



# Lost Opportunities in the Horn of Africa

How Conflicts Connect and  
Peace Agreements Unravel

A Horn of Africa Group Report by  
Sally Healy



CHATHAM HOUSE



Royal African Society



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**Chatham House**  
10 St James's Square  
London, SW1Y 4LE  
T: +44 (0) 20 7957 5700  
F: +44 (0) 20 7957 5710  
[www.chathamhouse.org.uk](http://www.chathamhouse.org.uk)

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1. The signing ceremony for the peace agreement between Ethiopia and Eritrea in Algiers. Seated [l to r] are President Issayas Afeworki of Eritrea and Prime Minister Meles Zenawi of Ethiopia. UN Photo © Eskinder Debebe.
2. John Garang and Ali Osman Taha display the text of the wealth-sharing agreement in Naivasha, Kenya. © IRIN (200418).
3. A Somali soldier near a building destroyed in recent fighting between the government and insurgents, Mogadishu, 22 May 2007. © Ahmed Yusuf Mohamed/IRIN.
4. Abdullahi Yusuf Ahmed, President of the Transitional Federal Government of the Somali Republic, addresses the UN general debate of the sixtieth session of the General Assembly, 7 September 2005. UN Photo © Paulo Filgueiras.

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# Contents

	About the Author	4
	Acknowledgments	5
	Executive Summary	6
1	Introduction: The Horn in its African Context	9
2	A Tale of Three Peace Processes	11
	2.1. <i>Ethiopia and Eritrea: The Algiers Agreement</i>	11
	2.2. <i>Somalia: the Mbgathi Peace Process</i>	20
	2.3. <i>Sudan's Comprehensive Peace Agreement (CPA)</i>	29
3	The Regional Factors	38
4	Conclusions, Lessons and Recommendations	43
	Notes	46

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## About the author

**Sally Healy OBE** is an Associate Fellow of the Africa Programme at Chatham House. She was formerly a specialist in the Foreign and Commonwealth Office with over twenty years' experience providing research and analysis of African politics and development, with a particular focus on the countries of the Horn and East Africa. She is Convenor of the Horn of Africa Group, a collaborative study of conflict in the Horn of Africa undertaken at Chatham House over the past two years, and is the author, with Martin Plaut, of the Chatham House Briefing Paper *Ethiopia and Eritrea: Allergic to Persuasion* (2007).

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# Acknowledgments

This study draws on information and analysis developed in a diverse range of meetings and events in 2007 convened by the Horn of Africa Group. This was a collaboration between four institutions: Chatham House, the Royal African Society, the Rift Valley Institute and the Centre for African Studies at London University. We sought to pool the regional expertise of the four organizations, to engage with policy-makers and people from the region, to challenge received wisdom and to take a long-term view.

The Group's activities were loosely framed around an investigation of peace processes in the Horn of Africa and why they had produced such disappointing outcomes. This report builds on several earlier publications produced through our collaboration. Among them are briefing papers on the Algiers Agreement<sup>1</sup> and on the rise of the Islamic Courts in Mogadishu,<sup>2</sup> and a conference report on Sudan's Comprehensive Peace Agreement.<sup>3</sup> Ethiopia's intervention in Somalia was discussed in meetings with a wide range of Somali interlocutors and helped to inform articles in *The World Today*.<sup>4</sup> The interplay of local and global interests was examined in a conference on Eritrea's Foreign Policy.<sup>5</sup> The series also included a conference on Eritrea's Economic Prospects<sup>6</sup> and another on the conflict in the Ogaden region.<sup>7</sup>

As convenor of the Horn of Africa Group I took the lead in arranging the series. We benefited greatly from the participation in our discussions of many London-based individuals from Somalia, Eritrea, Ethiopia and Sudan who helped to deepen our understanding of the politics of the Horn. They all deserve credit. I would particularly like to acknowledge the invaluable role played by my collaborators: Richard Dowden of the Royal African Society, John Ryle of the Rift Valley Institute, Dr Cedric Barnes and Dr Richard Reid of SOAS and the Centre for Africa Studies. Their interest and enthusiasm for the project, their expertise and insights have made this a hugely beneficial collaboration. Martin Plaut of the BBC World Service has also made an outstanding contribution to our work. I would like to thank Tom Cargill and Roger Middleton from the Africa Programme of Chatham House who provided the institutional and administrative support that enabled it all to run smoothly.

The project benefited from the financial support of the Foreign and Commonwealth Office, the Royal Norwegian Government and the Government of Canada, which is gratefully acknowledged. We also acknowledge the value of their officials' participation in our meetings. The funding enabled me to pay a research visit to Addis Ababa, Djibouti and Nairobi, where a large number of government representatives and officials, diplomats, analysts and think-tank staff generously took their time to explain their positions and share their views.

The judgments and conclusions in this report are my own. I hope that they do justice to the numerous contributions of others. I hope too that the report offers some insights that may one day contribute to a more peaceful future in the Horn of Africa.

**Sally Healy**

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## Executive summary

This report is a study of three peace processes in the Horn of Africa, a region of Africa distinguished by the prevalence and persistence of armed conflict. It deals with the Algiers Agreement of December 2000 between Ethiopia and Eritrea, the Somalia National Peace and Reconciliation Process concluded in October 2004 and the Sudan Comprehensive Peace Agreement of January 2005.

It examines in turn the background and historical context of the conflicts that these peace agreements were intended to resolve. It charts the developments since the agreements were signed, seeking to assess how far they have achieved successful outcomes for peace and stability. The results are very mixed.

**The Algiers Agreement** continues to provide a framework for relations between Ethiopia and Eritrea. But it has not created a permanent settlement between the two sides and now seems unlikely to do so. The two instruments created by Algiers to help Ethiopia and Eritrea reach a permanent peace were the Eritrea–Ethiopia Boundary Commission and the United Nations Mission in Ethiopia and Eritrea (UNMEE). These both appear to have run their course. The two countries have not returned to war. But their fierce enmity has been played out elsewhere in the region, notably through proxies in Somalia. There is no sign of it ending.

**Somalia's Mbgathi peace process** produced a Transitional Federal Government (TFG) that was supposed to establish a transitional government and administration based in Mogadishu. The TFG still exists and is recognized as the government of Somalia in the region. But it has proved

quite unable to establish its authority inside Somalia. When the Islamic Courts took control of Mogadishu in 2006, Ethiopia decided to install the TFG by force. Since then Mogadishu has been in the grip of a powerful insurgency, part anti-Ethiopian, part Islamist, directed against the TFG and its Ethiopian sponsors. An undersized African Union peacekeeping force is helplessly caught in the middle. Reconciliation efforts pushed by the international community have made little headway. The conflict in South Central Somalia continues to deepen and spread at a terrible human cost, creating conditions that are much worse than those that existed before the peace process began.

**Sudan's Comprehensive Peace Agreement (CPA)** has made progress. The South of Sudan has established its own government and the two sides rely heavily on the CPA text to manage their relations. However, some critically important questions remain to be resolved about the territorial definition of the South and the make-up of the Southern population. The results of the recently completed census will be vital. Slippage in the implementation timetable caused a political crisis and near breakdown in late 2007. Anxiety and lack of trust hinder progress; there is much still to do, including elections, before a referendum on independence for the South in 2011. The failure to reach political settlements on key issues of demarcation and administration in the oil-rich region of Abyei bodes badly. Lack of political will, lack of capacity, lack of trust and the long shadow of conflict in Darfur continue to pose major challenges.

The prevalence of identity politics and processes of state formation and disintegration are identified as common structural features of conflict in the region. The assessments of the peace processes helped to illustrate the ways in which interactions *between* the states of the region support and sustain the conflicts *within* them in a systemic way. The interplay of regional and global interests is especially problematic in a region of Africa where the 'global war on terrorism' has some resonance.

High levels of security interdependence exist among the countries of the Horn, suggesting that it constitutes a

Regional Security Complex. Historical memory plays an important part in how the states and leaderships of the region understand and formulate security threats. It also impedes the prospects for a more stable security order. The regional institution that should take the lead on conflict management, IGAD (the Intergovernmental Authority for Development), is severely hampered by conflict among its member states. In the long term, economic change and growing economic interdependence – an area deserving of further research – seem the most likely drivers of stability.

The study ends with four broad conclusions that have implications for outsiders engaged in conflict analysis or designing conflict resolution interventions:

- 1 The need to take account of the long history of amity and enmity in the region as a whole, recognizing that the protagonists of contemporary conflicts experience them as part of a long continuum of warfare. Outsiders have limited influence over conflict dynamics in the region and should set suitably modest goals.
- 2 The need to appreciate the problematic nature of the state and its relations with its subjects, especially those on the periphery and in unstable border zones who have long struggled to resist incorporation. This raises some real questions over the applicability of the commonly used weak and fragile state analysis as well as the familiar ‘state-building’ approach to conflict resolution.
- 3 The need to see the Horn of Africa as a Regional Security Complex in which the security problems of each country impact on the security of all. The different conflicts interlock with and feed into each

other, determining regional foreign policy positions that exacerbate conflict. The regional body, IGAD, is unfortunately too compromised by conflicts among its member states to develop a new framework. Outside actors cannot succeed with a conflict-by-conflict approach and need to factor other regional players into their conflict solutions.

- 4 Attention must be paid to the influence on the Horn of global agendas. This is a two-way process, with external actors seeking strategic alliances and the regional players courting the attention of the key global players. Conflict has been exacerbated by the insertion of the logic of the global war on terrorism in an already complex web of regional conflict. It has polarized parties and reduced the space for mediation. Outsiders interested in mediation need to respond judiciously to the allegations of terrorism levelled against various parties to conflict in the Horn and to seek to develop space for dialogue.

Given the apparent inability of the countries of the Horn to develop a framework for a common regional security order and the limited influence of outsider powers to push successful settlements, the paper recommends a policy approach that:

- Is even-handed in dealing with the states of the region, requiring *all* of them to conform to the normal conventions of international conduct;
- Prioritizes human security and the need to protect people caught up in conflict;
- Favours local partners, whether states or non-state actors, that protect their people and not those who claim to protect Western interests.





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# 1. Introduction: the Horn in its African Context

The magnitude of violent conflict in the Horn of Africa, taken over time, is greater than in any other African region. It has been both prevalent and persistent, with multiple examples of both civil war and inter-state war. Barely a single decade can be identified in the last 100 years when Ethiopia and Somalia did not experience armed conflict in one form or another. Similarly Sudan has been in almost continuous conflict for 40 years. In any analysis of contemporary peace processes in the region it is apparent that breaking out of these long cycles of violent conflict is a far more ambitious goal than ending any one particular struggle.

After the Cold War several of Africa's long-term conflicts, including Eritrea's 30-year liberation war, seemingly came to an end. One exception was Sudan, where the North-South conflict dragged on as Africa's next longest war. Somalia entered a period of profound state collapse from which it has yet to emerge. And after seven years of peace, Ethiopia and Eritrea returned to war, engaging in a highly destructive conventional conflict from 1998 to 2000.

Elsewhere in Africa,<sup>8</sup> conflicts of a new kind appeared as patrimonial leaders lost their external sponsors and the pressures of democratization opened up old fault lines. Nearly all of these were civil wars. Bucking the trend in the rest of the world, the number of conflicts in Africa increased steadily from the Second World War to 1991, despite the end of anti-colonial struggles. It remained high

until 2002, when it appeared to start declining.<sup>9</sup> Most of these wars (with exceptions in the Horn) were low-intensity conflicts, typically asymmetric wars between organized armed forces and poorly armed opponents. The death toll from such conflicts is generally lower than in conventional wars. Nonetheless, in 2000 the battle death toll for sub-Saharan Africa was calculated to be greater than the toll in all the other regions of the world put together.<sup>10</sup>

‘The events of 9/11 opened up a whole new discourse about the threats to international peace and security emanating from failed and fragile states. This has now become part of the orthodoxy of national security’

The prevalence of conflict in Africa attracted renewed scholarly interest. The period between the end of the Cold War and the new era of combating global terrorism saw new approaches in international practice, including innovative forms of humanitarian intervention. The results of such interventions ranged from failure in Somalia (1992/3) to disaster in Rwanda (1993/4) to relative success in Sierra Leone (1999–2002). It was in Africa that the international community piloted its models for external military intervention followed by state-building endeavours.

Outside Africa the debate about causality ranged around issues of poverty and underdevelopment, ethnicity and political exclusion. By the end of the 1990s there was an emerging consensus that the structural causes of African conflict were to do with weak states and poor governance. The events of 9/11 opened up a whole new discourse about the threats to international peace and security emanating from failed and fragile states. This has now become part of the orthodoxy of national security<sup>11</sup> and has increased the importance attached to the ‘state-building’ approach to conflict resolution. A

third element in the debate about African conflict was the development of the concept of human security to describe the complex of interrelated threats associated with civil war, genocide and displacement. Somewhat distinct from the concept of state security, human security focused attention on the security needs of communities and individuals caught up in situations of violent conflict. The proponents of this approach argued that the sharp reduction in inter-state conflict called for new approaches to security that focused less on the risks of war between states and more on the victims of the warfare that was taking place within states.

During the 1990s Africa's own ideas about conflict management were also being reassessed. This occurred as the continent's sole regional body, the Organization of African Unity (OAU), began its evolution from an anti-colonial solidarity organization into a more conventional regional peace- and security-focused African Union (AU). Although most African conflicts were civil wars rather than inter-state wars, Africa's political leaders recognized the insidious impact of such conflict on neighbouring states. Reviving the 1960s slogan of 'African solutions to African problems', they resolved to take a more proactive approach to conflict resolution and management. The AU Charter contains provisions for regional intervention that

are among the most permissive in the world, including 'the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity'.<sup>12</sup> The evolving African Peace and Security Architecture places the main burden for conflict management on the AU's sub-regional bodies.

A key stimulant for external engagement was the realization that conflict constituted a major impediment to the development aspirations of the African continent. These were aspirations that many in the Western world were coming to see as objectives that they themselves shared, or ought to share, in a globalized world. The high-water mark of this spirit was the enunciation of the Millennium Development Goals in 2000. By then conflict in Africa had become as much part of the development agenda as of the international peace and security agenda. The development approach brought with it a conviction that, given sufficient effort and commitment, the outside world had the ability to end conflict in Africa through interventions that were sensibly targeted, properly resourced and suitably long-term. It was in this spirit that Western powers engaged purposefully between 2000 and 2005 in three major peace processes that culminated in the signing of peace agreements in the Horn of Africa.

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## 2. A Tale of Three Peace Processes

This report focuses on three separate peace agreements: the Algiers Agreement signed on 12 December 2000 between Ethiopia and Eritrea; the outcome of the Somalia National Reconciliation Conference as represented by the Transitional Federal Government of Somalia, whose President, Abdulahi Yusuf was inaugurated on 10 October 2004; and the Sudan Comprehensive Peace Agreement signed on 9 January 2005 between the Government of Sudan and the Sudan People's Liberation Movement (SPLM).

These agreements were entirely different in scope and character. The Algiers Agreement was designed to end the fierce inter-state war that erupted in 1998 between Eritrea and neighbouring Ethiopia, from which the former had secured its independence just five years earlier. The Agreement was drawn up quite quickly on the back of a Cessations of Hostilities Agreement reached six months earlier. The Somali Peace Process, or Mbgathi<sup>13</sup> Peace Process, was a long-drawn-out affair designed to address state collapse, a condition in which Somalia had been languishing for more than 13 years. The Sudanese Agreement was the most substantial of the three agreements and had been negotiated over two-and-a-half years, bringing an end to the civil war between North and South Sudan. This had been going on since 1983 and was Africa's longest war.

One common feature of the agreements was that they all enjoyed substantial support from Western governments in the shape of diplomatic engagement, financial support and (to varying degrees) international pressure. While all of

them had regional sponsors of one kind or another, the peace processes were to some extent externally driven.

The other common feature was that all the agreements envisaged a set of future decisions or actions that were intended to consolidate peaceful relations among the concerned parties. In all three these subsequent actions are proving problematic. The difficulties will now be considered in turn in relation to each agreement.

### 2.1 Ethiopia and Eritrea: The Algiers Agreement

The Algiers Agreement was signed by Ethiopia and Eritrea on 12 December 2000. Warfare between the two countries had already ended with the signing of a Cessation of Hostilities Agreement in June 2000. This had established a 25km demilitarized Transitional Security Zone (TSZ) situated on the Eritrean side of the *de facto* border. The UN was invited to provide a peacekeeping force to monitor the zone. The Algiers Agreement formally ended the war. It provided for an adjudication of the disputed border, settlement of compensation claims between the two sides and the deployment of UN peacekeepers. A neutral Eritrea–Ethiopia Boundary Commission (EEBC) was established under the agreement with a mandate 'to delimit and demarcate the colonial treaty border based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law'.<sup>14</sup> The two sides agreed in advance that the decision of the Commission would be final and binding, and would be followed by 'expeditious' demarcation.

The impact of the Ethiopia–Eritrea conflict was not confined to the two countries. It profoundly altered the alliance structure of the entire region. Whatever their local differences before the war – and these were played out very quietly – Ethiopia and Eritrea had appeared to be in lockstep on regional foreign policy issues. In particular, they had formed a hostile alliance against Sudan and were providing vigorous support, including military assistance, to the Sudanese opposition movements grouped in the National Democratic Alliance (NDA). The anti-Khartoum alliance included Uganda and had the backing of the

United States. It ended as soon as Ethiopia and Eritrea went to war. During the hostilities the countries of the region tried to affect a neutral stance, though generally not to the satisfaction of Eritrea. Along with the Sudanese government, which saw the hostile alliance crumble, Djibouti was a major beneficiary of the conflict. The loss of access to Eritrea's ports at Assab and Massawa brought all Ethiopia's import and export trade to the port of Djibouti. Income from Ethiopian trade now accounts for 70 per cent of Djibouti's revenue. There were also consequences for Somalia, where Ethiopia and Eritrea started to support opposing sides among the Mogadishu warlords.

### Background to the conflict

The war that broke out between Ethiopia and Eritrea in May 1998 came as a complete surprise to most observers, including the protagonists themselves (though they tend to deny this). The two countries had only recently achieved a 'civil divorce' that had established Eritrea as an independent state in 1993. To the outside world and to their respective domestic audiences, the two regimes appeared to be on excellent terms. The underlying causes of the conflict were local, but nonetheless complex. They had to do with shifting power relations between former allies, growing economic rivalry and competing local nationalism.

The 1991 overthrow of the Mengistu regime in Ethiopia had been achieved as a joint venture between two rebel forces, the Eritrean People's Liberation Front (EPLF) and the Ethiopian People's Revolutionary Democratic Front (EPRDF). (The core component of the EPRDF was the Tigrayan People's Liberation Front (TPLF), operating in the province of Tigray that adjoins Eritrea.) Acceptance of Eritrea's independence was a central plank of the alliance and was formalized by a UN-supervised referendum in Eritrea in 1993. A significant section of Ethiopian opinion was opposed to the secession of Eritrea but the EPRDF's transitional government, headed by Meles Zenawi, argued that it was a necessary measure to bring an end to the conflict that had bedevilled the country for the previous 30 years. Arrangements were made for Ethiopia's continuing use of the Eritrean ports Massawa and Assab. This was a profitable arrangement for Eritrea, which also used

Ethiopia's currency. Details of these arrangements were not open to public scrutiny,<sup>15</sup> not least because of the sensitivities over Eritrea's independence.

Despite these sensitivities, none of the other countries in the region opposed Eritrea's secession. Sudan had supported Eritrean independence fairly consistently since the 1960s. Somalia was in tatters and in no state to adopt foreign policy positions. But if it had been, Somali sympathies would undoubtedly have been with Eritrea. When Somalia did have a government it had supported the Eritrean rebellion as a way of weakening Ethiopia, the overbearing neighbour with which it had so long been at odds. Departing from its customary conservatism on matters of boundary changes, the Organization of African Unity (OAU) raised no objections to Eritrea's independence since the Ethiopian government had accepted the principle of separation. Ethiopia itself asked the UN to supervise the referendum that produced an overwhelming vote for independence.

On the surface, relations between Issayas Afeworki and Meles Zenawi appeared to be close and harmonious. They had been comrades in arms for more than a decade and had successfully defeated a common enemy. However, this image proved to be something of a public myth.<sup>16</sup> In reality there had been some serious difficulties between the Eritrean and Tigrayan fronts during the struggle, including a complete breakdown in relations at a critical time of famine when the EPLF had denied the TPLF access on its supply routes from Sudan.<sup>17</sup> Despite these past troubles, little was done to develop the institutions required to manage complex and increasingly divergent inter-state interests. Instead, as Richard Reid has put it, the two sides 'institutionalised a set of disagreements and contradictions that had plagued relations between the movements since the liberation war'.<sup>18</sup>

Serious economic rivalry developed, particularly between party elites in Eritrea and Tigray. Eritrea's adoption of a separate currency in late 1997 had major financial consequences that soon began to destabilize the interdependent relationship between Eritrea and Ethiopia. The undemarcated border between the two countries, which had previously had no effect on economic life, suddenly became a real trade barrier across which transac-

tion costs would be incurred. At the same time Ethiopia had to pay in dollars for use of the port of Assab and started to divert some of its trade to Djibouti instead. Ethiopia took the opportunity to issue new banknotes and was unwilling to maintain parity of exchange rates. The relative strength of the Ethiopian currency against the new Eritrean currency quickly became apparent. At the micro level there were growing disputes over jurisdiction between local authorities along the undemarcated border, and some incursions had occurred from the Ethiopian side during security operations. Suspicion was also aroused in Eritrea over a map issued by the regional state authorities in Tigray with borders that extended into territory the Eritreans regarded as their own. The accumulation of issues had already prompted the two sides to establish a boundary commission to work on demarcation, but it had yet to start its work.

It was against this background, in May 1998, that a small border incident was mishandled and erupted out of control – neither side had planned it. Eritrean forces moved into the Ethiopian-administered village of Badme on 12 May following a shooting incident between local militia and an Eritrean border patrol on 6 May. The Ethiopian prime minister summoned parliament next day and declared war. Intense diplomatic efforts were launched to prevent the war being pushed to its logical conclusion. On the table, from an early stage, was a joint US/Rwanda proposal – that the two sides should withdraw to positions held before the outbreak of conflict and seek a neutral ruling on the location of the boundary that they would both accept. However, it proved impossible for the sides to agree on the terms of withdrawal. Initially, Ethiopia accepted the proposal and Eritrea rejected it. After the 1999 round of fighting Eritrea moved to acceptance and Ethiopia raised objections over the details. Over the next two years there were three intense military campaigns that cost the lives of over 80,000 combatants. Fighting ended in June 2000 after Ethiopian forces dislodged Eritrean forces from border positions they had seized in 1998 and started to advance inside the country.

#### The outcome at Algiers

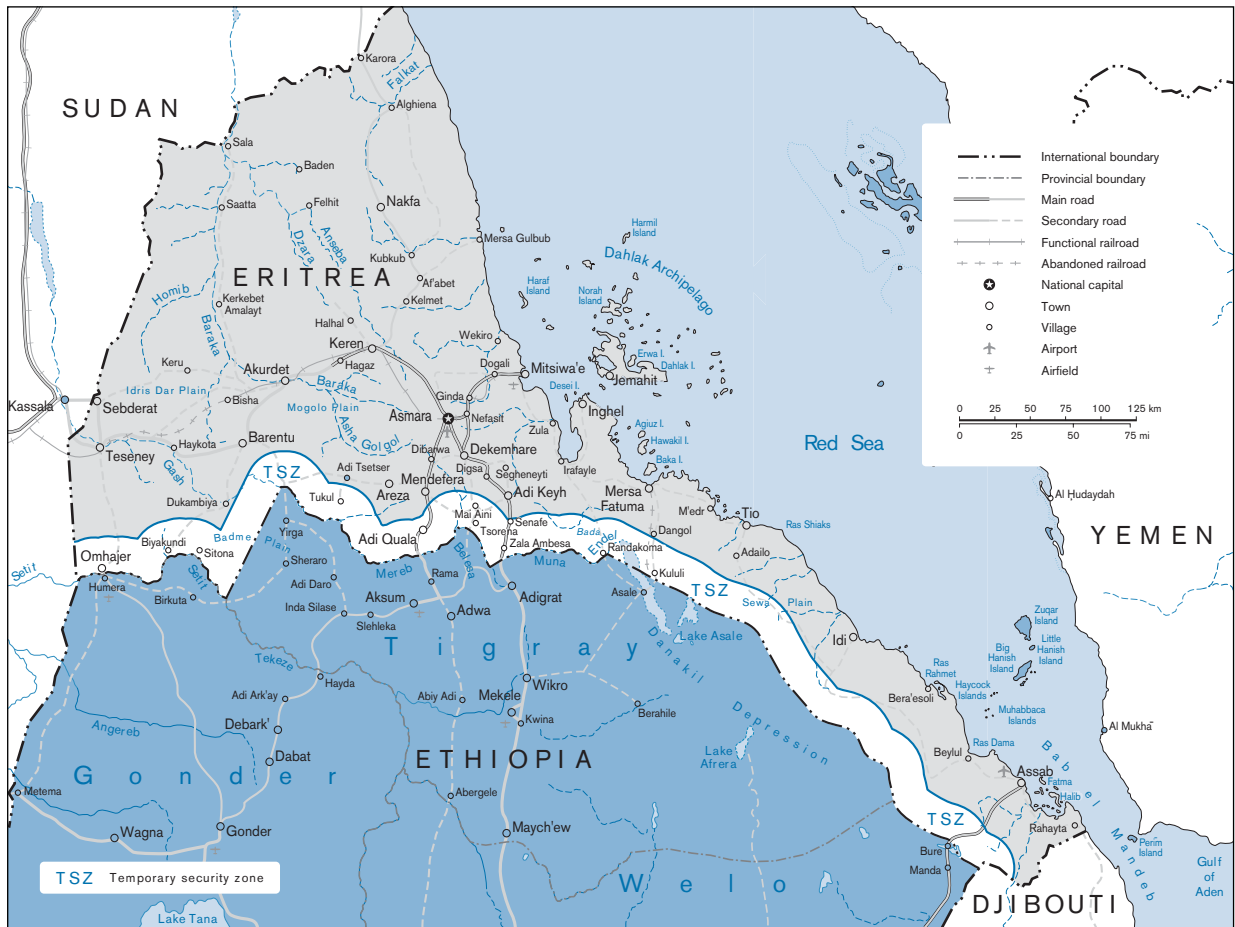
Negotiations on both the Cessation of Hostilities and the Algiers Agreements were achieved very rapidly after the

fighting ended. This was possible because the external parties to the agreement – the OAU, US, UN and EU – had been heavily involved in trying to prevent the war and a good deal of preparatory work had been done on what a peace would look like. The mediators and the backers of the process believed it secured their main objectives – a UN-supervised demilitarized zone to ensure no renewal of conflict and a mechanism to delimit and demarcate the border between the two countries. For external mediators this seemed the most tangible problem to solve. Neither of the parties objected to treating it as the central issue.

Initially the peace process went well. There was no recurrence of fighting. The Transitional Security Zone was demarcated (on the Eritrean side of the *de facto* border) in early 2001 and Ethiopian troops had withdrawn by March. A 3,800-strong UN peacekeeping force, the United Nations Mission in Ethiopia and Eritrea (UNMEE), was quickly installed to oversee the demilitarized border area while the Boundary Commission came up with its findings.

The Boundary Commission announced its Delimitation Decision on 13 April 2002. It agreed upon an interpretation of the boundary such that it fell to the east of Badme, placing the town administered by Ethiopia, and where the conflict had erupted, just inside Eritrea. The chances that the ruling would provide the basis for a viable settlement were severely hampered by the fact that it did not reflect the distribution of power at the end of the war.<sup>19</sup> But here contested versions of reality set in. From Ethiopia's perspective, the ruling required it to give up territory previously under its administration that had been unlawfully seized and had just been won back in a very costly war. Eritrea, unwilling to admit defeat, explains it quite differently. It maintains that it undertook a strategic withdrawal in response to Ethiopia's determined military assault in May 2000, and that then both sides had agreed to resort to a binding adjudication instead of continuing the conflict. According to this view, Ethiopia did not win the war. There may be some Eritrean bravado involved but Ethiopia's early withdrawal (under the terms of Algiers) allows the perpetuation of the idea that the Eritreans were not entirely defeated.

Map 2: Temporary Security Zone between Ethiopia and Eritrea



Source: UNMEE Reference Map, No. 4150 Rev. 1 UN Sept 2000.

The boundaries and names shown and designations used on maps in this report do not imply endorsement or acceptance by the author, Chatham House or its partners.

### Blockage on the boundary ruling

Ethiopia appealed first to the Boundary Commission, arguing that errors had been made and adjustments would be required during the demarcation phase. The Commission responded that the Delimitation Decision was final and binding, that having made its determination it could not receive further representations from the parties and that it had no authority to vary the boundary line.<sup>20</sup>

Ethiopia next appealed to the UN Security Council. In a letter to the UN Secretary General, Prime Minister Meles declared that the work of the Commission was in terminal crisis as a result of its decision on Badme and parts of the Central Sector. This he characterized as ‘totally illegal, unjust and irresponsible’. He appealed to the Security Council to set up an ‘alternative mechanism to demarcate

the contested parts of the boundary in a just and legal manner.’<sup>21</sup> This was rejected.

Eritrea meanwhile stuck firmly to the terms of the Algiers Agreement and looked to the international community to put meaningful pressure on the Ethiopian government to accept the ruling and allow demarcation to take place. Despite having the law on its side, Eritrea had considerable difficulty gaining international sympathy. Its increasingly blunt demands for the international community to compel Ethiopia to comply with the Decision (and give up Badme) largely fell on deaf ears.

A stalemate set in from late 2003. The UN and its most important member – the United States – refused to move away from the boundary ruling, attempting instead to sweeten the bitter pill. Ethiopia used skilful diplomacy to

present its case for non-compliance in the best possible light, banking on its greater weight as a regional partner, particularly in the post 9/11 climate. Eritrea has found it hard to accept the reality of its weak international standing *vis-à-vis* Ethiopia. At times it has made matters worse by playing its diplomatic hand badly and alienating previously friendly powers.

#### A diplomatic quagmire

Ethiopia's refusal to accept the boundary ruling posed a significant problem for the UN. Demarcation was the completion point of the UNMEE mission, without which it had no exit strategy. In late 2003, the UN Secretary General appointed a Special Representative to try to resolve the stalled peace process. But Eritrea rejected this as an attempt to smuggle in the 'alternative mechanism' for solving the border issue that Ethiopia sought. In the same vein, Eritrea rejected a Five Point Peace Plan announced by Ethiopia in November 2004. This declared Ethiopia's acceptance 'in principle' of the Delimitation Decision and proposed to 'start dialogue immediately with the view to implementing the Ethiopia-Eritrea Boundary Commission's decision in a manner consistent with the promotion of sustainable peace and brotherly ties between the two peoples.'<sup>22</sup> Eritrea refused any sort of dialogue until demarcation had taken place.

The Eritreans wanted to break the impasse. The Boundary Commission decision was in their favour and they wanted it implemented. Furthermore, the state of no war and no peace was hurting them much more than Ethiopia. Eritrea's government took the view that the undemarcated border required it to remain on a war footing. The country was paying a terrible social and economic price as a result of having some 10 per cent of its population tied up in unending military service. It was also becoming obvious that Eritrean demands that the international community compel Ethiopia to comply with its legal obligations were not gaining any traction.

Eritrea's chosen strategy was to apply direct pressure on UNMEE. In October 2005 the government placed restrictions on road travel and a ban on helicopter flights, which directly impinged on UNMEE's ability to fulfil its mission. The government also demanded that all European and North

American staff be withdrawn from UNMEE. Eritrea correctly calculated that these actions would gain attention – albeit negative attention. In November 2005 the Security Council passed Resolution 1640 threatening economic sanctions against Eritrea unless it lifted its restrictions on UNMEE. It also demanded that Ethiopia allow the demarcation of the border, without further delay. Neither side complied.

In 2006 the US spearheaded a fresh round of diplomatic activity. Although it appeared to be in Eritrea's interests to get the process moving again, President Issayas spurned contact with American government representatives. In January 2006 US Assistant Secretary of State Jendayi Frazer wanted to lead a high-level team to the two capitals, Asmara and Addis Ababa, and to see the border situation. Eritrea refused to allow her to visit the border, and that leg of the mission was cancelled. Frazer went instead to Ethiopia where she held talks with Meles and visited the disputed frontier. Her remarks there about the difficulties of demarcation and the splitting of communities were interpreted as pro-Ethiopia. Eritrea's tone thereafter became increasingly hostile towards the US.

The US initiated a meeting of the Witnesses to the Algiers Agreement – the US, EU, AU and Algeria – in February 2006 and asked the Boundary Commission to call a meeting, introducing the idea of a neutral facilitator to assist with the process of demarcation. The Boundary Commission held two meetings in the first half of 2006, with both sides in attendance. (This represented a small breakthrough since Ethiopia had not attended any meetings of the Commission since 2003.) Eritrea had registered in advance its suspicions about the addition of any technical experts to the process and soon lost patience. It refused to attend a third meeting of the Boundary Commission in June 2006 and denounced the whole US initiative as 'pro-Ethiopian'. President Issayas charged the US with putting pressure on the Boundary Commission and trying to wrest the case from its jurisdiction. He concluded that the US administration was vouching for Ethiopia's defiance of international law.<sup>23</sup>

#### Termination of the Boundary Commission

The Eritrea–Ethiopia Boundary Commission could go no further. It had fulfilled the first part of its terms of reference



– to provide a valid legal deposition on the boundary. It could not proceed to the second part, namely demarcation of the boundary, without the cooperation of the two parties. Such cooperation was clearly not forthcoming. Yet the Commission could not remain in existence indefinitely. With avenues to progress once more blocked, the Boundary Commission gave notice on 27 November 2006 of a new approach: using ‘modern techniques of image processing and terrain modelling’, it had identified the location for the emplacement of boundary pillars in accordance with the 2002 Delimitation Decision. It gave the parties a list of the locations of the pillars and 45 maps illustrating the boundary points. It invited them, once more, to reach agreement on the emplacement of the boundary pillars on the ground. It gave notice, however, that if in one year’s time Ethiopia and Eritrea had still failed to agree or to enable the Commission to resume its demarcation activities, the boundary described on the maps would automatically stand as demarcated and the mandate of the Commission would be regarded as fulfilled.<sup>24</sup>

The Boundary Commission made a last-ditch attempt to bring the two sides together in September 2007. Ethiopia insisted that any progress on demarcation required the prior departure of Eritrean forces from the TSZ and the meeting ended without any progress. Concluding that the two sides were unable to create the conditions required for physical demarcation to take place, the Boundary Commission announced on 30 November 2007 that it had fulfilled its mandate. In place of demarcation, the Commission officially presented maps to all the concerned parties, including the UN Cartographic Unit, showing a complete set of coordinates for the emplacement of boundary pillars representing the 2002 Delimitation Decision.

Eritrea has acknowledged as final and valid the coordinates specified by the EEBC. It appears ready to settle for virtual demarcation and to accept border demarcation on the map as the final step in reinforcing the EEBC ruling of April 2002. President Issayas was reported as saying that the border issue in its legal, political and technical aspects had concluded, thus marking the culmination of the Algiers Agreement, and that the sole remaining task was the unconditional withdrawal of the invading TPLF

regime’s forces from sovereign Eritrean territory.<sup>25</sup> Ethiopia, on the other hand, has stated that it regards the demarcation coordinates as invalid as they are not the product of a demarcation process recognized by international law. It has described virtual demarcation as a ‘legal nonsense’ and maintains that border demarcation cannot be recognized unless the pillars are positioned on the ground. Since 2007 Ethiopia has stated with growing emphasis that it *has* accepted the Boundary Commission Delimitation Decision, and that what was now necessary was for Ethiopia and Eritrea to sit down together and discuss exactly how to demarcate the border. In short, the process of physical demarcation must be worked out – sooner or later – through dialogue.

#### The UNMEE dilemma

Throughout 2006 and 2007 UNMEE faced increasingly severe restrictions placed on it by Eritrea. The Eritrean authorities dismissed the protests of the UN Security Council over these restrictions as ‘secondary issues’ – compared with the primary issue of compelling Ethiopia to accept the boundary decision – and refused to comply with a succession of Security Council resolutions demanding that they be lifted. In recognition of the constraints on UNMEE’s ability to fulfil its mandate, force levels were progressively reduced – to 2,300 in mid-2006 and to 1,700 in April 2007. The operation limped along to end of the year but a fuel ban introduced in December made its position increasingly untenable.

Alongside the restrictions on UNMEE, Eritrea has deployed troops and heavy equipment into the Transitional Security Zone. Ethiopia has seized upon this to turn the legal argument about compliance on its head. Ethiopia now cites Eritrea’s violation of the Cessation of Hostilities Agreement of June 2000 to explain its own non-compliance with demarcation of the boundary. Ethiopia has now seemingly satisfied the Boundary Commission that it has accepted the Delimitation Decision without precondition.<sup>26</sup> Public statements are somewhat more nuanced. Meles has told parliament that Ethiopia thought the border ruling was wrong, but accepted it, and that Ethiopia was ready and willing to discuss implementation of the ruling.<sup>27</sup>

Ethiopia now argues that the integrity of the TSZ is necessary for the work of demarcation to proceed. Eritrea's violation of the TSZ and its restrictions on UNMEE had rendered demarcation practically impossible. Ethiopia therefore claimed that Eritrea's actions were in breach of the Algiers Agreement.

At the end of 2007 Ethiopia and Eritrea were engaged in increasingly tense exchanges, while both denied any intention of going to war. In late November, as the Boundary Commission notice expired, Meles declared: 'Should Eritrea launch another war, we will make certain that Asmara would never, ever dream of even entertaining or thinking about war again.'<sup>28</sup> Having accepted the virtual boundary as final, Eritrea has adopted the line of argument that it is entitled to UN Security Council support in establishing its sovereignty over the territory awarded to it.

“The dispute dominates all aspects of Eritrea's life – economic, political, social and military – and has legitimized the establishment of a highly militaristic and authoritarian state”

The UN Security Council decided to renew UNMEE's mandate for six months in January 2008. But UNMEE's formal exit strategy – to depart on completion of the border demarcation – had effectively been closed down by the termination of the Boundary Commission's work. Moreover, the operation itself was grinding to a halt under the impact of Eritrea's fuel restrictions. This reached crisis point during February 2008, whereupon UNMEE's operations were suspended and the bulk of the force left Eritrea to return to their home countries. Although the UN Secretary General has described this state of affairs as a 'temporary relocation', and a rear party of 164 military personnel remain in Asmara, Eritrea shows no inclination to restore UNMEE's presence that it characterizes – since the virtual border demarcation – as 'prolonging the occu-

pation by Ethiopia of territory awarded to Eritrea.'<sup>29</sup>

Seven years after signature there are no discernible signs that the Algiers Agreement can provide the framework for Eritrea and Ethiopia to reach a permanent, peaceful settlement. This is despite consistent and fairly concerted efforts on the part of the international community. The two nations had at their disposal the services of some of the world's most respected international legal authorities and a professional UN peacekeeping operation, operating at a budgeted cost of \$1.5bn since its inception. But their efforts seem to have been in vain: the two sides remain completely unreconciled.

The consequences are not confined to the two protagonists but have served to inflame regional insecurity. The dispute dominates all aspects of Eritrea's life – economic, political, social and military – and has legitimized the establishment of a highly militaristic and authoritarian state. Far from providing the economic interdependence with Ethiopia that was expected, the seaports that should be its key economic assets lie idle. Eritrea's fear of Ethiopian domination is very real (and historically well founded). The refusal to implement the boundary ruling plays on these fears and perpetuates the sense that Eritrea is standing alone against a powerful adversary. This underpins the twin pillars of its foreign policy – isolationism combined with opportunistic support for any armed insurgents opposed to Ethiopia. In this fashion, the failure to solve the Ethiopia–Eritrea dispute has contributed directly to the conflict in Somalia, as it has to the conflict in the Ogaden region of Ethiopia.

As the larger and stronger country, Ethiopia appears to cope better with the consequences of 'no war, no peace'. Its remarkably high growth figures suggest that its economy has been able to absorb the costs of developing alternative trade routes to Djibouti and even further afield to Kenya and Sudan. But the inability to re-establish a working relationship with Eritrea forces Ethiopia not only to confront its situation as a land-locked country (the most populous land-locked country in the world) but also to face the fact that it was this government that agreed to Eritrea's separation. This vulnerability inevitably impacts on Ethiopia's foreign policy, encouraging hegemonic conduct in the region. Eritrea's policy of roving intervention raises the

stakes for Ethiopia to find reliable alliances in Somalia. It also amplifies the threat from political adversaries inside the country and the neighbourhood, fuelling insecurity.

#### *Opinions about the Algiers Peace Agreement*

With such wide security consequences flowing from the failure to resolve the conflict, the question arises whether there were weaknesses or structural flaws in the Algiers Agreement that made it unworkable. Were the causes of the conflict sufficiently understood when the ‘peaceful solution’ was framed? Might a different type of agreement have produced a more constructive outcome? Have history and the respective leaderships conspired to make a peace between the two countries impossible? These questions were addressed to a selection of diplomats, officials and analysts during a visit to the region in February 2008. The following sections present a summary of typical responses.

#### *There is no peace agreement – they are still at war*

Some analysts consider that the reason Algiers has failed is that neither Ethiopia nor Eritrea had any serious intention of making peace. Algiers simply marked the end of the hot war (1998–2000) and deserves credit for successfully ending the fighting on the border. At the time, the Cessation of Hostilities Agreement provided a useful framework for managing troop withdrawal (mainly of victorious Ethiopian forces) and establishing a TSZ that, with some UN supervision, has largely served its purpose. Thereafter the two sides simply shifted from hot war to cold war. To the palpable despair of the diplomats, they have taken up hostile and antagonistic positions in every conceivable forum – with the Boundary Commission, in the UN Security Council, within the councils of the Intergovernmental Authority for Development (IGAD). They have also seized any opportunity to engage in mutual subversion. The most harmful aspects of their continuing hostility, however, were played out in a proxy war in Somalia.

#### *Meles and Issayas can never make peace*

Many commentators see the conflict between Ethiopia and Eritrea as a private battle between President Issayas and Prime Minister Meles. Personal history, translated to

personal hatred, is frequently offered as an explanation for the intractable nature of the conflict. This is said to explain their inability to re-establish a working relationship even though this would plainly benefit both countries (e.g. in economic terms). Compounding the problem is the fact that both men share a common political culture in which compromise is equated with capitulation. This mentality has been deepened by years of guerrilla struggle in which victory is understood to have been achieved through sheer obduracy and hard struggle.<sup>30</sup> At the same time, each believes the other to be on the brink of collapse. This reduces their incentives to work for a final settlement.

#### *The conflict serves domestic purposes*

It is also argued that maintaining the conflict serves important political purposes for the leadership of the two countries. Issayas and Meles both faced serious criticism from their close inner circle in the aftermath of the war. Meles cannot quite shake off the blame for ‘giving up Eritrea’ in 1993 in the belief this would provide the foundations for an enduring peace. If he cannot forgive Issayas for proving him so spectacularly wrong, he also cannot, for his public standing, allow any suspicion of accommodating Eritrean interests at Ethiopian expense. In Ethiopian official circles it is believed that Issayas’ key motive for demanding the implementation of the boundary decision is that he knows it is impossible for Meles to accede to it. For Eritrea, the conflict provides the authorities with the pretext for increasingly totalitarian control. Constitutional and political development has been completely arrested since 1998 in the name of war preparedness. Eritreans who recognize the need for democratization and reform are stifled by the argument that the grave threat that Ethiopia poses to Eritrea’s existence means all the fruits of freedom must be put on hold.

#### *The war was not about the border, so settling the border is not a solution*

There is a view that the Algiers Agreement was mistaken in putting so much emphasis on border delimitation as the primary mechanism for establishing peaceful relations between Ethiopia and Eritrea. This argument is creeping into Ethiopian orthodoxy, with deliberate attempts to

downplay the territorial challenge that triggered the war. In August 2007 Meles was reported as saying that Badme was no more than a pretext for the Eritrean invasion in 1998; the real reasons were economic and political. Therefore demarcation would not solve the crisis between Ethiopia and Eritrea, and political and economic solutions had to be found.<sup>31</sup> This argument is gaining currency in Addis Ababa, where mention of Ethiopia's 'right of access to the sea' is also becoming more frequent. According to an astute regional observer, the Ethiopian military establishment sees a strategic case for securing guaranteed use of a seaport and is formulating ideas around a long-term leasehold arrangement in Assab.<sup>32</sup>

For Eritrea, however, the conflict was (and still is) about the border. Eritrea has an existential problem: its identity and claim to sovereignty hinges on its existence as an Italian colony, defined by colonial treaties. From this perspective the territorial boundaries that define the homeland matter rather more to Eritrea than they do to Ethiopia. A need to assert and defend territorial identity has been a hallmark of Eritrea's regional policy and had already brought it into conflict with Yemen and into dispute with Djibouti before 1998. But much as Eritrea wants the territory awarded to it by the Boundary Commission, the lesson of the 1998–2000 war was that it does not have the military might to hold on to it. The odds are even more heavily stacked against Eritrea as it has become progressively more impoverished and isolated.

#### *Too much scope for the Boundary Commission*

The central importance given to border delimitation is often identified as a core weakness of the Algiers Agreement. The insistence on putting border delimitation at the heart of the process appears to have been a hangover from earlier (unsuccessful) diplomatic initiatives predicated on defining the border in order to *avoid* the war. The approach was not sufficiently reconsidered or redesigned to take account of the different circumstances that obtained once the war had been fought.

It is argued (mainly in Ethiopia) that the terms of reference of the Boundary Commission should have been drawn more tightly, for example requiring its members to visit the area. Some analysts in the region now question

why Meles was willing to put border delimitation into the hands of an external arbiter rather than 'dictating terms' as the victor in the war. Some Ethiopian critics go further, to argue that Eritrea does not 'deserve' to have a border agreement in view of its unwarranted aggression in 1998. From these perspectives, settlement is perceived as doing a favour to Eritrea rather than reaching a mutually acceptable solution to enable the two countries to live on good terms.

Diplomats who have wrestled with trying to break the impasse that arose through the Algiers process note that the 'final and binding' clause gave no leeway for external mediation or negotiation and propelled the two sides back towards a zero-sum contest. Others see nothing technically wrong with the Algiers Agreement; it was simply that both sides started to manoeuvre over implementation. Ethiopia's verbal acrobatics over compliance and non-compliance are generally accepted as seductive but fundamentally indefensible. On the other hand, Eritrea seems insistent on shooting itself in the foot through consistently offending other members of the international community, great and small.

#### *A framework for relations*

Despite the fact that the two key instruments of the Algiers Agreement – the EEBC and UNMEE – appear to have run out of steam, the agreement itself has not yet been abrogated.

Ethiopia's official position is that the Algiers Agreement still stands and generally serves the interests of both parties. Colonial treaties are the correct basis for settling the boundary. Ethiopia has accepted the border decision (unambiguously since March 2006) and now seeks a mechanism for translating the decision on the ground. If Eritrea would only entertain dialogue, it would be possible to achieve not only demarcation but also normalization of relations. According to this view, the Algiers Agreement continues to provide the framework within which Ethiopia and Eritrea should manage their relationship. It commits both parties to use peaceful and legal means to resolve their disputes, to reject the use of force and to abide by international norms. It gives them both recourse to the UN Security Council for help with 'anger management'.

Eritrea appears no less committed to the Algiers Agreement and continues to affirm its desire to uphold the integrity of the Agreement. The problem as it sees it is Ethiopia's failure to honour its undertakings over the final and binding border decision and demarcation. Eritrea's position is that it entered into the Agreement in good faith and agreed to submit its territorial claims to arbitration – as it had done in a territorial dispute with Yemen. It expected support from the international community to see the decision implemented. Now that the Boundary Commission has completed its work, Eritrea considers that Ethiopia's presence in territories awarded to Eritrea is a violation of the Algiers Agreement.

The Algiers Agreement now exists in a state of arrested implementation. Neither the Boundary Commission nor UNMEE is any longer in a position to influence events. It remains to be seen whether the text alone will be sufficient to prevent a return to war. Both leaders repeat that they have no intention of starting a war and it is not inconceivable that the peace will hold simply because neither man wants to give the other the satisfaction of starting the fight. Meanwhile, the Algiers Agreement upholds the important principle of the two countries coexisting as separate and sovereign states – which remains the condition to which they aspire.

### Regional matters

Whether Ethiopia and Eritrea manage to achieve peaceful coexistence or not might depend more on events taking place in the wider region than in the borderlands themselves. It is here, after all, that the Ethiopia–Eritrea conflict is actually being played out. Within Ethiopia some analysts now question whether peaceful coexistence as sovereign states is a practical option. Proxy conflict, notably in Somalia, is putting great strain on the stability of the region. Ethiopia is discomfited by Eritrea's hosting of the Somali opposition and is keen to decry Eritrea as a state sponsor of terrorism. Meanwhile, as Sudan heads towards the possible separation of Southern Sudan, there is very little sign that lessons have been learned from the Ethiopia–Eritrea experience. The circumstances in which the two countries reached the point of possible separation are quite different. But future problem areas such as

boundaries, citizenship and belonging already have some echoes in Sudan.

## 2.2. Somalia: the Mbgathi Peace Process

Somalia's National Peace and Reconciliation Conference took place in Kenya from 2002 to 2004. It was held under the auspices of the Intergovernmental Authority for Development and largely funded by the European Commission. It was not so much a reconciliation conference or a negotiation between warring factions as a bold attempt at political engineering intended to deal with prolonged state collapse in Somalia. Regional powers Ethiopia and Kenya, with the backing of European powers, embarked on a process to create a representative central government for Somalia where none had existed for well over a decade.

### Background to the Somali peace process

State collapse in Somalia had become a fact of life in the region. Ethiopia and Somalia both saw the end of dictatorial rule in 1991. But whereas Ethiopia had picked itself up and reconfigured its political landscape, Somalia's clan-based political dynamics had consistently worked against the re-establishment of a central government. Somalia was fragmented, but by the late 1990s some of its fragments, notably Somaliland and Puntland in the northwest and northeast of the country respectively, had established their own administrations that fulfilled most of the functions of government. Ethiopia had practical working relationships with both of these administrations.

South Central Somalia was different and remained deeply divided. Politics among the Hawiye clans in that part of the country had degenerated into warlordism, especially in Mogadishu where competing clan factions vied for control of business opportunities. The countervailing trend to the divisions of clan politics was a potent mix of pan-Somali nationalism and political Islamism with the potential to impinge on the large areas of Ethiopia and Kenya inhabited by ethnic Somalis. In the mid-1990s Ethiopia faced challenges from a radical Islamist movement, Al-Ittihad al-Islami, which conducted anti-

government operations in the Ogaden region and was responsible for several bomb attacks in Ethiopian towns. Ethiopia made common cause with various 'secular' warlords, Abdulahi Yusuf chief amongst them, who were opposed to Al-Ittihad for political reasons. After 1998, Eritrea became involved in supporting warlords opposed to those backed by Ethiopia, notably the Mogadishu warlord Hussein Aideed.

In addition to Ethiopian and Eritrean interventions, Somalia's troubled politics attracted the interest of the Arab world where there was sympathy with Islamist groups and concern about the extent of neighbouring interventions. The Mbgathi peace process was launched in this context and was geared towards the establishment of a power-sharing deal among warlords. The rise of the Islamic Courts Union in Mogadishu in 2006 was to add a new layer of complexity, introducing global issues – international terrorism – to an already troubled scene.

Several Somali reconciliation conferences had taken place before 2002 under the auspices of various national and international actors, often in competition with one another. Djibouti, Ethiopia, Egypt, Yemen, Libya and the UN had all had a hand in sponsoring meetings among the warring factions in Somalia but none of these externally mediated conferences had produced any lasting results. The last major conference of this sort had been hosted by Djibouti in 2000. It spawned a Transitional National Government (TNG), headed by President Abdiqasim, which enjoyed early support from the business community in Mogadishu but suffered from numerous internal weaknesses.

Abdiqasim lacked recognition from certain Mogadishu warlords who had no interest in seeing the establishment of a government that might (in the long run) restrict their profiteering activities. Several of them had links with Ethiopia. Abdiqasim's authority was more emphatically rejected in the stable areas of Puntland and Somaliland. Again, these were areas where Ethiopia had established ties with the authorities. The TNG was perceived to be friendly towards the Arab world. Ethiopia soon began to express concern about its Islamist leanings and went about orchestrating opposition to it, working hand in hand with Colonel Abdulahi Yusuf (of Puntland) and other warlords.

This helped to ensure that by the end of its three-year mandate the TNG had failed to establish its authority.

#### Mbgathi outcome: the Transitional Federal Government

The IGAD-led peace process was initially conceived as a reconciliation conference between Abdiqasim's TNG and its Ethiopian-backed opponents, headed by Abdulahi Yusuf. By the end of the long-drawn-out conference there was no trace of the TNG: Somalia was to make a fresh start under a Transitional Federal Government (TFG). A 275-strong transitional parliament, selected by Somali clans in proportion to their numbers in the overall population, had been appointed. However, the fact that all the clans were represented in the new parliament did not mean that the clan representatives in parliament carried any political weight in their localities.

In October 2004 this parliament, sitting in Kenya, elected Colonel Yusuf as President of the TFG. The dominant belief among observers of the process is that Yusuf's election was organized by Ethiopia. But there are other possible explanations. The Hawiye warlords who took part in the peace conference were hopelessly divided and fielded two candidates against Yusuf, enabling him to snatch the majority of votes. Ethiopian sources insist that they did not bribe the transitional parliament to select Yusuf. But the common assertion that he was installed by Ethiopia has become part of the orthodoxy by which the legitimacy of the TFG and Yusuf himself is dismissed.

Yusuf needed a leading Mogadishu man, from a Hawiye clan, to ease his acceptance in the capital. His first plan was to select Hussein Aideed, who had been associating with Eritrea. However, he eventually settled on the appointment of Ali Mohamed Gedi as Prime Minister. According to some analysts, this was at Ethiopia's insistence. Gedi selected a government that was representative of all the clans (including those who had boycotted the conference), and a lengthy government list was approved by parliament in early 2005. All these proceedings took place in Kenya.

The external mediators and the backers of the process intended that the TFG would lay the groundwork for creating a federal system of government in Somalia. The framework was provided by the Transitional Federal Charter, drafted and agreed among a large number of

faction leaders. It was to include the re-establishment of political, administrative and security institutions. A new constitution was to be drawn up and elections were to be held for a new government to end the transitional period in 2009.

#### Consequences of establishing the TFG

What actually happened in Somalia from late 2004, especially in Mogadishu and in South Central region, could hardly have been further from these intended outcomes. As soon as Abdulahi Yusuf had been inaugurated as President, he went to Addis Ababa and issued an appeal to the African Union to provide 20,000 peacekeepers to help him establish his authority. This call for external military assistance took many observers by surprise: the underlying premise of the Mbgathi peace process was that the person elected by parliamentarians representative of all the clans would have sufficient support inside the country to negotiate his way into a position of power. Nonetheless, IGAD agreed in January 2005 to authorize the deployment of an IGAD Peace Support Mission to Somalia with the purpose of assisting the TFG to establish peace and security.

The idea of foreign troops coming to Somalia to install a government, above all troops from 'IGAD' – which spelt Ethiopia to most Somalis – was profoundly unpopular inside Somalia. The Islamic Courts of Mogadishu specifically rejected the proposal. A fairly large section of the Somali parliament that had elected Yusuf and approved his government also rebelled against the idea. By March 2005 the TFG and the parliament were split into two hostile camps over the issue. The TFG group loyal to Abdulahi Yusuf finally left Nairobi in mid-2005. Unable to secure agreement from the populace to its installation in the capital, the government went first to Jowhar and later settled in Baidoa.

There were no signs of the TFG's expanding its support base or establishing real authority inside the country. At that stage neither IGAD nor the AU was moving with any obvious speed towards the creation of an intervention force to install it in power. Ethiopia remained a major player in the tangle of Somali politics and the key backer of Yusuf's faction of the TFG. Eritrea was also becoming

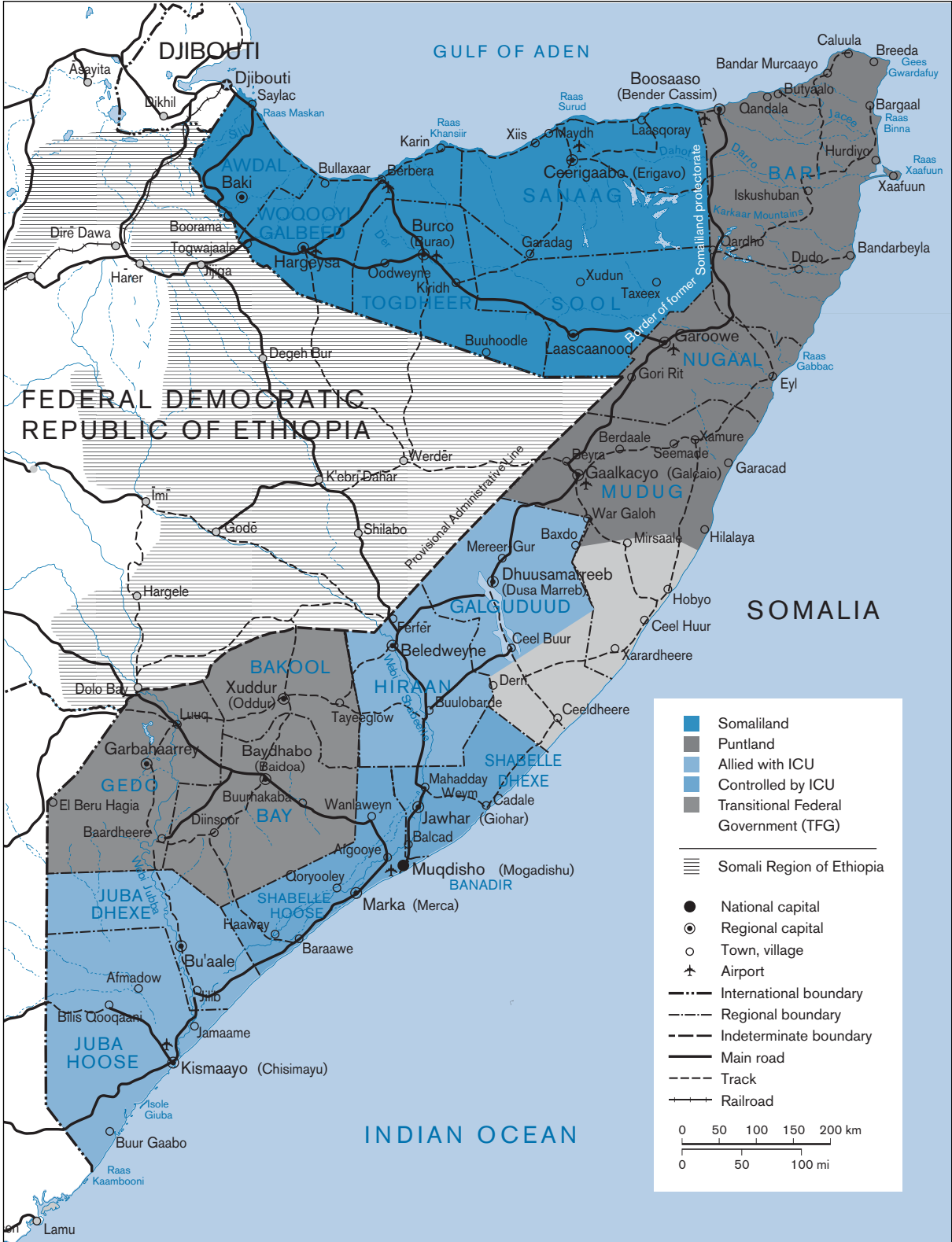
more active in Somali politics, principally as an arena for confronting Ethiopia. In 2005 reports began to surface of Eritrea channelling assistance via Somalia to rebels in the Ogaden region of Ethiopia. Eritrea also started to develop links with anti-Ethiopian militants in Mogadishu who would soon gain prominence as leaders in the Islamic Courts.<sup>33</sup> Some of the dissidents in the TFG were fishing for support from Yemen and others in the Arab world. The United States showed little interest in the TFG project and was establishing links with individual warlords with whom it hoped to make headway against an ill-defined 'terrorist threat' believed to exist in Mogadishu. It was the kind of muddle of competing interests that had consigned Abdiqasim's government to oblivion, and it looked as though the TFG was heading the same way.

#### The challenge of the Islamic Courts

All this was to change with the rise to power of the Islamic Courts.<sup>34</sup> The Courts had begun to operate in the 1990s, providing law and order within the confines of clan zones, mainly in South Mogadishu. Links grew among them, signalling a slow evolution towards a more coherent Islamist vision of political order. At the end of 2004, just as Yusuf was being elected TFG President in Nairobi, Sheikh Sharif was elected Chairman of all Islamic Courts operating across Hawiye-clan-dominated Mogadishu.

The growing influence of the Islamic Courts began to encroach upon the authority of the 'secular' warlords of Mogadishu, who had largely associated themselves with the TFG project. In part this was just another of Mogadishu's turf-wars. But there was also an ideological and political undercurrent to the rivalry, complicated by the intrusion of regional and global political interests that were to prove deeply destabilizing. During 2005 Mogadishu was hit by a wave of unexplained assassinations and disappearances.<sup>35</sup> Activists in the Islamic Courts claimed that covert CIA operations were targeting their members, including the assassinations of the militia commanders who were the driving force behind the implementation of Court jurisdictions. In retaliation, ex-security officers associated with former President Siad Barre's regime (and the TFG) and 'secular' politicians, suspected of complicity with Western intelligence

Map 3: Somalia – broad political alignments as at December 2006, and the Somali Region of Ethiopia



Source: Based on: Somalia, No. 3690 Rev.7 UN Jan 2007, areas of alignment courtesy of Ethan Zuckerman. <http://www.ethanzuckerman.com/blog/wp-content/somalia2.jpg>

The boundaries and names shown and designations used on maps in this report do not imply endorsement or acceptance by the author, Chatham House or its partners.



agencies, were targeted and killed. The suspicion of both CIA and Ethiopian involvement forced the Islamic Courts leaders to take a political stand.

In early 2006, the long-standing covert operations against the Courts took on a public face, as Hawiye warlords formed a new group called the Alliance for Restoration of Peace and Counter-Terrorism (ARPCT). As battle-lines became more clearly delineated, simmering tensions – not always directly linked to ideological differences – came to a head. One particular flash-point was over Mogadishu's vastly profitable seaport at El Ma'an, where a long-standing business rivalry turned violent and one side invoked the support of the Courts militias. The ensuing defeat of a key warlord associated with CIA handouts emboldened those seeking an alternative to warlordism and precipitated a popular revolt that saw the warlords run out of town and the Islamic Courts assume control.

To the outside world, where shifts in the politics of Mogadishu had gone largely unnoticed, the appearance in mid-2006 of the Islamic Courts as the sole authority in Mogadishu looked like a carefully planned Islamic revolution. This startling development led to hasty (and mostly inaccurate) parallels being drawn with the rise of the Taliban in Afghanistan. In the region, opinion became polarized over whether this was a 'popular' uprising or a jihadist bid for power, whereas the reality was a rather more prosaic conjuncture of several long-established dynamics in Southern Somalia. It is still unclear if Islamic radicals dominated the Islamic Courts agenda – as US officials claimed. The organization was not fully 'tested' as a political front before its collapse. Most informed observers saw it as a 'broad mosque', bringing together people from moderate and extreme wings of political Islam.

Ethiopia was extremely wary of the new developments which promised to take Somalia's politics in a new direction, one in which Ethiopia's influence was sure to be greatly diminished. It was particularly dismayed to see Sheikh Hassan Dahir Aweys, a former Al-Ittihad leader, occupying a prominent position in the Courts leadership. Eritrea's involvement with key figures in the new administration in Mogadishu would certainly have added to

Ethiopia's concern. It moved quickly to shore up the TFG's position in Baidoa.

The six months during which the Courts ran Mogadishu were marked by an unprecedented improvement in security that allowed free movement in the city for the first time since 1991. This induced some heartfelt optimism about the prospects for a genuine recovery for Somalia, particularly among the Hawiye population of the South whose experience of misrule and extortion by warlords had been especially acute and protracted. However, serious frictions were beginning to emerge between the 'moderates' led by the Chairman of the 'Executive Council', Sheikh Sharif, and the 'radical' Chairman of the Shura, Sheikh Hassan Dahir Aweys. The constituent parts of the Courts movement, including its armed wing *al Shabaab*, were not particularly integrated with one another. Individuals started making policies and statements without reference to the wider organization. Many of these policies – mostly conservative social policies – were unpopular among the populace and caused serious divisions between leaders of *al Shabaab* and important officials of the Islamic Courts.

#### Islamic Courts vs TFG

At the start, the possibility that the Courts and the TFG might be able to come to an accommodation with each other was not excluded. Each possessed something that the other sorely lacked: the TFG had a measure of international recognition and legitimacy; the Islamic Courts had effective control over the capital. Some of the Hawiye members of the TFG and its parliament saw this as a real opportunity and were keen to negotiate. Three sets of talks did take place during the second half of 2006. These were brokered by the Arab League and supported by both Kenya and the Europeans. Ethiopia also had contacts with the Courts during this period. But the opening for reaching an agreement between the two groups proved very small.

US perceptions of a threat from the Islamic Courts helped to drive events to an entirely different conclusion. US official views were not wholly aligned at this time. Some parts of the US government disagreed with the idea of Ethiopian intervention and reportedly advised against it. However, the

dominant theme in US policy was captured in a single and oft-repeated phrase: to prevent Somalia becoming a haven for international terrorists. In fact, Western intelligence agencies were already convinced that three non-Somali terror suspects responsible for the US Embassy bombings of 1998 were sheltered by elements of the Courts leadership. This was a matter that the US viewed with deadly seriousness. In mid-December US Secretary of State Jendayi Frazer was to announce that the Islamic Courts were now controlled by al-Qaeda cell individuals and that the top layer of the Courts comprised extremists and terrorists.<sup>36</sup>

The Courts were ill equipped to respond to such serious charges, beyond simple denial. Despite their rhetoric, they were seriously divided on the diplomatic position and negotiations with external players, including the TFG and its Ethiopian backers. This disagreement was exacerbated by UN resolution 1725 of December 2006 authorizing the deployment of an AU peacekeeping mission. This heightened tensions and encouraged the military ‘hawks’ (not just *al Shabaab*) to think there was an international conspiracy against them. It handed the initiative to radical elements of the coalition, among them the chief of the Courts militia who gave the Ethiopians a week’s ultimatum to leave Somalia or face forcible expulsion.

The Ethiopian forces had already moved into Baidoa in August to protect the TFG. They and the TFG militias were ready to respond when clashes began on the front line between the two sides near Baidoa. The asymmetry in numbers and capability between the combined Ethiopian–TFG forces and the loosely integrated Islamist militias became clear, and on 28 December 2006 Ethiopian and TFG forces marched into Mogadishu unopposed. The Courts’ military and administrative presence seemed to collapse. Whatever misgivings it might have had beforehand, the United States evidently supported the intervention. Prime Minister Meles has publicly acknowledged that it provided intelligence information at the beginning of the operation. Rather more complicated for Ethiopia was the direct involvement when the United States launched two missile strikes close to the Somalia Kenya border during January. These supposedly targeted fleeing remnants of the Courts militia. (By most accounts they missed their targets.) Ethiopia was reportedly furious that US action

had been launched from an airfield in Eastern Ethiopia without consultation. Ethiopia’s reaction illustrates the complicated interface of regional and global interests.

IGAD’s earlier commitment to back the TFG provided valuable diplomatic cover for what amounted to a ‘regime change’ operation by Ethiopia in Mogadishu. As the position of the TFG became more parlous, culminating in the establishment of the Islamists in Mogadishu, so IGAD’s rhetorical support for the TFG as the ‘legitimate’ government of Somalia amplified. The United States – previously agnostic about the viability of the TFG – now added its voice and Western support grew firmer. The AU redoubled its efforts to provide a ‘peace support mission’ to back the TFG. This materialized in the early months of 2007 as a force of 1,600 Ugandan soldiers, fully funded by the United States. Intended to be the advance guard of a 7,000-strong AMISON (African Union Mission in Somalia) peacekeeping mission, the Ugandans stayed alone in Mogadishu until supplemented by Burundian forces at the very end of the 2007. The arrival of AMISOM, or a UN successor force, became the condition that Ethiopia required to withdraw its troops from Somalia. In the meantime, Ethiopia was to act as guarantor and protector of the TFG.

#### Resistance to the TFG

Far from bringing peace and government to Somalia, the installation of the TFG provoked a major insurgency and a severe deterioration in security. The population of Mogadishu endured conditions akin to civil war for much of 2007. Major Ethiopian-led security operations in March/April and October/November caused widespread destruction and triggered massive displacement. UN sources estimate that up to 60 per cent of Mogadishu’s 2 million population have fled. The TFG blamed the insurgency on a regrouped and reorganized Islamist threat based on renegade Hawiye clans. However, many Somalis understand it to be a nationalist resistance against Ethiopia’s military presence.

Leading figures of the Islamic Courts remained active, though not all in the same place or reading from the same script. A core group established itself in Asmara and joined forces with other (secular) opponents of the transitional

government to form the Alliance for the Re-Liberation of Somalia (ARS). Their key demand was the withdrawal of Ethiopian forces. But operating from exile in Asmara made it difficult for them to demonstrate their relevance, and divisions have developed between ARS and the radical elements in the Islamic Courts, especially its militant armed wing – *al Shabaab*. The *Shabaab* forces are spearheading the popular resistance to what they call the Ethiopian occupation. Their methods are borrowed from Iraq and show increasing sophistication.

‘Three years from its inception, the creation of the Transitional Federal Government of Somalia seems to have produced the opposite of what its various backers had intended’

Abdulahi Yusuf’s transitional government has been unable to establish meaningful authority in Mogadishu or elsewhere in the Southern regions where the Courts formerly held sway. In an effort to shore up support, alliances have been struck with warlords from certain Hawiye sub-clans. But – consistent with their conduct over the last 17 years – none has appeared capable of working to a national agenda. The transitional government’s security institutions remain chronically weak, corrupt and factionalized, practically indistinguishable from clan militias. Government security officials have been living under constant threat of assassination in Mogadishu. Most of the government ministers and members of parliament remain 150 miles away in Baidoa. Under strong pressure from donors, the government organized a reconciliation conference in August but it achieved nothing because the key groups needed for dialogue boycotted the meeting.

By the end of 2007 the TFG bore little resemblance to the entity that had first emerged from the Kenyan talks back in 2004. A group of about 30 parliamentarians hostile

to Abdulahi Yusuf had been replaced in 2006. The ailing President was still nominally in charge. But behind this façade a vigorous rearrangement of the pieces had taken place at the behest of external (principally Ethiopian) interests. Prime Minister Gedi, who had signally failed to bring his Hawiye kinsmen on board, had been convinced to resign and his extensive government (representative of all the clans) disbanded. A new Prime Minister, Nur Adde, had been chosen and had appointed a small and much more technocratic cabinet.

Like Gedi, Nur Adde was from one of the Hawiye clans in Mogadishu, but he spoke an entirely new language of political reconciliation. This included a willingness to speak to Islamists – hitherto dismissed by TFG leaders as ‘terrorists’ – whom he explicitly invited to be part of the process. Nur Adde has stated that his goal is to end the conflict in Mogadishu and create the conditions for Ethiopian forces to leave. His approach has the cautious backing of the Europeans, who are well aware that the TFG needs to make itself more inclusive if it is to survive. The US has signalled its own red line by designating *al Shabaab* a terrorist organization. *Shabaab* elements may well not want to be part of settlement with the TFG but distinguishing them from the wider Somali opposition is likely to be difficult. Meanwhile Abdulahi Yusuf is fighting a rearguard action to prevent a settlement that might make him irrelevant.

Ethiopia has not opposed the new approach. In a recent interview, Prime Minister Meles said the country had been saved from being taken over by ‘the Taliban of Somalia’. However, he said that the new government was likely to be more effective than the previous one and noted, as progress, the fact that the TFG was ‘reaching out to moderate members of the Islamic Courts Union for a commitment to resolve problems by peaceful means’. However, he said Ethiopia would not disengage militarily until AMISOM had achieved a substantial deployment.

#### Opinions of the Mbgathi Peace Process

Three years from its inception, the creation of the Transitional Federal Government of Somalia seems to have produced the opposite of what its various backers had intended. In Mogadishu and its surroundings it has been a

conflict-generating rather than a conflict-solving initiative. It has given rise to foreign military intervention and a related insurgency in Mogadishu, the violence of which has surpassed anything that had been happening among Somali factions for the previous decade. The TFG has had no impact on the self-governing region of Somaliland; it has made little evident difference to Puntland, President Yusuf's Abdulahi's home region, except to weaken security control somewhat as militia from his own Majjerteyn clan were drawn into Mogadishu to defend his position. The Bay and Bakool region – centred on Baidoa – may have derived some benefit from hosting (for the most part) the TFG and its parliament and enjoying the protection of Ethiopian forces.

The question that needs to be asked is how the Mbgathi process produced such a perverse outcome. Were there fundamental design flaws in the process? Was it the leadership? Were crucial opportunities missed? Is it possible to disaggregate such elements as bad timing, bad judgment or just bad luck? Is it possible to imagine a different kind of process that might have produced the desired outcome? These questions were addressed to a selection of diplomats, officials and analysts during a visit to the region in February 2008. The following sections present a summary of typical responses.

#### ***Wrong approach: power-sharing instead of reconciliation***

Somalis are inclined to argue that the approach adopted at Mbgathi was fundamentally flawed. In 2006 Dr Ali Abdirahman Hirsi, reflecting on why Somalia had so robustly resisted the restoration of conventional government and statehood, identified as one of the factors:

Unvarying use of an unhelpful peace making technique that literally made efforts of the international community to revive the Somali state an exercise in futility.

Dr Hirsi expanded as follows:

One obvious reason that admittedly provides only partial explanation for the repeated and ironical failure of the past attempts to revive the fallen Somali state is the uniform application of a flawed methodology in the

running of these peace conferences. The repeated use of this faulty procedure, which paid only lip service to the issue of reconciliation, has hastily given birth time and again to illegitimate authorities composed of the same rival warlords, in the event not yet reconciled, that have given rise to Somalia's continuing political crisis in the first place.<sup>37</sup>

#### ***Wrong participants***

This observation chimes with a familiar observation by Somalis, offered in the form of a proverb: 'The offspring of a stolen camel will always be illegitimate.' This places the blame for the poor outcome of the conference on its ingredients. The first problem was giving pride of place to the warlords. Diplomats involved with the Mbgathi process readily admit that the warlords were given centre stage in the process. Their inclusion was intentional, on the logical grounds that it was the warlords who had conspired against the last effort to create a government (the TNG that came out of the Arta peace process in Djibouti in 2000) and that it was necessary for them to be given a stake in any future government. One of the diplomats associated with the process observed that, with hindsight, they might have overestimated the importance of the warlords and their capacity to deliver any sort of stability.

Even when the Somali peace process opened its doors to civil society participants, there were no apparent criteria for deciding who should be represented. The process of selection became mired in corruption at an early stage and produced a random and unrepresentative array of organizations. One of the facilitators who tried to work with the civil society representatives was bemused by their apparent lack of interest and focus and quickly became exhausted by the process.

However, a senior IGAD official maintains that the process produced the intended result: a government for Somalia. Many involved in one way or another with Mbgathi felt that despite some shortcomings around representation and participation, there was nothing fundamentally wrong with the methodology employed. They believed that the TFG provided a starting point on the basis – as one put it – that 'a bad government is better than no government at all'. However, this is not a proposition to which Somalis themselves would readily subscribe.

### *Flaws in the negotiation process*

Kenyan leadership of the process may have contributed to a narrowing of participation, particularly in the early stages of the conference when it sat in Eldoret. As time went on there was an understandable desire to get the numbers down to manageable proportions and to push for a power-sharing deal among the main movers and shakers. Some external observers were well aware that key stakeholders, particularly the Mogadishu business community and its increasingly important religious leaders, were absent.<sup>38</sup> However, they had no standing to alter the decisions that had been taken on participation. IGAD's ownership of the process was strongly asserted by its Kenyan Chair (initially Elijah Mwangale, later followed by Bethwel Kiplagat). Many observers believed that Ethiopia was closely involved in directing and shaping the process.

### *Leadership*

Some believe that the TFG might have fared better with different personalities at the top or, as one interlocutor put it, if the transitional parliament had 'chosen someone with a less disturbing past'. For clan reasons alone Abdullahi Yusuf was always going to have a difficult ride in Mogadishu. Despite his undoubted ambition to lead the country, Yusuf carried with him an unfortunate reputation of working to a very narrow clan agenda to the benefit of his Majjerteyn people in Puntland. His choice of Ali Mohamed Gedi, a previously unknown veterinarian, to win the confidence of the Hawiye clans proved insufficient. Ethiopia continues to be blamed for distributing bribes to the transitional parliament to ensure that Yusuf secured the presidency. However, a senior Ethiopian official insists that they did not interfere with the vote and would have been quite content if one of the other candidates – both of them Hawiye – had succeeded. This is plausible.<sup>39</sup>

### *Denial of timely support and assistance from donors*

Others believe that a tough military man, in the mould of Yusuf, was just what was needed to establish a government in Somalia. For these, the failure of the TFG must be laid firmly at the door of the international community: first, the US dalliance with the Mogadishu warlords gave them every encouragement not to take the new government seriously;

and, second, the European Commission held back the available (large) sums for development and 'state-building' assistance, waiting to see whether Yusuf's government could establish its authority and insisting on evidence of financial accountability. International aid to Somalia has been running at roughly \$200 million per annum since 2000.

### *Wrong emphasis – too much G and not enough T*

By mid-2008 the TFG enterprise has substantially evolved from its origins in the Mbgathi peace process. Some Western observers now consider it was a mistake in 2005 to treat the TFG as a working government. Emphasis should have been on the T (of transition) not the G (of government). Under the stewardship of Yusuf and Gedi, the TFG seemed to be digging itself into a deeper and deeper hole in Mogadishu throughout 2007. Firm external pressure was brought to bear to induce Gedi to resign. The conciliatory efforts of the new Prime Minister, Nur Adde, have been endorsed by the UN and have support from Ethiopia, the US and the European Community. It appears to be the beginning of new phase.

A political settlement among different political forces within Mogadishu (not excluding Islamists) could provide a local security framework that would enable Ethiopia to withdraw its forces. This could be the starting point for restoring normality in Mogadishu and returning to a more plausible approach to restoring government in Somalia. Unlike the Mbgathi process, its starting point would be the complex realities of power on the ground and the varied set of local governance arrangements that have evolved over the last 17 years without central authority.

In the meantime, however, Somalis in South Central Somalia continue to live with the consequences of a major insurgency against Ethiopia's intervention. The shift towards reconciliation has seen a trickle of internally displaced persons (IDPs) returning to Mogadishu, but large sections of the city remain completely depopulated. Violence continues on a daily basis in Mogadishu with a heavy civilian toll resulting from incidents including mortar attacks on the Bakara market, roadside bombs, attacks on Ethiopian soldiers and on AMISOM forces (including a suicide bomb on 8 April), and the targeting of TFG officials. The insurgents are increasingly carrying out attacks away

from the capital and appear to have a growing presence in Bakool, and in the Lower and Middle Shabelle regions.

### *Regional matters*

The sad story of the TFG (and the original good intentions behind it) demonstrates that Somalia's recovery of government is not going to be left to Somalis alone to solve. Ethiopia has become deeply embroiled in Somali politics and has invested too heavily to settle for a quick exit. For public, particularly international, consumption, Ethiopia's rhetoric is about terrorism and terrorists, but the draining reality of the dispute with Eritrea remains a powerful driver of policy. An ungoverned or badly governed Somalia would be a nuisance to Ethiopia. Islamist politics in Somalia could be a cause for concern, mainly if they were linked to an expansionist programme. But the threat is enormously amplified by the opportunities for destabilization that either or both of these would offer to their adversary in Eritrea.

There are a host of additional stakeholders involved. Kenya, which shares a porous border with Somalia and has its own large Somali population in Northeast province and in Nairobi. Uganda, which has provided the AMISOM forces that remain in Mogadishu, ostensibly to support the TFG. The Gulf states, with a large Somali business community and long-standing economic ties to the country. Egypt, in its perennial quiet contest with Ethiopia. European countries have some interests, not the least of which are concerns about the unending flow of Somali migrants who have fled this difficult environment for the last 17 years. The United States, with its focus on fighting international terrorism, also has Somalia on its radar. The combination of intense regional hostilities and the wide array of other foreign policy interests at play have proved to be major obstacles to a Somali-owned reconciliation process.

## 2.3 Sudan's Comprehensive Peace Agreement (CPA)

The CPA was signed in January 2005, ending 21 years of war between North and South Sudan. It was built around agreement on two key principles: acceptance of the right to

self-determination for Southern Sudan, and agreement to disaggregate the state and religion by permitting variations in legal systems to accommodate Islamic/Sharia and Christian/secular traditions.

The CPA made provision for an internationally monitored referendum in 2011 when the people of Southern Sudan will be offered a choice between continued unity with the North and secession. Although this opened the door to the potential separation of the South, the agreement explicitly stated that implementation was to be conducted in ways that make the unity of Sudan attractive. The mechanics were designed first and foremost to achieve a fairer deal for Southerners in the economic and political life of the country. This included power-sharing arrangements at the national level and an autonomous government for Southern Sudan with its own armed forces. Wealth-sharing agreements gave the Southern government access to valuable oil revenues. So far \$3 billion in oil revenues have been transferred to the South. July 2008 marks the halfway point of the CPA's six-year interim period.

Regional involvement was a long-standing feature of the war between North and South Sudan. Ethiopia had been a consistent supporter of the Sudan People's Liberation Army (SPLA) during the Mengistu regime (1977–91) as a counterpoint to Sudanese support for the EPLF rebellion in Eritrea. After a short lull in the early 1990s, Ethiopia and newly independent Eritrea joined forces to provide even more vigorous support, including direct military assistance, to the Southern rebellion and its Northern allies in the National Democratic Alliance (NDA). This ended abruptly when Ethiopia and Eritrea went to war. Uganda was also heavily involved in support for the SPLA, based on a strong friendship between President Museveni and the SPLA's leader Dr John Garang. Sudan reciprocated with support for the rebellion of the Lord's Resistance Army (LRA) in Northern Uganda up to 2000.

### *Background to the conflict*

The conflict between North and South Sudan stemmed from an extreme case of marginalization and political exclusion. Since independence in 1956 power in Sudan has been concentrated in the hands of a small group of Arabic-

Map 4: Sudan – provinces, main towns and CPA boundary



Source: Reproduced with permission from Wendy James, *War and Survival in Sudan's Frontierlands: Voices from the Blue Nile*, Map 1 (Oxford University Press, 2007). ISBN: 978-0-19-929867-9.

The boundaries and names shown and designations used on maps in this report do not imply endorsement or acceptance by the author, Chatham House or its partners.

speaking groups concentrated in the riverine areas in the north of the country. While marginalization has been the fate of several other communities in the country, that of the South was particularly acute. For reasons of history (separate administration up to 1956), overlaid with differences of race and religion, Southerners had been excluded from power and influence to the point of having no real stake in the country.

Early Southern protest had taken the form of secessionist revolt. But the war waged by the SPLA from 1983 onwards was fought for the achievement of full representation for the South in a New Sudan. Garang's was a new voice in Southern Sudanese politics. He rose above the parochial and represented the problems of the South as one facet of a wider national problem, advocating equality and empowerment of all the marginalized communities of Sudan.<sup>40</sup> However, the SPLA depended very heavily on Ethiopian support and assistance; one regional commentator went so far as to call it Mengistu's creation. The Ethiopian government (up to 1991) disliked secessionists because of the problems it faced in Eritrea. It is possible that Garang's position on unity was influenced by the anti-secession views of his key sponsor.

The long civil war in Sudan never threatened the stability of the government in Khartoum, but it deepened poverty and underdevelopment in the South. Khartoum was very successful at crafting alliances to sow division among the Southerners. The difficult period that followed the fall of the Mengistu government saw some intense conflict between different Southern groups, largely mobilized along ethnic lines.

Renewed hostility from Ethiopia and Eritrea towards Khartoum changed the equation. The political context in which the CPA was negotiated was one in which the SPLA had achieved an unprecedented level of unity and strength. By about 1997 the war had been fought to a stalemate with the active participation of Eritrean and Ethiopian forces. The growing importance of oil reserves in the Southern conflict areas introduced a business case for ending the war. At the same time, the Sudanese government was under intense external pressure from the international community, spear-headed by the United States. The peace negotiations were conducted under the auspices of IGAD and spread over

some five years. The conflict in Darfur had begun to erupt – with some encouragement from the SPLA and Eritrea – by the time the agreement was finally signed.

#### Power- and wealth-sharing

The CPA established power-sharing arrangements between the ruling National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM), the political wing of the SPLA. This created a platform for Southerners to play a substantial part in government for the first time in a generation. A Government of National Unity was formed in which the NCP holds 52 per cent and the SPLM 28 per cent. A similar reallocation of seats in the National Assembly was arranged for the period up to the parliamentary elections. The agreement provided that President Omar Bashir would remain in office, with Dr John Garang, Chairman of the SPLM, serving as First Vice President, pending elections in 2009. Garang was the founder and pivotal figure in the SPLM and had played a key role in the negotiations. His sudden death in a helicopter crash on 30 July 2005 was a great blow to the SPLM and meant the loss of the key individual whose trust had been won in the negotiations. However, Salva Kiir, who succeeded Garang as Chairman of the SPLM, had also played an active part in the CPA negotiations.<sup>41</sup> He assumed the ex-officio positions allotted to the SPLM chairman under the CPA arrangements.

The CPA also created an autonomous Government of Southern Sudan (GOSS) with an independent executive, legislature and judiciary. Based in Juba, the GOSS is dominated by the SPLM. It has wide-ranging powers in many areas, but these exclude those normally associated with national sovereignty (national security, foreign policy, currency etc.) A partial exception applies to the defence forces. The SPLA secured agreement for its own forces to remain separate from the Sudan Armed Forces during the interim period.<sup>42</sup> This is an expensive undertaking and in both 2006 and 2007 military expenditure absorbed some 40 per cent of the GOSS budget. Both sides were required to withdraw their forces into their respective territories and had done so by the end of 2007. The United Nations has deployed a peace support operation to monitor and verify the agreement.



In addition to formal power-sharing, there is the vital matter of sharing oil revenues. The CPA devised a formula for equitable sharing of wealth, and stipulated that net revenue from oil reserves in southern Sudan be distributed equally between the National Government and northern states, and the GOSS. With sizable oil reserves in the vicinity of the North–South border, this arrangement has significantly raised the stakes over demarcation of territory between North and South. The GOSS depends almost exclusively on oil revenues: its budget of US\$1.622bn for 2007 was based on anticipated oil revenues of US\$1.3bn.<sup>43</sup> Institutional delays and lack of transparency over revenues, along with disagreement over demarcation in oil-rich regions, have generated considerable distrust. But Sudan's oil revenues have continued to grow and now constitute half of the national government's earnings. The sums are substantial. Sudan's reported oil revenue for the month of February 2008 was almost US\$400 million, of which GOSS received US\$158 million.<sup>44</sup> This compares with the figure of \$252.4 million made available to the Multi Donor Trust Fund for South Sudan from 2005 to 2007.

#### Definition of the South

Despite the elaborate nature of the CPA – a document that runs to 260 pages with its protocols and annexes – there were still many outstanding matters. A core issue that was left unresolved was the territorial and demographic definition of the South. The potential loss of oil reserves to an independent South is a key underlying concern for Khartoum and continues to bedevil the decision over demarcation of the border. The uncertainty has weighed on the conduct of the census and will complicate the planning for elections in 2009. Special political and power-sharing arrangements were made for the conflict areas of Abyei, South Kordofan and Blue Nile, all located in Northern Sudan. Of these, Abyei is the most problematic, with the potential to trigger renewed warfare.

The Abyei Protocol established the Abyei Boundary Commission (ABC) to rule on delimitation in a particularly contentious border area located in the middle of a major oil-producing and oil-prospecting territory. Special administrative arrangements were envisaged for Abyei, which is due to

have its own referendum on whether to be part of the North or of the South. The Boundary Commission announced its findings in July 2005 but the NCP has blocked implementation. Stark differences remain over the status of the ABC ruling, which is 'final and binding' in the eyes of the Commission and the SPLM but continues to be rejected by the Presidency. The upshot is that the oil-rich region of Abyei still lacked an administration at the end of 2007. Troops from both sides were present in the locality and a number of armed clashes occurred in the early part of 2008. The SPLM's unilateral appointment of a governor for Abyei has been rejected by the Government of Sudan as contrary to the CPA, and has increased tensions.

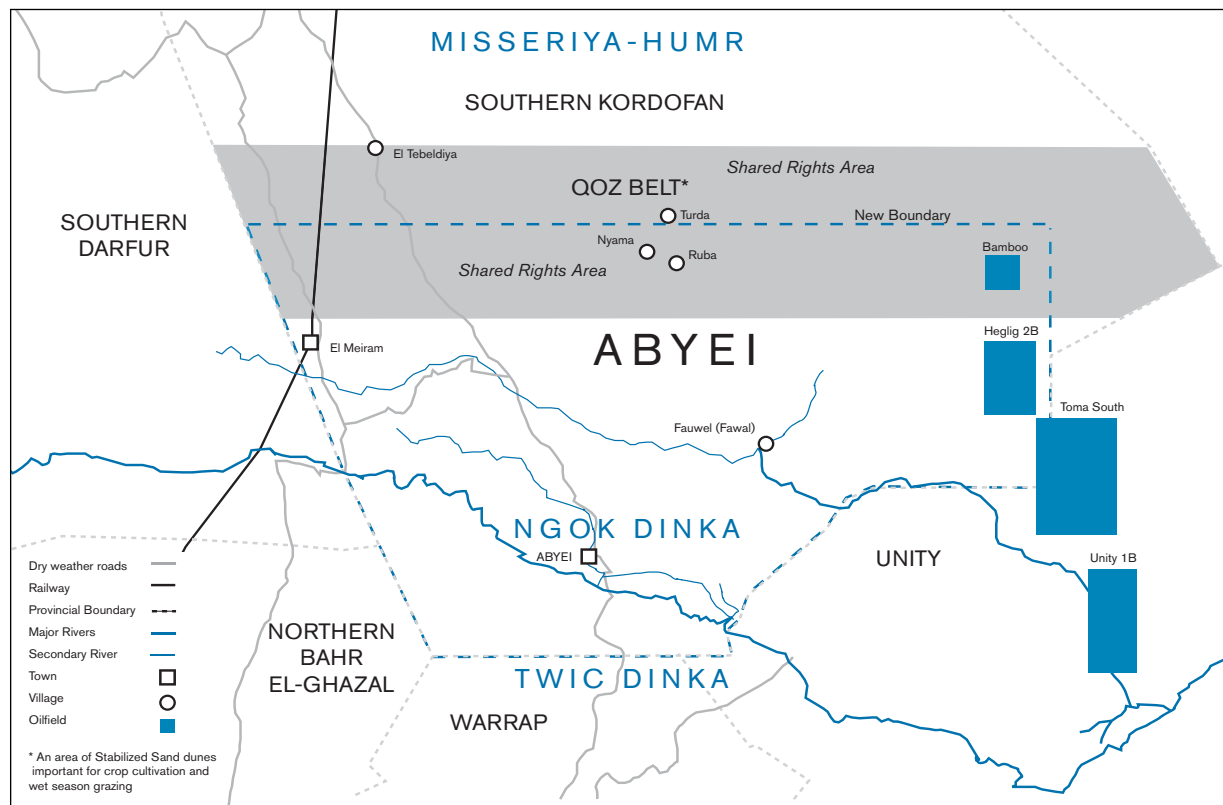
Another tricky issue is the ethnic and demographic definition of the South. Much rides on the success and acceptance of the census conducted in late April. The results of the census are of vital importance: they will provide the basis not only for future elections but also for the present division of power and resources. Delay in holding the census was a contributing factor to the political crisis of 2007. The two parties have disagreed over the inclusion of ethnic identification in the census questionnaire.

The status of Southerners living in the North and their right to vote in a referendum on the future of the South is a major potential source of conflict. Many Southerners among Sudan's 4 million IDPs established themselves in the North during the war and have not yet returned. Their political loyalties are untested and it is not known how many of them intend to come home. There is uncertainty over the responsibility of the government of South Sudan to arrange for their return. So far, only 50,000 have taken advantage of planned returnee programmes. But the April census proved to be a catalyst for spontaneous return for Southerners wishing to register there.

#### Implementation crisis

In early October 2007, the SPLM provoked a political crisis by suspending its cooperation in the Government of National Unity. This was in protest at delays in several aspects of implementation of the agreement: the deadline for the census had passed, arrangements for resource-sharing were causing frustration, troop withdrawals were incomplete and problems remained over Abyei. In

Map 5: The disputed Abyei region and oilfields



Source: Reproduced with permission Douglas H. Johnson, 'Why Abyei matters: the breaking point of Sudan's Comprehensive Peace Agreement?', *African Affairs* (2008), 107/426.

The boundaries and names shown and designations used on maps in this report do not imply endorsement or acceptance by the author, Chatham House or its partners.

January 2007, on the second anniversary of the CPA, Salva Kiir had warned that implementation was not going according to plan and delays in the schedule were creating doubts about the NCP's commitment. Matters of immediate concern included the blockage over Abyei and the delay in arrangements for the census, which had knock-on effects for the election. There were also problems in the security sector stemming from the failure of government and former rebel forces to withdraw to their respective territories and to achieve demilitarization of the oilfield region.

After political negotiations lasting over two months, the NCP and the SPLM hammered out a compromise. Agreement was reached on completing the redeployment of North Sudanese troops from the South by the end of the year and establishing the joint forces required to patrol the oilfields. Funds were allocated for the census and for

border demarcation. The two sides failed to overcome the impasse over Abyei but agreed to continue talks to resolve the matter. In the light of this progress, the SPLM formally rejoined the Government of National Unity on 27 December 2007 with a fresh team of representatives.

The CPA demonstrated sufficient resilience to overcome the crisis of implementation that threatened to unravel it in late 2007. The two main signatories still stood to gain from the agreement. Even in the short term, the limited access to power and resources that the SPLM leaders were enjoying had materially improved their fortunes. The fact that neither side wanted a return to war provided an important base-line. The paradox is that effective implementation holds the key to achieving two quite different outcomes. On the one hand, the CPA contains all the elements that are needed for 'making unity attractive' in a future united Sudan. On the other

hand, it provides the basis for a political transformation in both the North and South that would make a democratic disengagement, and peaceful separation, possible.

However, the crisis also demonstrated, three years after signature, a severe lack of trust between the two sides. The CPA left much to be done between 2005 and 2011, including border demarcation, security-sector reform, resource-sharing, a national census, subsequent elections and the referendum. The strict implementation timetable with its deadlines and benchmarks still required a measure of goodwill on both sides and the ability to work together to tackle problems. Persistent doubts about the commitment of the other party have created plenty of scope for derailment, with delays due to lack of capacity readily interpreted as a lack of political will or a desire to renege on the agreement.

#### Democratization

The full implementation of the CPA is closely tied to a set of democratizing processes that have relevance for Sudan as a whole. The agreement states explicitly that its successful implementation 'shall provide a model for good governance in the Sudan.' In the elections anticipated in 2009 both the NCP and the SPLM can expect to face challenges to their political pre-eminence in their respective heartlands. From past experience, elections are more likely to produce a coalition government – with many possible permutations – than an outright winner. The majority of voters in the predominantly youthful population would be voting for the first time. Their loyalties are hard to predict: many feel profoundly disenfranchised, intensely marginalized and thoroughly unrepresented by traditional Sudanese political parties.

The SPLM cannot count on being accepted as the sole voice of the South any more than the NCP can bank on such support in the North. However, the NCP is talking to its rivals in the North. According to Justice Africa, most of the Northern opposition 'recognises that there must be a soft landing for the NCP – it must remain the major stakeholder in power – if there is to be any prospect of stability'.<sup>45</sup> In the South, Salva Kiir has convened a forum for Southern leadership that included non-SPLM members. The attraction of forming electoral alliances with other

marginalized communities in Sudan's periphery is gaining ground in SPLM circles.

The election itself, if the campaign proved divisive, could be a trigger for renewed conflict.<sup>46</sup> However, both the NCP and the SPLM have incentives to deliver peace and stability to enhance their election prospects. The success of the 2009 elections will depend on democratic norms becoming established. This might be easier in the North, which has a stronger tradition of competitive politics than the South. Although Sudan has held plenty of elections in the past, the impact of war in the South meant that some Southern constituencies did not return members of parliament. Sudan has not yet achieved the 'bedding in' of democracy through the transfer of power at a second or third election.

Corruption is contributing to disillusionment with the traditional parties and public dissatisfaction with the peace process. Perceptions that the main beneficiaries of peace are the politicians who are helping themselves to the country's resources are helping to fuel a sense of marginalization in the periphery. The SPLM is still in the midst of a transformation from a liberation movement to a governing party. It will need to tackle corruption and ensure that its administration is accountable to the people. Consultation has also been lacking. The new political institutions need to be bolstered by effective and acceptable consultation methods. This applies as much in the South as in the North: both face huge problems with accountability and consultation.

#### North and South or a New Sudan?

The question at the heart of the CPA is whether its effect will be – as its external backers intended – to transform the Sudanese state for the benefit of all the marginalized groups in the country; or whether, as some critics argue, the agreement simply had the effect of buying off Khartoum's most powerful adversary (the SPLA) at a time when the resentment of marginalized communities in Darfur and eastern Sudan was just about to boil over into open rebellion.

Although the agreement was signed between just two parties, its ramifications are not confined to the SPLM and the NCP. The CPA was intended as a comprehensive agreement offering wealth-sharing and decentralization

of power to the whole of Sudan, not just the South. Power-sharing with opposition forces is supposed to take place at state level in both North and South, with elections to state assemblies after four years. Wealth-sharing is intended to bring not only Southern Sudan but also other war-affected areas up to the level of Northern states. Part of the roadmap to democratization is a constitutional review process during the interim period. There is also agreement to create Council of States as a second legislative chamber, in which each state would have equal representation.

However, the contents of the agreement are not widely known or understood by the Sudanese public. It is hardly talked about in the North and little information was disseminated in the South until the October 2007 crisis. This general lack of ownership has helped to foster the feeling that the agreement is the sole property of the NCP and SPLM, to the exclusion of other Sudanese groups.

The exact relationship between the CPA and the Darfur conflict is difficult to assess. However, it has assumed some importance as the conflict in Darfur has escalated out of control. It is widely held that the Darfur rebels took inspiration in 2003 from the concessions that the SPLA was in the process of extracting from the government by means of armed struggle. The SPLA encouraged the early stages of the Darfur rebellion as a way of putting additional pressure on the government during the negotiation of the CPA. Some observers contend that the conflict in Darfur continues to help Southern Sudan to consolidate the benefits of the CPA by absorbing a large part of the government's attention.

Since 2005 the Darfur crisis has consumed world attention to the detriment of support for CPA implementation. The call on humanitarian resources and international outrage at the Sudanese government's handling of the crisis had the twin effect of eclipsing reconstruction needs in the South and denying the NCP the international respectability it hoped to gain from reaching a settlement in the South. Continuing violent conflict in Darfur will certainly harm the prospects for holding national elections in 2009 – an essential benchmark for the CPA. More profoundly, the conflict raises the question of how the purposes of the government in Khartoum can be understood if it is simulta-

neously delivering a peace settlement with the people of the South while large sections of the population of Darfur are under siege and fleeing the country.

The particular circumstances that made the agreement possible have already changed. The SPLM appears a weaker and more divided partner than it did under the leadership of John Garang. The neighbouring countries that helped force the issue to the negotiating table now have other preoccupations. On the other hand, pressure on the government of Sudan has fallen away as the international community has turned its attention to Darfur. Khartoum had faced very little pressure over the CPA until Salva Kiir forced the issue by his temporary withdrawal from the government.

The government of Sudan therefore looks very much the stronger party. However, there is a common perception that for the agreement to succeed the SPLM needs to be strong enough – militarily and politically – to assert its rights. At the least, it is assumed that the SPLM will need to withstand divisive tactics from Khartoum; at the most it may need the capacity to confront the North. Garang was determined to preserve an independent Southern army during the interim period (to 2011). He described this army as 'the only organic guarantee I have'.<sup>47</sup> The integration of the SPLM army with other armed groups in the South can be seen as one of the quiet success stories that enhances the prospects for the CPA. On the other hand, it preserves the capacity of the South to return to war.<sup>48</sup>

#### Opinions of the CPA

At three years old the CPA still has many challenges ahead. Elections are due next year and the referendum is just three years away. A good deal has been done. Power-sharing is in place and the peace dividend is real, especially in the South. Peace also benefits the North, particularly its NCP leaders, who are beneficiaries of an economic boom and a 12 per cent national growth rate fuelled by oil reserves that extend to the South. Momentum has revived since the start of 2008 and the all-important census is about to get under way. The Assessment and Evaluation Committee continues to track progress on implementation.

The questions about the CPA are different from those that arise about the Algiers and Mbgathi peace processes,

which are not unfolding as intended. In the case of the CPA the issue is more about the direction of travel and whether, in the long run, it will provide an adequate framework for a sustainable settlement between North and South, up to and including the referendum. This was the question posed to a selection of diplomats, officials and analysts during a visit to the region in February 2008. The following sections present a summary of typical responses.

*The central issue is under-representation and exclusion from a fair share of resources*

Most observers saw the CPA as a good agreement, a serious instrument rather than a quick fix. The power- and wealth-sharing provisions were meaningful and seemed to respond to the real causes of the conflict. In its detailed implementation timetable and the formalized system to assess progress it is judged to be superior to the Algiers and Mbgathi agreements. These features are taken as evidence of greater firmness of purpose and a more hard-headed engagement on the part of international community which had supported the negotiations to the tune of €3 million. There was clarity over what the international community wants out of the agreement and evidence of continuing commitment to monitor implementation and work for its success.

*Multiple vulnerabilities of the agreement*

Commentators also noted vulnerabilities of the CPA. The lengthy implementation timeframe could sap the commitment of the two sides. It leaves scope for constant questioning of the good faith and political will of either side. Trust is still lacking, particularly on the part of the SPLM. Greater trust is needed for the two parties to work through this complex agreement and deal with problems that arise without putting the whole process in jeopardy. In its absence, both sides fall back on an unhelpfully legalistic approach to problem-solving. The unresolved problems of Abyei appear intractable. Abyei is increasingly seen as a flashpoint for the breakdown of the agreement.

The lack of buy-in to the CPA from other Sudanese political forces contributes to its fragility. Wider ownership would serve to buttress the agreement and provide support to the two parties when stresses arose over aspects of

implementation. Weak governance structures also pose risks. The CPA could break down through an accumulation of mishandled local issues, particularly land resource issues, among pastoralists, farmers, traders, returnees and sharecroppers. Failure to manage these local issues could prove fatal to the implementation of the CPA. Corruption and maladministration, especially by the GOSS, was identified as another threat to implementation.

Some analysts see the overall problem as a case of the periphery out of control – in the South, in eastern Sudan and now Darfur and spreading west to Chad. According to this assessment, it is the Sudanese state that is in crisis and this cannot be resolved by reaching an accommodation with the South. According to this view, the CPA is not a ‘model that can be replicated’ since genuine implementation would mean self-destruction for the government in Khartoum.

*Fickle international support*

Compounding the vulnerabilities inherent in the agreement is the fickleness of international support. The negotiation of the CPA became possible in the late 1990s owing to the active support for the SPLM from neighbouring countries (Ethiopia, Eritrea and Uganda). During negotiations Khartoum was under sustained pressure from the US, and the international community put wholehearted effort behind the IGAD-led process. Since signature, international attention was almost wholly redirected to Darfur, and IGAD did little to follow up on problems of implementation.

*‘Who or what is the North?; who or what is the South?’*

The lack of a clear territorial and political definition for both the South and the North was seen a key weakness of the agreement. For the purposes of the CPA, the NCP was taken to represent the ‘North’ and the SPLM the ‘South’, but these makeshift designations oversimplify more complex political realms. Neither party has proven electoral credentials, nor can it claim to be the sole organization to represent its community. When the democracy components of the agreement are implemented the popular support for both the NCP and the SPLM will be tested. The possibility of either or both

losing or having to share power would compound the problems of CPA implementation in ways that are hard to predict.

#### *Was the New Sudan buried with John Garang?*

The greatest imponderable concerns the referendum to be held in 2011. Opinion in the region is almost unanimous that the people of Southern Sudan would choose independence in a free and fair vote. The underlying assumption is that the South needs to be politically strong and united to achieve this result and militarily capable to ensure that such an outcome would be accepted. Many doubt, however, that the SPLM leadership will be able to withstand the pressures ahead. There are certainly some genuine unionists among them. Opinion is divided over how the North would react to a vote for separation, assuming it got that far. Most assume that Khartoum would want to avoid this outcome, particularly because of the potential and actual oil wealth in the South. Some argue that the North might be willing to let the South go provided that it did not take with it any significant resources, principally oil.<sup>49</sup>

#### *Regional matters*

Sudan's neighbours to the South are also important stakeholders. As long-term supporters of the SPLA, Ethiopia and Uganda already have an investment in the future of

Southern Sudan. Since the CPA was signed in 2005 there has been a tremendous wave of investment, especially in construction. Uganda and Kenya have led the way, competing with one another to some extent. Business people from Somalia and Eritrea have also beaten a path to Juba. Oil exploration in the Gambela area of western Ethiopia is showing some encouraging results and could open up new possibilities for economic cooperation between Ethiopia and South Sudan. Djibouti is also taking an interest in the new political and economic hub in Juba, noting that transport costs from Juba to Djibouti – through Ethiopia – are half those of Juba to Mombasa.

All this economic activity and new potential has resulted in a growing elite interest in maintaining stability. This extends to key elites in neighbouring countries. It is not certain how they would position themselves if independence became a real prospect. Ethiopia's 'preferred outcome' in 2011 is for a united Sudan. This is line with the African Union's preference and reinforced by the unhappy experience of Eritrea's secession. Uganda might be more enthusiastic about independence. It has not yet negotiated an end to the Lord's Resistance Army rebellion in the north of the country, a civil war that was fuelled at times by Sudanese support to match Uganda's support for the SPLA. Uganda could certainly expect to exert considerable influence in an independent South, as would Ethiopia.

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## 3. The Regional Factors

Thus far, the three peace processes in the Horn of Africa have been considered in isolation from each other. To a large extent this is how the different conflicts in the region have been understood and handled by the international community. Certainly the peace agreements are strikingly different from one another in content and scope. The conflicts they are designed to address also have unique and distinctive features.

There are, nonetheless, some common characteristics that can be discerned between the different conflicts. Some of them, moreover, are prevalent within the Horn of Africa but do not feature strongly in conflicts elsewhere in Africa. Identifying these provides a basis for an analysis of the Horn of Africa as a regional conflict system.

### Characteristics of conflict in the Horn of Africa

As a starting point, the countries in the region all have a poor track record of governance. Democratic accountability has been largely absent, with a history of regime change through violent rather than peaceful means and a culture of militarism. This takes different forms according to local conditions and traditions, but armed rebellion of one sort or another is always high among the options for dealing with political grievances. This has led to consistently high levels of violent conflict throughout the Horn of Africa. Conflict has occurred at every level – within states, between states, among proxies, between armies, at the centre and in the periphery. This habit of

war can become a cause of war in itself. Breaking such cycles of violent conflict is a far more ambitious goal than ending any one particular struggle.

### Identity politics

The common underlying causes of conflict relate to problems of centre–periphery relations, with substantial communities experiencing economic marginalization and political exclusion. (There are, for example, similarities between descriptions of social, economic and political conditions in Darfur and those in the Ogaden.) Associated with this are patterns of inequitable sharing of national resources and lack of representation in the structures of government. Throughout the region political contestation is overtly moulded around identity politics. Social identity has been politicized and mobilized around ethnic and national differences not just to contest the ‘who gets what’ but to challenge the shape and form of the political community itself.

### Religion

Religion often rides in tandem with ethnicity to polarize and divide political communities in the Horn of Africa. Historically the Ethiopian Empire conceived of itself (and presented itself to the West) as a Christian island in a Muslim sea. During long periods of tolerant coexistence between Christianity and Islam, there have been moments of Jihad in both Somalia and Sudan. Ethiopia’s contemporary conflict with Somalia, an entirely Muslim country, has raised this spectre again in the divisive new language of global terrorism. At home, Ethiopia’s political model puts stress on both ethnic and religious diversity. Sudan, on the other hand, is still wrestling with the problem of how to retain a strong Muslim identity in the North while providing full citizenship on equal terms for the South. Religion has been a major polarizing factor in Sudan but, as the Darfur conflict shows, being of the same religion is no defence against conflict. The conflict between Ethiopia and Eritrea involves at its core co-religionists of the Orthodox Christian faith. On top of this are the stresses and strains of revivalism in both Christianity and Islam, which is becoming a noticeable trend in different parts of the region.

### State formation and disintegration

The Horn is a region where the basis of statehood has been under constant challenge for at least three generations. The painful and violent process of state formation and disintegration is evident in the dynamics of Ethiopia and Eritrea, Sudan and the South, and Somalia and Somaliland. Self-determination is a highly charged slogan in all the countries of the region. There are deeply contested views of the 'self' that should do the determining and disputed versions of whether and how 'self-determination' can be achieved within – or beyond – existing territorial boundaries. On the vexed question of defining boundaries there are significant parallels between the problems encountered by the Ethiopia–Eritrea Boundary Commission and those that now face the Abyei Boundary Commission.

The discourse on self-determination has framed the conflict in Southern Sudan for over three decades. It has gone some way to informing the conflict in Darfur and, to a degree, the Beja conflict in eastern Sudan. It drove the Eritrean rebellion against rule from Addis Ababa for 30 years. Among Ethiopia's (and Eritrea's) ruling elite, study of the Leninist meaning and applicability of self-determination was raised to an art form in the 1970s and it still finds expression as the foundational principle of EPRDF political organization in Ethiopia. Somalis have pressed their irredentist claims against Ethiopia and Kenya in the name of self-determination and Somaliland now argues its right to secede in the same terms. Traditional nationalists in both Ethiopia and Sudan reject it as a form of state fragmentation or divide and rule.

### Intervention and use of proxies

Throughout the Horn of Africa, one country's 'periphery' is its neighbour's back door – with plentiful opportunities for troublemaking. Pursuing (regional) foreign policy through proxy forces in neighbouring countries has been the 'normal' pattern of relations for decades.<sup>50</sup> This activity has proved persistent over time and has survived radical political reconfigurations, including changes of regime.

Examples include Ethiopia's support for Southern Sudanese rebels, matched by Sudan's support for Eritrea's independence war; Somali support for rebels in the Ogaden region of Ethiopia, and to a lesser extent the

Eritrean and Oromo rebellions, matched by Ethiopia's support for Somali rebel groups working against the former government or (latterly) on their own account. The new state of Eritrea was a vigorous practitioner of intervention during its own independence war, building alliances with (then) Ethiopian rebel groups (plus Oromo and Somali groups). Since gaining independence in 1993 Eritrea has given active support to rebellions in Southern and Eastern Sudan, as well as Darfur. It has also turned its attention eastwards. Somalia's collapse has drawn in all of its neighbours. The unresolved conflict between Ethiopia and Eritrea is helping to destabilize the whole region.

A key reason for the persistence of conflict is this powerful tradition of mutual intervention. The states of the region all act as enablers and multipliers of conflict to the detriment of their neighbours. This regional dynamic is sufficiently powerful to act as a cause of conflict in its own right, especially where so many problems of governance abound. Neighbours prey relentlessly upon each other's internal difficulties, ready to seize on any glimmer of 'grievance' and actively seek out opportunities to fuel and amplify conflict. The same dynamics often come into play in neighbouring countries, e.g. Sudan affects Chad, the Central African Republic and Uganda. In this context foreign policy, especially regional foreign policy, becomes an intimate part of the government's strategy for internal stability.

### Alignment with global agendas

A final layer of complexity is the tendency of the countries in the region to seek out opportunities to align themselves with global agendas. This is another persistent trend and featured in the politics of the Horn of Africa throughout the colonial era and the Second World War. Ethiopia and Somalia found themselves on opposing sides during the Cold War. In the mid-1990s Sudan was characterized as a state sponsor of terrorism, and Ethiopia, Eritrea and Uganda had a common policy to contain and confront it – with US support. Sudan has moved on, but Eritrea's hospitality towards the leaders of Somalia's Islamic Courts Union has incurred a warning that it will be designated a state sponsor of terrorism. As a consequence of such alignments regional conflicts, rooted in local politics, can become



amplified as proxy conflicts of global powers. The clearest recent example of this was Ethiopia's intervention in Somalia in late 2006. This was carried out in the name of the global war on terrorism and earned Ethiopia the sympathy and support of the US.

Regional players beyond the Horn itself also have an array of interests there. Egypt has a long-standing interest rooted in its strategic concerns over water security. Sudan's western neighbours are being increasingly drawn in by the Darfur conflict. The Gulf states also take a serious interest in events in Somalia and the Red Sea littoral, as does Israel. The existence of these wider circles of interest provides opportunities as well as threats to the countries in the region itself and is never far from their calculations.

#### Resource issues

Competition for resources is already acute, especially in the semi-arid periphery of the countries of the region. It can be expected to increase as population grows and an already fragile environment is degraded, including through climate change. Competition for scarce water resources, especially the Nile Waters, seems set to intensify. Environmental shocks – rain failure, floods – are regular features of the economic landscape. Maintaining food security is a constant challenge for governments, especially that of Ethiopia. Famine is unlikely to be a direct cause of conflict – the reverse is more likely – but the fragility of the environment means that resource struggles are often battles for survival and are conducted with greater intensity.

### The Horn of Africa viewed as a Regional Security Complex

The Horn of Africa displays many of the features of a Regional Security Complex.<sup>51</sup> The countries involved display high levels of security interdependence. Historically the region had a dynamic (of conflict) that was quite distinct from the patterns found among its sub-Saharan and North African neighbours. In more recent times, these characteristic patterns of conflict appear to be radiating outwards, bringing countries such as Uganda

and Chad at least partially into the conflict system of the Horn. Historical patterns of amity and enmity are deeply etched in the region. Conflicts typically stem from factors indigenous to the region, the most enduring being centre-periphery relations in the Ethiopia and or Sudan. There is also a tradition of outside powers making alignments with states within the Regional Security Complex – usually Ethiopia exercising local hegemony. Discussing such penetration by outside powers in a Regional Security Complex, Buzan and Waever postulate that 'outside powers cannot (even if heavily involved) usually define, de-securitize or re-organize the region'.<sup>52</sup> As the foregoing survey of externally backed peace processes shows, this is certainly a proposition that rings true in the Horn of Africa.

‘The ways in which “amity and enmity” are constructed among the players has a rich history. Without grasping this, external players are liable to be baffled by the conflicts that repeatedly erupt and fuel one another in the Horn’

The concept of the Horn as a Regional Security Complex provides a useful counterweight to the dominant development thinking around conflict. In Africa, conflict analysis has hinged largely on the twin concepts of 'greed and grievance', and most conflict solutions put all the stress on state-building and/or power-sharing solutions.<sup>53</sup> The term 'bad neighbourhood' may be tagged on to the analysis. But insufficient attention has been paid to the ways in which countries joined in conflict actively destabilize one another and act as spoilers to derail peace processes. Understanding how security threats are perceived and articulated in the Horn of Africa could provide better insights into how the region actually works.

The states of the Horn securitize events in relation to past events and present perceptions that might seem idio-

syncratic if taken out of their context. But the context is vital for an understanding of how and why conflict occurs. How could Eritrea construe a shooting incident at Badme in May 1998 as an event that justified a full-blown military attack? Is it plausible that lack of access to the sea could be construed as a security threat for Ethiopia? Would a united Somalia or an Islamist Somalia threaten Ethiopia's security? How long will the *détente* between Ethiopia and Sudan last? The ways in which 'amity and enmity' are constructed among the players has a rich history. Without grasping this, external players are liable to be baffled by the conflicts that repeatedly erupt and fuel one another in the Horn. Consequently, their interventions will be liable to miss the mark.

### Prospects for a more stable security order

The countries of the region seem bound together more by conflict and dissension than by any durable pursuit of common interests. With such persistently high levels of internal violence, the regional subsystem remains the very opposite of a security community.<sup>54</sup> The result is a regional system of insecurity in which the tradition of mutual interference makes constructive intergovernmental relationships difficult.

Africa's emerging security architecture gives pride of place to sub-regional institutions to deal with conflict prevention and conflict management, including peace support operations. As an institutional model this is developing reasonably well in other regions of Africa, particularly those that possess a dominant local power, namely SADC and ECOWAS. IGAD's prospects for achieving anything similar are seriously hampered by the context of regional rivalries in which it operates.

Eritrea has currently suspended its membership of IGAD because of its objections to IGAD's policy of support for Ethiopia's intervention in Somalia. IGAD is prevented from taking a lead to ameliorate the conflict in Somalia because the TFG is represented in its councils. This also inhibits IGAD from working on a solution to Somaliland's future relations with Somalia. A regional diplomat observed that, for the time being, the tense hostility

between Ethiopia and Eritrea precludes the establishment of a wider regional security pact of any kind. It is worth remembering that before the Ethiopia–Eritrea conflict, the overt hostility of three IGAD members towards Sudan was equally effective in blocking progress towards regional-level security arrangements.

IGAD's Executive Secretary, Dr Attala Bashir, has acknowledged that 'actual and potential conflict are so rampant that one can say, with regret, that war and destruction has been the hallmark of the IGAD sub-region.'<sup>55</sup> IGAD is too institutionally weak to drive a strong security programme against the warring instincts of its member states. The organization is nonetheless trying to develop a Peace and Security Strategy. IGAD takes pride in conducting the negotiations for the CPA. Its officials maintain that the Somalia peace process was also successful and would have produced a better outcome if the security support that the TFG needed had been provided at the start.

As part of the background for its Peace and Security Strategy, IGAD has sponsored high-quality analytical work that takes account of the interlocking nature of conflict in the region.<sup>56</sup> Applying such analysis to achieve practical conflict resolution outcomes is more difficult. Some modest progress has been made at the grassroots end of conflict. IGAD has piloted a Conflict Early Warning and Response Mechanism (CEWARN) targeting two areas prone to cross-border pastoral conflict. After five years of operation the programme is credited with having increased regional awareness of interdependence and built acceptance of a role for civil society organizations in local security management. This was described as 'the politics of small steps'. The steps are undeniably small, but the direction of travel is interesting: CEWARN's programmes are located in the peripheries of the region where human security is least protected by governments and where rebellions often start.

IGAD has to guard against appearing to be an additional arm of Ethiopian foreign policy rather than an intergovernmental forum for regional cooperation. Ethiopia's intervention to install the TFG has shown up some potential risks inherent in the newly emerging norms concerning the right of African intervention. In this

instance IGAD supported an intervention that was explicitly designed to protect Ethiopia's security interests rather than to stabilize Somalia.

The prospect of a shift to a new regional security order in the Horn of Africa is slim. Conflict is normal and deeply etched in the minds of the various leaderships. At the 'centres' of the stronger states – Sudan, Ethiopia, Eritrea – perceptions of security threats are largely the preserve of military and intelligence circles and remain set in traditional political and military moulds. In Somalia, where the state has long ceased to function, and in the peripheries of Ethiopia and Sudan, 'societal security'<sup>57</sup> is a more significant reference point. Here societies lacking in formal state structures and operating in many different political configurations attempt to protect their interests against the state. The tension between these two modes of organization (and their corresponding security concerns) lies at the heart of the insecurity in the region and makes it difficult for the actors even to find a common language for building a security community.

Over time, economic drivers rather than institutional drivers (such as IGAD activity) seem more likely to change

the face of conflict in the Horn of Africa. The countries involved are among the poorest in the world but do not hesitate to deploy the resources they have for military purposes. The nature and extent of economic interdependence in the region lie outside the scope of this study. It is an important and under-researched area that would merit deeper study and understanding. There appear to be real prospects for economic development in the region as a whole. China and other non-traditional partners are investing heavily. The European Commission and the World Bank are increasingly interested in the development of infrastructure to support regional development. Both Ethiopia and Sudan, for different reasons, are achieving high economic growth. There are favourable prospects for oil production in South Sudan and in Ethiopia (both East and West). Eritrea will start gold production in 2009. Commercial actors, especially those from within the region, are likely to play a transformative role. Maintaining the same old patterns of conflict in the region will inhibit economic progress, but economic changes are still likely to occur and will increase the incentives to get the politics rights and manage relations within the region less fractiously.

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## 4. Conclusions, Lessons and Recommendations

Four broad conclusions can be drawn from this study about the nature of conflict in the Horn of Africa. Each has implications for people from outside the region – diplomats, officials, mediators – who engage in efforts at conflict resolution and peacemaking.

### Historical awareness

The first is the importance of history. The Horn of Africa has a history of violent conflict within and between states. A culture of militarism is part of the landscape of the Horn, where identities have long been forged – and continue to be forged – through violence. This does not mean that the people of the region can never live in peace but it does affect their perceptions. In particular, it means that the protagonists of contemporary conflicts experience them as part of a long continuum of warfare and struggle. It is a history in which the use of force has a proven record of success up to and including very recent times.

Outside actors need to get to grips with this history. The local actors generally operate on a much longer time frame than their own, which is one of the reasons why the prospects for influencing behaviour are so limited. Outsiders need to understand the limitations of their own role. They will soon discover, if they do not already know, that the countries of the Horn – or rather their leaderships – have a good record of resisting external pressure. They will insist on their own authority in matters of national

security and will not stop or start conflicts at the behest of outside powers.

The lesson for outside actors is that their conflict-related interventions should be suitably modest, recognizing that consensus and agreement can only come from the countries themselves. Thus the failure of the peace agreements under consideration to achieve lasting results may not be unexpected. These same peace processes were not bad efforts and their modest successes, which, in the case of Algiers and the CPA, included the suspension of violent conflict, should not be lightly dismissed.

### The problematic nature of the state

The second key observation is that the structural causes of conflict across the region appear related to a complex process of state formation and disintegration. The break-up of states is a much more active possibility in this region than elsewhere in Africa. This is not about state weakness. The traditional power centres in Ethiopia and Sudan have deep roots. But they also have a long history of unstable border zones and hostile relations with communities on the periphery who resist incorporation. With the addition of the very young state of Eritrea, the collapsed and fragmented state of Somalia and the micro state of Djibouti, the Horn constitutes an unusual constellation of states.

“Outside actors need to recognize that throughout this region the state itself, through its problematic relations with people in the periphery, is often a key conflict driver”

Outside actors need to recognize that throughout this region the state itself, through its problematic relations with people in the periphery, is often a key conflict driver. This demands some sensitive modification in the prevailing orthodoxy surrounding both conflict analysis and conflict

solutions. A state-centric analysis based on 'greed and grievance' is insufficient for assessing the causes of conflict when the state itself is deeply contested. Likewise, the causal link between weak and fragile states and conflict needs to be made with care. The presumed benefit of building strong states needs to be set against the fact that people in the region generally experience the state as an instrument of power and often of oppression. They would need some convincing that the state is primarily an agent of service-delivery.

The lesson for outsiders is that the mainstream 'state-building' approach needs to be applied with caution. As experience in Somalia has shown, it will not succeed unless the authorities who were supposed to run the state have established their legitimacy or, at the very least, their authority.

## Regional dynamics

The third key finding is that the Horn constitutes a Regional Security Complex in which the security problems of each country impacts on the security of all. This analysis suggests that interactions *between* the states of the region support and sustain the conflicts *within* the states of the region in a systemic way. The different conflicts interlock with and feed into each other, determining regional foreign policy positions that exacerbate conflict. While this underscores the need for a regional approach to conflict, the mechanisms for achieving this remain extremely weak. At the institutional level, IGAD is regarded by the African Union as the appropriate forum for conflict management in the region. However IGAD's capacity to play an effective role is deeply compromised by the multiple conflicts among its member states.

Outside actors involved in reconciliation and peace-building will find that the interlocking nature of conflicts in the Horn complicates their work and makes it significantly more difficult. The attractions of supporting IGAD's conflict prevention efforts are real, but the organization is also a victim of the conflict in the region. In the present circumstances, it is very doubtful that external assistance would enable IGAD to frame and uphold a meaningful regional security pact.

It follows that conflict resolution on a country-by-country (or conflict-by-conflict) basis is unlikely to succeed if the regional security dimension is not adequately addressed. Other regional players need to be factored into solutions. Peacemakers need to design measures to help insulate the conflicts from each other. They also need to have realistic expectations of what a regional organization such as IGAD can deliver.

## Global agendas driving regional conflict

The Horn has long been subject to influence from global agendas. This is a two-way process with external actors seeking strategic alliances and the regional players courting the attention of the key global players. Rhetoric aside, the goals of the regional actors are chiefly oriented towards securing advantage – economic, military and diplomatic – in the regional power play. The Horn is a region where there are signs of al-Qaeda activity, and US-led international interest is bound to focus on this aspect. However, the insertion of the logic of the global war on terrorism into these already complex conflicts has tended to exacerbate conflict, polarize the parties along religious lines and reduce the prospects for dialogue.

“The underlying conflicts in the region are older than the contemporary war on terrorism and will probably outlast it”

Outside actors need to respond judiciously to the allegations of terrorism levelled against various parties to conflict in the Horn. The underlying conflicts in the region are older than the contemporary war on terrorism and will probably outlast it. Outsiders need to recognize the tactical value of their support and the interests at stake in representing local adversaries as associates of terrorism. They also need to weigh the possible gains (in terms of international terrorism)

from intervention against the risks of greater radicalization, alienation and conflict generation in the region.

One of the lessons for outsiders is that the insertion of the rhetoric of the war on terrorism tends to shut down the space for dialogue. It makes it doubly difficult for outsiders seeking to mediate or mitigate conflict to maintain an even-handed approach among the conflicting sides.

## Policy pointers

At present, the states of the Horn seem to be unwilling or incapable of establishing a regional security framework that would change the familiar conflict dynamics of the region. As this study has illustrated, external support to peace processes and expenditure on peace agreements have produced disappointing results, especially in Ethiopia, Eritrea and Somalia. Faced with the continuing difficulties, outside actors have tended to take sides – with Western powers essentially choosing to associate with Ethiopia. Ethiopia has successfully represented its regional policy as one that supports Western interests, including the

containment of international terrorism. Yet the level of violent conflict has soared in Somalia as a result of Ethiopia's intervention and the risk of renewed conflict with Eritrea is an ever-present danger.

An alternative approach, directed more explicitly to conflict issues, would make it a minimum requirement for cooperation that *all* the states of the region conduct themselves in accordance with the basic rules of international conduct: respecting sovereignty and refraining from unauthorized interventions, upholding formal agreements and respecting boundaries. In the difficult environment of Somalia, still without state institutions, outsiders could give priority to human security, even if the protagonists themselves do not.

Accepting that they have little possibility to end conflict in the Horn, Western countries should work to protect the people who are victims of violent conflict without discriminating between the victims of the Darfur conflict and the victims of the conflict in Mogadishu. They should also favour the governments and administrations, whether states or non-state actors, that protect their people rather than those that claim to protect Western interests.

## Notes

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- 29 *Special Report of the Secretary-General on the UN Mission in Ethiopia and Eritrea*, 7 April 2008, S/2008/226, p. 9.
- 30 I have argued elsewhere that this is only one aspect of the success of the guerrilla struggle, which also benefited from a range of other international factors such as the end of the Cold War, the collapse of the Mengistu government and the active support and encouragement of Sudan and the United States.
- 31 Extract from 'A Week in the Horn' (21 August 2007), PM answering questions from listeners on Dimtsi Woyane, the radio station in the Tigray Regional State.
- 32 Assab was built to serve the Central and Southern hinterland of Ethiopia. It is not of practical use to Eritrea, whose trading needs have historically been met through Massawa.
- 33 Information about Eritrea's clandestine support in Somalia is contained in the UN Reports of the Monitoring Group on Arms Embargo Violations in Somalia of 4 May 2006 and 16 October 2006.
- 34 Barnes and Hassan, *The Rise and Fall of Mogadishu's Islamic Courts*.
- 35 See *Counter-Terrorism in Somalia: Losing Hearts and Minds?*, International Crisis Group, Nairobi/Brussels, 2005.
- 36 David Shinn, 'Al-Qaeda in East Africa and the Horn', *Journal of Conflict Studies*, accessed at [www.lib.unb.ca/Texts/JCS/Summer07/contents.html](http://www.lib.unb.ca/Texts/JCS/Summer07/contents.html).
- 37 Dr Ali Abdurahman Hirsi, 'Continuing governance crisis in Somalia: the bitter fruit of the Somalis' Faulty Approach to the Practice of Statecraft', *Wardheer News.com*, 26 June 2006, accessed 3 March 2008.
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- 39 No one who reported Ethiopian bribery was able to personally vouch for its taking place.
- 40 Dr Mansour Khalid speaking at conference held at Addis Ababa University on 'Darfur and the Crisis of Governance in Sudan', 22 February 2008.
- 41 Salva Kiir, rather than Garang, signed the Machakos Protocol of 2002, the first component of the CPA.
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- 43 UNDP Sudan website, [www.sd.undp.org/projects/s\\_dg4.htm](http://www.sd.undp.org/projects/s_dg4.htm); and FAO Special Report, FAO/WFP Crop and Food Security Assessment Mission to Southern Sudan, [www.fao.org/docrep/010/ah879e/ah879e00.htm](http://www.fao.org/docrep/010/ah879e/ah879e00.htm).
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- 45 Justice Africa, *Prospects for Peace in Sudan*, Monthly Briefing, April 2008.
- 46 Kenya's post-election violence in 2007 is a relevant example here.
- 47 Dr Mansour Khalid at Addis Ababa conference (see note 40 above).
- 48 John Young, *Emerging North and South Tension and Prospects for a Return to War*, Small Arms Survey, July 2007, Switzerland. The other Southern fighters are primarily Southern followers of Paulino Matieb who had fought with the government side against the SPLM during the war.
- 49 Oil reserves are another moving picture. Some assessments suggest that Northern oil reserves are on a downward trajectory and the more valuable reserves of the future lie in the South.
- 50 Lionell Cliffe, 'Regional Dimensions of Conflict in the Horn of Africa', *Third World Quarterly*, Vol. 20, No. 1, February 1999.
- 51 B. Buzan and O. Waever, *Regions and Powers* (Cambridge University Press, 2003). In this book the authors develop the analytical concept of the Regional Security Complex (RSC) as a substructure of the international system, operating with some autonomy within power structure of the international political system. Regional Security Complex Theory is offered as an analytical and explanatory framework for security related developments in any region.
- 52 Buzan and Waever, *Regions and Powers*, p. 47.
- 53 DFID Strategic Conflict Assessment guidance, <http://www.dfid.gov.uk/pubs/files/conflict-assess-guidance.pdf>.

54 Defined by Laurie Nathan as 'dependable expectations of peaceful change'. Nathan argues that large-scale internal violence prevents the attainment of security communities among states by rendering people and states insecure, generating uncertainty, tension and mistrust among states, and creating the risk of cross-border violence. LSE Crisis States Working Paper No. 55, November 2004, [www.crisisstates.com/publications/wp/WP1/wp55.htm](http://www.crisisstates.com/publications/wp/WP1/wp55.htm).

55 Foreword to 'Towards the IGAD Peace and Security Strategy', proceedings of the Khartoum launching conference, 1–3 October 2005 (IGAD, 2007).

56 'Towards the IGAD Peace and Security Strategy' is a good example.

57 Buzan and Waeber, *Regions and Powers*, p. 71, make the distinction between classical 'state security' and societal security, the latter applying to any collectivity (and there are several in the Horn of Africa) that defines its survival as threatened in terms of identity. These are typically, but not exclusively, nations.



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**CHATHAM HOUSE**

Chatham House, 10 St James's Square, London SW1Y 4LE  
T: +44 (0)20 7957 5700 E: [contact@chathamhouse.org.uk](mailto:contact@chathamhouse.org.uk)  
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