

APPENDIX A

IGAD'S ROLE IN REGIONAL PROCESSES FOR PROMOTING AND SUSTAINING PEACE

INTRODUCTION AND BACKGROUND

1. The Intergovernmental Authority on Drought and Desertification (IGADD) was established in 1986 with a view to promoting a coordinated approach to the region's common problems in this regard. Its membership consisted of seven states: Kenya; Uganda; Ethiopia; Eritrea; Sudan; Djibouti and Somalia. Despite the organisation's narrow initial focus, IGADD summits provided venues for meetings between member states to address other issues of mutual concern.
2. By 1994 the members of IGADD had come to the realisation that the developmental problems of the region extended beyond the consequences of drought. Indeed, in that same year the organisation began what was to be a long involvement in attempts to help resolve Sudan's protracted civil war. Almost as a logical consequence of this diplomatic initiative, an extraordinary summit was convened in Addis Ababa in April 1995 to discuss ways to revitalise the organisation and expand its activities into related spheres.
3. On 21 March 1996 another extraordinary summit was held, in Nairobi, at which it was decided to reconstitute the organisation as the Intergovernmental Authority on Development. An amended charter was signed, outlining the new tasks and alterations to the organisation's structures. The new IGAD was launched in Djibouti on 25 and 26 November 1996. There great emphasis was placed on the need for peace and security as an essential prerequisite for development. Three priority areas were identified: Conflict Prevention, Management and Resolution and Humanitarian Affairs; Infrastructure (Transport and Communications) Development; and Food Security and Environment. Particular mention was made of the need to reactivate peace and security initiatives in southern Sudan and Somalia.
4. Now, some seven years later, IGAD is again revisiting its role in the region in the light of the experience gleaned in these two processes, currently edging towards the conclusion of peace agreements. IGAD is now ready to consolidate its position as the primary local regional player concerning issues of human security in the region. In so doing it draws on the many

lessons learned over the seventeen years of its existence.

SCOPE

5. The subsequent document is divided into the following sections:
 - 5.1 A general section on the future role of IGAD;
 - 5.2 A conceptual section to define a framework for the role of IGAD in the peace processes in Sudan and Somalia;
 - 5.3 A section on the role of IGAD in Sudan; and
 - 5.4 A section on the role of IGAD in Somalia.

FUTURE ROLE OF IGAD

6. IGAD must remain mindful of its own limitations and avoid overextending itself into areas beyond its resources and capabilities. The organization is constrained by limited resources and capacity and has limited practice in post-conflict peace maintenance, but member states have much to contribute from their own experiences and knowledge of the region. While international organisations and development partners have considerably more material resources, e.g. to provide logistical support for monitoring or to finance reconstruction, they have a global array of interests that may result in other arenas taking greater priority in their agendas than Sudan and Somalia, for example. Indeed one part of the IGAD role must be to seek to ensure that other partners retain their commitment to the challenges of bringing peace to the region, Sudan and Somalia in particular.
7. IGAD must continue to cultivate the support and goodwill of the international community to access political and financial support for its efforts in respect of building regional security and, with the support of its member states and the international community, expand its capacity to monitor and engage in regional confidence building activities.
8. IGAD must seek to consolidate its position as the principal mechanism for addressing the problems of conflict within the region and to preserve and enhance its reputation as a neutral facilitator and mediator. In this vein IGAD must give attention to constructing durable security architecture for the region including provision for the eventual conclusion of a mutual non-aggression treaty/arrangement among its member states that would compel countries to actively disavow support to groupings

- engaged in armed subversion into neighbouring states.
9. Since there is no defined working relationship between the peace secretariats serving the peace negotiations in Nairobi and the IGAD secretariat, IGAD should engage in a process that would see the peace secretariats working directly under the supervision of the Executive Secretary of IGAD. Member states should thus encourage coordination between the IGAD secretariat in Djibouti and the peace secretariats for Sudan and Somalia in Nairobi.
 10. Member states must commit themselves to fully engaging in IGAD's regional mediation and facilitation efforts and desist from promoting other forums for regional conflict resolution, committing themselves to conflict resolution through IGAD, the AU and the UN system. Thus IGAD and member states should encourage African and Arab states and other international actors to recognise and support IGAD as the principal forum for negotiations concerning the mutual security of IGAD states.
 11. IGAD should encourage the adoption of a general principle of inclusivity of parties when dealing with conflicts that have a regional dimension, the encouragement of democracy within its member states, a respect for human rights, good governance and the establishment of and adherence to the rule of law. To this end IGAD may embark upon activities to encourage the establishment of appropriate national mechanisms and constitutions such as independent electoral commissions, anti-corruption bodies, etc, within its constituent member states.
 12. Member states accept that the prevention of conflict should be the priority. In achieving this objective the expansion of the present role of the Conflict Early Warning and Response Network (CEWARN) is recognised. The Network is presently confined to one type of conflict only, that of cross-border violence involving pastoralists, and to two geographical clusters. The future expansion of CEWARN or additional mechanisms of this type in areas such as along the borders of Ethiopia and Eritrea could be priorities in this regard.
 13. The proliferation of and illegal trade in arms is a major source of conflict and instability in the IGAD region. Thus IGAD should expand its engagement in issues of arms management and control in which it has collaborated with countries in the Great Lakes areas and East Africa.
 14. International terrorism threatens IGAD and its relationships with other countries. The IGAD secretariat should accelerate the implementation of the decisions taken in terms of the Implementation Plan to Counter Terrorism in the IGAD Region as approved by the 10th IGAD Summit

meeting held in Kampala on 24th October 2003, including the development of a research and analysis capacity that would serve to build regional knowledge and confidence in this matter.

15. Ongoing border disputes and cross-border interventions present IGAD member states with a major source of instability. IGAD should engage itself in a process to promote mechanisms that would handle such border issues and tensions at a technical level between countries to prevent escalation. Many options present themselves in this field, including joint bilateral ministerial committees or commissions, regular meetings between countries at technical levels. Peace councils or committees of chiefs or civil society representatives have also mediated conflicts between localities across borders and may include traditional authorities.
16. The IGAD secretariat should play a leading role in fundraising for peace processes such as those for Sudan and Somalia through the office of the Executive Secretary who should be the authorizing agent who deals with the IPF to avoid duplication and enhance coordination.
17. The IGAD secretariat should seek a mandate from the IGAD Council of Ministers to draw up terms of reference to regulate the specific duties and responsibilities of peace secretariats. These should be presented to the IGAD Council of Ministers for endorsement.
18. IGAD and its member states should constantly bear in mind that peace processes do not come to an end with the signing of a peace agreement, however comprehensive. The appropriate role for IGAD is to ensure that the subsequent phases of peace building, reconciliation and reconstruction are conducted within a regional framework where necessary, appropriate and practical.
19. Two tasks deserve priority to tackle some of the contextual and underlying factors that will affect the prospects of peace building and promoting its sustainability, namely:
 - 19.1 To widen the provisions of any agreements coming out of the IGAD Peace Process, which may essentially be between two parties only, so as to obtain the greatest inclusivity such as involvement of civil society groups. The aim must be to achieve comprehensive peace settlements - not only desirable in itself but essential for the future security of the IGAD region.
 - 19.2 To ease the cross-border and inter-state conflicts and tensions

affecting relationships amongst IGAD member states. This is a task which is central to IGAD's concerns and mechanisms for such initiatives must be contemplated by the Secretariat.

A FRAMEWORK FOR IDENTIFYING ROLES IN PEACE PROCESSES

20. A number of steps have to be taken to translate the kind of tasks mentioned above into a specific, appropriate, feasible and coherent role for IGAD, in cooperation with other bodies with complementary roles:
- 20.1 **Tasks:** required activities to support peace processes and can be categorised as involving:
- i. *Tasks specified in peace agreements* e.g. monitoring of troop redeployment and reduction.
 - ii. *Possible tasks implied by the terms of the agreements or crucial to implementation* e.g. decommissioning of weapons.
 - iii. *Support for disarmament, demilitarisation and reintegration*, projects requiring funding and technical and humanitarian assistance, as in de-mining, are vital for success here.
 - iv. *Support for reconstruction and rehabilitation* - this large agenda will include cross-border dimensions such as organised repatriation of refugees.
 - v. *Improving the context for sustaining the peace:* it is recognised that easing cross-border relations and enhancing regional security can improve the prospects for the peace processes by such interventions as joint border commissions, agreements to end incursions and interventions, halting illicit arms trading.
 - vi. *Addressing underlying causal factors that could re-ignite conflict:* these include competition for resources, exclusion of social groups and minorities, ethnic and religious rivalries, absence of democratic channels for expressing discontents and grievances.
 - vii. *Reactivating all indigenous mechanisms for conflict*

resolution: the high levels of violence and the persistence of the conflicts are a measure of how existing mechanisms have been overwhelmed or by-passed; the building of sustainable peace lies not in an unrealistic aim of eliminating all conflicts of interest but in breathing new life into those institutions – governmental, local authority, 'traditional' and newly evolved from civil society peace initiatives – that can resolve such conflicts non-violently.

20.2 **Mechanisms**: under this heading is included both the possible institutional machinery and methods of work for undertaking these kinds of tasks.

20.3 **Roles**: any division of labour should reflect the 'comparative advantage' of IGAD and of other bodies.

21. This procedure of identifying the wide range of tasks, considering the options for the types of mechanisms and then designating roles will now be used to offer policy and institutional options for a work plan appropriate to the role of IGAD in the Sudan and Somali peace processes.

THE SUDAN PEACE PROCESS

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

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

23.1 *Machakos Protocol (20 July 2002)*, which spelled out a basic formula for a future Sudan, where there would be a federal government and a separate government entity in Southern Sudan, and a system of shari'a governance in the rest of the

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

- 23.2 *Memorandum of Understanding on Cessation of Hostilities (15 October 2002)*, which provided for a cease-fire in all arenas, and refraining from attacks on civilians, plus the addendum to it of 4 February 2003, in which both Parties gave commitments to notify troop movements and locations, and allowed a Verification and Monitoring Team to investigate alleged attacks.
- 23.3 *Agreed Aspects of Power and Wealth Sharing (6 February 2003)* - these outlined a possible basis but the two dimensions have still to be translated into concrete agreements.
- 23.4 *Agreement on Security Arrangements during the Interim (25 September 2003)* - these crucial provisions represent the one area of substantive final agreement so far achieved.

Tasks

- 24. Only the one settled Agreement, that on Security Arrangements, lists specified tasks:
 - 24.1 International monitoring of the cease-fire, the modalities of which will be worked out in future agreement on Cease-fire Arrangements, to be designed "with IGAD and international experts".
 - 24.2 Planning and implementing disarmament, demilitarisation and reintegration "with the assistance of the international community".
- 25. The Agreement on Security Arrangements also implies the need for implementing the other processes provided for:
 - 25.1 Down-sizing, encampment of the two armed forces, and the redeployment of forces as stipulated in the agreement.
 - 25.2 The formation of Joint Units.
 - 25.3 Implementation of agreed provisions pertaining to the future

status of militias.

26. The Agreement on Security Arrangements also raises the necessity of the two parties agreeing on the guarantees for implementation.
27. When agreements on the more political issues of wealth and power sharing are finalised they will require, along with the governance arrangements already agreed in the Machakos Protocol, an additional political will for compliance. The first task here will be to design appropriate indicators of successful implementation.

Mechanisms

28. The Agreements on Security Arrangements may call for a wide range of activities to be monitored: cease-fire implementation and investigating compliance with its terms; redeployment of forces; formation of joint units; scrutinising and preventing attacks on civilians and on humanitarian operations, disarming and decommissioning of militias, etc.
29. There is also a huge geographical spread where such monitoring would be required. Thus detailed monitoring involving scarce and expensive international and regional actors cannot be deployed throughout this vast country. They will have to be targeted.
30. A major challenge is to work out the mechanism for relating monitoring, providing guarantees and peace support. The first option here involves the decision as to whether it is envisaged that some degree of enforcement will be contemplated in any part of the Peace Process. The UN is the organisation that has the experience, resources and legitimacy to carry out extensive peacekeeping.
31. Some dimensions of demilitarisation such as disarmament, downsizing, redeployment and encampment essentially involve monitoring and thus can be handled by the mechanisms discussed above. Other dimensions, especially reintegration, will require major resource provision and thus can be dealt with by the reconstruction mechanisms mentioned below. Indeed, experience elsewhere suggests that these tasks should be designed as part of the overall strategy for reconstruction and development rather than reintegration of fighters being conceived as a separate isolated programme.
32. Central to this longer term agenda will be the provision of needed rehabilitation of infrastructure and livelihoods, which in turn will contribute to sustaining the Peace Process by increasing the peace dividend. This implies the long-term commitment and engagement by agencies

such as the World Bank, UNDP, African Development Bank and others.

Roles

33. In the light of the above discussion of tasks and mechanisms, IGAD's role in relation to that of other possible supporters of the Peace Process during the Interim Period should be in peacemaking at the regional level, leaving post-conflict reconstruction to the relevant UN and other development agencies. IGAD should seek to have the closest links with the government of national unity and, if possible institutionally, with civil society actors and NGOs. In this process IGAD should work closely with the UN, AU and other relevant agencies.

THE SOMALIA PEACE PROCESS

34. Since the collapse of the state in 1991 there have been some 13 interventions to seek a resolution of the several conflicts in Somalia. IGAD set in motion its own Peace Process in 1997. It gave its backing to the Arta Conference in 2000, although the hosting and mediation was provided by the Djibouti Government, which led to the formation of the TNG.
35. IGAD made a strategic break-through in 2002 with the start of the Somali National Reconciliation Conference (SNRC), which has been the most inclusive forum in the last decade. The Eldoret Declaration signed on 27 October 2002 provided for a Cessation of Hostilities and for the specification of Structures and Principles of the Somalia National Reconciliation Process, in particular the creation of federal governance structures and commitment to the principle of decentralisation.
36. The SNRC has organised its work in six reconciliation committees, working on DDR, land rights, reconstruction, conflict resolution and external relations. The key committee was working on a draft national transitional Charter for the federal structure. Although it was revised repeatedly, the leaders who had withdrawn and then came back did not accept the SNRC Plenary's acceptance of a revised Charter on 15 September. Some delegates, including the President of the Transitional National Government, objected to it and they withdrew from the Process. Efforts continue to persuade the leaders who did not endorse it to remain part of the Process, but clearly much remains to be resolved, chiefly to do with the mode of selecting representatives, the units that will make up the federation and the status of Somaliland.
37. Despite these delays in finalising an inclusive agreement, prompt completion of the process is now urgently required (such as the selection

of MPs, the formation of government, and most crucially the planning by IGAD and partners of the implementation of the final agreement).

Tasks

38. Certain tasks involving IGAD and other external actors were specified in the Eldoret Declaration:
 - 38.1 "To invite IGAD, the AU and the international community to support and monitor the implementation..."
 - 38.2 "To support the establishment of enforcement mechanisms for the safe delivery of humanitarian aid and implementation of this declaration".
 - 38.3 "To implement the UN Arms Embargo".
39. Among the tasks implied by the Eldoret Declaration and other possible agreements are:
 - 39.1 *Disarmament.* Given the multiplicity of militias and other armed groups and the past history of unsuccessful attempts to get them to give up weapons, this is a vital prerequisite for implementation of other measures – again possibly requiring enforcement. It would be an important step if the IGAD Process can build in a strong commitment to agreements on modalities for implementation of the cessation of hostilities, so that all the parties sign up to that principle. The latest Report of the UN Secretary General (13 October 2003) as well as the degree of compliance experienced with some faction leaders during the process of collecting information on the security situation by the African Union, does suggest that some leaders seemed ready to disarm, so this task may be feasible. But the final agreement has to be inclusive as a prerequisite for such voluntary cooperation; if some groups decline to give such an undertaking, others will want to keep their arms as means of defence from surprise attack. This clearly implies that reconciliation must precede the process of disarmament. Moreover, concluding a full-scale ceasefire agreement is seen as the most appropriate instrument to facilitate disarmament.
 - 39.2 *Provision of Security in the Transition.* There is no provision in

the Cessation of Hostilities Declaration nor in the various drafts of the National Charter for the setting up of a police force or defence force. Presumably decisions about a future army and police will be made by a national government when one is finally in place. The reconciliation process should address the parameters governing the transitional internal security arrangements (public order etc.) considering various options.

40. *Governance and Construction of a Federal Structure.* It is important that inclusive transitional structures emerge from the process capable of implementing on the ground an interim period of reconciliation, healing and state building without the use of force. The assumption by IGAD and partners has been that this process will be gradual and from the bottom up involving the consolidation of local administrations and thereby defining the units comprising the state governments within the federation. This process will inevitably be conflictual, both in defining boundaries and in internal rivalries for power. Third party mediation and even arbitration may well be a useful prop to assist in the process.
41. *The Future Status of Northwest Somalia "Somaliland".* This is a special case as the de facto authorities in this part of the Somali territory have remained outside the SNRC. The international community has realised the benefits of the long-standing peaceful situation that has been created there and of the existence of functioning systems of governance. It is recommended that IGAD facilitates within the context of the Peace Process an expanded and continued dialogue among Somalis (both north-north and north-south).
42. *Easing cross-border tensions and conflicts.* Somalia has experienced the problems of cross-border raiding, illicit trade (including in arms), arguably to an even greater degree than other parts of the IGAD region as a result of its mainly nomadic and trans-humant pastoralist economic system and given the absence of centralised authorities. These problems have been exacerbated and have a regional dimension. Some joint initiatives to curb violent incursions and illicit trade should now become possible, but these measures should not be at the expense of the movement of people and herds and of legitimate trade that are crucial to the pastoralist way of life. But the problems have much broader political implications with different Somali factions seeing one or other of their neighbours as embroiling Somalia in its own conflicts and/or taking sides in Somalia's divisions. The building of an alternative set of mutually friendly relations between the Somali state and its neighbours, and the rebuilding of confidence are priority requirements for IGAD in the interim period.

43. *Conflict Resolution.* One measure of the break-down of Somalia society and contributing factor towards it, is that indigenous processes have been over-stretched and at times disrespected. IGAD should reaffirm the role of these systems and aspire to uphold their role during the process of internal reconciliation and healing; a sustainable system has to be restored as a crucial long-term priority.

Mechanisms

44. The challenges to be faced in the next phase of the Somalia Peace Process are different in many respects from those that face the Process in Sudan: instead of holding the ring and mediating between two strong Parties and trying to involve others, Somalia by contrast faces the central task of building up an effective and accepted governmental system on the wreck of the old and developing a lively political system not based on violence and sectarianism.
45. *Conflict Early Warning and Response.* The existing CEWARN programme does include the border areas of southern Somalia with Kenya and Ethiopia although the mechanisms are only officially in place in the latter two countries. Plans to put in place similar instruments, especially an independent research unit, on the Somalia side of the border, should be an immediate priority. These should also have their mandate broadened so that they report and organise responses to other forms of conflict that are a crucial part of the Peace Process beyond merely cross-border pastoralist encroachments. There is also a case to extend the CEWARN to some of the equally conflict-prone northern and western borders of Somalia, and, given the prevalence of the pastoral way of life, some extension could be possible under existing mandate.
46. *Restriction on Arms Supply.* The UN Arms Embargo on Somalia is still in force and the mandate of the Panel of Experts to report on its monitoring was renewed earlier this year. The embargo should remain in force throughout the implementation phase of the Peace Process. The Panel of Experts will still have work to do, but links should be closely coordinated with the other monitoring and verification agencies. Attention should also be given to investigating the use of Somali's ports and long coast lines for the transit of weapons to other states and movements in the region, and to whether or not there is also incursion by terrorist networks. The sharing of information between UN Experts, IGAD and other relevant bodies and monitoring networks, including with

- the international force for fighting terrorism would be beneficial.
47. *Building up Governance and a Political System.* As indicated above, the patient building up of state capacities is a central task. The transitional Charter that finally emerges from SNRC will provide the blueprint and the outline of a framework. But putting on the flesh to make it work in a sustainable way will involve the building up of a minimal and affordable bureaucracy, police force and public services, and crucially therefore a revenue base - virtually all from scratch.
48. In the early stages of the transition it will be necessary to provide some of these governance functions immediately; not to do so would risk losing the people's support for the process and the 'peace dividend' that so many expect. Some of these functions are provided unevenly and on an ad hoc basis by UN agencies, NGOs and local civil society organisations (CSOs) and local authority structures where these exist. It would also underpin the Peace Process if provision for such services is enhanced and as quickly as possible, in a coordinated manner; gaps in the most strife-ridden areas should be filled. Such a bridging operation until Somalia government structures can take over, including the massive training required, might best be handled by a continuing and perhaps restructured version of the present Somalia Aid Coordination Body (SACB) operating from Nairobi, but to be transferred to Somalia. It will also be important for such a body to work more closely with the structures put in place by IGAD and its Partners to implement the Peace Process than has occurred in the past. IGAD may consider initiating a momentum towards establishing a road map for such a response.
49. *Conflict Resolution.* Somali society and culture was in fact noted for the elaborate and, in the past, effective machinery for resolving conflicts. The main instrument, through the dia-paying groups within the sub-clan structures, was also built on practices that provided formal procedures for resolution that did not depend on third party mediation. These and other mechanisms have been employed even in the intense conflicts of the last 12 years, but at many other local levels. These 'traditional' methods have also been combined with other initiatives, involving other institutions such as women's groups, trading networks and businessmen, and NGOs and CSOs, in the last few years. At a minimum these should not be by-passed in restoring state structures, but ideally should be reinforced, and seen as vital additional mechanisms to augment new state structures and international mediation - and need to be brought into the coordination mechanisms that will be central to the Peace Process.

50. *Reconstruction and its Linkage to Supportive Peace Initiatives.* The needs for a broad-based programme to meet the many specific needs - reintegration of refugees, IDPs and militiamen; provision of basic services; repair of infrastructure, trade networks and livelihoods - are evident in themselves. The need to build up the Trust Fund for Peace-Building in Somalia is vital and immediate. Moreover, because these activities also underpin the Peace Process, the coordination required in such a major operation does need to go beyond the development agencies themselves, and be linked to peace initiatives. IGAD itself cannot spearhead the reconstruction drive - although it should be involved insofar as regional projects will be part of the agenda - but should be involved because of the need to link with the Peace Process. It is also hoped that donor coordination can be achieved through the IPF in coordination with the SACB.

Roles

51. Certain priorities for IGAD and other actors suggest themselves from this review of tasks and possible mechanisms. The implementation phase of the Peace Process would continue to benefit if there remains one mainstream initiative behind which all contributors, internal and external, could combine their energies and resources. IGAD has the particular Somalia experience, the momentum and the comparative advantage, as well as a strong self-interest on the part of member states, to provide the focus for such a coordinated and politically sensitive endeavour. Moreover the IGAD Peace Process embraces mechanisms that include key actors from Somalia as well as from member states, and has in turn a ready-made link to the external agencies through IPF. It must plan to continue to offer itself in such a role, and indeed provision for this has been made in future strategic plans.
52. The provisional agreements and other planning processes have indicated the clear need for some degree of enforcement - in initial disarmament, dealing with cease fire and other violations, for instance - and have been called for by the SNRC. IGAD does not appear to have the resources, personnel and experience to mount such operations itself (there are also reservations on the part of some faction leaders on the appropriateness of deploying troops originating from Somalia's neighbours). In most parts of the world, the UN would be seen as the most legitimate body to undertake such forceful peace-keeping as well as more normal monitoring operations. Indeed the UN has mechanisms, such as the

Political Office for Somalia, and plans for peacebuilding in place. However, there may be lingering doubts in some Somali circles given their perception and memories of the role of the UN in the 1990s, even though the UN and its agencies have worked tirelessly to reverse this. The involvement of African forces, particularly through the AU, is therefore welcome for a variety of reasons. The expectations are that upon the conclusion of the conference, IGAD would approach the UN Security Council, in consultation with the AU, to bring the issue to the immediate attention of the Council.