

**Deceptive Hope for Peace? The Horn of Africa Between  
Crisis Diplomacy and Obstacles to Development**

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## **Deceptive Hope for Peace? The Horn of Africa Between Crisis Diplomacy and Obstacles to Development**

In the past three years, the Horn of Africa has been characterised by keen diplomatic activities and advanced processes of mediation. To end Africa's oldest war, representatives of the Sudanese government began negotiations in Machakos (Kenya) with the Sudan People's Liberation Army (SPLA), Sudan's most important rebel movement. Kenya is also hosting peace talks to set up a new Somali government; participants include the Transitional National Government (TNG) first set up in Arta (Djibouti) in 2000, numerous warlords who were excluded from the Arta process, and local politicians and tribal elders of every shade of opinion. And finally, an international commission in April 2002 made public a decision regarding the border between Ethiopia and Eritrea, a highly contentious issue; thus a mechanism to manage conflict through arbitration was applied. It was agreed upon in the Algiers Peace Agreement of December 2000. But demarcation remains to be done and is contested by Ethiopia.

In view of these diverse efforts, is there hope that sustainable peace will be achieved in the Horn of Africa? Or is there reason to be more sceptical, considering that peace processes have failed for decades and that different conflicting parties have indulged repeatedly in numerous disruptive activities? We will look into these questions by reviewing the three large complexes of war and conflict mentioned above, well in the knowledge that they are just a cross-section of an overall situation in the Horn of Africa characterised by protracted armed conflicts. Particular attention will be given to structural features of peace processes which we regard as decisive for their sustainability. These encompass:

- the issue of inclusiveness of the process, involving all relevant conflict parties and potential “spoilers”;
- popular participation, in particular with a view to the often necessary political transformation and redefinition of state-society relations;
- the way in which other levels of conflict are taken into account, where tensions might escalate once a major conflict has been settled;
- whether the core issues of the conflict are addressed satisfactorily;
- and the role of external actors and their pressure on the parties.

Finally, we will briefly compare and evaluate the insights gathered from these considerations.

### **From Hot War To Cold Peace – The Apparent Regulation Of The Conflict Between Ethiopia And Eritrea**

When Ethiopia's Mengistu regime, long supported by Cuba and the Soviet Union, collapsed in 1991, great and justified hope arose that there would be a new start. The two most important rebel movements, the Tigray People's Liberation Front (TPLF) and the Eritrean People's Liberation Front (EPLF), had swept away a regime that had degenerated into tyranny. The rebel movements also intended to set up an Ethiopian federation, or at least a programme for such. Not least importantly, their "brotherhood of arms" was based on an agreement that the people of Eritrea would be able to decide for themselves whether they would exercise their right of self-determination within Ethiopia or within an independent state, something they had been fighting for since September 1961 (Péninou 2000).

#### *Historical Background, The Course Of War And Its End*

As expected, Eritrea in 1993 decided in favour of independence. However, the deeply rooted conflict over domination and self-determination in the Ethiopian-Eritrean relationship had been settled only in accordance with international law. The border conflict that escalated into widespread war in 1998, was a situation difficult for outsiders to understand and showed how tense their relationship remained. In battles between May 1998 and June 2000, as many as 100,000 people died and some 1.2 million people were driven from their homelands (Mengistu 2001: 9).

The starting point of extensive conflict was Badme, a border village claimed by both sides (Iyob 2000 and Brüne/Heinrich 2000). A bilateral commission had not been successful in settling this border issue by 1998 because there were deep-seated and unresolved differences in opinion and rivalries between the powerful elites of both countries. When Eritrea introduced its own currency, the Nakfa, it documented its will to completely separate itself from Ethiopia – a move that was taken as an affront by many in Addis Ababa. Economic relations became deadlocked. No agreement could be reached on conditions for bilateral trade (currency conversion) or investment conditions for Eritreans in Ethiopia (Iyob 2000: 674; Gebre Mariam/Kassa 2001: 67). Finally, the fact that Ethiopia was highly dependent on the port of Assab in Eritrea for access to the sea was a psychologically and politically sensitive issue (Mengistu 2001: 10). Because Assab can't be used at present, Ethiopia is now highly dependent on harbour facilities in Djibouti. This leaves the country and its 65 million inhabitants in a vulnerable position (Mengistu 2001: 10). No less importantly, the rapid and

fierce escalation of war had to do with unresolved claims to supremacy. While Ethiopia, also vis-à-vis Eritrea, sees itself as the region's dominant power because of its geographical position, size and history, the self-image of Eritrea's leadership is still stamped by its victory over Mengistu and the military superiority of the EPLF over the TPLF at that time.

American shuttle diplomacy, exerted directly after the conflict broke out, at first failed. Pride and stubbornness dominated on both sides. The Eritrean side in particular thwarted finding a solution during this phase – not least because the U.S. suggested that Eritrea withdraw its troops. Only after Ethiopia had carried out several massive offences did President Issayas Afewerki gradually give way and become receptive to a process of negotiation (Gebre Mariam/Kassa 2001: 71). In view of Ethiopia's far-reaching conquests, some observers even thought Eritrea's independence was threatened (see Lortan 2000: 6; Gilkes/Plaut 2000), especially because calls to "reconquer" Assab became louder within Ethiopia (Plaut 2001: 129).

In a cease-fire agreement signed in Algiers on 18 June 2000, Eritrea's leadership forestalled capitulation and was able to "save what could be saved". In December 2000, the warring parties concluded the Algiers Peace Agreements under the patronage of the Organisation for African Unity (OAU)<sup>1</sup>. The U.S. and Algeria acted as signatory powers (Péninou 2001). The border issue was supposed to be decided by the Ethiopian-Eritrean Boundary Commission (EEBC) under the aegis of the Permanent Court of Arbitration in The Hague, based on colonial treaties and applicable international law. In addition, after February 2001, 4,200 UN blue helmet forces, including about 200 military observers as part of the United Nations Mission in Ethiopia and Eritrea (UNMEE)<sup>2</sup>, were stationed in the transitional security zone – a 25-kilometre wide strip of land along the frontier on the Eritrean side.

#### *"Power Mediation" And Domestic Obstacles To Implementation*

Important outside actors (U.S., European Union, United Nations, OAU and IGAD (Inter-Governmental Authority on Development)) were able to reach agreement on a broad consensual basis during the mediation process and thus largely avoided the turf wars amongst mediators that often prevail in such processes (Prendergast 2001: 1 and 4). Beyond this multilateral action, the U.S. played a crucial role as the driving force behind the scenes, closely accompanying the OAU mediation process led officially by Algeria. Even before 11 September 2001, U.S. foreign policy had focused increasingly on the latent threat of Islamic

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<sup>1</sup> Both documents are available at [http://www.usip.org/library/pa/eritrea\\_ethiopia/pa\\_eritrea\\_ethiopia.html](http://www.usip.org/library/pa/eritrea_ethiopia/pa_eritrea_ethiopia.html) (23 May 2003).

fundamentalism emerging from Sudan and Somalia in particular. In this context, Ethiopia was seen as a stronghold of Christianity and sometimes as a hegemonic power – a premise of American policy on Africa which gained importance within the framework of the global war on terror. To Eritrea, the U.S. attached important strategic significance because of its location on the Red Sea. The war endangered these ideas and at the same time strengthened movements for secession and extremist groups in the two countries. (Gilkes/Plaut 2000: 2). Eritrea was reported to have provided arms and military training to Oromo and Ogaden opposition movements and ostensibly to Al-Ittihad in Ethiopia. The Somali warlord Hussein Aideed, today often an ally, then still an "arch enemy" of Ethiopia (and the U.S.), is supposed to have brokered such supplies (Gilkes 1999). At the same time, Addis Ababa and the internationally isolated government in Khartoum, led by the National Islamic Front (NIF), surprisingly moved closer together (Lortan 2000: 7).

Within this complex situation, the U.S. was oriented towards a settlement between Eritrea and Ethiopia and did not want to take sides; at first no sanctions were levied (Kelley 2003). Although the U.S. quietly initiated its own weapons embargo, a comprehensive UN embargo only came into being two weeks before the war ended, and after both warring factions had already spent \$600 million on eastern European armaments (Gebre Mariam/Kassa 2001: 71; Mail and Guardian, 10 May 1999). Economic sanctions were also used after great delay and not very vigorously. Neither the IMF nor the World Bank cut back substantially on their running payments. Most donors did not issue a moratorium on new programmes until 1999. Additionally, it was not possible to stop the flow of financial contributions from Eritreans and Ethiopians who had emigrated from their countries; these funds are supposed to have brought in \$300 million annually to Eritrea alone for financing war (Gilkes/Plaut 2000: 3).

The mediation process itself concentrated on the countries' elite - societal actors and opposition forces were ignored. This design had many advantages since it was clear and relatively uncomplicated for applying classic diplomacy. But a central disadvantage was that the peace process was handled and seen as a clandestine, almost private matter between rulers (as the war had been before that). The war's origin, the course it took and its human losses remained inscrutable. Neither civil society nor opposition forces were involved into a process of mutual recognition or even reconciliation<sup>3</sup>.

An inherent danger exists of analysing the war and the peace process within classical categories of international conflict and disregarding core domestic aspects. The border

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<sup>2</sup> <http://www.un.org/Depts/dpko/missions/unmee/index.html>

conflict was not halted on time primarily because each ruling elite attempted to consolidate its domestic positions. After the war, important groups in each governing system openly dissented and were criminalised as a result. In Ethiopia, nearly all old leading figures in the TPLF opposed the Algiers agreement because they believed it held too many concessions. In May 2001, these dissidents were expelled from the TPLF's central committee and arrested. Prime Minister Meles Zenawi barely survived this crisis politically. Some six months later, Issayas Afeworki, Eritrea's president, also arrested dissidents, banned all independent newspapers and forcefully ended student protests. It was here that opponents to the war in particular had been articulate. A strong group of experienced leaders in the battle for independence accused the President of initially objecting to a diplomatic solution and then failing as a military leader (Péninou 2001).

Mediators' and warring parties' efforts to resolve the conflict focussed on the border question and the problems that had resulted from the war (reparations, clarifying the question of guilt) (Prendergast 2001: 5/6). As will be shown, even these measures have not produced the desired results. But moreover, there is no prospect for the shaping of stable, institutionalised relations between the two states, which would be needed to avert future confrontations and normalise vital economic ties.

### *"Cold Peace" And An Obstructed Process Of Transformation*

Apart from the Algiers agreements and the contacts they set up within the Military Coordination Council (MCC), relations between the two states have not improved. Observers talk about a "cold peace" (Plaut 2001) – a fragile situation that, as made clear by the splitting of leadership in 2001, could lead to escalation in domestic struggles for power. Indeed, the Ethiopian government, which withdrew its troops from Eritrean soil although it clearly had military superiority, and which agreed on arbitration to settle the frontier dispute, faced internal pressure particularly when it became clear in 2002 that the EEBC's decision would accord the village of Badme to Eritrea. Hardliners in Addis Ababa saw in this decision confirmation of the Algiers agreements selling out Ethiopian interests, for which they held the prime minister personally responsible. Strong opposition to the demarcation arose in the frontier region of Tigray, the political base of Meles and his TPLF (IRIN 6 June 2003). The "loss" of Badme also fuelled the resentment of the nationalist opposition and Ethiopia's predominately Amharic former elite.

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<sup>3</sup> One symbolic exception was a set of meetings between religious leaders of both countries in Asmara and Addis Ababa in February 2002. However, even here a top-down approach was used.

The Ethiopian government therefore demanded that this decision be "corrected" in its favour, a request which the EEBC rejected. Ethiopia entered into a dangerous tactic of delay which culminated in a rejection of the border demarcation in September 2003. Ever since, the process has been stalled. The border commission meanwhile suspended its work. Ethiopia's internal setting, which is increasingly shaped by the upcoming general elections, has led the process into deadlock.

Eritrea on its part has rejected dialogue with Ethiopia before demarcation has taken place. The government in Asmara refused to receive the UN Secretary General's Special Envoy (and former Canadian Foreign Minister) Lloyd Axworthy because it is not willing to accept any mechanism that could be considered an alternative to the boundary ruling and its implementation.

While the military situation appears relatively stable and calm, the political stalemate involves the risk of unforeseen escalation. Although the potential for escalation on the Eritrean side is lower in view of its lesser military capacity and its relatively isolated international position, its increasingly repressive regime is certainly capable of diversionary tactics in foreign policy and sudden, seemingly irrational acts. The Ethiopian government for its part seems to be resolved to postpone settlement of the conflict to the post-Issayas era and is therefore particularly keen on regime change in Asmara. Reports keep surfacing that each government supports opposition movements in the rival country.

One special worry regarding the implementation of the peace process and political developments is that the war set back already waning and often superficial reform processes in Ethiopia and Eritrea. Initial attempts to liberalise political life and balance the power of the ruling elite are always difficult during wartime and post-war periods. The war revitalised and strengthened an already existing "military legacy" of leading groups that had gained power through decades of conflict. It is precisely this legacy that is in the way of lasting peace and urgently needed reform.

### **Oil, September 11, And Massive U.S. Involvement – New Opportunities For Sudan?**

Sudan has been characterised by war for nearly half a century – with some interruptions. Politically, the central issue is the self-determination of the south, where in contrast to the Islamic north, Christianity and local "traditional" religions dominate. This issue is linked to other sources of conflict – claims to power by competing elite groups, the basic dispute between a secular versus an Islamic understanding of the state of Sudan, the economic and war economic penetration of the south, and most recently, the opportunity to exploit

considerable reserves of oil. The conflict first turned violent in 1955 after the central administration was turned over to members of the Arab Muslim elite of the north. In 1962, the Anyanya movement formed itself into the major opposition party in south Sudan, fighting against the government in Khartoum. By 1969, this first war had cost the lives of about half a million people in the southern provinces alone (Assefa 1987: 85). The situation changed in May 1969 when Colonel Jaafar Nimeiri took power in a bloodless coup and the warring parties started to move closer together. In 1972, the secretary-general of the All Africa Conference of Churches, using the "good services" of Ethiopian emperor Haile Selassie, brokered the Addis Ababa peace agreement, which granted regional autonomy to the south and ended the war for the time being. However, enforcing the treaty and transforming Sudan failed. Among other things, the government in Khartoum systematically evaded granting self-administration rights to the people of south Sudan, and did not allow their political participation. No investments were made to develop the south.

#### *The Second Sudan War (Since 1983) – Background, Parties To Conflict And The Course Of War*

In 1983, armed conflict broke out again; it has since cost the lives of more than two million people (Heinrich 2002: 1051). As the predominant rebel organisation, the Sudan People's Liberation Movement (SPLM), and particularly its military wing, the SPLA, is pursuing the goal of self-determination, whereby it has always remained open to solutions ranging from extensive autonomy to secession. In 1995, it joined parts of the northern opposition to form the National Democratic Alliance (NDA), unified by mutual rejection of the regime of Omar Hassan El-Bashir, who had come to power in a coup in 1989. The NDA's joint platform is the Asmara Declaration of 1994, which grants the right of self-determination to the south and calls for a separation of religion and state (USIP 1999). At the same time, the regime has developed alliances with southern militia and factions (especially in Upper Nile province) that have split from the SPLM. Militias brought together under the Southern Sudan Defence Force (SSDF) and the South Sudan Liberation Movement (SSLM) share ethnic identities (Nuer, in particular). In an independent "new South Sudan", they would be minorities compared to the SPLM, which is predominantly Dinka (Dhuor 2003). For this reason, these southern factions advocate a unified Sudan. Moreover, for payment they help the Khartoum government expel people and protect the oil infrastructure.

For a time, another central actor was the Sudan People's Democratic Front (SPDF) led by Riek Machar. In the beginning of the 1990s, Machar and other SPLA commanders had split from the SPLM to form the South Sudan Independence Movement. They joined the



regime's camp within the framework of the 1997 Khartoum Peace Agreement, which was negotiated without SPLM participation (ICG 2003a: 8/9). But this alliance lasted only five years before the Machar wing rejoined the SPLM.

The SPLA in fact controls rural areas and some towns in the south, whereas the government defends its garrison towns and, indirectly, territories controlled by militias, especially in oil producing regions. In contrast to the SPLA, it has an air force, which it has used in the past repeatedly against the civilian population and aid organisation facilities. In spite of the war's changeable course, fighting is bogged down in positional warfare.

Starting in 1998, the exploration and export of oil from the border region between north and south became a dynamic element in the situation. Oil reserves, estimated at two billion barrels, lie mostly in southern Sudan and along the internal boundary. The regime receives an income of one million dollars a day from the oil business and thus has the potential to turn the military stalemate around to its own advantage by purchasing weapons and financing militias. Building the pipeline and tapping oil resources were and still are linked to the massive expulsion of people and brutal escalation of the war. From the start, international NGOs lobbied intensively within the framework of the European Coalition on Oil in Sudan<sup>4</sup> and thereby denounced investments by western oil groups – Talisman Energy (Canada), Lundin Oil (Sweden) and TotalFinaElf (France) (Christian Aid 2001: 1, 22, 38). These western companies have meanwhile withdrawn or suspended their involvement, but have been replaced by Chinese and Malaysian companies.

*The IGAD Peace Process – From The 1994 Declaration Of Principles To The 2002 Machakos Protocol*

Since 1989, various mediators and actors have participated again and again in peace talks<sup>5</sup>. An important milestone was the Declaration of Principles<sup>6</sup> formulated in 1994 as a result of mediation through the Inter-Governmental Authority on Drought and Development (IGADD). The declaration establishes that lasting peace cannot be achieved militarily. The southern Sudanese population is entitled to the right to determine its future in a referendum. However, the declaration does favour a single-state solution as long as the state can put into practice societal pluralism, legally guaranteed political and social equality, extensive self-determination by Sudanese peoples, separation of religion and state, appropriate sharing of

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<sup>4</sup> <http://www.ecosonline.org/>

<sup>5</sup> A more comprehensive list of peace talks and documents can be found at [http://www.sudansupport.no/english\\_pages/peace-processes.html](http://www.sudansupport.no/english_pages/peace-processes.html) (25 June 2003).

<sup>6</sup> IGADD Peace Initiative, Declaration of Principles, 1994. The declaration is accessible at [http://www.sudansupport.no/sudan\\_konflikt/peacepros/igad/igad\\_dop.html](http://www.sudansupport.no/sudan_konflikt/peacepros/igad/igad_dop.html) (25 May 2003)

common wealth (particularly state income), human rights and an independent system of justice.

The Sudanese government has repeatedly evaded enforcing the document; strikingly, the regime did not even accept it until 1997 (Heinrich 2002: 1051). The SPLA has also shown limited interest in peace. In view of the support the movement receives from the U.S., and its control over territories, aid supplies and large segments of the population in southern Sudan, the SPLA has only to a limited extent been motivated to seek peace. This bogged down situation did not change until a global upheaval took place – the attacks of 11 September 2001 and the ensuing U.S.-led "war on terror". All of a sudden, Sudan was at the top of the American foreign policy and security agenda. The U.S. had already shown itself ready for military action in 1998 when, after U.S. embassies were bombed in Tanzania and Kenya, U.S. armed forces fired cruise missiles at a Sudanese pharmaceutical factory because of its alleged production of chemical weapons.

The El-Bashir regime, which has been subject to American economic sanctions since 1997, reacted in a diplomatically clever way to the attacks on New York and Washington, quickly and clearly condemning the acts of terror. An isolated state until then, it received unexpected recognition and friendlier if also ambivalent treatment during the building of the U.S.-led international anti-terror alliance; the regime's separation from hardliner Hassan al-Tourabi in February 2001 had already started moving relations in this positive direction. Five days before the September 11 attacks, President Bush had appointed Republican senator John C. Danforth as his special envoy to Sudan. Danforth first used four "tests of trust" to review the conflicting parties' desire for peace. With the involvement of Switzerland, a local cease-fire for the Nuba Mountains was achieved in January 2002, and other humanitarian concessions followed.

U.S. diplomacy used the Sudan Peace Act<sup>7</sup> (SPA) to put massive pressure on the Sudanese government; the law had been passed by the U.S. Congress in October 2002. It made available to President Bush up to \$100 million per year from 2003 to 2005, to prepare those territories for peace that were not controlled by the Sudanese government. The government, already in debt by some \$22 billion, is also threatened by a blockade of further loans from the IMF or World Bank, additional economic sanctions, and a reduction in diplomatic relations if Bush does not certify every six months that the regime is negotiating in good will (Justice Africa 2003a: 8). Washington has made it clear to the SPLA that a one-sided rejection of the peace process would incur its severe displeasure. However, as long as it does not behave provocatively as a "spoiler", it is unlikely to face direct sanctions.

In the first half of 2002, it was possible to keep the American initiative going under the auspices of the regional organisation IGAD (the legal successor of IGADD), which had been the framework for mediation in the Sudan conflict since the mid-1990s. The U.S. remained the chief power in the informal group of international observers, although negotiations were led by the retired Kenyan Lt.-General Lazaro Sumbeiywo. After several weeks of negotiations in Kenya, the Machakos Protocol<sup>8</sup> was signed on 20 July 2002. The Protocol provides for a referendum on the self-determination of southern Sudan after a six-month initial phase and a six-year transitional phase. It should not be decided until then whether Sudan remains one state or the south splits off. In return for this concession, the SPLA accepted that the north would be administered according to Islamic law. An independent commission is supposed to monitor the implementation of the peace agreement during both phases and support the creation of institutions that would make the continuing unity of Sudan attractive to people in southern Sudan.

*A "Road Map" Without A Clear Target – Unresolved Basic Questions And The Difficulty Of Implementing A Peace Deal*

The negotiations initiated in Machakos, despite repeated standstills, are characterised by a series of remarkable breakthroughs. Immediately after the signing of the Protocol, fierce fighting started between the SPLA and militia loyal to the government (Heinrich 2002:1054). In October 2002, however, an agreement on the cessation of hostilities was signed, considerably strengthening the position of the verification and monitoring team. From May 2003 on, with the intention to speed up negotiations, the Kenyan mediator applied a “holistic approach”, meaning that the different issues are no longer negotiated separately but in packages. In July, the Sudanese President wished the mediator literally “to hell” for his compromise proposals and sought a shift of the mediation competence from IGAD to the AU or the Arab League (Justice Africa 2003b:2). Finally, the personal ambitions of the Sudanese Vice-President Taha favoured the resumption of talks in September 2003, but now on highest level. Since then, Taha and the SPLM leader John Garang have been facing each other personally in Kenya.

At the end of September, a further breakthrough was achieved through the agreement on security arrangements for the interim period. It is planned that SPLA and government forces remain in existence separately, withdrawing to the south and north respectively, while “joint/

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<sup>7</sup> Go to <http://www.state.gov/documents/organization/19897.pdf> (26 June 2003), section 5.

<sup>8</sup> This document and all the documents subsequently cited are accessible at [http://www.usip.org/library/pa/sudan/pa\\_sudan.html](http://www.usip.org/library/pa/sudan/pa_sudan.html) (23 May 2003).

integrated forces” of 39,000 soldiers are established. These units, whose precise structure is still open, shall be deployed in the south, the Nuba Mountains, in Southern Blue Nile, and Khartoum (3,000 men). Finally, on January 7, 2004, the parties signed an agreement on the distribution of state revenues, especially from booming oil exports, and on currencies. A joint commission shall make sure that the central government in Khartoum and the regional government to be established in the south, share the state revenues 50 percent each.

However, in May 2004, at least three core issues remain open: 1) No agreement has yet been found on the division of power during the transition phase. It is only likely that John Garang will act as Vice-President under El-Bashir. 2) No agreement on the future status of the so-called “marginalised areas”, the Abyei regions, the Nuba Mountains, and the Southern Blue Nile Province, along the internal border could be signed so far. There seems to be consensus that the aforementioned areas shall be autonomous in the transition phase but it is a highly controversial question whether all the three regions shall have the right to participate in the planned referendum in six-and-a-half years (AP 29.06.2003). The SPLM further demands that Abyei, totally ignored in September’s security agreement, shall be allocated to the south. 3) Despite the principal ruling by the Machakos Protocol, it remains unclear which law shall be adopted in the national capital. While the government wants to apply Shari’a jurisdiction like in the Northern areas, the SPLM insists that at least the predominantly Christian parts of the capital shall be exempted from such jurisdiction.

In addition, all of the agreements signed so far are characterised by huge gaps and loopholes. Addressing these deficits after the formal signing of the framework agreement will involve further delay and potential for breakdown.

Moreover, since spring 2003, a disregarded conflict has profoundly escalated in parallel to the peace talks. In the Darfur Province, in West Sudan, the “Sudan Liberation Army“ and the “Justice and Equality Movement” have been involved in fierce fighting with government troops and in particular with militia loyal to the government, displacing about a million people (BBC; 30.04.2004). In contrast to its stated will to achieve peace in Machakos, the Sudanese government for a long time exclusively followed a strategy of military repression in this case. Chad, hosting 100,000 Sudanese refugees from Darfur, after repeated failures, succeeded in May 2004 to kick off a mediation process for Darfur. However, worries remain that the Darfur conflict could be used to further prolong the Southern negotiations.

Since October 2003, fighting between government-backed Nuer and Shilluk militias and the SPLA has displaced at least 25,000 people in the area of Malakal. This followed the re-

defection of Lam Akol's Nuer-focused faction to Garang's Dinka-focused SPLA-united, a move that was not welcomed by all militia in the area.

Mediators are exerting great pressure to push the Sudanese peace process forward. Though pressure is certainly needed, there is a danger that the parties will eventually be pushed into signing a peace agreement although they do not support its contents, or that unresolved points of contention are only being shifted to the next phase of the process. There seems to be a given "road map", but no one knows what the destination of the journey is. In this connection, it is particularly noticeable that there is no plan for transforming politics and society in Sudan. Especially in this regard, the negotiation design could prove to be counterproductive in the medium term. The course of talks and their contents are not transparent. Societal actors such as women's initiatives, local NGOs, churches and action groups have been excluded completely. Until now, representatives of an association of NGOs have submitted a joint declaration in Machakos only on their own initiative (Justice Africa 2003a: 1, 7). The Sudanese people are excluded from their own peace process and from the principal definition of the post-war order.

If Sudan is supposed to develop into a constitutional state founded on the rule of law, the northern Sudanese opposition ought to be integrated into the peace process as well. But at the moment, it is only there as an onlooker. For good reason, the northern secular opposition could hardly give its support to cementing sharia law through the Machakos peace deal. In the south as well, the process has not been validated by democratic participation, and the SPLM has considerably strengthened its political control in recent years by setting up a civil administration. Moreover, the Machakos Protocol more or less ensures the SPLM a six-year monopoly of power in the south that it could abuse in conflicts between the dominant Dinka and southern ethnic minorities (Heinrich 2002: 1052/53).

Not least, one problem in implementing a possible treaty is that current negotiating partners do not include militia loyal to the government or southern factions that are independent of the SPLA. The exclusion of militias gives the government the means to torpedo the peace process militarily if necessary, without being made responsible for such activity. Besides, militias can potentially disrupt proceedings if they are not sitting at the negotiation table. Finally, there is the danger that rivalries and differences of interest in the south, highlighted, for example, by the fighting in Malakal, could escalate further (Dhuor 2003). So far, the process of finding agreement among the people and factions of the south<sup>9</sup>

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<sup>9</sup> This is also described as a people-to-people peace process. For more information, go to <http://sudaninfonet.tripod.com/NSI/dinka-nuer.htm> (27 June 2003).

has not yet progressed very far in spite of intense efforts made by the New Sudan Council of Churches (ICG 2003a: 4, 12; Justice Africa 2003a: 4). In short, if Sudan is supposed to be transformed into a state capable of keeping peace and fostering development, a wide range of political powers must be included in the process, especially for participation in the constitutional commission prescribed by the Machakos Protocol and desired by negotiators.

### **Perspectives Beyond State Disintegration? Laborious Peace Negotiations And Local Success Stories In Somalia**

As happened in Sudan, peace negotiations in Somalia have been pushed ahead since October 2002. Here as well, IGAD, under Kenyan leadership, provided the institutional framework. At the same time, the basic situation in each conflict is very different. The Sudan war has been a struggle over self-determination and economic penetration that has gone on for decades, with the government using the state apparatus in a repressive way. In contrast, the Somali state disintegrated more than a decade ago. Thus the question of identifying legitimate partners for negotiations is much more dramatic than in the case of Sudan.

#### *War, Disintegration Of The State And Local Success Stories – Somalia In The 1990s*

At the end of the 1980s, it became obvious that state and nation-building in Somalia had failed (for details see Debiel 2002: 273-289). Under the dictatorship of General Mohamed Siyad Barre, who had come to power in a 1969 coup, the corrupt state apparatus distributed development money to the clans that supported him. The majority of the population was massively exploited. The Issaq clan in the northwest of the country founded the Somali National Movement (SNM) in 1981 and organised armed resistance. A bloody war started in 1988 when government armed forces took massive action against the civilian population, using its air force and heavy weaponry. Barre's rule was increasingly characterised by terror, directed in particular towards members of the Hawiye clan in Southern Somalia, which had organised itself politically and militarily in 1989 within the framework of the United Somali Congress (USC).

After the major clan militias agreed on coordinated action, Siyad Barre was driven out of Mogadishu on 27 January 1991. The Somali state collapsed at breathtaking pace. The fact that the alliance to overthrow Siyad Barre had no common denominator at the political level contributed greatly to this breakdown. The country disintegrated into many individual holdings that today are still controlled and sometimes fought over by clan militias and their leaders (numerous warlords). The outcome was disastrous. Several tens of thousands of people died during hostilities in 1991-1992. The number of people who died of starvation was

much higher. A two-year drought, war and state disintegration cost the lives of an estimated 300,000 people. An attempt to halt the brutal lawlessness through the military intervention of a U.S.-led alliance and the ensuing trusteeship of a UN peace mission turned into a debacle in June 1993, leading to the final withdrawal of UN troops in March 1995. The policy pursued by the international community turned out to be misguided and entirely unsuccessful (Debiel 2003: 138-154).

Lawlessness continued in many parts of Somalia during the second half of the 1990s. At the same time, isolated local structures established themselves, allowing citizens to live together fairly peacefully. Administrative structures and conflict management processes worked quite well in Somaliland, which wished to secede. In 2001, an overwhelming majority of the Somaliland population confirmed a new constitution by referendum. Additionally, the loss of President Mohamed Ibrahim Egal, an important integrationalist figure who died in May 2002, was successfully dealt with. Somaliland is a former British colony in the northwest of Somalia, which had joined together with the formerly Italian-controlled south after gaining independence in 1960. In spite of its enormous achievement in ensuring peace and stability, this young republic today has still not gained international recognition. Furthermore, in 1998, a reasonably functioning "regional state" was founded in Puntland; however, it is suffering from internal power struggles which also involve Ethiopian interference. Similarly fragile attempts to set up administrations in Bay and Bakool were undertaken in 2002. In the south, local attempts were and are still being made to create some forms of legal certainty through clan elders and traditional mechanisms (*Xeer*). Particularly in larger towns, business people have gained influence vis-à-vis the original militia leaders. Local sharia courts often established some degree of public security and judiciary. Nevertheless, large parts of the south are still not peaceful. In addition, Islamic organisations and networks have gained in importance (ICG 2002).

#### *The Arta Process, The Ethiopian Role And Peace Negotiations In Eldoret*

Continuing attempts to create a national transitional government for Somalia failed during the second half of the 1990s, not least because of regional rivalries such as that between Ethiopia and Egypt. In 1999, Djibouti undertook an internationally concerted initiative. Within the framework of IGAD, a large meeting was held in the city of Arta, supported by Egypt, Libya, Eritrea, the Gulf states and others. Participants were hundreds of traditional elders, a few warlords and several political leaders, some of whom were former government politicians from the Barre era. The Transitional National Government (TNG), set up in Arta under head

of state Abdulkassim Salat Hassan, was supported by Islamic clergy and parts of the business community (Matthies 2003). The latter ran their trade businesses through middlemen in Djibouti, which substantiated extremely close relations between the TNG and Djibouti (Le Sage 2002). Internationally, the TNG was recognised by the OAU, IGAD, the League of Arab States and the UN's political staff. This proved to be premature since in fact the TNG's power of rule extends only over parts of Mogadishu and small holdings of allied factions. At the same time, reproaches were repeatedly voiced that some members of the government had already held important posts in the Siyad Barre era and that others were close to militant Islamic movements.

The fragmenting of Somalia led to the growing and competitive exertion of influence by neighbouring states. In particular, Ethiopia increasingly took on an inscrutable and complex role as mediator, regional power and troublemaker. A militarily strong country, neighbouring Ethiopia supports political powers in Somaliland and the Somali Reconciliation and Reconstruction Council (SRRC) in the south, which includes Colonel Abdullahi Yusuf (Puntland), Hussein Aideded and the Rahanweyn Resistance Army, and General Morgan, ingloriously known as the "butcher of Hargeisa". In addition, Ethiopia's own armed forces were engaged in Somali frontier areas and in Puntland. Military action was also directed against Islamic Al-Ittihad, which is suspected to have links to al-Qaida and has claimed responsibility for attacks on Ethiopian territory. In addition, both Ethiopia and Eritrea exerted competitive influence in Somalia as a result of their fratricidal war (1998-2000). Ethiopia has become more and more of a spoiler since 2001 through its open antagonism to the Transitional National Government. The situation escalated in 2001-2002 in Puntland, where Ethiopia supported Colonel Abdullahi Yusuf against Jama Ali Jama, the rival favoured by the TNG (ICG 2002: 5-8, 21).

From this time, at the latest, the Arta process was considered a failure. The TNG had consumed the Arab start-up funding without reaching considerable internal recognition and influence. Seemingly imminent US military action against alleged terrorist training camps in Somalia, and the American interruption of transnational money transfers through the al-Barakaat-Bank, were other contributing factors. In this tense atmosphere, at the Khartoum Summit in January 2002, the IGAD Heads of State and Government commissioned the then Kenyan President Arap Moi, to start a joint initiative with Ethiopia and Djibouti in order to bring the warlords, and thus, many of Ethiopia's political allies, back on board (ICG 2002: 3).

In October 2002, a peace conference started in Eldoret, West Kenya, on a very promising note. All the relevant conflict parties, except the "Republic of Somaliland", were



present. In contrast to the Arta meeting, where elders and representatives of civil society dominated, almost all the warlords, and thus the “real rulers” of Somalia, gathered around the negotiating table in Kenya. In a declaration dated October 27, 2002, the leaders of the armed factions agreed on the cessation of hostilities. In the following period, however, problems gained the upper hand. First, repeated fierce fighting in Somalia ridiculed the warlords’ show of willingness to negotiate peace. Second, in the course of negotiations, the warlords as the “Political Leaders’ Committee” unduly claimed more and more competences at the expense of civilian groups and traditional elders. Third, it took the negotiating team too much time to establish unambiguous criteria for the selection of delegates and the negotiating procedure. By the end of 2002, the process almost ran aground on many procedural questions.

### **Endless negotiations and continuing war – is there a future after the Mbagathi?**

After the change of government in Kenya, the negotiations were revitalised in January 2003, when Bethuel Kiplagat, a renowned diplomat and former church representative, took over the proceedings. The venue was transferred from Eldoret to Mbagathi, near Nairobi. After tough negotiations, a procedure was finally established to admit delegates along the lines of an already agreed clan formula. On July 5, 2003, it seemed that a final agreement on the charter for the formation of a new government had been found. Over 20 leaders of military factions, who had signed the ceasefire agreement in October 2002, were to nominate 351 members of parliament. Those, in turn, would elect the new president who would then appoint the prime minister. The key role of the warlords in the then planned nomination of delegates expressly underlines that the original Arta idea of a bottom-up process had been abandoned almost completely (ICG 2003b: 2).

Kiplagat, however, called it a “historical breakthrough“. Unfortunately, it did not last long. The day after, the TNG President, Abdiquassim, declared the agreement null and void (IRIN 7 July 2003). In his reasoning, Abdiquassim explicitly opposed the recognition of existing administrative structures on the regional level (hence, mainly in Somaliland), which, in his opinion, could lead to the formation of small states and the disintegration of Somalia (Reuters 6 July 2003). One of his motives may have been the nearing end of his term, ending after a three year period in August 2003. The TNG President ignored the expiration of his mandate and even appointed a new prime minister, following an internal rift.

Ever since, and despite manifold efforts to rescue it, the Mbagathi process has remained deadlocked. The TNG (with one brief interruption) as well as several warlords (Muse Sudi Yalahow (USC/SSA), Barre Aden Shire (JVA), Osman Ato (USC/SNA), Mohammed Ibrahim Habsade (RRA)) stayed away from the talks from summer 2003 onward. For many months,

IGAD worked to convince the TNG to return to the talks. Meanwhile the delegates who remained in Mbagathi revised the already adopted charter, and passed it again. In January 2004, a repeatedly postponed in-camera meeting was finally held in Kenya, intended to re-integrate all the Somali “leaders” in the negotiation process. Indeed, the signatories of the cessation of hostilities agreement and the TNG participated. Under heavy personal pressure by the Kenyan and Ugandan Presidents Kibaki and Museveni, the retreat concluded with the signing of an amendment to the Charter. However, confusion over the text and renewed reservations towards the so-called Safari Park Declaration arose quickly. In particular, dispute continues on the weight that faction leaders and traditional elders respectively will have in the selection of the parliamentarians. According to the ICG (2004:1), only eight of the 38 invited leaders actually signed the agreement, and five have since disowned it. Again a number of leaders have returned to Somalia, and late in March, nearly half of the leaders announced their intention to withdraw entirely from the conference. Many have repeatedly threatened to organise their own peace talks in Somalia. In May 2004, the process has lost any sense of clarity of what has actually been agreed by whom and how the agreements should be interpreted in the course of implementation.

For months however, attempts by the IGAD facilitation committee and the mediators to manage these rising problems have “been awkward at best” (ICG 2004:8). Almost ignoring the continuing dissent of a majority of the faction leaders, they appear determined to move on to the third phase of the process, which includes the selection of parliamentarians, and threaten to exclude leaders who will not participate on the basis of the Safari Park Declaration. The Mbagathi talks are on the verge of full collapse, unless IGAD and Western governments undertake a major rescue initiative, of which there are no signs. The poor performance of the mediators *inter alia* reflects the continuing divisions among the IGAD member states, Djibouti and Ethiopia in particular. Djibouti even briefly quit from the facilitation committee in September 2003, and returned when the latter was widened to include Eritrea and Uganda. However, the competing policies and national interests still have not been reconciled. Furthermore, and in contrast to the Ethiopian-Eritrean and the Sudanese conflict, neither the US nor the EU have shown serious political interest and heavy-handed commitment, which could have motivated regional states to get their act together.

Overall, there is not much reason to be optimistic. The continuing violence in Somalia reveals an underlying, fundamental problem of the negotiations. The attitudes of numerous warring faction leaders during the alleged peace process are largely determined by the same logic affecting their attitudes in war. Military factions and warlords hope their participation in

the peace process will give them the option to hold political office and gain access to external resources; but ending the war is not an original goal. Although hardly anyone would dare show open opposition to the peace process, since he would find himself acting as a scapegoat, a veto can factually be exercised by force of arms, and warlords will carefully weigh their options in peace against their options in war. Constant violations have already left the cease-fire agreement meaningless (ICG 2003b: i, 1). If this development continues as expected, if at all, a new Somali "government" might be created in Kenya while many of its "supporting" factions continue to fight each other back home (Menkhaus 2003).

Warlords' calculations and the composition of participants at Mbagathi both give rise to doubts on the sustainability of agreements, should they be accomplished. First, the integration of civil actors during negotiations is insufficient, but also ambivalent and difficult.<sup>10</sup> The International Crisis Group (ICG) emphasises that civilian representatives, with their ambitions and clan bonds, are hardly less split than the leaders of military factions. In addition, this category includes all actors who are not on the lists of warring factions, so that suspected war criminals could be seated next to speakers for women's groups, for example. Elders have sometimes appointed themselves instead of having received their titles through patrilineal heredity. Second, the fact that the negotiations, right from the start, focused on the establishment of a new central government for the whole of Somalia precluded any chances for the participation of the government of Somaliland. Due to the deep divisions caused by the civil war, and the heartfelt desire for independence, this is no option for Somaliland. Despite the implicit exclusion from the peace process, the issue of Somaliland must not be ignored, in view of the fact that the territorial conflict between Somaliland and Puntland, the most important peace zones of former Somalia, escalated dramatically during and in the context of the Mbagathi Conference.

The precise contours of future institutional arrangements, lying at the heart of a peace solution, in the end remain either shadowy or are fiercely disputed. Under the given conditions of a strongly segmented society, a federal structure appears appropriate, built on existing local and regional units. But such "building blocks" would first have to be consolidated and fostered so that they can become a solid foundation for building a nation and earning at least partial legitimacy. Instead, the present model seems to be set for a hierarchical central government and, if any, a top-down integration of existing structures regardless of their dubiousness in reality. As in past Somali history, such a "state from above" would likely

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<sup>10</sup> See an informative website financed by the Swedish development agency, SIDA, and the EU Commission: <http://www.somali-civilsociety.org>

remain a very fragile, externally dependent and empty apparatus at the service of client networks, floating over society like a balloon (see Heyer 1997).

### **Conclusion**

Are hopes justified that various processes for mediating and regulating conflicts in the Horn of Africa will lead to sustainable peace? The above analysis suggests there is more reason to be sceptical than optimistic. Three problems must be looked at closely.

- 1) Although some mediation and negotiation processes were and still are set up entirely correctly, they have weaknesses based on dilemmas that are not easy to resolve. Classical diplomacy was used during the war between Ethiopia and Eritrea, leading to a late success two years after war began and theoretically paving the way for dealing formally with the border dispute. But the Algiers agreements neither created options for transferring the – partly unexpected – outcomes of the peace deal to the internal political realities, nor did it take into account the level of domestic societies (particularly along the border) or manage the underlying tension surrounding the border dispute between both countries. In addition, the overall focus of international actors on Islamic threats diverts their attention from the real challenge, which is to politically and economically transform both countries, which had been thought to be hope-bearers at the beginning of the 1990s.
- 2) The difficulty of the plans for mediation in Sudan and Somalia is, on the one hand, to gather all important political actors with power at one table, and on the other hand, to give civil society and the political opposition opportunities for control and transparency. The typical diversity of conflicting parties and stakeholders needed for such inclusiveness can make negotiations much more difficult. At the same time, excluding important actors takes its toll during the implementation phase – a point that still seems largely open in the case of Sudan.
- 3) All three conflicts discussed here lack perspectives that point the way ahead to sustainable arrangements that turn warring parties into cooperation partners. Regulations must still be found to govern core issues in bilateral economic relations (conversion of currency, freedom to invest, and use of harbours) between Ethiopia and Eritrea. In addition, the Horn of Africa does not have an effective anti-destabilisation

regime. Almost as a matter of course, countries support rebel groups and opposition movements in neighbouring countries, giving rise to expectations of clashes and even violent coups. IGAD would be a suitable framework for developing principles, standards, regulations and mechanisms that would stop such activity, but it is hampered by internal divisions, structural flaws and, fundamentally, political will of member states.

Negotiations involving Sudan and Somalia bear the danger that sensitive questions of nation-building and territorial self-determination (even as far as secession) are avoided by entering into short- or mid-term compromises for the sake of coming to any agreement. It thus seems that the solution under consideration for Sudan, which would allow different systems of law to coexist within the framework of a "one-state solution", is highly problematic. Moreover, independence for south Sudan can be a sensible option only if possibilities for an "amicable divorce" are carefully delineated before a referendum takes place. In the case of Somalia, the legitimacy and shaping of existing and future power and government structures is an unresolved key question. An important consequence of the (intended) deconstruction of the centralist state at the beginning of the 1990s would be to conceive of the state as a many-layered model with strong local components and societal anchoring.

- 4) Finally, very few mechanisms and definite ideas exist on how to guarantee the implementation and enforcement of peace treaties. Operational concepts are badly needed. In the past, the problem was less one of agreeing on regulations than on how to implement them. Overcoming conflict in a sustainable way in the Horn of Africa is especially important because the close interconnection of conflicts could result in a domino effect of war. If one of the current peace processes failed in a spectacular way, it could have negative impact on all neighbouring countries, resulting in further disintegration in the region. This would not only cause considerable human suffering but also heighten geopolitical risk. For this reason, U.S. diplomacy has increasingly turned its attention towards the Horn of Africa since 11 September 2001. Much will depend on whether these activities are only a short-winded effort in the "war against terrorism" or encompass a longer-term commitment to regional stability.

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