMs are slowly learning to work together in the formulation of joint responses to crisis situations, and to jointly plan and manage PSOs. Again, more and more African countries are willing and capable to deploy their personnel to both African-led PSOs and UN peacekeeping operations. Their numbers rose from one (i.e. Burundi) in the first AMISOM in 2007 to 13 in Mali (AFISMA) in 2013, and their contribution from 1,700 personnel (military and civilian) to 40, 641 mandated to serve in the AU missions beside the 30, 424 joint AU-UN Mission in Darfur (UNAMID). Besides, the AU has responded against the LRA in 2012 through the AU-led Regional Cooperation Initiative (Beza, 2015).

Continental Early Warning System (CEWS)

The CEWS is established as one of the key pillars of APSA within Article 12 of the PSC Protocol. Article 12 specifies that the CEWS should consist of an observation and monitoring centre (to be known as the 'Situation Room'). The Chairperson of the Commission shall use the information gathered through the Early Warning System to advise the PSC on potential conflicts and threats to peace and security in Africa and recommend the best course of action. Significant progress has been achieved in the operationalization of CEWS since the adoption of the Framework for the Operationalization of CEWS in December 2006. Since then, the system has been able to provide reliable and up-to-date information on potential, actual and post-conflict situations. The CEWS have registered important outputs and achievements which among others include: successful development of the CEWS methodology through a consultative process with involved stakeholders; development of data collection and analysis tools and the elaboration of a software licensing agreement between CEWS and the early warning systems of the RECs; strengthened coordination and collaboration between CEWS and the early warning systems of RECs; refurbishment of the Situation Room, infrastructure upgrade and instalment of necessary equipment including live monitoring software; increased expertise and analytical skills of the CEWS and early warning systems of most RECs (including putting in place some early warning officers, analysts and situation room staff); and information collection and monitoring tools are operational and data can be accessed through a specifically developed CEWS information portal (AU, 2010).

While most of the PSC's peace-making initiatives have been reactive, CEWS adds an effective set of early-warning and preventive institutions to the AU's policy toolbox.

Although the CEWS remains work-in-progress, the essential ingredients are falling into place: a central observation and monitoring centre (the situation room) in Addis Ababa to collect and analyse data, and the observation and monitoring units of the regional mechanisms that collect and process data and transmit it to the situation room. With assistance from the UN's situation centre in New York and external donors, the AU's situation room can now provide continent-wide coverage of conflict dynamics twenty-four hours a day, seven days a week, as well as produce a range of reporting mechanisms, including daily news summaries and more substantial updates on emerging issues. Its focus to date has been on feeding information about political instability to the PSC and it is in the process of developing indicators of threats, vulnerabilities, and risks relevant to civilian protection (Williams, 2011).

The CEWS information gathering tools include: *Africa Media Monitor* - an automated data-gathering software that facilitates the collection of information from a large variety of sources in real time in various languages; *CEWS Portal* - a software used for information sharing with RECs' early warning mechanisms; *Indicators and Profiles Module* - a database for the collection and appropriate management of structural information baselines, to enable the development of risk assessments; *Africa Reporter* – an analytical tool tailored to the CEWS indicators and templates to facilitate the submission of incident and situation reports from AU field missions and Liaison Offices; *Africa Prospectus* – a tool designed to forecast risk propensity or vulnerability with respect to structural influences and constraints; and *Live-Mon* – a new software that performs an automatic geo-localization of news items so that events can be displayed on a map (AU, 2015).

Despite this significant progress, full operationalization of CEWS to effectively support conflict prevention, mediation and preventive diplomacy is still to be realized. Moreover, uneven development and in some cases, slow development of early warning systems in RECs ultimately hinders higher level operations. Additionally, conflict analysis and development of response options are at an incipient level in some regions. Together with the need for sharing information with stakeholders, analysis and response options are the biggest challenges. Only IGAD is building up an integrated response mechanism at this stage. IGAD's system is now extending beyond its original focus on pastoral conflicts to cover a wide range of threats across the IGAD region. Such information is gathered by local observers and collated by national early warning units (which thus perform a dual national and regional early warning function). Its response also includes elements of mediation at local level. Also, processes and templates for early warning reports that include

policy options are in place at the AU, ECOWAS and IGAD. However, substantial efforts are needed to strengthen the ways in which policy-makers access and decide to use the response options developed by analysts (AU, 2010; Brett, 2013).

Panel of the Wise

Officially inaugurated in December 2007, the AU created the Panel of the Wise under Article 11 of the Protocol Relating to the Establishment of the Peace and Security Council. Former Algerian president Ahmed Ben Bella and former OAU secretary-general Salim Ahmed Salim led its five members, each appointed by their governments. As people who made outstanding contributions to peace, security, and development in the past, members of the Panel are tasked with using their expert knowledge and moral authority to resolve conflicts peacefully. For example, members engage in preventive diplomacy and support the AU's peace making initiatives by facilitating communication channels between conflict parties, the PSC, and the AU Commission. The Panel has also addressed election-related violence, impunity, justice and reconciliation issues as well as the situation of women and children in armed conflict (Williams, 2011).

The Panel's work is supportive of the AU's wider preventive diplomacy role and its small secretariat in the Commission is double-hatted as it also serves as the AU's Mediation Support Unit. This offers advantages in terms of linking the Panel's work with that of special representatives and other AU mediators. The unit draws from CEWS data to help identify local actors and entry points for the Panel and special envoys/mediators. It has made progress in a short space of time to help document and disseminate lessons learned and best practices and is in the process of identifying a roster of mediation experts.

Similar consultative structures have also been established in certain RECs, most notably the Council of the Wise in ECOWAS which has been active in various West African crises, while others have or are in the process of developing mediation capacities (e.g. IGAD, SADC) or a mixture of the two (e.g. COMESA, CEN-SAD, EAC). The regional councils have slightly different mandates and structures. For example, the 15-member ECOWAS Council of the Wise is appointed by national governments, which could be seen as constraining its impartiality. Again, the council does not have a dedicated support facility along the lines of the AU Panel. IGAD on the other hand, which otherwise has had success in the past in relation to its ad-hoc mediation processes in South Sudan and to a lesser extent Somalia, is yet to establish an institutionalized structure, although decisions have been taken to do so. Similarly, SADC has engaged in mediation (for example

in Madagascar and Zimbabwe) on an ad-hoc basis through special envoys supported by their states of origin, although there are indications that this may also become more institutionalized (Brett, 2013).

The existence of the various sub-regional structures therefore presents an obvious need for coordination given the overlapping mandates of the AU and a number of RECs. The AU is aware of this and takes steps to ensure coherence, including through joint activities where these are appropriate. For example, in April 2013, the Panel and its counterparts met to consider the scope of establishing a continental network that would be able to harness the capacities of the AU and RECs more cohesively. Agreement was reached to form a Pan-African Network of the Wise (PanWise) that would operate as an umbrella network bringing together the various mechanisms, AU High-Level Representatives and Special Envoys, Friends of the Panel, and individual mediators and institutions engaged in mediation activities at various levels. The aim is to enable them to work on joint activities and strengthen the impact of the AU and RECs in preventive diplomacy.

The AU Peace Fund

The AU's Peace Fund is intended to provide financial resources for peace support missions and other operational activities related to its peace and security mandate. However, the Fund remains grossly underfunded and inadequate to provide the degree of support and ownership of peace activities that is needed. In the 2007 audit, it was noted that the Fund received on average only 6% of the regular budget. At the AU summit in Tripoli in 2009, it was agreed to gradually raise this to 12% by 2012 but this target does not appear to have been reached to date. The current level is around 8% which is clearly insufficient and a negative indicator of member states' commitment to strengthening the APSA especially AU's peace and security role (Brett, 2013).

Williams (2011) observes that African states do not have a good track record of making their own funds available to pay for continental conflict management activities. Despite a series of initiatives, the AU has failed to secure sustainable, predictable and flexible financing of its own conflict management activities. Unlike the UN, the AU does not have a reliable system for reimbursing member states' contributions to peace operations. The PSC Protocol stipulates a funding system whereby member states contributing contingents bear the cost of their participation during the first three months while the union commits to reimburse those states within a maximum period of six months and then proceed to finance the operation. However, this system has not functioned effectively

in practice. Inadequate funding is symptomatic of member states' general unwillingness to provide the organization with sufficient financial resources. Since January 2006, only five member states (Algeria, Egypt, Libya, Nigeria, and South Africa) have provided 75% of AU's budget, with each of these contributing 15%. Thus, recent political turmoil in Egypt and Libya may have detrimental repercussions on the AU's finances.

Therefore, in the absence of adequate funding from member states, the APSA capabilities (especially peace missions) are overwhelmingly dependent upon partner resources, most notably from the EU's African Peace Fund (APF). As the AU leadership has commented, this reliance is unacceptable and damages the AU credibility as well as its ability to act independently. However, despite these strong sentiments, there has not been progress on either radically improving member states' contributions or finding alternative models.

Box 4: Summary of Status of Main APSA Elements as at 2013		
Element	Status	Results
Peace and Security Council	Operational	Meets regularly. 100 meetings since 2002. Annual meetings with UN Security Council
Continental Early Warning System	Operational	Increased capacity and feeds into PSC and Panel of the Wise. Open source, AU-based, also some capability amongst RECs but insufficient linkage
African Standby Force	Initial Operating Capability	Has initial operating capability. Road-map III leading to full operational capability in 2015 (but unlikely to be met). RECs at different levels of capability. Needs review in light of AFISMA/AMISOM lessons
Panel of the Wise	Operational	Increasing engagement. Mediation support unit and secretariat established
AU Peace Fund	Operational but inadequate	Approximately 8% of AU regular budget (target 12%)

Source: Brett, 2013.

Challenges and Lessons Learnt

APSA is still under construction and faces a myriad of challenges. This section highlights some of the challenges faced by the main pillars constituting the framework as well as the lessons learnt in the course of implementation of the same.

Psc

To begin with, although mandated to deal with conflict prevention or structural issues that encourage "bad governance", in practice, the PSC devotes relatively little attention

to this. Instead, it has been preoccupied with trying to extinguish crises (usually armed conflicts or coups) after they erupt. The PSC has also not devoted much attention to the non-military dimensions of security, such as environmental degradation, organized crime, and disease. This limited focus is the result of analytical and operational capacity deficiencies, as well as regularity of hot crises, which make it difficult for the PSC to tackle the upstream and structural aspects of conflict mitigation (Williams, 2011).

Additionally, the PSC members are meant to have good standing within the AU (i.e. have paid their dues, respect constitutional governance and the rule of law, etc.) and be willing and able to shoulder the responsibilities of membership. The APSA assumes that Africa's more democratic states will be better able to promote peace and security on the continent. However, some PSC members have shown little respect for constitutional governance, the rule of law, and human rights, and several of them experienced violent conflicts during their tenure on the council. Burundi, for example, was re-elected to the council unopposed in early 2016 due to lack of rival contenders from the region, despite the political and human rights crises that still rock the country (AU, 2016). The persistent election of autocratic regimes into the PSC has cast doubts on the depth of the AUs commitment to democratic principles. Therefore, a preponderance of autocratic countries will have implications for the continental legitimacy of the PSC, particularly when it has to guide on issues relating to peace, security, governance and human rights. This matter is of particular concern given that the council's procedural rules stipulate a preference for consensus-based decisions, meaning that autocracies are fully involved in the decision-making process.

There is also the challenge of understaffing. In the crucial areas of peace and security, the AU commission remains understaffed. The Peace Support Operations Division (PSOD) for example, has less than fifty personnel tasked with the planning, launching, sustaining, and drawing up all AU operations as well as developing the ASF at the continental level and assisting in the formation of regional brigades.

Asf

The ASF has been criticized for not being able to deliver relevant capabilities to African peace missions, which continue to be managed on an ad-hoc basis. An exception to this are the capabilities developed through EASF (including headquarters personnel and police units) that are being used in Somalia with AMISOM (Brett, 2013). Additionally, the ASF design relies upon the ability of the AU and its regional counterparts to agree on the

appropriate response to any given situation and to provide the leadership, military (police and civilian) forces, logistics support and funding required. A key component of this is a rapid deployment capability (RDC) able to respond quickly and be self-supporting for an initial period. Both the need for such a capability and challenges in operationalizing it have been amply demonstrated recently (2012) by the response to the crisis in Mali where the AU and ECOWAS had difficulties in putting an effective force on the ground in time. Mali (as with previous crises in Côte d'Ivoire and Libya), also demonstrated the need for robust and timely decision-making to underpin a targeted response capability involving a mix of military, police and civilian capacities. For Mali, this necessitated alignment between the UN, AU and ECOWAS and key AFISMA-contributing states on the provision, transport and logistical support of troops because a major aim of the contributing states was the provision of an adequately financed support package. Ultimately, events on the ground gained a pace that the three organizations were unable to match, which led to the French *Operation Serval* in early 2013.

Additionally, the ASF concept has only contributed to the development of African capabilities for PSO but it has been less effective in terms of deploying these capabilities. The main strength of the ASF concept lies in setting common standards for the identification, training, and retention of capabilities at the national level which can be deployed when required. It has also led to the development of multidimensional planning capabilities at the level of the AU Commission and the REC/RM planning elements. However, actual deployments have relied on lead states and coalitions of the willing. The Mission in Burundi (2003-2004) for example, was mostly undertaken by a single lead state like all subsequent missions by coalitions of willing member states. As in other multilateral deployment contexts, the willingness of member states to contribute to a particular operation will always be based on considerations of national interest and the prevailing political climate. The AU and RECs/RMs will therefore have to deploy missions using what resources are available at the time, and probably not on the basis of a readily-deployable force from a particular region that can be regarded as a coherent entity (Lotze, 2013).

The ASF also faces some structural barriers which further hamper its capacity to respond timely to conflicts in Africa. These include multiple and overlapping membership (46 African states are members of 2-4 RECs). Dual membership therefore creates conflicts of interests and erodes allegiance of member states in the regions. It also splits the already scarce financial resource and weakens the economic basis of cooperation. These are detrimental to mutual trust and integrative timely actions towards conflicts. Besides, the

uneven development of the ASF brigades across regions counters its ability to respond timely to conflicts. The North and Central African brigades lagged behind the relatively well developed East, South and West African brigades and this compromised the ASF's efforts to address such conflicts in Libya and the Central African Republic (CAR). ASF has also been challenged by lack of integrated command and control system, provision of the requisite military specialties and technical and infrastructural capabilities, as was the case in AMIS (Africa Union Mission in Sudan) and AMISOM (Africa Union Mission in Somalia). There is also lack of clearly spelt-out rules defining the roles and powers of the AU and RECs in relation to the use and authorization of ASF capabilities and in forging effective AU-RECs engagement on ASF issues despite signing a memorandum of understanding. This prevents the effectiveness of the ASF's ability to manage conflict in a timely manner.

Lastly, the ASF is inhibited by technical and administrative barriers. Lack of inter-operability and compatibility of the different regional brigades which is rooted in the national armies of the five REC regions is a major hurdle owing to their linguistic diversity which often obstructed effective communication within the AU missions; its intelligence capabilities in AMIS were hampered by lack of Arabic speakers; and its poor relations with entities such as ECCAS (Economic Community of Central Africa States) because the latter opted for French while the former English. Additionally, ASF faces diversity in culture that undermines the efforts of forging a coalition of forces from different religions, values and traditions. There are also differences in equipment, standards for operational procedures, approaches and training backgrounds. Besides the technical hurdles, administrative constraints count against the ASF including: lack of administrative capacity not only to mobilize the required funding but also manage what has been obtained effectively and in transparent ways as the experience of AMIS clearly showed; putting regional brigades' headquarters and planning components apart which is not only less efficient but makes coordination efforts challenging in conflict situations; and lack of donor coordination because it carries transaction costs, each donor is motivated by its own interests, and donor competition mainly for political visibility in the international scene (Beza, 2015).

Cews

Despite the undoubted steps forward in the CEWS, the functionality of the system as a whole is constrained by human resource shortcomings (numbers as well as skills, includ-

ing amongst agencies providing raw data) and constraints with data management and transmission (lack of real time connectivity, although this is being addressed). A recent review of the AU Liaison Offices, which are an important source of data for CEWS, indicated that some offices were not delivering quality and timely reports. In such cases, analysts need to apply extra resources to collect and analyse data so that decision-makers are adequately informed. Also, the fact that not all RECs with early warning systems are connected with CEWS through real time data links, or routinely use the facilities available, further limits its effectiveness. A further constraint is lack of standardization between CEWS and the sub-regional systems, although efforts are being made to address this through sharing of licensing agreements for software. SADC is perhaps the most challenging due to its use of information drawn from intelligence sources (Brett, 2013).

Another problem that CEWS face is lack of interoperability with the RECs/RMs, which have developed their early warning mechanisms at different speeds and with varying methodologies (Behabtu, n.d; Williams, 2011). Although the Memorandum of Under-standing (MoU) between the AU and RECs/RMs is being partially implemented through quarterly meetings, the process of deepening institutional linkages has been lackluster and slow. In part, the challenges of unequal development of linkages are related to infrastructure problems, a poor telecommunications system and absence of the necessary equipment, particularly with reference to establishing the links between AU and RECs/RMs. There is also a difference in the theoretical and methodological approaches across the RECs/RMs and this requires harmonization of the various perspectives. There are also disparities in the stages of development and implementation of the RECs'/RMs' early warning systems.

The fact that conflict early warning appears, at least theoretically and as perceived by state authorities, as an intrusive activity means it is likely to be met with suspicion by member states. In such situations, the AU might find itself predisposed to put the interests of its member states, or principals, before its early warning and early response tasks. This could, in the long term, negatively impact on the CEWS, which ultimately cannot function effectively without the cooperation of member states, particularly with regard to data collection and sharing. Again, the AU lacks its own network of embassies and political officers for information gathering, which raises the need for more political liaison officers. Moreover, senior and mid-level leadership cannot easily access national and supranational intelligence sources, forcing them to rely mostly on open-source journalism or whatever African leaders choose to share. If the CEWS is to have real impact

on conflict dynamics, it must be able to detect risks and crises at their early stages. Yet, problematically, it is at this stage that sovereignty concerns tend to be strongest in at-risk countries. Some member states have actually requested the commission not to report on events affecting them, in effect asking the commission to "turn off" the CEWS when embarrassing situations arise (Williams, 2011).

Lastly, the CEWS face the difficulty of analyzing information and using it to influence decision-making within the PSC. For example, CEWS personnel were unable to generate early discussions within the PSC on the crisis surrounding the Kenyan elections of 2007 or instability in Guinea-Bissau in the late 2008. The CEWS therefore face a delicate balancing act. It is mandated to provide information rather than explicitly engaging in analysis and steering the PSC policy-making processes.

Peace Fund

As mentioned earlier in the paper, the AU Peace Fund remains grossly underfunded and this limits the capacity of the framework to respond timely to conflicts on the continent. With international donors currently contributing the greater part of this fund (with the conditions usually attached to such funds) the fund seems not to represent an effective "African solution to African problems". Furthermore, questions have been raised about its economic governance framework and the need to clear modalities and effective monitoring to ensure adequate accountability. The AU summit of May 2013 advanced ideas on alternative funding sources, such as levies on air travel or hotel accommodation. However, the unpredictability of African security challenges and the complexity of conflict resolution require substantially better adapted and targeted funding mechanisms than those available today. The Mali crisis and the delay in the AU's response to it laid bare the inefficiencies of the funding and resourcing of AU peace support operations. Resolving these shortcomings will require creativity and concerted work by the AU and all international stakeholders, particularly because many security challenges in Africa have global implications (Karock, 2014).

Conclusions and Way Forward

This paper has evaluated the four main pillars of APSA and their capacity to respond effectively and timely to conflicts and instability in the region, as well as the challenges currently experienced. While significant steps have been made to operationalize APSA, it remains but work-in-progress. The AU and the sub-regional organizations find them-

selves at a crossroads. They are faced with the challenge of responding to crises on the continent while developing the capacity to do so at the same time.

Despite a significant growth in African peace operations and an increase in the tempo of operationalizing the main APSA capability areas over the past few years, building the framework has been slower than expected and more than a decade later, the process still remains incomplete. The overall picture is therefore uneven, and by and large, the sub-regional organizations are less advanced in operationalizing APSA's capabilities than the AU.

The actual progress of ASF on the ground, for example, is variable and some regions are more advanced than others while the police and civilian components are developing slowly. Overall, the standby force framework has not yet contributed to African peace operations and those so far launched have been on an ad-hoc basis. The ASF requires a new operational design which should recognize that the AU's model of working with regions and member states in different ways at different times is key to success. No single operational model could satisfy all deployment requirements.

Undoubtedly, the invention of a continent-wide early warning system and efforts to operationalize the mechanism are critically important and timely, given the crises confronting the continent. However, despite the rhetoric and value of its envisioned achievement, the CEWS currently faces several political, technical and administrative challenges. If the CEWS is to have real impact on conflict dynamics, it must be able to detect risks and crises at their early stages. Yet, it is at this stage that sovereignty concerns tend to be strongest in at-risk countries.

Again, with international donors currently financing most of the African Peace Fund, and with the conditions usually attached to such funds, the Fund seems not to represent an effective "African solution to African problems." Such dependency is unacceptable and damages the AU's credibility as well as its ability to act independently. However, the AU has not demonstrated progress on either radically improving member states' contributions or finding alternative models. Resolving these shortcomings will require creativity and concerted work by the AU and all international stakeholders, particularly because many security challenges in Africa have global implications. Therefore, in the absence of adequate funding from member states, APSA's capabilities (especially peace missions) are overwhelmingly dependent upon partner resources, most notably the EU's African Peace Fund (APF).

The Panel of the Wise seems to have made progress in a short space of time to help document and disseminate lessons and best practices learnt and is in the process of identifying a roster of mediation experts. Similar consultative structures have also been established in certain RECs, most notably the Council of the Wise in ECOWAS which has been active in various West African crises, while others have, or are in the process of developing mediation capacities.

As Prodi (2008) observes, the AU will only be able to respond to crises effectively if there is sufficient political and financial commitment of its own member states and, more generally, of the international community. In the absence of the necessary capabilities, such an approach brings a high level of risk, not only of failure, but also of raising expectations of the people that cannot be fulfilled. Worse still, it undermines the credibility of peacekeeping and weakens the organization that is responsible. However, fundamentally the AU's peace-keeping missions can only reduce the worst symptoms of ongoing armed conflict. The acid test of APSA is whether the AU can actually resolve the underlying causes of the violence that has done so much to blight the continent's progress.

References

African Union Peace and Security (2015). The Continental Early Warning System (CEWS). www.peaceau.org/en/page/28-continental-early-arning-system-cews

African Union (2012). "The African Union at Ten: Problems, Progress, and Prospects." International Colloquium Report, 30 -31 August 2012, Berlin, Germany.

African Union (2010). "African Peace and Security Architecture (APSA) – 2010 Assessment Study." Peace and Security Department, African Union. Addis Ababa, Ethiopia.

African Union (2003). The Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee. Adopted by the Third Meeting of African Chiefs of Defence Staff, 15-16 May, 2003.

Bachemann, O. (2011). "The African Standby Force: External Support to "African Solutions to African Problems." IDS Research Report (April) No. 67

Batware, B. (2011). "The African Standby Force – A Solution to African Conflicts?" M.A Thesis, Peace and Conflict Studies, European Peace University.

Behabtu, A. (n.d). "The PSC and the Continental Early Warning System: Challenges of Operationalization." Monograph 187. Institute for Security Studies, Pretoria, South Africa.

Beza, Y.T. (2015). The "African Solutions to African Problems": Challenges for the African Standby Force (ASF). Journal of Social Sciences and Humanities Vol 1, 4: 450-457

Brett, J. (2013). "The Inter-relationship between the African Peace and Security Architecture, the Global Peace and Security Architecture and Regional Initiatives." Report Prepared for the Danish Embassy in Addis Ababa, Ethiopia.

Dersso, S. (2010) "The Role and Place of the African Standby Force within the African Peace and Security Architecture". Institute for Security Studies, Pretoria, South Africa.

Ganzle, S. and Franke B. (2010). "African Developments: Continental Conflict Management – A Glass Half Full or Half Empty?" Briefing Paper 7/2010. German Development Institute.

Institute for Security Studies. (2015). "The African Standby Force Beyond 2015: Ideals versus Realities" in Peace and Security Council Report. https://www.issafrica.org/psc-report/addis-insights/the-african-standby-force-beyond-2015-ideals-versus-realities

Karock, U. (2014). "The African Peace and Security Architecture: Still under Construction." Briefing. Directorate General for External Policies, Policy Department, European Parliament.

http://www.peaceau.org/en/page/38-peace-and-security-council

Prodi, R. (2008). Report of the African Union –United Nations Panel on Modalities for Support to African Union Peacekeeping Operations. UN General Assembly Security Council A/63/666 S/2008/813

Lotze, W. (2013). "Strengthening African Peace Support Operations: Nine Lessons for the Future of the African Standby Force." Policy Briefing, December 2013. Center for International Peace Operations (ZIF).

Lotze, W. (2015). "The African Standby Force beyond 2015: Ideals versus Realities." Institute for Security Studies (ISS). https://www.issafrica.org/iss-tday/the-african-standby-force-beyond-2015-ideals-versus-realities

Lotze, W. (2015). "The Future of African Peace Operations: Time to Adjust the Operational Design." Policy Briefing, May 2015. Center for International Peace Operations (ZIF).

Williams, P. (2011). "The African Union's Conflict Management Capabilities." Working Paper. International Institutions and Global Governance Program. Council on Foreign Relations.

Williams, P. (2015). "The African Union Coercive Diplomacy in Burundi." Special Report. IPI Global Observatory.

Repatriation and Reintegration of Refugees in East Africa:

Cases of Rwanda and Somalia

Col NDUWIMANA Donatien

Introduction

The problem of refugees is among the most complicated issues before the world community today. The problem is both multidimensional and global. Any approach or solution would therefore have to be comprehensive enough to address all aspects of the issue, from the causes of mass exodus to the elaboration of responses necessary to cover the range of refugee situations ranging from emergencies to repatriation. Current refugee movements, unlike those of the past, increasingly take the form of mass exodus rather than individual flights. The refugee situation has also become a classic example of the interdependence of the international community. It fully demonstrates how the problems of one country can have immediate consequences for another or other countries. It is also an example of interdependence between issues. There is a clear relationship between the refugee problem and the issue of human rights. However, violations of human rights are not only among the major causes of mass exodus but also rule out the option of repatriation for as long as they persist. Violations of the rights of minorities and ethnic conflicts are increasingly at the source of both mass exodus and internal displacement (Biju, 2010).

According, to article 1 of the Statute of the United Nations High Commissioner for Refugees (UNHCR), the main task is to provide international protection to refugees and to seek durable solutions for refugees by assisting Governments to facilitate their repatriation or integration within new national communities (UNHCR, 1996). The search for sustainable or durable solutions for refugees is at the forefront of UNHCR's work worldwide. Three options are available to a refugee camp at the time of its closure: resettlement in a third country, repatriation to their home country and integration into the host country. This means voluntary repatriation to the country of origin when conditions allow, local integration in the host country when feasible, or resettlement in a third country. In all, most refuges seek or opt to return to their countries of origin. This study focuses on repatriation and reintegration using the Rwanda and Somalia cases.

Across the world today, millions of refugees are waiting for the opportunity to go back home (UNCHR, Global Appeal 2014-2015). Their decision is often based on the secu-

rity conditions, the social environment and availability of services and livelihood opportunities so that they can successfully reintegrate. UNHCR's principal concern is to ensure that returns are voluntary and that people can go home in safety and dignity. In anticipation of more than 400,000 people wanting to return home in 2014, UNHCR has been working with the countries where significant numbers may be expected, to boost reintegration efforts.

Rwanda stands as one of the African countries that have in recent years produced a large number of refugees (Gerbian and Vanessa, 2005). Between 1994 and 2013, over 3.4 million refugees had returned home and been reintegrated with their communities. However, in spite of the massive repatriation, UNHCR's statistics reveal that over 100,000 Rwandan refugees are still residing in different parts of the world (MDMRA 2014). In Somalia, prolonged armed conflict and the consequences of recurring natural hazards, have forced millions to move in search of survival and protection. UNHCR has agreed to support voluntary repatriation of Somali refugees from Kenya and reintegrate them in their areas of origin where an increasing number of rehabilitation and development projects are ongoing.

The joint aim of the projects undertaken by UN agencies in collaboration with federal and regional governments is to restore and create access to water, sanitation and basic services. For many, however, the choice to go back remains difficult, especially when they still fear insecurity due to continued conflict and lack of access to jobs, schools, hospitals and other essential facilities. In fact, effective reintegration of refugees depends largely on the political, economic and security situation in their home country. This study aims to analyze repatriation and reintegration of refugees using Rwandan and Somali cases. It addresses the different motives that govern the repatriation and rehabilitation process and their consequences with respect to the three main actors i.e. host states, UNHCR, and states of origin.

Definition of Terms

Refugee: According to the 1951 Geneva Convention, a refugee is "any person who: owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of their nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country" (*The 1951 Convention relating to the Status of Refugees and its 1967 Protocol*). The term refugee also applies to every person who, owing to external

aggression, occupation, foreign domination, or events seriously disrupting public order, in either part or the whole of their country of origin or nationality, is compelled to leave their place of habitual residence in order to seek refuge in another place outside their country of origin or nationality.

In Africa, refugees generally flee local ethnic, tribal, or religious conflicts. With the end of colonialism, minorities in newly-formed states found themselves under the control of other ethnic groups, in states whose boundaries bore no semblance to the lines of ethnic differentiation. Members of dominant ethnic groups, whether numerous or simply having been empowered by the departing colonial power, often placed their own personal or group interests first. In response, tribal minorities or groups out of power pressed for self-determination, ranging from liberation movements to dissident, ethnically-based political parties (Crawford and Lipschutz, 1998). All of Africa's refugee problems are not the result of political conflicts within these countries' borders or between countries. Natural disasters, population pressure, and economic recession have contributed to the upsurge in the number of refugees.

Refugees sometimes find themselves in three types of situations. Some are in countries where they can be integrated. Others return to countries which need assistance in resettlement. Yet others exist where neither integration nor repatriation is possible. Refugee status is a temporary situation in which international protection is granted in order to fulfill the gap left by national authorities in the protection of certain individuals (Feller, 2003).

Repatriation

Repatriation is the process of returning a person to their place of origin or citizenship. This includes the process of returning refugees or military personnel to their place of origin following a war. Repatriation refers to voluntary return of refugees to their country of origin. It is one of the three durable solutions traditionally identified for refugees. Voluntary repatriation is the preferred long-term solution for the majority of refugees in the world. The UNHCR encourages voluntary repatriation as the best solution for refugees especially if the return to the country of origin is safe and there are favourable conditions for their reintegration (Perruchoud, Richard and Jillyanne, 2011).

Reintegration

Reintegration is a process that results in the disappearance of differences in legal rights and duties between returnees and their compatriots, and equal access of the former to services, productive assets and opportunities. Such a process assumes that refugees return to societies that are more or less stable. When this is not the case, returnees and communities in the areas of return should benefit equally from improved access to productive assets and social services. The end state of reintegration is universal enjoyment of full political, civil, economic, social and cultural rights. Reintegration, therefore, is a collective responsibility under government leadership. Some actors e.g. UNHCR and other humanitarian agencies play a lead role in the earlier stages, while other actors (e.g. development and civil society agencies) play a greater role later in the reintegration process (UNCHR, 2004).

Statement of the Problem

The repatriation and reintegration of refugees in many countries affected by war often take place in fragile political, economic, social and legal contexts. Refugees often return to a country devastated by war where social infrastructure, political, judicial, and economic institutions are often in a shambles and personal or family property, including land, have been expropriated by neighbors or those in power. On the other hand, refugees often do not enjoy social, economic, civil and political rights while in exile. The UNCHR, when dealing with refugee crises, proposes three solutions: repatriation, local integration, or resettlement in a third country. These solutions are difficult to apply, as refugee crises are often prolonged and the refugees spend a considerably long time in exile. After living in a camp for many years, the refugees often develop semi-attached lives between the memory of their home country and their daily existence in the host country.

The literature on refugee law, durable solutions and issues around the topic of refugees and displaced persons has grown dramatically over the past decades. The challenges of reintegration of returning refugees however remains relatively under- researched particularly the socio-legal conditions that prevail in countries of origin as refugees return home. Most of the literature on repatriation and reintegration as durable solutions for refugees focuses on socio-economic conditions, provision of short-term relief assistance and reintegration programs. However, how the legal frameworks and their implementation shape individual relationships and in particular between returning refugees and the state, the experience of returnees and how the law affects their reintegration into society,

or hinders refugees from returning to their countries of origin, has been accorded insufficient attention by scholars. This paper attempts to address this knowledge gap.

Objectives of the Paper

The objectives of this paper are to:

a) Examine key theoretical frameworks on repatriation and reintegration of refugees;

b) Analyze the repatriation processes of Rwandan and Somali refugees; and

c) Suggest strategies for successful repatriation and reintegration of refugees

Theoretical Framework

Refugees can only return and reintegrate into their countries of origin if there are serious efforts to promote human security and commensurate political, economic, social and legal reforms to address the failures of the past and secure the future (Crisp, 2000). The repartition of refugees depends also on the existence of independent and effective judicial, political, economic and social institutions for sustainable return and reintegration to ensure transparency, accountability, build trust, equality and participation of returnees in the reconstruction of their countries of origin. Peace and repatriation are inter-related processes such that ending displacement is not possible without peace, and addressing displacement is essential to building peace (UN Economic and Social Affairs, 2010). As such, peace is unachievable without successful repatriation and reintegration. The repatriation and reintegration of refugees form an integral part of the socio-economic dimension of building peace. However, it is acknowledged that premature repatriation, or that which occurs before conditions of safety and sustainability are in place may exacerbate conflict or even create renewed refugee movements. Improvement in human security (political, economic, social and legal outcomes) is likely to impact positively on voluntary repatriation and reintegration.
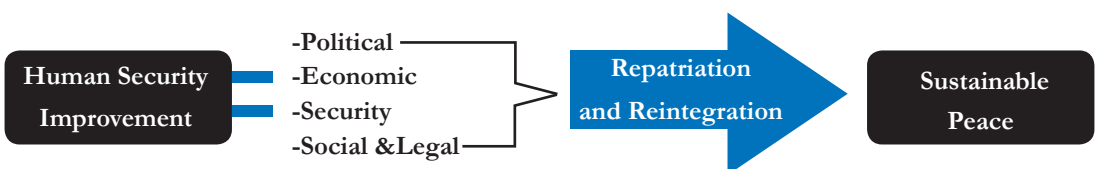
Human Security Improvement → -Political -Economic -Security -Social &Legal → Repatriation and Reintegration → Sustainable Peace

Repatriation of refugees is an important manifestation of the transition to political stability and human security for a country ravaged by war, mass human rights violations and insecurity. The voluntary repatriation and sustainable reintegration of refugees provides the latter with the reality to fully enjoy their human rights, and contributes to peace-building and development (Msangi, 2009).

Literature Review

Integration is rarely a welcome option in the eyes of the host country which usually seeks to avoid political and economic friction. Equally, resettlement is another problem since it is not often seen as a solution but rather as another displacement. It is also difficult to implement given the high degree of policy and logistical coordination between host countries and the UNHCR which facilitates the process. The international refugee regime presents repatriation as the most optimal and feasible of the three solutions. However, repatriation was not the most ideal solution for all Rwandese refugees. Despite the assurance of government authorities, many refugees doubt that a safe return to Rwanda could be possible. Thousands of Rwandan refugees remain unwilling to return home, citing fear of persecution (IRIN, 2012; Macrae, 1999).

The repatriation and reintegration of Somali refugees has also been problematic. Ideally, people who have been living in exile should be reintegrated in their homeland as long as it safe. However, peace in Somalia is still fragile. Most of the refugees know that and probably would not want to return. The Somali government cannot provide them with the food, healthcare and education they currently receive in the refugee camps. At the same time, Al-Shabaab attacks on neighboring countries have increasingly created a hostile climate against Somali refugees. This study looks at historical experiences of repatriation and reintegration of refugees using case studies of Rwandan and Somali refugees.

In many of the works on African refugees and the development of refugee law, voluntary repatriation and sustainable reintegration are depicted as some of the most effective and durable solutions to the problem of refugees in Africa and elsewhere. These works largely acknowledge that repatriation is not the end of the refugee cycle but the beginning of a new cycle of social, political, and economic reintegration in the home country (Crisp, 1994).

Awuku (1999) explains the complexity of the refugee problem in Africa and in particular suggests that in view of the large number of refugees, voluntary repatriation is the most desirable and durable solution. He acknowledges that in order to solve Africa's refugee

problems, African states have to address the root causes of refugee movements. He notes the importance of adhering to the principle of good governance (accountability, transparency, openness, efficiency, rule of law and popular participation in the decision making process).

Chakraborthy writes on the impact of refugee problems and the responsibility of governments in establishing the causes and designing measures to address them. While he clearly sees the link between state responsibility to prevent and/or address the problem of refugees, he does not pay particular attention to the need to have clear and effective reintegration policies and structures in place.

Goodwill-Gill (1983) writes on the need for refugee-originating countries to put in place legal and political measures to ensure that their citizens live in peace at home free from prejudice and persecution. He also discusses the right of refugees to return to their countries of origin.

Rwanda and Somalia Repatriation Processes: Different Contexts and Objectives

The two case studies are different in context and objectives. Rwanda is a relatively stable country where, since 1994, security and development have significantly improved. Recent surveys indicate that the proportion of the population living under the poverty line has dropped by 5.8% from 44.9% in 2011 to 39.1% in 2014 (African Development Bank, 2015). Rwanda's economy is increasingly experiencing the predominance of the service sector which has gained importance relative to agriculture over the recent years. In the period covered by the study, the country experienced a GDP per capita of US$718 (NISR). However, the government's efforts to repatriate its citizens from neighbouring countries are likely to have a direct impact on the country's internal security.

In Somalia, fighting is still going on in many parts of the country and development indicators remain among the worst in the world. One in seven children die before their first birthday; one in eighteen women die in childbirth; and only one in three people have access to safe drinking water. Malnutrition levels among internally displaced persons are above global emergency levels of 15%. Approximately, 857,000 people in Somalia require urgent and life-saving assistance. An additional 2 million are on the margin of food insecurity and require continued livelihoods support (UNDP, 2015). The repatriation of Somali refugees has been fuelled by security concerns of host countries especially Kenya.

Rwanda

First**,** Rwanda is apparently stable and manages the country's considerable development assistance revenues effectively and transparently. Crime rates are low and the government is keen on achieving national reconciliation through development and improved service delivery. Second, Rwanda's post-conflict economic growth has been marked by tripling of the per capita gross domestic product and considerable improvement in education and health systems (Gourevitch, 2009). Over the past decade, the international community, encouraged by the rapid economic development, has supported the Rwanda government in its efforts to repatriate refugees. There have been intensive efforts by the government of Rwanda and the international community to repatriate all Rwandans, motivated by both a general understanding of repatriation as the most favorable solution and a strong desire on the part of Rwandan authorities to repatriate its nationals. Indeed, over the past few decades, repatriation has been pushed globally as the best of the three durable solutions to displacement after being viewed as a tidy way of returning everyone to their Right place.

Third, Rwanda repatriation process has been taken seriously for security reasons. Rwandan nationals residing outside of their country are mainly perceived as a security threat. The government of Rwanda is keen on staving off or preventing rebellion brewed from outside the country. Also, governments hosting Rwandan refugees, especially those who face resource constraints and are concerned about security risks, would be happier to see the refugees go back home.

Somalia

Al-Shabaab: A Regional Security Threat

Al-Shabaab has conducted deadly attacks across its homeland and against neighboring countries that have joined the fight against it. These include Kenya and Uganda where Al Shabaab has destroyed infrastructures and killed scores of civilians, usually Christians. The Al -Shabaab now has an operational reach that covers the whole of the Horn of Africa and demonstrated its capability to conduct attacks throughout East Africa and use refugee camps as logistics planning bases. This made the host countries feel more insecure and in 2013, the perception of Somalis in Kenya as a security threat became particularly heightened especially after multiple attacks. This situation was the major turning point towards the repatriation of Somali refugees from Kenya. However, the repatriation

process has been faulted along three major lines of reasoning:

First, returns are not the one-way process portrayed: people go to Somalia and then return to the camps in Kenya. As such, there is much more fluidity than policies appear to recognize. There are associated risks as the planned returns may split families, some children may be left behind, and there is insufficient information about post-return lifestyles which could endanger the safety and sustainability of returnees. Returnees need to know more about what their lives will be like when they reach Somalia: what the job markets will offer, what skills will be required and how their children will be able to go to school. Who should provide this information?

Second, restrictions on humanitarian and development actors limit the capacity of institutions and organizations to deliver services, thus exacerbating human rights and humanitarian crises (HRW World Report 2015). Organizations to date have a minimal operational footprint in Somalia. It is one thing to send people back but another to help them reintegrate in a war-torn society.

Third, little information is available about the outcomes of previous returns. What happened to those refugees who returned to Somalia? Independent evaluators should assess their current situation in the home country and what more could be done for refugees still living in Kenya. The experience of returnees can inform what knowledge or skills might have better prepared them for return or shed some light on whether the current intention to repatriate Somali refugees is the best and durable solution.

Repatriation and Reintegration Process of Rwandan Refugees

Rwanda started experiencing ethnic conflict in 1959. The conflict forced thousands of its population to seek safe havens in different countries across the region, especially neighboring countries. The 1994 Genocide against the Tutsi saw millions of Rwandans scattered across Africa and the world in general. In recent years, the government of Rwanda has made the return of Rwandan refugees its top priority in its partnership with the UNHCR (UNHCR 2010) and since 2002, it has lobbied UNHCR alongside numerous host countries for invocation of the cessation clause (Fahamu, 2011). Tripartite agreements to organize voluntary repatriation programs were thereafter signed between UNHCR, Rwanda and ten host countries between 2002 and 2003 (UNHCR, 2011). The UNHCR argues that Rwanda has undergone rapid, fundamental and crucially positive changes and enjoys an optimal level of peace and security (UNHCR, 2011) meriting an end to the refugee situation by June 2013. A comprehensive strategy to end the 'Rwandan refugee

situation' comprises four components:

- Promotion of voluntary repatriation and reintegration of Rwandan refugees in Rwanda;

- Pursuit of opportunities for local integration or alternative legal status in countries of asylum;

- Continuous efforts to meet the needs of those unable to return to their country of origin for protection-related reasons; and

- Elaboration of a common schedule leading to the cessation of refugee status by June 2013 (UNHCR, 2011).

While host countries have affirmed both voluntary repatriation and local integration as core components of the strategy, the emphasis remains on voluntary repatriation. Some countries have indicated a willingness to offer citizenship or alternative legal status to certain long-status refugees, yet they remain in the minority (O'Connor, 2013). Approximately 2.1-3.4 million Hutu and Tutsi refugees have returned since 1994 (Newbury, 2005: 279-80; UNHCR, 2011: 2) in the largest recorded repatriation in the world (Kaiza, 2003).

Challenges to Reintegration in Rwanda

There are social, legal, economic, and political or governance factors that limit the smooth reintegration of refugee returnees in their countries of origin. While reintegration has its own challenges, such as being forced to return, not being able to carry all of one's belongings, and loss of one's possessions, the challenge of starting a new life back in one's own country can be daunting. In other words, the choice to return may be an easy one, but returns can also be accompanied and marked by the start of a challenging process in the restoration of livelihoods and social protection. As in many other post-war situations, reintegration of returnees is a complex process. Sustainable reintegration is an even more challenging concept because it goes beyond the initial period of return and implies permanency and stability (Mwajuma Kitoi Msangi, 2009). The following sections discuss the major challenges that Rwanda faced in ensuring a sustainable return and reintegration of refugees.

Suspicion and Mistrust

The major waves of refugees in 1959, during the 1960s and 1970s, and in 1994, fled a different set of circumstances, spent a different period of time abroad and had a dif-

ferent understanding of the meaning of 'home' as represented by Rwanda (Newbury, 2005: 283). The circumstances under which they returned also vary widely. While between 500,000-800,000 Tutsi refugees were repatriated under little pressure after the RPF takeover in 1994, many Hutu refugees returned from Zaire and Tanzania under intense coercion from Rwanda and their country of asylum (Lischer, 2011). These post-genocide return movements have created new power structures, new constituencies and new inequalities. Tensions simmer between returnees and stayees over distribution of land (Bruce, 2007; Van Leeuwen, 2001). In addition, the returnees suspect some of the stayees of collaboration during the genocide and were dismayed to find alive those that they thought were already dead (Grohmann, 2009). Conflict over access to power also exists between the Anglophone RPF-elite and Francophone Rwandese as well as between the Burundian, Congolese and Ugandan Diasporas who have returned to the country (ICG, 2002).

Gacaca

The Gacaca process was initiated as a traditional form of local justice, which did not only aim at helping to rebuild the communities that had been so profoundly damaged by genocide, but also to address cases piling up in the ordinary courts. The Gacaca plan aimed at linking two important goals of retributive justice and community rebuilding with the goals of reconstructing communities and reinforcing crucial traditions. The Gacaca law that created the Gacaca courts was officially promulgated on 26 January 2001, tasking the Gacaca courts with investigating and prosecuting crimes committed between 1 October 1990 and 31 December 1994 (Zorbas, 2004).

Land Issues

In agrarian societies such as Rwanda, land has great value, as a means of production, and a hope for survival. It is also an element of identity and culture. It is said that if you hold land securely, it gives you confidence in the future. The successful reintegration of refugee groups in Rwanda often depends on people's access to and control over productive land resources. Land has long been a scarce and disputed resource in Rwanda and disputes on land have seriously undermined social harmony and reconciliation, and prevented some refugees from returning to Rwanda.

Repatriation Process of Somali Refugees

Since the collapse of President Siad Barre's regime in 1991, Somali refugees have remained the most consistently displaced population in the Horn of Africa. Today, it is estimated that 1.5 million out of a total population of approximately 10 million Somali nationals live outside the country in what may be termed both the near and far Diasporas. Approximately 1 million of these live in or close to the Horn of Africa region (Hammond, 2014). In Kenya, it is estimated that 100,000 Somali refugees reside in Nairobi, Mombasa and other cities, as well as throughout rural communities in the northeast of the country. However, across the region, camps have emerged as the principal model for accommodating and dealing with the Somali refugees. Encampment is considered necessary to minimize the perceived security risks associated with the refugees or the spillover of the conflict from Somalia. In Kenya, the refugees registered by UNHCR live in camps. Nearly a half million reside at the Dadaab refugee camp which originally was designed to accommodate not more than 160,000 refugees and which now constitutes a small 'camp-city'. A further 101,000 are housed at the Kakuma camp in Turkana County in northwestern Kenya. Approximately 96% of all refugees in Dadaab are Somali. Following famine and renewed conflict in the region in 2011, over 100,000 new refugees flooded into the camp, and the region has been hit by a series of major security incidents ranging from the kidnapping of aid workers to IED explosions.

Since 2013, the Kenyan and Somali governments announced an agreement on voluntary repatriation of Somali refugees in Kenya. The agreement was to establish repatriation measures and mechanisms together with the participation of UNHCR. Since 2014, UNHCR has been supporting the return of Somali refugees from Kenya to selected destinations. At the moment, however, conditions in Somalia are not yet conducive for safe and sustainable mass refugee returns especially Central and South Somalia. The project was to support 10,000 returns over a six-month period until June 2015 but until. However, by June 2014, UNHCR had supported the return of only 2,589 people to Somalia, including 1,873 to Kismayu, 667 to Baidoa and 49 to Luuq (UNHCR SomaliaReport, 2014).

Challenges of Repatriation and Reintegration of Somali Refugees Continued Insecurity in Somalia

In the past, insecurity and control by Al Shabaab of many parts of the country, particularly South-Central regions, were major challenges to the refugee repatriation process in Somalia. So did armed conflict between the Somali Federal Government (SFG) forces

and African Union Mission in Somalia (AMISOM) peacekeepers on the one hand and the armed group Al-Shabaab in central and southern Somalia on the other (European Asylum Support Office,2014). Armed groups conscripted children, abducted, tortured and unlawfully killed civilians. Rape and other forms of sexual violence were widespread. Conflict, insecurity and restrictions imposed by the warring parties hampered aid agencies' access to some regions. Three journalists were killed; others were attacked, harassed or fined heavy penalties in courts. Civilians continued to be indiscriminately killed and wounded in crossfire during armed clashes, whether by suicide attacks, improvised explosive devices (IEDs) or grenade attacks. For some time now, Al-Shabaab has retained the ability to stage lethal attacks in the most heavily guarded parts of Mogadishu and other towns, killing or injuring hundreds of civilians. Children continued to suffer abuses by all parties to the armed conflict. As of June 2015 the UN documented 819 cases of recruitment and use of child soldiers by al-Shabaab, the national army and allied militia, Ahla Sunna W'Jama'a, and other armed groups. Such a situation cannot encourage refugees to opt for voluntary repatriation (Amnesty International report, 2015/2016).

Limited Capacity of Government

The Somali government is still largely unable to provide security and protect human rights in areas under its control. Ongoing insecurity in government-controlled areas inclouding Mogadishu, and political infighting and reshuffles detracted slowed down progress on justice and security sector reform. Political efforts to establish federal states fuelled inter-clan fighting in some areas. The warring parties in Somalia's long-running armed conflict continue to displace, kill, and wound civilians. Restrictions on humanitarian access have exacerbated successive humanitarian crises. Tens of thousands of displaced people remain in dire conditions in Mogadishu and are subjected to evictions, sexual violence, and clan-based discrimination at the hands of government forces, allied militia, and private individuals including camp managers.

Limited Access by Humanitarian Agencies

During the war in Somalia, the humanitarian situation remained dire. Over 3.2 million people were in need of assistance, and over 855,000 were food-insecure. Among the most vulnerable were internally displaced persons (IDPs), who made up 76% of those facing food insecurity (Amnesty International, 205/2016). Al-Shabaab's relationship with NGOs was ambivalent and always antagonistic. It largely viewed NGOs with suspicion, characterizing them as spies or agents of foreign countries, yet it sought to exploit their

presence for material gain (Belliveau, 2015). By the end of 2008, most international humanitarian staff had withdrawn from the country. In some cases programs were closed while in others they were run via local organizations or national staff with guidance from remotely-based international staff.

Lack of Basic Social Services

The coverage and quality of basic social services in Somalia is quite low, mainly due to absence or low capacity of existing government structures. The healthcare system is weak, poorly resourced and inequitably distributed. Health expenditure remains dismally low and there is a critical shortage of capacity for health workers. Immunization for measles is low at only 30% coverage countrywide. Only 3% of births are registered and the infant mortality rate is 53/ 1,000 live births. With regard to malaria, about 65% of settlements in southern and central Somalia, 84% in Puntland and 32% in Somaliland have moderate to very high malaria epidemic risk, contributing to higher morbidity and mortality levels. About 3.2 million women and men in Somalia need emergency health services, while 2.8 million others require improved access to water, sanitation and hygiene. Around 1.7 million children are out of school, and among those in school, only 36% are girls. The poor access to basic services undermines the resilience of vulnerable people. The impact of this lack of basic services is felt most strongly among the internally displaced people who continue to be affected by cyclical disease outbreaks (OCHA, 2014).

Frameworks on Repatriation and Reintegration of Refugees

The 1951 Convention and 1967 Protocol remain the main foundations for the international protection of refugees. Upon these two politico-legal foundations, rose the 4R-Framework (Repatriation to country of origin; Rehabilitation, Reintegration locally and Reconstruction in the country of asylum or resettlement to a third country). The framework was seen as a durable solution in the global management of refugee problems. The 4Rs is concept aims at building linkages among all four processes so as to promote durable solutions for refugees, ensure poverty reduction and help create good local governance. The concept provides an overarching framework for institutional collaboration in the implementation of reintegration operations allowing maximum flexibility for field operations to pursue country-specific approaches.

While development programs are in the process of maturing, UNHCR would focus on supporting activities that facilitate the initial reintegration/reinsertion of returnees. This means, amongst others, monitoring protection agreements, providing for the repair or

reconstruction of family shelters, supporting small-scale micro-credit schemes and other types of productive activities, and reviving, within the national/regional strategies, essential water, educational and health services in returnee communities. Such an approach should also serve as a framework for the coordinated phase-out of UNHCR and roll-in of development agencies.

The guiding principles and critical success factors for this integrated approach are: ownership by host governments of the processes which the 4Rs concept embodies; integrated planning process at the country level by the UN Country Team; and strong institutional cooperation and commitment to punctually support the needs and efforts of country teams to bridge the gaps in transition strategies and facilitate participation of the various development actors (UN agencies bilateral and multilateral institutions). The 4R framework is intended to guide institutional collaboration in the implementation of reintegration operations in post-conflict situations at the global level. It is designed to allow maximum flexibility for field operations in pursuance of country-specific approaches with support from their respective headquarters.

Strategies for Successful Repatriation and Reintegration of Refugees

The repatriation of refugees is not the natural outcome at the end of a conflict but a complex, long-term process that requires greater attention and support not only from humanitarian agencies, but also development actors and political leaders. The success of returns should be measured in terms of the extent to which they reinforce broader and interrelated stabilization, peace-building, reconciliation, reconstruction and development processes. Above all, success must be understood in terms of whether return provides a safe, sustainable and fair solution to displacement. Successful repatriation and reintegration of refugees requires some conditions to be fulfilled:

(i)   **Conditions must be propitious for return**

The basis of repatriation must be a general improvement in the situation of the country of origin so that return in safety is both possible and desired. The socio-economic impact on the country of origin of the sudden return of thousands of refugees must also be taken into account. Success will also, to some extent, depend on the psychological readiness of persons to return to places from which they were forced to flee.

(ii)   **Repatriation has to be voluntary**

Voluntary repatriation involves a guarantee of choice and safety for those who choose to return. These processes include reuniting families and support systems separated because of violent conflict and ensuring a safe and voluntary journey for refugees returning to their country of origin. Voluntary repatriation is the cornerstone of any assistance accorded to refugees. Prior to the organization of the journey back home, persons should be permitted to make their own decision without coercion or harassment of any kind, and they should be able to freely choose their place of residence. In keeping with the principle of non-refoulement of refugees, no person should be forced into a situation in which they may face persecution or death (Kalin, 2008). In addition, refugee participation in both the design and implementation of programs that serve them can increase the effectiveness and efficiency of those programs. Refugee participation makes assistance work. In-depth knowledge of the refugee population and their home country will greatly assist in ensuring consultation and participation of refugee women and men in all phases of the repatriation operation.

(iii)   Ensure safety of return for refugees

The feasibility of this requirement depends on factors such as capacity of the country of asylum to process departures and of the country of origin to absorb arrivals; arrangements to protect vulnerable groups among the repatriates; measures to ensure safety and non-discrimination during departure and after return; possibilities for humane departure and reception conditions; arrangements for UNHCR access; and reintegration assistance (Douglass, 2013). Return and resettlement processes should focus on providing safe passage for refugees as they return to their homes or countries of origin. Again, refugees should still receive protection from continued threats of violence, harassment, intimidation or persecution. While it is the responsibility of the country of origin to provide this protection, international actors may have to help maximize equal access for returnees to security, health, and other public services, along with providing judicial or legal recourse when needed. The following four activities can help improve protection for returning populations.

1. Disarm and demobilize armed groups

The presence of armed groups will likely deter potential returnees and prevent them from successfully rebuilding their lives in old or new communities, especially in cases where these armed groups triggered the initial displacement. Disarming and demobilizing such groups sends a message to the displaced that violent conflict is over and that they can safely return.

2. Protect vulnerable groups from abuse

During the return phase, women, children, and other groups are susceptible to criminal and sexual abuse from those around them, including other returnees. Special protection needs to be accorded these populations through targeted public security and law enforcement programs.

3. Property dispute resolution

Efficient and effective property dispute resolution is a major gap in many search and rescue (S&R) missions and poses serious challenges to political stability. During violent conflict, many homes and properties are destroyed, along with property titles and records. Disputes arise when displaced persons return seeking to reclaim their houses, land, or property (Crook, 2006). The situation is further complicated by massive population displacement, illegal occupation of houses and buildings, conflicting claims to property, absence of documentation to determine resolution, and discrimination against women in accessing land. Common means of dispute resolution include restitution of property and compensation for resettlement.

4. Reintegration and Rehabilitation

Upon arrival at their new destinations, those who return need reintegration and rehabilitation support to promote long-term economic and social development. A major gap exists in transitioning seamlessly from the return or resettlement processes to sustainable development activities. The latter activities are vital to ensure that people who return or resettle are not abandoned but are given the support needed to rebuild their lives over the long term (United States Institute for Peace, 2007).

Conclusion

The issue of repatriation and reintegration of refugees is both multidimensional and global. Three options have been proposed as durable and sustainable solution for refugee's repatriation and reintegration: Resettlement in a third country, Repatriation to their home country and Integration into the host country. However, the best solution may be the resettlement in the country of origin if and the government has been responsible to establish the causes of conflict and design measures to address them. Again, prior to the organization of the journey back home, persons should be permitted to make their own decision without coercion or harassment of any kind, and they should be able to freely choose their place of residence.

For the case of Rwanda, the repatriation of Rwandan refugees started many years ago and still an ongoing process. The government of Rwanda has since manifested its willingness to repatriate its citizens mainly due to internal security issues. The current stability of the country, the level of economic and social achievement have been the main push factors for relative sustainable repatriation and reintegration. Rwanda has undergone rapid, fundamental and crucially positive changes, and enjoys an essential level of peace and security meriting the end of refugee status by June 2013(O'Connor, 2013). Thousands of refugees have been repatriated despite unfulfilled conditions such as the prevalence of high level of suspicion and mistrust, the contested professionalism and impartiality of Gacaca courts and political and land Issues. That explain why an important number of Rwandan refugees living in neighboring countries like DRC and Uganda remain unwilling to return home, citing a fear of persecution.

For Somalia, fighting is still going on in many parts of the country and development indicators remain among the worst in the world. The repatriation process is the consequence of security threat perceived in host countries after several attacks by al-Shabaab. This made host countries, especially Kenya feel much insecure and in 2013, the perception of Somalis as a security threat became particularly heightened after multiple attacks in the country. This situation was the major turning point towards the repatriation of Somali refugees from Kenya. The Somalia Government as well as UNCHR signed a tripartite agreement, despite the fragility of peace and stability within the country. This repatriation process has few chances of succeeding or producing the expected results because of the following reasons: Continuing insecurity and control of territory by Al Shabaab in many parts of the country, limited presence and capacities of government institutions in many areas, limited access by humanitarian and development actors; limited livelihood

op-portunities, lack of basic services such as health and education, poor infrastructure , low levels of international funding focused on early recovery and development. It is then highly questionable whether the security in Kenya will be improved or whether repatriated refugees will effectively be secured and settled in their country.

For both cases (Rwanda and Somalia), it is important that the issues surrounding the methods and timing of repatriation be considered critically. Given the upheaval that follow the closing of a refugee camp,which can be understood as forced repatriation, we suggest that this can happen only when the economic, political and security situation in the home country is truly stable and able to absorb the influx of population, and when the refugees themselves are ready.

References

African Church Information Service, March 18. Available from: http://allafrica.com/stories/200303180439.html

Amnesty International (2014b). Somalis are Scapegoats in Kenya's Counter-terror Crackdown.AFR 52/003/2014.London: UK. Retrieved from http://www.refworld.org/docid/538d78284.htm

Amnesty International Report, 2015/16.

Awuku, E.O. (1995), 'Refugee Movements in Africa and the OAU Convention on Refugees'. *Journal of African Law ,* Journal of African Law 39(01):79 - 86

Biju, M. (2010), Development Issues in Contemporary India. New Delhi: Concept Publishing Company.

Crawford.B and.Lipschutz.R.D (1998), The Muth of Ethnic Conflicts, Politics, Economic and Cultural Violence. http://works.bepress.com/ronnie_d_lipschutz/3/

EASO (2014) South and Central Somalia Country Overview, Country of Origin Information report

Crook, J.(1996),Promoting Peace and Economic Security in Rwanda through Fair and Equitable Land Rights. *California Law Review* 94 (5):1491-1492

Goodwill-Gill, G.S. (2007), The Refugee in International Law , Third Edition, Oxford University Press

Gourevitch, P. (2009). ''The Life After: Fifteen years after the Genocide in Rwanda, the Reconciliation Defies Expectations''. The New Yorker, May 4.

Grohmann, M. (2009), 'Theory and Practice of Reconciliation in Rwanda''. University of Bayreuth: Institute of African Studies Working Paper No. 6.

Kaiza, G. (2003) 'From a Past of Hostilities to a Future of Partnerships', African Church Information Review March 18 2003

Lischer, S.K. (2005), Dangerous Sanctuaries: Refugee Camps, Civil War and the Dilemmas of Humanitarian Aid. Ithaca, NY: Cornell University Press.

Macrae, J. (1999), Aiding Peace and War: UNHCR, Returnee Reintegration and the Relief-Development Debate, Overseas Development Institute, London, United Kingdom

Msangi, M.K (2009), A Socio-Legal Analysis of the Challenges to a Durable Return and Reintegration of Refugees: The Case of Rwanda, University of Ghana

Mutambo, A. (2013), Obstacles Facing the Implementation of Somali Refugee Agreement. Daily Nation. Retrieved from http://www.nation.co.ke/news/Kenya-Somalia-Refugee -Agreement-

Mwajuma Kitoi Msangi (2009), A Socio-Legal Analysis of the Challenges to a Durable Return and Reintegration of Refugees: The Case of Rwanda, University of Ghana

Newbury, D. (2005), 'Returning Refugees: Four Historical Patterns of "Coming Home" to Rwanda', *Comparative Studies in Society and History* 47: 252-285.

Pérouse de Montclos, M.A. and Kagwanja, P. M. (2000). Refugee Camps or Cities? The Socio-economic Dynamics of the Dadaab and Kakuma Camps in Northern Kenya. *Journal of Refugee Studies* , 13(2): 205-222.

Perruchoud, R. and Redpath-Cross, J. (eds.) (2011), Glossary on Migration (Second Edition). Geneva: International Organization for Migration (IOM), No. 25

Pottier, J. (2002), Re-imagining Rwanda: Conflict, Survival and Disinformation in the Late Twentieth Century. Cambridge: Cambridge University Press.

Rutinwa, B. (2002). The End of Asylum? The Changing Nature of Refugee Policies in Africa. *Refugee Survey Quarterly* 21 (1 and 2): 12-41.

UNHCR (1996), Handbook on Voluntary Repatriation: International Protection. UNHCR Headquarters, Geneva, Switzeland

Zorbas, E. (2004), 'Reconciliation in the Post-genocide Rwanda'. *African Journal of Legal Studies* ,PP48-50

Highlights of Key Messages in the Issue Briefs

The African Peace and Security Architecture: It's Capacity in Responding to Conflicts in Eastern Africa

- APSA denotes a complex set of interrelated institutions and mechanisms that function at the continental, regional and national level. Nationally, there are AU member states, which house the majority of capabilities relevant to conflict management. Regionally, the APSA relies on the continent's regional economic communities (RECs).

- The AU recognises eight RECs as well as two mechanisms for coordinating the ASF (the East Africa Standby Force coordination mechanism and the North Africa Regional Capability). The relationship between the AU and the RECs is supposed to be hierarchical but mutually reinforcing: the AU harmonises and coordinates the activities of the RECs in the peace and security realm, in part via liaison officers from the RECs serving within the AU commission in Addis Ababa.

- While significant steps have been made to operationalize APSA, it remains a work in progress. The AU finds itself at a crossroad, as together with the sub-regional organizations, are faced with the challenge of responding to crises on the continent while developing the capacity to do so at the same time.

- Despite a significant growth in Africa peace operations and increase in tempo of operationalizing the main APSA capability areas over the past few years, overall, building the framework has been slower than expected and more than a decade later, the process still remains incomplete. The overall picture is therefore uneven, and by and large, the sub-regional organizations are less advanced on operationalizing APSA capabilities than the AU.

- As Prodi (2008) observes, the AU will only be able to respond to crises effectively if there is sufficient political and financial commitment of its own member states and, more generally, of the international community. In the absence of the necessary capabilities, such an approach brings a high level of risk, not only of failure, but also of raising expectations of the people that cannot be fulfilled. Worse still, it undermines the credibility of peacekeeping and weakens the organization that is responsible.

Repatriation and Reintegration of Refugees in East Africa: Cases of Rwanda and Somalia

Rwanda

- Since 1994 to 2013, over 3.4 million refugees had returned home and been reintegrated with the rest of the communities. However, in spite of the above massive repatriation, UNHCR's statistics reveal that over 100,000 Rwandan refugees are still residing in different parts of the world

- For Rwanda Government, nationals outside of their country are mainly perceived as a security threat. The government of Rwanda wants to prevent rebellion brewing from outside of the country. Also, Governments hosting Rwandan refugees, facing resource constraints and concerned about security risks, have been all too happy to oblige refugees to go back home

- Despite the assurance of government authorities, many refugees fear that a safe return in Rwanda could be possible. Thousands of Rwandan refugees remain unwilling to return home, citing a fear of persecution. There are social, legal, economic, and political or governance factors that limit the smooth reintegration of refugee returnees in their countries of origin. While reintegration has its own challenges, such as being forced to return, not being able to carry all one's belongings, and loss of one's possessions, the challenge of starting a new life once in one's own country can be daunting

Somalia

- Repatriation of refugees is an important manifestation of the transition to political stability and human security for a country ravaged by war, mass human rights violations and insecurity. Despite almost a decade of intervention by members of the African Union, Somalia still has serious internal security issues that prevent realistic repatriation process.

- The repatriation process was the consequence of security threat perceived in host countries after several attacks by al-Shabaab. This made host countries to feel much insecure and in 2013, the perception of Somalis in Kenya as a security threat became particularly heightened after multiple attacks on Kenya

- The Somali repatriation process has few chances to succeed or to produce expected results unless there is signs of greater stability in Somalia. It is highly questionable whether the security in Kenya will be improved or repatriated refugees will effectively be secured and settle in their country when al-Shabab continue undermining the government and it's allied efforts towards peace recovery.

About the Authors

Carolyne Gatimu

Carolyne Gatimu is a Social Scientist. She holds a Master of Arts degree in Development Studies (2011) and a Bachelor's degree in Social Work (2008) from the University of Nairobi, Kenya. She has been involved in various research projects, taking on different roles and responsibilities. She has previously worked at the Institute for Development Studies (IDS), University of Nairobi. She has also worked as a consultant/ Kenya country researcher for IDS, University of Sussex, U.K and Oxfam International. Carolyne is currently working as a Gender researcher at the International Peace Support Training Centre (IPSTC).

Col Donatien Nduwimana

Col. Donatien NDUWIMANA is a senior army officer of the Burundi National Defence Forces. He is currently a researcher at the International Peace Support Training Centre (IPSTC).

His career as a military Officer began when he was commissioned into Burundian National Defence Forces in 1988. He completed military and academic training in 1994. Since then he has held key positions in command and staff, some of which include those of Battalion Commander between 2007 and 2010 and Ministry of Defence Advisor in Studies and Strategic Planning in 2012.

He has attended several career military courses during his time of service including senior staff course at the Combined War College in Yaoundé, Cameroon, Junior staff Course in Libreville, Gabon, and Multinational Battalion Commander in Peace Operations course in Bamako, Mali. He hold a Bachelor's Degree in Economics Sciences (Management and Administration) and a Master's degree in Strategy, Defence, Security, Conflict and Disaster Management from the University of Yaoundé in Cameroon.

International Peace Support Training Centre
Westwood Park
P.O. Box 24232 - 00502, Karen, Kenya.
Tel: 00254(0) 20 20 388 3157/8
Fax: +254 20 388 3159
Email: info@ipstc.org
Website: www.ipstc.org