

AFRICAN PEACE AND SECURITY ARCHITECTURE (APSA) SUBSIDIARITY AND THE HORN OF AFRICA: THE INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD)

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Introduction

The African Peace and Security Architecture (APSA) is to become the main reference for security in the region, including cases where a peace enforcement mission needs to be deployed.

Subsidiarity has been proposed as the main principle for governing inter-institutional relationships within APSA, between the African Union (AU) and sub-regional organisations (SRO), and between the AU (as the central body of APSA) and the United Nations (UN). The subsidiarity principle entails three elements: a decision-making mechanism, the division of labour and burden sharing. But there is a lack of consensus on how these are to be implemented (African Union, 2012).

This paper looks at the possible challenges in the implementation of the subsidiarity principle and its elements. Using hegemonic stability theory it analyses two unsuccessful security initiatives at the Intergovernmental Authority on Development (IGAD): the 2005 to 2011 process of enlargement of the security mandate and the proposed 2005/6 IGAD mission to Somalia.

The selection of IGAD is justified as it is the regional economic community (REC) best positioned to take on full security functions alongside ECOWAS and SADC. The choice of processes is due to a focus on enforcement missions as the most significant security function and the aim of capturing unsuccessful cases as best illustrations of shortfalls.

Hegemony and subsidiarity

Hegemony

Hegemony theory has been developed by Marxists, international relations theorists and international political economists alike. According to hegemonic stability theory, the stability of the international relations system and the relevance of their institutions is possible if a hegemonic state is able to enforce institutional norms and rules (such as with subsidiarity) (Kindleberger, 1973). This process is not only achieved by coercion but also by compromises between different actors in a process of consent (Gramsci, 1971).

A hegemon is a (politically, militarily, economically) powerful state that provides (directly or by enforcement mechanisms) public goods that are in its interest and within its capacity to supply (Keohane, 1984). The regime reflects the dominant actor's interest in maintaining its power relationships whereas the development of institutions may be in the hegemon's interest as an extension of its control mechanisms.

While there is a debate as to whether Nigeria in Western Africa and South Africa in Southern Africa are hegemonic players and on their implications for the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) (Adebajo and Landsberg, 2003; Møller, 2005), it is less clear what potential there is for an hegemon in the Horn of Africa and its implications for IGAD.

The hypothesis suggested in this paper is that the absence of a hegemon prevents implementation of the principle and elements of subsidiarity through IGAD. The main mechanism is that without a hegemon, states in the region are not interested enough in IGAD's institutional building under subsidiarity rules.

The data are based on secondary sources and semi-structured interviews with officials at the AU, IGAD, diplomatic bodies, civil society and academic organisations conducted in Addis Ababa, Ethiopia, and Nairobi, Kenya, in April and May 2011 and December 2012.

Subsidiarity principle and APSA

With origins in 19th-century Catholic doctrine the subsidiarity principle of governance is best illustrated in the European Union. In 1957 Article 3b of the Treaty of Rome established,¹ “in areas which do not fall within its exclusive competence, the Community [the central authority] shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community.” Applying it to the multilateral African institutional security set up, this means allocation of power from the UN (at global level), to the AU (regional organisation) and from both the UN and AU to SROs like ECOWAS, SADC, IGAD, EAC, ECCAS and CEN-SAD.²

One ontologically significant factor contributing to this process of allocating governance functions to regional levels was the end of the Cold War and with it the demise of a single superimposing world system, which allowed for sub-systems to develop and become more recognised. On the one hand a “new

¹ Later adopted in the treaty of the European Union under article 5.

² ECOWAS - Economic Community of West African States, ECCAS - Economic Community of Central African States, SADC - Southern African Development Community, East African Community – EAC, the Intergovernmental Agency for Development – IGAD, Community of Sahel-Saharan States CEN-SAD. Theoretically states would constitute the lowest layer in this allocation of power, though the analysis is limited to multilateralism and therefore states per se are not considered as a layer here.

regionalism” emerged as a reflection of increased social, economic, cultural and political interactions and interdependence between regional states in a post-Cold War-setting. On the other hand, security realities themselves were regarded as interconnected among states in specific regions, as suggested in regional security complex theory (Buzan and Wæver, 2003).

Nevertheless, the allocation of power to regions or SROs from a more centralised organisation (such as the UN) has been controversial, particularly regarding responsibility for military intervention.

The main benefits of lower allocation of power in military interventions are: lower costs; the organisation’s proximity to the area of intervention; synergies of actors in terms of language, culture, sensitivity, local knowledge and politics; interoperability and, in particular, self-interest in solving the conflict due to fear of spill-over effects in the region. These benefits are identified in contrast to UN agency and therefore their opposite can be considered the disadvantages of UN operations. Nevertheless, these benefits are controversial some specific non-UN problems are lack of impartiality, bias, logistics difficulties, vulnerability to domestic politics and lack of financial, technical and coercive resources (Diehl, 1993). It has been also found that non-UN interventions lack the “moral authority” (Dorn, 1998) or unique legitimacy (Bellamy and Williams, 2005) that the UN confers or require accountability to the UN itself (Weiss *et al*, 2007). Specifically regional and sub-regional organisations are mostly criticised for their tendency towards partiality and conflict of interests, both when they do and do not intervene (Price and Zacher, 2004). In contrast, the main UN advantages are its impartiality in operations, its broad multinational nature and resourcefulness to pursue its mandate (Bhagat, 1998).

Despite the controversy surrounding it, the involvement of regional and sub-regional organisations in security has been under way for a couple of decades. SRO (mainly ECOWAS and IGAD) involvement in military interventions started in the 1990s. At regional level the creation of the AU in 2000 marked a watershed moment for the regionalisation of security. Based on it, the APSA developed with five main components in the subsequent decade: the Peace and Security Council (PSC), which is the decision-making mechanism for the prevention, management and resolution of conflicts; the Panel of the Wise, which assists the PSC particularly in conflict prevention; the Continental Early Warning System (CEWS), which gathers information to anticipate and prevent conflict; the African Standby Forces (ASF); and the Memorandum of Understanding (MoU) on Cooperation in the Area of Peace and Security between the AU and the Regional Economic Communities/Regional Mechanisms (RECs/RMs) for Conflict Prevention, Management and Resolution (African Union, 2012).

The latter two components are of special relevance to military interventions. The regional mechanisms are constituted by the African Standby Forces (ASF), which are standby multidisciplinary civilian and military contingents ready for rapid deployment. There is one RM for each of the five sub-African regions (East, West, North, South and Central), where three of the RECs are also RMs because they manage the ASF – ECOWAS, SADC and ECCAS. The East and North are managed by specific

RMs: the East Africa Standby Brigade Coordination Mechanism (EASBRICOM) (comprising the IGAD and EAC countries) and the North Africa Regional Capability (NARC). The subsidiarity principle is especially relevant in managing this relationship between the AU and RECs/RMs and them and the UN.

Subsidiarity elements

As per the African Union assessment there are three main elements in the application of subsidiarity: decision-making mechanisms, burden sharing and division of labour (African Union, 2012).³

The decision-making mechanisms are mainly connected to formal procedures that conflict-management decisions have to go through to safeguard institutional legitimacy. According to the UN Charter, the UN Security Council (UNSC) has primacy in the authorisation of enforcement-type military intervention and explicitly states, "no enforcement action shall be taken under regional arrangements or by regional agencies without the authorisation of the UNSC..." (Article 53.1). On the other hand, regional initiatives for pacific settlement of local disputes are encouraged prior to being referred to the UNSC. (article 52.3) At AU level the Peace and Security Council (AU PSC) is the forum that decides on ASF deployment, preferably by consensus but otherwise by majority vote. At the RECs/RMs level each structure has its own decision-making mechanisms, which are supposed to report to the AU PSC. Following on from the UN Charter, these other decision mechanisms must request authorisation from the UNSC for any enforcement mission before deployment.

Nevertheless, despite the general agreement on this requirement several institutional interventions have started since 1989 without prior UNSC authorisation. This was the case of Burundi in 1993 and 2003 by the OAU (Organization of African Unity) and AU respectively; Central Africa Republic in 2002 by CEN-SAD (later taken over by ECCAS); Comoros in 1997 by OAU; Democratic Republic of Congo in 1999 by OAU; Guinea Bissau in 1998 by ECOWAS; Ivory Coast in 2003 by ECOWAS; Lesotho in 1998 by SADC; Liberia in 1990 by ECOWAS; Rwanda in 1991 by OAU; Sierra Leone in 1991 and 1997 by ECOWAS; and Sudan in 2004 by AU. Even if not all interventions involved peace enforcement it is generally accepted that they all should have been authorised by the UNSC prior to deployment.⁴

In this context in 2004 the UN recognised that within its primary responsibility for peace and security there might be urgent situations where authorisation could be sought after operations had begun. (United Nations, 2004) In spite of this policy statement, the UN charter remains unchanged and in tension with practice. With the development of APSA it is now more urgent to clarify the appropriate consultative decision-making framework, not only between the UN and AU, but also between the AU and REC/RMs (Sousa, unpublished).

³ The description focus on the component of military interventions as it is considered the most significant security function, nevertheless the subsidiarity principle is to be applied to other security areas.

⁴ About two-thirds of non-authorized interventions since 1989 were subsequently recognised in a UNSC decision or presidential statement.

Burden sharing refers mainly to the financial costs of peace and security initiatives and who funds them. The AU has three main sources of funding: assessed contributions by member states, voluntary contributions to the solidarity fund by member states and funds from external partners. The five main economies in the continent (Algeria, Egypt, Libya, Nigeria and South Africa) each contribute 15 per cent of the assessed contributions and the remaining 25 per cent is paid by other member states. For 2013 the total AU budget sourced from member states is USD 123 million, while USD 155 million is from external partners.⁵ Despite the development of the AU Peace Fund (APF) as an APSA component to mobilise donor support, the AU is finding it hard to meet the heavy financial requirements that peace operations entail.⁶

Significantly, in 2008 the Prodi report determined that AU missions could be supported from UN assessed funding if the missions were approved by UNSC (and UN General Assembly) and the AU mission would transition to the UN within six months (United Nations, 2008). Also since 2008 and as part of the Joint Africa-EU Strategy (JAES), the EU has been a main contributor to the AU Peace Fund with the 10th European Development Fund (EDF).⁷ In its directives, the EU Council considered, “the African sub-regional organisations are the pillars of the overall security architecture of the” AU wherein “regional components are key elements of the Continental Early Warning System and of the African Standby Force” (2.2 p.5) (Council EU 14551/08). Furthermore, for 2011-2013 the action plan highlights, “of critical importance is the subsidiarity principle between the AU’s responsibilities vis-à-vis those of the Regional Economic Communities (RECs)” (p.4), identifying the RECs as the building blocks of the AU (Council EU 11730/11). About two-thirds of the funds are for AU peace support operations with the bulk of the remaining funds going to APSA and Africa-EU dialogue.⁸ The beneficiaries of the funding facility are the AU and African SROs, which can request the support independently, although SRO requests need to have the political approval of the AU (Council EU 14551/08 5.3 and 5.6).⁹

Both of these developments allowed the APSA to become a more operational structure, although dependent on external support which necessarily impacts on which interventions occur and their mandate and form.

⁵ About USD 160 million is for programme work and USD 118 million for operational work. The Peace and Security Council is budgeted at USD 701,000 and the African Union Commission has a budget of USD 216 million for 2013.

⁶ For instances the AMISOM costs in 2009 with a deployment of 5221 troops was around USD 200 million (SIPRI Multilateral Peace Operations Database).

⁷ A total of €600 m has been budgeted and equally divided between the 2008-2010 and 2011-2013 programmes.

⁸ In the 9th and 10th European Development Fund (EDF) APF breakdown, the peace support operations supported are: AMIS (Darfur/Sudan); FOMUC/MICOPAX (Central African Republic); AMISEC/MAES (Comoros) and AMISOM (Somalia). In terms of capacity building the focus is on the APSA, specifically on the: AU Commission; ASF workshops AU/REC/APSA; support to AU Commission personnel in the Peace Support Department (PSD); APSA support and Training Centre. The remaining support went to the Early Response Mechanism and other initiatives (Council EU 14551/08 and Council EU 11730/11).

⁹ Specifically for 2011 the AU’s requested APF funding amounted to €40 million, as follows: (EU ASF budget plan 2011): AUC 19 per cent; COMESA 10 per cent; EAC 9 per cent; ECCAS 13 per cent; SADC 11 per cent; IGAD 7 per cent; ECOWAS 13 per cent; CENSAD 1 per cent; EASFCOM 12 per cent; NARC 5 per cent; and contingencies of 2 per cent.

Division of labour refers to which functions each party executes and it is necessarily connected to the organisations' capacity to perform them. As stipulated by the Charter, the UNSC can entrust in other organisations the execution of missions, which reinforces the perspective of division of labour within the charter. The division of labour in the APSA is associated with six conflict and mission scenarios (1.6) each linked to organisations responsible for taking over operations (2.10). Table 1 summarises division of labour.

Table 1: Agency, type of mission and response time

| Scenario | Agency* | Type | Deployment requirement |
|----------|---|---|---|
| 1 | AU/regional military advice | Political mission | 30 days |
| 2 | AU/regional co-deployed with UN Mission | Observer mission | 30 days |
| 3 | Stand-alone AU/regional | Observer mission | 30 days |
| 4 | AU peacekeeping force | Chapter VI and preventive deployment missions (and peace building) | 30 days |
| 5 | AU peacekeeping Force | Complex multidimensional peacekeeping missions including those involving low level spoilers | 90 days with military component able to deploy in 30 days |
| 6 | AU intervention | e.g. in genocide situations where the international community does not act promptly | 14 days with robust military force |

Source: African Union (2003). In African Union terminology regional refers to SRO in this paper.

For the lighter scenarios in 1 and 2 the AU has the capacity to deploy. The UN would normally deploy in scenarios 3 and 4, while heavier peace enforcement scenario 6 requires a capable nation that is prepared to take leadership of the mission. The AU ASF are focusing on building capacities for scenario 5, which is a feature of many of the current conflicts. (African Union, 2003, Part I: 3)

A distinction is made between the peace support operations conducted in scenarios 1 to 5 in different conflict types and conflict intensity and (peace enforcement) interventions specific to the scenario 6 conflict type involving war crimes, genocide and crimes against humanity. Furthermore the AU concept of Peace Support Operations (PSOs) is conceptually distinct from UN concept of Peacekeeping Operations (PKOs). The objectives of AU PSOs is to help stabilise fragile environments, which may

involve supporting the government being challenged, without a clear distinction between a conflict period and a situation where peace must be kept, as shown by a peace agreement (African Union, 2012). The UN PKOs are based on three principles: the parties' consent, impartiality and non-use of force except in self-defence and defence of the mandate.

We will now make a brief reference to other, non-intervention processes where there are both trickle-down and bottom-up processes in the development and implementation of security policies. Theoretically the UN develops world guidelines, which are then translated into more grounded regional policies at the AU based on inputs from member states, which are then passed on to RECs/RMs for further policy development and implementation at sub-regional or state level. But this process's hierarchy differs depending on the sector. In the security sector the AU can only harmonise and cannot impose policies on the RECs/RMs, unlike the economic programme where AU policies can be required to be implemented by sub-regions (and states). Inversely in some cases the processes are bottom-up as the AU is as much a producer of APSA as a result of its SROs' (and states') competencies. In this regard APSA development is driven and inspired by the areas of RECs/RMs' competence. Specifically, the early-warning mechanism is based on IGAD experience, economic integration in COMESA, the ASF on ECOWAS and possibly some of the mediation processes on SADC.

A main determinant of the possibilities of division of labour is organisations' capacity to take over the responsibility. Therefore there is a focus on capacity building, for instance with the start in 2006 of the UN ten-year capacity-building programme for the AU in a broad spectrum of peace and security functions including conflict prevention and mediation, elections, rule of law and peacekeeping.

At this stage decision making is *de jure* with the UNSC but *de facto* may not be based there. Burden sharing is mainly taken on by donors and the division of labour is for building regional and SRO capacities for more robust types of missions.

The Horn of Africa, IGAD and EASF

The Horn of Africa is a peninsula in East Africa comprising Eritrea, Djibouti, Ethiopia and Somalia, and some authors would also include Sudan and South Sudan. These countries, together with Uganda and Kenya, form the Inter-Governmental Authority for Development (IGAD). The region is characterised by a history of conflict, poverty and drought and the lack of a clear hegemonic player.

In the recent past, intra-state conflict erupted in several countries in most cases with other states from the region involved (see Table 2 below). Three of these were large: the secessionist war in Sudan that led to the creation of South Sudan in 2011, the Ethiopian civil war that ended the Mengistu regime in 1991 and led to the secession of Eritrea in 1993, and the civil war in Somalia since 1991. Additionally, and exceptionally in this region, there are cases of interstate conflict, the most significant ones being between Ethiopia and Somalia in 1977-8 and Ethiopia and Eritrea, which started in 1998 (see Table 3 below).

Table 2: Selected Intra-State Conflicts in the IGAD member states

| Year | State | Type of Intra-state conflicts | Main contentious issue or area | IGAD member states involved |
|------------------|----------|--|--|---------------------------------------|
| Since the 1990s | Djibouti | Ethnic tension between Afar and Issa | Control of state power | Somalia and Eritrea |
| Since 1991 | Eritrea | Religious and ethnic tension | Control of state power | Ethiopia and Sudan |
| 1960s-1991 | Ethiopia | Civil war | Control of state power and secession | Sudan and Somalia |
| Since 1991 | | Small-scale armed resistance by OLF and ONLF | Control of state power and secession | Eritrea and Somalia |
| Since 1960s | Kenya | Ethnic tension preceding and following elections | Control of state power | - |
| Since 1991 | Somalia | Civil war among clans, factions, militia groups | Control of state power, key towns, ports | Eritrea, Ethiopia, Djibouti and Kenya |
| 1983-2005 | Sudan | Civil war between SPLA and the government | Secession (South Sudan) | Ethiopia and Uganda |
| Since 2003 | | Darfur crisis | Autonomy and distribution of resources | Eritrea |
| Early 1990s-2006 | Uganda | Civil war | Autonomy | Sudan |

Source: Mulugeta (2009).

Table 3: Selected Inter-state Conflicts among IGAD member states

| Year | Type of Inter-state conflict | States involved | Major contentious issues or areas |
|-----------|------------------------------|------------------|--|
| 1964 | Brief armed conflict | Ethiopia-Somalia | Control of Ethiopia's Somali-inhabited territory |
| 1960s | Tensions | Kenya-Somalia | Control of Kenya's Northern Frontier District |
| 1977-1978 | Full-scale war | Ethiopia-Somalia | Control of Ethiopia's Somali-inhabited territory |
| 1994-1998 | Tensions | Sudan-Eritrea | Islamist threat |
| 1995-1998 | Tensions | Sudan-Ethiopia | Sudanese link to the Mubarak assassination attempt |
| 1998-2000 | Full-scale war | Eritrea-Ethiopia | Territorial dispute |
| 2006-2008 | Intervention | Ethiopia-Somalia | Ethiopia intervened militarily |
| 2008-2009 | Brief armed confrontation | Eritrea-Djibouti | Territorial dispute |
| 2009 | Tensions | Kenya-Uganda | Territorial dispute over Misingo islands |

Source: Mulugeta (2009).

Due to these countries' interdependence in terms of security, the Horn of Africa is considered a security region that has increased its interdependence over time. In the 1970s the Horn of Africa was considered a pre-complex region, where the countries had significant bilateral security relations. By 2002 the interdependence had increased to the point of it being possible to delineate and differentiate a region and it was therefore considered a proto-complex (like Western Africa). In both cases the region fell short of being a Regional Security Complex (RSC) characterised by high security interdependence and cross-linkages of actors/countries in a region where the security of each one interacts with the security of the others to create clear internal regional dynamics. An example of an RSC by 2002 was Southern Africa (Buzan and Wæver, 2003).¹⁰

There is currently only one outstanding major inter-state conflict, the one opposing Ethiopia and Eritrea, while the Darfur crisis in Sudan and Somalia are a source of major concern where internal conflicts are concerned.

Overall, these historical levels of conflict can in themselves be an indication of the absence of an hegemonic player, one that is able to enforce consent without resorting to conflict. According to hegemonic stability theory a hegemon's capacity relies on three attributes: a large, growing economy, dominance in a leading technological or economic sector and political power backed by projective military power (Keohane, 1984).

Data on the economic and military capacity of the countries of the region identify three candidates for the role of hegemon: Sudan, Ethiopia and Kenya (see Table 4). Sudan is the biggest and wealthiest country, but its potential role in the region is undermined by two internal conflicts, a secession and being associated more with Arab North Africa. Ethiopia is the most populated country and identified as having one of the strongest armies in the region (even if it falls short of other countries' military expenditure) but it is the weakest of the three economically and also facing internal state challenges. Kenya, on the other hand, has a strong economy and is the third biggest in population but although it has high military expenditure, it is not considered a strong military state (compared to Sudan or Ethiopia).

Table 4: IGAD and EAC countries compared

| Country | Land (sq km) | Pop. ('000) 2010 | 2010 GDP PPP (constant international US\$ Bill.) | 2010 Millex (constant 2011 US\$ Mil.) | 2010 Millex share of GDP |
|--------------|--------------|------------------|--|---------------------------------------|--------------------------|
| Djibouti (a) | 23,180 | 889 | *1.8 | *60 | *6.3 |
| Ethiopia (a) | 1,000,000 | 82,950 | 77.3 | 345 | 0.9 |

¹⁰ Other post Cold War examples of RSCs are Europe, post-Soviet Union, the Middle East, South Asia, East Asia, South America and North America.

| | | | | | |
|-----------------|-----------|--------|------|-------|------|
| Eritrea (a) | 101,000 | 5,254 | 2.6 | NA | NA |
| Kenya (a,b) | 569,140 | 40,513 | 60.2 | 633 | 1.9 |
| Somalia (a) | 627,340 | 9,331 | NA | NA | NA |
| Sudan (a) | 1,861,484 | 33,604 | 87.5 | *2093 | *3.3 |
| South Sudan (a) | 644,329 | 9,948 | *15 | 736 | 4.5 |
| Uganda (a,b) | 199,810 | 33,425 | 38.4 | 624 | 3.4 |
| Tanzania (b) | 885,800 | 44,841 | 56.3 | 253 | 1.1 |
| Burundi (b) | 25,680 | 8,383 | 4.4 | *76 | *4.4 |
| Rwanda (b) | 24,670 | 10,624 | 11.4 | 76 | 1.3 |

Notes: a- IAGD, b – EAC; Land, population and GDP PPP are from World Bank World Development Indicators for 2010, except: land area for Sudan and South Sudan is from the CIA world factbook (accessed 10 April 2013), Djibouti GDP PPP for 2009, South Sudan GDP is current US\$. Military expenditure is from the Stockholm International Peace Research Institute (SIPRI-www.sipri.org) for 2010 in USD million at constant 2011 prices and exchange rates, except for Djibouti, Sudan and Burundi where expenditure is for 2005; Military expenditure as share of GDP with the same caveats as military expenditure. The EAC countries Burundi, Tanzania and Rwanda are represented as they share the same RM.

Therefore none of the countries with the most capacity has emerged as a clear hegemonic player, which can also partly explain the lack of institutional reinforcement of the common regional organisation – IGAD.

IGAD was formed in 1996 and its current membership includes Djibouti, Eritrea (membership suspended since 2007), Ethiopia, Kenya, Somalia, Sudan Uganda and South Sudan (became a member in 2012). Taking over the mandate on drought and desertification of its predecessor, the Intergovernmental Authority on Drought and Development (IGADD), IGAD extended it to food security, environmental protection, security and economic cooperation and integration (in line with the aims of the Common Market for Eastern and Southern Africa (COMESA) and African Economic Community (AEC)).

The security mandate does not include peace enforcement, instead Article 7 (g) defines the aim as being “to promote peace and stability in the sub-region and create mechanisms within the sub-region for the prevention, management and resolution of inter and intra-state conflicts through dialogue.” Of relevance is the fact that the main body of heads-of-state and government functions by consensus (article 9 (4)) and agrees to deal with member issues at sub-regional level before referring them to other regional or international organisations (article 18 (A) (c)) (IGAD, 1996).

Although the idea of the organisation is to be based on funds for activities, the mandate has been enlarged significantly without the corresponding changes to its structures. Since 1996 IGAD has begun four security initiatives, all donor funded. In 1998 the Conflict Early Warning and Response Mechanism (CEWARN) was founded to target pastoral cross-border and trans-border conflicts in three clusters: Dikihil between Djibouti and Ethiopia; Somali between Kenya, Somalia and Ethiopia, and Karamoja between

Kenya, Sudan, Uganda and Ethiopia. The success of the initiative would lead to it becoming a reference for the APSA Conflict Early Warning System. In 2006 the IGAD Capacity Building Programme against Terrorism (ICPAT) began, with five main components: judicial capacity, interdepartmental cooperation, border control, training, and strategic cooperation. The project was initially contracted to the Institute of Security Studies (ISS), which provided operational know how under the umbrella of political legitimacy conferred by IGAD and then it became a fully fledged IGAD project on counter terrorism in 2010, focusing specifically on the Somalia area. In addition to these initiatives, IGAD was involved in two important conflict management processes. One was the Sudan peace process, which started in 1994 and ended the conflict with a referendum and South Sudan's independence in 2011. Another was the peace talks and mediation on Somalia begun in 1998 (even though other initiatives had been undertaken since 1991) which produced several outcomes. It is still ongoing and the proposed IGAD intervention in 2005/6 was part of the process (presented below). The benefits of this mediation have been less evident than the one for Sudan (Healy, 2009).

Despite the ad hoc nature of initiatives and the lean organisational structure of IGAD, the initiatives have all consolidated into permanent programmes. This has occurred at the same time as donor funding is available, indicating that there is cautious selection of initiatives and a pragmatic partnership with donors (Tavares, 2010). In 2010 the IGAD secretariat had a total of 44 staff and a budget of USD3.8 m, The other initiatives were budgeted separately: CEWARN USD200,000, ICPAT USD742,000, the office of facilitator for Somalia about USD 2 million and the office of the Special Envoy for Peace and Reconciliation in Sudan about USD 700,000 (Munyua, 2010)¹¹

Adding to the conflict history and lack of hegemon the establishment of the East Stand by Force (EASF) (originally named Eastern Africa Standby Brigade – EASBRIG) reflects the divided leadership in the region. The region is one of the most affected by overlapping constituencies of countries to regional organisations. Members of the EASF belong to COMESA, EAC, IGAD and SADC, making the identification of a REC candidate to assume the responsibility over EASF a difficult task.¹² Consequently in February 2004 at a meeting in Jinja, Uganda, it was decided for IGAD to assume an interim role in setting up the EASF with a pending decision over the final structure. The discussion over these structures would be dominated by political concerns raised by non-IGAD member and the desire of some members to host organs of the EASF (Mulugeta, 2008). The result by 2013 is that in Nairobi, Kenya is located the PLANELM (planning element) and the EASBRICOM (Easter African Standby Brigade Coordinating Mechanism), which constitutes the command structure of the Assembly of Heads of State and Government, the highest organ, which replaced the IGAD interim-role. In Addis Ababa, Ethiopia is located

¹¹ For comparison purposes ECOWAS has between 200 and 300 staff and an operational budget of 10 million USD and the AU has about 700 staff and a budget of about 200 million USD.

¹² The countries are: Sudan, Ethiopia, Eritrea, Djibouti, Somalia, Kenya, Uganda, Rwanda, Tanzania, Comoros, Seychelles, Madagascar, Mauritius and Burundi.

the Standby Brigade Headquarters and the logistical base. An ASF is composed of about 5000 standby personnel with more than two thirds being troops and the remaining civilian and police, supported by the command, planning and logistical structures. The current planning is to have the ASF operational by 2015.

Not only the decision to locate the logistic base in Ethiopia is sub-optimal for transport purposes compared to the benefits of locating it along the coastline (Cilliers and Malan, 2005) but also it is organisationally less efficient to have separated structures. The decision is mainly explained by the aspiration of both Ethiopia and Kenya for regional leadership (Vines and Middleton, 2008).

The decision to have an independent EASF cannot be attributed to a failure of IGAD but instead to structural conditions while the four security initiatives presented before have been widely analysed. This paper focus instead on two less studied unsuccessful cases associated with IGAD: the proposal to strategically reformulate peace and security functions and the failed attempt at military intervention in Somalia. In these two cases the organisation was not able to achieve its goal and they may therefore constitute a good reference for the challenges that SROs face in acquiring security skills and autonomy within the subsidiarity concept.

The two IGAD cases

Enlargement of security mandate

Building on the achievements of the projects referred to above in the overall context of promoting SROs in Africa and using the more developed SADC and ECOWAS structures as a benchmark, IGAD embarked on an initiative to upgrade its security skills.

In October 2003 the IGAD Assembly of Heads of State and Government meeting in Kampala, Uganda, decided to develop an IGAD Conflict Prevention, Management and Resolution (CPMR)¹³ Strategy. At this stage IGAD was a candidate to become the REC with ASF responsibilities for the region within the AU architecture, much like ECOWAS or SADC. But in Uganda in 2004, as explained above, the countries of the region decide to have EASF separate from IGAD.

Despite this policy change at the 24th session of IGAD's Council of Ministers in 2005 it was decided to support the IGAD Secretariat in the development of a CPMR strategy (Mwagiru, 2008). Subsequently in 2005, the IGAD formally began the formulation of a peace and security strategy with the support of donor funding. Besides several other aims, the terms of reference for the project covered a broad range of security areas with a requirement for national and regional consultation with enlarged stakeholders. The project was expected to be completed within a maximum of 18 months (the table below summarises the 2005 objectives and later developments).

¹³ A 2000 assessment study by the Leeds University precedes this decision.

The process would last longer than expected and only by 2010 was a draft circulated, at that time creating some expectations for a significant upgrade of the security sector in IGAD. Nevertheless the proposal was not approved and went into a review process that culminated in it being converted into a plan for restructuring the ICPAT into the IGAD Security Sector Programme, which was approved in 2011 (Interview with Berouk Mesfin, Institute for Security Studies – ISS –, Addis Ababa, Ethiopia, December 2011).¹⁴

This process illustrates the IGAD incapacity to expand its security mandate as a result of its structural limitations. Despite the success of CEWARN, the range of types of conflict or areas of intervention were not significantly broadened. No initiatives for structural conflict management such as preventive diplomacy or mediation were established, neither was a capacity for peace support operations (although this is being developed by the RM). Although many of these functions have been taken over by the RM which is focusing on ASF readiness several other areas could be developed elsewhere as is the case with the mandate approved in 2011. Despite the fact that IGAD is considered the most developed security-wise REC after ECOWAS and SADC, a series of challenges prevent it from developing further.

Table 5: IGAD security strategy content

| Terms of reference – 2005 | Draft report –2010/2011 | Approved 2011* |
|--|--|---|
| <ul style="list-style-type: none"> ▪ Preventing and combating terrorism ▪ Expanding the role of CEWARN ▪ Setting up conflict resolution mechanisms ▪ Contributing to peace support operations in a liaison role with the AU regarding EASFCOM ▪ Enhancing the capacity of IGAD's Secretariat Peace and Security Division ▪ Monitoring peace agreements, disarmament, demobilisation and reintegration ▪ Setting the peace and security component of an agenda for reactivating IGAD's Inter-Parliamentary Union | <ul style="list-style-type: none"> ▪ Develop and promote comprehensive institutional framework of IGAD for terrorism, maritime security, trans-boundary, organised crime, SSR ▪ Review and expand the mandate and legal framework of CEWARN (CEWARN) ▪ Develop and implement IGAD protocol on establishment of a mechanism for CPMR ▪ Develop and implement IGAD peace support operations – peacekeeping, peace enforcement, post conflict reconstruction and development ▪ Develop linkages with the IGAD security sector programme ▪ Develop and implement an IGAD protocol on non-aggression ▪ Establish and implement an IGAD mediation support unit ▪ Put in place and start up an institutional and normative framework for preventive diplomacy for CPMR ▪ Establish and implement a roster of indicators and a panel of the wise ▪ Strengthen role of IGAD/CSO NGO Forum | <ul style="list-style-type: none"> ▪ Maritime security including piracy, illegal dumping of waste and toxic materials, illegal Fishing ▪ Organised crime including corruption, drug and human trafficking, prostitution, money laundering and counterfeited products ▪ Counter terrorism ▪ Cyber crime and intellectual property and copyright crime ▪ Reform and capacity building of security sector |

Notes: *Launch of the IGAD Security Sector Programme (restructuring ICPAT). Source: IGAD (2005a, 2011) and Munyua (2010).

¹⁴ Permission granted for disclosure of source of information.

Besides the above-mentioned financial and resource constraints, some of IGAD's shortcomings are: hostility between member states, the unpredictability of alliances, the ad hoc nature of initiatives, overlapping constituencies of its members, in particular Kenya's role in the EAC and amalgamation of projects (Fisseha, 2008). Others focus more on rivalry among member states, regional instability and lack of a regional power (Mulugeta, 2009).

The main security function envisioned in APSA is the capacity to launch a mission. The next section analyses the IGAD 2005/6 failed attempt to launch a peace mission through IGAD.

IGASOM's failure to deploy in Somalia in 2005/6

In January 2005, after years of negotiations, IGAD announced an IGAD summit decision to deploy a peace support mission to Somalia to support the internationally recognized Transitional Federal Government (TFG) which was being challenged by the Union of Islamic Courts (UIC) which some courts were associated with hard-line jihad Islamists (ICG, 2006). On one hand the IGAD agreement had no provisions for such type of initiatives. On the other hand the decision followed an appeal to the AU by Abdulahi Yusuf, TFG leader, for a military force to help establish government authority, even if many Somali parliamentarians were opposed to it (Healy, 2009).

The IGAD decision was endorsed by the fourth ordinary session of the AU and authorised by the 24th meeting of the AU PSC in February 2005 on the condition that the mission's first phase would not include front line states' troops.¹⁵ In March the deployment plan and cost provisions of the IGAD Forces for Somalia (IGASOM) was approved at the IGAD summit with a deployment planned for April 2005 (Mulugeta, 2009). IGASOM's mandate was to provide security support to the TFG, guarantee sustenance of the IGAD peace process and assist with re-establishing peace and security, including police and army training (Mays, 2009). But the mission was never deployed.

On March 2006 the 11th IGAD summit reiterated the decision to deploy IGASOM. The proper decision-making process had been followed. The IGAD approves an intervention, seeks to amend the IGAD agreement to include provisions for such initiative, had endorsement from the AU, which was supposed to seek UN approval. (IGAD, 2005b) At this stage the mission could have started if the policy of the 2004 UN report *A more secure world: our shared responsibility* that allows for a non-UN intervention to start while awaiting UNSC authorisation would have been followed, even if in that way not observing UN SC primacy (Sousa, unpublished).

The mission was not deployed and found no international support, with the main critics being the planned involvement of Ethiopia and non-acceptance by the UIC of the mission. Instead, when the UIC took power in Mogadishu in June 2006, the conflict situation changed and in July 2006 the Ethiopian army

¹⁵ This refers in particular to the cases of Ethiopia and Kenya which had fought wars against Somalia in 1964 and 1960s respectively.

unilaterally entered Somalia, taking over the capital by December (BBC, 2012). This was a non-authorized military intervention and Ethiopia justified its legitimacy on the grounds of its right to individual and collective self-defence against a terrorist threat and as a reply to an invitation from a legitimate government (Warbrick and Yihdego, 2006; Allo, 2009).

In the aftermath of the intervention, in December 2006 the UNSC authorized the deployment of the IGAD mission as a "training and support mission" with a partial lifting of the arms embargo in place for Somalia (UNSC/1725). But IGASOM was never deployed. Besides a division within IGAD, with some members having strong reservations, the mission continued to find no financial support externally. With intensification of the insurgency in Somalia due to the presence of Ethiopian troops, IGAD requested an African Peacekeeping Mission for Somalia. In January 2007 the AU PSC decided to set up the African Union Mission in Somalia (AMISOM), approved by the UN in February 2007 (UNSC/1744) and deployed with United States logistical assistance to Mogadishu in March 2007 (African Union, 2007; Healy, 2009). The first contingent of troops is not from front line states, coming from Burundi and Uganda. This deployment alongside other developments created the conditions for Ethiopian troops to leave, with the last troops reported to have left Somalia in January 2009.

In response to IGAD's support for Ethiopian intervention, Eritrea suspends its membership in April 2007. Later, in December 2009, a UNSC resolution (UNSC/1907) approved arms and travel sanctions against Eritrea for supporting insurgents trying to topple the TFG in Somalia and the sanctions were expanded in 2011 (UNSC/2023).

Justified by security and economic interests, in October 2011 Kenya intervenes militarily and unilaterally with about 2,400 troops in the Southern Somalia at a time that AMISOM force totalled around 8,000 troops. In February 2012 the UNSC approved the enlargement of AMISOM to a contingent of 17,731 uniformed personnel (integrating the Kenyan troops) and by 2013 the AMISOM troops were all from the region (including front-line states), specifically Burundi, Djibouti, Kenya and Uganda. The bulk of the costs of AMISOM are being borne by the EU.

The results of the Ethiopian intervention have been associated with increased violence, insecurity and radicalisation of the conflict (Menkhaus, 2007) particularly between 2006 and 2009. The reasons for IGASOM's failure to deploy were due to the multi-actor, fragmented approach to its planning, lack of funding, the failure to lift the 1992 arms embargo preventing the deployment in March 2006, lack of consent from the belligerents, lack of an acceptable, achievable mandate for the mission and lack of political will of the contingent providers (Mays, 2009).

Conclusion

Regarding the three elements of subsidiarity, we can identify the following results. In terms of decision-making mechanisms, the enlargement of the security mandate was hampered by a lack of

political will. The IGAD decision to intervene was first made without overall international support (even though it had AU support) and secondly may have been perceived by powerful states as instrumentalisation of IGAD, in this case an illustration of Ethiopia's soft power. This confirms Healy's (2009) conclusion that member states may seek to use IGAD's authority to legitimise their own policies. Even without UNSC authorisation, the military intervention was made by a single state instead of multilaterally. The conclusion is that, even if seeking to follow the prescribed decision-making mechanisms, regional powerful states may resort to unauthorised action if required. States are still central to security dynamics, even if they fall short of hegemonic status.

On the issue of division of labour, constraints on the enlargement of IGAD's security mandate were not inter-institutional competition (between IGAD and AU or UN) but rather lack of state's political will. Therefore it seems feasible that if this political will can be harvested, the enlargement of the mandate within APSA division of labour would be forthcoming. Regarding the specific area of military interventions, the case illustrates the need to have a leading nation for a peace enforcement mission, as identified by the policy guidelines in scenario 6, although this scenario may not be solely applicable to situations of genocide, war crimes or crimes against humanity.

Burden sharing is significantly on the side of the donor community. In this case IGAD has not been able to develop programmes with internally mobilised resources. Nevertheless, donor-funded projects are able to meet internal and external requirements that enable them to become permanent programmes. Specifically regarding military intervention, it was the political sensitivity of Ethiopia's troops in Somalia that led to the AMISOM initiative and not necessarily exhaustion of Ethiopian strength.

De jure decision-making subsidiarity may be bypassed by *de facto* local decisions that do not prevent the financial burden from being borne by the international community alongside regional actors' troops on the ground. Therefore, subsidiarity is held back not only by limited resources but also by lack of decision-making autonomy on intervention, in the sense that a SRO decision may not find support throughout the decision-making chain (AU and UN) regardless of its need for resources.

Capacity constraints on the organisation do not enable a subsidiarity process. Nevertheless, when there is political will, capacity is built quickly and successfully, therefore making politics rather than capacity the decisive factor.

Affecting both resources and political will is the lack of a clear hegemon pushing the region and IGAD, as compared to ECOWAS or SADC, confirming the findings of Møller (2005). The alternative possibility of the role of a hegemon being replaced by institutional cooperation between states is hampered by current and historical conflicts between member states.

Finally, the intricacies of different stakeholders' definition of the same processes (military intervention) result in ambiguity and are prone to inconsistencies. This is the case if intervention requires

UNSC authorisation for legitimacy because it is a UN-type enforcement mission or if an intervention is to be considered legitimate because it has been invited by a government and/or is an AU type of peace support operation to curtail a rebellion.

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