



International Peace Support Training Centre
Nairobi, Kenya

ISSUE BRIEFS

ISSUE No.4



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Publication Supported by the Government of Japan through UNDP

ISBN: 978 – 9966 - 025 - 01 -2



Enhancing Capacity for Regional Peace and Security through Peace Operations Training

ISSUE BRIEFS

ISSUE NO.4

**IPSTC Issue Briefs Series
March 2011**

Compiled by
The IPSTC's Peace and Security Research Department

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Nairobi Kenya**

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Published 2011 by the IPSTC
International Peace Support Training Centre (IPSTC)
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ISBN: 978 – 9966 - 025 - 01 -2

Design, Layout & Printing by
Kul Graphics Limited

Cover Photos: **IPSTC**

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1. Sudan is used here to denote the Government of Sudan and the expected new state of Southern Sudan. North and South will also be used inter-changeably with Sudan

2. The two missions in Sudan are the Hybrid African Union/United Nations Mission in Sudan, UNAMID and the United Nations Mission in Sudan, UNMIS

Foreword

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

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

The current issue has three briefs. The first paper on the African Peace and Security Architecture (APSA) analyses the progress made towards the development of the various components while interrogating the role of different actors and partners towards this operationalization.

The second on the role of religion in post conflict recovery observes that as an institution, religion can play a pivotal role in stabilizing society through inspiration and consolation. However and for various reasons, religious leaders in Kenya have not always possessed the moral integrity to support such endeavours.

The third paper on building on mutual dependence for sustainable peace in Sudan looks at issues and resources which are of common interest and concern to the two states. These issues are seen as foundations and building blocks for sustainable peace in post-referendum Sudan and are therefore priority areas for engagement with the two countries.

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

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

Brig Robert Kibochi
Director, IPSTC.

Introduction to The Issue Briefs

Operationalizing the African Peace and Security Architecture (APSA): What Role for Different Partners?

With the re-vitalization of the Organization of the African Unity through the African Union, a new security regime to respond to the post-Cold War security challenges in Africa was devised. Known as the African Peace and Security Architecture (APSA), it is designed to respond holistically to peace and security concerns in Africa through conflict prevention, management and post-conflict peace building. The architecture is made up of the AU Commission, a Panel of the Wise, a Continental Early Warning System, an African Standby Force as well as a Special Fund.

Religion and Post-Conflict Recovery: Key Issues and Lessons from sub-Saharan Africa

In most developing countries, conflicts claim large number of people and property thus exacerbating human poverty. Several conflict mitigation measures have been developed including conflict resolution techniques. Religion as an institution has also played a role in healing conflict wounds among warring communities. This is largely due to the wider acceptance of religion as a source of inspiration and consolation for those experiencing tribulation. Despite this critical responsibility that religious institutions could have, the effectiveness of the institution in peace building, particularly recovery, has remained elusive. In some cases involvement of religious leaders in national decision-making has been viewed as partial and subjective. The present discussion explores the various ways religious institutions and leadership could support activities aimed at rebuilding the social and economic fabric of the society after conflict or disaster.

Building on Mutual Dependence to Create Sustainable Peace in Sudan : Post-referendum Priority Areas for the Missions and CPA Guarantors

In the immediate post-referendum period in Sudan, there remain several issues which are yet to be resolved as outlined in the Comprehensive Peace Agreement. Issues such as the sharing of oil between the North and South Sudan, for example, could complicate the relations between the two countries. However, both countries can avoid a return to conflict by focusing on issues which make them mutually dependent on one another as they embark on post-conflict reconstruction. Focusing on shared interests, based on mutual dependence can act as an antidote for renewed conflict and hostility. The CPA guarantors and other relevant actors who are engaged in the search of lasting peace Sudan need to play a crucial role during the transition period by formulating a coherent strategy which is acceptable to both parties in order to ensure the long-term stability of post-referendum Sudan where both countries live side by side in peace.

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2. The two missions in Sudan are the Hybrid African Union/United Nations Mission in Sudan, UNAMID and the United Nations Mission in Sudan, UNMIS

Issue Briefs

Operationalizing the African Peace and Security Architecture (APSA): What Role for Different Partners?

Leah Kimathi- Post-Conflict Recovery Analyst

Background

The concept of a peace and security architecture refers to structures, norms, capacities and procedures that are employed to avert conflict and war, to mediate for peace where a conflict has broken out as well as to ensure the general maintenance of peace and security in a given setting. These instruments and norms may be well set up by way of a blueprint, with clearly defined inter-relationships or they may be in the process of growth and definition where there is a framework of the architecture that is continually evolving and adjusting to changing circumstances. As a continental master plan for peace and security the African Peace and Security Architecture (APSA) falls more in the latter than in the former category. While the general layout is in place, its implementation is still in the process of growth and refinement so that it can ultimately and holistically respond to the peace and security requirements of the African continent.

APSA has its origins in the formative years of the now defunct Organization of the African Union (OAU). The OAU divided the continent into five regions, aligned with a number of existing Regional Economic Communities (RECs) and prompting the establishment of others. While Africa's regional organizations were originally designed as centre points for regional economic development, regional bodies and leaders quickly acknowledged that the insecurity and instability endemic in the regions were major impediments to integration and development (Mwanasali, 2003; Olonisakin and Ero 2003). With the exception of the Arab Magreb Union, all of Africa's RECs have subsequently developed security mechanisms with varying competencies to operate within the context of a broader regional integration agenda (Powell, 2005).

The OAU became engaged in conflict resolution in Africa almost from its inception in 1963, but restricted its efforts to settling border disputes and adjudicating ideological differences resulting from the Cold War (Amoo, 1993). The OAU Charter recognized the peaceful settlement of disputes through mediation, conciliation and arbitration. A Commission for Mediation, Conciliation and Arbitration was established, but the protocol prescribing optional jurisdiction and mediation was limited to inter-state disputes. These restrictions eventually made the commission redundant (Francis, 2007). In response to the security challenges and threat perceptions of the 1960s, the OAU proposed the establishment of An African High Command as a collective security and defence framework. The aims of the high command were: to ensure protection of territorial integrity, to help guard political sovereignty, to set up a defence against external aggression, to prevent the balkanization of Africa and to assist liberation fighters against colonial domination. Proposals for the creation of sub-regional defence and security mechanisms were made in 1972. Although nothing concrete came from these proposals, they became the blueprints for the formation of sub-regional security and peacekeeping mechanisms. In this way the OAU laid the foundation for a new regional architecture for peace and security (Ibid).

With the end of the Cold War, and the inevitable reduction of Africa's strategic importance on the world stage coupled with the crises of the 1990s, OAU felt the need to change its conflict resolution approach in the continent. This led to the establishment of the Mechanism for Conflict Prevention, Management and Resolution in Cairo in 1993 with the following functions:

- to anticipate and prevent situations of potential conflict from developing into full-blown wars;
- to undertake peacemaking and peacebuilding efforts if full-blown conflicts should arise;
- to carry out peacemaking and peacebuilding activities in post-conflict situations (Powell, 2005).

While the mechanism comprehensively addressed the entire spectrum of conflicts, nothing much by way of implementation was achieved and it therefore met the same fate that had befallen the earlier instruments.

Generally, the OAU was criticized as being ineffective in establishing peace and security within Africa. Perhaps the only mechanism that was relatively successful was the Commission for Mediation, Conciliation and Arbitration in its dealings with issues of decolonization and the eradication of racist regimes

(Francis, 2007). This commission played a role in helping to end apartheid in South Africa and decolonization in Namibia and Zimbabwe, but could not end colonial domination in both Western Sahara and Eritrea. The major obstacles contributing to the dismal performance of the OAU in the field of peace and security had less to do with the lack of institutional frameworks and mechanisms but more to do with its commitment to the principles of sovereignty and non interference, as well as respect for established borders and territorial integrity. The cause of the organization's failure to act effectively in this area (i.e. peace and security) was because, with few exceptions, the organization was not legally or operationally equipped to intervene in either inter- or intrastate conflicts.

As a response to the ineffectiveness of the organization's mechanisms, the African leaders decided in May 2001 to devise a new security regime to operate within the framework of the nascent African Union (AU) (Kioko, 2003). This transformation ushered in substantive normative and institutional changes representing a move away from strict adherence to non- interference by giving the AU the right to intervene. Human rights and democracy were also given prominence in the AU Constitutive Act and were repeated without fail in almost all of the major instruments subsequently adopted. Among other fundamental principles, the Constitutive Act of the AU gives primacy to the intention to develop closer collaboration with the many and diverse sub-regional economic communities and security defence systems in the pursuit of continental development, peace and security objectives (Francis, 2007).

At the institutional level, this transformation most notably saw the emergence of the current African Peace and Security Architecture (Dersso, 2010). The architecture is premised on several norms which emanate both from the OAU Charter as well as the AU Constitutive Act. These norms include the sovereign equality of member states (Article 4a), non-intervention by member states (Article 4g), devising African solutions for African problems, non-use of force in the peaceful settlement of disputes (Articles 4e, 4f, 4i), condemnation of unconstitutional changes of government (Article 4p) as well as the right of the AU to intervene in the affairs of a member state in grave circumstances (Article 4h) (Aning, 2008).

Components of APSA

APSA is anchored within the AU Peace and Security Council (PSC). The Protocol establishing the PSC came into effect in January 2004. According to Article 2 of the PSC protocol, the PSC is central to APSA and is ‘a standing decision-making organ for the prevention, management and resolution of conflicts’ which operates as ‘a collective security and early warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa’. Article 2 lists the components of APSA as: i) the AU Commission, ii) a Panel of the Wise, iii) a Continental Early Warning System (CEWS), iv) an African Standby Force (ASF) and v) a Special Fund. These different components of APSA come into play sequentially in the process of the prevention, management and resolution of conflicts.

- i) The AU Commission is the Secretariat of the Union entrusted with the executive functions. It has several portfolios including the Peace and Security Department (PSD). Within this department are core divisions including Conflict Management, Peace and Support Operations, Defence and Security as well as the Secretariat to the Peace and Security Council. As the central organ of the AU, the Commission plays the important role of being the driving force behind the Union’s activities including those of peace and security. It implements, coordinates and documents PSC decisions as well as facilitates networking and linkages between the PSD and other relevant departments and programmes. The Commission also helps member states to implement various programmes and policies and it takes on the strategic role of mobilizing resources for AU financing, including for peace and security. However, the Commission faces various challenges, one of them being the inadequate staffing which impacts negatively on inter-departmental coordination and collaboration. This hampers the overall effectiveness of the Commission and that of PSD (PSD, 2010).
- ii) Article 11 of the PSC protocol establishes the Panel of the Wise in order to support the efforts of the Council and those of the Chairperson of the Commission, particularly in conflict prevention. The Panel is composed of five highly respected African personalities on the basis of regional representation. They are appointed to serve for a three-year term, renewable once, with the following mandate:
 - The Panel shall advise the Council and the Chairperson of the Commission on all issues pertaining to the promotion and maintenance of peace, security and stability in Africa.

- The panel shall undertake all such actions deemed appropriate to support efforts of the Council and those of the Chairperson of the Commission for the prevention of conflicts.
- As and when necessary, the Panel may pronounce itself on any issue relating to the promotion and maintenance of peace, security and stability in Africa, in the form it considers most appropriate (AU, 2007).

The current Panel members appointed in 2007 include:

- Brigalia Bam, Chairperson of the Independent Electoral Commission of South Africa (Southern Africa Region)
- Ahmed Ben Bella, former President of Algeria (North Africa region)
- Elizabeth Pognon, Former President of the Constitutional Court of Benin (West Africa region)
- Miguel Trovoada, Former Prime Minister and President of Sao Tome and Principe (Central Africa region)
- Salim Ahmed Salim, Former Secretary General of the OAU (East Africa region).

The Panel, an idea borrowed from African tradition defining the role and place of elders in peacebuilding, is one of the most innovative structures of APSA. As a non-threatening instrument, it can be used to handle issues that are too politically sensitive to be undertaken by the other components of APSA.

However, the Panel is one of the least developed instruments of APSA. It was among the last to be operationalized and was officially inaugurated in December 2007 (Heinlein, 2007). Its role as a preventive strategy needs to be further elaborated, especially in terms of engagement. Further, the Panel should be included in the AU Commission's structure so as to give it greater visibility, and most crucially, to ensure that it is supported from the AU regular budget. The current reliance on partner support does not bode well for the sustainability and ownership of this instrument (PSD, 2010).

iii) Article 12 of the PSC Protocol gives rise to the Continental Early Warning System (CEWS). The early warning system is intended to ‘facilitate the anticipation and prevention of conflicts.’ When fully operational, the system is expected to connect the AU headquarters and the headquarters of regional organizations through a feedback process of relaying information and interventions. The observation and monitoring centre, the ‘Situation Room’ located in Addis Ababa, is expected to be in continuous communication with other early warning centres within the regional organizations. Beginning 2006, with the adoption of the Framework for the Operationalization of the CEWS, important achievements have been registered especially in setting up and equipping the Situation Room, developing data collection and analysis tools as well as in the continuous news monitoring and summarization of the Africa News Brief and Daily News Highlights that are circulated by the AU Commission to a wide network of subscribers, including RECs by email (PSD, 2010).

In order to fully operationalize CEWS, however, the system faces a number of challenges, mostly emanating from the capacity constraints of both the AU and RECs. With the possible exception of the Economic Community of West African States Early Warning and Response Network (ECOWARN) and Conflict Early Warning and Response Network (CEWARN) in Inter-governmental Authority on Development (IGAD), the development of CEWS’ basic operational capability in most of the other regional organizations, especially in Southern African Development Community (SADC), East African Community (EAC) and the Common Market for Eastern and Southern Africa (COMESA), is still in its infancy. This is as a result of inadequate staffing, lack of adequate attention given to its development and overreliance on external support, among other challenges. Another critical obstacle facing CEWS throughout the continent is the lack of effective collaboration between AU and other actors such as the civil society and the UN, despite the importance given to these collaborative linkages by the CEWS Framework (Ibid). There also exist weak linkages between regional CEWS and the Situation Room in Addis Ababa.

iv) The ASF represents the peacekeeping capacity of the AU. Its formation was endorsed by the African Heads of state at a summit in Maputo in 2003 (Daley, 2006). Given that mobilizing troops for peace operations takes time, the ASF was envisioned to serve in a continental rapid-response capacity for peace support operations and interventions. It has the technical support and backing of a Military Staff Committee (MSC) whose role is to provide technical suggestions and solutions to military issues and to provide their expert opinion to the PSC before military decisions are made (Aning, 2008).

According to Article 13 of the PSC protocol, the ASF is to be prepared for rapid deployment in a range of peacekeeping operations, including the following:

- Observation and monitoring missions
- Other types of peace support missions
- Intervention in a member state in respect of grave circumstances or at the request of a member state in order to restore peace and security in accordance with Articles 4(h) and (j) of the Constitutive Act
- Preventive deployment in order to prevent (i) a dispute or a conflict from escalating, (ii) an ongoing conflict from spreading to neighbouring areas or states, and (iii) the resurgence of violence after parties to a conflict have reached an agreement.
- Peace-building, including post-conflict disarmament and demobilization
- Humanitarian assistance to alleviate the suffering of the civilian population in conflict areas and support efforts to address major natural disasters ; and
- Any other function as may be mandated by the Peace and Security Council or the Assembly (AU, 2002).

An integrated force made up of military, civilian and police components, the ASF consists of five regional standby capabilities representing North, East, West, South and Central Africa. Given its mandate, the ASF is one of the most critical elements of the architecture that will enable the AU to deliver on its promise of intervention to protect people who are caught in civil unrest and conflict and to provide prompt and robust response to manage and resolve African crises. It enables the PSC first, to prevent and manage conflicts by containing their spread or escalation; second, to support its peace processes as a peace support mission; and third, to enforce its decisions in cases of grave circumstances or to intervene when necessary (Dersso, 2010).

Generally, the five regional components of the ASF have attained an initial operating capability in accordance with the ASF roadmap by 2010 (PSD, 2010). Most regions have conducted Level I (Map Exercise), Level II (Command Post Exercise) and also participated in Levels I and II Decision-making Exercises at the continental level (AU PSOD, 2010).

Despite the successes, however, ASF is faced with several challenges in its operationalization. The mandate of ASF needs to be further clarified and fine-tuned with regard to the different deployment scenarios, including the role of troop-contributing countries, regional organizations and the AU Commission itself to avoid overlaps and gaps. Legally binding agreements should be set up between RECs/AU and member states regarding troop contribution, since to date, no such agreement exists. The level of coordination and harmonization between the regional planning elements and the AU Peace Support Operations Division (PSOD) needs to be improved for the benefit of the overall effectiveness of the force. This should go hand in hand with improving the level of commitment, professionalism and leadership within the AU Commission. While the role of development partners remains central to the success of the ASF, its agenda, whether in training or overall development, should be driven by Africans in response to the continent's peace and security needs. However, this is not always the case and in some instances, decisions may be taken more to satisfy donor requirements than to answer to the needs of ASF or its components. Ultimately, troop deployment and associated logistics is a very expensive exercise and sustainable ways will have to be sought for the purpose of supporting these actions so as to mitigate challenges associated with overreliance on partners (Ibid; Dersso, 2010; PSD, 2010; Klingebiel, 2008).

v) According to Article 21, the Peace Fund was meant to provide the necessary financial resources for peace support missions and other operational activities related to peace and security. It is one of the AU organs inherited from the former OAU. Initially, the Fund was established in 1993 to support the work of the OAU Mechanism for Conflict Prevention, Management and Resolution (AU, 2003). In theory, the Peace Fund is supposed to receive six per cent of the operative funds and voluntary contributions from donors and member states (Klingebiel, 2008). However, this has not been the case. Like the operative fund, voluntary funds are almost entirely provided by donors especially for those earmarked for missions, but these funds do not flow through the Peace Fund, thereby destabilizing it as a key component of APSA. A further drawback is that the Peace Fund has no modalities in place on the use of the fund as well as no strong resource mobilization strategies and mechanisms (PSC, 2010).

Role of partners

For APSA to become fully operational it will depend on the robust cooperation among various partners and stakeholders of peace and security in Africa, including the AU itself, as well as regional organizations, the civil society, the United Nations (UN) and other key members of the international community.

Sub-regional Organizations and APSA

Sub-regional organizations are considered to be the essential building blocks and implementation agencies of the African Union's many programmes, including APSA. This cooperation ensures that the AU not only profits from the regions' comparative advantage in military and security matters, but also from their experience with peace operations in the case of Western, Eastern and Southern Africa. Further, their established frameworks and mechanisms for conflict prevention, management and resolution grant them a significant stake and a central role in the AU peace and security processes. Under this approach, the primary responsibility for peace and security remains squarely with the regional economic communities, while the AU serves as an authoritative clearinghouse and framework for all initiatives (Oloo, 2008). Therefore, sub-regional organizations are expected to set up APSA structures at their levels which work in sync with equivalent structures at the AU level.

To solidify this relationship between the AU and sub-regional organizations and mechanisms, a Memorandum of Understanding defines relations between the two levels in peace and security. The major objectives of this agreement include:

- Contributing to the full operationalisation of the Africa Peace and Security Architecture (APSA),
- Ensuring regular information exchange on the activities of the parties to the agreement, and designing ways by which peace/security-related activities can be implemented jointly, in keeping with the principles of the PSC protocol.
- Engaging in a regular review of the contribution of each Regional Economic Community and regional mechanism in the areas of the major components (as discussed earlier between pages 4-9) of APSA (AU, 2007).

In general, therefore, the development and implementation of APSA depends upon the regional organizations, without whose cooperation and commitment APSA cannot be implemented effectively at the continental level. This is dependent on intense cooperation and coordination between the AU Commission and the sub-regional organizations' decision-making organs. Currently, the level of coordination between the AU and RECs/RMs has registered some progress, especially in getting the ASF and CEWS operational as opposed to the other three components of APSA. This could be in part attributed to the existence of a roadmap for the first two components which provides a more structured basis for their becoming operational (PSC, 2010). While horizontal coordination is

envisaged, especially among the regional organizations, there appears to be very little, if any, among the APSA structures. As a result, the AU Commission needs to provide more strategic leadership to the regional organizations in the continued institutionalization of APSA.

European Union and APSA

A fully functioning APSA is also largely dependent on external multilateral and bilateral support. This support is delivered through frameworks such as the European Union's (EU) Africa Peace Facility (APF) and the UN ten-year Capacity-building Programme. To date, the EU has provided the most significant external financial support to APSA. In 2005, it adopted its African Strategy which partly aims to support the achievement of the UN Millennium Development Goals (MDG) on the continent. This strategy recognizes the central role of peace and security in achieving development goals and commits the EU to supporting the development of APSA (Middleton, 2008). It is a strategy that also compliments the Joint Africa-EU strategy with its three pillars based on security: encouraging dialogue on challenges to peace and security, supporting APSA and funding AU-led peace support operations. As part of the Joint Africa-EU strategy, the EU established the Africa Peace Facility (APF) in 2004 in response to a request made by African leaders at the AU 2003 Maputo summit. Initially, the fund provided a grant worth Euro 250 million for a three-year period to support peace, security and development. Although the programme was intended to be a short-term measure when it ended in 2007, it was renewed until 2010 with a further infusion of Euro 300 million (Mpyisi, 2009). The EU support has greatly aided the operational aspects of APSA by providing funding and other non-monetary support to AU and the regional organizations.

The G8 and APSA

The G8 leaders at successive summits have recognized that peace is an essential condition for sustainable development in Africa and pledged to support initiatives in the prevention, management and resolution of conflict on the continent. In support of APSA, the G8 have focused, in particular, on supporting the continent's efforts to develop its capacity to undertake peace support operations and peace building initiatives. Issues of peace and security have been a focus of various summits and of declarations adopted at these events.

At the Kananaskis summit of 2002, the G8 adopted an African Action Plan containing a detailed list of commitments including to "provide technical and financial assistance so that, by 2010, African countries and regional and sub-regional organizations are able to engage more effectively to prevent and resolve

violent conflict on the continent, and undertake peace support operations in accordance with the United Nations Charter” (OECD, 2008). In 2003, the Evian summit followed up on the earlier pledge with the ”Joint Africa/G8 Action Plan to enhance African Capabilities to undertake Peace Support Operations” (G8, 2004). At the Sea Island summit of June 2004, the G8 adopted an “Action Plan for Expanding Global Capacity for Peace Support Operations” (Ibid). Among several other action points, the Group pledged to train and, where appropriate, equip a total of 75,000 troops worldwide by 2010, in line with the commitments undertaken at the previous two summits. They further pledged that this effort would have a sustained focus on Africa and other nations that could contribute to peace support operations both in Africa and elsewhere. The Heiligendamm summit in 2007 agreed to strengthen the civilian component of the ASF including its police capabilities. Although there were no new pledges made at the Hokkaido summit of 2008 in northern Japan, the Group reiterated their commitment to promoting peace on the African continent by enhancing its peacekeeping capabilities through support offered to APSA and ASF (Hubbard, 2008).

Other partners that have helped to operationalize APSA include India, China and individual member countries of the G8 and the European Union. In recognition of its primary responsibility to maintain peace and security in the world the UN has variously supported AU peace and security endeavours, including APSA.

Emerging Issues

In the face of the UN failure to act effectively in some of Africa’s most serious security challenges - including the genocide in Rwanda, conflicts in the DRC, Burundi, Liberia, Ivory Coast and the ongoing clashes in Somalia - the AU is increasingly actively pursuing an agenda for continental peace and stability. This re-vitalization of the defunct OAU through AU also coincided with a paradigm shift on the continent, dubbed the ‘African Renaissance’. In the on-going peace and security discourse, the slogan ‘African solutions to African problems’ took centre stage. Among other leaders, this new thinking was popularized by Thabo Mbeki, the then President of South Africa, who actively supported institutions that advocated Pan Africanism. These institutions included inter alia the African Union, the Pan African Parliament and the New Partnership for African Development (NEPAD).

‘African solutions to African problems’ reflects the justifiable need for greater African responsibility, autonomy and the imperative to develop indigenous conflict prevention and management capacities in the face of international indifference or at times unhealthy interference in certain African conflicts (Ayangafec and Cilliers, 2009). However, African or local ownership in developing and

implementing policy options is not synonymous with and should not be used as an excuse for international disengagement or desertion. After all, international actors and interests have been at the heart of Africa's conflicts through much of its history.

Within the context of 'African solutions to African problems', the current trend where there is a very high reliance financially on international partners to operationalize APSA is worrying. This trend is observable not just at the AU level but also within regional organizations and associated centres of excellence where training is undertaken. This overreliance invariably undermines the principle of ownership and also raises questions of sustainability, predictability and agenda setting. As is naturally expected and as part of lessons learnt from the past, no international assistance is ever interest free and rarely is the interest altruistic international peace and security.

As a way of ensuring that Africans own and drive the agenda to operationalize APSA for Africa's own interests, the AU must ensure that it develops mechanisms, not only by diversifying partner support, but also crucially, by ensuring that a sizeable proportion of its budget is derived from its member states. In this regard, the case of ECOWAS is worth being replicated both by AU and at the level of other regional organizations. Through a resource mobilization strategy by members, ECOWAS has instituted a Community Levy, a percentage of which is dedicated to the ECOWAS Peace Fund. The West African economic community accounts for approximately 80% of the budget to support its conflict prevention and management endeavours. As such, it is not dependent on partner support for its programmes and only regards it (partner support) as value addition. This has made its peace fund flexible and even enabled it to respond to member states' national peace and security challenges, including anti-corruption activities (PSC, 2010).

The AU should also ensure that the conceptualization and operationalization of APSA is flexible enough to respond to current and emerging threats. Emerging security challenges such as terrorism, piracy and the need to improve governance of security forces in member states currently fall outside the ambit of the ASF. A related challenge which a fully functioning APSA has to contend with rests with the very genesis of the security challenges on the continent: the nature of the African state. The state still remains an alien entity to the majority of its citizens and is unable to guarantee the minimum requirements of statehood. While currently there is an overemphasis in terms of peace and security support on the components of APSA especially from the EU, the biggest partner, there should be the recognition that state weakness (as explained above) remains the biggest source of insecurity in Africa. Therefore, greater emphasis must be placed on

nurturing and strengthening democratic institutions at all levels from national and regional to the AU level.

Ultimately, for peace and security to be a reality in Africa, Africans must set and own the agenda, with - support of the international community to ensure proper functioning of APSA. Anything short of this roadmap will relegate APSA to the backwaters that several other well intentioned but inappropriately conceptualized and executed initiatives have suffered.

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Religion and Post-Conflict Recovery: Key Issues and Lessons from sub-Saharan Africa

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Background

Since time immemorial, religion has been viewed as a stabilizing factor in various issues affecting human society, possibly because it provides humanity with a sense of direction. A number of commentators have observed that in Africa, politicians and state structures have lost almost all credibility and legitimacy (CFA, 2005; Rubin, 1994; Bunting, 2005; Thomas; 2000). Consequently, religion has emerged as a strong socio-political factor in animating people. Given this milieu, therefore, it is pertinent to examine the underlying dynamics of the growing influence of religion in most parts of the continent. One of the dynamics is the increasing importance of religion in national decision-making structures and processes. The involvement of religious leaders in post-conflict scenarios has been witnessed in countries such as Rwanda, Burundi, Democratic Republic of Congo (DRC), and Uganda. For instance the synergy between church and humanitarian agencies in Rwanda's post-conflict recovery has led to the stabilization and economic growth in the country that witnessed the worst atrocities against humanity in the 1990s. The composition of some of the important reconciliation commissions in Africa reveals how religious leaders have had an opportunity to influence post-conflict recovery activities. The involvement of Bishop Desmond Tutu in the South African Truth and Reconciliation Commission (TRC) provides a classical example. The Kenya Truth, Justice and Reconciliation Commission(TJRC) whose intension is to reconcile and heal Kenyans after the disputed 2007 General Election could also provide an opportunity for religious leaders to influence important decisions. In light of this development in the Eastern Africa and Great Lakes regions, the role of religious leaders in post-conflict recovery process cannot be overemphasized. This issue brief draws examples from Kenya's socio-political experiences to illustrate this fact.

Conceptual Issues in the African Context

Conflict

Conflict can be defined as a struggle expressed between at least two interdependent parties who pursue incompatible goals, compete for scarce [7] resources and suffer interference from others in achieving their goals (Otite, 1999). Kenya is a country saturated with the dynamics of competing needs and interests. Political parties, for instance, stand out as the main platform for political leaders to instigate tension among the people. Conflict over ownership and rights concerning some of the natural resources also add pressure to the existing problems. Coser (1986) delineates conflict as a struggle over values and claims to status, power and scarce resources in which the aims of the opponents are to neutralize, injure, and eliminate their rivals. Indeed, cases of assassinations in Kenya have taken place frequently from the time of independence in the 1960s. In fact, the formation of the Truth, Justice, and Reconciliation Commission (TJRC) was justified on the basis of these tragic events in the country's history.

Peace and Conflict Resolution

Peace and conflict are cyclical. In Kenya, conflict prevails at the onset of national events such as general elections, while peace is driven by a number of social and economic indicators. During periods of economic boom, the majority of people would prefer utilizing their time with productive activities. On the other hand, economic hardship reduces the low and middle income earners into a state of distress. The rich are in most cases blamed for this suffering. This diffusion of negative behaviour culminates into conflict-like situations. The direct connection between living conditions and conflict is evident in slum areas where the culture of violence takes precedence over dialogue and negotiations. This unfolding of events leads us to a different view of peace. Danfulani (2008) defines structural peace as a positive setting for human well-being in a just, free and harmonious society. On the other hand, sustainable peace refers to a system for living together that serves present generations and ensures stability for future ones. Anyway, such a definition holds as far as idealism prevails. Due to the multifaceted nature of conflict in Africa, no one can guarantee at any one time, that a country could undergo a full cycle of peace. Conversely, conflict resolution prepares the stage for agreements intended to solve the main incompatibilities (Malan, 2005). Religion becomes handy at this point in time, either to build capacity for the process or actively participate in post-conflict recovery activities.

Religion

The term religion over the centuries has never found solid definition. The dissimilar perceptions by different disciplines account for the lack of a definite understanding of the concept. The term has found space not only in the political arena but also in general by charging up an audience during ‘important’ national functions [8]. Religion is thus constantly being packaged and repackaged so as to attract the attention of the policy makers for such engagements. Among the political parties, religious leaders-cum politicians are becoming a norm in the Kenyan political environment. It would be the last option by political barons to have these leaders ex-communicated from the parties even when the populace dislikes them. Patronage in political circles has taken priority in the lives of these men and women entrusted with clerical responsibilities.

This transformation and practical metamorphosis in religious circles is yet to be conceptualized and understood by researchers! In countries such as DRC religious networks have been engaged in public service delivery. Ayo and Uzodike (2005) observe that at the onset of war in DRC, religious groups constructively made interventions in reducing its impact on people’s lives and the socio-economic fabric of those most vulnerable - women and children.

Post Conflict Recovery Ingredients

These ingredients could form part of the wider policy framework suitable for most commissions established to heal or reconcile a society emerging from conflict. One of the strengths attributed to these policy elements lies in their cultural and political identity within the Eastern Africa region.

Security: addresses all aspects of public safety. The main objective of this pillar is to ensure a safe environment for citizens as they undertake their daily chores [9]. In the recent past, Kenya has experienced unstable economic growth partly due to frequent disruption resulting from violent demands. Different sectors, including religious institutions, have been seen defending certain positions during national critical debates such as constitutionalism. Such positions have the potential for degenerating into crisis and consequently violent conflict.

Justice and reconciliation: this addresses the need for an objective and accountable legal system and in particular for dealing with past injustices. It necessitates the setting up of effective law enforcement, an open judicial system, just laws, and humane correction systems and mechanisms for resolving grievances arising from conflict. Judicial reform in most African countries is never easy, partly due to the obstinacy of the legal personnel and their loyalty to the executive or their

lack of stewardship for the people. In Kenya, the picture is even more critical due to the blatant resistance to change of public legal personalities under the pretence of inadequate legal personnel to execute duties related to justice. The top attorneys in the country who hold allegiance to the political elite remains immune to the cries of the public.

Social and economic well-being: this deals with social and economic needs, including the provision of emergency relief, restoration of essential services to the population, laying the foundation for a viable economy, consequently for the sustainable development of programmes [10]. Learning experiences in Africa have revealed that it is a combination of many factors that leads to an outbreak of violence. It is also clear that the factors shaping armed violence are often the very same as the causes of under-development - acute income and social inequality, chronic unemployment, uneven access to resources, and various forms of marginalization. The achievement of Millenium Development Goals (MDGs) keeps on regressing in young democracies. For instance, Kenya has only managed to make a few steps towards achieving universal free education. Issues such as water access, environmental sustainability, health, and food security remain grim.

Governance and participation: these address the need for legitimate effective political and administrative institutions. In many developing nations, governance structures persevere in serving certain goals that deviate from the national aims. What one sees in such states is a low level of public participation in decision-making processes. Full realization of good governance is hampered by factors such as i) lack of legitimacy and authority of state; ii) absence of political will for transparency; iii) lack of accountability iv) the absence of the rule of law; and v) a weak social capital and cohesion.

The Essence of Religion in Conflict Situations

In Kenya the importance of religious leadership in promoting peace or improving a deteriorating situation is an unending debate. Backed by the freedom of worship enshrined in the Kenyan Constitution, the faith-based institutions wield enormous influence over large sections of the national population. Kenya has traversed through waters of political turbulence in recent times. The 2005 and 2010 referendums, the 2007-2008 post-election anarchy are some examples of the events that have witnessed the involvement of religious leaders in matters that concerns the state and citizens. Their involvement varied from being partisan to political parties to indirectly mobilising their followers in demanding sanity from the political leaders. Indeed the 1992, 2002 and the highly contested 2007 General Elections have been platforms for religious involvement in the political dispensation of the country. The participation of religious groups takes different

forms: for instance active nominations and lobbying for a candidate or party of their choice in the case of elections or making public pronouncements in an effort to influence the general population towards certain political inclination. Religious institutions are expected to maintain the societal morality by guarding peoples' freedom from being swamped by appalling and selfish leadership. The measure of involvement by the religious elite in Kenyan politics is evident for example, by the presence of clerics in Kenya's Parliament. The biblical principle that forbids dedicated clergy men from serving two masters seem to have fallen on deaf ears.

Nevertheless, the emerging role of religion in a country's political stability is neither conceptually nor practically challenging in Africa. Against this background, Danfulani (2008) in his work [1], projects that in the modern society, characterized by afflictions of diseases, hunger and paucity of resources, religion becomes more relevant to those living in poverty. In times of inter-state conflict and cross-border clashes, religion gains even more followers as people seek refuge in church buildings and mosques. Anyone defining religion in this context might be tempted to intensify the war against those who believe that religion has no place in the lives of people. Indeed, Berger (1999) asserts that the role of religion in socio-political public life plays a significant part in promoting spirituality and psychological healing in a post-war environment. While advancing on Berger's (1999) work, Wilson (1982) fittingly notes that religion often serves to legitimize the purposes and procedures of society.

Among other things a religious institution is supposed to do are: to provide explanations for misfortunes that occur [2], and more importantly to function as a platform to resolve disputes; the latter aspect was evident during some of the landmark peacebuilding and mediation processes that have occurred in the Eastern Africa region. The mediation process of Kenya's post-election violence [3] and the Machakos Comprehensive Peace Agreement (CPA) for Sudan serve as two examples. Even so, Haynes (1993) notes that among the damaging conflicts [4] that occurred in the 20th century, religion played no part, and if it did, then it had precipitated the conflict situation. Worse still, Cox (1965) and Wallace (1966) had predicted that religion was destined to vanish and would be consigned to the annals of history. In view of this argument, the downfall of religion as an outstanding moral factor was anticipated. The role of globalization and cultural diffusion carry the blame for much of this prediction.

Rubin (1994), on the other hand pointed out that the number one threat to religion may have been contributed by modern science, technology, secularism and humanism. Some politico-religious analysts argue that this form of religious transmutation, however, should be analyzed in the context of western culture as opposed to African mores which are traditionally related to religious practices

(Ellis and Haar, 2007). Futuristic thinkers have concurred with such observations. For instance Crawford (2002) argues that religion has a way of revitalizing itself. The diverse human traits inherent in clerics have been mainly viewed as the driving force towards this change. Opposing this view, Lubbe (2002) stresses that religious decay is only one of the crises affecting the modernising of society. Generally, leaders, whether political or religious, are expected to demonstrate moral competence. However, the general principles such as neutrality, humanity and impartiality seem to be too secondary for most of this group of individuals to embrace. The trail of crimes in which the leaders find themselves include drug trafficking, human trafficking and even tribal incitements.

The most recent escalation in drug-trafficking criminal acts in the coastal region of the country convinced most Kenyans that, indeed moral decadence had swept across the country's leadership. This time round the actors originate from a mix of both Islamic and Christian faiths. The implication of such uncontrolled deeds goes beyond individual misery to national security.

Worse still, some of the moral culprits are lawmakers representing the Kenyan 8th Parliament, while others are waiting in the wings to ascend to political power in 2012[6]. One wonders whether this is an ironical reflection of double standards or the pseudo-biblical phrase, "to those who have more are added?" To scale up the debate one needs to pose the question: does this group of individuals have the moral authority to participate in actions of mediation or reconciliation? Unfortunately, the general population might lack the audacity to question the moral authority of such elements. In an attempt to unravel this question, Rubbin (1994) contends that the influence of religion in contemporary politics is such that the modernisation process, rather than causing religion to weaken and disappear, often makes its public role stronger. This increases its potential utility in the process of reconstruction. In another setting, Rubbe (2002) argues that the confusion that came with globalization and financial crises after the 1990s necessitated considerable adjustment, hence the dynamic nature of religious institutions.

A Religious Perspective of the 2010 Kenyan Demographic Report

The diversity of Kenya stems mainly from its ethnic, racial, linguistic and religious affiliation. The religious demarcation partly follows the ethnical boundaries. Historical distribution of the population influences religious pockets. Thus political-security debates in a country of this nature surround religious affiliation. National committees [11] and commissions set up to deliberate on important national issues are also influenced by religious groups. In absolute terms the clerical influence is relevant to the national issues. In the same line of argument, commentators might want to know the genesis of this influence.

Increasingly, population statistics has been a tool for decision making, including allocation of public resource and tax administration. The power in the numbers is sometimes manifested through religious affiliations. Though the contention between Muslims and Christians in electoral processes remains passive, the outcome of such development will always be a pointer to the final decisions that might determine country's top leadership. For example, Nigerias' leadership has always been influenced by the divide between the northerners who are mainly Muslims and the Christian majority from the south. With a population of 39,002,772 (2009 Census), Kenya has a huge Christian population - the 2009 Population Census puts it at 78 percent: Protestant 45 percent and Roman Catholic 33 percent. Approximately 10 percent of Kenya's population is Islam, 10 percent hold indigenous beliefs, Bahai faith make up 1 percent while Buddhism 0.3 percent. Two percent of the population subscribe to other religions. [12] Where then is the connection between the numbers, religiosity and decision making? With its extensive and youthful membership, the Pentecostal church is regarded as a sounding board for increasing its influence in the public domain.

Heynes (1993) argues that religious networks are autonomous structures beyond the state's control and that they provide basic services, which the state has been unable or unwilling to supply to the citizens. In Kenya, for instance a large proportion of unemployed youth [13] finds refuge in religious institutions. The institutions become an alternative to the issue of unemployment that has affected much of the population as a result of economic depression. On the other hand, religious institutions have also induced hostilities along religious and ethnical cleavages. During the 2007/2008 post-election violence churches were turned into ashes. A manifestation that church leaders and probably followers had openly demonstrated partiality on the political leadership of the country.

Religious Institutions: Mediating or Meddling?

Recently, a debate in Kenya has raged whether religious leaders should be allowed to participate in active politics. Emerging schools of thought pose different arguments as to whether religious leaders should be partial in political processes. Five arguments are levelled for and against this claim:

- i) The formal engagement of religious leaders in national functions does not obviate the need for faith-based social actions and reconciliation processes. Given the fact that a majority of Kenyans subscribe to a religious group makes the clerics more confident when presiding over important functions such as praying at national holiday ceremonies. However, this confidence in the clerics sometimes does not hold water when conflicts arise from political or boundary disputes.
- ii) The relationship between clerics and church members is not necessarily dogmatic, and therefore, the faithful make their individual exclusive decisions on matters pertaining to political leadership. It is thus common to hear church members say..... ‘The Bishop is only the head as long as he is within the church premises’. This implies that the influence of the clergy upon their followers is restricted within the confines of the church.
- iii) Another argument advanced is that whenever there is a national crisis in the country, religious institutions accelerate peace education as a long-term remedy. The outcome of such exercises is yet to be analysed in the context of post-conflict recovery activities.
- iv) Yet other critiques of religious institutions have argued that the majority of clerics sing to the tune of political elites. This denies them the opportunity of engaging the nation in mediation and capacity-building exercises as part of the larger post-conflict recovery activities. The wealth-driven nature of contemporary religious institutions might attest to this argument.
- v) The fifth argument contends that the transformation of religious institutions into civil society organisation elevates them into power houses. This means that religious associations amass a following on matters of engaged governance, inequality, and representation in national decision- making processes.

Contrary to the fifth argument, radical thinkers argue that religious institutions are not homogeneous; thus it is inaccurate to imagine that the entire Church or Islamic population could collectively agree to promote values desirable for post-conflict recovery processes. Instead religious institutions can best be classified as convenient social congregations after which individuals go back to their daily activities. Those who hold this view contend that religion and politics are two separate entities and therefore accorded exclusive treatment.

Religious Institutions and the future of Post-Conflict Recovery

Making an accurate prediction of the future of a phenomenon is very difficult, particularly in the peace and security arena where the rate of change is sporadic. Conflict in itself carries complex tags whose prognostic process is narrow and limited. This prognostic complexity notwithstanding, the ability to make a prediction in peace and security research remains an important element in non-empirical inquiry.

Based on the various arguments and analysis presented by various actors, this paper suggests the following to improve the effectiveness of religious institutions in post-conflict recovery processes:

Recommendations for State-based Reconciliation Commissions

The collapse of states tends to incapacitate institutions of governance; in order to address the existing divide; the state should allow religious institutions to take the front lead in advocating for strong government anchored on the principles of democratic leadership. Typically, a post-conflict environment creates the necessary imperatives to reconstitute the state or rebuild its institutions.

Preventive development: initiation of vocational training activities could be a way of tackling the problem of conflict aftermath. The training should target conflict and poverty stricken areas.

Adoption of multi-dimensional approach to reconciliation: The reconciliation process should be viewed as a comprehensive process comprising knowledge-sharing networks at the same time incorporating peoples' needs into the programme of action.

Recommendation for Religious Institutions

Upholding the religious principles: the faith dividends at the disposal of clerics should be tapped and be utilized to build followers who are more homogeneous and willing to make sacrifices for the most vulnerable members of the society and the under privileged ones.

Providing the link between the local people and the central government in coordinating post-conflict recovery activities: this includes reforming the security sector systems; rebuilding the infrastructure; engendering national reconciliation and seeking to ensure the provision of basic social services, particularly to those deemed vulnerable to natural disasters and the marginalized.

Rehabilitating the former combatants is pivotal to religious institutions: providing guiding and counselling services to the victims and perpetrators of violent conflict should be a major concern for these institutions.

Faith-based actors in Kenya would have to intensify their engagement in the process of national reconciliation: the political class still needs to be reconciled after the 2010 Constitutional referendum. The renewed ethnic division that has been witnessed in post-Occampo six (main suspects of the Kenyan 2007 post-General Election violence) is a serious pointer to the future stability of the country. The journey towards the 2012 General Election is a milestone for not only religious leaders but all Kenyans.

Concluding Remarks

This paper concludes that against the backdrop of the pivotal place of religious institutions in Kenya's political landscape and their strategic leverage as agents of social mobilization, it can be said that they are important stakeholders in the project of charting the country's future. This paper focuses on at least two view points: i) Post-conflict recovery being an emerging and indispensable feature in Kenyan development agenda, the role of religious institutions cannot be overemphasized; ii) Although Kenya's religious institutions do not measure up to groups that have the means to precipitate violence on a massive scale or the means to subdue it, the country's faith-based groups hold the allegiance of Kenyans, given the number of their adherents [14]. Hence religious institutions have the capacity to either promote stability or subvert the peace process and ultimately jeopardize the country's future. The performance of such roles as facilitating peace building and providing social services by religious actors typifies the constructive element inherent in religion.

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Notes

[1] Danfulani's publication includes”the role of religion in post-conflict reconstruction.....” published in 2008.

[2] Misfortunes in some societies may include wars, tensions, conflicts and even natural disasters that inevitably contribute to the disruption of day to day activities in a society.

[3] The mediation process in Kenya, led by Dr. Kofi Annan, took place after the disputed 2007 General Election.

[4] Some of these events include modernization, political development, dependency and under-development

[5] Religious cults in Kenya are mainly synonymous with the Mungiki membership.

[6] Kenya carries out General Elections every five years, the next one being in 2012..

[7] In Kenya as in most developing countries, the term scarcity of resources can be relative. In some cases, conflicts occur simply because resources are perceived to belong exclusively to a certain group of people. For instance, water-sheds and grazing fields are usually sources of conflict mainly on the basis of internal administrative boundaries that were drawn during the colonial period.

[8] The important functions in this paper denotes the national holidays in the Kenyan calendar such as Madaraka Day and Independence Day

[9] [Http:unpan/an.org/intradoc/groups/public/doc/un/unpan028332.pdf](http://unpan/an.org/intradoc/groups/public/doc/un/unpan028332.pdf).; Governance strategies for post-conflict reconstruction, sustainable peace and development.

[10] [http://www.cic.nyu.edu/lead.post-conflict reconstruction](http://www.cic.nyu.edu/lead.post-conflict-reconstruction).

[11] Examples from the recent developments in Kenya include the Boundaries review commission, the TJRC, and the Constitutional review commission in which religious representation was evident. These are just some of the forums in which the religious section of Kenyan society has had an opportunity to influence decisions.

[12] To find this information visit. [www.kenya.population Census 2009](http://www.kenya.population-census-2009.org) or [www.facts about Kenya](http://www.facts-about-kenya.org).

[13] The youthful population falls under 15-46 years, making up 55.1 % (21487118) of the total. (Kenya Population Census 2009).

[14] Makes reference to the Kenyan demographic trend in the 2009 Population Census Report.

Building on Mutual Dependence to Create Sustainable Peace in Sudan⁵: Post-referendum Priority Areas for the Missions⁶ and CPA Guarantors

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Background

Despite the fact that South Sudan voted for independence in the January 2011 Referendum, both north and south Sudan will continue to be mutually dependent for the foreseeable future for several reasons. For example, a major issue is posed by the oil reserves that straddle their shared border. While most of the oilfields are under the control of the south, the oil infrastructure -the pipeline and refining capacity - lies in the north. Other issues such as water, infrastructure, migratory populations and security will also continue to create common problems of concern to both states.

In addition, marginalized northerners who fought alongside the (Sudan People's Liberation Movement (SPLM) in the war did not have the option of voting in the referendum, thus setting the stage for potential unrest. Areas such as South Kordofan and Southern Blue Nile, which are reliant on the Comprehensive Peace Agreement (CPA's) wealth and power-sharing provisions to stimulate inclusion, development and peace, are likely hotspots. The crisis in Darfur and rebellion in eastern Sudan are also longer term issues that need a comprehensive peace plan in order to achieve lasting stability in both north and south Sudan.

5. Sudan is used here to denote the Government of Sudan and the expected new state of Southern Sudan. North and South will also be used inter-changeably with Sudan

6. The two missions in Sudan are the Hybrid African Union/United Nations Mission in Sudan, UNAMID and the United Nations Mission in Sudan, UNMIS

The Role of AU and IGAD

In these circumstances, the African Union (AU) and Inter-Governmental Authority on Development (IGAD) need to formulate a strategy to ensure the long-term stability of post-referendum Sudan. The new peace plan should deal with issues on which the north and south are mutually-dependent. The new strategy will also need to factor novel ways and thinking so as to resolve outstanding issues on which the two parties have yet to agree.

The AU and IGAD should encourage both parties to work towards ensuring the existence of two viable states living side by side. The North would be challenged if there was trouble in the South, and the South would have little chance of success if the North was not at peace. IGAD and the African Union High Implementation Panel (AUHIP)⁷ have camped in Sudan for nearly two years assisting both parties to move forward in the implementation of their commitments under the CPA and the post referendum negotiations. This commitment needs to be sustained for the sake of long-term stability in the South. By enabling the North and South to agree on the foundations of their future, the institutions will have addressed the broader regional peace and security needs and will give impetus to regional initiatives such as the fight against terrorism, small arms proliferation, and cattle rustling as well as limit the use of rebel groups to fight proxy-wars in the region.

In particular, the AUHIP or any other mechanism will need to generate and sustain international efforts and commitment on Sudan, building on AUHIP Programme of Action which outlines thematic areas that requires urgent interventions. The AU needs to campaign for the establishment of an International Consultative Forum (ICF) to boost the work of AUHIP. This will also mobilise resources for post-conflict reconstruction of South Sudan in order to make peace more attractive to the southerners and to avoid the South Sudan ethnic conflict spiraling out of control by promoting both reconciliation and equitable distribution of development. Simultaneous efforts towards ensuring the success of the Darfur Peace Process (DPA) and the need to engage all armed groups in the north need to be undertaken. An unstable North Sudan will pose serious security challenges to the south while an unstable South Sudan will pose similar challenges to its northern neighbour. Instability in both states presents serious security challenges to the entire region.

7. The Panel was constituted by the Peace and Security Council of the AU with the mandate to work with the Government and people of Sudan to; pursue policies it had adopted, focused on the resolution of the conflict in Darfur; assist in the implementation of the Comprehensive Peace Agreement and support the process of the democratisation of Sudan.

Common Peace and Security Challenges

The situation in Darfur and Eastern Sudan, where there has been simmering tensions and conflicts could complicate relations between the north and south. This is a priority area where the guarantors to the CPA channel all their efforts to ensure the stability of the two states. The fate of Darfur is relevant to the issue of the South. One of the rebel groups in Darfur, inspired by the SPLM, called themselves the Sudan Liberation Movement. The grievances they raised were similar to those of South Sudan, including political and socio-economic marginalization. The SPLM supported them politically and militarily. The Darfur Peace Agreement of 2006 complicated things and failed to address fundamental bottlenecks that impede the achievement of sustainable peace in Darfur. Back in 2003, there were only two major rebel groups, the Sudan Liberation Movement and the Justice and Equality Movement. Since then, the Darfur insurgents have split into an array of competing factions, as many as 30 rebel groups. This has rendered any deal between the SLM and the Government more precarious. Current peace talks in Doha that began in early 2009, between the Government and the two movements is moving at a slow pace. Violence, displacement and civilian deaths in Darfur have significantly increased in the past few months. For example, in early September 2010, the Janjaweed forces attacked a village in North Darfur, executing 58 unarmed men and boys and wounding 86, according to the African Centre for Justice and Peace Studies. These developments have prompted the leader of the joint UN/African Union (UNAMID) mission to hold a press conference in Khartoum where he raised the alarm. He expressed fears that recent fighting between the Sudanese Government and rebels in Darfur as well as tensions along shared borders with South Sudan had exacerbated the security situation in Darfur. He also voiced the fear that the “old alignment” between South Sudan and Darfur rebels could be “rekindled” and further complicates the situation in Darfur (Reuters, November 14, 2010). More alarming, the Sudanese Government accused the South Sudan army of aiding rebels of the Justice and Equality Movement, while South Sudan accused the Sudanese army of dropping bombs inside its territory in the Raja and Timsa area of Western Bahr Al Ghazal state in the course of aerial bombardments carried out against Darfur rebels (Reuters, 10th December 2010).

Both the North and South need each other because any future strategy to deal with cross-border security challenges, particularly those challenges posed by rebel groups, should be based on bilateral security arrangements. Such a strategy should also be founded on mutual benefits and shared ideals anchored within the principle of two states living side by side in peace and security.

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Regional implications of Post-Referendum Security and Political Dispensations

Many issues concerning the separation of South Sudan are yet to be resolved and making progress on these is crucial to achieving a peaceful transition by the end of the interim period in July 2011. Similarly, the separation of Sudan into north and south has the potential to produce changes in both the North and the South. The political environment in the North is unpredictable and precarious and the possibility exists of an uprising against President Al Bashir's Government. This is partly because the National Congress Party (NCP) has been weakened by the infighting blame game over the secession of the south and this 'loss of the south' could be used by the opponents of NCP as a rallying call to oust President Bashir. The likely scenario is that we may witness a power struggle among different groups in the North which could lead to political crisis and instability. An unstable north could pose negative security ramifications to the emerging state of South Sudan and the wider region. Similarly re-constitution of the National Assembly might create a political fight over the SPLM's current 28 percent share of seats in Khartoum because different opposition parties in the North and the Darfur rebel movements might scramble for these seats. At the end of the interim period, both North and South Sudan need to draft new constitutions to the CPA, increasing the importance of representation in Sudan's National Assembly.

The South faces many challenges ranging from perceived widespread corruption, maintenance of law and order and high expectations surrounding post-secession peace dividends. Yet many expect immediate economic benefits after the separation. How the South Sudanese Government manages oil revenues will determine how the southerners will view the value of separation. South Sudan's long-term challenge is to promote diversification by investing in the development of other sectors of the economy so as to reduce over reliance on oil. In the short term, it must strive to meet and manage expectations, particularly those concerning the need to meet the basic social services and improved livelihoods of its citizens.

It is in the interest of the two countries to continue working together on many fronts as they are mutually dependent, particularly regarding the 'shared' oil resource. The North and South will continue to rely on oil revenues for the foreseeable future as the North, on the one hand, faces serious economic challenges and on the other hand, over 90 percent of the revenue in the south is derived from oil. The oil revenues in the North have created a ballooning public sector and enabled a system of patronage that is unsustainable should oil production halt or be disrupted from the current arrangement leading to negative economic consequences for both South and North. Border issues between South Darfur and South Sudan would

need to be addressed urgently by formulating strategies which translate into local level agreements for access to water and grazing lands in the transitional zone between Arab nomads of south Darfur and Kordofan in the South. If secession leads to renewed conflicts between the North and the South, Khartoum forces and militias could potentially fight one another in the Southern States bordering the North. Such a scenario could encourage Darfur rebel groups to capitalize on the fighting which may see them gain military advantage over the North.

Instability across Sudan, occasioned by political and socio-economic factors, would have serious regional implications. Renewed large-scale conflicts in Sudan could lead to a ripple effect in the rest of the Horn of Africa as well as Kenya, Uganda and Eastern DRC. In these circumstances the above-mentioned countries risk being adversely affected by forced migration, displacement and humanitarian crises, cross-border armed groups and militias, food insecurity and the challenges brought about by international agreements governing the use of Nile waters, two-thirds of which lie within Sudan's borders, (Lewis Mike, 2009). Further deterioration of the situation in Darfur would once again impact on the Central African Republic, Chad and the Sahel, all of which continue to experience varying degrees of insecurity. Increased regional tensions would translate into more acute political divisions on the continent, presenting more challenges to various efforts and initiatives by the African Union to resolve conflicts in Africa.

Sudan is therefore a test case for the African Peace and Security Architecture, African sub-regional organisations (IGAD in particular) and their prevention and mediation mechanisms.

All these scenarios present opportunities and challenges to regional and international actors, calling for a more consistent and structured manner in which to continue engaging Sudan. Otherwise the possibility of an intractable conflict cannot be wished away.

Post Referendum Scenarios and their Impact on Peace Support Operations in Sudan

The report commissioned by UN Department of Peacekeeping Operations (DPKO) highlights that “as seen in Rwanda, the Balkans, Sierra Leone, Haiti, DRC and Darfur, among others, peacekeeping operations that are ill-prepared in addressing large-scale violence directed against civilians will falter and may even collapse” (Holt and Taylor 2009:3). Similarly unclear and unrealistic objectives create disillusionment (Donnelly 1995). But also the lack of an active and effective mechanism to address diverse risks to the population as well as security challenges with regard to the mission is a risk to the legitimacy and credibility of the mission itself, and could spell doom for peacebuilding efforts

The three peace accords that are intended to guide the search for lasting peace in Sudan: the Comprehensive Peace Agreement (CPA), the Darfur Peace Agreement (DPA), and the East Sudan Peace Agreement (ESPA) have yet to be fully honoured or implemented. This is mainly due to the fact that the issues which impede their implementation are complex and diverse. The situation is further complicated by the presence of multiple actors in the Sudanese conflict so that achieving any consensus has proven to be a Herculean task. So what are the roles and future status of the two missions in Sudan (UNAMID and UNMIS) in the immediate post-referendum period?

Although the political and security situation in eastern Sudan remains a challenge, notable progress has been achieved in the implementation of the ESPA including in the disarmament, demobilization and reintegration process. Progress has also been made in the flow of requisite funds from the Eastern Sudan Reconstruction Fund and in the implementation of a number of recovery and development projects in the three eastern states of Kassala, Gedaref and Red Sea (Security Council Report, S/2009/357). However, a number of issues have not been fully addressed, including the growing poverty and economic marginalization, as well as the insecurity and vulnerability resulting from the long porous Sudanese coastline. Of particular concern is the break-up of the Eastern Front, party to the Eastern Sudan Peace Agreement, and its split into three different political parties, namely the Beja Congress, the Free Lions and the Eastern Democratic Party, which could paralyse further implementation of the benchmarks contained in the Peace Agreement.

Several outstanding issues that were not resolved before the referendum and that will remain unresolved during the interim period which ends in July 2011 could prove to be a challenge to the United Nations Mission in the Sudan (UNMIS). Implementation of the draft benchmarks for the completion of the mandate of

UNMIS as outlined in July 2009 is crucial to the consolidation of peace in Sudan. UNMIS⁹ is mandated by the UN Security Council to assist and support, through its good offices, the parties to the Comprehensive Peace Agreement (CPA) in the peaceful implementation of the Agreement. Implementation of its mandate is thus linked to the commitment of the parties to the CPA process and their progress in implementing its provisions.

Key benchmarks towards achieving a peaceful referendum, which has been successfully concluded, as well as post-referendum stability, are identified below:

- Referendums
- Border demarcation
- The issue of Abyei
- Elections
- Popular Consultations on Southern Kordofan and Blue Nile States
- Security issues
- Disarmament, demobilization and reintegration and downsizing
- Humanitarian assistance, recovery and development
- Governance, rule of law and human rights

In the initial stages, the mandate of UNMIS and the presence of its peacekeepers in the area created the expectation among the local people that they would be protected should violence erupt. But this has not been the case, and reports observe a failure on the part of the mission to communicate its mandate and capabilities to the communities in which they have been deployed (Refugees International Report, 2009). UNMIS has largely relied on its “good offices” and CPA monitoring functions to endear itself to the local communities (Human Rights Watch, 2009). This calls for a more effective functioning of its core mandate to monitor the ceasefire and security arrangements of the CPA as well as to establish a more dynamic presence on the ground. The failure by UNMIS to protect civilians is not just an operational dilemma. It should be tracked to

9. The current UNMIS mandate expires in April 30, 2011

paradoxes at the heart of its mandate and to a general misconception of the nature of UN peacekeeping missions. The CPA, the intervention of the international community, and the mandate of UNMIS are focused on the broader picture of the North-South “post-conflict” peace-building. But this broad focus has diverted attention of the mission from focusing on root causes of conflict at the local level.

Today, peace in South Sudan is being jeopardized by inter-ethnic fighting. The Security Council mandated UNMIS “to support the parties in ‘making unity attractive’”, believing that secession of South Sudan would have an adverse impact on the whole region and could pose potential security threats. But South Sudan chose the path of secession.

Although UNMIS has a mandate to protect civilians “under imminent threat of physical violence” and “in the areas of deployment of its forces and as it deems within its capabilities,” it is neither adequately equipped nor deployed to carry out this mandate. At the strategic level, the UNMIS mandate fails to recognise the root causes of conflict at the local level and thus fails to put civil protection at the heart of its strategy. As a result, UNMIS is short of the necessary resources, at the operational level, to protect civilians. Given these arguments, UNMIS has not responded adequately to calls for a more robust and decisive intervention. This would only be possible if or when Its mandate is re-defined.

An added disadvantage is that UNMIS is positioned on both sides of the North-South border, and the North is also confronted by its own tensions and divisions. Finally, the country is so vast and so complex that the regional dynamics of places like Darfur (which, for instance, has its own peacekeeping mission: UNAMID) and East Sudan pose distinctive challenges.

Implications for UNMIS Withdrawal

According to Sudanese officials, UNMIS will not be allowed to remain in the North beyond July 2011 when its mandate expires. Sudan's presidential adviser Mustafa Ismail said that Khartoum has no intention of agreeing to any renewal of the mission's mandate and that this will be confirmed in coordination with signatories to the peace agreement. "If the Sudan People Liberation Movement (SPLM) wants the extension of UNMIS, then it must talk with the UN Security Council for these forces to remain in the South," he said. He dismissed a proposal put forward by the head of the African Union panel, Thabo Mbeki, to extend the interim period after July, pointing out that the last six years had witnessed "liquidity in governance and institutions". Adviser Ismail added that any move to extend the interim period will open the door for foreign interference at a time when the North wants July 9th 2011 to be the kick off date for building Sudan.

The UNAMID Role

The protection, humanitarian and political mandates entrusted to UNAMID by the international community have not generated the required positive results. There is no doubt that its limited mandate, composition and capabilities are responsible for the little progress that it has achieved so far. Nonetheless, the major impediments remain the resistance of the Government of Sudan (GoS) to the effective deployment of UNAMID as well as the diplomatic and political support that GoS continues to receive from Africa, the Arab and the Islamic countries despite the almost universal unanimity of opinion that the presence of a robust and capable UNAMID would have a salutary effect on the victims of the armed conflict in Darfur. If widespread instability in Northern Sudan occurs, occasioned by popular agitation for a regime change in Khartoum, for example, the spill-over effects are likely to be insurmountable and will further complicate the work of UNAMID.

The deployment of UNAMID in Darfur has played a positive role in creating relatively improved living conditions in areas where the mission is present. Yet the effect of its presence on the overall situation in Darfur is limited and the situation in many parts remains precarious because of the mission's weak capabilities and inability to cover the whole region. The uncertainty of the post referendum political situation, the deteriorating security situation, the military activities, violence and criminal acts committed against local populations and humanitarian workers in Darfur as well as the premeditated targeting of UNAMID soldiers¹⁰ are compelling reasons for the UN Security Council to reconsider a

10. According to Human Rights and Advocacy Network for Democracy, UNAMID soldiers are usually ambushed and are under the control of the Government of Sudan or its allied militia groups

thorough review of the mandate of UNAMID before its renewal. This will enable the mission to reflect, adjust and adapt in accordance with the changed political and security situations on the ground. Other important tasks, for example its role in the ongoing Darfur Peace Process (DPA), though important, should be of secondary concern to the mission. A thorough review of the mandate will enable the mission to focus on its short and long term priorities so as to build a solid base for long-term peacebuilding efforts such as promotion of economic development and reconstruction projects, monitoring and reporting on the situation along Sudan's borders with Chad and the Central African Republic.

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Conclusions

The first paper concludes that no doubt the African Peace and Security Architecture has generated a lot of interest among the African states and international partners as a vehicle through which the myriad peace and security challenges on the continent can be holistically addressed. However to ensure sustainability and predictability, it is of paramount importance that Africans set and drive the agenda to operationalize it while the international community provides the crucial support needed.

The second paper concludes that religious institutions have a major role to play in stabilizing communities after war. However, it is also clear that religious leaders in Kenya have lost moral integrity hence unable to support such endeavours. For a successful stabilization process, the Brief outlines elements that could promote effective involvement of state and religious institutions in supporting stabilization. This should recognize the fact that for recovery process to proceed, various actors have to support the process while at the same time observing the key principles of post-conflict recovery.

The third paper concludes that Sudan remains a test case for the African Union and the sub-regional organizations, in particular IGAD and their prevention and mediation mechanisms. Peace and security challenges posed by post-referendum Sudan present opportunities and challenges to the CPA guarantors. This calls for a more consistent and structured manner to engage and guide Sudan towards the path to lasting peace. Otherwise the possibility of an intractable conflict cannot be wished away.

