Conference on the current Peace and Security Challenges in the Horn of Africa

Organized Jointly by Centre for Policy Research and Dialogue and InterAfrica Group

March 12-13, 2007

Sheraton Addis Hotel
Addis Ababa

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Acknowledgements

This report synopsizes the main issues raised at the conference and does not reflect the views of any particular institution, group or individual participants.

The InterAfrica Group (IAG) and the Centre for Policy Research and Dialogue (CPRD) are particularly grateful to the Government of Denmark which provided the funding for the conference. IAG and CPRD would like to express their gratitude to Dr. H. Attalah Bashir , Executive Secretary of IGAD for honoring the conference with his presence and for delivering an opening statement that provided a comprehensive profile of the peace and security challenges in the sub-region. The conference organizers likewise express their gratefulness to His Excellency Berhanu Deressa, the Mayor of Addis Ababa for gracing the conference with his attendance. They would also like to thank Amb. Berhanu Dinka, Amb. Bethuel Kiplagat, Dr. Francis Deng and Dr. Kassahun Berhanu for chairing the different sessions of the conference. IAG and CPRD are equally grateful to the scholars that presented the respective papers on Somalia, Sudan and the Ethio-Eritrea conflict and to all the active participants who made the conference fruitful.

The Center for Policy Research and Dialogue (CPRD) is an independent, non-profit organization. Its mission is to promote policy dialogue and debate and to inform policymakers, the public and other development partners about advance in the Horn of Africa region with the ultimate objective of fostering peace and prosperity. It will provide data and conduct multidisciplinary research and, based on this, propose policy alternatives and strategic directions on key issues that affect peace and economic development of the Horn of Africa and the well being of its citizens.

InterAfrica Group (IAG) is an independent, non-profit, non-governmental regional organization established in 1989 to promote peace, human rights, democratic culture, and development in the Horn of Africa. IAG's vision is a Horn of Africa where human rights are respected, democratic culture flourished and economic development achieved. IAG covers issues concerning the countries of the Horn, namely Ethiopia, Eritrea, Sudan, Somali, Kenya, Uganda and Djibouti, while also dealing with issues that have wider relevance to the continent.

IAG's programs combine networking, advocacy, dialogue and research on policy issues. We strive to achieve these goals through the following major activities in collaboration with governments, inter- governmental organizations and CSOs:

- Organizing conferences and forums for informative exchange of views and debate on social, political and economic issues concerning the Horn of Africa
- Undertaking research on critical socio-economic and political issues in the sub-region
- Publishing and disseminating information on vital socio-economic and political interests to policy makers and citizens at large

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Conference Report

I. INTRODUCTION

On 12 and 13 March, 2007 the Centre for Policy Research and Dialogue (CPRD) and the InterAfrica Group (IAG) jointly organized a principal conference in Addis Ababa on the "Current Challenges of Peace and Security in the Horn of Africa". The conference was initiated in view of the prevailing conflicts and deteriorating situation in the region.

A considerable number of the countries in the sub-region are facing new crisis and conflicts. The problems appear to be intractable. Where progress has been made, it has become fragile. Sudan is facing a major political crisis. While the immediate spark for this is Darfur and the stalled efforts to resolve the conflict there, the repercussions have far-reaching impacts on the entire country. The process of democratization and the implementation of the Comprehensive Peace Agreement are in serious jeopardy. Eritrea has become a persistent destabilizing force in the region, hosting various armed opposition groups. Somalia has eluded all aspects to find a political settlement and is once again in a state of turmoil that threatens the security of its neighbors. While Ethiopia remains to be a status-quo power in the sub-region, the unresolved Ethio-Eritrea conflict has a consequential link to the prevailing lack of peace and security in the Horn.

The overall political condition does not impart durable solutions to the conflicts in the Horn and the building of a potent sub-regional architecture for peace and security is virtually nonexistent. It is therefore imperative to hold a through deliberation on the critical issues related to the deteriorating situation in the sub-region.

Hence, essentially the aim of the conference was to provide an opportunity to all stakeholders, including governments, civil societies and renowned researchers to analyze and reflect on the major challenges to peace and security in the Horn, and thereby develop concrete recommendations for the way forward.

II. FINDINGS

The prevailing situation in Somalia

1. The conference noted that the state of complete collapse of the central government in Somalia since 1991 has created considerable hardship for its neighbors. Somalia's serial crises have, in sum, been the Horn's crises.

2. Understanding of the Somali crisis requires more than the casual familiarity with the conflict among (names of) Somali clans. Broadly speaking, warlordism, the question of Somaliland, Political Islam and the occupation and hegemonic control of land and resources in the deep south of the country have been the main obstacles of peace and reconciliation since the collapse of government in 1991. Grasping the crises also requires giving attention to the analysis of native Somali intellectuals, currently, discussions on Somalia is dominated by outside perspective.

3. The recent defeat of Council of Somali Islamic Courts (CSIC) provided an unprecedented opportunity to promote state building and ensure peace and stability in Somalia. However, the window of opportunity for constructive engagement would likely be brief and the challenges formidable. Failing to take advantage of this propitious condition would likely lead to the gradual collapse of the Transitional Federal Government, plunging Somalia back into the state of defacto state collapse.

4. Several immediate steps are required to avoid Somali from sliding back into war. The Transitional Federal Government (TFG) needs to address the legitimate political grievances of ordinary Somalis by engaging them in immediate, comprehensive, genuine political reconciliation. It has to develop a plan to decrease its dependency on foreign force protection for its survival and stand on its own feet. It also needs to start to revive at least some elements of local administration and provide viable socio-economic services to ebb the wide-spread despair of the Somalis.

5. The international community must assist the TFG for the completion of the transitional process and building institutions of governance. An orderly, phased withdrawal of Ethiopian troops from Somalia must take place, replaced by an effective AU protection force in a timely manner, and linked to a political process.

6. All that happened in Somalia is not tainted with failures. Success stories in Somaliland are often ignored. Somaliland has a functioning democratic government. In the longer run, however, the status of Somaliland needs to be revisited.

The Ethio-Eritrea Conflict

7. The experts of the region and participants observed that the

continuing conflict between Ethiopia and Eritrea has a consequential and close link to the prevailing lack of peace and security in the Horn and until it is resolved it would be difficult to expect progress in the sub-region.

8. The border/frontier dispute that caused the war of 1998-2000 between the two countries is a consequence of the "haphazard territorialisation of modern Africa" arising from the colonial rule in the late 19th and early 20th centuries.

9. While the issue of access to the sea and trade routes is a historical and critical element to the conflict between the two countries, it is not the principal problem. As noted by Professor Christopher Clapham, the loss of Ethiopian control over the Red Sea ports of Massawa and Assab, has converted Ethiopia into the most populous landlocked state in the world. However, starting from the 16 century, Ethiopia has been landlocked for nearly four centuries. The dispute between the two states is essentially political and not exclusively territorial or legal; therefore, it could not be resolved solely through the instrumentality of international law. In view of this, it is imperative to seek alternative mechanisms to secure peace between Ethiopia and Eritrea and the concern over the conflict between them should go beyond the issue of demarcation of boundaries.

10. Ethiopia with an effective diplomacy and the good relations it has maintained with its neighbors (save Eritrea) has achieved regional hegemony. Accordingly, it has also gained the support of major actors outside the region. However, some neighboring states (notably Eritrea and Somalia) resent Ethiopia's central position and dominance. They perceive the hegemony intimidating. Consequently, Ethiopia is threatened by an incessant potential of certain neighboring states developing a common cause to stand against it in unison.

11. Ethiopia's good relation with its neighbors goes beyond the issue of access to the sea. For instance Berbera is a suitable outlet next to Djibouti and therefore necessitates a good relationship with the "Republic of Somaliland". However, the positive relation with Somaliland is also tied to its role in abating the threat of renewed Somali nationalism. Like wise the relations between Sudan and Kenya are based on interests other than the Port of Sudan and Mombassa.

12. Historically, the Horn of Africa has been vehemently contested by Moslem and Christian religion. The resent resurgence of radical Islam has created further challenge to the peace and security of the sub-region. In this regard, a political division of Ethiopia or Eritrea along religious lines poses a detrimental threat not only to the

respective regimes in power but to the very survival of both states. Particularly in Eritrea, where Islam is a potential political force that could divide the country.

13. The Ethiopian leadership has demonstrated notable diplomacy and a relatively better will for negotiation, where as Eritrea has persistently followed a destabilizing course that has resulted in isolation and resentment.

14. IGAD, concerned governments, civil societies and external actors should exert a coordinated and committed effort to devise a way forward against the prevailing Ethio-Eritrea stalemate situation through new and creative means and consistent dialogue and negotiations.

Peace and security challenges in the Sudan

15. Sudan appears to be at a critical juncture poised between the threat of disintegration, and the promise of genuine unity within a restructured national framework. It is a country situated at the confluence of Arab & Africa cultures, and the whole Africa integration project hinges on the success of Sudan.

16. Many argue Sudan suffers from a very acute national identity crisis, often expressed in north-south dichotomy, which began in pre-colonial period, and reinforced by the British colonial rule, and later by subsequent regimes in the North. In this regard, the "new Sudan" propagated by the late Dr. John Garang, and SPLA, was perceived as a credible threat to the whole establishment of the North and became trailblazer for other movements that later emerged in other parts of Sudan.

17. Others claim the issue of identity expressed in the North-South (Arab-Africa) is misleading. There is no identity of North Sudanese or South Sudanese. The issue at hand rather is the absence of a just system of governance where all sections of Sudanese people are represented. It was stated that "one of the most significant developments which affected Sudan during the last three decades has been the progressive fragmentation of Sudanese politics generally and of the Northern Sudanese politics in particular." The turmoil in the South, Darfur, the Nuba Mountains, Southern Blue Nile and the East had been the most obvious manifestation of this trend. Those who hold this view warned that Sudan could slide into civil war should the fragmentation and confrontation on the political level escalate.

18. Reactions to the Comprehensive Peace Agreement (CPA) and attitudes towards it varied widely. Critics of the CPA maintain the agreement has been badly formulated and its implementation even worse. One of the weaknesses of

ten raised is its exclusiveness. They argued the CPA has left out many formidable political forces from the North and South and also from the government of national unity. The whole process was western driven and IGAD in the end was excluded from the picture. The timetable is highly unrealistic. Many of the promises stipulated in the document are not implemented. For instance the Monitoring and Evaluation Commission has not become functional and the Joint Defense Core remained a talking shop. The border demarcation also remained a thorny issue. Parties to the CPA are backtracking from their commitments. After the death of John Garang, SPLA has shifted its focus to the South making unity less and less attractive. The GoS is stalling in the implementation of the agreement. In a very modest way, critics to the CPA argued the CPA promised a lot and delivered little.

19. The critics suggested for the parties to the Agreement to open up and allow the participation of the other major political forces. They call for the strengthening of civil society and effective political organization to ensure the fulfillment of pledges in the CPA; they also call for renegotiating the timetable to come up with a realistic one that in the end would make unity attractive.

20. Proponents of the CPA, on the other hand, assert that CPA may not be the best document but neither is it the worst. In fact, given the constraining environment, it can be described as epoch-making achievement for Sudan. It provided a formidable framework for the advancement of peace in the Sudan.

III. RECOMMENDATIONS

The participants in the Conference on the current peace and security challenges of the Horn of Africa, have reflected on the complexity and urgency of the challenge of ensuring peace and security in the sub-region. Despite the efforts of IGAD and its Member States, the African Union, the UN, the international community, and civil society organizations, the Horn of Africa continues to suffer conflict, human rights abuses, and political instability. The aspirations of the long-suffering citizens of the region for democracy, human rights and human security continue to be frustrated. While opinions vary on the immediate prospects for peace and security in the sub-region, all recognize the imperative of coordinated, energetic and strategic efforts in support of peace and security.

The participants in the Conference concurred on the importance of open, frank and constructive dialogue in order to seek solutions to the crises of the sub-region. They stressed the need to promote tolerance, inclusiveness and foster multiple identities, to ensure human security for all, and to develop the capacities of states, multilateral organizations and civil society in the field of peace and security.

Consequently, they tabled the following specific proposals:

1. As the prevailing peace and security problems in the Sudan, Somalia and Ethio-Eritrea are intrinsically interrelated; the way forward needs to be based on an approach that addresses the problems comprehensively.
2. The reinforced effort to move forward should be based on the Khartoum Consensus Document of October 2005.
3. The Executive Secretary of IGAD should endeavor to commission a Panel of Eminent Persons to examine the Peace and Security challenges of the Horn of Africa. The mandate of the Panel should be (a) to undertake a comprehensive and strategic assessment of peace and security in the sub-region and (b) to produce recommendations for action to IGAD, its Member States, and all other concerned partners. The Panel's operating procedure should be to form a study group to visit each member country and conduct discussions with all concerned stakeholders. The Panel should report within twelve months.

4. In partnership with IGAD, civil society organizations should convene a series of meetings of key stakeholders focusing on key issues facing the sub-region. As a matter of priority, the following meetings should be convened:
   a. A meeting of religious leaders of the subregion to deliberate on issues of tolerance, inter-faith dialogue and good neighbourliness, and the role of religious leaders in promoting these values and practices.
   b. A meeting of policymakers, academics and civil society organizations from the Horn of Africa and from the Middle East to discuss the common and interlinked challenges prevailing in the Horn.
   c. Consecutive meetings of leading civil society organizations working on peace and security to deliberate on how to work in partnership with IGAD to develop a strategy for peace and security in each of the countries of the subregion.

5. The effort to resolve the particular problems in the Sudan and Somalia should seek agreement modalities that are focused on inclusiveness and power sharing.

6. A continuous and innovative effort needs to be exerted to sustain a committed dialogue between Ethiopia and Eritrea.

7. The negotiations and diplomatic efforts addressing the problems in the Horn should ensure the respect for rule of law and the UN Charter.

8. The way forward needs to underscore human right issues and good governance. It should also make an enhanced effort to utilize traditional

conflict resolving structures and methods in the Horn.

9. NGOs and CSOs forums should be encouraged to undertake research and document on conflict resolution methods that have repeatedly failed and on those that have succeeded in producing positive results (including new and creative initiatives).

10. Where conventional structured efforts have failed, attempt should be made to use NGOs and CSO's as agents of negotiation that break/unlock stalemate situations.

11. IGAD should be supported to develop expanded institutional capacity that empowers it to deal with various critical issues of the Horn. Its conflict preventive mechanism/capability should be strengthened and it should be encouraged and supported to build institutionalized "think-tank" (i.e. create a pool of experts on peace agreement, negotiation and mediation skills).

12. There should be an enhanced effort to use effectively the diplomatic envoys of the Horn on mediation and peace and security building.

13. IGAD should exercise a sustained effort to follow-up on the execution of political commitments made by member states.

14. IGAD should initiate Ministerial level dialogues on negotiation concerning the prevailing peace and security situation in Somalia.

15. The way forward needs to seek a coordination mechanism for the various structured peace building efforts in the Horn made by the UN organization, the AU and IGAD.

16. The efforts for peace in Africa should primarily try to utilize sub-regional organizations such as IGAD and ECOWAS in their negotiation and mediation.

17. The long-term effort should appreciate and capitalize on the incremental value of various discussion forums organized around issues concerning the Horn. Accordingly, IGAD and civil societies should be encouraged and supported to convene a series of meetings on critical issues of the Horn.

In Search of a Peace and Security Framework for the Horn of Africa

by
Alex de Waal

Introduction

The search for peace and security in the Horn of Africa has seen several false dawns in the last two decades. The ending of the wars in Ethiopia and Eritrea in 1991 and the signing of the Comprehensive Peace Agreement in Sudan in 2005 represent two landmarks, each of which held out the hope for a new peace and security architecture for the subregion. Those hopes have been disappointed.

Progress has occurred in two areas. First, citizens' aspirations for peace, security and good governance are higher than in the past, and those concerns are expressed through an expanding network of international organizations and civil society organizations. This has translated into new norms which are expressed in the charter of the African Union and elsewhere. Second, the institutional capacity for peace-related activities has expanded hugely. Globally, the number of ongoing wars has reduced since the early 1990s, a trend that can be attributed in part to greater international engagement in ending wars. Unfortunately the Horn of Africa has bucked that trend: the conflicts in the region appear intractable. In this context, the technical capacities for peacemaking have been susceptible to manipulation and abuse for political ends, and have not always been able to resist.

The political conditions for durable solutions to the wars of the Horn and the building of a robust subregional architecture for peace and security have not existed and do not appear imminent. Those preconditions include credible democratization in the largest states of the region, a resolution to internal conflicts, a stable subregional inter-state order, autonomous and capable multilateral institutions, and benign engagement by the dominant superpower, namely the U.S. The major responsibility for addressing these political preconditions lies with the governments of the subregion. It is their failure to resolve their internal and inter-state problems that has allowed the region to become prey to external agendas.

This paper outlines the dimensions of the Horn's structural vulnerability to intractable conflict. It deals with each of the following:

1. How the Horn is situated in recent unipolar structures of global liberal governance and financial dependency, and the implications of the current Asian challenges to unipolarity.

2. The 'ad hoc multilateralism' that has been the dominant mechanism for conflict resolution and peace-related activities.
3. The 'new interventionisms' that have driven much of western policy towards the subregion.
4. The challenges of democratic aspirations in contested states.
5. Possible models for a 'security community' in the Horn and their strengths and weaknesses.

The paper does not deal with the specificities of individual countries and wars. The premise of the paper is that these are—like all conflicts—complex and multifaceted, with deep historical roots as well as having been impacted by recent political conjunctures. The argument of the paper assumes that conflicts are fundamentally political and that the solutions must be sought in the political arena.

The conclusions of the paper are pessimistic. Historic opportunities for moving beyond establishing norms and building technical capacity, towards putting in place the political conditions for peace and security in the subregion, have been missed. Current political alignments are not encouraging.

Liberal Global Governance and Security Management

The era since the end of the Cold War has been marked by liberal global governance. It has been a unipolar world dominated by the U.S. with the unrealized possibility of a global pax Americana. In the 1990s, the U.S. saw its influence as limited and sought mainly to work in cooperation with European allies and multilateral institutions. After 2000, the unilateralist tendency, which sees America as not bound by the rules that constrain other nations, has been dominant. We are now entering a period in which the U.S.'s imperial overreach is leading to an extraordinary decline in American global influence, and unipolarity is being contested, mostly especially by China. The rise of China and India and the persisting influence of Europe, which may yet begin to chart a path independent of the U.S., will to lead to a new set of political alignments in the Horn of Africa. But, because of the Horn's position adjacent to the Middle East, it is likely that the U.S. will try hard to sustain its hegemonic position in the subregion.

The period of U.S. unipolarity has been characterized by taking democracy seriously. Empires need a justifying ideology, and in this case it has been an emphasis on human rights, democracy, free markets and good governance. The liberalism of the imperium has been its redeeming feature. Democratization has been unevenly promoted and even more unevenly achieved, but there has been real progress. For African citizens, the liberal hegemony has brought important blessings, notably an unprecedented spread of democratic values and practices.

African citizens were demanding these before, but the end of the Cold War made the conditions for realizing these demands much more favourable.

The global liberal project has also supported a multiplicity of institutions and efforts aimed at creating peace, promoting reconciliation and justice, and a host of other related activities. As with democratization and support to free press, independent judiciary and civil society organizations, this has contributed to developing and entrenching norms and building institutions. The liberalism of this system means that it has a built-in self-correcting mechanism: it is open to dissenting views and can accommodate them (up to a point). Liberal power centres are permeable to influence in accordance with the logic of liberal ideology. But liberalism also masks the reality that it also serves to establish and consolidate certain forms of power. It is important to examine both how this system consolidates power and how the liberal values inherent in it create a structural element of accountability and opportunity for change. This section considers two examples: democracy and reconciliation. The 'responsibility to protect' will be discussed in the section on the 'new interventionisms'.

A number of scholars have noted how the spread of democracy in Africa during the 1990s was associated with the shrinking autonomous space for African governments. The late Claude Ake called it 'the democratization of disempowerment.' Critics on the left charged that western governments and international financial institutions were only ready to allow African countries to become democratic when all the key decisions had already been taken and could not be reversed. Moreover, dependence on aid funds meant that governments were accountable to their foreign paymasters and not their electorates. It is a fair charge, and in many cases there is a popular disenchantment with democracy because the same authoritarian leaders succeed in sustaining their non-accountable power behind a democratic façade, with fixed elections, a controlled press, and no independent judiciary.

Yet it is also an incomplete criticism, because the democratization of African governance has gone hand-in-hand with a democratization of the international aid apparatus. Twenty five years ago, the bureaucracies of the World Bank, USAID, European Commission and all other major donors were almost as opaque as the decision-making of African governments, and in some cases more so. This has changed. Citizens of western countries have an unprecedented degree of access to, and influence over, the institutions for development finance and cooperation. That access consists both of scrutiny by elected representatives (parliamentary and congressional committees have much greater profile and influence) and engagement by specialist CSOs, ranging from Oxfam and the World Development Movement to the land mines campaign and International Crisis

Group. In the field of HIV/AIDS it is particularly striking, as activists and CSOs have led the way in driving the international response and setting up the key institutions. In this instance they have also been key in unlocking important new sources of private finance, such as the Gates Foundation, which in turn have strongly influenced the field.

The resulting global apparatus for aid is permeable not only to western citizens and NGOs, but to their 'partners' in Africa. An African citizen unable to obtain access to his or her government directly can do so through international NGO networks. AIDS is the leading example. African AIDS activists are represented on the boards of UNAIDS and the Global Fund to fight AIDS, TB and Malaria and have access to the World Bank and western governmental donors. The result of this is that the international and African response to HIV/AIDS has been extremely supportive of human rights and democratization. The exercise has empowered African CSOs and activists—to be precise, it has empowered those that are ready and able to engage with this international liberal civil society network and adopt its values. The same is true, albeit less dramatically, of other fields such as poverty reduction and reconciliation.

Reconciliation is a second example. There has been a vast growth in official and NGO support to post-conflict reconciliation efforts in the last fifteen years. It has been driven by the same liberal sensibilities, with a distinctively Christian parentage—most clearly seen in the case of South Africa's Truth and Reconciliation Commission. The South African case was entirely home-grown in response to the domestic political imperatives of that country. There has also been a strong grassroots demand for reconciliation during and after many conflicts in the Horn, and international donors have often been rapid in trying to supply reconciliation initiatives, or support local ones, in response.

It is easy, however, to overlook how reconciliation is also an exercise in power politics. In rural Sudan, for example, reconciliation is typically envisioned in ethnic or tribal terms. There is a tradition in many parts of western Sudan of local conflict being settled by tribal chiefs and the payment of diya (bloodmoney). In the 1980s and 1990s, the central government promoted these responses to local conflicts, not only because they masked the role of government in instigating those conflicts, but also because the beneficiaries of the reconciliation process were the higher tiers of tribal authorities, which were and are part of the government's administrative and political infrastructure. A post-conflict inter-tribal reconciliation conference, served the government's purposes well. This is not to deny that it could potentially bring peace, but the history of multiple successive such conferences since the late 1980s suggests that any such peace was transitory in the absence of any resolution of the basic political problems of western Sudan. In

northern Uganda similarly, neo-traditional reconciliation efforts are supported by tribal elders and church leaders who have the most to gain through official recognition of their role in such efforts. The 'reconciliation lens' can reach somewhat absurd extremes when exercises in popular and militaristic mobilization become labeled as 'reconciliation', but this is exactly what has happened in Rwanda in the case of ingando solidarity camps. These are political education camps run by the Rwanda government for school leavers, discharged prison inmates, returning refugees and others, to inculcate in them the values of the ruling party. There is much to be said in support of such efforts to encourage new values in post-genocide Rwanda, but let us not confuse an exercise designed to give the government greater physical and ideological control, with an exercise in post-conflict reconciliation.

The decline in U.S. power globally since 2003 may yet lead to a crisis in the norms and institutions built up during the era of global liberal hegemony. Certainly, the rapid rise of China has given a new lease of life to some authoritarian African leaders who have discovered a patron which can compete with the U.S. However, China is already discovering that its preconception that it could rely simply on deals with African leaders without attending to the quality of governance, was mistaken. African governments are also finding the Chinese intrusion has unpleasant economic and social side effects. Meanwhile, European influence remains significant. It is too early to speak of multi-polarity, but we can at least describe the situation as contested unipolarity.

Ad Hoc Multilateralism

The era of liberal global governance has witnessed a huge increase in international efforts at peacemaking. There are three determining features to this era (which may now be coming to an end), which are (1) the adoption of norms of peace, human rights and democracy to override national sovereignty, (2) an increase in the numbers of actors involved and their capacities, and (3) the expanded role of the U.S. in trying to stop civil wars rather than take sides in them.

The principle of overriding state sovereignty came under critical assault during the 1990s. Its demise in Africa was marked by the adoption of the charter of the African Union in 2002, authorizing states' involvement in the affairs of their neighbours in the case of extreme humanitarian distress or human rights abuses. In 2005, the UN General Assembly adopted the principle of the 'responsibility to protect' with the same implications. There has meanwhile been a profusion of lesser norms. These are true multilateral norms, but their enforcement can only ever be ad hoc, insofar they require a militarily powerful state to intervene in the affairs of a less powerful one. There will be no foreign intervention in Chechneya,

Kashmir, Tibet or Turkish Kurdistan, and intervention in larger African countries can only be done by the U.S. and its NATO allies. Nonetheless, the evolution of the norm is significant.

The growth of institutions engaged in peace-related activities has been remarkable. As well as governments and the UN, there are regional and subregional organizations, NGOs, foundations and religious organizations all involved in peacemaking efforts in various ways. Overwhelmingly, peacemaking organizations and initiatives are driven by liberal values, so that peace agreements are no longer ceasefires and power-sharing deals, but far more complex processes involving democratization, reconciliation and reconstruction. Meanwhile, U.S. unipolarity has caused a decline in principled multilateralism and its replacement by a variable geometry of peacemaking actors. This profusion of actors and activities is at first sight confusing, but it is informed by shared values (western liberalism) and funding sources (western governments).

'Ad hoc multilateralism' is characterized by its pragmatic problem-solving short-termism and à la carte approach. It flows less from decisions taken at the UN Security Council than it does from incremental engagement by whatever actors happen to be well-positioned and acceptable to the parties to the conflict at a particular time. Although multilateral institutions, led by the UN and AU, are playing a prominent role in peace and security issues in the Horn, their efforts are ad hoc and subservient to the dictat of the U.S., which is ready to provide space for multilateral approaches when its interests are not affected, or to coordinate with multilateral actors when it suits its approach. On a couple of occasions—the UNMEE operation in the wake of the Ethio-Eritrean war and the brokering of the Naivasha Comprehensive Peace Agreement for Sudan—the U.S. has engaged in and supported multilateral peacemaking efforts. This has been a political choice by Washington DC. On other occasions—the search for peace in Darfur, the Somalia crisis—U.S. political engagement has been driven by domestic priorities, working in parallel or in contradiction to multilateral principles, to the detriment of workable solutions. Elsewhere in Africa, the U.S. has been happy to see European or African countries take the lead in addressing conflicts—for example Nigeria in Liberia, Britain in Sierra Leone or France in Cote d'Ivoire and Central African Republic.

The strength of the ad hoc approach is its depth and flexibility: it allows creative use of non-state intermediaries and can canvass and include expertise and capacity from many different sources. Ad hoc multilateralism is both 'broad'—it pulls in a range of states and international organizations—and 'deep'—it engages not only sovereign governments and formal international organizations but also a range of other players too. Religious organizations, charities and civil society organizations

have all become engaged in the search for peace, democracy and human rights. They can be seen as contesting for power and influence in a newly-deregulated field. They can equally be seen as learning their mutual interdependence through joint participation in seeking solutions to some extraordinarily complex problems.

The aim, strategy and chance of success of the approach depends entirely on the position taken by the U.S., and in turn that depends on an array of U.S. interests in the region. The 'global war on terror' is the dominant consideration in U.S. policy, but the precise contours of America's approach to specific problems are influenced by many other factors too. In Darfur, U.S. policy strongly influenced the AU's strategy, leading to a stress on UN troops and a rapid wrap-up of the peace talks, which compromised the integrity of the process and its prospects for success. In Somalia, unilateral action by the U.S. undermined the possibility of an effective regional approach. American policy of arming warlords who proclaimed their opposition to 'terrorism' led to a backlash from Somali Islamists who in turn antagonized Ethiopia, creating a crisis which was then compounded by a clumsy U.S. military engagement.

A principled multilateralism requires norms, institutions and politics. The norms are well-developed and the capacity for peace-related activities is expanding fast. The politics demands that the UN and AU have sufficient autonomy and credibility to be able to act independently of the most powerful global and regional governments. At present this condition does not exist.

The New Interventionisms

A highly influential liberal norm is the 'responsibility to protect' (R2P). This is the contemporary manifestation of the older doctrine of humanitarian intervention. The Independent Commission on Intervention and State Sovereignty, which coined the term in 2001, was at pains (a) not to use the term 'humanitarian intervention' and (b) to insist that the 'responsibility to protect' goes much wider than foreign military intervention in cases in which states have failed in their responsibility to protect their own citizens. Notably, the Commission's report also speaks about the responsibilities of states and the shared responsibility to prevent crises and to reconstruct countries after conflict. Nonetheless, the real thrust of the 'R2P' has been the projection of force by western governments in situations of humanitarian crisis.

The ICISS report was issued shortly after September 11, 2001, and its significance was therefore lost in the early months of the 'global war on terror.' However the concept of the R2P showed a remarkable tenacity and was adopted by the UN in September 2005. Its greatest western proponent has been the

British government and the key test case has of course been Darfur. There is widespread agreement that Darfur has been a dramatic failure of the R2P. Political leaders have blamed one another for lack of spine and activists have blamed political leaders collectively for lack of political will. If we read the reports of the ICG, the answer is simply to try harder: international troops will not only protect Darfurian civilians but also disarm the Janjawiid militia. The logic—often implicit, sometimes explicit—is that American and British troops should be withdrawn from Iraq and sent to Darfur. The liberal activists bemoan the fact that the war on terror and the invasion of Iraq have both discredited military intervention and made it practically impossible because the key western militaries cannot spare enough troops.

The similarities between the liberal position on the R2P in general and intervention in Darfur in particular, and the neocon position on war in Iraq and against terror, are greater than the differences. Those differences are substantial, but there is a parallel logic to these two 'new interventionisms.' It is an imperial logic, namely that there is an obligation on militarily powerful states to become engaged in weak and poorly-governed states, and that military power can be used to solve political problems. President Bush's revolutionary agenda of using U.S. military power to refashion the Middle East (and indeed much of the rest of the world) is one 'new interventionism', that appears to have foundered in both Iraq and Afghanistan. The Democratic Party's alternative of using U.S. military power to enforce human rights is equally radical, and appears not to have learned from the debacle in Somalia in 1992-3 and other failed efforts at philanthropic imperialism. While the Pentagon of today sends its aircraft to bomb Somali villages with the immediate aim of killing members of al Qa'ida, the Pentagon under a future Democratic administration might well send those same aircraft to bomb Sudanese airfields with the immediate aim of killing Sudanese airforce pilots. The logic of bombing to prevent bombing is either the arithmetic moralism that there are a certain number of evil individuals and good will come by killing them, or that it serves as a deterrent—it frightens the would-be bomber into accepting the reality of power today. A few decades ago, military analysts spoke of this as terror bombing but now the term 'terror' is only used to label one's enemies.

The problem with the R2P (in its practical manifestation as military intervention), as with the primacy of the military in the 'war on terror', is that it fails to address the need for a political settlement. In fact, even advocating for intervention stands in the way of grappling with real political issues. In the case of Darfur, the advocacy of intervention and its success in persuading the U.S. government to make a UN deployment the centrepiece of its Darfur policy, had a number of adverse effects. First, it starved the AU mission actually on the ground. Second, it diverted scarce political and diplomatic energy from more important political

tasks. Third, it antagonized the government. Fourth, it raised the expectations of the rebels, who were thus less ready to make a political deal. Fifth, it led to an artificial deadline and a mad rush to conclude the peace talks, which proved fatal to the prospects for peace. And finally, it stood in the way of developing a workable concept of operations for how a peacekeeping mission would actually function in support of a political process in Darfur.

The R2P is being used to justify a possible intervention in Chad which would have the political outcome of supporting the government in power and, most likely, impeding progress towards a political settlement. It hasn't been used in support of an even more blatantly political intervention in Somalia, largely because the loudest advocates of the R2P for Darfur and Chad have in this case listened to the analysis of those who understand what is happening in the country, and perhaps also because dispatching AU troops to Somalia appears to most of the world to be an instance of African governments doing America's bidding in its war on terror.

In the same way that the de facto function of the 'war on terror' is to preserve a political status quo which includes indefinite militarization of U.S. domestic and global governance, the R2P also serves as the ideological prop to sustaining a world order based on the same military asymmetry and its global governance correlate. Neither actually addresses the political problems whose symptoms it seeks to resolve and in doing so actually perpetuates those problems. What may redeem the R2P is the fact that its loudest advocates are civil society organizations that are amenable to influence from concerned individuals in the west and in Africa.

Democratic Aspirations in Contested States

Democracy is a universal aspiration and widespread demand. But it is not unproblematic. One of the ideological foundations of global liberal hegemony has been that democracy resolves political problems, including conflict. This is a mixture of the 'democratic peace' hypothesis—that democracies do not go to war with one another—and the view that democratic elections represent the consummation of any process to end armed conflict. Unfortunately there is little historical evidence in support of either claim.

To generalize, historical experience suggests that mature democracies do not fight, but that countries with insecure or immature democracies are in fact more prone to political violence than authoritarian states. In a state with contested legitimacy, an electoral process may lead to that statehood being contested (resulting perhaps in partition and civil war) or populist demagogues winning the vote. Africa's experience with authoritarian rule demonstrates that dictatorship

and repression are unsustainable. That system is dead and very few grieve for it. However, in many countries conditions are not ripe for the alternative of liberal democracy. Until there is a consensus on the identity of the state and the basic form of government, the legitimacy of the electoral process, and the ground rules for political competition, political democracy will be a force for destabilization. Unfortunately most of the countries of the Horn have contested statehood or governance systems, disputed electoral systems and no agreed ground rules for power-sharing or the alternation of power.

The principle of accountability for human rights violations, now firmly embedded in the international and African system of norms, adds an additional challenge to the legitimacy of governmental power in the region.

The evolution of norms has run well ahead of the political infrastructure of the countries of the Horn. Their dependence on external finance has meant that they have adopted formulae for democratization that superficially meet the aspirations of their citizens but are unlikely to lead to stable governance. As mentioned, the alternative of a regression to authoritarian rule is also unworkable. An alternative route to stability is needed—which is where the concept of a 'security community' becomes useful.

A Security Community for the Horn

There are three possible concepts for 'security community' that could be applied to the Horn of Africa.

The classic concept is the first: a cluster or coalition of nation states that have identified common interests and are dedicated to ensuring that the settlement of disputes by anything other than peaceful means is unthinkable. In the case of Europe, it is more than an inter-state order that formally outlaws aggression and other forms of conflict, and amounts to a complex inter-relationship between all branches of governments, civil society, the private sector, and citizens themselves. Other instances, such as south-east Asia and the Gulf States are primarily coalitions of governments. Nonetheless, as a state-based security community takes root, relationships between the constituent societies also deepen. A robust security community will consist of countries tied together in a far-ranging set of rule-bound relationships covering the common rights of citizens, trade, social and cultural exchanges, communication, and a shared set of values based on constitutional rule.

The states that are members of a security community are engaged in a strategic long term common partnership, in which they are prepared to forego many of the traditional privileges of sovereign power, and share many governmental activities

with their neighbours. The militarized, secretive oligarchic governmental systems that prevailed in Europe in the 19th and early 20th centuries were the elite alliances that could occasionally sustain inter-state peace for decades, but they were not security communities. They were mutually suspicious and appealed to exclusivist nationalistic sentiments, which ultimately proved their undoing.

Across the world, regional groupings in Asia, the Pacific and the Americas have achieved their common security by a number of different routes. For example, the European experience has been based on complex institutional linkages between states and between them and regional and subregional organizations, with a plethora of monitoring institutions, an explicit commitment to human rights and good governance, and a major role for civil society. In the countries of ASEAN, by comparison, the relationships have been at the level of states and the private sector, with relatively little of the complex institutional architecture that characterizes European integration.

A security community for the Horn in this classic sense is improbable. Recent years have seen tactical coalitions between governments across the region but no stable or strategic alliances that could stabilize the region. A multitude of political and historical factors stands in the way of achieving such a system. However, elements of such a system should be worked upon as a necessary foundation for peace and security.

The second version of a security community would be under U.S. liberal hegemony. This could take the form of a scaled-up version of the ad hoc multilateral efforts that backed the Naivasha peace process and brought the CPA into being. This presupposes a benign and uncontested hegemon working in concert with an array of partners (this much-abused term is almost appropriate in this context) to resolve an array of complex problems across the Horn. The partners include other western governments, the UN, AU and IGAD, governments in the region, and a range of civil society organizations. The outcome would be a stable-interstate order and the progressive settlement of outstanding disputes in accordance with the norms adopted by the AU over recent years. This system would incorporate what is best in the liberal global governance regime—its liberal norms and its capacitation of democratic and peace-related institutions—while using the power of the hegemon to ensure that governments stick to the rules.

The moment when such a pax Americana-based security community might have been possible has passed. The U.S.'s global overreach, the challenge to its unipolarity, and the clumsy way in which its 'war on terror' has divided and antagonized large sections of the populace of the Horn, has made it impossible for such a system to operate. In just a few years, the U.S. has moved from being a status quo

power to a revolutionary power (a doomed project) and now to a destabilizing power.

Even though this form of security community cannot materialize, elements of a project in this direction are still of value. The norms and institutions are valuable. A domesticated version of U.S. power can be of value. Indeed, given the two 'new interventionisms' of current U.S. politics, working to see how the U.S. can sensibly use its power in pursuit of peace and stability is a necessary aim.

A third possible manifestation of a security community is one brought about by the democratization of the subregion. The implicit promise of the proliferation of CSOs throughout the Horn is that civil society can do a better job of governing and peacemaking than governments. Replacing governments is not of course an option: what is realistic is the incremental establishment of a network of institutions and initiatives that between them represent a significant force for peacemaking. The components of this include building common understanding on norms and procedures between the different levels of CSOs, governments, African inter-governmental organizations, and the international community; building the capacities of peace-related institutions at all levels; and building up powerful constituencies for peace throughout the region.

This is a vision of an aspirational-democratic form of security community. Currently is a dream. However, the kind of societal consensus and political infrastructure across the subregion that such an enterprise represents, could be the only chance for the Horn of Africa to escape its entrapment in today's forms of militarized governance and its abject dependence on external patrons, especially the U.S. Rather than seeing it necessary to resolve today's problems before building a security community, the very process of addressing and resolving the problems of the subregion could serve as the mechanism for building such a community.

The obstacles to peace and security in the Horn are formidable. The political obstacles include: (1) the lack of internal peace in most countries, (2) the fact that internal conflicts are rarely contained within the borders of one country, (3) the absence of a stable and consensual regional power order, (4) the disputed legitimacy of states and governments and the inability of democratic processes to provide that legitimacy, (5) dependency on foreign financiers and especially the U.S., and (6) the lack of autonomy of the key multilateral institutions.

Conclusion

Any realist assessment of the political condition of the Horn of Africa will lead to the conclusion that the political conditions are not conducive to the sustainable settlement of any of the region's conflicts, and indeed that the progress made in some countries is extremely fragile. If we examine the political preconditions for regional peace and security, none of them are in place. Worse than that, most of the indicators are pointing in the wrong direction.

The success of the ad hoc multilateral coalition in bringing Sudan's north-south war to an end in January 2005 opened up a promising prospect of a set of new multilateral mechanisms unlocking the subregions' other crises, starting with northern Uganda, Darfur and Somalia. That promise has not been fulfilled. To the contrary, 2006-07 has seen a succession of crises in the Horn, beginning with the Islamist takeover of Mogadishu and the subsequent Ethio-American invasion, and including the spiral of violence in Darfur consequent on the failure of the Darfur Peace Agreement. There are renewed threats of war between Ethiopia and Eritrea and the peace process in northern Uganda is fragile. The centrepiece of peacemaking in the region, Sudan's Comprehensive Peace Agreement, also seems to be in jeopardy. Should the CPA falter the likely outcome is a contested partition of Sudan, an event that would have immense and unknowable consequences for the entire subregion.

The sole indicators of progress are 'soft' factors: the evolution of norms and the development of institutions, which have occurred during the last fifteen years of liberal global governance, and which reflect the aspirations of millions of citizens. The development of these norms and institutions has been a remarkable development which few could have foreseen. The best hope for making progress lies in continuing to develop these standards and mechanisms, in the hope that over the years they become internalized within the governance systems of the sub region.

SOMALIA: Seizing the Opportunity

by
Matt Bryden

Overview

The defeat of the Council of Somali Islamic Courts (CSIC) at the hands of the Ethiopian National Defence Forces (ENDF) and Somalia's Transitional Federal Government (TFG), presents an unprecedented opportunity to restore peace, security and government to Somalia. But the challenges are formidable, and the window of opportunity for constructive international engagement is likely to be brief.

With less than two and a half years remaining in the mandate of the Transitional Federal Institutions, Somalia's political transition faces formidable challenges. Already, Somalia has reverted to a familiar pattern of parochial competition for power and resources. The identification of the TFG leadership as a narrow political and clan coalition, rather than as an inclusive government of national unity, has left many Somalis feeling disenfranchised by the transitional process. The CSIC's primary clan constituencies remain largely hostile to the TFG and, like many other Somalis, resent the presence of foreign troops on Somali soil. Widespread social and political opposition to the TFG has rendered much of southern Somalia unstable, and provides space in which various armed opposition groups, including some with links to terrorism, continue to operate.

Instability and violence in Somalia will likely persist until the TFG takes urgent steps towards political reconciliation. Opposition groups will be inclined to 'play for a draw', blocking the TFG's ability to govern and its attempts to advance the political process, until the clock runs out on the transitional period, at which time opponents can launch yet another 'reconciliation' process. In the meantime, TFG attempts to impose its will in southern Somalia will remain a source of friction and African Union troops risk becoming party to a Somali conflict rather than peacekeepers. In a worst case scenario, opposition to the TFG could coalesce into a complex insurgency in which communal, nationalist and jihadist grievances converge.

The international environment further complicates the situation: IGAD remains divided over the Somali crisis. Ethiopia, Kenya and Uganda have consistently supported military intervention in Somalia. Djibouti, Sudan and Eritrea have been either overtly opposed or lukewarm. AU member states also hold divergent assessments of the situation and therefore vary in their attitudes towards military intervention. Unless there is a significant positive evolution of the situation on the

ground in Somalia, the AU will be hard pressed to generate and sustain the 8,000-member forces envisioned for AMISOM. These regional schisms are mirrored in the broader international community. Whereas some donor countries relate to the TFG as a de facto authority with the essential attributes of sovereign government, others perceive it as an interim mechanism subject to strict conditions on political, financial and technical assistance.

Somalia requires a framework for unified, concerted action – and it needs it soon – if this opportunity is not to be lost. In this presentation, I will provide a brief analysis of current challenges, and then propose what the core elements of that framework might be.

Background

The formation of the TFG – and dismantling of its predecessor, the Transitional National Government (TNG) - left many Hawiye feeling resentful, disenfranchised, and fearful that President Abdillahi Yusuf, a prominent Darod faction leader, would use it as a platform for revenge against their clan. Early policy decisions by the TFG leadership, including the relocation of government to Jowhar (and subsequently Baydhowa) and the president's initial appeal for 20,000 foreign troops, compounded these fears. As a result, the TFG failed to obtain the support of the Hawiye community, and was unable to exercise authority in most of their areas. This left a political vacuum that the Islamist movement, in the form of the CSIC, was able to exploit.

Notwithstanding its Islamist character, the CSIC was primarily a political platform for Hawiye clan interests. Support for Courts was unequally distributed across Hawiye sub-clans, but their unprecedented success in restoring peace, security and stability across south central Somalia won them at least the passive acceptance of most Hawiye. In this respect, the CSIC mirrored the evolution of the Somaliland and Puntland administrations, which also originated as clan-based initiatives and were obliged to confront internal divisions in order to consolidate their authority. As in Puntland and Somaliland, popular support for the authorities manifested itself in concrete ways, including a dramatic improvement in the security situation, voluntary disarmament, volunteerism in the administration and payment of taxes.

Within the Hawiye, support for the CSIC was most intense among the Habar Gidir Ayr, which other groups perceived as dominating the Courts' agenda. Despite the appointment of many Abgaal to senior positions in the Courts, including the Chairman of the Executive Committee, Sheikh Sharif Sheikh Ahmed, many Abgaal chafed at this perceived Habar Gidir domination. Even

within the Habar Gidir, elements among the Sa'ad resented Ayr influence within the CSIC. Members of non-Hawiye clans also supported the CSIC and many were incorporated into its administrative and military organs, but – with the exception of the militant wing known as the Shabaab -- this did not alter the fundamentally Hawiye character of the CSIC.

In December 2006, full scale war erupted between the TFG, backed by Ethiopia, and the CSIC. Ethiopia's decision to intervene was based on the CSIC's ideological orientation, its political alliances and the security threats it posed to Ethiopia – not on its clan composition. A combination of factors -- Ethiopia's conventional military superiority, serious tactical errors by the CSIC leadership, and growing public disillusionment with CSIC hardliners – resulted in a dramatic victory for TFG/Ethiopian forces and the collapse of the CSIC. This outcome took most Somalis and external observers by surprise – most had anticipated a bloody stalemate and a potential quagmire for Ethiopian forces. Fortunately, this has not been the case, but the quest for ensuring peace and stability in Somalia still faces major formidable challenges.

Security

Counter-Terrorism

Ethiopia and the United States have both justified their military actions in Somalia at least in part as a response to the threat of terrorism. Under the CSIC, Somalia served primarily as a refuge for a small number of foreign al-Qaeda operatives and as a breeding ground for domestic terrorism. From a regional security perspective, the most threatening aspect of the CSIC was the *Hisb'ul Shabaab* and its links with al-Qaeda's East Africa network. Whereas the mainstream CSIC leadership comprised religious traditionalists and Salafi conservatives, the *Shabaab* espouse a doctrine of pan-Islamic jihadism. Unlike the rest of the CSIC, the *Shabaab* is a multi-clan group and Hawiye clan members are in the minority within the leadership.

The jihadist networks that formed the *Shabaab* were active for at least three years before the rise of the CSIC. Several *Shabaab* leaders had trained in Afghanistan in during the 1980s and 90s and later became associated with certain Islamic courts in Mogadishu notable for their militancy. A number of key figures within the *Shabaab* were also protégés of Sheikh Hassan Dahir Aweys, Chairman of the CSIC Shura.

The emergence of the *Shabaab* as a visible presence in Mogadishu dates from the desecration of an Italian colonial era cemetery by Aden Hashi Ayro and his followers in January 2005. The cemetery was then transformed into a training camp and indoctrination centre, and Ayro went on to become a senior instructor and com-

mander within the *Shabaab*. Between 2002 and 2005, however, Ayro and affiliated jihadists operated as a covert network, assassinating Somali professionals, foreign aid workers and suspected collaborators with U.S. counter terrorism efforts.

The short-lived reign of the CSIC offered the *Shabaab* greater freedom to operate, but it also stripped some of their core leaders of their anonymity. Furthermore, many Hawiye blame the *Shabaab*'s militancy for the disastrous confrontation with Ethiopian and the collapse of the CSIC as a whole. As a result, the *Shabaab* are unlikely to re-emerge as a major force. But they are experienced in clandestine operations and, together with their al-Qaeda associates, they may continue to represent a terrorist threat both in Somalia and in neighbouring countries.

The dismantling of the CSIC has removed– for the time being, at least -- an enabling environment for extremist and terrorism groups in much of southern Somalia. Joint U.S. – Ethiopian operations, however, did not succeed in eliminating foreign al-Qaeda leadership elements in Somalia nor their Somali collaborators among the *Shabaab*.

Both al-Qaeda and *Shabaab* have long experience of working as clandestine networks in Somalia, and should be expected to resume this mode of operation for at least the short term. Despite their damaged credibility, both groups can expect to benefit from enhanced exposure across the Muslim world due to American and Ethiopian military intervention and are likely to remain a salient feature of opposition to the TFG.

Despite the natural temptation to view the TFG as a newly viable partner in counter-terrorism efforts, investment in this relationship should be tempered by other considerations, particularly the understanding that terrorism thrives better in weak states than in failed ones. In other words, counter-terrorism objectives will ultimately be better served by long-term structural solutions (i.e. formation of legitimate and representative state institutions, development of basic administrative and security functions and enhanced access to social services) than by short-term political relationships.

Although the TFG is currently able to co-operate in counter terrorism activities in limited ways, it will be unable to serve as an effective operational or strategic counter-terrorism partner unless it manages to broaden its base of support within the Somali public. Unless the TFG engages in genuine political reconciliation, this situation is unlikely to change before the expiry of its mandate. In the meantime, the political grievances of important sections of the Somali public are exploited by Islamist militants to legitimize and propagate their own extremist agendas.

Complex Insurgency

The CSIC's formal, structured opposition to the TFG has been replaced by a persistent campaign of urban violence that, if mishandled, threatens to evolve into a complex insurgency involving clan, nationalist, criminal and Islamist elements.

Opposition to the government is in large part clan-based. However, Ethiopia's role in defeating the CSIC and its continuing presence in support of TFG forces has also stirred Somali nationalist sentiments at home and abroad. At the same time, elements of the CSIC and *Shabaab* have returned to the capital, as well as other major towns, and are actively engaged in a guerrilla campaign against the TFG and its Ethiopian allies. Attacks on the first contingents of Ugandan troops to deploy in Mogadishu in March 2007 demonstrated that AU forces will also be targeted.

Between January and late February 2007, TFG and Ethiopian positions in the city were subjected to attacks, typically involving hastily aimed mortar projectiles. Lightly armed militia and assassination squads also seemed to be targeting TFG police officers and other perceived 'collaborators' with the Ethiopian forces, stoking fears of a return to the 'dirty war' fought by jihadists in Mogadishu in 2004-05. For the most part, such attacks were confined to the city of Mogadishu, although there were also sporadic signs of organised resistance in Kismayo, Lower Shabelle and Galguduud regions.

Guerrilla operations on the ground were matched by a concerted media campaign involving websites managed by members of the Somali diaspora. Such sites typically describe the Ethiopian troops as 'Tigrayan' occupying forces and the TFG as their 'employees.' Former leaders of the CSIC have figured prominently on these sites, calling for an end to the Ethiopian military presence in Somalia. An armed Islamist group describing itself enigmatically as the *Muqaawamada wax iska-caabinta dhulka Hijrooyinka*,[1] whose actual strength on the ground is indeterminate, has distributed public statements and videos through the Internet in order to project itself as the driving force behind the resistance.

Somalia's Islamist movement

The defeat of the Courts represents a political setback for the broader Islamist movement in Somalia. Not only was it militarily defeated, but its credibility was also seriously damaged: many Somalis, including CSIC supporters, blame the Courts for having started a war they couldn't win, for having given Ethiopian an excuse to invade Somalia on an unprecedented scale, and for having needlessly wasted hundreds of young Somali lives.

Although the CSIC has lost much public support, the foundations of the Islamist movement remain largely intact. The grassroots networks of schools, mosques, charities and businesses from which the Courts recruited many of their younger cadres and rank and file, are still active. The ideological 'elders' of the Islamist movement, including many former members of al-*Itihaad al-Islaami*, have also emerged unscathed and remain committed to the eventual establishment of an Islamic state in Somalia. Lastly, the leadership of the CSIC militant wing, the *Shabaab*, has largely survived the fighting and has begun to reorganize as a clandestine network in Mogadishu and other major towns.

Since the dispersal of the *Shabaab*, a number of successor groups have declared their opposition to the TFG and its Ethiopian allies. The most visible of these, the *Muqaawama*, appears to be a direct successor to the *Shabaab*. The *Muqaawama* have claimed responsibility for many recent attacks that have taken place in Mogadishu in recent weeks. Although local sources claim that the group has failed to win the confidence or support of the populace, the *Muqaawama* claim to be coordinating their actions with unidentified faction leaders[2].

There is little sign of direct local support to the militants inside Somalia. On the contrary, their sloppy methods have resulted in more deaths among civilians than among either TFG forces or Ethiopian troops, terrorizing the public[3]. But there is sufficient resentment of the TFG/Ethiopian presence in Mogadishu that the presence of resistance fighters is tolerated and they enjoy considerable freedom of action.

Somalia's higher international profile is likely to facilitate the flow of external resources to resistance groups. Many non-Somali Muslims have been angered by what they perceive to be a joint Ethiopian-American attack on fellow Muslims, or have been incited by the appeals of al-Qaeda figures like Ayman al-Zawahiri. As the standard bearer for militant Islam and the obvious successor to the CSIC, the *Muqaawama* is well-positioned to attract such external support.

There is little doubt that political Islam is and will remain ascendant in Somalia for the foreseeable future. But the particular form it takes and the strategies and policies it adopts, will depend in part on the direction that the TFIs take in the remainder of the transitional period through 2009. If a serious and sustained effort is made to form a more inclusive government, experience in Somaliland and Puntland suggests that most Islamist groups will be prepared to pursue their agendas within the existing political system – albeit with the ultimate aim of reforming or replacing the system. If the transition is unsuccessful, however, Somali Islamists are likely to re-emerge as a prominent political force.

Clan dynamics

Since the collapse of the CSIC, kinship has once again asserted itself as a defining characteristic of Somali politics, and opposition to the TFG is – for the time being – anchored primarily in clan rather than in ideology. Broadly speaking, this involves a Darod-dominated TFG and a Hawiye-based opposition, although the situation is in fact far more complex.

The perception of the domination of the TFG by Darod interests is based not only on Abdillahi Yusuf's role as president, or on the predominance of Darod kinsmen in his entourage and in command positions in the security forces. It also reflects the common perception that the federal agenda of the TFIs is designed to maximize Darod clan interests[4]. It should be noted, however, that support for the TFG amongst the Darod is not uniform, and some are in fact in opposition.

Predictably, opposition sentiments are most intense within those clans that demonstrated active support for the CSIC. Instead of isolating and neutralizing this sentiment, recent TFG actions appear to have aggravated it and to have nudged other clans in the same direction. Several Mogadishu sub-clans have been angered by recent appointments in and around Mogadishu, and might shift into the opposition camp unless these trends are reversed. A well-attended meeting of Hawiye leaders in Mogadishu in early March 2007 expressed widespread disillusionment with the TFG and opposition to its policies.

Clan-based opposition arguably represents a far greater challenge to the TFG than the remnants of the CSIC – which was itself largely an expression of Hawiye clan grievances. As long as significant Somali clans – especially those in and around Mogadishu -- remain hostile to the TFG, it will prove impossible to conduct credible consultative processes, a constitutional referendum or elections. At the same time, such communities provide at least tacit assistance to armed resistance groups. The composition of the TFIs according to the clan-based '4.5 formula' clearly does not address this problem. A power-sharing arrangement, in which more respected and influential leaders from 'opposition' clans are persuaded to join the TFIs, is indispensable to the success of the transition.

Somali Nationalism

Regardless of clan affiliation, many Somalis were shocked and angered by Ethiopian and American military intervention in Somalia, and remain deeply opposed to the continuing presence of foreign forces on Somali soil. These sentiments translate into opposition to the TFG, which they hold partly responsible for these events. Recent rallies in European capitals have portrayed President Yusuf and Prime Minister Geedi as traitors for having collaborated with an invading and occupying power.

At least two groups have declared their opposition to the TFG and its Ethiopian allies: the 'National Alliance for the Defense of the Somali Republic' (*Isbahaysiga Qaran ee Daafacaadda Jamhuuriyadda Soomaaliyeed*) and the Somali Popular Defence Army or SPDA (*Xoogga Difaaca Shacabka Soomaaliyeed*). So far both of these organisations appear to exist in cyberspace, rather than on the ground in Somalia, but their published declarations capture the sentiments of many Somalis who support neither the TFG nor the CSIC and its militant successors.

African Union Mission in Somalia (AMISOM)

Ethiopia's stated desire for a rapid withdrawal following its January victory over the CSIC threatened to leave a security vacuum in southern Somalia that the TFG alone would be unable to fill. International efforts have therefore concentrated on the deployment of an African Union Peace Support Operation (to be named AMISOM), in order to replace the Ethiopians. Although a number of African states have shown interest or offered logistical support, as of early March 2007 only Uganda appeared ready to deploy troops.

The issue of an international PSO has been one of the most divisive issues in Somalia since the formation of the TFIs in October 2004. President Yusuf's initial call for 20,000 foreign troops was in large part responsible for the split that paralyzed the TFIs between March 2005 and January 2006. Many Somalis, especially in Mogadishu, remain deeply opposed to the prospect of a PSO, and militant groups have threatened to attack them if and when they deploy.

In some respects, the environment for deployment of a PSO is more favourable than it was when first proposed in October 2004. The CSIC is no longer in a position to offer concerted opposition to a deployment, and many Somalis would prefer to see the Ethiopians replaced with a more neutral, multinational force.

- There remain nevertheless a number of challenges to a successful deployment:
- There exists no ceasefire arrangement or agreed disengagement, disarmament and demobilization process for the AU force to monitor or support;

- AMISOM's proposed mandate is very broad, and lacks either focus or coherence

- Under present circumstances, AU troops will be seen as propping up the TFG. Opposition forces will therefore consider them to be hostile, legitimate targets;

- As a peace support operation, AU forces will be perceived as less formidable than Ethiopian troops and less willing to accept casualties. They are therefore likely to be subjected to a protracted period of 'testing' by opposition forces;

- AU forces are more high profile targets than either Ethiopian or TFG troops, and will therefore become a focus of opposition efforts;

- The planned AU force of nine battalions is too small to be able to provide security across such a broad area, and is highly unlikely to achieve planned force levels. Its security will therefore depend in large part upon the effectiveness of TFG forces, which are unpopular, less well equipped and prone to disciplinary problems.

- Poorly trained and poorly paid AU troops, especially if deployed in isolated locations, may be tempted to negotiate "protection" arrangements with local leaders, possibly becoming a source of arms and military materiel for opposition forces[5].

The deployment of a 1,500-strong contingent of Ugandan troops – ostensibly as the lead element of a larger AU peace support operation – is intended to expedite an Ethiopian withdrawal while preventing the emergence of a security vacuum. In the current political environment, however, there is a real risk that AU forces will be perceived as TFG allies and targeted by opposition groups. Early attacks on the first Ugandan troops suggests that resistance fighters believe attacks on AU forces will earn them greater media attention and political mileage than assaults on Ethiopian/TFG units.

Progress towards political reconciliation would permit AMISOM to play a constructive role in the restoration of security across much of southern Somalia. In the absence of reconciliation it is likely to become a belligerent force ill-equipped for the kind of asymmetrical warfare likely to be waged by the opposition.

A Political Challenge

In sum, the restoration of security across southern Somalia is a primarily political challenge. As long as large sections of the population remain opposed to the TFG's leadership, government security forces will be unwelcome and of only limited effectiveness; militants will benefit from tacit support of the public and retain the freedom to operate; disarmament will be resisted – violently if necessary.

The Transition, the Constitution and Somali Unity

Ethiopia's victory over the CSIC has revived the TFG's prospects as a transitional authority, but a variety of threats to peace and security remain in Somalia. In many respects the situation in Somalia today is very similar to what it was following the conclusion of the Mbagathi conference in October 2004. The TFG remains weak, factionalized and barely operational as a government. Efforts to promote dialogue toward a more inclusive TFG have yet to produce positive results. Though only two and a half years remain in the TFG's mandate, little progress has been made on essential transitional tasks. Many Somalis have been angered by Ethiopia's role in the conflict and feel disenfranchised or threatened by the TFG's victory. Remnants of the CSIC, including jihadist militants, continue to attract support from the Somali diaspora and other sympathisers in the Muslim world. The TFG's attempts to assert its authority across southern Somalia face a pattern of escalating violence that threatens to thwart the transitional process. Puntland and Somaliland follow separate trajectories, largely independent of developments in the south.

There are nevertheless some important differences vis-à-vis October 2004. The TFG controls strategic economic infrastructure formerly held by faction leaders, and subsequently by the Islamic Courts. Opposition within the TFIs has been either quashed or expelled, leaving the government politically more homogeneous, but with an even narrower base of support than before. And the expansion of TFG territorial control into areas inhabited by 'opposition' communities has involved escalating violence and the risk of a complex insurgency.

Most important is the significantly foreshortened time frame (less than 2.5 years) remaining in the TFIs mandate, which significantly reduces the likelihood that they will be able to fulfil their transitional duties before their term expires. This limitation creates growing tension between the TFG's desire to establish itself as a de facto authority in southern Somalia, and its duty as an interim authority to complete a transition to more permanent political institutions by 2009.

Opposition groups suspect that the TFG seeks to entrench itself as a de facto authority and prolong the transitional period indefinitely[6]. Consequently, the TFG's attempts to consolidate its authority, especially that of the executive branch, reinforce these suspicions and serve to harden opposition sentiments. TFG ambitions in this regard are already emerging as a potential impediment to reconciliation and stabilization. Unless this political imbalance is addressed, the TFG is likely to spend the remainder of its mandate consumed with domestic political problems and planning a unilateral extension of its term of office – a high risk strategy that could result in an even greater political and military crisis.

The Transition

Hopes for success of the transition are currently pinned on the reconciliation conference called for by President Yusuf. Although there exists broad consensus on the need for Somali reconciliation, there are very different perspectives on what this might actually mean. A number of foreign governments, including the U.S., are encouraging the TFG to engage in political reconciliation, involving power sharing and representation. The Transitional Federal Government (TFG) seems to perceive political reconciliation in terms of persuasion and cooptation. Many civil society actors and academics underscore the need for 'social reconciliation' that addresses the 'underlying causes' of conflict.

Political reconciliation leading to more inclusive, broadly-based transitional institutions is a precondition for the development of a broadly acceptable constitution and the subsequent conduct of a constitutional referendum and elections. The choice is whether such a process takes place in the immediate future or upon expiry of the TFG's mandate in 2009. Whereas the TFG may anticipate a unilateral extension of its mandate beyond that date, opposition groups currently reject that option. If the TFG fails to discharge its transitional responsibilities within the time stipulated by the Charter, they will likely withdraw their recognition of the TFIs as a legitimate framework for governance and demand a new, inclusive reconciliation process.

Power Sharing and Representation

The prospects for success of the transition would be greatly enhanced were the TFIs reconstituted as more inclusive and politically representative institutions. They need not be all-inclusive, but they should have sufficiently broad support to be able to demonstrate a degree of 'performance legitimacy' in much of southern Somalia. This would probably necessitate a cabinet reshuffle, including a change of Prime Minister, and the replacement of MPs from certain clans.

This would pave the way for more representative governance at the regional and district level. Local government permits broader representation than at the national, and can exert an important moderating influence on disaffected clans and communities. A minimum level of local level governance is also necessary in order to provide the minimum conditions (security, administrative capacity etc.) for implementation of transitional tasks.

Mogadishu represents a special challenge. Establishing the status and governance arrangements of the national capital should be the work of the constitutional

commission, or some other agreed transitional mechanism. Independent attempts to elaborate a charter for the city could create political tension and interfere with the broader transitional process.

Transitional Tasks

The TFC establishes twelve independent commissions, some of which appear to have redundant or overlapping responsibilities. At least four are central to the transitional process:

- Federal Constitutional Commission
- Electoral Commission
- Disarmament and Demobilization Commission
- Reconciliation Commission

Although rarely acknowledged as integral components of the TFIs, these Commissions are statutory bodies endowed with legal personality by the Transitional Federal Charter. The Commissions are arguably even more important for the success of the transition than the TFG itself. Even if the TFG itself is non-functional as an administration, a strong international commitment to supporting the independent Commissions and key committees in Parliament could sustain vital "clusters of competence" capable of bringing the transitional to a successful conclusion[7].

Interim Security Sector

General and comprehensive disarmament is neither a realistic goal, nor necessary for the success of the transition. Nor is it necessarily appropriate or desirable for an interim government with such limited support and so little time remaining in its mandate to design the permanent security sector of the Somali state. The legal framework for Somalia's future security sector should be described in the constitution, which has yet to be drafted, and implementation should ideally be the responsibility of a legitimate, duly constituted government.

In the meantime, interim security sector arrangements should be elaborated that permit the TFG to restore sufficient security across southern Somalia to ensure the orderly completion of the transition. Any deployment of foreign forces should be an integral part of these arrangements, not an independent, 'stand alone' activity. Experience in Somaliland, Puntland and – briefly – southern Somalia under the CSIC indicates that local security can largely be achieved by the following means:

- Community confidence in local/national authorities;
- An agreed regime for control of heavy weapons and their vehicle plat-

forms; and
- A publicly-supported ban on the carrying of light weapons in public places (except by uniformed security forces).

A limited degree of voluntary disarmament may also be achieved, but coercive disarmament efforts are likely to prove violent and unsuccessful in the short term. Likewise, donor-driven 'demobilization' programs may displace the burden of maintaining militia forces from local to international actors, without effectively decommissioning either the fighters or their weapons.

The Constitution

Although the drafting of a new constitution is a core transitional task, it is a sufficiently complex and sensitive task that it merits special attention. Technically speaking, the constitutional process is already far off track: the Charter requires that a first draft be completed within two and a half years – a deadline that has already elapsed – or face a vote of confidence.

A second major challenge to the constitutional process is the holding of a referendum in the final year of the transition. The timetable for the transition implies that the constitution will in fact be approved and that elections will follow. No allowance is made for rejection of the constitution, which would evidently trigger a grave political crisis.

Rejection of the constitution is not such a remote prospect that it can be dismissed out of hand. The federal nature of the TFIs, and the plans for a future federal constitution, are identified chiefly with Puntland, the SRRC and Ethiopia. Many Somalis oppose on the grounds that it is an Ethiopian stratagem intended to ensure that Somalia remains weak and divided. The requirement for a constitutional referendum was included in the transitional federal charter at the insistence of groups opposed to federalism, and who anticipate that a federal constitution will not survive a plebiscite. There is currently no way of assessing which way a constitutional referendum will be resolved, but a vote in favour can certainly not be taken for granted.

One way of improving the prospects of a positive vote would be to develop a draft through extensive public consultations, complemented by a public awareness campaign. This may result, however, in a constitution that is less explicitly federal in character than the TFG leadership envisions.

Whatever the nature of a future constitution, it will raise thorny questions of implementation. A federal constitution will have to include very clear criteria for the establishment of federal regions in order to avoid an unmanageable proliferation of states anchored in clans or sub-clans. At the same time, the drawing of new administrative boundaries between federal states is likely to prove deeply problematic. Lastly, the rejection of a federal constitution could also create problems. For example, it is unlikely that Puntland would simply agree to dissolve itself if Somalia were reconstituted as a unitary state.

Somali Unity

Progress towards the restoration of a functional Somali central government brings into ever sharper focus the explosive issue of Somali unity. More than sixteen years since Somaliland's declaration of independence, it has yet to gain formal recognition from any other state. But the turmoil in southern Somalia over the past year has generated growing interest in Somaliland, and Hargeysa's diplomatic efforts on the African continent have been gathering momentum.

In May 2005, a high level fact-finding mission from the AU Commission visited Somaliland and argued that its case for international recognition had a strong political, legal and moral basis. The report stated that Somaliland's case was exceptional and should not be seen as opening a "Pandora's box" of secessionist claims. Although the report has yet to be formally discussed in the AU, a growing number of states are reportedly sympathetic to Somaliland's cause, and at the January 2007 AU summit in Addis Ababa, Rwanda raised the matter formally for the first time.

Support for Somaliland's cause is closely linked to the territory's achievements with respect to peace, security and democratisation. Between 2001 and 2006, Somaliland conducted a constitutional referendum and closely contested elections for local government, the presidency and parliament. In 2007, however, Somaliland's democratic credentials appeared to be in jeopardy as the government cracked down on the independent media and a series of disputes between government and parliament over electoral legislation, the elections timetable and the composition of the National Electoral Commission (NEC) threatened to end in a constitutional crisis.

The next hurdle in Somaliland's democratic process is the holding of local and presidential elections by October 2007 and April 2008 respectively. The first sign of serious difficulty appeared when the upper house of parliament (*Guurti*), which is considered to be dominated by government supporters, extended its own term of office for four more years. Opposition parties, who obtained 66% of the

popular vote in the October 2005 parliamentary elections, not only contested the legality of the move, but also feared that it might presage an attempt by the current government to prolong its own mandate unilaterally.

Subsequent deadlock between the government and the opposition-controlled parliament has prevented the passage of enabling legislation for voter registration prior to the elections, which is widely considered essential to their free and fair conduct. In February 2007, these tensions were brought to a head by a dispute over the composition of the National Electoral Commission, whose mandate expired in January 2007. Whereas the Parliament favoured an extension of the current NEC's mandate, the President decreed its dissolution and appointed new Commissioners.

These developments, together with a government crackdown on the independent media, have created a climate of rising political tension in Somaliland, as the prospects for timely, free and fair elections are rapidly receding. In early March 2007, a group of 32 Members of Parliament put forward a motion calling for impeachment of President Dahir Rayale Kahin. Unless political accommodation is achieved and the electoral timetable is respected Somaliland risks being plunged into political crisis, and the most advanced Somali experiment in democratization could be derailed.

Conclusions

The TFG has so far failed to consolidate Ethiopia's victory over the CSIC, either politically or militarily. Too many Somalis remain either estranged from or hostile to the transitional political process for it to succeed. These opponents include small numbers of jihadists and Islamist extremists, but for the most part they are ordinary Somalis with legitimate political grievances. The TFG and its international partners cannot afford to ignore these sentiments: immediate, comprehensive and genuine political reconciliation involving power sharing is essential.

In early 2007, attacks on Ethiopian/TFG forces and targeted killings remained an almost daily occurrence. TFG appointments to regional and district administrations throughout southern Somalia were frequently contested and most of the country remained without effective administration. If current trends continue, the TFG will either find itself embattled in Mogadishu – like the TNG before it – or forced to establish its seat of government elsewhere for the remainder of the transitional period. Both options would diminish its credibility and legitimacy. More importantly, they would render it virtually impossible for the TFG to hold a credible constitutional referendum or elections before the expiry of its mandate.

Opposition groups may be tempted to actively pursue this scenario in order to 'play for a draw' – in other words, block the TFG's capacity to govern and move the transition forward until the clock runs out on the transitional period, at which point opponents would presumably launch yet another 'reconciliation' process. If this occurs, the TFG may attempt a unilateral extension of its own mandate. The result would probably be a grave political crisis, possibly involving violent conflict that would further undermine the TFG's credibility as a transitional authority.

A one-dimension military campaign against resistance forces is a high risk strategy that could probably succeed only in combination with reconciliation efforts creating a more inclusive government and isolating residual spoilers and receptionists. A military campaign in the absence of political reconciliation will serve to reinforce perceptions among opposition clans that the TFG is evolving into an authoritarian and oppressive regime and may strengthen their will to resist. It would also be unlikely to succeed. Conversely, progress towards political reconciliation would help to defuse opposition sentiments and engage some opposition communities as stakeholders in the transitional process. Were a more inclusive set of TFIs to make progress towards completion of their transitional tasks, some opposition groups might be persuaded to rejoin the political process and there might be greater tolerance for a limited extension of their mandate if the need arose and a potential political crisis in 2009 could be defused.

The limited time remaining in the TFIs mandate demands fierce discipline in completion of the transitional process. In practical terms, this implies a clear division of labour between the Independent National Commissions (Constitutional, Electoral, DDR etc.) charged with these tasks, and the TFG, whose primary role is to create a security and political environment in which the Independent Commissions can fulfil their responsibilities. The TFG must also focus on the equally challenging tasks of establishing representative, functional local authorities, orienting them towards their roles in the transitional process, and establishing an interim security sector capable of providing a secure environment for the conduct of the referendum and elections. If Somalia achieves only this over the next 30 months, it will be a historic triumph.

Endnotes

[1] Movement for the Defence of the Land of the Migrations. The group also calls itself *Harakat wax iska-caabinta dhulka Hijrooyinka* and *Dhaqdhaqaaqa wax iska-caabinta dhulka Hijrooyinka*, which mean the same thing.

[2] This practice of dissolving and then reforming and renaming Islamist movements in times of conflict or crisis fits an established pattern in Somalia since 1990. The principal Islamist movement of the early to mid 1990s, *al-Itihaad al-Islaami*, dissolved itself following Ethiopian attacks on its stronghold Luuq in 1996-7, only to have much of its leadership reappear in new Islamist movements later

[3] Reports in the Somali media, however, suggest that many Somalis nevertheless continue to blame civilian deaths on retaliatory attacks by TFG/Ethiopian forces, rather than on provocations by resistance fighters.

[4] For example, through the creation of two Darod-dominated federal regions (Puntland and Jubaland), while the Hawiye, Digil-Mirifle and Dir (Somaliland) would receive one region each.

[5] The United Nations Operation in Somalia (UNOSOM, 1993-5) was an important source of arms, ammunition and military equipment for Somalia's arms markets.

[6] Article 32(4) of the TFC states that the term of the Transitional Federal Parliament shall not be extended. However, Article 70 allows the parliament to amend the Charter by 2/3 majority, and Article 71 (12) stipulates that the TFC will remain in force until the approval and enforcement of the federal constitution, thus creating ambiguity over the legality of an extension of the TFIs mandate.

[7] The less inclusive or politically 'balanced' the TFIs, the more important the independence of the Commissions and the transparency of their functions will become.

[8] Nor will voters necessary cast their ballots on the basis of federalism. Other issues are likely to emerge that influence the way certain communities or regions decide to vote.

SOMALIA: An Expanding Crisis?

by
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(Earlier commissioned by United Nations High commissioner for Refugees, emergency and Security Services, Presented on the Conference upon Permission from the Author)

1. Introduction

Somalia has been the site of continuous rounds of crises since the 1970s, when the 1974 drought followed by the 1977-1978 Ogaden War with Ethiopia began a long period of internal displacement, refugee flows, and deteriorating food security in the country. The state of complete collapse of the central government in Somalia since 1991 has compounded these problems. Over the past 30 years, spillover from Somalia's serial crises has created considerable hardship for its neighbours. Hundreds of thousands of Somali refugees have fled into Kenya, Ethiopia, Yemen, and Djibouti, often carrying with them livestock and human diseases, which have proved difficult to control in the absence of an effective public health system in Somalia. Flows of small arms from Somalia have militarized communal conflicts across the eastern Horn. Criminal violence and lawlessness have intermittently swept parts of northern Kenya, as international criminal and terrorist operations have used Somalia as a transshipment point into East Africa. In addition an entire industry of smuggling across the region's unpatrolled borders has created a parallel economy in Kenya, harming legitimate businesses. Somalia's crises have, in sum, been East Africa's crises.

2. Key Events 2006

The current turbulent developments in Somalia are a direct function of fundamental political changes which occurred in 2006. The unexpected reconvening of the transitional parliament in March 2006 rekindled hopes that the Transitional Federal Government (TFG) could finally become operational after over a year of paralysis. That positive development was undercut, however, in April-May 2006 by the escalation to street warfare in Mogadishu between a US-backed coalition of militia and business leaders, called the Alliance for Restoration of Peace and Counter-Terrorism (ARPCT), and an ascendant Islamist movement, the Union of Islamic Courts (UIC).

These two rivals had previously formed an uneasy alliance against the TFG in 2005, in what was called the Mogadishu Group. The fierce urban warfare which ensued culminated in a complete victory by the Courts in early June.

The Islamists' victory completely reshaped Somalia's political landscape. Mogadishu came under a single authority for the first time in 15 years, and public security dramatically improved. The UIC disarmed clan militias, rid the city of warlords and criminal gangs, and earned widespread public support among Somalis at home and in the diaspora. The UIC quickly expanded its territorial control into most of south-central Somalia in July and August, rendering it the most powerful political and military entity in Somalia. The TFG appeared on the verge of collapse. Most observers expected the UIC to take control of most of the rest of Somalia, including Puntland.

In response to the UIC expansion, Ethiopia increased its troop presence in Baidoa and parts of Bakool and Gedo regions in support of the vulnerable TFG. The UIC vehemently objected and insisted that all foreign forces leave the country. A rift emerged within the UIC between moderates and hardliners, with hardline elements promoting strict *shari'a* law and engaging in jihadist rhetoric aimed mainly at Ethiopia. UIC irredentist claims on Somali-inhabited territory in Ethiopia, its close links with Eritrea, and its support for two armed insurgencies targeting Ethiopia further stoked tensions.

Talks intended to promote dialogue between the TFG and the UIC repeatedly failed during the second half of 2006. Both the UIC and Ethiopia mobilized for war. A UN report released in November documented an alarming flow of weapons into the country with as many as ten external states implicated in violating the arms embargo. Fears grew that Somalia could become the site of a proxy war between Ethiopia and Eritrea. The presence of foreign jihadi fighters in UIC units sparked concern in the West. US policy toward Somalia appeared to shift in November, with American officials contending that the top leadership of the UIC was controlled by al Qaeda. This was viewed as a sign that the US would tacitly support an Ethiopian armed strike.

In the midst of the brewing political crisis, southern Somalia was hit by the worst flooding in 50 years; in late 2006 both the Jubba and Shabelle rivers breached their banks, displacing 440,000 people and rendering roads impassable. International relief operations had to rely on air drops to reach stranded communities.

A major Ethiopian military offensive against UIC on 24 December resulted in heavy losses for the UIC, the extraordinary and unexpected crumbling of the UIC's support in Mogadishu, the dissolution of the UIC as an organization, the return of most weapons and militia to clan authorities, and the pursuit of remaining Islamist militias into a remote forested area south of Kismayo, near the Kenyan border. In the final days of 2006, Ethiopian and TFG forces entered Mogadishu and occupied key installations. Ethiopia announced its intent to

withdraw its forces within weeks, and called on the international community immediately to deploy an African Union protection force to back the TFG. Armed criminals re-emerged in Mogadishu streets and crimes increased. In response Islamist leaders vowed to launch an asymmetrical war against Ethiopia and the TFG, and promised to target any Somali collaborating with Ethiopia. A top al Qaeda figure called for jihad against Ethiopia, and both Somali and external observers expressed concern that the fighting would enter a new phase of insurgency, terrorism, and assassinations.

In the early days of January 2007, Kenya sealed its border with Somalia and launched aggressive military patrols to prevent Islamist militia from crossing the border. Four hundred refugees seeking asylum at the Kenyan border town of Liboi were forcibly returned to Somalia by Kenyan authorities, provoking a statement of protest by UNHCR. On 7 January 2007, a US AC-130 gunship fired on a site in a remote area in southern Somalia near the Kenyan border where foreign al Qaeda suspects were believed to be located, killing eight members of the Somali extremist militia known as the *shabaab*. Ethiopian airstrikes in the same area resulted in numerous civilian casualties.

In response to these dramatic changes, the international community mobilized to seize the "window of opportunity" to promote statebuilding in Somalia. Diplomats urged Somali leaders in the TFG to engage in dialogue with Mogadishu constituencies, including moderate Islamists, to form a more inclusive government. Efforts were made to muster an African Union protection force to replace the departing Ethiopian forces and prevent a slide back into armed conflict, and pledges were made to support the TFG in its task of state revival. External diplomats expressed a strong consensus that successful political dialogue toward greater inclusion of Mogadishu constituencies is an essential precondition for statebuilding and deployment of AU protection forces. That advice, however, was not heeded by the TFG leadership. In the weeks following its arrival in Mogadishu, the TFG embraced a number of policies reflecting an apparent intent to impose a victor's peace in Mogadishu, including imposition of martial law, a call for forcible disarmament, and the removal of the Speaker of Parliament from power.

3. Political and Security Implications

3.1 A Crisis for Political Islam

The UIC's unexpected collapse in December 2006 has been partially misunderstood in the media and among observers. The UIC was not in fact defeated outright by Ethiopian forces, though it did sustain heavy losses in south-central Somalia, where it unwisely chose to fight a superior Ethiopian military in open terrain. But even after those initial setbacks, the UIC could have fallen back to Mogadishu, with its forces largely intact, to engage in a second round of fighting on its terms – namely, an asymmetrical war waged in a dense urban setting where it could count on local support. It is not clear that Ethiopia would have risked inserting its forces into Mogadishu under those circumstances, in which case the UIC could have remained in control of the capital, ensuring an effective stand-off.

What led to the sudden dissolution of the UIC was the collapse of support from within its own constituencies in Mogadishu. The battlefield losses to Ethiopia exposed simmering tensions within the movement. While we have only fragmentary information about the internal divisions that led to the UIC's surprising dissolution in the final days of 2006, it appears that the hardliners in the UIC had taken both policies and rhetoric too far, and in the process alienated key constituencies in Mogadishu. Hardline leaders now faced recrimination from clan elders, businesspeople, and even fellow Islamists, who accused them of dragging the movement into a costly and dangerous war with Ethiopia. Business leaders were unwilling to permit the UIC to engage in an urban insurgency that risked heavy damage to property; clan leaders feared the loss of lives and power within their lineage in a long war with Ethiopia; and moderate Islamists refused to back what they saw as a reckless policy of confrontation with a powerful neighbour. The popular support that the UIC enjoyed for having brought law and order to Mogadishu turned out to be broad but not deep. Lurking beneath the genuine public support for the Courts was a bundle of anxieties, mistrust, latent rivalries, clan divisions and alliances of expediency, which quickly resurfaced the moment the Courts began to suffer losses against the Ethiopians. The UIC was compelled to return most weapons and militia to clan authorities and businesspeople before its core militia and leadership fled south to the port city of Kismayo.

Though the UIC is now defunct as an organization, political Islam as a diverse movement will remain a powerful factor in any future political dispensation in Somalia. Islamist groups retain a strong infrastructure of schools, charities, and mosques, and possess the strongest intact social and political network in Somalia. It is as yet unclear if more moderate Islamist groups and leaders will be able to take control of the Islamist agenda in Somalia, or if a new, post-UIC organization

or party will emerge to represent Islamist views in the political arena. The last time that Somali Islamists suffered heavy battle losses against Ethiopia, in 1996, they opted to disperse and melt into their local communities, maintaining and strengthening their network.

3.2 Resurgence of Clan Warlordism

Ironically, the end result of the dramatic events of 2006 is a security and political environment that returns Somalia to a situation comparable to that of late 2005 – in which a weak Transitional Federal Government backed by Ethiopia faces opposition from a loose coalition of Mogadishu-based, primarily Hawiye clans and business interests. This return to a *status quo ante bellum* is not complete – there are several important differences between December 2005 and January 2007. Specifically, Ethiopian forces are in Mogadishu, albeit temporarily; the Islamist movement has suffered a significant setback; and the threat of armed insurgency in Somalia is considerably higher today than in 2005. But the basic parameters of the political divisions in south-central Somalia remain largely unchanged from 2005.

The dissolution of the UIC, which had held control of most of south-central Somalia from south Mudug region to the Kenyan border, has created a power vacuum that the TFG is not at present in a position to fill. In most locations, de facto political authority has fallen to clan leaders, and revived clan militias – often consisting of the same gunmen who had served under the UIC – are now the primary source of power. This localized pattern of authority is not new to rural communities, but the abrupt shift of power from the UIC to clan leaders is more destabilizing in tense urban settings such as Mogadishu and Kismayo. The TFG cannot maintain a presence in Mogadishu without Ethiopian protection and cannot begin to administer the city without active support and partnership from powerful local constituencies and clans. Such support is unlikely to be forthcoming at present. Most of the Mogadishu-based clans and political factions are not enthusiastic about working with or for the TFG, and if the TFG leadership continue the trend of their initial confrontational policy pronouncements – such as their call for coercive disarmament – this could virtually guarantee the rise of an insurgency in Mogadishu.

Power in general has been at least temporarily fragmented in the country, with virtually no leader, clan, or movement emerging in a stronger position. The Islamists have suffered a severe setback; the TFG's sole source of strength is the temporary presence of Ethiopian forces; Puntland's administration nearly surrendered to local Islamists in December; the regional "administrations" run by powerful militia leaders in the Lower Shabelle and Kismayo were brought down with ease by the UIC; and public confidence in Somaliland was shaken to the core

in the face of the UIC's ascent. Virtually all of Somalia's political class has been exposed over the past twelve months as weak and to some degree untrustworthy. Today, at least temporarily, the Somali political landscape is characterized first and foremost by the collapse of power, weakness of would-be authorities, and an absence of credible and legitimate leaders. It is likely that clan, civic, and especially business leaders will be even more cautious about allowing any political movement to consolidate power and appropriate their resources in the name of state-building. This condition is likely to reinforce political fragmentation and paralysis in the short term.

Clan dynamics were and remain a critical dimension to the broader political crisis in Somalia. This is especially true now that the UIC has dissolved itself and many of its fighters have returned to clan militias. Though many Somali supporters of the UIC argued that the Islamist movement transcended clannism, the UIC's internal policies and debates clearly demonstrate that the movement was both acutely sensitive to clan dynamics and deeply divided over whether to work within the parameters of clan politics or seek to overcome it. Despite the broad appeal of the UIC across clan lines, the core source of support and top leadership in the movement was heavily concentrated within the Hawiye clan, especially the Haber Gedir Ayr sub-clan. When some of the UIC leaders sought to diversify the movement, they encountered resistance from Haber Gedir Ayr supporters who felt that they had shouldered the costs of the UIC's expansion and were entitled to a share of positions and power.

The return to power of clan militias and the collapse of the UIC will result in renewed instances of localized, sub-clan clashes in Mogadishu and south-central Somalia. This type of armed violence may or may not be linked to the broader conflict between the TFG/Ethiopia and the Mogadishu-based opposition. Likewise, armed criminality is on the increase in Mogadishu and some other areas recently "liberated" from the UIC's administration. The fact that local *shari'a* courts were dissolved when the UIC disbanded means that parts of Mogadishu may become even more lawless than was the case in 2002-2005. During those years local *shari'a* courts provided at least some degree of law and order in neighbourhoods. Whether the current upsurge in armed crime is temporary or endemic will depend largely on the ability of the TFG and local Mogadishu authorities to negotiate the formation of a new administration.

3.3 A Way Forward?

The defeat of the UIC in December 2006 is not the end of hostilities in Somalia. Some level of armed insurgency is inevitable in 2007 and indeed has already taken place. It will come from two distinct but overlapping sources. First, clan- and community-based resistance to the TFG and Ethiopian forces in Mogadishu is very likely, unless immediate progress in negotiations to forge a government of national unity is made. The mainly Hawiye clans which predominate in Mogadishu are especially likely to reject the TFG as illegitimate. Clan-based resistance will be aimed mainly at blocking the TFG from exercising authority in Mogadishu and at driving Ethiopian forces out of Mogadishu. By contrast, the second source of armed insurgency, jihadi cells from the remnants of the UIC militia, are also likely to launch terrorist attacks against Western, US, and UN targets both in Somalia and in neighbouring Kenya and Ethiopia. It is not clear that these scattered jihadi cells are now under anyone's effective control, increasing the odds of unpredictable violence.

Ethiopia is likely to withdraw its forces partially (at least out of Mogadishu) by February 2007, but will probably maintain some troop presence in border regions and in Baidoa for some time to come. It is very uncertain that an African Union peacekeeping force can be deployed quickly to replace the Ethiopian forces. Attempts to insert peacekeepers in the absence of political dialogue to forge a government of national unity will not be viewed as neutral; peacekeepers will face attacks by the Mogadishu opposition and jihadist cells.

Several immediate steps are required if Somalia is to avoid a slide into low-intensity war and renewed state collapse. First, genuine dialogue aiming to establish a government of national unity between the TFG and Mogadishu-based groups must be initiated immediately, to give key Mogadishu constituencies a stake in TFG expansion of authority into the capital. Second, some means of reinstating basic law and order in Mogadishu is essential; once the city reverts to previous levels of armed criminality and lawlessness it will be very difficult to reverse. One possibility would be for the temporary revival of the local *shari'a* courts, under the oversight of an appointed committee. Third, an orderly, phased withdrawal of Ethiopian forces from Somalia must take place, replaced by an effective African Union protection force in a timely manner, and linked to a political process to form a government of national unity.

However, there are ample reasons for scepticism that a power-sharing deal will be reached, capable of ending the threat of hostilities and allowing a united TFG to extend effective administration over Mogadishu and the rest of south-central Somalia. Indeed, the most likely outcome of recent developments in Somalia is a

withdrawal of Ethiopian forces from most of the country followed by the gradual collapse of the TFG, plunging Somalia back into a state of de facto state collapse. That is an outcome that none of the principal actors in the Somali drama prefers, but one which many of them can live with. A return to state collapse is no one's first choice in Somalia, but is almost everyone's second choice.

At the same time, there are also some new opportunities for a negotiated settlement to the crisis. First and foremost, the pushback in late December 2006 by Mogadishu constituents against hardline UIC leaders, a set of actions that led to the dissolution of the UIC and the return of most weapons and militia to clan authorities, is potentially quite significant. It may signal that a critical mass of interest groups in Mogadishu are now stakeholders in peace, not insurgency and war, and are willing to make political compromises to protect lives and business assets from renewed fighting. It is worth recalling that in the spring and summer of 2005 a broad coalition of civic groups, clans, Islamists, women's groups, and businesspeople in Mogadishu briefly succeeded in cantoning militias and eliminating militia roadblocks, in what was described locally as a "people power" initiative to bring public safety to the capital. Business and real estate investments in Mogadishu have grown considerably in the past decade and may be producing a strong preference on the part of investors to avoid instability and war. If the TFG exercises leadership and makes reassuring political concessions to Mogadishu-based political and clan groups, there is reason to believe that local communities will actively back efforts to revive a municipal administration. This is a best-case scenario which requires a good deal of pragmatism and confidence-building on the part of Somali political leaders and their external sponsors.

4. Humanitarian Implications

4.1 Chronic Insecurity

Humanitarian access to south-central Somalia has been steadily worsening over the course of the past ten years. Most access problems for international aid agencies have been tied to chronic local insecurity; threats against aid agencies fuelled by grievances over hiring, contracting, rentals, or aid distribution; kidnapping of national and international staff for ransom; wholesale looting of aid warehouses or convoys; and chronic security problems at airstrips. These types of often dangerous disputes have multiplied since 1995, in part because aid agency resources are one of the few sources of jobs and revenues (and hence stakes are high for local interests to corner them), and in part because the longer aid agencies operate in an area, the more grievances they accumulate. With the expansion of UIC authority in 2006, aid agencies had far fewer problems with extortion and kidnapping, reflecting the improved law and order the Courts provided on the ground.

4.2 Hostile Islamism

However, since 1999 a new type of security threat has arisen, namely the threat of targeted jihadi attacks on UN agencies and western NGOs. The first such killing appears to have been the shooting of an Amercian aid worker, Deena Umbarger, on the Kenyan-Somali border in 1999. Subsequently, a series of assassinations of international and national aid workers, journalists, and UN security personnel has heightened fears that these killings reflect a belief within the small but lethal jihadi cells in Mogadishu that all Westerners and UN aid workers constitute legitimate targets. Travel restrictions issued by UNDSS have accordingly been raised across much of Somalia; at one point in October 2006, all UN international staff were relocated to Nairobi from all of south-central Somalia and Puntland due to unspecified jihadi threats.

Recent postings on websites known to reflect hardline Somali Islamist views conflate all UN agencies with the West and the US, and consider them legitimate targets. The writers accuse UN security personnel of engaging in policies directed against Islamists, and claim that UN humanitarian aircraft are being used for aerial reconnaissance for the Ethiopian military. Somali Islamist perceptions that the UN is in league with the US and Ethiopia were reinforced in December 2006 with the passage of a UN Security Council resolution authorizing a regional IGASOM Protection Force for the TFG and permitting a partial lifting of the arms embargo to that end, two policies the UIC deeply opposed. All this raises the possibility of jihadi attacks against UN or other international agencies and personnel operating inside Somalia as well as in Somali-inhabited areas of Kenya and Ethiopia, even if such attacks are opposed by the Islamist leadership. Assurances provided by Islamist leaders to UN humanitarian actors are of little consequence if those figures exercise no control over the residual *shabaab*. It should however be noted that, as of early 2007, mounting insurgency violence in Mogadishu has exclusively targeted the TFG and Ethiopian forces, not international aid workers and diplomats.

4.3 Population Displacement

The war in late December 2006 produced relatively minor and localized displacement, less than what many feared, had the war been more protracted. However, an upsurge in insurgency in Mogadishu and south-central Somalia has the potential to trigger large-scale movements, especially out of Mogadishu. Large numbers of Somalis will relocate their families out of the capital if clashes escalate. Middle-class Somali families holding foreign passports will transit through neighbouring countries; the majority of arrivals, however, will seek refugee status in Kenya and Yemen. If Somalia slides back into a prolonged state

of collapse and lawlessness, the number of Somalis seeking to cross to Kenya and Yemen as refugees could become substantial and could stretch the capacity of host governments and humanitarian agencies.

Due to counter-terrorism patrols, Somalia's border areas are now heavily militarized, creating less permissive conditions for humanitarian missions there. Refugees are now under close scrutiny as neighbouring states seek to prevent radical Islamists from gaining entry into their territory. Dadaab refugee camps in Kenya are especially vulnerable to insecurity and possibly infiltration by both jihadist cells and clan-based resistance groups. Political tensions will be high in and around the camps, both within the Somali population and between the refugees and Kenyan authorities. Spillover of insurgency and jihadi activities into Kenya and Ethiopia is possible and will render Somali-inhabited areas of those two countries less accessible for humanitarian operations.

5. Regional Implications

5.1 Immediate Effects

Somalia's string of recent crises – the February-June 2006 clashes in Mogadishu, the December 2006 war between Ethiopia and the UIC, the heavy floods in the second half of 2006, the collapse of the UIC administration in Mogadishu, and the growing insurgency by Mogadishu constituencies against the TFG and Ethiopian forces in the first weeks of 2007 – have so far produced only minimal spillover into neighbouring states, less than what was initially anticipated.

First, this series of crises did not trigger a wider war inside Ethiopia, as many had feared. It was clearly the intention of both the UIC and its main external patron, Eritrea, to take the war to Ethiopia by encouraging popular uprisings and escalation of insurgency movements against the Ethiopian government. Hardline Islamists also sought to mobilize a global jihad against the Meles government, and appealed to the large Ethiopian Muslim population to rebel. Muslim-Christian relations in Ethiopia have been increasingly sensitive, and there were legitimate reasons to fear that Ethiopia's offensive against the TFG would crack open that faultline. But for a variety of reasons – a lack of solidarity with Somalis within other Ethiopian Muslim communities, effective government monitoring of and crackdown on possible insurgents, and the overwhelming and rapid victory enjoyed by Ethiopian forces in Somalia, which must have had a demoralizing effect on potential supporters of the UIC – no significant armed insurgency, popular protests, or acts of terrorism have taken place inside Ethiopia which can be linked to the Somali crisis.

Likewise, no significant acts of violence, protests, or terrorism inside Kenya took place in the immediate aftermath of the December 2006 war. Both Kenyan

Somalis and Kenyan Muslims in general expressed strong solidarity with the UIC and were sharply critical of Ethiopia and of the Kenyan military collaboration with the US and Ethiopia in sealing the Kenyan-Somali border. But that unhappiness did not translate into destabilizing acts.

Second, the series of wars in south-central Somalia has produced relatively modest and manageable levels of refugee flows. Not all of the about 20,000 refugees arriving in Kenya's border area near Dabaab camp in 2006 came as a result of the fighting in Mogadishu. Some claimed asylum on grounds of fear of religious persecution under the UIC authority in south-central Somalia; others simply fled the insecurity in February-June. Subsequent refugee flows were slowed by the heavy flooding in the latter half of 2006, which rendered most roads impassable.

Third, while the build-up to war in Somalia over the past year did generate a worrisome flow of small arms into the country, there has been no evidence that those weapons have found their way across the border into Ethiopia or Kenya. In fact, high demand in Somalia actually produced a reverse flow of small arms from Kenya (often via Sudan) into Somalia for sale.

5.2 Longer Term Perspective

The fact that spill-over from Somalia into the broader region has not been substantial in the short run does not, however, mean that the region has escaped unscathed from Somalia's recent and ongoing crises. Some of the regional consequences of the Somali situation are likely to be felt in months and years to come. The most obvious longer-term impact on the region stems from Somalia's likely reversion to de facto state collapse. Neighbouring states – Kenya, Yemen, and Ethiopia – will in this instance continue to have to cope with the many unwanted effects of a failed state in the region. These "externalities" of state collapse in the region include chronic refugee flows, spillover of armed conflict and clan tensions across borders, cross-border armed criminality, illicit arms trading, a weakened regional capacity to control the spread of human and livestock disease, and, in the case of Yemen and Kenya, the continued growth of an already very large and somewhat uncontrolled Somali community living and operating as illegal immigrants in their countries. For both Kenya and Ethiopia, this scenario almost guarantees that their Somali-inhabited border regions will remain chronically troubled, impoverished, and insecure.

Kenya in particular has had to cope with enormous strains over the past 15 years due to the long-running Somali crisis, and at some point the costs of sharing a border with a failed state may trigger social tensions and government

crack-downs. This is less likely to occur among Kenyan Somali communities around Dabaab refugee camps, but more likely in Kenya's main urban areas, where Somalis are concentrating. Many if not most of the tens of thousands of Somalis who reside in the Eastleigh neighbourhood of Naitrobi are from Somalia, not Kenya, and have created a virtual state within a state in Kenya. Much of the vibrant commercial activity in Eastleigh is technically illegal – based on smuggling of goods from Somalia into Kenya – and Kenyan police have limited ability to exercise jurisdiction in Eastleigh. Somalis, some from the diaspora, are also increasingly settling in Mombasa, where they operate their own schools and live in insular communities. The remarkable success that Somalis enjoy in commerce wherever they relocate has created resentment in host communities and has been a flashpoint for communal tensions from Kenya to South Africa. A continued influx of Somalis settling in Kenya and increasing their commercial activities could stoke some of those local resentments.

Ethiopia's military offensive against the UIC and its subsequent occupation of the capital Mogadishu forms part of a broader pattern in the Horn of Africa of inter-state rivalries, proxy wars, and destabilization campaigns waged by neighbouring states against one another. This has been a long-running problem in the region and is a major source of the Horn's many protracted civil wars. The fact that the UIC was given considerable support by Ethiopia's rival Eritrea, which hoped to keep Ethiopia tied down by prolonged conflict in Somalia, was very much a part of this dynamic, as was the UIC's efforts to incite to uprising inside Ethiopia.

Even without public opinion polls, it is possible to gauge public opinion in Somali-inhabited areas of Kenya and Ethiopia. The mood in those communities is generally one of shock, anger, and humiliation. Much of the anger is directed at the governments of Ethiopia and the United States, and to a lesser extent at the Kenyan government.. There is a pervasive belief among Somalis in and out of Somalia that no radical threat existed inside Somalia to justify the attack on the UIC, and a strong suspicion that the Ethiopian offensive was part of a broader effort to punish Somalia and keep it weak and in a state of collapse. What is unclear is whether anger at the US and Ethiopia will produce conditions conducive to armed violence against soft targets associated with the West, including UN aid agencies. For now, it is prudent to assume that spillover from Somalia's crisis has the potential to render Somali-inhabited areas of Kenya and Ethiopia less accessible and less safe for humanitarian operations.

6. Conclusion

The dramatic developments in Somalia in 2006, and the spillover of refugees and security concerns into neighbouring countries that those events produced, form part of a much more extensive pattern of instability emanating from Somalia into the eastern Horn of Africa and Yemen. Regardless of how the immediate crisis plays out, Somalia is likely to remain a source of refugee flows, small arms flows, illicit cross-border economic activities, and possibly terrorist activity for some years to come. Even in a best case scenario, in which an insurgency is averted and central government gradually expands its authority, the country will generate a steady flow of migrant labourers whose journey to the Gulf States, Europe, North America and elsewhere usually involves transit through Kenya or Yemen. To the extent that Somalia will remain a remittance-based economy for at least the next 20 years, the incentive for households to send their young people in search of work abroad will be a powerful factor propelling the flow of Somalis into neighbouring states. In the event that some combination of insurgency, anarchy, and armed criminality becomes a protracted crisis in Somalia, the flow of refugees into Kenya and Yemen, and perhaps even Ethiopia, could surge. Over the past 15 years, however, Somalia's neighbouring states have managed to routinize the emergencies that Somalia periodically produces, gradually improving their capacity to manage spillover across the Somali border, and this is likely to continue.

Whether the Ethiopian offensive and occupation of Mogadishu will eventually produce armed violence beyond Somalia's border in the future remains an open question. On the one hand, Ethiopia's stated intent to quickly withdraw its forces from most or all of Somalia would eliminate a major irritant and presumably reduce the threat of terrorist attacks. In the event of an insurgency against the TFG, most Somali political energies will be directed internally, not at external targets. On the other hand, residual *shabaab* cells continue to operate in southern Somalia and Mogadishu and there is a continued risk that some of those cells, acting autonomously, could opt to launch a terror attack in the region in retaliation for Ethiopian intervention, US air strikes, and Kenyan military cooperation with these two allies. Kenya is and will likely remain the primary target of any such attacks, as it is rich in soft Western targets and is easy for Somalis to move within undetected.

Inside Somalia, there are signs that important constituencies are increasingly uninterested in and ill-served by continued state collapse and armed conflict. If

the aftermath of the Ethiopian intervention and withdrawal does not produce a new level of armed insurgency and renewed warlordism – if business, clan, and civic leaders can orchestrate a "soft landing" from the current crisis and revive at least some elements of a local administration in Mogadishu – then the longer-term prospects for political dialogue and state revival in Somalia will improve dramatically, and the spillover of troubles into neighbouring states will quickly ebb.

Note on Sources

To a considerable extent this briefing is based on the author's personal contacts, interviews and correspondence with sources within the diplomatic, political, aid agency, NGO and IGO communities within Somalia, the wider East African region, and internationally.

In addition extensive use has been made of published materials, of which the most significant sources are listed below:

I. News Media

AllAfrica.com
BBC Monitoring Service
Daily Nation [Nairobi]
East African [Nairobi]
Foreign Broadcast Information Service
HornAfrik [Mogadishu]
Reliefweb
Somaliland Times [Hargeysa]
United Nations Integrated Regional Information Networks
International news agencies and major news media

II. UN/IGO Sources

Food Security Analysis Unit – Somalia
Somalia Aid Coordination Body
United Nations Commission on Human Rights
United Nations Security Council

III. Other Sources

Africa Confidential
Amnesty International
Human Rights Watch
International Crisis Group
Oxford Analytica
Progressio (formerly Catholic Institute for International Relations)
United States Committee for Refugees and Immigrants
United States Institute of Peace

List of Acronyms

AC(-130)	Attack Cargo [Plane] (model 130)
ARPCT	Alliance for Restoration of Peace and Counter-Terrorism
AU	African Union
CSIC	Council of Somali Islamic Courts
IGAD	Inter-Governmental Agency for Development
IGASOM	IGAD Peace Support Mission in Somalia
IGO	Inter-Governmental Organization
NGO	Non-Governmental Organization
SCIC	Supreme Council of Islamic Courts or Somali Council of Islamic Courts
TFG	Transitional Federal Government
UIC	Union of Islamic Courts
UN	United Nations
UNDSS	United Nations Department of Safety and Security
UNHCR	United Nations High Commissioner for Refugees
US(A)	United States (of America)

Contested Spaces, Competing Narratives: Benchmarks for Conflict Management in Somalia

by
Medhane Tadesse

Overview

For reasons that are too long and complicated to go in to here, this discussion paper will have a very limited role. It only aims to identify the challenges confronting the TFG and provide an outline to overcome those challenges. In doing this it seeks to develop some basic conceptual/theoretical understandings of the sources of conflict in southern Somalia and why conflict is frequently perpetuated. It also describes the context in which peace and reconciliation is envisaged. The main message of this paper is that agents of conflict resolution should or can tackle every obstacle but that they should have a sophisticated understanding of the blockages and constraints. Hence, this paper provides a critique of the literature on the role of Islamists and sets benchmarks on the way out of the Somali crisis. A major abiding theme in this paper is that if it is possible for the TFG and its allies to deal with and address these issues in a compartmentalized way, conflicts will be pre-empted and over time peace and stability will come to prevail in southern Somalia. Ultimately, the solution rests on how the TFG is willing and equipped to take the measures listed in this paper. Provided that these measures are taken in a comprehensive way, this paper argues that, the new dispensation could lead to both state and peace building in southern Somalia. This essay is therefore both a critique and a policy document.

Understanding the Somali crisis requires more than casual familiarity with the conflict among (names of) Somali clans. It calls for scholars and policy makers to concentrate on the intractable heart of the matter in southern Somalia. Such basic argument and analysis, which I hope this paper may provide, is essential in formulating realistic assessments of how a more stable order might be established in southern Somalia. As the emergence of a radical Islamist movement in Somalia becomes real, manifest in the leading roles played by the Islamic Courts Union/ICU/[1] and its supporters within the Transitional Federal Parliament in the recent conflicts in Somalia, the full engagement of the international community and policy makers in understanding and engaging in Somalia, one way or the other, becomes ever more pivotal. This will lead to a better understanding of the nature of the Somali conflict and the exact potential of the Islamist threat and will help examine how this can inform the development of overall policy guidance to regional governments and other stakeholders in case they decide to engage to achieve internal peace.

This paper concludes that the threat of radical Islam in Somalia is probably exaggerated but not totally unjustified. And whether in militant form or simply as a latent desire to apply *Shari' a* law to a nation-state, political Islam is far from dead in Somalia today. This argument underpins everything I have to say in this paper. Broadly speaking, warlordism, the question of "Somaliland", political Islam and the occupation and hegemonic control of parts of the deep south of Somalia by marauding militia from the central regions of the country have been the main obstacles to peace and reconciliation since the collapse of government in 1991. Not to mention that none of these phenomena have ever been seriously addressed, if at all, in those 14-plus so-called reconciliation conferences that the nation witnessed over the last 16 years. Arguably, all these questions have only l ingered on to haunt the current Transitional Federal Government (TFG), as they did the previous Transitional National Government (TNG).

The analysis in this paper is divided into two narratives. The Islamist narrative, as the new powerful narrative in the Somali conflict is discussed in detail, while the old structural causes of the Somali conflict (as old narratives) are fleshed out according to their order of importance and relevance to the current predicament and the way forward.

The New Narrative

A few months ago a friend of mine concurred to me that the ICU suffers from narrow clan constituency. I asked him to substantiate his statement and he responded by saying most of the leaders of the group are from the Ayr sub-sub-clan of the Hawiya clan family. I said, that is understandable because the movement against warlords had to emerge in areas where the warlords prevailed i.e. the Hawiya dominated Mogadishu. Then my friend just said the Hawiya are dominant in the ICU. As far as I am concerned that is common everywhere, that movements are dominated, particularly in their formative stage, by people of particular region or ethnicity, and slowly transform themselves by including others. Others say the ICU was unable to expand much beyond Hawiya territory. The truth is that, it tried and time was too short. This argument, echoed by my friend is unfortunately shared by almost all academic specialists on Somalia[2], giving a lot of emphasis to the clan aspect of the conflict. Theirs is a powerful, but misleading argument. Conclusions that relegate the Islamist factor of the conflict in to the sideshow should be received with a great deal of caution.

A cursory look at the Islamist force in Somalia indicates the complex and multi-layered nature of the crisis that has unfolded. There is a considerable variety in the actors and relationships involved. Several credible reports have already highlighted the existence of internal and external push factors. It is a great misconception to call this conflict as a clan conflict.

What is the extent of, both in terms of qualitative and quantitative descriptions, the Islamist constituency in Somalia? How much of it is a clan issue, an international Islamist agenda or a Somali nationalist agenda? Has the conflict impacted on the nature of clan/political alliances in Somalia? What determines local from regional, and national? To what degree is this influenced by the Somali civil war? How much of it is attributed to external influence? Is the Saudi factor central or marginal to the ongoing conflict? Several claim that the importance of clan lies in the fact that clan identity is the locus for physical security and military mobilization. Can political Islam play a similar role? As much as the problem is radicalization of Islam, the conflict in Somalia is rooted in access to resources. What are at stake are fertile agricultural lands in southern Somalia formerly inhabited by a historically disenfranchised minority groups.[3] What is the dynamic between religion, politics and economics in Somalia? Many of today's conflicts in southern Somalia are a legacy of the land grabbing and asset acquisition of the former period. How does political Islam play out in this struggle? The attempt by the ICU leadership to institute the strict Sharia law of *Wahabism* as the only form of Islam allowed to practice in the country, seen as their ticket to achieve their political power, has, however, revealed the intent and ambition of the Islamist movement. Whether this explains the rise of a militant Islamic force in Somalia is yet to be substantiated by empirical research.

The ICU introduced a bizarre brand of Islam that is strange and foreign to most Somalis. Somalis 'practice' moderate and tolerant Islam and this extremism that had once been at the fringe of the Somali society, found itself at the center of the most organized political leadership and in vogue with modern day international Jihadism. It may be possible to argue that the Islamists brought to Somalia nothing more than clanism marinated with pseudo-nationalism and spiced with religious extremism. But in actual fact Islamism exhibited features beyond clan interest or Somali nationalism. Developments in recent years both in Somalia and the wider region have played crucial role in the spread of militant Islam in the Somali Peninsula.

Against this background, scholarly comments on Somalia are seriously handicapped. The approaches applied by most academic specialists on Somalia draw attention to the lack of a theoretical perspective, comprehensive outlook and objectivity. It is impossible to have a view on conflict and violence that does not rest on a number of theoretical assumptions. If anarchy and socio-economic deprivation breeds radicalization, then the Somali case could not be any different. How we understand the phenomena of radical Islam in the Horn, and elsewhere, at a theoretical level will determine our general policies and strategies for dealing with these phenomena. It will also shape our response to violence and conflict in specific situations. It is not surprising that without a viable theoretical perspective,

most of the analysis on Somali Islamists cannot provide sound analysis, cannot make accurate predictions and cannot distinguish between what is, and what is not, significant. Let me illustrate with some practical examples, including how much this matters in understanding the conflict in Somalia and finding ways of resolving it.

Consider, say, the argument of those who concluded that political Islam in Somalia appeals to the oppressed minority such as the Gabwing[4]. If we accept this argument, then our (policy) response to the threat should have a strong focus on the prevalence and type of minority groups in Somalia and elsewhere. This line of argument doesn't have any correlation with the rise and consolidation of radical Islam among the youth, not to mention the business and political elite of major clans in Somalia. On the other hand, one might agree with the argument that political Islam in Somalia is largely attributed to international connectedness[5]. If this is the most accepted theoretical perspective, then your understanding of the conflict and the way to manage it should have a strong focus on the degree of external involvement and the role of Islamic NGOs.

In addition, or alternatively, others might consider the strength of the clan structure to be a critical factor in weakening the rise of an organized social and political movement of any ideological inclinations[6]. As a variation on this theme, a central question might be whether the clan system might have the capacity to defy the rise and development of political Islam. One could argue that all these arguments have some validity as long as they don't push the rise of political Islam in Somalia to the realm of improbability. Yet, certain of the arguments (or theories) contradict each other and they have to be analyzed or rearranged in their order of primacy. The argument which claims radical Islam has some appeal among minority groups (clans)[7] contradicts with the assertion that the clan system is a barrier against the rise of such a movement in the first place.

Clearly this line of analysis fails to capture the salient changes and their external linkages, but how can one explain the failure to assume that radical Islam could also be, some how, used as a vehicle to pursue exclusivist clan agendas. Many forget the close links between what is unfolding in Somalia and the developments in the Middle East as well as the broader Muslim and Arab world. Hardly a new development. The most revealing would be to look at the statistical correlation between the number of Somalis who attended Sudanese Islamic universities over the years, the proliferation of *madrassa*s and those who were recruited previously by al-ittihad and now by the ICU outfit to fight in Afghanistan[8]. This truth alone would shatter a lot of misperceptions and brings to light a lot of truths.

The expansion of the Islamist constituency to the most influential members of the Ayr/Habergedir/Hawiya clan in recent years has shown that the appeal of radical Islam has no clan boundary. Instead, political Islam seems to have to some degree met the needs of a substantial portion of the Somalia population. And whether in militant form or simply as a latent desire to apply Shari'a law to a nation-state, political Islam is far from dead in Somalia today. Another problem is evident too: the attempt to identify political Islam, just once at a time and devoid of connections, with the clan identity or often-geographic location where the movement becomes visible.

There is a propensity among scholars to attach clan identity to any Islamist movement. They are quick to declare the primacy of clan, based on the individuals who happen to lead the Islamist movements. When al-Ittihad mobilized its forces in and around Bossasso in early 1990's, it was argued that Islamists had a large following among the Majarteen. When it reappeared around Gedo in the mid-1990s, because al-ittihad relocated to the area after its defeat in Puntland, then a new argument emerged claiming that only minority clans found in the area supports it. When in late 1990's it became powerful among the Hawiya in the Benadir, then it is justified on the TNG. And recently as the ICU emerged powerful under the leadership of mostly the Ayr/Habergedir/Hawiya we hear claims that political Islam is only the instrument of the Ayr clan agenda.

Taken separately, the events on the ground does not show the spread of the Islamist movement to many areas and walks of life; taken together, they show the prevalence of a significant constituency in most geographic zones and clans in Somalia. No body asked the question why militant Islam receives support wherever it goes in and around Somalia. The analysis is limited to one area at a time, and is devoid of linkages between the successive attempts of the Islamists in Somalia over the years. This approach only helped to deflect scholarly attention and policy consideration to the Islamist movement while obscuring the extent of its influence in any political dispensation in the lawless country. This is mainly attributed to the fragmented nature of analysis applied by most of the scholarly pieces. Each of the experts uses his own methodology and special expertise to reach his conclusions and all of them support their analyses with some references and evidence, albeit in a disjointed manner. Their methodology is distinct but not complementary to each other, focusing on the clan identity of the leadership and failing to construct a linkage on the evidences collected so far on a daily basis to get a sense of the concrete flow of events, and to determine the direction and velocity of the flow whenever either or both appear to have changed.

There is no convincing argument, which could relegate political Islam into the sideshow in modern day Somalia. If we accept the argument that the primary

importance of clan lays in the fact that clan identity is the locus for security and mobilization,[9] then it could also serve as a means to push an Islamist agenda, or vice versa. The Islamist agenda became sharpened because of the failure of other agendas[10]. Given the prevailing economic, political, and security situation in southern Somalia, it would have been quite surprising if such a movement was not dominated by the Ayr/Habergedir/Hawiya. The dominance of the Ayr/ Habergedir/Hawiya over the recent Islamist movement in Somalia is a logical outcome of the economic and political developments in southern Somalia.

The Islamist Constituency

The Islamist movement in Somalia, like in many other countries of the Horn is the result of over 20 years of meticulous and deliberate policy of creating an Islamist constituency in the country. What is unique about Somalia is the absence of a government, which made it by far easy for the Islamists to be visible and project political power[11]. To a great extent this is not unique to Somalia. Religious approaches to intractable social and economic ills are being phrased anew throughout the region, something, which has largely meant inventing new religious paradigm, approaches and organizational forms. Somalis have become accustomed to political Islam and a significant part of them are attracted by its message. Of great consideration is the widespread poverty, which lies at the heart of militancy, the rapid change in religious equilibrium and the growing influence of religion stimulated by the economic weakness of the state, and the apparent bankruptcy of secular ideologies[12]. The post-colonial African state (which doesn't exist in Somalia at all) is widely seen as having failed to provide the basic social services in terms of education, health, security and economic freedoms.

But the crisis is not one of economics only or of security only: it is one of hope, one of soul, one of believing into a model or shapes for the future, and for many these means that the hour of the miracle worker (religion) has finally come. In Somalia the deconstruction of the Somali state created an ideological vacuum that religious institutions have been competing to occupy, at least in part. Somalia's combination of institutional collapse, conflict and poverty has led to hopelessness, abject poverty, desperation and criminality which served as potent recipe for extremism and a fertile ground for Islamists. This, in many ways is a reaction to the wider socio-economic and political crisis.

This explains the recent advances made by the *Wahabi* movement in Somalia. The one common element of these apparently emerging phenomena is its attempt to address what was formerly addressed by politics. Civil war and state collapse have rendered Somali society susceptible to external extremist influences. Even in other countries of the Horn, such movements are displacing the state by deploying large amount of resources, manpower and organizational skill. Another trend is evident too. Throughout northeast Africa, societies are accustomed to a certain

level of violence, ranging from organized armed clashes to inter-communal raids and disputes. Militarisation in Somalia, as in most countries of the sub-region, is a product of structural conditions that constitute a crisis for human security and the state. These conditions include a history of civil wars, authoritarian rule; the exclusion of minorities from governance; socio-economic inequity and deprivation; and weak states that are unable to manage normal societal conflict in a stable and consensual fashion. These conditions create a security vacuum that the state, groups and individuals seek to fill through the use of violence, sometimes in an organized and sustained fashion and at other times in a spontaneous and sporadic manner.

The provision of security matters in poor communities, especially in (the Horn of) Africa, which has a particularly high concentration of impoverished people. Although there is little hard evidence to suggest that effective delivery of security or policing necessarily reduces poverty, crime is undoubtedly 'expensive' for poor people in terms of their ability to protect themselves, or recover from victimization. Perhaps in response to the lack or poor governance record of African states, communities have resorted to other ways of protecting themselves and providing security. Other trends are noteworthy. Not only are most of the states in the sub-region unable to provide security, attempts to make them effective have been compromised by structural deficiencies. This gave way to the emergence of non-statutory armed groups and policing agencies. Efforts at modernizing and reforming them have largely been frustrated, and not only have decades of aid and assistance failed to establish Western styles of policing, but also state policing remains poorly resourced, trained, and managed; it is often ineffective and sometimes blatantly corrupt and violent[13]. The reality in Somalia is that state security agencies are non-existent.

The resultant security vacuum attracts an array of alternative policing and/or security agencies. This has opened the way for the Islamists' venture into law and order. It is in this context that the emergence of Sharia courts and their militias need to be partly understood. Non-state security agencies and armed groups are invariably dismissed as 'vigilantism', or as 'customary' or unwanted even though research shows that community-based groups are popular, provide security to most people, and are potentially valuable assets for advancing safety and security[14]. Militant Islamist groups were poised to fill the vacuum created by lawlessness and anarchy, hence seek acceptance from many Somalis, notably the clan leadership and business class as providers of security. Sharia courts became a feature in Mogadishu in the mid 1990's and slowly and stedly increased their resource, territorial coverage and organization.

The Islamic Courts were basically the creation of businessmen, clan elders and community and religious leaders within specific sub-clans and their authority came

from the clan leaders. The aim was to provide security through the use of *Sharia* Law, prevent local clan/sub-clan lineage conflict and provide a more secure environment for business. Hence, it could be argued that the Court's movement was a logical response to the condition of Somali society, and the complete absence of any law enforcement whatsoever. In response, an "Islamic courts" movement sprang up to impose some sort of cohesion on a rapidly disintegrating social order. Slowly however, the business community and public opinion rallied behind these courts. But the most determining factor was the support given by clan leaders.

In the year 2000[15], the courts formed a union of Islamic courts, partly to consolidate resources and power and partly to aid in handing down decisions across, rather than within, clan lines which culminated in the formation, 0n October 5, 2006, of the supreme Islamic Sharia court of Banadir province[16]. That announcement from the central Islamic Court was destined to end all tribal Islamic Courts in the capital[17]. The ICU didnot exist for long enough for the intended transformation in to a multi-clan national movement to become fully realised.Obviously, the Transitional Federal Government faced opposition from mainly the Hawiya business and political elite. Though the TFG was claimed to have been created by the most comprehensive, legitimate and inclusive process that Somalia had ever seen for over 14 years, prominent sections of the Hawiya, mainly Ayr/Habergedir elite were not comfortable at all. This is linked to the post-1991 position of the Habegedir in Somalia.

Given their expansion and preponderant position in areas that belong to other clans, it is natural that they view any new force in Somalia with suspicion and indignation. The obvious reason is that they fear they will loose the rich agricultural lands they had occupied in recent years. This was partly the reason why the Habar Ghidir business and political class in Mogadishu remained wary of the TFG.This being the case, the Islamist constituency that they have created over the years and its international and regional connectedness had served them to pursue this goal with vigor, determination and unusual speed. Somalia has already been an excellent candidate for a resurgent militant Islam? The question will be the extent to which militant Islam would cause any political mischief in Somalia. The serial killings of several Europeans all over Somalia in the last three years by the group led by Hashi Ayro, one of the top militant leaders of the CCIC and head of the Islamist elite force *al-Shabaab*, has nothing to do with a Hawiya agenda. It is totally wrong to entertain the idea that the ICU is an essentially Hawiya movement. Let' me elaborate this using practical examples.

1. The attempt by the ICU to institute the strict Sharia Law of Wahabism as the only form of Islam allowed to practice in the country, seen as their ticket to achieve their political power, has revealed the intent and ambition of the

Islamist movement. It also revealed how much the militant leaders of the ICU associated themselves with and positioned themselves globally. For them Somali nationalism was subservient to international Jihadism.

2. Somali Islamists cannot talk about nationalism while burning the blue colored Somali flag on a Somali soil[18], and replacing it with some strange looking, black flag symbolizing the work of al-Qaeda. The frequent rhetoric about Somali nationalism was clearly a rhetoric and hollow spearheaded by few radical Islamists in a bid to use young recruits as the means to achieve an Islamic revolution devoid of national boundaries. Clearly, the Salafi leadership tried to use Somali irredentism as a political factor in its bid for power. The use of the black flag, instead of the blue-white colored Somali flag by the ICU, mainly the *Hizb al-Shabaab* is telling that Somali Islamists are not inspired by what happened inside Somalia
3. The often ruthless way the *al-Shabaab* have imposed themselves on Mogadishu, and by their indiscriminate(in terms of clan)history of assassination and murder of opponents Its commander, Sheikh Ayro, and his followers are credited with more than two hundred killings, mainly targeting Europeans and Somali human rights and democracy activists, even before the Courts took control in June 2006.
4. The ban imposed by the ICU on less radical Islamic groups is another indication of their violent character and ideological orthodoxy. There is no indication that the ban took the clan nature of al-Islah into consideration.[19]
5. The ICU leadership quite deliberately associated itself with the international confrontation between Islam and non-believers. Its repeated call for jihad and appeal to Muslims all over the world is an indication that it considered itself as a group fighting for the cause of Islam.
6. Quite extraordinary development in the Somali context relates to the deliberate use of Arabic names and Arabic language by the leadership of the Somali Islamist movement.[20]

Whether due to the usual Somali social fabric, extraordinary pragmatism, military blunder or lack of an ideology of self-sacrifice essential for the continuity of a committed fighting force, the Islamist militia was unable to face up to the combined attack of the TFG and their Ethiopian allies[21]. Militarily, the ICU is decisively beaten and the extremist leadership should take the blame. The Islamic Courts' original mission was to improve security, bring social justice and combat iniquity. However, there have always been those who saw the courts as a vehicle for the creation of an Islamic state. This is what happened recently. After capturing Mogadishu, its mission transformed into imposing s*haria* law all over Somalia and changing the constitution[22]. Shortly, it was hijacked by extremist elements resulting in a fatal collision locally and regionally.

The UIC was perceived as a strong coalition with high moral and religious principles cementing the bonds that united its followers. Its members built around them the stereotype of being an incorruptible club of serious men who would not countenance failure. However, there is an ongoing tension within individual Somalis who transcend clan when an attractive political formula or ideological choice is championed by a popular movement and who revert to clan when the impulsion towards success is blunted by external interference and/or strong domestic opposition. It's a rapidly shifting kaleidoscope of alliances of convenience. It's not just clan versus clan. Everybody looks at religion and clan, forgetting that the Islamic Courts were set up by certain business interests in Mogadishu and these business interests were at odds with the business interests of the Mogadishu warlords. Clan identity didn't prevent war between the same clan members with opposing business and political interests[23]. The point to be made is that extremist elements had easily hijacked the Courts movement for political ends. This revealed an inconvenient truth about the Somali Islamist constituency: that the Islamists are the most organized group and can easily control the flow of armaments and external resources. Apart from aggravating the crisis in Somalia and posing a security threat to the region, the role of the Islamists has been one of undermining, at least for the time being, the original objectives of the *Courts* movement.

A web of interrelated internal and external factors facilitated the Islamists steady penetration of the Somali society. One important factor is note worthy here. Most of the business and socio-economic infrastructure in post-1991 Somalia was built through the Islamist agenda[24]. As much as there has been an internal fertile ground for extremism, the ideological roots and financial backing of militant Islamic groups lie outside Somalia Either due to expediency, security or access to financial resources (such as credit), or to tap into the network of business contacts and information that it provides, the big business in Somalia is almost exclusively associated with Islamist finances. Political Islam had for long remained pervasive among the small, middle-class elite, before it slowly spread to other sections of the population, mainly the youth.

Even if some of these ties are claimed to be defined by expediency and self-interest, its actors cannot escape from involving (or cooperating) in activities to promote and defend the Islamic project and cause. The fact is that Western aid is virtually non-existent, where as Islamic aid agencies are providing free or subsidized schooling, running health posts and community outreach services, supporting Mosques, and offering scholarships for study in the Middle East[25]. In this regard one common characteristic of scholarly pieces on Somalia is the fact that the number of *madrassas*, mosques controlled by radical clerics[26], nature and size of Islamist business class is underreported, and that many of their activities

are not included in the analysis of the political situation in Somalia. Radical Islam has mainly become the feature of the new middle class and big business in Somalia. The usual suspect is, however, Islamic philantropism. Although some of these Islamic aid agencies are relatively apolitical, seeking only to deepen the Islamic faith in Somalia, the majority of them promote ideas that could produce a new generation of young Somalis who are much more receptive to radical Islamic agendas. Thus, Islamist groups in Somalia are both products of a domestic social and political trend and an essentially extraterritorial phenomenon sustained by donors in Saudi Arabia and the Gulf states. Any policy deliberation cannot afford to ignore the Islamist narrative in the Somali conflict; hence it should form the basis for purposes of early warning and early action, which will be elaborated at the end of this section.

Old Narratives

The principal structural causes of civil wars in Africa, I would argue, are authoritarian rule; the marginalisation of ethnic groups; militarization; socio-economic deprivation combined with equity; and weak states that lack the institutional capacity to manage political and social conflict effectively. All these being true, the Somali situation is aggravated by the absence of a central authority and the emergence of non-state actors: clan warlords and Islamists. The sources of the Somali conflict are structural and predate the current civil war. A central factor has been the nature of the post-independence Somali state. This includes the history, nature and size of statehood, political and administrative inefficiencies, corruption, and nepotism practiced by both Somali government's and the earlier colonialists. A central factor of instability is, however, the cumulative impact of armed conflicts in Somalia. As such we need to confront the all-time elusive aspect of militarization. Another key issue is resource. Somalia has a long history of migration, conquest and assimilation, a pattern that was accelerated by the 1991-92 civil war.

Precolonial Somali was by and large a stateless society, and partly the current predicament is the logical outcome of the culture and history of the Somalis. It is not totally wrong to argue that since Somalis were predominantly a pastoral society they were less able to adapt to a central state system. Colonialists introduced some form of state system. While departing, they left the basis of a predatory state, and worse a political disease: Greater Somalia nationalism. This creates a headache for the Somali actors fighting over the decomposed body of the Somali polity today. Contrary to the salient characteristics features of the Somali society, a strong state has been tried, and being heavy handed, abusive and exploitative it reasonably failed. This could serve as a lesson for the enthusiastic state builders. Whatever change and transformation might have been brought by a colonial interlude was neither enough nor the right one.

As some would rightly argue, Southern Somalia was too changed to leave an effective role for the traditional institutions of elders and *shirka*, or assembly, debates and too unchanged to accommodate modern methods of governance[27]. Left struck in a limbo between demolition of traditional institutions and lack of serious transformation to modern statehood, southern Somalia was a potent recipe for structural malfunction. Moreover, the system of statehood inherited from colonialism also fuelled Somali nationalism, fostered irredentism and rentier economy as well as neopatrimonial systems of governance[28].

The primacy given to clan in explaining the Somali conflict is morbidly simplistic. I agree, for a change, with those who argue that rather than the determining factor for its political economy the clan system in contemporary Somalia should be seen primarily as a means of organizing political and economic life that is driven by other interests[29]. Prominent among these is resource. Land and resources in southern Somalia, mainly in and around the two most important flashpoints, Mogadishu and Kismayo form the main basis for conflict in Somalia. The Italians alienated large tracts of riverine farmland from peasant farmers to establish foreign-owned banana plantations. After independence, a new class of Somali entrepreneurs began acquiring land for irrigation, using their government connections and, if necessary, force, to claim land. Land tenure was easily abused and manipulated by well-connected officials and their proxies in the capital Mogadishu. Following the fall of Siyad Barre's government, the civil war escalated competition to control land. Most factions in Somalia occupy lands that are outside areas of their customary control.

This is mainly common throughout the Lower Shebelle region, where the Digil-Mirifle clans who are native to the Bay and Bokol regions claim historical land rights. Another area is Jubbaland, where competing Somali clans claim ownership of specific land. Certain clans like the Merihan received preferential rights to grazing lands and access to government resources and technical advice in the past[30]. In recent times militia fighters and their kinsmen claimed farmlands. This specifically refers to a loose assemblage of mainly Ayr/Habergedir/Hawiye politicians and hangers on, whose hired militia forces fitfully exert influence in those parts of southern Somalia which were invaded by hordes of Habar Ghidir tribesmen pouring south in the process of, and following, the overthrow of the Barre government.

Naturally, what the extremists in the ICU tried to do was preserve the hegemony of the Habar Ghidir in the southern regions and preserve the post-1991 order in Somalia. Although confusing and complicated in explanation, occupation of land for political reasons has become a severe problem in war-torn Somalia. With new organization and fire power, the new militia units recruited in the name of Jihad

and Islamic call, have been sent to maintain the Habar Ghidir hegemony of farms, seized from other clans, in the aftermath of the fall of Siyad Barre, mainly the Rahanweyn owners along the lower Shabelle, and to assist clan allies in Merca and Kismayu. Addressing this issue will remain central to the stability of any government in Somalia. And this complex task could be accomplished by a representative, credible and legitimate (as understood by the major clans) political entity. Representative legitimacy is, I believe, a precondition to a workable resource management. Who is the arbiter in this dispute matters most to the major Somali clans. Looking at the right sequencing need to be a major preoccupation for the "peacemakers'.

Current Issues: The TFG and the Hawiya Conundrum

One of the defining features of post-1991 Somalia is the inability of the Hawiya political elite to forge a political compromise. Many of the Habar Ghidir who has implanted themselves in parts of southern Somalia do not constitute a single force. They are split into mutually hostile segments of the clan associated with the various warlords who hold sway in Mogadishu. This could be considered as an *Achilles hill* of the Hawiya political elite. It could also shed some light into the special problem of Mogadishu, and why the resolution of the conflict in the south becomes so intractable. Even thornier, in terms of resource and political organization, is the position of the Habergedir.Split internally; the Habar Ghidir also confronts warlords of other Hawiye clans. It is not accidental that the Habar Ghidir (mainly the Ayr sub-clan) was the main loser in the Kenya peace processes, which created the TFG in 2004 and are now the main losers of the recent war. On the contrary, the Darod (at least the Harti) appear to be generally united in the assertion of their desires and putting forward their representatives both in the process of establishing the TFG and the events that led to the recent war. In fact the choice of a Darod president was inevitable once the Hawiye failed to unite behind any single candidate, allowing a Darod candidate in.

Although the TFG does contain individuals from most of the Somali clans, not least the Hawiye, and was created by a carefully balanced clan representation, the crucial fact is that, generally, their clansmen do not regard these as their own representatives. The TFG suffers from 'double deficit' as a broad based and legitimate government. Thus, it should broaden its political base horizontally and vertically. First, it is largely made up of faction leaders and warlords. This requires broadening the government to include other political actors as well as sections of the Somali population. Prominent among these are the business class and civil society. These two groups had become so influential and powerful in recent years; any Somali government will face difficulties to work without them[31]. The business class was instrumental for the speedy rise and expansion of the

Islamic Courts militia. Then there is the clan element. Although there are numerous Hawiya lawmakers and Cabinet members in the TFIs, they are not influential in their respective clans as the Darod representatives are.

Hence, the TFG as it is now designated, lacks representative legitimacy and credibility. This obviously hampers any efforts it might make to extend its appeal. As a result, we see divisions in almost every step the TFG takes: from disarmament to Ethiopian withdrawal; from property issue to reconciliation[32]. Fully ware of the Islamist constituency, Hawiye lawmakers and cabinet members would like to see some kind of dialogue with the remnants of the Islamists. This continuing lack of popular legitimacy has obviously weakened recent attempts in Mogadishu to attract influential Hawiye leaders to change sides and enter into meaningful and serious political dialogue. Lacking a persuasively representative core of Hawiye political heavyweights with popular reputations, the efforts of the TFG to expand its ranks have also been handicapped by the adoption, from its inceptions, of an inflexible approach to power sharing with the defeated but popular Islamists. It would obviously have been more intelligent if the Ethiopians and other allies of the TFG had emphasized the political expediency of reaching out to moderate Islamists and Hawiye heavyweights.

At the same time it is clear that the TFG has expanded more effort on seeking to expand external rather than internal recognition. This is an extension of the pattern of behavior of the TFG since its inauguration in Kenya in 2004. This approach has failed miserably, and it is very unlikely to succeed this time around. The TFG should look for internal revenue generating mechanisms and capitalize on them, while seeking external financial support. This urgently requires close marriage between the TFG and the Mogadishu business class, mainly of an Ayr construct; hence the need for political dialogue. A related problem is that the TFG considers itself a broad based government of national unity. This will definitely complicate the roles and mandates of the TFG and complicate the nature of political transition in Somalia.

It seems unlikely that any meaningful dialogue will take place unless this pretension (which is essentially legitimate) is abandoned, and the TFG considers its role as a transitional one to prepare the ground for a government of national unity and democratic elections in Somalia. Unless TFG leaders view their role as precursors to a more inclusive political process and democratic transition and are prepared to throw their hat in to the ring, then Somalia's problems will not only linger but also might worsen. The TFG leadership has actually shown little evidence of serious efforts to reach out to its adversaries in Somalia. Moves to stifle attempts at a political dialogue with Islamists show that the TFG may be missing a critical window to establish itself as a credible, transparent and representative government.

One major feature of the crisis of Somalia after independence is what turned to be an abusive marriage between ex-Italian Somalia and Somaliland that ensued a bloody conflict in subsequent years. Since 1991 Somaliland has survived as an independent entity with a stable political order. Putting this conflict to rest is one major requirement to resolve the crisis in Somalia. It will also put to rest the all-time provocative agenda of Greater Somalia project which contributed to bloodshed and untold destruction in the region as well as the dismemberment of the collapse of the Somali state. Somaliland has now been effectively independent for over 13 years and there is no immediate prospect of it re-entering a marriage that has been characterized by crisis, neglect and ill treatment and died through bloodshed and popular referendum.

Somaliland's declaration of independence seems irreversible. Dialogue with Somalia will be possible only as sovereign, equal independent states, in the interest of peaceful co-existence. From the point of Somalilanders, Somaliland's sovereignty is non-negotiable[33]. Somaliland is a country its independent history of statehood is disappointingly poorly understood and its achievements greatly undervalued. It is the leading success story not only in Somali's failed politics but also in the Horn of Africa's failed transitions to democracy. Without respecting the true wishes of Somalilanders, the south will not see the democratic resolution of its conflicts. It will administer a serious jolt to what passes for political thinking in southern Somalia[34]. It will also broaden the zones of peace and tranquility in the volatile Horn of African sub region. Peace in southern Somalia requires a creative formula beyond the dated slogan of the "sanctity of Somali unity" at any cost.

Conclusion and Suggestions on the Way Forward

For the first time since the fall of Mohamed Siad Barre in 1991, casting southern Somalia into 15 years of anarchy, there is a more or less representative government based in Mogadishu, the capital, with serious outside support and no organized military threat from within. There is a real chance, if used in a creative way to broaden the TFG politically and make it more credible. Ethiopia is currently Somalia's best chance for stability. Its good will and influence over the TFG would help avoid power vacuum, institute a temporary administrative structure and security apparatus for the capital and other cities and towns to tackle lawlessness. However, durable peace cannot be achieved without addressing the structural causes of the Somali conflict. What this last section of the paper tries to do is provide an outline of the main challenges facing the TFG and Somalia and suggestions on how to overcome those challenges. Recommending a more promising way forward entails reviewing the true nature, size and orientation of the TFG, and based on which outlining practical policy guidelines and a workable strategy. This section is intended to contribute to the development of such a strategy.

Though the suggestions are not new, I believe they some how give new insight into what needs to be done to resolve the crisis, support the consolidation of the TFG, and ensure the stabilization of Somalia. This section isn't a revelation; it's largely a reminder.

1. *The nature of Somali reconciliation:* Any reconciliation process could only succeed if it is handled and negotiated by the Somalis themselves.

    - Somalis are perfectly capable of negotiating agreements if and when they really want to. Foreigners should, in general, stay outside Somali negotiations. In case they want to help, they can only make positive impact if they reward achievements and disapprove, if not punish, failures. Apart from this, I think Somalis might benefit from being left to their own devices. Given the opportunity to negotiate among themselves, major clan leaders would be stimulated to start arduous negotiations and forge some kind of resource and power sharing agreement.

    - The role of external players, including Ethiopia, should be to create a conducive situation whereby Somali political actors and the main clans (politically) fight and negotiate among themselves to reach an agreement on the most important issues at stake. Somalis must seek to address the issues of warlordism, the statehood of "Somaliland", the hegemonic occupation of the Deep South, and yes, the threat of radical Islam. These same questions must, therefore, of necessity all be dealt with in a homegrown process for complete reconciliation. In this context, and in order to hold power and keep the peace, the TFG must make the right political decisions. This is critical to any promising way forward. TFG leaders have got to reach out to a wide element of Somali society and they've done some of this, but they haven't done enough. And when they've made decisions like stating that they will not engage in discussion with the moderate elements of the Islamic Courts, I think that's a mistake. They have got to reach out to the moderate elements.

    - The shortest cut to commencing that process lies in an early compromise between those who hail from the Hawiya clan and the TFG. Conducting sustained deliberation at a multiplicity of forums and venues is absolutely essential to deal with these complex issues. Building the Somali state based on consensus among the major clans and transforming it into a neutral arbiter requires serious engagement among the influential players in the country. There is urgent need for a deal between the Darod and Hawiya political elite on the nature and size of the would be Somali state. Then, together they may be able to strike a deal with "Somaliland", free the

people of the Deep South from captivity, and, seriously attend to addressing the region-specific conflicts in the national fracture points such as Kismayo, Mogadishu, Galkayo, and Erigavo. That option will avoid further war and turmoil, which had its toll far too long on the people of the Somalia and the region.

- There is no shortage of Hawiya in the TFG, but the scarcity of credible representatives. Qualitative change and not quantitative adjustment is required. The focus should be to reach out to influential Ayr/Habergedir/ Hawiya business and political leaders. To its credit the TFG has been trying to do that. The problem lies on how hard it is pushing the process of reconciliation and dialogue. Having a good handle of these issues is not only crucial to the political survival of the TFG in Mogadishu, but will remain to be critical to rally popular support and stabilize the whole country. Any attempt to reform the TFG need to look for qualitative change of Hawiya representation than quantitative adjustment, which is both unnecessary and unproductive.

2. *On Greater Somalia*

In the present context, the most sensible political step allies and stakeholders could take now; I believe would be to accord the Somaliland Republic international recognition. I believe that this dramatic, seemingly awkward move is one major basic requirement for peace and democracy in Somalia and the sub-region. This has an element of an important 'demonstration effect 'which would inject an element of serious reality into southern Somali political calculations[35]. This would naturally solve one sector of the Somali problem and bury the Greater Somalia agenda, which has been source of misery for Somalia and the region, once and for all. While, the timely recognition of the positive progress that Somaliland has made would also encourage the Somalilanders to double their efforts to strengthen and further develop their fragile democracy. If democracy means anything, surely, the wishes of the Somaliland people, should count for more than any diplomatic logjam. This measure must be taken for the sake of peace and democracy in Somalia and the Horn of African sub-region.

3. *On Resource Management*

Resolution of land disputes remains a prominent challenge to all political actors, now the TFG, as well as the judiciary of any future broad-based Somali government. Indeed, control of land and resources are central to politics and conflict in contemporary Somalia[36]. The decade-long civil war has resulted in the breakdown of policy and law governing the access to, use of and ownership of land and resources in Somalia. Apart from access to resources, occupation of

land for political reasons is a major problematic trend. These land occupations create a powerful disincentive to negotiate on the part of some clans who find themselves in possession of other lands which are not theirs, but which they hold to help bargain for a bigger share from the future national cake. The civil war also introduced another significant problem of land disputes in urban settings.

- The return of eye-catching assets and the issue of compensation is central to the resolving the conflict in Somalia. A government perceived to be less representative would not be able to get the trust of all Somali clans to do the task. Only broadening the TFG through a true power sharing agreement will do the job. Somalis will not trust the mechanisms of dispute resolution unless they view the state as a neutral arbiter. Thus, setting the political order right comes first, and this will help in addressing the resource issues.

- The international community, notably the countries of the north should volunteer to raise funds for compensation so as to facilitate asset transfers from a certain clan to the other. The issue of compensation is going to be a major demand of one of the two competing clan elites in southern Somalia. Creating some international fund for compensation would greatly help political reconciliation in Somalia.

4. On Self Reliance

Encourage the TFG to focus on internal legitimacy and source of revenue. Disapprove the continued propensity of the TFG to depend on foreign largess and force protection for its political survival inside Somalia. The TFG should be encouraged to depend on a political contract with the Somali capitalist class for its survival. Internal peace and security should depend on the capacity of the TFG generate internal revenue and mobilize internal resources and political support. This is the only way of providing security in a sustainable and enduring manner. This entails creating a political pact with the Mogadishu business class. The effect of this will be both immediate and long term: source of revenue for the TFG and bridge for political reconciliation with the Ayr political elite. This will bring economic, security and political advantages to the TFG. Bringing influential Hawiya players to the government is crucial.

5. *On the Islamist constituency*

Off critical importance is dealing with the widespread sense of despair. Whatever, creative and useful political measures the TFG takes, unless it is in a position to provide socio-economic services and instill a sense of hope among the general population, the situation would only deteriorate. Of course, if this path is followed it runs the risk of exposing the general population in southern Somalia to further instability and fundamentalist propaganda since this flourishes where government and social services are absent. But this is already happening and will continue to happen anyway as any reestablished state will remain weak (as in many African countries) unable to meet the needs of the public.

- If the region and the west wish to counter this and, at the same time contribute to the betterment of the appalling conditions in southern Somalia, it should establish a dedicated funding mechanism for Somalia taking into account the specific needs, priorities and capacity of the TFG. More important, it should do its utmost to secularize socio economic development through local Somali NGOs with convincing programmes in health and education.

- At the same time, it would be sensible to support the extension of secular education using different mechanisms, such as by distance learning with wide use of radio. Encourage and create partnerships with and opportunities to the non-Islamist Somali business class. Some economic measures might be developed to compete and slowly replace the Islamist socio-economic infrastructure in Somalia over a longer period of time. But this is not just enough.

- The problem of Islamists (or Islamic fundamentalist propaganda) transcends the Somali scene. It is, actually, an issue, which can never be resolved unless the West is prepared to confront its primary source in Saudi Arabia. We have to engage with the Saudi government and their services to try to prevent that from happening as well as engage regionally.

Endnotes

[1] I am hesitant to include the name Consultative Council, as the ICU has never been consultative in the true sense of the term.
[2] Prominent among these are Ken Menkhause, Mat Bryden, and Alex de Walal.
[3] One of the major developments in post-1991 Somalia has been the expansion of the *Ayr/ Habirgedir* to many areas of southern Somalia. The United Somali Congress led by General Farah Aideed overran most of the riverine areas in 1991-2 presenting themselves as liberators. But, as it turned out to be, their aim was simply to replace the landowners and not to return the land to the original farmers.
[4] Forward by Alex de Waal in Medhane Tadesse's, Al-Ittihad: Political Islam and Black Economy in Somalia.
[5] Ibid.
[6] Said Samatar," Unhappy Masses and the challenge of radical Islam in the horn of Africa", 2006.
[7] Alex de Waal. "Class and power in a Stateless Somalia". Discussion paper. 2004.
[8] Somali Informants: For almost six consecutive years in the late 1990's Sudan alone provided hundreds of scholarships to Somalis in its Islamic universities, some of which rose to prominence in the ICU. Religious centers such as the Isbahaysiga Mosque in Mogadishu had come to be run by hardline clerics and attract tens of thousands of prayers during the civil war era.
[9] de Waal.
[10] Medhane Tadesse, " Islamic fundamentalism in Somalia: Nature and Implications." 2001.

[11] By comparison Islamists don't have similar visibility in Eritrea and Ethiopia.

[12] Medhane Tadesse. 2003." Religions, Peace and the Future of Ethiopia".
[13] Alice Hills," Policing Africa's Poor", 2000. Besides, Carothers (2006) and Baker (2004) have also argued along the same lines.
[14]Ibid.
[15] Somali Informants.
[16] Ibid.
[17] The announcement ceremony was attended by all Islamic officials; both consultative and executive councils, intellectuals and civil society members and took place in the former Somalian presidential palace in central Mogadishu.
[18] This happened in many towns particularly Kismayo.
[19] Conversely this could lead us to assume that Sufi traditionalists and moderate Islamic groups like al-Islah still have considerably more popular support than the Jihadists elements of al-Ittihad and al-Shabaab, as demonstrated by the ICU need to ban al-Islah meetings
[20] For the first time in modern history leaders who claim to represent Somalia refused to use the Somali language, instead requested Arabic as a medium of communication in a dialogue with a neighboring country.
[21] It is worth mentioning here the argument that the Somali pragmatic desert worldview militates against the growth of organized, Islamic militancy or, for that matter large scale movement of any sort.

[22] On November 17, 2006, the ICU had banned the use, sale and transportation of khat altogether and the Islamic Court of Kismayo banned the sale of cigarettes. This was a controversial move as it was the main source of income for many war widows and orphans and a huge import-export business.

[23] The war in Mogadishu was triggered by a clash between the business tycoon Abukar Adani and Bashir Reaghe.

[24] Medhane Tadesse, 2003.

[25] K.Menkhaus, " Somali: next Up in the war on Terrorism". Africa Notes. 2002; M. Bryden, "Security Challenges and the International dimensions of the Somali crisis". 2002.; Medhane, al-Ittihad,2003.The Somali branch of the al-Haramain Islamic Foundation, a large Saudi charity closely linked with the Saudi government; Mercy International, a worldwide Islamic relief agency registered in Switzerland; the International Islamic relief Organisation/IIRO/.

[26] The biggest Mosques in Moqadisho are now controlled by radical clerics. This includes the solidarity Mosque, which draws over 40,000 prayers at a time.

[27] I.M. Lewis, " Mohammed Siyad Barre's Ghost in Somalia. No date given. Unlike in the south, traditional leaders remained influential in the republic of Somaliland , which is partly the reason why it is stable.

[28] Ibid.

[29] de Waal, Menkhause and Bryden seem to argue along these lines.

[30] All the main Somali clans are involved one way or the other in this conflict. Each clan has its own faction or is part of a coalition of factions. The Jubbaland conflict involves almost all the Somali clans, since each and every clan claims at least at partial ownership of Kismayo or the Lower Jubba region. The history of southern Somalia is characterized by migration, displacement and evictions of one clan against the other making the Lower Jubba region and Kismayo in particular a place to which each and every Somali clan claims at least a partial ownership.

[31] It is worth remembering that the rise of the Islamists to prominence was triggered by the clash between a prominent Islamist tycoon and a silly warlord over control of a business area of influence.

[32] While the Hawiya want simultaneous disarmament and the inclusion of moderate Islamists in the power sharing agreement, the Darod lawmakers are not ready to entertain such a call.

[33] Discussions with President Ibrahim Igal (march 1999), with Riyale Kahin (Oct. 2003), including several discussions with senior officials of government, opposition leaders and civil society groups.

[34] Medhane, al-ittihad; Lewis, Siyad Barre's Ghost.

[35] Medhane Tadesse, 2003.

[36] UNDP Human Development Re

Regional Implications of the Eritrea-Ethiopia Boundary Dispute

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Introduction

The continuing conflict between Eritrea and Ethiopia, which has at least as its formal *casus belli* the location of the frontier between the two states, lies at the centre of the current lack of peace and security in the Horn. It is not, obviously, the only current regional conflict, nor would its resolution necessarily lead to the settlement of other disputes, which started long before the current Eritrea-Ethiopia conflict broke out in 1998 and could be expected to continue after it ended. But it is certainly the main conflict *between states* in the region; it lies at the heart of the region in geopolitical terms; and it has a poisoning effect on other conflicts, including those– such as that in Somalia – which are essentially unrelated to it. *Without* its resolution, it will at the very least be a great deal harder to make progress elsewhere.

This is not the place to go into the tangled and extremely depressing history of the conflict up to the present time, or to explore the inevitably disputed character of its origins. It is however helpful to point out that differences over the location of national frontiers, of the kind that prompted the Eritrea-Ethiopia war of 1998-2000, are the inevitable consequence of the haphazard territorialisation of modern Africa as the result of colonial rule in the late 19th and early 20th centuries, which have been handled elsewhere in the continent without giving rise to anything remotely approaching the level of violence that it has prompted in this case. The two immediate sources of territorial uncertainty are firstly, that boundaries were defined through treaties drawn up (almost invariably in Europe) on the basis of inadequate and often inaccurate geographical information; and secondly, that lines of actual administrative control, of necessity adapted to the requirements of practical governance on the ground, often differed from the formal demarcation of territory by treaty, even in cases where this could be readily determined.

This contrast between the management of frontiers in the Horn and elsewhere in Africa does not, however, mean that this particular conflict can be resolved by mechanisms of the kind that have been used to sort out such disputes elsewhere. This facile assumption underlay the failure of the ill-fated Boundary Commission for Eritrea and Ethiopia (EEBC), which assumed that the demarcation of the

frontier was essentially a technical matter, to be resolved by qualified international lawyers meeting in Europe. In the words of the diplomatic maxim, '*il n'y a pas de problèmes de frontières: il n'y a que de problèmes d'états*'[1]. The issue of the frontier went to the heart of the self-perceptions not only of the two governments, but of the societies which in some measure they represented. Foremost among these was the central place of *territory* in societies which, on both sides of the border, had an ecological dependence on plough agriculture, and gave rise to mentalities very different, for instance, from those derived from pastoralism. Added to that were the attitudes derived on both sides, though most acutely in Eritrea, from the bitter history of armed struggle, the sense of entitlement derived from eventual victory, and the readiness to resort to military methods at a very early stage in the development of the dispute. The history of relationships between the EPLF and TPLF, and the discrepancy between the EPLF's sense of being the 'senior partner' in the liberation struggle against the *Derg* regime, and the evidently less powerful position of an independent Eritrea, compared with Ethiopia, in terms alike of population, economy and diplomatic standing, compounded the problems.

As a result, the Eritrea-Ethiopia conflict is not a negotiable dispute, which can be resolved with goodwill and compromise – two qualities which are in any event starkly lacking. It is, rather, an *existential* dispute through which the two combatants (and especially Eritrea, as the smaller, more disadvantaged, and more resentful of the two) define their own existence. With this in mind, we can turn to the regional ramifications of the conflict, before looking at the possibilities for its management or resolution, and the part that the region might play in these.

The Regional Dimension

This particular conflict is so central and intense that it engages with virtually all the other differences that arise within what is in any event a particularly violence-prone region. In this paper, I will not address conflicts – notably those in Somalia and Sudan – which form the subject of other presentations, but will rather outline the relationships between this dispute and other major sources of violence in the Horn.

The Maritime Dimension

One convenient lens through which to gain an overview of the impact of the Eritrea-Ethiopia conflict on regional relations is by looking at its influence on trade routes, and the diplomatic relations that go with them. Eritrea's independence in 1991/93, entailing the loss of Ethiopian control over the Red Sea ports of Massawa and Assab, converted Ethiopia into the most populous landlocked state in the world, dependent for its maritime communications on transit through neighbouring states, and most conveniently through Eritrea and Djibouti. This

did not in itself create major problems. Ethiopia had been landlocked for nearly four centuries, right from the loss of control over the Red Sea coast around Massawa (which, as the point at which the plateau came closest to the sea, had always been the most important point for external access to the country) to the Ottoman Turks in 1557, until the federation of Eritrea with Ethiopia in 1952. This certainly reduced Ethiopia's openness to trade, and at times had crippling effects (notably in the period prior to Italian attack in 1935, when it prevented the import of arms), but was generally manageable. Eritrea's independence was accompanied by agreements between the two countries which guaranteed unrestricted Ethiopian access to the Eritrean ports, an arrangement that was clearly in the interests of both countries. The port of Assab, which has virtually no Eritrean hinterland, is indeed valueless to Eritrea without access to Ethiopia.

This access stopped at the outbreak of war in 1998, and has not been resumed. This most obviously disadvantaged Ethiopia, which has to find longer and more expensive outlets for its foreign trade, but (together with the stoppage of cross-border trade between the two countries) it probably did rather more harm to Eritrea, whose economy is heavily dependent on its strategic location between Ethiopia and the sea. Assab is at a standstill, Massawa is operating at well below its potential capacity, and Eritrea has lost an important market for its goods, and the entrepôt trade which in the period between independence and the outbreak of war proved a major earner for the war-ravaged Eritrean economy. Ethiopia's ability to survive the loss of Eritrean ports depends, however, on access to alternatives, and hence on its relations with its other maritime neighbours.

In practice, Ethiopia's inability to use the Eritrean ports has proved less damaging than might have been expected. Djibouti has resumed its former role as Ethiopia's major port, and now has an importance to Ethiopia such that any interruption of trade links would certainly constitute a *casus belli*. This is fortunately most unlikely to occur: first, Djibouti benefits from the connection, and could only lose from disrupting it; second, Djibouti has also had conflicts with Eritrea over their short common border; and third, Djibouti is the location for a US base, established after the 9/11 attacks as a centre of operations for the 'global war on terror', as well as continuing French military facilities. Relations between the two countries have nonetheless not been entirely smooth. Sources of tension include the management of the port itself, as well as the Djibouti government's close involvement in the establishment of the defunct Transitional

National Government (TNG) in Somalia, which Ethiopia opposed, and which has now been replaced by the Transitional Federal Government (TFG) which Ethiopia supports.

The issue of Ethiopia's access to the sea also affects relations with the independent but unrecognised Republic of Somaliland, the former British Somaliland with its port at Berbera, which provides the next most convenient outlet after Djibouti. Ethiopia's good relations with Somaliland go beyond the issue of access to Berbera, and also derive from Somaliland's role in diminishing the threat of Somali nationalism, and maintaining a friendly regime in a threatening area. Similarly, relations with Sudan and Kenya are driven by wider considerations than access to Port Sudan and Mombasa. At present, at all events, Ethiopia maintains good relations with the governments of all its neighbours apart from Eritrea, even including those – notably Somalia and Sudan – with which it has historically had difficult relations. This in turn increases the Eritrean sense of isolation.

The Eritrean Dimension

This leads to the peculiar impact of Eritrea's origins on its subsequent diplomacy, which has been disastrous. Coming to independence after a long and bitter liberation struggle, Eritrea's existence as an independent state has been deeply affected by the attitudes which this experience entrenched in the mentalities of its leadership. This was not inevitable: one of the most striking contrasts between the governments of Ethiopia and Eritrea after the TPLF and EPLF simultaneously came to power in 1991 was the way in which the Ethiopian regime established itself (despite significant blemishes in its own record, notably over human rights) as a favoured partner of leading states in the African and global community, whereas Eritrea has been locked into a downward spiral of intensifying isolation and resentment. This difference can be ascribed in part to structural reasons: Ethiopia, as a much larger, more strategically situated and better established state, would always find it easier to construct alliances with other diplomatic actors, and the new regime inherited a tradition of diplomacy and core of expertise that contrasted with the construction of the Eritrean state *de novo* following victory in the independence struggle. A great deal nonetheless resulted from the ability of one of the two leaders involved, but not the other, to make the mental leap from operating in the extremely constricting environment of an insurgent movement to that of the international stage in the post-Cold War era.

At all events, Eritrea's catastrophic engagement in war with Ethiopia, which at a stroke destroyed the prospects for what had until then appeared to be quite a promising start to its independent existence, affected its relations with its other neighbours. One common element was the new state's acute sensitivity to its territoriality, which extended as already noted to a brief military flare-up with Djibouti, and to the occupation of the Hanish islands in the southern Red Sea whose possession it contested with Yemen. Neither of these disputes assumed anything like the intensity of that with Ethiopia. They both concerned areas at the extreme periphery of Eritrean territory, whereas the Ethiopian war involved areas much closer to Eritrea's capital and major centres of population; nor did they

arouse the resentments that were involved in conflict with the state against which (albeit under different governments) the long liberation war had been fought. The very fact that the disputes with Djibouti and Yemen were in themselves so gratuitous itself however helped to establish Eritrea's reputation in the region as a bad neighbour, and one which was ready to resort to military action on the slightest pretext.

Eritrea's relations with its other main neighbour, Sudan, are rooted in structural differences. For the greater part of the liberation struggle (broken only by brief periods of rapprochement between Addis Ababa and Khartoum), the Eritrean liberation movements had heavily relied on tacit support from the Sudan in pursuing their war against Ethiopia – support that was balanced by Ethiopian backing for the southern Sudanese. This might have been expected to lead to good relations between an independent Eritrean and Sudan, and to reinforce as a central principle of Eritrean diplomacy that such a new, small and poor state could not afford to be on bad terms with both of its main neighbours at the same time. That this apparently rational outcome failed to materialise was due largely to the Eritrean government's suspicion of the Islamist basis for the regime in Khartoum, which in turn it linked to Sudanese support for the Moslem populations in south-western Eritrea which had been most inclined to support the rival nationalist movement, the ELF. Islam posed a mortal threat to the new state since, with a population almost equally divided between Moslems and Christians (and a territory of which by far the greater part was occupied by the less concentrated Moslem peoples), any political division on religious lines would split the country apart, and negate the sacrifices of the struggle. That Eritrea should (by its occupation of Badme in May 1998) jeopardise its relations with Ethiopia, while necessarily remaining on bad terms with Sudan, was an act of suicidal stupidity.

Following defeat in the resulting war, and given the dominant position that Ethiopia has been able to establish, both in the region and more widely, through a combination of superior diplomacy and military power, Eritrea has been reduced to the role of a regional spoiler, seeking to take advantage of any possible Ethiopian weakness, following the time-honoured logic of 'the enemy of my enemy is my friend'. This had led it not only to support for ethno-regionalist opposition movements in Ethiopia, but also to barely-concealed engagement in conflicts in both Sudan and Somalia, in which it has had no direct interest.

The Ethiopian Dimension

Though Ethiopia's regional diplomacy has been far more effective than that of Eritrea, and it currently has good relations with all its other neighbours, in a broader perspective those relations are subject to the inevitable tensions induced by regional hegemony. Ethiopia, with its central position, and a population far outweighing those of its neighbours, is indisputably the core state of the Horn.

Its only possible rival, Sudan, larger in area though smaller in population, is drawn in multiple directions – to the Arab world, the Sahel, and southward into central Africa, as well as to the Horn. Hegemony brings with it massive advantages (not least Ethiopia's privileged access to support from major actors outside the region), but also significant costs. Ethiopia is widely perceived as the regional bully, and all of the other states in the region have some reason to resent its dominance. Though most intense in Eritrea and among Somalis, this resentment is felt even among neighbours which have strong structural reasons to maintain good relations with Addis Ababa, such as Djibouti and even Kenya. Ethiopia, in short, is tolerated but it is not loved, and the potential is always there for the states that surround it to make common cause against it. Both the benefits and the potential perils of hegemony are strikingly illustrated by its recent direct engagement in the war in Somalia.

Ethiopia's second weakness is that its position in the region is linked to patterns of hegemony within the country itself. It is largely a matter of historical accident, notably along Ethiopia's frontiers with Eritrea and Somalia, which of the region's peoples were incorporated within Ethiopia, and which within the surrounding states. Ethiopia's relations with its neighbours correspondingly echo, and interact with, conflicts within Ethiopia itself. The conflict with Eritrea is paradoxically intensified by the leading role of Tigrinya-speakers within the governments of both states. Ethiopia's role in Somalia reflects the need to control Somalis within Ethiopia. The country's long border with Sudan provides multiple potential points of entry for insurgents challenging government control over any of the peoples of western Ethiopia, who in turn have been directly supported by Eritrea. The Oromo Liberation Front, to take the most obvious example, has its headquarters in Asmara. Hegemony is always potentially fragile.

Wider Dimensions

Ever since the advent of Islam, much of the Horn has been contested between Moslem and Christian rule. The region has therefore inevitably been affected by the recent resurgence of radical Islam. For Eritrea and Ethiopia, this creates a potential bond that balances and counteracts that between Eritrea and Sudan deriving from the independence struggle. Eritrea and Ethiopia share a marked hostility to any political expression of Islam. Despite the formal secularism of the governments in both countries, they are each predominantly Christian, and the political division of either along religious lines would present a mortal threat, not only to the regimes in power, but still more fundamentally to the survival of the state itself. In Eritrea in particular, Islam is the one political force which could split the country in two, and negate the enormous sacrifice incurred in the struggle. It is therefore not surprising that both Eritrea and Ethiopia, despite their hostility to one another, signed up to the US-sponsored 'global war on terror' in the aftermath of the 9/11 attacks.

In practice nonetheless, Eritrean enmity towards Ethiopia has been such as to override even these constraints, notably in Eritrean military support for the Union of Islamic Courts (UIC) against the Ethiopian-backed TFG in the recent (and ongoing) war in Somalia. Eritrean embarrassment at this paradoxical stance is revealed by a denial not only of its own involvement, but even of the Islamic commitment of the UIC itself, which it has claimed to be a purely nationalist organisation. Eritrean support for the UIC has in turn intensified the country's isolation in the region, the continent, and the global system.

On the continental scene, the Eritrean government has since long before independence regarded the OAU, and then the AU, with intense suspicion, borne of the organisation's tacit support for Ethiopian rule in Eritrea (under the doctrine of 'territorial integrity'), and its location in Addis Ababa. The great majority of other African states have in turn treated Eritrea (regardless of its own claim to independence as the successor state to the Italian colony) as breaching the continental taboo on 'secession', and have tended to regard the country's post-independence troubles as reinforcing the wisdom of independent Africa's extreme reluctance to re-open the issue of territoriality. In the wider international arena, Eritrea has rapidly dissipated the considerable sympathy that it attracted at independence, often by quite gratuitous acts such as the imprisonment without trial of two local employees of the US embassy in Asmara in 2001. Its hostility towards Ethiopia, with which the United States has (for eminently understandable reasons) long sought to maintain good relations, has led it into increasingly strident criticism of the USA, not least in the recent war in Somalia. Nor has the Eritrean government forgotten the role of the United Nations in supporting the federation of Eritrea with Ethiopia in 1951.

Searching for Outcomes

This necessarily dispiriting analysis leaves very little room indeed for any peaceful resolution of the current conflict. There is for a start no international institutional framework within which the conflict can plausibly be mediated. For the reasons just noted, neither the UN nor the AU is sufficiently detached from the accumulated resentments of regional politics to provide an acceptable broker. The one regional organisation, IGAD, is far too weak to play any meaningful role. Any diplomatic leverage that the United States may once have possessed (and the US failure to prevent a slide into all-out war after the Eritrean occupation of Badme in May 1998 shows how limited this has always been) has been dissipated by Washington's identification of Ethiopia as a key regional ally in the global war on terror, and its consequent demonisation by Eritrea. The inadequacies of international law as a means of resolving what is in essence a political and not a legal dispute have been demonstrated by the effective rejection, this time from the Ethiopian side, of the decisions of the BCEE.

In this situation, it is essential for would-be peacemakers to approach the challenge before them with ruthless hard-headedness, stripped of the wishful thinking with which they are often all too ready to treat conflicts that generally seem to them to be all but incomprehensible. No workable solution, notably, can be based on the aspiration that local actors might be induced to behave differently, or to think differently, from the way in which they do at present. There is no possibility whatever of establishing trust between two states (and in particular two leaderships) between which this has totally and irreparably broken down. There is no place for 'confidence-building measures', however enticing these might appear to be, when there is no confidence to be built, and no chance of reversing the rancorous distrust that currently exists. The lack of interpersonal trust is a deeply rooted and often noted feature of the societies of the Horn, and has shaped the lifetime experiences of the actors involved. It has become in turn a self-fulfilling and eminently rational response to the situations that they face.

Nor can the conflict simply be ascribed to particular individuals, or be expected to disappear once those individuals quit the stage. Individuals certainly matter in states with highly personalised political structures, and the abject failure of Isaias Afewerki in particular to come to terms with the challenge of ruling a post-struggle Eritrea within the confines of the modern global system has had a very damaging effect on the region as a whole. The collapse of the democratic opening in Ethiopia in 2005 likewise has ramifications not only for domestic politics and governmental legitimacy, but also for the country's regional and global standing, which in turn affect its diplomatic freedom of action. I have refrained in this paper from assessing the domestic politics of either state, but the truism that a country's internal political structure is intimately connected to its external relations is as true in the Horn as elsewhere.

Nonetheless, the problems of the Horn are structural, not just personal. They are deeply rooted in historic faultlines between and within its constituent states and societies, and cannot be removed by changes either in specific state policies or in particular regimes. The present governments of the region, and especially that in Eritrea are, it is true, locked into entrenched positions from which escape seems impossible, and regime change might at least provide a welcome window of opportunity within which some amelioration of the situation could be attempted. We have however been here before. The upheavals of 1974 and 1991, each of which produced massive changes not just of government but of regime type, and in 1991 also of state structure, were each at the time hailed as opening the way to a definitive solution to the problems from which the Horn had long suffered. Each, however, after an initial period of optimism, led back before long to new versions of old problems.

In these circumstances, we cannot plausibly speak of *resolving* the problems of the Horn, least of all relations between Ethiopia and Eritrea, which in essence are simply the present expression of tensions that have characterised the region for centuries. There have however been some periods during which these tensions have at least been *managed* more successfully (at any rate with less immediate recourse to violence) than at others, and that is all that we can plausibly hope for. It is essential likewise to recognise that in a situation where trust is non-existent, and compromise all but impossible, any workable system of regional conflict management must be firmly based on the distribution of *power*. The failure of the BCEE settlement rested on the Commission's wilful refusal to recognise that an outcome imposed at the end of a bitter war could not simply be reversed by decisions announced from The Hague with no mechanism to enforce them, and any solution to wider issues in relations between the two countries that does not acknowledge the realities on the ground must be equally fruitless.

The best that one can practicably do, it seems to me, is then to maintain the status quo, or in essence the present line of control between Eritrea and Ethiopia. Given the disparity in power between the two states – a disparity that is likely to increase, as Eritrea's condition deteriorates under its present regime – this line is likely to be sustainable, provided only that there is no major upheaval within Ethiopia. There are precedents elsewhere in the world, notably the line of control between India and Pakistan in Kashmir, which has held for nearly sixty years, and which (despite inevitable tensions) is clearly preferable to an outbreak of open war between two massive and nuclear armed states. At the same time, every possible diplomatic measure is needed to deter a reversion to all-out war, the most important of which is the UNMEE force. Operating under considerable constraints, this lacks any effective military capacity, but has nonetheless provided a critical buffer, preventing minor incidents from degenerating into major conflict, in the way that could all too easily happen, given the lack of trust on either side.

One longer term option, currently impracticable but worth keeping open, might in time be provided by a plebiscite among the peoples on either side of it, seeking their views (so far entirely excluded from consideration) as to which state they wished to belong to. While in most areas this would be likely to ratify the current division, it might help to resolve problems such as that of the Irob, who are divided by the frontier. Once the frontier itself came to be tacitly accepted, it would be possible to resume interactions across it, from which both states, and the peoples of the frontier zone, would have much to gain.

For the time being Eritrea and its unfortunate people remain in the impasse created by their own government, a situation that is likely to continue until the

sudden release of built-up tensions or the providential demise of its present leader made possible the emergence of a new government with, one can only hope, a recognition that the country's recovery requires above all the restoration of working relations with its neighbours, on whatever terms these can be obtained. Any attempt to impose such a government from outside could only be counter-productive, and any timetable for its achievement internally must be extremely uncertain. Until then, the regional and global community can only sit and wait, while taking every precaution to insulate the rest of the region from Eritrea's problems. Given that change in the Horn characteristically takes place in sudden and often unexpected bursts, there is no saying how long this might take, but always a chance that it could come much more rapidly than currently seems likely.

The Eritrean-Ethiopian conflict and Security in the Horn of Africa

by
Herui Tedla Bairu

Introduction

The appellation 'Horn of Africa' is no longer a mere geographic description; with time, it developed into a concept with historical, cultural geographic, geopolitical and developmental significance. Initially, the name was used to denote the collectivity that included Ethiopia, Eritrea, Somalia, and Djibouti; over the years, however, the term came to include the Sudan. In truth, the term Horn of Africa (as a geopolitical concept) would not be complete without the Yemen-a part of this region in every thinkable way.

What Everybody knows; all abhor; and Nobody does Anything About

1a. What does Everybody Know?

Everybody knows that this region has been at the center of human evolution, ancient history, and at the crossroads of the civilizations of antiquity. This is particularly true of Ethiopia, the Sudan, Yemen, Somalia, and Eritrea; whose history, languages, and religions have been pooled, over the ages, into a shared culture. From the developmental point of view, the region is distinguishable by the common ethnic stock that can be developed into a combined human resource, or by its shared hydrological resources that can harness the energy and agricultural potential of this region.

1b. What does Everybody Abhor?

- Internal and external wars; internal displacement; and migration of the educated stratum to the developed world.
- Bad governance
- Lack of development strategies
- Degradation of the environment and desertification
- Epidemic diseases
- Population explosion
- Flight from the countryside to urban centers
- Generational Poverty and starvation

1c. What do we do Nothing About

The first question is: are we ready to do something about what we know and abhor? In this case, the question of commitment becomes a primary element in our strategic design. Consistent and sustainable commitment is possible if civil societies, visionary intellectuals, the market forces, political parties, and governments of the region are galvanized into a movement for regional union. The first step towards such a goal has been taken by the organizers of this conference; permit me in this regard, to thank InterAfrica Group and Center for Policy Research and Dialogue for inviting me to participate to this historic conference.

Politically, the main obstacles are:

- The nation building project as an obstacle to a flexible understanding of sovereignty
- Ethnic and religious 'nationalism' as challenges to the creation of a regional commonwealth
- The lack of standardization of constitutions and auxiliary laws
- The lack of standardization of policy (for example education)
- The lack of institution-building standards (civil and military)

Culturally, the main stumbling blocks are:

- Religion as a divisive cultural issue
- Language as a mobilizing cluster of symbols representing civilizational polarities

Economically, the main obstacles are:

- The absence of a regionally accepted currency and derivative fiscal policies
- The lack of standardization of taxation laws
- The immobility of peoples, goods, and services, and
- A shared strategy regarding the issue of access to the sea.

The Historical Backdrop to the Eritrean Ethiopian conflict

Eritrea was the first to be decolonized in Africa: It was ultimately federated with Ethiopia after ten years of haggling among the victors of the Second World War. It can be pointed out that the early part of the Eritrean Ethiopian federation held the promise of progress and peace, as it can be pointed out that the lack of generalization of the federal principle to all the provinces of Ethiopia, and the abortion of the said federation, caused the long standing state of belligerence between these fraternal states.

2a. The African Nation Builders

The fact that European power parceled out Africa among themselves (irrespective of culturally evolved identity imperatives) is often presented as an explanation for the present dastardly state of our continent. This African complaint is only partly true; the hard line worship of 'territorial integrity'–that was enshrined in than OAU Charter of 1963- was stipulated by the African nation builders and not by the powers of the Berlin congress.

The elements of sovereignty and territorial integrity mutated from the elements of development and welfare to acquire a life of their own the detriment of the very project of nation building. In other words, African leaders became the gate-keepers of sovereignty and territorial integrity at the expense of development, welfare, and democracy.

2b. The Emperor's Nation Building Project

The continuation of the Eritrean federal solution was considered a direct anti-these tot the emperor's unitary nation-building project. The Development fund of the nation was denuded by the insatiable, ostentatious, consumption habits of the ruling classes, as well as the war directed at Eritrean resistance. In the end the monarchical system, and the rickety class structure over which it sat, was swept away by revolution.

2c. The Derg's National Building Project

The Derg saw itself as the absolute gate-keeper of the elements of sovereignty and territorial integrity by virtue of its military profession, while it neglected the elements of development, welfare, and democracy in the package of nation building; in addition, it fortified its military monopoly of power by adopting the totalitarian Stalinist ideology. To the Derg, the emergence of the Tigrayan revolution, in addition to the then existing Eritrean revolution, made the ideas of development and democracy irrelevant. The Derg rummaged into the Soviet lexicon of nationalities and produced the tired idea of regional autonomy as a solution to the armed conflict; needless to say, the EPLF and the TPLF did not even stop to consider the idea. The two-pronged attack of EPLF and the TPLF against the Derg resulted in the independence of Eritrea and the seizure of political power by the TPLF in Ethiopia.

3. The Eritrean – Ethiopian Conflict

Once again, Eritrea and Ethiopia find themselves locked in a war of: "it is me or you"; let us consider official versions of the Eritrean and Ethiopian government:

3a. The Eritrean View of the Conflict

The Eritrean government sees the conflict as a matter of accepting the decisions of international arbitration, and drawing the colonial borders on the ground.

3b the Ethiopian View of the Conflict

the Ethiopian government sees the conflict as matter of sovereignty and requires that certain adjustments be made –via negotiations – in order to remove the causes of future tensions.

3c. International Arbitration Versus Face- to Face Negotiations

The boundary question took its present from because both Eritrea and Ethiopia decided to submit the border dispute to international arbitration. An alternative course could have been eyeball- to eyeball negotiations between these two neighbors. An agreement reached via this diplomatic method could have been presented to the relevant UN bodies for international legitimation. This type of negotiation, if successful, is known to lead to a reasonably stable peace, while decisions reached by international bodies tend to lead to the argument:" you accepted the conditions of the game willingly, now you need to accept the results".

The Peace plan of the Ethiopian Prime Minister, Mr. Melese Zenawi, is to be commended because it rejects war in flavor of negotiations, and accepts the decisions of the Border Commission – in principle-leading to mutual corrections of sticky issues.

The question is: with who is the Five-point plan to be negotiated? With Afewerki? Even if it is argued that the Eritrean dictator is willing to accept the Ethiopian offer, it is doubtful that the results would secure a peaceful future. Preliminary negotiations may be made with genuine representatives of Eritreans living outside Eritrea; after all, approximately half of the Eritrean people live abroad. The first step towards this objective may be to help establish a caretaker Eritrean government (in exile). Such a government supported by the Sana'a a forum and IGAD may show surprising results.

4. Steps towards Peace

The discussion regarding the elements of nation building (made above) is not an argument in favor the demise of sovereignty and territorial integrity. It simply

raises the question of what the elements of sovereignty and territorial integrity would look like seen from the perspective of democracy, development, and welfare? The confederal formula is presented as possible solution to the long-standing conflict between Ethiopia and Eritrea. Confederation understood as a political association of sovereign states, where these states surrender parts of their sovereignties to a higher confederal sovereignty tends to be economically backbreaking as it may be fraught with ethnic and religious minefields. Furthermore, for the confederal solutions to succeed, it needs to be generalized to the whole of Ethiopia – so that it may not die the painful death of the Eritrean-Ethiopian federation.

4a The Coal and Steel model

The alternative may lie in Eritrea and Ethiopia developing a political space to be developed jointly. The coal and steel model that led to the European Union may be applied in resolving the issue of 'access to the sea' as a shared resource. The need to discuss Assab as a joint project between Eritrea Ethiopia – on the basis of equal partnership – grounded upon an internationally guaranteed corporate, juridical, personality, may open up a dialogue that may benefit all concerned.

Another bone of contention is Ali Tena and its environs are sensitive to the fact that this area leads to the Red Sea port Arefaile via a canyon that is hard to defend, Even here, the" coal and steel model" may be applied for the joint benefit of Eritrea and Ethiopia.

Even the Badume conflict may be resolved within the framework of cooperation in the Tekezie –Setit hydrological basin.

4b. Redesigning the Concept of sovereignty

- The establishment of constitutional, civil, democratic, state of rights may be pragmatic step to be pursued.
- The replacement of the single party by a multi-party system may help in enhancing peace and security.
- The concepts of "sovereignty' and 'territorial integrity' may need to be redesigned in order to accommodate the **Coal and Steel Model** and the political space that may ensure from it.
- The concept of external sovereignty needs to be divested of its exclusivist significance in order encourage regional union.

The View from the North:

The CPA's Hopes and Multiple Disappointments

by
Abdelwahab El-Affendi

It would be grossly inaccurate to speak of a "Northern" Sudanese reaction to the Comprehensive Peace Agreement signed in January 2005, since there is no united Northern front on this or any other major issue for that matter. One of the most significant developments which affected Sudan during the last three decades has been the progressive fragmentation of Sudanese politics generally, and of the Northern Sudanese politics in particular. The turmoil in the South, Darfur, the Nuba Mountains, Southern Blue Nile and the East had been the most obvious manifestation of this trend. However, other less noticeable, but no less significant, aspects of it abound. Examples include emphasis on tribal or ethnic loyalties, the decay and fragmentation of established political parties and the dissolution or reconfiguration of old sectarian loyalties. Major political parties, including the Umma party, the DUP, the Communist party and the former NIF, had all experienced splits, a drifting away by disillusioned adherents and a haemorrhaging of support in favour of regional and ethnic-based groupings. Massive displacement of rural populations also meant that the demography of the North is changing, while the drive by the SPLA to enhance its presence in the North is also having significant repercussions for traditional politics in the North.

Reactions to the Agreement

It is no wonder, therefore, that reactions to the Comprehensive Peace Agreement (CPA) and attitudes towards it varied widely. The government, which sees itself as the representative of the North, and had engaged in the peace negotiations on this basis, was naturally enthusiastic about the agreement. It has joined the SPLA is hailing the deal as heralding Sudan's "Second Independence" and the long-awaited solution to all the country's problems.

While most major political forces welcomed the agreement in principle, almost every political group expressed serious reservations about it. In addition to that, almost everyone, including the principal signatories of the CPA, had since expressed disappointment about how the agreement had turned out in the implementation stage. For the critics, the disappointment was double: an agreement which has been badly formulated has become even worse in implementation.

The main opposition formations were critical of many aspects of the agreement, starting with the claim that it was not "comprehensive" enough. It has excluded all the major northern political forces from the negotiation process and also from the subsequent government of "National Unity". The agreement left the two signatories with 80% of a share in power, with a mere 20% for the rest. Parties like the Umma and the DUP, who expect to secure a majority in possible elections, naturally thought they had been shortchanged by this arrangement. For the opposition, the CPA has practically reinforced and legitimized the status quo, where in effect the National Congress was left with a monopoly of power in the North in return to giving the SPLA a free hand in the South. Many regarded what happened as a de facto partition, since the SPLA maintained full authority, including total military control, in the South.

The critics were also concerned that the agreement had completely neglected accountability for past abuses or restitution for those affected. They also deplored the vagueness about rights protections and the lack of clear mechanisms to guarantee the transition towards a genuine democracy. Of concern was also the fact that the agreement left the disputed Shari'a laws unresolved, confirming existing "Islamic" legislation which other major northern parties disagree with. Even the Islamist Popular Congress party (PCP) of Dr Hassan Turabi, which shares the ideology of the ruling National Congress party and had signed agreements with the SPLA in the past, remains a vociferous critic of the CPA, mainly on account that it had entrenched the status quo and left all major political groups in the North out in the cold. The PCP has additional misgivings, since it had suffered intensified persecution *after* the agreement, with its leader and a number of key figures remaining in prison and their activities (including the party's newspaper) proscribed until fairly recently. In this regard, the agreement had provided cover for this harassment, rather than usher in the promised democratic opening up.

The Darfur rebels have their own criticism of the agreement, relating in particular to the obstacles it has put in the way of a deal which would have accommodated their demands for a fairer share of power. The rigidity of the power-sharing arrangement envisaged in the CPA remains a stumbling block in the search for a durable peace in Darfur.

Proposed Remedies

Initially, the critics called for new procedures of negotiations and inclusion, including the convocation of a national constitutional conference and the setting up of national oversight institutions over and above those included in the

agreement. These demands were rejected by both parties to the agreement as unrealistic and counterproductive. The agreement, they argued, was a delicately balanced compromise which had taken a lot of hard work, including a substantial international and regional input, to devise and any attempts to put it up for renegotiation or to make its ratification conditional on a voting process could cause it to unravel. And in any case, the protagonists argued, the dominance of the two signatories in the national government was a temporary measure, as it would not be enforced after the elections which are expected to be held half way through the transition.

However, this leads to another complaint from the opposition, namely that the two peace partners are putting all sorts of obstacles in the way of their potential challengers. The recently passed law governing the formation of political parties, which outlaws any party which does not support the CPA, has caused an outcry and provoked angry reactions from many quarters. Representatives of the National Democratic Alliance (NDA) walked out of the parliamentary session which approved it, while former Primer Minister Sadiq al-Mahdi attacked it as an attempt to "isolate the government's genuine rivals". He also accused the National Congress of trying to avoid real contested elections, opting to perpetuate its usurpation of power instead. The SPLA was accused of complicity in this attempt.

Given that the two main signatories have shown no sign of wanting to accommodate its concerns, the opposition is planning to mount its own challenge to the governing coalition. All opposition parties are refusing to register under the new law and are currently debating strategies to resist it and bring about its repeal. The four main opposition party in the North (Umma, DUP, PCP and Communist party), have been discussing ways of coordinating their efforts and protests against the government. Both the government and the SPLA dismiss these efforts as wishful thinking. However, these parties have a considerable combined support, and their continued exclusion is potentially very destabilizing.

Disappointment

However, even leaving the disgruntled critics aside, many among those who had been enthusiastic about the CPA became disillusioned as implementation fell well short of expectations. Supporters of the agreement had hoped that it would bring about real change, in particular in the realm of freedoms and opening up the system. However, the regime continued to act as if nothing had changed. True, the system had opened up considerably and freedoms of expression and association have been greatly expanded. But this has been happening anyway before the agreement. The CPA had not in fact brought about any dramatic change. In fact it

appeared to have emboldened the government, which continued to harass its most vocal critics, especially those in the media. And let us not forget that the Darfur debacle had happened more or less after the CPA had been concluded.

What was most disappointing to many was the role of the SPLA. Many in the Northern opposition had hoped that the SPLA, once in government, would take a more active role in defending freedoms and challenging the National Congress's monopoly of power. However, the SPLA appeared to have practically rolled up and died with its leader John Garang. It is content to play second fiddle to the National Congress, and rarely challenges its abuses. If anything, it appears to be engaging in some of its own. It also appeared to have done little to curb the abuses in Darfur or contribute to a solution.

The SPLA defends itself by arguing that the agreement had created a space for freedoms and action and built institutions designed to safeguard freedoms. It is up to the political parties and civil society organizations to exploit these openings through vigorous activism and better organization so as to help the democratic transition. Instead of wasting time criticizing the agreement and the peace partners, one leading SPLA commentator opined, the political parties should be busy preparing themselves for the forthcoming elections. They should also engage in serious reorganization, reorientation and self-criticism.

With the opposition demands falling on deaf ears, some key figures are calling anew for international mediation. The DUP leader Sayyid Muhammad Uthman al-MIrghani has been recently reported as calling on Saudi Arabia to organize a Sudanese reconciliation conference similar to the one it had organized to bring about agreement in Lebanon in 1981 (and most recently among Palestinians). However, such an intervention does not appear likely, given that the Sudanese government may not welcome it.

The Northern "Separatists"

One novel development which coincided with the transition was the emergence of a new "northern separatist" movement, which rejects not only the agreement, but the rationale for it. This trend, which coalesces around the Forum for Just Peace and the daily newspaper *al-Intibaha,* calls for the immediate re-division of the country to separate North and South, and claims that no benefit for either side could be gained by prolonging the transitional period. While the logic this group deploys reiterates the well-known arguments of southern separatists about the cultural and political incompatibility of North and South, which would have created an objective alliance between the two, its trenchant anti-Southern rhetoric has made it a sworn enemy of southern politicians. Its role has thus been reduced to voicing criticism of the SPLA and mobilizing anti-Southern sentiments in

general. This has laid it open for accusation of racism, which the group vociferously denies.

At present, the movement does not appear to enjoy widespread support, although it has a potential for appealing to xenophobic sentiments which had been accentuated by recent events, such as the riots which followed the death of Dr John Garang in August 2005, where SPLA supporters went on the rampage in the capital, killing and injuring hundreds of people and looting and burning property. The group appears to enjoy tacit government support, and the central figure within it is Dr al-Tayyib Mustafa, former head of Sudan News Agency and a close relative of the President. However, rather than espousing the stance of this group, the government appears to be using it to put pressure on the SPLA.

More seriously, the emergence of this vocal anti-Southern trend represents another –some may say logical- step in the process of national disintegration. With the proliferation of movements claiming to speak for regional interests, the core constituency of the "old North" no longer finds that it has effective spokespersons and it does not trust the present government of major political parties to speak for it. It is to be noticed that there are similar signs of disaffection in the South against the SPLA. Some government manipulation is suspected there as well, but this does not mean that genuine disaffection does not exist.

Avenues for Progress?

But it is precisely the engagement in such tactics which to the very tenuous nature of this agreement, which is more significant for what it has promised than for what it has delivered. But in order to deliver, the two main protagonists need to radically change and make a leap of faith, neither of them is showing signs of readiness for. What the agreement promises is a democratic Sudan, in which the civil service, the armed forces and the judiciary will be independent and non-partisan, while all political groups will have equal opportunities. However, as things stand, and in spite of the constitution and the pledges, what we have is more like two monopolistic political parties each with its own armed wing. Both are busy packing the civil service, the judiciary and the police with their supporters. The electoral process –starting with the law on political parties- is being loaded in favour of the incumbents, who also maintain a monopoly over the media. It is likely that the electoral commission will be formed predominantly out of the supporters of the two coalition partners. Even the bulk of state enterprises, semi-public institutions (such as banks) and NGO's are packed by loyalists.

For both parties, an electoral defeat in the forthcoming elections is impossible to contemplate. It does not just mean the replacement of a political party by

another, but a wholesale restructuring of the civil service, the armed forces, police and the economy. It would be very naïve to expect this to happen and be voluntarily acquiesced into by these entrenched partners, each of whom treats the armed forces as its armed wing, as we have mentioned earlier (in the case of the SPLA, this is the case in name as it is in fact).

The hopes of opposition groups that the inherent hostility between these two partners will cause them to confront, and thus weaken, each other, have been deeply disappointed. The two sides have elaborately designed the agreement so that it mutually reinforced their interests, and they tended to close ranks when faced by critics, for fear of endangering the significant gains the deal has brought to each. Both sides are also biding their time, as they are busy shoring up their positions and constructing their networks of control. Neither wants to rush into confrontation at this juncture. However, given their deeply antagonistic programmes and conflicting aspirations, this mutual retrenchment could have only one logical option open: the partition of the country.

There are signs that the SPLA might make a last ditch attempt to outflank its partner by allying itself with the opposition in the coming elections. However, a victory for an SPLA-led coalition in those elections could easily trigger a civil war, since the National Congress is unlikely to just relinquish power and hand over to such a coalition. In this regard, therefore, the forthcoming elections might be the most dangerous event awaiting the country.

Conclusion

The CPA is a monumental and epoch-making achievement for Sudan. However, the agreement promised a lot and delivered very little. For the major Northern Sudanese opposition group, it is fast turning into a nightmare. They have been excluded from the beginning, and they were denied any important role in the transition. They fear that the present trajectory might lead to the worst of all scenarios: the continued retrenchment of the ruling National Congress in power and the partition of the country. If Northern opposition groups were forced into disruptive protests to secure a re-entry into the political arena, this might have seriously destabilizing consequences for an already deeply fragmented country. The tragic crisis of Darfur is an illustration of what could happen when important constituencies feel excluded from a peace deal: it no longer becomes a peace deal, but a recipe for war.

In order to avoid this undesirable scenario, the opposition forces need to organize themselves and present a united front to the main peace partners and the international community. They should also come up with some realistic proposals

for shoring up the agreement and making it a vehicle for a genuine transition to democracy. Among the important pre-requisites for this, in addition to a strengthened civil society and effective political organizations, is the fulfillment of the pledges in the CPA to safeguard the impartiality and national character of the state and its organs, in particular the judiciary, the army, security services, the police and the civil service. This is a veritable uphill task given what we have said before. However, the only alternative to this maybe chaos and collapse.

Southern Sudan and the Cultural Change of Governance

by
Francis M. Deng

Africa's Quest for an Appropriate System of Governance

Southern Sudan has been a catalyst in the conception of a New Sudan that challenges the normative institutional and operational framework of governance. The concept of the New Sudan is relevant whether the country remains united or the South exercises the right of self-determination that is was granted under the January 9, 2005, Comprehensive Peace Agreement (CPA) and votes in favor of secession. Even within an independent South, there is a need to reform the system of governance to address the challenges of diversity and to build on existing African cultural values, institutions, and operational patterns, which, until now, have been discouraged and neglected.

The Old Sudan sought only to develop the South in the areas of Arabization and Islamization. In this respect, the Sudan reflects a more extreme case of a situation that prevails in Africa, South of the Sahara, where most countries are being governed by external constitutional models that are not adequately grounded in the cultural values and institutions of the people they serve. African countries have yet to develop political and governance frameworks that best manage the rich diversity of their indigenous cultural values, organizational structures, and institutions, harnessing them as sources of strength and legitimacy. Contemporary problems in Africa – civil wars, increasing disparities in wealth among regions and populations, the acute crises of nation-building – all indicate that the colonial legacy of foreign constitutions and political frameworks has proven ineffective.

Post-independence governance frameworks have contributed to a crisis of national identity throughout much of the African continent. The existing legal frameworks seem to stress unity through the suppression of diversity and have left many Africans feeling disempowered, unable to see themselves reflected in the their nations' governance structures. If African constitutions and their governing frameworks are to function effectively, they must harness diversity and build on their people's essential cultural values and norms. Constitutionalism for Africa must not be seen as a process that begins and ends with the elaboration of a constitution, but rather as a living process that constantly evolves with the participation of its people and promotes their ownership of governing frameworks that reflect the political, economic, social and cultural dynamics of the continent.

The crisis of national identity in Africa, while exacerbated by contemporary events, is fundamentally the outcome of a historical evolution. The African state was carved out of racial, ethnic and cultural diversities, giving the state a pluralistic configuration. The African state remains a composite of distinct ethnic units – many of which would likely have described themselves at the time of colonization as nations in their own right. As the colonial powers applied preferential treatment to various groups and regions in the development of political and economic policies, this pluralism became characterized by considerable disparities in the shaping and sharing of power, national wealth, social services, and development opportunities. The effect of combining sharp diversities with extreme disparities was to sow the seeds of conflict among the state's component elements. Instead of addressing these disparities through an equitable distribution of power and representation, many post-independence African governments chose to merely adopt wholesale the constitutional models left behind by their colonizers. In doing so, they emphasized monolithic concepts of unity by suppressing ethnic minorities who sought recognition of their identity in the midst of majority domination, and a reflection of themselves in the constitutional and governing frameworks of their country.

In a number of African countries, this process culminated in armed conflict and a demand for various types of self-determination. Sudan suffered a 17-year secessionist war that began only four months before independence. Temporarily halted by a precarious peace accord, the war resumed a decade later with the unilateral abrogation of that accord by the Government. The war ended in 2005 with the signing of the CPA on January 9, 2005, which, while granting the South the right of self-determination, including the option to secede, still upholds unity as a priority to be made attractive to the people of the South. In the former Belgium Congo, Katanga tried to break away at independence in 1960, igniting a civil war in which the interests of the major powers became involved, resulting in the death of U.N. Secretary-General, Dag Hammarskjold. In Nigeria, Biafra waged a secessionist war that was only suppressed after considerable loss of lives and much destruction to the infrastructure. Eritrea fought an eventually successful war of independence, but one that lasted for 30 years. Civil wars also devastated Angola, Mozambique, and Chad. These wars, while expressedly more ideological than ethnic, were nonetheless driven by an undercurrent of identity conflicts. These are only a few examples of conflicts that were pervasive and continue to proliferate throughout the continent, leading, in varying degrees, to genocide and the collapse of states.

Among the critical questions posed by these conflicts, and the crises of identity that are behind them, is whether a country that is ethnically and culturally pluralistic should be governed as such; whether the role of religion (in particular

one religion) should be allowed to dominate; and whether majority rule is sufficient to satisfy contemporary standards of democracy, even where the result is perpetually disenfranchised minority populations. These questions do not merely reflect racial, cultural, and religious differences, but also the implications of those differences in the shaping and sharing of power, national wealth, public services, opportunities for development, and the enjoyment of the rights of citizenship.

African constitutionalism, instead of building on the fundamental values, norms and ethos of indigenous African cultures, emulated the constitutional models of the former colonial masters. At independence, these models were adopted with only minor adaptations, and applied by governing elite with no experience in Western constitutionalism, and no commitment to its foreign values and principles. It is, therefore, not surprising that these constitutions were quickly overthrown and discarded.

This paper focuses on the Sudanese experience and aims at addressing two sets of interrelated issues: 1) the management of diversity through various types of self-determination, ideally within a framework of national unity that ensures equal participation, autonomy and federalism, and 2) cultural contextualization through the application of relevant indigenous norms that recognize inherent peculiarities and commonalities. These issues will be examined with particular emphasis on a number of areas: approaches to conflict prevention, management and resolution; democratic principles of consensual decision-making; the pursuit of human dignity through culturally relevant principles of "human and people's rights," with special attention to gender equality; socio-economic development as a process of self-enhancement from within that balances growth with equitable distribution; and respect for the environment in formulating appropriate policies and strategies for development.

The paper approaches constitutionalism as a concept that goes beyond the focus on the constitutional document and its related legal processes, to include political, economic, social and cultural dynamics in a comprehensive process. In this context, self-determination should be understood as a means by which all of a nation's people participate in the framework and system of governance – whether within the existing state framework or in an independent entity. Self-determination is primarily a tool of conflict prevention, management, and resolution within the framework of unity, with secession only as a remedy of last resort.

As national unity is the preferred option, the principle of self-determination should be pursued with credibility, not to promote secession, but to encourage the creation of conditions of equal participation that would make unity attractive.

While the prospects of national integration should be cautiously and sensitively promoted in the long-run, in the short-run governance in Africa should be pursued through a constitutional system in which the identity and integrity of every group is respected and accommodated. With this goal in mind, whether the resulting constitutional system is labeled 'autonomy', 'federation', or 'confederation' is less important than the effective distribution of power and the manner in which the system attends to the needs and rights of all of its people, regardless of their racial, ethnic, religious, and cultural differences.

Sudan: Past, Present and Future

Geographically the largest country in Africa, Sudan is just emerging from a war that has raged intermittently for half a century. The war pitted the Arab-Muslim North against the people of the South, who are indigenously Black African, Christian and adherents of traditional religious beliefs. In light of the recent signing of the Comprehensive Peace Agreement, three questions pose themselves: What was the war about? How does the CPA address the dynamics that gave rise to the war? And what are the future prospects for the South, especially in light of the tragic and untimely death of Dr. John Garang de Mabior, the late leader of the Sudan People's Liberation Movement and Army, SPLM/A, who died in a helicopter crash only three weeks after he was sworn in as First Vice President of the Republic and President of the Government of the Southern Sudan.

While the paper focuses on the North-South conflict, it is important to see the regional conflicts in the Sudan, including those in the Western region of Darfur and in the Eastern region, as all interconnected. The root cause of these conflicts is encapsulated in the marginalization of the mostly non-Arab peripheral regions by an Afro-Arab central government, that perceives itself as authentically Arab and identifies more with the Arab-Muslim Middle-East than with Black Africa.

What Was the War About?

The regional wars in the Sudan reflect a crisis of national identity. As with most African countries, the framework of the colonial state brought together groups that had been distinctive, separate, and in some cases mutually hostile. Although brought into a unity framework, they were kept separate and given disparate opportunities for development, with some groups privileged and others neglected, resulting in severe disparities in the levels of political, economic, social and cultural development. The independence movement during colonial times was a collective struggle that included all the national groups, irrespective of their ethnic, cultural or religious diversities. After independence, conflicts over centralized political authority and the distribution of material goods surfaced, with the stakes heightened by the centralization and monopolization of power in the

hands of an Arab-Muslim elite.

In the case of the Sudan, a history of animosity born in the slave-trade between the North and the South had deeply divided the two parts of the colonial Sudanese state. The British, the dominant partners in the Anglo-Egyptian Condominium rule, ended slavery, and governed the country as two separate parts, developing the North politically, economically, and culturally as an Arab-Muslim society, and allowing the South to develop along indigenous African lines. Other than some exposure to Western concepts through Christian missionaries, the South was denied any political, economic, social or cultural development. The independence movement, championed by the North and Egypt, the subordinate partner in the Condominium rule, was reluctantly supported by the South, which stipulated federalism and guarantees for the integrity of the region as preconditions for endorsing independence. On the basis of the Northern promise that their concerns would be given "serious consideration" after independence, Southerners voted for independence. It soon became obvious that not only would the Northerners dishonor their promise to the South, but worse, they had stepped into the shoes of the British as internal colonizers, and adopted Arabization and Islamization as policies for national unification through homogenization.

Southern reaction to the impending Arab domination took the form of a mutiny by a battalion that soon escalated into a rebellion, resulting in a devastating 17-year civil war. It was led by the Southern Sudan Liberation Movement (SSLM) and its Army (the Anyanya) and aimed at the independence of the South from the North, but ended in a compromise solution that gave the South regional autonomy. The unilateral abrogation of that agreement in 1983 by President Jaafar Nimeiri, the very same President who had been so instrumental in the negotiations 11 years earlier, triggered the second civil war championed by the Sudan People's Liberation Movement and Army (SPLM/A). Unlike the first liberation movement, which called for Southern secession, the SPLM/A postulated the creation of a New Sudan that would be free from discrimination based on race, ethnicity, religion, culture or gender.

The concept of the New Sudan was the vision of Dr. John Garang de Mabior, Chairman of the SPLM and Commander-in-Chief of the SPLA. Initially, it was not understood, far less supported, in either the North or the South, not even within the SPLM/A itself. The people of the South took it as a clever ploy to allay the fears of those who perceived separation as an infective agent with the potential to spread throughout the region. The Southern attitude is encapsulated in the popular saying, attributed to the Dinka soldiers, "*Ke tharku, angicku*," "What we are fighting for, we know." This meant that while Garang was talking the language of the New United Sudan, what the Southern people were in fact fighting for was

secession from the North.

In the context of Garang's vision for a New United Sudan, it is important to note that the clear-cut distinction between an Arab-Islamic North and an African South is in fact a fallacy. While the North has been labeled Arab, even those who can trace their genealogy to Arab origins are actually a hybrid of Arab and African racial and cultural characteristics. Furthermore, significant portions of the northern part of the country are indisputedly African. The Nuba and Ingassana (or Funj) on the Northern border with the South, the Beja in the east, and the Fur and several other ethnic groups in Darfur, are all just as African as any of the people of the South. Even the Nubians to the far north have retained a sense of pride in their identity and ancient Nubian civilization. In most cases, these non-Arab pockets of the North, though predominantly adherents of Africanized Islam, have been almost as marginalized as the people of the South. The vision of the New Sudan therefore promises to liberate all of its marginalized populations, to create a country of pluralism and equality giving a voice to the African dispossessed.

While the Nuba and the Fur fought for the central government in the name of Arabism and Islam during the first war, the vision of the New Sudan brought their interests in line with those of the SPLM/A. The Nuba and the Ingassana of Southern Blue Nile were the first to join the SPLM/A. The Beja have been staging their own parallel movement in cooperation with the SPLM/A. And while a 1991/2 rebellion in Darfur that was supported by the SPLM/A was crushed, the 2003 rebellion by the Sudan Liberation Movement and Army, SLM/A, and the Justice and Equality Movement, JEM, are a combination of the spreading quest for the New Sudan. Even the Nubians to the far North have organized themselves against the "Old Sudan" in collaboration with the SPLM/A. Garang's New Sudan is no longer a vision for the future, but an unfolding reality on the ground.

Have the Causes of the Conflict Been Effectively Addressed?

Two sets of normative issues underlie the North-South conflict: failure to manage constructively the racial, ethnic, religious and cultural diversities of the country and, correlatively, failure to build on the indigenous cultures, values and institutions, which were deemed primitive and inferior to the Arab-Islamic culture that was postulated as the national framework for unity and nation-building. While this was initially perceived simplistically as a North-South issue, it became evident over time that the national challenge penetrated deep into the North and made those who had been mislabeled as Arab, and had indeed accepted that label, begin to question the validity of their identity.

The CPA addresses this multilayered crisis of identity by giving the South the right of self-determination to decide whether to remain within a united Sudan or become a fully independent state, through a referendum to be exercised after a 6-year Interim Period. At the same time, the North and all those who want to see the Sudan united, including African countries, the West, the Arab World, and others, are challenged to exert all efforts to make unity an attractive option for the South.

Meanwhile, the South will have its own government, fully independent of Northern interference, its own army, virtually at par with the national army, and its own branch of the National Bank, which will be run conventionally, unlike its Northern counterpart branch which will remain Islamic. Despite a single national foreign policy, the South will have the right to establish bilateral relations with international trade and development partners. In addition, the South is to play an effective role in the Government of National Unity (GONU), to which end, key ministries have been divided between the ruling National Congress Party and the Sudan People's Liberation Movement.

The principles of the CPA that apply to decentralization, regional self-determination (albeit internally), and equitable share of power and wealth, were expected to apply equally to the marginalized areas of the North. And indeed, the still contested Darfur Peace Agreement (DPA) of May, 2006, and the Eastern Sudan Peace Agreement (ESPA) of November, 2006, were both guided and constrained by the CPA. Both agreements grant the regions significant autonomy and a share of national power and wealth with security guarantees, but without the right of self-determination that the CPA grants the South. Although these agreements, including the CPA, recognize the Arab-Islamic normative framework for the North, the marginalized groups themselves aspire to set in motion a democratic movement with the goal of a restructured Sudan, in which the traditionally dominant Arab-Islamic center will cede power to the periphery and where the process of African renaissance will be allowed to bloom.

The CPA provides the South with the opportunity to manage its own internal ethnic diversity and to orientate its system of governance around its indigenous values and institutions through a strategy of transitional integration that bridges tradition with modernity in a dynamic synergy. Whether this in fact will be done, remains to be seen. The immediate challenge, however, is how the implementation of the CPA will proceed without Dr. John Garang de Mabior, who was a major force in its achievement and was intimately tied to the prospects of its successful implementation.

The Future and Garang's Legacy

The first major step in the implementation of the CPA, the swearing in of the collegiate Presidency on January 9, 2005, with Dr. John Garang de Mabior as First Vice President of the Republic and President of the Southern Sudan, was an unprecedented event in the history of the Sudan. The nation was euphoric. The day before the swearing in, millions of people turned up to receive Garang when he arrived in Khartoum, hailing his 22-year leadership of the SPLM/A. It was clearly a hero's welcome that brought together Sudanese from all parts of the country, especially the marginalized groups from the South, the Nuba Mountains, the Southern Blue Nile, those in the East and Darfur in the West, groups whose plight defied the simplistic North-South divide.

In his televised inauguration address to the nation, Garang declared that the people of the Sudan were now free. "Put on your wings and fly to greater freedoms," he said in front of his new partners in power from whom the Sudanese were supposedly freed. He declared the SPLM a national party, said that it would open offices in all regions of the country, and called on Northerners to join the party. He was obviously challenging the North and threatening to win over supporters from their political establishment, an establishment which included his partners. However, his appeal was softened with the argument that such a redistribution of power would reinforce the cause of national unity.

Garang spoke as a diplomatic fighter who had achieved the strategic objectives of his struggle, the center-piece of which was the right of the people of the South to decide after six years whether to remain in a united, restructured Sudan or to secede and form an independent state. The CPA stipulates that efforts be made during the interim period to make unity attractive to the South, but Garang's vision for the nation had spread beyond the confines of the South, and he had already been applauded in the North as a champion of national unity in a reconstructed Sudan. He was therefore in a strategic position to demand equal representation for the country as a whole, and, if this grand design failed, he was still guaranteed the fall-back position of an independent South that would remain committed to supporting transformation within the North. Then suddenly, only three weeks later, the Sudan and the concerned world were shocked by Garang's tragic and most untimely death. It is extremely difficult to believe that a man who had not only conspicuously shaped contemporary history, but was still in the process of doing so with spectacular visibility, would suddenly be gone because of a helicopter accident in bad weather. Yet, that is what happened to Dr. John Garang de Mabior, a soldier, a scholar, a politician, and a statesman who, more than anyone in recent history, has started a radical, and seemingly irreversible, transformation in a country that many had written off as beyond hope. Garang

was at the brink of consolidating this achievement when he was senselessly struck down by an incident that defies logic.

Consistently, for over twenty years, Garang surprised everyone by reversing the separatist rhetoric of previous Southern Sudanese liberation movements in the civil wars that pitted the dominant Arab-Muslim North against the indigenous African South. Garang's vision for a New, united yet restructured Sudan challenged this simplistic racial dualism. For one thing, those who identified themselves, and were labeled by others, as Arabs, are in fact a mix of Arab and African elements with a version of Islam that is a syncretic mix with indigenous beliefs and practices. Furthermore, imposing one vision of race, ethnicity, culture and religion on the whole country, despite striking pluralism, could never be a basis for national unity. What the Sudan needed was to revisit concepts of identity that claimed racial and cultural purity and tried to impose on the country a policy of homogenization based on the hegemony of the Arab racial, ethnic, religious and cultural identity, which represents, at best, only a minority of the country. The New Sudan of Dr. John Garang would be a framework with which all Sudanese could identify with pride and dignity, where all would enjoy the full rights of citizenship as equals, without any discrimination based on race, ethnicity, religion, culture or gender.

Initially, this was a vision both Southerners and Northerners viewed with suspicion and even hostility. For Southerners, who overwhelmingly preferred separation, it was incongruent with their aspirations, and in any case was utopian, since the North would never allow it. For the North, it was not only utopian, but arrogant and at best naïve. With time, John Garang's vision neutralized those opposed to secession in the Northern Sudan, Africa and the concerned world, and rallied support for justice in a reconstructed Sudan, especially in the marginalized, mostly non-Arab regions of the North. Garang incrementally challenged the whole country with the prospects of a nation enriched, rather than ravished, by its racial, ethnic, religious and cultural diversity.

Garang's creative balance between the separatist aspirations of his people in the South and the wider national and international commitment to the Sudan remaining united was reaffirmed by the Comprehensive Peace Agreement that gave the South the right to self-determination, including secession as an option, and challenged the North and Sudan's international partners to endeavor to make unity attractive to the South during a 6-year interim period. Over the years and culminating in the CPA, the cause of unity has gained slow but increasing support. The millions of people who received Garang on his heroic return to Khartoum on 8 January, 2005 were not only Southerners, but people from around the country, in particular the marginalized regions of the West and the

East. It was obvious that Garang's vision had captured the imagination of the nation and had become a spectacular reality. Even the opponents grudgingly went with the waves of change.

It is, however, obvious that when Garang's life came to that shocking end, he was at a crossroads, called upon to help shape the national unity framework, including the composition of a Government of National Unity, and yet needed in the South to form the Government of the Southern Sudan that would bring all diverse groups into a genuine Southern unity of purpose. Dividing his time between Khartoum and Rumbek or New Site in the South, not to mention maintaining close contacts with allies and friends in the region must have demanded an acrobatic sportsmanship only a heroic warrior could venture to undertake.

In light of the above, Dr. Garang de Mabior probably left at a moment that could both be viewed as tragic, and also opportune for him. He had raised the South and the Sudan as a whole to heights previously never conceived or considered possible, especially from a Southern Sudanese leader. He has now passed the challenge on to those he has left behind. Will they allow the nation to fall from those heights, with shattering consequences, or will they come together, including those who had opposed Garang on personal grounds, to pursue this vision that will give all stakeholders their rights, whether their preference be partition or the unity of the nation? Southerners now have the right to decide after six years whether to secede or remain in a united Sudan and the North and friends of the Sudan have a relatively brief opportunity to make unity attractive to the South.

A question that is bound to engage observers and policy analysts is what Garang's death has meant for leadership in the South and for the Southern role in the North. All indications are that Southern leadership, military and political, are now rallying behind his successor, Salva Kiir Mayardit, the Deputy Chairman of the Movement and Chief of Staff of its army, whom John Garang appointed the Vice President of the newly established Government of the Southern Sudan. Salva Kiir Mayardit has stood in solidarity with Garang and in unwavering commitment to the cause of the liberation struggle since its inception. Fellow commanders left the Movement, repented and came back, but Salva Kiir Mayardit remained solidly loyal to the Movement and its leader, despite the differences in their styles of leadership and the manner in which they articulated the goals of the struggle.

Salva Kiir Mayardit brought to the South a different kind of leadership that has began to consolidate Southern unity behind the vision and strategies of the Movement which Dr. John Garang de Mabior so skillfully crafted, articulated and consistently pursued, and which have so far served the South and the country

quite well. Kiir Mayardit is also likely to attract those who were alienated by Garang's vision and style of leadership. Even in this devastating crisis there may be an opportunity to rejuvenate the Movement toward the liberation for which the people of the South Sudan have fought and suffered for so long. But Garang's legacy not only promises the full liberation of the South, but also justice to all the marginalized regions of the North, in particular those in the Nuba Mountains, Southern Blue Nile, Eastern Sudan, Darfur, Kordofan and even the far Northern region of Nubia. The challenge that now confronts all Sudanese is to realize the dream and vision of Dr. John Garang de Mabior and bring to life the New Sudan.

With the CPA, the South now confronts the challenges of reconstruction, development and nation-building, whether its ultimate future is to remain within a United Sudan or become fully independent. Southern Sudan also has the opportunity to construct a system of constitutionalism and governance that builds on indigenous cultural values and institutions. As indicated earlier, Southern Sudan is one of the regions least touched by foreign concepts of development and nationhood and thus, it has a unique potential to build an African state that links tradition and modernity in a dynamic fusion.

The challenge for the South is to develop an authentically African model that can compare favorably with other competing models or visions for the nation. But if Southern Sudan is to offer a competitive model based on indigenous African cultural values and institutions, what are they, and how can they be operationalized in a practical system of constitutionalism and governance? In an attempt to answer this question and facilitate the process of transitional integration between tradition and modernity, we offer the cultural values of the Dinka as a sample, which is shared by the Nuer, their closest kindred group, and probably, in varying forms and degrees also by other groups in the South. The purpose is to illustrate the need to build on identifiable cultural values representative of the whole country, not to exclusively identify with one ethnic group, although it is hoped that the specific case of the Dinka will inspire members of other groups to explore comparative concepts in their own sub-cultures.

Pertinent Cultural Values of Identity

The war in the Sudan that raged for half a century has been widely perceived as a conflict of identities. That means going beyond the negative self-description of a simple resistance to the opposing identity and substantiating the elements of the contending identities and their positive contribution in building a restructured nation. Some of these will be distinctive while others will be shared and could provide a unifying base. Accordingly, an important factor in developing a system

of governance that is appropriate to the context is the identification of elements of indigenous cultures, values and institutions, suitable for application to contemporary challenges.

Although Sudanese societies may differ in detail, to all of them, the family is the foundation of the culture and its value system, and is the sole source of continuity in the ancestral line. Traditional religion does not promise a paradise to come after death. Although people believe in some form of life after death that conceptually projects this world into the hereafter, death for them is an end from which the only salvation is continuity through posterity, what the Dinka call *ŋooc e nhom*, standing the head (of the dead man) upright. A man who dies without issue leaves a moral obligation on members of his family to marry a woman for him, to live with a relative and beget children to his name. Equally, a man who dies leaving behind a widow of childbearing age devolves a moral obligation on his kinsmen to have one of them live with her to continue bearing children to the dead man's name. This is a male-oriented culture, but one which accords women a paradoxically important status as wives and mothers, with an influence considered so pivotal that it has to be culturally constrained.

Ancestral continuity through the lineage implies a system of values that links the interest of every individual in the line to that of the collective interest of the lineage or the clan. This is a system that emphasizes unity and harmony despite, and perhaps because of, competitiveness, tensions and conflicts. Central to the value system among the Dinka is a concept known as *cieng*, which literally means "to live together", "to look after" or "to inhabit". At the core of *cieng* are the ideals of human relations, family and community, dignity and integrity, honor and respect, loyalty and piety and the power of the word. *Cieng* is opposed to coercion, and, instead encourages persuasion and mutual cooperation.

Cieng has the sanctity of a moral order not only inherited from the ancestors, who had in turn received it from God, but is fortified and policed by them. Failure to adhere to its principles is not only disapproved of as antisocial, but more importantly, as a violation of the moral code that may invite a spiritual curse, illness and even death depending on the gravity of the violation. Conversely, a distinguished adherence to the ideals of *cieng* is expected to receive material and spiritual rewards.

Although *cieng* is a concept with roots in the heritage of the ancestors, it is largely an aspiration that is only partially adhered to and, indeed, is often negated. Hence, it can be improved upon, including through innovation. So vital to the Dinka is *cieng* and the ideals it embodies that even in the modern context, it is

always highlighted in discussions, conferences, and congresses on how people should conduct themselves in human affairs.

A related concept which confers social status on a person based on living up to the principles of *cieng*, is *dheeng,* appropriately translateable as dignity. When a young man is initiated and moves from being a boy to being a man, he is said to have become *adheng*, a "gentleman", with the attributes of *dheeng*. But *dheeng* is a word with multiple meanings – all positive. *Dheeng* is equally applicable to women. As a noun, it means nobility, beauty, handsomeness, elegance, charm, grace, gentleness, hospitality, generosity, good manners, discretion, and kindness. The social background of a person, his physical appearance, the way he walks, carries himself, talks, eats, or dresses, and the way he behaves toward fellow human beings, are all factors in determining his *dheeng*. *Ting adheng*, or *nyan adheng* mean respectively a woman or girl who lives up to the principles of *dheeng*.

A final set of concepts crucial to the values of leadership is *dom,* establishing authoritative or legitimate control over a group, *muk,* maintaining and sustaining the group in accordance with the ideals of a good leader, and *guier,* improving the lot of the group by enhancing unity, harmony and prosperity. It is obvious that each of these concepts connotes the observance of the principles of *cieng* and *dheeng*. A chief establishes control and " holds " the land or the group, not only by the mere fact of wielding power and authority, but also by using his position wisely to ensure peace, security, and prosperity. The continuity or stability of that state of affairs is maintained through *muk,* which literally means " keeping," a word also applied to child rearing, including handling, feeding, looking after, protecting, and raising, and therefore the ideals of materialism/immaterialism. *Guier* goes a step further to imply improvement of the existing situation, whether through reconstruction or reform, the closest to development, in traditional thought, but with implicit cultural and moral values. These normative concepts are mutually reinforcing and cyclic in nature. When a chief has taken over the reins of legitimate and authoritative power *(dom)*, has stabilized his benevolent control over the situation *(muk)*, and has introduced reforms to ensure a constructive and stable leadership *(guier),* he is described as having held *(dom)* the land to ensure security, stability and prosperity.

While the overriding value of ancestral continuity favors men over women, the social norms associated with *cieng* and *dheeng* apply equally to men and women. Even the leadership goals of *dom*, *muk*, and *guier* also apply to women, albeit within the framework of their responsibilities as wives and mothers. By the same token, because the male-oriented value-system relegates them to a subsidiary role, women are reputed to undercut these social norms by using their strong influence over their sons and husbands. In particular, because of their inherent resentment

of polygyny, women are also reputed as being divisive and detrimental to the unity of the polygynous family and the clan. For this reason, their influence on men must be controlled and kept in check. It is generally agreed that as a function of the heart, a son is closer to the mother, while as a function of the mind, he must be seen as closer to the father and not susceptible to the jealousy and divisiveness of the mother. And indeed, a prudent mother will reinforce and develop this attitude in her son so as not to prejudice his position in the male-dominated world.

Ironically, with the devastations of the war and the massive displacement outside the traditional context, and as the indigenous society gets shattered and cultural values become threatened, women are proving to be far more resourceful than men. Often assuming responsibility for the family, even becoming heads of households, they are more adaptable to doing odd jobs for the survival of the family, while men become increasingly dysfunctional.

These concepts were the pillars of a coherent, well-integrated social order, whose overriding goals, and means for legitimately pursuing them, were clearly defined and accessible to all members of the community and were adhered to with varying degrees of success. They still provide overriding values and guidelines for behavior in virtually all aspects of life, private and public, although their coherence, strength and functionality have been deeply affected and remain threatened by the upheaval of war. Nevertheless, they need to be built upon, albeit with adaptation, especially as far as the role of women is concerned.

Utilizing Cultural Values in Governance

In light of the above cultural values, we now consider their application in the development of a political, social, and economic order that is sensitive to the overriding values of society. For illustrative purposes, focus will be placed on conflict management, participatory democracy, human rights, self-reliant development, environmental integrity, and the changing gender roles.

A. Conflict Management

Conflict management, reconciling the competing interests of interactive groups, is at the core of governance and nation building. Whenever groups coexist as neighbors with competing interests, they inevitably come into conflict. By the same token, they usually develop conventional ways of regulating their interaction, managing their differences, and resolving their conflicts.

Generally speaking, before the impact of modern government in the Sudan, there was a relative balance of power between neighboring ethnic groups which made the development of conventional ways of managing and resolving conflicts a matter of mutual interest. The colonial administration reinforced this balance of power and fostered constructive management and resolution of disputes. With independence, various governments began to penetrate in a divisive way that empowered some groups with guns and arms, thereby upsetting the balance of power and the mutual interest in peaceful coexistence. The abolition of the native administration in the North by the military regime of Jaafar Mohammed Nimeiri (1969-1985) compounded the problem as traditional methods of conflict management and resolution began to be eroded. Although the present regime has tried to revive the system of native administration, the authority of tribal leaders has weakened to the point where they have lost most of their traditional influence. In the South, chieftainship was not abolished, but the strains of the war and the contested loyalties between the warring factions have had a debilitating effect on the standing and authority of the chiefs. Nevertheless, tribal leaders continue to wield influence and still play a vital role in conflict management both within and between the tribes.

Traditionally, at least in the war-like Nilotic tribes, there was a clear differentiation of roles between, on the one hand, chiefs and elders, who were the peacemakers, and, on the other hand, the youth, who were organized into warrior age-sets with corresponding female age-sets whose function was to encourage the warriors in defending society against aggression and performing public services that required physical strength. As warriors tended to exaggerate resort to force as a distinctive attribute of their identity and social standing, it was for the elders to restrain them. The Chief was also the spiritual leader and his distinctive attribute was promoting peace in human relations. In interviews conducted by the author among Dinka Chiefs in the 1970s, one Chief stated, "It is true, there was force. People killed one another and those who could defeat people in battle were avoided in respect. But people lived by the way God had given them. There were Chiefs of the Sacred Spear. If anything went wrong, they would come to stop the people from fighting. Each side would tell the Chief its cause and he would go to each side and settle the matter without blood. Men of the Sacred Spear were against bloodshed. That was the way God wanted it from the ancient past when he created people."

The age-set system, for both men and women, was a vital institution for sanctioning the behavior of members to observe the moral code of conduct. Such offences as theft, however petty the objects involved, or rape, met with severe measures that shamed and ostracized the member beyond retrieve. The age-set system was a means of acculturating and socializing men and women through a

life-long corporate membership that extended relations beyond the family. Members of the age-set engaged in a wide variety of social, economic, and cultural activities that varied with the changing phases of life. Members were first organized and initiated as warriors, with a corresponding female age-set, they then married and became fathers and mothers, before, in the case of men, becoming elders with a voice and influence in public discussions and decision-making.

The disintegration of the age-set system has left a major vacuum in the social orientation of youth, especially young men, whose options now tend to be joining the rebellion or drifting into urban centers, where many of them fall victim to self-destructive behavior patterns that would not have been tolerated under the controlling authority of the age-set.

B. Participatory Democracy

Democracy is a concept that advocates popular participation in the political, economic, social and cultural life of a country. This raises questions of cultural legitimacy and poses a challenge for pluralistic states that are acutely divided on ethnic, cultural or religious grounds. Because democracy has become narrowly associated with elections, it poses serious dilemmas for diversified societies, where people tend to vote on the basis of their politicized ethnic or religious identity. On the one hand, democracy requires that the will of the majority should prevail and be respected. On the other hand, this risks creating a dictatorship of numbers, with the majority imposing its will on the minority. To resolve this dilemma, it is necessary to draw a distinction between the normative principles of democracy that are universal and the operational procedures for its implementation that are contextual. While the normative principles of democracy are universally valid, they need to be contextualized by putting into consideration the local realities and making effective use of indigenous cultural values, institutions and social norms.

Perhaps the most outstanding characteristics of traditional society are the autonomy of the component elements and the devolution of power and decision-making down to the smallest territorial sub-divisions, the lineages, the extended families, and even to the individual. This is particularly pronounced in stateless or acephalous societies, of which the Nilotics of the Sudan are prototypes. It should also be noted that the stateless societies had much in common with centralized states and even kingdoms, such as the Shilluk and the Anuak. Also noteworthy was the significance given to leadership in the so-called "tribes without rulers" and the persuasive abilities associated with leadership.

Human Rights

Human rights constitute the core of respect for differences of identities and the demand for equality and non-discrimination. The argument is often made that human rights emanate from a Judaic-Christian tradition and are therefore distinctively Western. To the extent that what is meant by human rights are the standards enshrined in the International Bill of Rights, comprising the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, as well as a wide array of other human rights instruments, this argument is, to a degree, valid. However, the more profound roots of the claim to universality lie in the fact that human rights reflect the universal quest for human dignity.

On the assumption that all cultures recognize the inherent dignity of the human person, it would be useful to understand how local cultures seek to achieve this global objective. A number of Dinka elders interviewed in the 1970s, following the Addis Ababa Agreement, articulated traditional values that would support the universality of human rights. As one put, "If you see a man walking on his two legs, do not despise him; he is a human being. Bring him close to you and treat him like a human being. That is how you will secure your own life. But if you push him on the ground and do not give him what he needs, things will spoil and even your big share, which you guard with care, will be destroyed." Another, referring to what he saw as the disdain the Arab-Muslim North had toward the people of the South, said: "Our brothers [the Northerners] thought that we should be treated that way because we were in their eyes fools…A human being who speaks with his mouth cannot be such a fool. Whatever way he lives…and whatever he does…he deserves respect as a human being."

The universal principles of human rights must be made to appear to be, as they indeed are, integral parts of the ideals of human dignity shared by all cultures, even though they may be articulated differently and pursued by various ways. It is through the local lens and cultural values that universal principles become grounded, contextualized, and legitimized.

Self-reliant Development

While identity is largely a subjective factor, access to development for an identity group is the material implication of identification. Quite apart from discrimination based on identity in accessing opportunities for development, there are deeper issues of the relevancy of cultural values to the challenges of development. Among the debatable issues in the cross-cultural discourse on human rights is the recognition of development as a human right. The focus of this paper, however, is the need to see development in the cultural context, which should be viewed as an integral part of building on identity and cultural values.

Traditionally, people pursued a self-reliant life-style that met their basic needs in a web of kinship ties and solidarity. Seeing development as a goal that is outside the indigenous purview and had to be imported and implanted is a novelty that runs the risk of dissipating local energies and resourcefulness. The role of indigenous cultures in development requires understanding traditional values and institutions, and ways in which they can be used to support development as a process of self enhancement from within.

Environmental Integrity

The value of a human being and the related social and moral context cannot be divorced from the environment; indeed, they are intrinsically interconnected. Modern Africans used to consider environmental issues a Western preoccupation. However, it has now become increasingly obvious that dangers to the environment are a global concern. In Africa, armed conflicts and the massive displacement of people have led to a severe degradation of the environment. Deforestation, in particular, has raised the stakes while encroaching desertification and recurrent drought have also hastened the degradation.

Traditionally, to use another illustration from the Dinka, there was a strong religiously ordained respect for the environment. Their respect for the environment can be said to reflect the essence of the hymn that says, "All things, bright and beautiful, all things great and small, the Lord made them all." They therefore all deserve respect. As one elder put it, "Our blood…was one…with our hyenas, with our leopards, with our elephants, with our buffaloes; we were all…one people…We should all unite the people, the animals, the birds that fly we are all one." Another elder said, "Even the tree which cannot speak has the nature of a human being. It is a human being to God, the person who created it. Do not despise it."

F. Changing Gender Roles

As noted earlier, the cultural values of ancestral continuity were largely male-oriented, although women played a paradoxically influential role that had to be contained to minimize the threat to the male-dominated social order. With the devastations of war, especially massive displacement in unfamiliar circumstances, men became increasingly unproductive while women assumed new roles, and became resourceful providers for their families. This has begun to alter perspectives on gender roles. Women are not only becoming increasingly involved in public life, but are assuming positions of leadership, and demanding full equality with men. As women become partners in decision-making in family and public affairs, their role is bound to have a profound effect on the outcome of the process. In order to understand the logic of this change and its qualitative significance, it is

important to understand the cultural context of what was, what is, and what will be in the dynamics of gender relations and roles in society.

V. The Challenge in Perspective

Sudan appears to be at a critical juncture, poised between the threat of disintegration emanating from an acute crisis of national identity that is generating widespread regional conflicts with the Center and the promise of genuine unity within a restructured national identity framework. The vision postulated by the Sudan People's Liberation Movement and Army (SPLM/A) and personally championed by its leader, the late Dr. John Garang de Mabior, has reversed the separatist demand of the South into a call for a New Sudan that would be free from discrimination due to race, ethnicity, religion, culture or gender. This has resonated with non-Arab groups in the North, and among all men and women who believe in the equality of citizenship. To what extent this vision was genuinely shared by people within the Movement, or was a pragmatic ploy for gaining support for what may in the end be a separatist struggle, remains to be seen. However, the fact is that grievances generally associated with the South and now shared by non-Arab marginalized regions in the North are tearing down the North-South barriers and improving the prospects for unity on radically transformed bases.

This is a development that calls for a close observation and appraisal. How credible and dependable is the trend toward unity in a restructured "New" Sudan? What is required to make the restructuring genuinely inclusive and attractive? What beyond the resistance by non-Arabs, non-Muslims, and other negative self-descriptions are the elements of identity and associated cultural values that need to be factored into the new framework? And how do these cultural values and institutional arrangements relate to the challenges of development and nation building?

While developments on the national level, in particular the prospects for unity under a reconstituted national identity framework, will continue to provide a relevant conceptual framework, specific attention must be paid to the application of cultural values to specific issues in nation building, among them conflict resolution, democracy, human rights, development, the environment, and gender. Considering that the South is among the least developed or modernized parts of the country, it offers a particularly suitable context for bridging tradition and modernity. The contribution of the South to the restructuring and development of the country as a whole will, however, remains the overarching framework of nation building.

SUDAN'S PEACE PROCESS: Laying the Basis for Future Conflict

by
John Young

Introduction

A close analysis of international engagement in peace processes in general, and in particular those undertaken in Central America during the early 1990s, led Alejandro Bendana to describe them as 'top down, externally and supply-driven, elitist and interventionist.' (Bendana, 2003). And elsewhere he writes that, 'Peace building has been substituted by peace enforcement from above and outside, something … contrary to the bottom up civil society processes conceived by many' (Ibid.). These are apt descriptions of the process that led to the signing of the Comprehensive Peace Agreement (CPA) in Nairobi on 9 January 2005 between the Sudan People's Liberation Movement/Army (SPLM/A) and the Government of Sudan (GoS). The CPA formally ended a 22 year conflict between the SPLM/A and successive Khartoum based governments, but as First Vice President of the Republic of Sudan and President of the Government of South Sudan (GoSS) acknowledged in a speech commemorating the second anniversary of the agreement, the CPA is in a state of crisis ('Sudan Tribune', 11 January 2007, Juba).

With the signing of the CPA, the international community attempted to pressure the various Darfurian rebel groups into signing a peace agreement with the Government of Sudan and in the event they managed to get one faction of the Sudan Liberation Movement/Army (SLM/A) led by Mini Minawi to sign the Darfur Peace Agreement (DPA) on 5 May 2006. But the other rebel groups refused, and in the year since the signing of the peace agreement there has been an upsurge in fighting and the humanitarian crisis has deepened. And in the wake of the CPA and DPA there was growing pressure on the Eastern Front to end its minor insurgency in eastern Sudan. Once again international pressure, this time largely by the Eritrean backers of the Front, led to the signing of the Eastern Sudan Peace Agreement (ESPA) on 14 October 2006. But while this agreement is to date holding, it is largely perceived by people in eastern Sudan as being imposed upon them by the governments of Eritrea and Sudan and not addressing their concerns (Young, 2007a).

While Bendana has not considered the experience of Sudan in his critical appraisal of peace-making efforts by the international community, his conclusions that they typically marginalise critically aggrieved parties, give short shift to human rights abuses, project a narrow conception of democracy, and are

principally designed to suppress violence, rather than give due attention to the underlying causes of the violence, captures the three peace processes that the international community has delivered up to the people of Sudan. Galtung also helps to understand the problem by making a distinction between negative peace which is simply the absence of conflict, and positive peace, which is a state of social equilibrium in which the surfacing of new disputes does not escalate into violence (Galtung, 1996). This latter perspective is frequently affirmed in theory, but ignored in practice as it involves moving beyond issues of good governance to addressing the root causes of conflicts. And neither during the processes, which culminated in the CPA, DPA, or ESPA, nor in the subsequent period, have the peace mediators or the belligerents given their full attention to the root causes of conflict in Sudan.

Thus this analysis will follow Bendana in assuming that 'peace is more than the cessation of military hostilities, more than simple political stability. Peace is the presence of justice and peace building entails addressing factors and forces that stand as impediments to the realization of all human rights' (Bendana, 2003). Indeed, not only are Sudan's peace agreements not meeting the standards laid down by Bendana, but in the cases of south Sudan and Darfur they are not even meeting Galting's notion of negative peace, or the absence of conflict.

Against this record of failure, there would appear to be a pressing need to seriously reappraise international engagement in Sudan's peace processes, but this is not happening. Indeed, virtually none of the international backers of the three failing peace processes has demonstrated any signs of introspection and at best are trying to patch up the existing agreements.

This paper will first, outline the major failures of the southern peace process; second, on the basis of this analysis offer a critique of international, and in particular, US engagement in peace-making in south Sudan; third, focus on the failures of the peace process in the security sector where there is an absence of even negative peace, and lastly, provide some concluding thoughts. Since these objectives are very ambitious and the time available to prepare this paper was limited the result will be far from comprehensive. The author, however, will conclude that this effort has not completely failed if he is able to stimulate debate on the critical issues raised.

This analysis begins first, by exposing the lack of importance given to democracy, human rights, transparency, and popular participation in the southern peace process which culminated in the CPA because this agreement laid the basis for other peace-making efforts. It will become apparent that from its inception the southern peace process was narrowly focused and exclusionary. This approach

was by design, not by accident, and was held to be both the best means to reach a peace agreement, and – as Bendana has made clear – is consistent with the conservative character of peace making efforts elsewhere in the world. The signing of the CPA would appear to confirm the validity of the method employed, but it will be argued here that the undemocratic approach of the peace process and its failure to resolutely commit to democratic transformations in both the north and south of Sudan seriously undermine the objective of a sustainable peace. In addition, US dominance of the peace process will be examined and it will be seen that this engagement has served to encourage the exclusionary thrust of the peace process and the scant attention given to human rights places the interests of ordinary Sudanese secondary to those of the American war on terror.

The peace process and the politics of exclusion

By way of background, suffice to say that the regional based Inter-Governmental Authority on Development (IGAD) became engaged in the Sudan peace process in the early 1990s. But negotiations only made headway and the south's right to self-determination was accepted after security threats posed by the Islamist National Congress Party (NCP) government in Khartoum led Ethiopia, Eritrea, and Uganda to provide support for the SPLM/A and heighten their engagement in the IGAD peace process. However, this military and political pressure ended when Eritrea and Ethiopia began a two year war in 1998 which led them to vie for the support, or at least neutrality, of Sudan, their major shared neighbour. This reduced the pressure on Sudan, and without it the peace process came to a virtual halt.

After an extended stalemate a US led 'Troika' (made up of the US, Britain, and Norway) assigned themselves a leadership role in the peace process, although nominally it remained under the auspices of IGAD's Secretariat for Peace in Sudan (Young, 2005). The starting point for the final phase of the peace process was the Machakos Protocol of 20 July 2002, which involved a critical trade-off between the central demand of the SPLM/A for southern self-determination, and a guarantee of Shariah, or Islamic law, in northern Sudan, the principal concern of the NCP (Machakos Protocol, 20 July 2002). Thus from the inception, the peace process was elitist and exclusionary and granted the SPLM/A and the NCP alone the right to make far-reaching decisions involving the lives of civilians for whom they have never been accountable. While the exclusion of other parties and civil society has never been officially justified, informally the rationale has alternately been first, that the negotiations were too complicated to engage other parties; second, that the more parties involved the more difficult it would be to maintain the desired level of secrecy; third, that the GoS and SPLM/A did not want other

parties at the negotiating table when that would inevitably lead to further divisions of resources and power. Nonetheless, IGAD and the Troika held that other interested parties would be brought into the process after a comprehensive peace agreement between the GoS and the SPLM/A was reached, although the sincerity of that commitment has always been in doubt.

In practice this meant that additional parties could be tacked on to the process to provide the necessary legitimacy when they were no longer in a position to have any influence on the outcome of the peace agreement. The result of this approach has been to ensure that the parties that gained power through the gun - the GoS and SPLM/A – were given the blessing of the Troika to reach a peace agreement, while the involvement of Sudan's people and their democratic organisations were reduced to endorsing a done deal. This approach was carried on into the post 9 January 2005 period when other parties were pressed to join a commission to formulate an interim constitution, but had to agree that their collective participation would be dwarfed by the 80% representation granted the NCP and the SPLM/A. Not surprisingly some major parties, such as the Umma Party, which had held power democratically until 1989 when it was overthrown by a NCP inspired military coup, refused to give credence to the project, while the SLM and Justice and Equality Movement (JEM) rebels from Darfur and the Beja Congress and Rashida Free Lions (who were later to form the Eastern Front) rebels, were not invited. Indeed, the SLM explicitly stated that the timing of its insurrection was in response to its denial of a place at the Nairobi peace talks and its fear that power and resources would be divided between the GoS and SPLM/A at the expense of the rest of the country. As a result, the international community facilitated NCP endeavour to establish separate peace processes and thus ensure that it faced a weakened opposition. And when these groups excluded from the peace process continued their struggles the international community joined the NCP in labelling them as 'spoilers'.

The excluded even included key allies such as the GoS-aligned South Sudan Defence Force (SSDF, a coalition of liberation and militia groups that has fought the SPLM/A more in recent years than the GoS army), and the SPLM/A-aligned National Democratic Alliance (NDA, a coalition of northern-based armed and political groups that served to deflect a considerable proportion of the GoS army from the south). The exclusion of the SSDF in particular posed a major threat to the viability of the peace process because it controlled a significant amount of territory in the south, including much of the oil fields, and its membership is largely made up of Nuers, which brings a tribal dimension to its conflict with the largely Dinka dominated SPLM/A.

This exclusionary approach to the negotiations was reinforced by maintaining a high level of secrecy surrounding the negotiations. IGAD mediators ensured that journalists were only given the most cursory overview of the course of the negotiations, and interested parties were kept physically away from the negotiating teams in Naivasha, Kenya. The GoS and SPLM/A had a shared interest in keeping civil society groups from both their respective realms at bay (at least until the final stages of the talks). The role of IGAD, and particularly Ethiopia and Eritrea, which had driven the process in its early days declined, and Kenya, which has long been the most willing partner of Western interests in the region, was given precedence by the US and its allies.

Corresponding to the absence of wider participation in the peace process has been the approach of the peace makers to human rights. Despite human rights abuses on an enormous scale during the course of the twenty-two year long civil war and a peace process that produced a large number of complex protocols, the consideration of human rights was reduced to some *pro forma* statements attached to the protocol on power sharing. It would appear that the mediators feared that human rights would unduly complicate negotiations, and with the support of the belligerents reached an understanding to largely avoid the subject. This approach was made easier by the absence of civil society organisations from the negotiations. As a result, the interest of ordinary Sudanese in bringing human rights abuses to light and holding the guilty parties accountable, has to date not been seriously considered. Not surprisingly neither the final two and one-half year long phase of the peace process, nor its culmination in the CPA, has served to improve the state of human rights in Sudan. Moreover, the hand-over of a virtual monopoly of power to the GoS and SPLM/A creates an environment in both the north and south of Sudan in which the abuse of the citizenry's human rights will face few constraints.

The SPLM/A's appeal to the Moslem inhabitants of southern and northern Sudan of a New Sudan in which state and religion were separated, and followers of all religions would be given a full civil role in the polity, attracted widespread support. From its inception, however, the NCP's legitimacy has been based on its commitment to Islam, and the implementation of Sharia, or more accurately, its version of Sharia. Very clearly these two conflicting visions of Sudan do not easily give way to compromise and indeed they shouldn't, because the first vision is consistent with democratic values, while the latter involves a rejection of these values. The compromise reached by the diplomats of IGAD on a regime in southern Sudan in which the state and religion would be separated and citizens be permitted to practice or not practice religion as they see fit, and the imposition of Sharia in the north, could only be achieved by denying the Moslems of northern Sudan their basic right to not only select the religion of their choice, but pursue it according to their wishes, and not as decided upon by the Government of Sudan.

The Troika states, which espouse separation of religion and state in their own countries, have thus endorsed the forceful implementation of Sharia on Moslems in northern Sudan.

Apart from agreement on formulas with respect to power and wealth-sharing, the gross social inequalities that abound in the country and the inequitable power relations they reflect, were barely addressed. Indeed, it is clear that IGAD, the Troika, the GoS, and most surprisingly, the SPLM/A, failed to make the link between the pursuit of peace and the end of economic and social inequities in the country. There has been a minimal effort to consider the development concerns of the so-called 'marginalised territories' of South Blue Nile, Nuba Mountains, and Abyei, but social inequities do not stop in these areas, and may be even worse in the west and east of Sudan.

There has also been no appreciation at all of the growing class divisions in Sudan, which have been exacerbated in recent years by the GoS dismantling much of the country's social safety net in the pursuit of a liberal economy. Indeed, a recent study identified the early years of NIF rule as standing out in Sudan's post-colonial history for the growth of poverty and inequality as it pursued an agenda of economic liberalism based on IMF precepts (Khalid, 2006). The economic conditions that have led to the exponential growth of prostitution, begging, and extremes of poverty in recent years were thus ignored in the peace negotiations. This is to be expected by the GoS whose core support comes from privileged elements of the northern riverine tribes that have long politically and economically dominated Sudan. But it speaks to the ideological weakness of the SPLM/A that in spite of its commitment to building a 'New Sudan' free of inequities, that in the rush for the spoils of office this idealism was forgotten. And it also speaks to the narrow approach to the peace process of the Troika countries and their endorsement of economic liberalism, which in the case of Sudan has led to an enormous growth in poverty and the resulting social tensions.

Democracy never informed the southern peace process and as a result exclusion and elitism were the guiding principles from its inception to the present day. This is not surprising when it is appreciated that neither of the belligerents had any democratic legitimacy or aspirations and the process was increasingly overseen by the United States which, as we will now see, had no interest in achieving a democratic transformation of Sudan.

US engagement in Sudan: the priority of national security

The US injected life into the Sudan IGAD peace process at a time when it was on the verge of collapse in the aftermath of the Ethio-Eritrean War, but American motives for engagement have never been strictly confined to achieving a sustainable peace, and even less to Sudan's democratic transformation. Instead, they were a response to domestic interests, the religious affiliation of President Bush, and increasingly, security concerns. The Bush Administration's activism in the Sudan peace process gained the support of the Christian Right, which had long sympathised with the SPLM/A, and simplistically held that Sudan's civil war pitted Arab Moslems against a defenceless population of African Christians. President Bush himself drew inspiration from religious groups in his home town of Midland, Texas and his close friendship with prominent evangelists Billy and Franklin Graham, all of whom pressed for a deepening US engagement in Sudan and its peace process. Support for the peace process also seemed the best approach to providing security for American oil companies to re-enter a territory they had unceremoniously been forced to leave two decades ago, and gain the GoS the international legitimacy that would justify the US Congress revoking its trade and investment embargo against Sudan.

The first and most significant indication of a growing US interest in resolving Sudan's civil war was Bush's appointment of Senator John Danforth, an ordained Episcopal minister, as his special peace envoy. The fact that this crucial appointment was made five days before the events of 9/11 have led some to believe that American interest in Sudan could not be attributed to security concerns. However, 9/11 had the effect of intensifying an already growing American security interest in Sudan. US concerns began with Khartoum's pursuit of an aggressive Islamist foreign policy, which was foremost directed against the countries in the region, many of whom were American allies. The US was also alarmed at Sudan's ties with international Islamist terrorist organisations and its support for Iraq during the first Gulf War.

Apprehension reached its height in the wake of Sudanese Government support, or at least complicity, in the attempted assassination of Egyptian President Hosni Mubarak on the streets of Addis Ababa in June 1995. In response, Clinton supported the efforts of Egypt and Ethiopia to gain UN support for an embargo against Sudan, and in 1997 he issued a Presidential Executive Order imposing unilateral sanctions against the country. The US also provided USD 20 million worth of military equipment to Eritrea, Ethiopia, and Uganda to defend them selves against Sudanese Islamist aggression. Tensions were further increased when the US accused Sudan – almost certainly erroneously – of manufacturing chemical weapons, and on the basis of evidence that has never been produced, bombed a

pharmaceutical plant in Khartoum in August 1998. The fact that Prime Minister Tony Blair quickly endorsed the US bombing suggested that broader security concerns, and not humanitarian issues, were also uppermost in the British approach to Sudan.

Thus it seems clear that the US (and probably its British ally) favoured overthrowing the Islamist regime in Khartoum and the motives driving this policy were largely based on security concerns. But although this objective proved impractical the NCP was sufficiently intimidated to accept demands to provide the US with intelligence information on various Islamist groups, including Al-Queda led by Osama bin Ladin, who had lived in Sudan for five years as a guest of the government. It was reported that by November 2001 there was an active CIA station in Khartoum and by all accounts the GoS met the expectations of the US in the supply of intelligence information (Los Angeles Times, 29 April 2005). Gaining intelligence information, defeating Islamist terrorism, ensuring the security of its allies in the region, on the one hand, and a growing perception that America's own security was linked to the outcome of conflicts like that in Sudan, on the other, all led the US to play an increasing role in the Sudan peace process.

Indeed, both belligerents have testified to the importance of the US engagement in the peace process, with Presidential Peace Advisor, Dr. Ghazi Salahdien, saying that the US was as integral to the peace process as the SPLM/A and the GoS (26 May 2004, Khartoum). And the more US interests and prestige were at stake in the peace process, the more important it became to ensure the survival and viability of the two parties to the peace process – the SPLM/A and the NCP GoS – irrespective of whether that was in the interests of the Sudanese people, or would produce a sustainable peace. This effectively put the US in the curious position of providing critical support to the Islamist government at a time when it was leading an international crusade against political Islam. Equally contradictory, while the US was publicly calling for democratic transformations of the states in the Middle East it continued to give valuable support to an authoritarian and Islamist government in Sudan. As American engagement in Sudan intensified, the participation of countries from the region in the peace process declined (apart from Kenya, which could be relied upon to carry out the bidding of the Americans and the British), and broader domestic, geo-political, and security interests came to the fore.

There is also reason to think that Sudan's growing petroleum industry figured in US Government calculations for intensifying its engagement in the country: first, because of the desire by American oil companies to regain a position in the industry that they had initiated; second, because of a standing policy to diversify

energy supplies, and that involves acquiring an increasing share of its oil from Africa, and third, because of the link drawn by the Bush Administration between securing energy supplies and the security of the United States. Moreover, the fact that there are strong links between Bush and other key members of his government with the oil industry means that concerns over oil straddle domestic and security interests. However, while American domestic considerations figured highly before 9/11, after that pivotal date there is little doubt that security interests in Sudan predominated.

Not only did the GoS and SPLM/A both welcome American engagement in the peace process, but initially so did other major constituencies in Sudan and the countries of the region (Young, 2005a). (Of course in part this is self-serving since few in the post-9/11 era are prepared to openly challenge the United States over issues seen as vital to its security.) As a result, and in marked contrast to US engagement in Somalia, Afghanistan, and Iraq, Washington faced little foreign or domestic opposition for its policies in pursuing peace in southern Sudan. Indeed, on only two occasions have the tensions between the security concerns of the US that explain American engagement in the Sudan peace process and its own widely claimed humanitarian motivation come to the surface, and both of them largely related to Darfur.

In the first instance, after concluding that the massive number of deaths in Darfur constituted genocide under international law, the US initially opposed the referral by the Security Council of a list of fifty-one suspects of crimes against humanity for their actions in Darfur to the International Criminal Court. However, in the face of considerable embarrassment, the US abstained in the Security Council vote, thus permitting its passage. In the second instance, the US found itself in some difficulty explaining why the CIA provided a personal executive jet to transport the head of the Sudanese intelligence service, Salah Gosh, a man widely assumed to be on that list of fifty-one, to the US. Indeed, controversy surrounding the visit precipitated an expose by the *Los Angeles Times* that made clear the importance of the relationship between the Sudanese and American intelligence services, and hence provided insight into why policy shifted from Clinton's support for overthrowing the Islamist government to that of Bush, which involves veiled support of the government ('Los Angeles Times', 29 April 2005).

With security providing the basis for its increasing interest in Sudan, the US was anxious to protect the CPA and the survival and authority of the parties to the agreement. US support for the elitist and exclusionary approach of the peace process, the hand over of virtual monopoly power to groups with no democratic credentials, the limited attention given to human rights, and the lack of emphasis

on a democratic transformation of the country all follow from a perspective that holds a narrow view of peace-building and gives primacy to its own security interests.

Indeed, there have been remarkably few statements by the US on the need for national elections, presumably because once the Americans jumped into bed with the NCP and the SPLM/A, the logic became one of ensuring their survival. And the holding of elections threatens both of the signatories to the IGAD peace agreements and could bring parties into the government that were not committed to the peace process. The US, however, has never demonstrated a commitment to democracy in Sudan. For sixteen years between 1969 and 1985 it gave unstinting support to the Nimeiri dictatorship even when the Turabi Islamists held leading positions in that government, while its relationship with the democratically elected regime of Sadig Al-Mahdi that followed was at best problematic.

CPA and the failure to provide negative peace

In his address commemorating the second anniversary of the signing of the CPA, President Salva identified a number of failures of implementation - the refusal of the NCP to accept the ruling of the Abyei Boundary Commission, the failure to establish the CPA stipulated North-South Boundary Commission, the obstacles to a democratic transformation, and the on-going violence in Darfur. But Salva emphasised the continuing problems of insecurity in southern Sudan and made clear that he held the GoS largely responsible for these problems by refusing to end its support for a range of OAGs opposed to the SPLM/A ('Sudan Tribune', 11 July 2007, Juba). Indeed, it can now be concluded that the CPA is failing to deliver on many fronts, but critically it has been unable to institute even a negative peace, or namely, it has not stopped the violence that the civilian population of southern Sudan are subject to. While this failure has many causes, three stand out - the flagrant breach of the security arrangements by the NCP through its continuing support of OAGs; SPLM/A political failures and inability to establish viable systems of administration, and lastly, the weakness inherent in a Western authored peace process and agreement.

At the core of the security problems has been NCP support of OAGs in the south. Since at least 1985 successive national governments have employed militias to fight the southern insurgents, but this approach reached its height under the current government when it signed the Khartoum Peace Agreement of 1997 with an SPLM/A faction led by Dr. Riek Macher and it was this agreement which created the SSDF (Young, 2003). Augmented by Equatorian based tribal militias this force became central to government efforts to overcome the insurgency. The SSDF, however, is also a product of the divisions that have been

thrown up as a result of the war and the failure of the SPLM/A leadership to create a democratic organisation that embraced the region's disparate peoples and their interests.

The security arrangements provisions of the CPA had little to say about OAGs, simply stipulating that they were to be dissolved by the first anniversary of the agreement, namely 9 January 2006. And the agreement had nothing to say about the SSDF, which was an armed southern force similar in size to the SPLA. Not only did the SSDF and other OAGs not dissolve, but there were widespread expectations that the hard line approach of former SPLM/A leader, Dr. John Garang, to the integration of the SSDF into the SPLA could provoke another civil war within the south. In the event, Garang died in a helicopter crash on 30 July 2005 and Salva Kiir assumed the leadership, and by emphasising reconciliation and unity of the south he managed to lay the ground for the Juba Declaration which served to bring most of the SSDF membership into the SPLA and thus avert war (Juba Declaration, 8 January 2005).

While SSDF leader Major-General Paulino Matieb led most of his forces into the SPLA and assumed the position of deputy to Salva, key leaders of the rump SSDF, such as Gordon Kong, Thomas Maboir, Gabriel Tangyangi, Atom Al-Nour and Ismael Konyi, and their forces continued to be supplied by SAF. Gordon, Thomas, and Gabriel lead Nuer militias in Upper Nile, Atom Al-Nour is a Baggara who leads a Fertit militia in Wau, while the Murle leader, Ismael, has since announced that he has joined the SPLA. The first three leaders inhabit northern Upper Nile where SAF still has a significant presence, while Wau is increasingly coming under SPLA control, and Ismael's Murle heartland is almost completely surrounded by communities loyal to the SPLA. In addition, it would appear that even after SAF deployed from its base in Torit, Equatoria in mid-2006 it continued to supply and finance members of the SSDF affiliated Equatoria Defence Force (EDF), which unleashed a wave of crime on the inhabitants of the area (SPLA senior officer, 24 August 2007, Juba) before apparently being subdued by mid-2007..

Although not technically in breach of the CPA, SAF also recruited among the rump SSDF ranks for membership in the Joint Integrated Units (JIUs), the body agreed to under the CPA to monitor the security arrangements and to serve as an elite core of a united Sudan's army should southerners opt for unity in the 2011 referendum. Since few of the SSDF soldiers recruited into the JIUs have even minimal formal education they can hardly be considered to constitute an elite force. Instead, their absorption into the JIUs appears to be a means to buy their loyalty and do SAF's bidding.

That SAF has continued supporting the rump SSDF is not in doubt. In the wake of fighting in Malakal town in November 2006 that involved the SPLA, SAF and militia forces of Gabriel Tangyangi and Thomas Maboir that killed an estimated 150 people, the NCP Minister of Defence, Abdul Rahim Mohammed, announced that all militias would have to either be integrated into SAF or move north by the end of 2006 ('Sudan Tribune', 4 December 2006). He thus acknowledged the continuing existence of the militias with SAF support eleven months after his government had formally agreed to dissolve them.

But SAF support for OAGs did not stop with the SSDF. According to UN sources in Juba and Malakal SAF supplied Lou Nuer 'white armies' from central Upper Nile during their resistance to SPLA efforts at disarmament in the first half of 2006 (UN officials, August 2006, Juba and Malakal). Although the GoS has acknowledged that it previously supplied the Lord's Resistance Army (LRA) which began in Uganda but has terrorised the civilian population of Equatoria for the past few years, SPLM/A officials contend that this support has continued (Interviews carried out with SPLA and GoSS leaders, 24 January to 4 February 2007, Juba). SAF also arms and trains Popular Defence Forces (*Defa Shabi*) throughout the country, including areas under its control in the south. PDF Captain Sayid Mahdi reported that SAF was disarming its members in the Renk area of northern Upper Nile, but he acknowledged that it had armed Falata and other nomadic tribes in the area and that they would be very difficult to disarm (Renk, 6 September 2006).

There would appear to be a number of reasons for continuing SAF support of SSDF and other OAGs. First, by creating insecurity it hopes to encourage disaffection among the beleaguered civilian population with the GoSS and the SPLM/A. Moreover, by maintaining a group of loyal commanders that could be used to disrupt efforts to conduct the CPA stipulated vote on southern self-determination in 2011. Indeed, southerners are increasingly upset at the failure of the SPLA to protect them, but to date it would appear that they hold the NCP government responsible for the instability. Second, SAF wants to use loyal southern forces to provide security in areas adjacent to the oil fields. Although the CPA stipulates that only components of the JIUs should operate in the oil fields, in his Juba speech of 9 January 2006 Salva complained that the GoS was using a 'petroleum police' in the oil fields (Sudan Tribune, 10 January 2006). Moreover, SSDF forces are to date being employed around the oil fields: Gordon has forces in the area surrounding the Adar oil fields, while the fighters of Thomas and more particularly, Gabriel, have been strongly supported by SAF, presumably because of the location of their forces between the Adar and Bentiu oil fields.

Although SAF's support of the OAGs in breach of the CPA is the starting point in any explanation of the continuing insecurity in the south, SPLM/A omissions have also contributed considerably to the problem. By constantly labelling them 'militia' and accusing them of being government agents, Garang made reconciliation with SSDF leaders all but impossible until Salva assumed the leadership and urged them to join the SPLA in the interests of southern unity. Most were convinced, but the fact that fifteen months later only Paulino's component of the SSDF has been fully integrated into the SPLA suggests that the problem is not simply one of bureaucratic inertia, but of opposition from some quarters. Part of that resistance is coming from a hard core of Garang loyalists that do not want to share power in the SPLA high command with people they view as traitors. Among the Dinka who clearly dominated the SPLA under Garang there may also be tribally grounded objections to giving power to the largely Nuer leaders of the former SSDF. Integration would also impact on the outcome of the broader struggle in the SPLM/A between the 'Garangists' and Salva's supporters since most of the former SSDF commanders are clearly in the latter camp.

With the consolidation of power in the army by Paulino and his close alliance with Salva, the leadership struggle in the SPLM/A had considerably dampened by late 2006. The November fighting in Malakal also served to reinforce Paulino's power since it was forces loyal to him that not only defeated the SAF-aligned militias, but also quickly over-ran the army garrison. Paulino's forces also played an important role in putting down the rioting of SPLA JIU soldiers in Juba in December angry at not receiving their salaries. Since these events allegations that the SSDF forces that had gone over to the SPLA were not loyal or lacked professionalism have largely been put to rest. Indeed, with rising north-south tensions in the border and oil producing areas where Paulino's forces have a strong presence, the critical role that these fighters and their leaders are will play in the security of southern Sudan is becoming increasingly apparent.

As a result, the delays in integrating the SSDF into the SPLA are now less attributable to political obstacles then to the difficulties caused by the disorganisation in both groups, the problem posed by bringing a large number of high ranking former SSDF officers into the High Command, and Paulino's concerns that the integration does not produce disaffected officers which history has amply demonstrated are likely to go back to the countryside and cause problems of insecurity (Interviews with senior SPLA and former SSDF leaders, 24 January to 4 February 2007, Juba).

The SSDF was only one, although probably the biggest, threat to security faced by the SPLM/A when it assumed power in Juba. While over-lapping with the SSDF, there was also a large civilian population that possessed weapons and by late 2005

the SPLA began a program of general disarmament to improve security. Initial efforts at disarmament among communities with which the SPLM/A had developed the closest relations during the armed struggle were generally positive. Some, however, argued against handing in weapons without being assured that the SPLA could provide the necessary security and compensation, while others criticised the piecemeal approach of the SPLA which left disarmed tribes vulnerable to those not disarmed. And indeed, these concerns were justified since the SPLA has not been able to ensure the security of the disarmed in many areas of Upper Nile. The SPLA also faced a major problem in attempting to disarm the white army. This was largely a group of cattle camp based militias drawn principally from the Lou Nuer but also included Jikaan Nuer and some Dinka that had originally been supplied with weapons by Dr. Riek Macher when he defected from the SPLM/A in 1991 and began receiving supplies from SAF (Young, forthcoming paper on the white army).

Although not for the most part politically motivated, these pastoralists contended that they needed their weapons to protect their cattle from Murle rustlers and others. SPLA efforts to convince them otherwise quickly broke down in January 2006 and initially the white army was able to inflict considerable casualties on the ruling party's army before largely being defeated in May of the same year (Ibid.). Although an estimated 1,200 white army fighters were killed, the disarmament also took a heavy toll on the civilian population since the poorly supplied SPLA soldiers killed and consumed almost all of the cattle in the Lou Nuer area of central Upper Nile where most of the fighting took place and this same insecurity precluded the inhabitants from planting their seasonal crops (Ibid.). Moreover, in the wake of the disarmament the local population were soon complaining that the SPLA was not able to protect them from cattle stealing Murle who were quick to take advantage of their weakened state.

Despite this pressure the SPLA was reluctant to carry out disarmament among the Murle when their leader, Ismael Konyi, maintained a heavily armed militia that was loyal to SAF. GoSS Vice President Dr. Riek Macher and others spent months trying to convince Ismael to join the SPLA, but probably critical to his decision to eventually acquiesce was the departure of the SAF contingent from his base of Pibor and the desertion of his SSDF allies under Paulino to the SPLA. Even then the disarmament campaign was very slow to get off the ground and it was not until late January 2007 that Ismael's militia was beginning to be integrated into the SPLA and a general disarmament in the community was going ahead (UN-DDR Official, 5 February 2007, Malakal). Although one of the biggest threats to human security in southern Sudan, many other groups still possess weapons and the SPLA has a large task ahead. If there is one positive development it is that the SPLM/A appears to have learned from the misplaced

approach to disarmament of the Lou and in subsequent campaigns in Akobo and among the Murle more emphasis has been placed on dialogue with the local people and traditional community and youth leaders have been given a greater role.

Largely as a result of the Juba Declaration and increasing indications that Salva and Paulino are consolidating their leadership the internal security situation is improving and the focus will likely shift to north-south concerns. Indeed, the NCP's continuing rejection of the ruling of the Abyei Border Commission, the announcement that the long delayed Border Demarcation Commission is being formed, the need to carry out a census in the south, and continuing southern frustration at the lack of transparency in the oil industry, all suggest the likelihood of increasing tensions on the border.

These problems are already finding expression in the efforts of both the SPLA and SAF to increase their forces in the border areas. General Paulino said that in late 2006 SAF had moved tanks to Bentiu and he was particularly concerned at the presence of its soldiers in population centres such as Mayoum, Mankin, and Mirmira where they could get caught between the SPLA and SAF should a conflict break out (Lt.-General Paulino Matieb, 27 January 2007, Juba). Meanwhile, the UN reported that SAF had strengthened its garrisons in Abyei and Malakal (UN sources, 25 January 2007, Juba). Paulino said that he intended to press SAF to leave the civilian populated areas and that the national army the presence should be restricted to JIUs in Rubkona (Ibid.). In addition, Paulino said that he preferred a situation in which SAF withdrew to the border and the SPLA confronted them with the civilian population behind their forces (Ibid). For its part, the SPLA had reinforced its presence at Jalhak and Mulbouk south of Renk and also at Wau, Gorgrial, and more recently in Bentiu (UN sources, 25 January 2007, Juba).

Although sometimes not recognised as a critical component in the maintenance of security, effective local administration was critical to British colonial authority and legitimacy in southern Sudan. Unfortunately from the launch of its insurgency in 1983 the SPLM/A never placed much emphasis on administration in its liberated territories, and this has not markedly changed in the post-CPA period. Some have explained this failure as being due to limited resources and the war (Rolandsen, 2004), but conflict was every bit as severe and resources even more scarce in Eritrea and Ethiopia, and the EPLF and TPLF rebels in those countries developed sophisticated systems of local administration. In the SPLM/A public administration did not command the same level of attention or resources as that of the military, and nor did it provide comparable opportunities for career advancement. While administration and mobilisation of the civilian population was central to the approach of the EPLF and TPLF, the SPLM/A's focus was almost

exclusively on the military, and the result was that relations with civilians were often problematic. One analyst concluded that at best the SPLM/A's administration 'represented benevolent paternalism, at its worst it was violent and extractive' (de Waal, 1997:96). Indeed, abuse of civilians by SPLM/A fighters led to the emergence of the militias considered above.

Until 1991 local administrative structures were rudimentary and the SPLM/A largely used 'indirect' forms of rule and a small number of civil/military administrators who provided a link between local commanders and chiefs (Rolandsen, 2005), and this has not fundamentally changed in the post-CPA period. Many of the present state governors and 'civil' administrators in the field are in fact military officers (some of whom are collecting salaries for both positions) and do not have the necessary skills or aptitude to assume these responsibilities. The lack of development and accountability and the widespread corruption that is complained about by civilians in every corner of southern Sudan visited by this analyst cannot be explained completely by the lack of attention given to administration by the SPLM/A, but it goes a long way to understanding these problems.

And it is also intimately linked to the problems of insecurity. The SPLA has long had a poor record of regularly feeding its own soldiers and in the aftermath of peace problems have also arisen because of delays in paying them. This problem becomes even more alarming when dealing with former SSDF or other members of OAGs whose loyalty to the SPLM/A is by no means 100%. Another set of administrative problems arose in the aftermath of military engagements, such as that which took place in central Upper Nile between the white army and the SPLA. The SPLA defeated their opponents, but they inherited a severely damaged Lou community in which the people were poverty struck and traditional institutions of authority had been undermined by the gun-totting youth of the white army.

The SPLM/A and the UN gave rhetorical support for moving quickly to building up local administrative structures, but in November a large group of Lou Nuer chiefs came to Juba to meet the SPLM/A leadership and complain of the failure to provide effective administration after the disarmament (MP Michael Wal Duay, 2 February 2007, Juba). A senior SPLA officer also noted the failure of the SPLM/A leadership to appreciate the link between disarmament and administration, and said that without the establishment of viable systems of local administration in the Lou Nuer areas that there is a danger of a return to war (30 January 2007, Juba). Indeed, eighty years before the British had found it enormously difficult to subjugate the grandfathers and great-grandfathers of these Lou Nuer youth, but once that was accomplished they understood that the only way to ensure security and rebuild the fractured communities was to establish effective systems of local governance (Willis, 1931). It is not clear that the SPLM/A lead-

ership has fully understood this important lesson.

While revolutionary parties that arose in neighbouring states emphasised building up accountable structures of governance during the course of their armed struggles, and hence found the transition to assuming state power relatively smooth, the SPLM/A never felt the need to develop close relations with its constituency and respond to their practical needs (Young, 2002). Its leadership came almost exclusively from the military sphere, resources were disproportionately directed to the military, and the civil sphere within its liberated territories was largely turned over to the international NGOs. The SPLM/A was thus ill-prepared for assuming the responsibilities of government and two years after the signing of the CPA it is still not proving up to the task. Clearly the efforts of SAF to foster instability explain in part its failure to transform, but much of the explanation lies within.

Conclusion

In the end the biggest threat to the peace in Sudan is posed by the CPA and the process that gave rise to it. The absence of civil society participation in the peace process from the outset made clear the lack of concern with supporting democratic change in Sudan. The granting of a hegemonic position in the south to the SPLM/A and failure to even acknowledge the SSDF laid the grounds for an intra-south war that was only averted by the commitment of Salva to southern unity and the signing of the Juba Declaration of January 2006. And a major obstacle to the achievement of that agreement was the CPA stipulation that the SPLA serve as the army of the south and not a GoSS organised and led army. The CPA guarantee of the dominance of the SPLM in the GoSS in turn reduces the need for its leaders to bring other parties and individuals into the government and broaden the basis of southern unity.

And the dominance of the central government by the NCP and its junior partner, the SPLM/A, left rebels in the west and east of Sudan locked out of the power nexus that endless rounds of fruitless negotiations could not alter. Instead of facilitating the achievement of a comprehensive peace in Sudan the CPA has posed a major barrier to reaching agreements elsewhere in the country. And instead of strengthening the Sudanese polity by building peace, the mother agreement and its offspring in the east and Darfur are not solving the problems that gave rise to the conflicts in the first place and in addition are at the least facilitating, and arguably encouraging, the dismemberment of the country. By not permitting the rebels from these areas to assume a significant role in the central government they have been forced to focus on their homelands and make increasing demands for regional powers that will likely only be realised through the achievement of independent states.

As a result, the US-led Troika, the SPLM/A and NCP authored a CPA which is unlikely to lead to sustainable peace in Sudan, and even less likely to result in the country's democratic transformation, which alone could give hope that the conflict in southern Sudan and the others that are taking place in the country can be resolved and justice prevail. Far from being devoted to achieving a sustainable peace, much less a democratic transformation, the SPLM/A and the NCP utilised the peace process to achieve hegemonic positions in south and north Sudan respectively and have those positions sanctioned by the US and its allies. From its inception the belligerents, with international support, very deliberately denied popular access of the Sudanese to what must be considered *their* peace process. This is not entirely surprising given the character of the NCP and SPLM/A. Upon coming to power the NCP set itself the task of destroying Sudanese civil society, disbanding trade unions and other mass organisations, and jailing and torturing their leaders. It also made existing parties illegal, purged the national army, created its own Popular Defence Forces, and replaced thousands of government employees with its own supporters. For its part the SPLM/A has always had a military orientation, failed to mobilise, much less empower, the people under its jurisdiction, abused human rights, and gave scant attention to development and local administration.

The international authors of the CPA assumed that Sudan suffered from a north-south, Arab-African, Moslem-Christian divide and that these problem could be resolved by addressing the demand of the SPLM/A for self-determination and the NCP's need for Shariah. While this perspective was always mistaken, it could be sustained in the absence of major armed conflicts elsewhere in the country. But the outbreak of strife in the west and east of the country (that is, in the north of Sudan and among exclusively Moslem populations) made this position untenable. And with the descent of Darfur into an even greater level of violence after the signing of the DPA and the ineffectiveness of the ESPA there is a pressing need to first, seriously examine the root causes of conflict in Sudan, and second, consider means to fundamentally reconstruct a Sudanese state which has been at the centre of these conflicts for the half century of its existence.

Bendana's analyses of the outcomes of peace processes in Central America suggested that the aggrieved parties, that is, the weak and disenfranchised majority, frequently gained little and often lost significantly from international engagement in peace processes that had the effect of suppressing conflict, but not in addressing, much less overcoming, social injustices that produced the insurrections in the first place. While in Central America peace agreements fostered by the international community changed the forms in which the poor experienced violence, in Sudan these agreements have not even managed to achieve a negative

peace. Obvious though this perspective may be to growing numbers of Sudanese, it is either not understood or rejected by the dominant elements of the international community who continue to believe that the conflicts in Darfur and eastern Sudan can be resolved by the same elitist, exclusionary, and regionalist formulas laid down in the CPA.

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Program

Conference on the current peace and security challenges in the Horn of Africa

(Organized Jointly by InterAfrica Group & Centre for Policy Research and Dialogue)
March 12-13, 2007
Sheraton Addis, Addis Ababa, Ethiopia

Monday, March 12, 2007

Morning Session

9:00 – 9:30	**Registration**
	Chair: Amb. Berhanu Dinka
9:30 – 10:00	**Opening Statements** ▪ *CPRD/IAG* ▪ *Dr. Attalah H. Bashir, IGAD*
10:00 – 10:30	**Tea Break**
10:30 – 12:30	**Presentation of Background Paper on Peace and Security issues in the Horn of Africa** ▪ *Dr. Alex Dewaal* **Discussants** ▪ *Prof Andreas Eshete* ▪ *Dr. Francis Deng* ▪ *IGAD Representatives*
12:30 – 14:00	***Lunch Break***

Afternoon session

	Chair: Amb. Bethuel Kiplagat
14:00 – 16:30	**Presentations on Peace and security issues in Somalia** ▪ *Dr. Matt Bryden* ▪ *Paper by Prof. Ken Menkhaus (presented by Ahmed Abdisalam)* ▪ *Medhane Tadesse* **Discussants** ▪ *Dr. Hussien Bulhan* ▪ *Ahmed Awad* **Plenary Discussion**
16:30 – 17:00	**Tea Break**

17:00 – 19:30	*Chair: Dr Francis Deng* **Presentations on Ethio-Eritrea conflict** ▪ *Paper by Prof. Christopher Clapham (Presented by Mr Patrick Gilks)* ▪ *Herui T. Bairu* **Discussants** ▪ *Major General Majack* ▪ *John Young* **Plenary Discussion**
19:30 – 21:00	**Reception and Special Keynote address**

Tuesday, March 13,2007

Morning session

	Chair: Dr Kassahun Berhanu
9:00 – 10:30	**Presentations on Peace and Security issues in the Sudan** ▪ *Paper by Prof. Abdelwahab El-Affendi (presented by Ahmed Awad)* ▪ *Dr. John Young* ▪ *Dr. Francis Deng* **Discussants** ▪ *Saddiq Umbada* ▪ *Mudawi Ibrahim* ▪ *Professor El Tigani Ateem*
10:30 – 11:00	**Tea Break**
11:00 – 12:00	**Plenary Discussion**
12:00 – 14:00	***Lunch Break***

Afternoon session

	Co- Chairs: Dr. Francis Deng & Amb. Bethuel Kiplagat
14:00 - 15:30	**Plenary Discussion on the Way Forward**
15:30 – 17:00	**Tea Break & Drafting of the Way forward**
17:00 – 18:00	**Presentation and Adoption of recommendations by the drafting Committee**

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12-13 March 2007
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