Regional Organizations and Conflict Management in Africa: A Contextual Assessment of the Inter-Governmental Authority on Development (IGAD) in Somalia

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Abstract

The role of regional organizations in managing protracted conflicts within and among Member States cannot be overemphasized. This has been the case of the Inter-Governmental Authority on Development (IGAD) in the Horn of Africa, a region characterised by protracted conflict, instability and state failure as in the case of Somalia. Established in 1986 as Intergovernmental Authority on Drought and Development (IGADD), the organization was re-established in 1996 as IGAD with its mandate expanded to include regional peace and security. Adopting diplomacy of conflict management as an approach towards conflicts in the Horn of Africa, IGAD has visibly been involved in the continued search for peace in the embattled state of Somalia. Political stability and sustainable peace in Somalia however remains elusive as new actors and interest in the conflict emerge. While acknowledging IGAD's critical role towards political stability in Somalia and the larger Horn of Africa, I argue that IGAD lacks institutional capacity to sustainably resolve complex and protracted conflicts as in the case of Somalia, which calls for multiple approaches to conflict management than those provided for in the IGAD's founding Agreement.

Introduction

For over two decades Somalia lacked an effective functional government. Continued anarchy and protracted violence has not only led to human suffering and misery among the Somali citizenry, but has spill over effects regionally and globally. Thousands of refugees have fled into the neighbouring states, proliferation of small arms remains rampant, and most recently, the scourge of international terrorism and piracy off the coast of Somalia have undermined efforts towards political restoration of the state of Somalia. The restructuring of IGADD into IGAD with a broadened mandate including conflict management brought hope for restoration of peace in Somalia and the larger Horn of Africa. IGAD embraced diplomacy of conflict management leading to the establishment of a Transitional Federal Government of Somalia (TFG) in 2004 (see for example Apuuli, 2015; Mwanika, 2015; Thompson, 2015). Though internationally recognized, TFG failed to attract legitimacy among the contending factions in Somalia. Efforts by neighbouring states and the international community resulted to marginal gains making sustainable peace elusive. This paper examines the institutional structure of IGAD as established in its founding Agreement of 1996, hereinafter the Agreement, in the context of regional peace and security. The paper proceeds from the premise that IGAD lacks the institutional capacity effectively manage complex and protracted conflicts as the case of Somalia which calls for multiple approaches to conflict management than those provided for in the Agreement.

IGAD: Evolution and Organizational Structure

The Intergovernmental Authority on Development (IGAD) was re-established in 1996. It succeeded the Intergovernmental Authority on Drought and Development (IGADD) that had been in existence for barely a decade after its inception in 1986. IGADD was founded not on the basis of political regional integration, but on the need to monitor and coordinate environmental protection and development in the Horn of Africa region, with the aim of ensuring food security in the drought prone region (IGAD, 1996; Healy, 2011). The initial membership of IGADD, later IGAD comprised of Djibouti, Kenya, Uganda, Ethiopia, Somalia and Sudan, while Eritrea was admitted into the organization soon after its independence as the seventh Member State in 1993 (IGAD, 1996). In 2011 South Sudan was admitted as the youngest member of IGAD.

IGAD is founded on a set of principles as stipulated in Article 6 (a) of the Agreement. These are; sovereign equality, non-interference on internal affairs, peaceful settlements of inter and intra-state conflicts, and maintenance of regional peace and security. Member States are also committed to mutual and equitable sharing of any benefits from their cooperation as per the Agreement, and to ensure recognition, promotion and protection of human rights as provided in the African Charter on Human and Peoples Rights (IGAD, 1996). The principles of IGAD are anchored on core values and purposes of the Organization of African Unity (OAU), the African Union (AU) and the United Nation (UN), particularly on sovereign equality, and peaceful settlement of conflicts (UN, 1945; OAU, 1963; AU, 2000). Article 7 of the IGAD Agreement, identifies the organizational objectives including but not limited to; creation of enabling environment for foreign, cross-border and domestic trade and investment, achievement of regional food security and combating drought, and, promotion of peace and regional stability through conflict prevention, and resolution of inter and intrastate conflicts among Member States (IGAD, 1996). Acting within its organizational principles and objectives, IGAD remains instrumental in conflict management towards regional peace and security in the Horn of Africa.

Towards efficiency and effective delivery of its mandate, IGAD has an established working and decision making structure as provided in Articles 8, 9, 10, 11 and 12 of the Agreement. At the very top of the organizational structure is the Assembly of the Heads of States and Government, whose principle responsibility is to make policy, control and direct the function of the organization. The Council of Ministers comprising of Ministers of Foreign Affairs from Member States is the immediate level of decision making from that of the Assembly, and is charged with advisory role to the Assembly as well as monitoring the functioning of the organization through the Secretariat. The other two organs are the Committee of Ambassadors and the Secretariat whose are respectively charged with the advisory role to the Executive Secretary and implementation of decisions by the Assembly and the Council (IGAD, 1996). The adoption of the Conflict Early Warning and Response Mechanism (CEWARN) Protocol in 2002, provided for the establishment of the Committee of Permanent Secretaries whose focus is on regional peace and conflict as provided in Article 9 of the Protocol (IGAD, 2002). Apart from the decision making organs, IGAD has constituted specialized agencies that include the CEWARN, the IGAD Women Desk, IGAD Capacity Building Against Terrorism (ICPAT), IGAD Climate Prediction and Application Centre for Monitoring and Forecasting, and IGAD Parliamentary Union (IGAD, 2002; 2007; Weldesellasie, 2011).

Informed by one of its founding principles, that of peaceful settlement of inter and intrastate conflicts, and with the aim of promoting peace and stability in the conflict prone Horn

of Africa region, IGAD has been involved in the management of the intrastate conflicts in the region. Notably, IGAD remained visible in the management of the Sudan that resulted to the establishment of the Republic of South Sudan in 2011. In the recent past, IGAD has been engaged in negotiating the South Sudan Conflict that has been ongoing since 2013 (see Apuuli, 2015). The focus of this paper in not on South Sudan but rather on IGAD's efforts in the management of the Somali conflict as discussed in the subsequent sections.

Understanding the Somalia Conflict

For over two decades since the ouster of Siad Barre in 1991 Somalia remained without a functional central government. During this period, Somalia was described as one of the most failed and dangerous state in the world (Fergusson, 2013). None of the belligerent factions was politically adequate to form a legitimate government that was inclusive enough to serve the interests of the many clan divisions that characterise the Somali population (Moller, 2009). Continued lawlessness witnessed the rise of clan associated militias and warlords with control of most regions in the country (Vinci, 2006). Lack of legitimate government institutions resulted to failure of externally supported peace initiatives, as warlords and clan factions raised claims of exclusion leading to abandonment of reconciliatory negotiations (Menkhaus, 2010; Thompson, 2015; Adar, 2006; Lewis, 2002). The continued anarchy left the Somalia citizenry psychologically tortured and faced with immense social and economic hardship (Abdullahi, 2014).

Political dictatorship by President Siad Barre is identified as one of the root causes leading to his ouster and the subsequent disintegration of Somalia (Adar, 2006; Yoh, 2006). Somalia's conflict is also associated with the social structure in which the clan groupings define the politics and any other aspect of the state (Thompson, 2015; Demeke, 2014). However, Elmi and Barise (2006) have attempted to deconstruct clannism as one of the main causes of the Somalia conflict. They argue that clan identities are not static but are used depending on convenience of the political elites. Citing Siad Barre's Presidency and the strategic use of his clan to consolidate power and to marginalise the rest of the population, Elmi and Barise (2006) observe that the Somalia conflict is located in the struggle for resources and control of state power as opposed to clan identities.

Apart from the domestic factors, the Somalia conflict has been associated with systemic factors. At the height of the Cold War Somalia was perceived as very strategic by the two competing western blocks. For instance, after the United States broke its diplomatic ties with Ethiopia in 1977, its focus was redirected to wooing Somalia as a strategic partner including provision of arms (Iyob and Keller, 2006). Somalia was significantly affected by availability of arms, as internal conflict intensified leading to the ouster of Siad Barre, and the subsequent disintegration of the central government (Iyob and Keller, 2006). What is worth noting is that the prolonged violence was blamed on presence of such arms and lack of a central government that could have facilitated a meaningful process of disarmament. In addition, lack of a legitimate government responsible for the Somalia territory, created what is commonly viewed as ungoverned spaces that are conveniently used by terror related groups such as the *Al Shabaab* as their breeding ground (Mogire and Agade, 2011).

Effects of the Somalia conflicts are not only domestically felt, but are experienced in regional and global arenas. Having been the epicentre of the Horn of Africa conflict system, the Somalia conflict has seen a huge number of refugees hosted in the neighbouring states

across the region (Anderson and Mcknight, 2014; Fergusson, 2013). For example, as at 2015, Kenya was hosting over half a million of the Somali refugees (UNHR, 2016). Somali refugees especially those living the Dadaab refugee camp in Kenya, have been associated with challenges relating to environmental degradation, and recently, they have been linked to the planning and execution of terrorists attacks in Kenya (Kaburu, 2017; Mwanika, 2015; Lindley, 2011). Proliferation of small arms in the Horn of Africa region has also been associated with the prolonged lawlessness in Somalia. With long and porous borders characterised by weak border security, small arms have found their way into the cities in the region such as Nairobi (Asamoah, 2015). Furthermore, being a coastal state, Somalia has national and international obligation to protect its territorial waters. Unfortunately, due to lack of a stable government in place, piracy off the coast of Somalia has been on the rise since 2006, with significant effects on both regional and global trade (Kaburu; 2017; Wambua, 2012; Gathii, 2010; Moller, 2011).

Since the early years of the civil war, the Somalia conflict has attracted a lot of interests from the international community and the neighbouring states. Both bilateral and multilateral efforts have been initiated aimed at restoring order in Somalia. The initiatives range from humanitarian assistance, diplomacy of conflict management and military enforcement among others. IGAD as the main sub-regional organization has taken a lead role in the management of the Somalia conflict. Using various approaches within the provisions of the founding Agreement, IGAD has remained committed to the restoration of Somalia amidst institutional challenges as discussion in the next section of this paper.

IGAD and the Management of the Somalia Conflict

IGAD's commitment towards restoration of order in Somalia cannot be overemphasized. It is however important to note that attempts to manage the conflict by the international community dates back in 1992 when the United Nations Operation in Somalia (UNOSOM-I) was launched. Through UN Security Council (UNSC) Resolutions 751, 767 and 775 UNOSOM-I was initiated as the first humanitarian intervention, with a narrow mandate of establishing humanitarian corridors and peace zones to facilitate distribution of aid to the affected population (UNSC, 1992). With a delay in its launch and minimal resources availed, the intervention not only failed to achieve its very narrow mandate, but was blamed for aggravating the problem by granting warlords a sense of legitimacy that they hardly deserved (Moller, 2011; Menkhaus, 2010). In response, the UNSC through Resolution 814 launched UNOSOM-II with an expanded mandate, which overlapped with a unilateral mission by United States intervention, United Task Force Somalia (UNITAF) (UNSC, 1993). The two interventions failed to restore peace, and their withdrawal in 1995 left Somalia more devastated than it had been prior the interventions (Moller, 2011). Affected by the continued lawlessness in Somalia, the neighbouring states (most of whom are IGAD Member States) were forced to initiate bilateral and multilateral peace efforts aimed at stabilizing Somalia and the region.

The exit of the UN supported peacekeepers from Somalia came at a time when IGADD Member States had resolved to revitalize the sub-regional body into IGAD with an expanded mandate to include that of maintaining peace and security in the region. Such a move was timely as IGAD banner was used by Member States to initiate peace processes in Somalia, as opposed to its predecessor IGADD whose founding mandate did not include that of regional politics, peace and security (see the founding Agreement of IGAD, 1996). The focus of state building in Somalia was critical for the IGAD Member States to enhance formalised interaction of Somalia in International Relations. In addition, the Somali citizenry needed formal

institutions of government through which their needs could be addressed, particularly those that had been forced into refugee status in the neighbouring states (Moller, 2011). Furthermore, political stability and presence of a legitimate central government in Somalia was likely to counter international terrorism in the region by addressing issues relating to ungoverned spaces that are perceived as favourable hind outs, breeding grounds and transit areas for the terrorist groups (Bradbury and Kleinman, 2010).

IGAD acted in support of bilateral initiatives by neighbouring states towards stabilization of Somalia. However, in 2002 IGAD undertook an institutionalised approach towards the Somali conflict by initiating a mediation peace process in the Kenyan town of Eldoret (Healy, 2009). As opposed to the previous initiatives like the Arta and Sodere peace processes that were characterised by exclusion of some factions of leadership in Somalia, the 2002-2004 was perceived as more inclusive taking cognisance of not only the elders representing various clans, but also the warlords whose significant control in various parts of Somalia was acknowledged (Terlinden, 2004; Mwanika, 2013). After close to two years of the mediation process, a draft Transitional Federal Charter was concluded establishing Transitional Federal Government (TFG) and Transitional Federal Parliament in 2004 (Kamudhayi, 2011). The structure of the transitional government was clearly stipulated in the TFG Charter that was conceived as the supreme law of Somalia. For instance, Article 11 of the Charter provided for a decentralised system of government comprising of a Transitional Federal Government, State Governments (based on free will), regional administrations and district level governance (TFG, 2004).

The establishment of such a governance structure for Somalia was viewed as a significant milestone by IGAD towards the ultimate stability in Somalia and the Horn of Africa region. TFG gained international recognition and rekindled hopes of political stability, and a new beginning towards state building after years of anarchy and lawlessness. Such hopes were however threatened by the inability of the newly formed TFG to relocate from Nairobi and establish its operational base in the Mogadishu as the capital city of Somalia (Healy, 2009, 2011). Although insecurity was cited as one of the challenges that the TFG was grappling with, claims of exclusion and the external character of the mediation process were also viewed as contributing factors (Menkhaus, 2010). Such claims compromised on the legitimacy of TFG, and its ability to assert authority in the entire territory of Somalia.

Determined to restore a central government and a sense of normalcy in Somalia, IGAD acknowledged the need to provide security in support of the TFG. Through the Assembly of the Heads of State and Government, IGAD made a decision to deploy a peace support mission in Somalia (IGASOM), and sought approval and financial support of the same from the African Union (IGAD, 2005). The request was approved the Assembly of the AU, who acknowledged the need for the peace support mission as a means of ensuring the relocation of the TFG to from Nairobi to Somalia, and to safeguard a sustained implementation of the outcomes of the concluded mediation process (AU, 2005). To appease the Somali parliamentarians who were opposed to the deployment of Ethiopian troops, frontline states including Kenya, Ethiopia and Djibouti were exempted from contributing forces to IGASOM, leaving Uganda and Sudan to contribute the troops towards the mission (IGAD, 2005a; Murithi, 2009). Unfortunately, IGASOM was not operationalised not only due lack of funding and political will from member states, but its founding Agreement did not provide an institutional mechanism for such a mission (IGAD, 1996; Murithi, 2009).

The failure of IGAD to provide support means for relocating TFG from Nairobi to Mogadishu, informed the new government's decision to seek military protection from the Ethiopian government which facilitated its relocation to Baidoa and later to Mogadishu (Moller, 2011). The move further eroded TFG's marginal legitimacy as it was regarded an Ethiopian project that was out to serve their interests (Menkhaus, 2010). Despite its marginal legitimacy among the various factions, and failure to assert its authority nationally, IGAD held onto TFG as the only legitimate government of Somalia, a position that hampered any form of mediation between the Union for Islamic Courts (UIC) and TFG (Healy, 2009; Murithi, 2009). The attempt by the UN Security Council through Resolution 1775 to have IGAD and AU carry out military training for Somalia was also challenged by an already existing UN military embargo that had not been lifted (Murithi, 2009).

With TFG unable to effectively assert its authority, Somalia disintegrated further threatening regional and global security as the ungoverned spaces became safe havens for breeding international terrorism remained on the rise (Fergusson, 2013; Bradbury and Kleinman, 2010). Furthermore, the emergence of self-proclaimed terror related group the Al Shabaab, increased piracy off the coast of Somalia, and the ever rising number of refugees in search for safety, are clear indicators of the inadequacy of IGAD to restore a semblance normalcy and sustained peace in Somalia (Anderson and Mcknight, 2014, Healy, 2011; Gathii, 2010; Kaburu, 2017). In an attempt to counter a possible move by terrorist groups to transform the of ungoverned spaces into breeding grounds for international terrorism, the African Union, through the UN Security Council Resolution 1772 deployed a peace enforcement mission in Somalia, AMISOM (UNSC, 2007). The deployment of AMISOM served as an indicator of IGAD's institutional inability to address the challenges preventing the TFG from establishing its presence and legitimate authority in Somalia. Thus, while acknowledging IGAD's milestones towards stabilizing Somalia, there are pertinent concerns about its institutional capacity to conclusively manage such a complex conflict, and ensure restoration of the state of Somalia, and by implication stability in the Horn of Africa.

IGAD Institutional Weaknesses

IGAD's decimal success towards political stabilization of Somalia has been associated with institutional weakness among other socio-political factors. From its inception IGAD was short of diverse mechanisms of dealing with complex inter and intrastate conflicts at least according to the provisions of its founding Agreement. Article 7(g) of the Agreement provides that maintenance of regional peace and stability shall be sought by creation of mechanisms for prevention, management and resolution of conflict through dialogue (IGAD, 1996). It can therefore be argued that the failure to operationalise IGASOM as had been agreed upon in 2005, was not only due to scarcity of financial and human resource, but it lacked legal institutional backing from the Agreement.

Pacific methods to conflict management such as negotiation and mediation which are institutionally preferred by IGAD are challenged by the fact the Somalia conflict is characterised by amorphous groups, who are consistently transforming in terms of actors and interests in the conflict. According to Vinci (2006), the Somalia conflict is characterised by militia groups that are different in terms of formation goals and clan affiliations. Notably due to the prolonged lawlessness, the groups have continually mutated and transformed in terms of actors and goals, challenging any meaningful form of negotiation. On this basis, Member States such as Ethiopia and Kenya who have historical border conflicts with Somalia, have occasionally undertaken unilateral military initiatives to protect their national interests, which they presume as threatened by the continued anarchy, and the internal dynamics of the Somalia

conflict (Thompson, 2015; Menkhaus, 2010; Kenya Defence Forces, 2014; Kaburu, 2017). For instance, in 2006 Ethiopia deployed its military in Somalia with the aim of dislodging the UIC, while Kenya had its unilateral military engagement in pursuit of the *Al Shabaab* in 2011 (Healy, 2011, Anderson and McKnight, 2014). Both states justified their military engagement using the provisions of self-defence as per Article 51of the UN Charter, and acting on invitation of a legitimate government, TFG (Kenya Defence Forces, 2014; Yihdego, 2007). The inability to prevent such unilateral military engagements by some Member States on a collapsed state such as Somalia, implies that IGAD is institutionally incapable of controlling actions by its members with regard to conflicts in the region. This not only weakens its posture as a regional body, but also undermines its credibility as an organization.

Organizational decision making is another institutional limitation facing IGAD. Decisions within IGAD are based on consensus by the Assembly of Heads of State and Government as per Article 9 (4) of the IGAD Agreement (IGAD, 1996). Considering that relations among the Member States are characterised by suspicion and rivalry as noted earlier in this article, I argue that it is unlikely that member state would be willing to consent on certain initiatives such a military enforcement, even though it is presumed to be the most appropriate. The failure of the IGASOM mission in Somalia can be attributed to such a weakness in the decision making structure of IGAD.

Additionally, IGAD lacks an organizational judicial institution to settle disputes among Member States and to deal with conflicts that may require such an approach. As per Article 7 (g) of the IGAD Agreement management of conflicts is based on political dialogue (IGAD, 1996). Notably though, the Somalia conflict has mutated in terms of actors, issues and interest, occasionally calling for a different approach including judicial processes. For example, one of the recent dynamic associated with the Somalia conflict is the increased cases of piracy off the coast of Somalia that has consequently threatened both regional and global trade (see for example Wambua, 2012, Kontorovich, 2010; Pham, 2010). Being a coastal State, and lacking an effective central government, Somalia has been incapable of exercising its sovereign rights of protecting its territorial waters and its Exclusive Economic Zone as provided by UN Convention on the Law of the Sea (UNCLOS) (UN, 1982). The challenge is that IGAD lacks a standing naval force to counter the increasing cases of piracy off the coast of Somalia, and no judicial mechanism to prosecute the perpetrators of acts of piracy among other atrocities including acts of terrorism (see IGAD Agreement, 1996). Consequently, in an effort to secure their geostrategic and geopolitical interests from the scourge of piracy off the coast of Somalia, a state like Kenya entered into bilateral agreements with Western states such as the United States and Regional Organizations such as the European Union to prosecute Somali pirates (Gathii, 2010, Wambua, 2012).

Although IGAD as an organization possess a legal personality, and has established specialised agencies in line with its founding objectives, it exercises extremely limited capacity and powers, in that all the specialised agencies are merely in their infancy stage (Weldesellasie, 2011; Healy; 2011). I note that the envisioned specialised institutions such as IGAD Business Forum, IGAD-Civil Society Organizations and Non- Governmental Organizations Forum, and IGAD Inter-Parliamentary Union, if operationalised can impact significantly towards establishing sustainable peace in the failed state of Somalia. While CEWARN is perceived as one of the most elaborate institution established by IGAD, it is faced with the challenge of effectively identifying possible conflicts and addressing them in early stages. This is due to the strained relations among Member States that impedes sharing of crucial information through

the established National conflict early warning mechanism (CEWERUs) that operate in each of the Member States (Weldesellie, 2011).

Geopolitically and earlier noted in this paper, some IGAD Member States have had historical border conflicts with Somalia emanating from their independence in the early 1960's (Thompson, 2015; Lewis, 2002, Adar, 2006; 1994). Adopting the principle of *uti possidentis*¹ by OAU, in which states were required to inherit existing borders of the colonial entity as they were at independence, did not solve the problems particularly with Somalia (OAU, 1964). Somalia maintained the very ideology of establishing a Greater Somalia, a position that led to persistent border conflicts with Kenya and Ethiopia, occasionally leading to interstate wars, as was the case of the *Shifta* war and the Ogaden war (Adar, 1994; Thompson, 2015; Lewis, 2002). Such strained relations hinder efficiency in sharing of adequate and credible information as a prerequisite for a successful implementation of CERWARN.

Suspicion and rivalry among Member States of IGAD are blamed for the continued internationalization of internal conflicts as states focus on alliance formation and power play, by providing support to liberation movements and other form of opposition groups in the neighbouring states (Adar, 2010; Healy, 2009). For instance, Adar (2010) notes that as Uganda made deliberates efforts to support Sudan People's Liberation Movement /Army (SPLM/A), Sudan funded the Lord's Resistant Army (LRA) in Northern Uganda. For the Somali case, IGAD Member States like Ethiopia, Eritrea and even Kenya have supported particular factional warlords and clans in pursuit of their own geopolitical and geostrategic interests (Menkahus, 2010; 2009; Healy, 2011). Notably, in the early stages of the Somalia conflict, IGAD Member States sabotaged each other's unilateral peace initiatives towards Somalia. For example, Kenya's unilateral attempt 1996 was undermined by Ethiopia's Sodere initiative that was perceived as being more inclusive (Menkahus, 2010, Mwanika, 2015; Healy, 2011)). Such political suspicion and mistrust among member states are equally to blame for the marginal achievements of IGAD in restoring political stability in Somalia.

Conclusion

This article has examined the role of IGAD in managing regional conflict with a particular focus on Somalia. To this end, the article underscores the re-establishment of IGAD and its expanded mandate of maintaining peace and security in the Horn of Africa, as a foundation for IGAD's continued engagement in the Somalia crisis among other conflicts in the region. Between 2002 and 2004 IGAD undertook an institutionalised approach and successfully mediated the Somalia conflict calumniating with the establishment of the TFG which enjoyed international recognition. Notably though, peace in Somalia remains elusive, with internal dynamics consistently transforming the conflict in terms of actors and interests. The emergence of international terrorism and piracy off the coast of Somalia has further complicated the situation calling for a change in conflict management mechanisms, from the previously preferred soft power to adoption of hard power, as neighbouring states seek to protect their geopolitical interest that they consider threatened. Such observations notwithstanding, I have argued that as an organization, IGAD lacks the institutional capacity to conclusively manage complex conflicts as in the case of Somalia, towards restoration of sustainable peace and political stability in the larger Horn of Africa region. I note that lack of

¹ *Uti possidetis juris* in relation to Africa, is a principle which means the right of the newly independent sovereign states to retain their borders as acquired at the time of independence. The Organization of African Unity (OAU) adopted this principle during its Summit in 1964, Cairo, Egypt.

institutional support for alternative mechanisms to that of political dialogue as provided in the IGAD Agreement, has seen the organization unable to effectively respond to cases of international terrorism and piracy off the coast of Somalia. Continued rivalry and mistrust among member states, lack of resources, and adoption of consensus as the means of decision making further undermines IGAD's institutional capacity to effectively carry out its organizational mandate.

References

- Abdullahi, A. M. (2014). Conceptions of Transitional Justice in Somalia: Findings of Field Research in Mogadishu. *Northeast African Studies*, Vol. 14, No. 2, pp.7-43.
- Apuuli, K. P. (2015). IGAD's Mediation in the Current South Sudan Conflict: Prospects and Challenges. *African Security*, Vol.8, *No* 2, pp. 120–145.
- Adar, K. G. (2010). A State Under Siege: The Internationalization of the Sudanese Civil War. *African Security Review*. Vol. 7, No. 1, pp. 44-53.
- Adar, K. G. (2007). Kenya's Foreign Policy and Foreign Policy-Making Process: Analytical Context. In K. G. Adar, & P. J. Schraeder (eds), *Globalization and Emerging Trends in African Foreign Policy, Volume 11: A Comparative Perspective of Eastern Africa* (pp. 17-90). Lanham: University of America Press, Inc.
- Adar, K. G. (2006). Evolution of the Role of IGAD in Conflict Resolution in Somalia. In K.
 G. Adar & J.G.N. Yoh (eds), Somalia Peace Process: Challenges and Future Prospects for the Reconstruction and Restoration of Legitimacy (pp. 62-79). Pretoria: African Institute of South Africa.
- Adar, K. G. (1994). *Kenyan Foreign Policy Behaviour Towards Somalia*, 1963-1983. Lanham: University Press of America.
- African Union. (2007). African Union Peace and Security Report of the Chairperson of the Commission on the Situation in Somalia. amisom-au.org > Key Documents. Accessed on 15th September 2016.
- African Union. (2005). Decisions and Declarations of the Assembly of the African Union Fourth Ordinary Session, 31-35 January 2005, Abuja, Nigeria. www.euppublishing.com/doi/pdfplus/10.3366/ajicl.2005.13.2.336. Accessed on 15th March 2017.
- African Union. (2000). African Union Constitutive Act, 2000. Addis Ababa: African Union.
- Anderson, M. D., & McKnight, J. (2014). Kenya at War: Al Shabaab and its Enemies in East Africa. *African Affairs*, Vol. 114, No. 454, pp. 1-27.
- Asamoah, A. A. (2015). *East African Report:The Nature and Drivers of Insecurity in Kenya*. Issue Brief No. 2. April. Pretoria: Institute of Security Studies (ISS).
- Bradbury, M., & Kleinman, M. (2010). State-building, Counterterrorism, and Licensing Humanitarianism in Somalia. Feinstein International Center. Medford, MA: Tufts University.
- Demeke, M.A. (2014). The Role of Regional Economic Communities in Fighting Terrorism in Africa: The Case of Inter-Governmental Authority on Development (IGAD). *European Scientific Journal*, Vol. 1. pp. 216-229.
- Elmi, A. A. & Barise, A. (2006). The Somali Conflict: Root Causes, Obstacles, and Peacebuilding Strategies. *African Security Review*. Vol. 15, No.1, pp. 32-54.
- Fergusson, J. (2013). *The World's Most Dangerous Place: Inside the Outlaw State of Somalia*. Boston: Da Capo Press.

- Gathii, J. T. (2010). Kenya's Piracy Prosecutions. *American Journal of International Law*, Vol. 104, No. 3, pp. 416-436.
- Healy, S. (2011). Seeking Peace and Security in the Horn of Africa: The Contribution of the Inter-Governmental Authority on Development. *International Affairs*, Vol. 87, No.1, pp.105-120.
- Healy, S. (2009). *Peacemaking in the Amidst of War: An Assessment of IGAD's Contribution to Regional Security*. Working Paper No. 59. London: Crisis States Research Centre.
- Inter-Governmental Authority on Development. (2011). Communique of the 19th Extra-Ordinary Session of the IGAD Assembly of Heads of State and Government on the Situation in Somalia and a Briefing on the Outstanding Issues of the Sudan Comprehensive Peace Agreement. <u>https://igad.int/.../375 Final Comminuque of the 19th Extra-ordinary session of t</u>. Accessed on 10th April, 2017.
- Inter-Governmental Authority on Development. (2009). IGAD Annual Report, 2009. <u>https://igad.int/attachments/257_IGAD%20AR%202009-Final+covers.pdf</u>. Accessed on 7th March, 2017.
- Inter-Governmental Authority on Development. (2007). IGAD Annual Report, 2007. www.igadhost.com/igad/index.php/134-news/reports/1023-igad-annual-report. Accessed on 4th March, 2017.
- Inter-Governmental Authority on Development. (2005). Communiqué of the IGAD Heads of State and Government on Somalia. reliefweb.int/report/somalia/communiqué-igad-heads-state-and-government-somalia. Accessed on 15th March 2017.
- Inter-Governmental Authority on Development. (2005a). Communiqué of the 24th Ordinary Session of IGAD Foreign Ministers. <u>www.igadhost.com/igad/index.php/134-news/reports/1023-igad-annual-report</u>. Accessed on 15th March 2017.
- Inter-Governmental Authority on Development. (2002). Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States. https://oldsite.issafrica.org/uploads/PROTOCOL.PDF. Accessed on 4th March 2017.
- Inter-Governmental Authority on Development. (1996). Agreement Establishing the Inter-Governmental Authority on Development. www.chr.up.ac.za/undp/subregional/docs/igad1.pdf. Accessed on 7th March, 2017.
- Iyob, R. & Keller, E. J. (2006). US Policy in the Horn: Grappling with a Difficult Legacy. In D. A. Bekoe (ed). *East Africa and the Horn: Confronting Challenges to Good Governance* (pp. 101-125). Boulder: Lynne Reinner Publishers, Inc.
- Kaburu, M. K.(2017). Decision Making Theory and Foreign Policy Process: Empirical, Ontological and Espistemological Contextaulization of Kenya's Diplomacy Towards Somalia, 1996-2012. PhD Dissertation, United States International University-Africa.
- Kamudhayi, O. (2011). Negotiations in Civil Wars: A Case Study of the Somalia National Reconcilitation Process, 2002-2005. PhD Dissertation, University of Nairobi.
- Kamudhayi, O. (2004). The Somali Peace Process. In M. Mwagiru (ed), *African Regional* Security at the Age of Globalization. (pp. 107-123). Nairobi: Heinrich Ball Foundation.
- Kenya Defence Forces. (2014). Operation Linda Nchi: Kenya's Military Experience in Somalia. Nairobi: Kenya Defence Forces.
- Kontorovich, E. (2010). A Guantánamo on the Sea: The Difficulty of Prosecuting Pirates and Terrorists. *California Law Review*, Vol. 98, No.1, pp. 243-275.
- Lewis, I.M. (2002). A Modern History of the Somali (4th ed.). Oxford: James Currey Ltd.
- Lindley, A. (2011). Between a Protracted and a Crisis Situation: Policy Responses to Somali Refugees in Kenya. *Refugee Survey Quarterly*, Vol. 30, No.4, pp. 1-36.
- Menkhaus, K. (2010). Dangerous Waters. Surival, Vol. 51, No. 1, pp.21-25.

- Menkhaus, K. (2009). Somalia: What went wrong?. *The RUSI Journal*, Vol. 154, No. 4, pp. 6-12.
- Mogire, E., & Agade, K. M. (2011). Counter-terrorism in Kenya. *Journal of Contemporary African Studies*. Vol. 29, No. 4, pp. 473-491.
- Moller, B. (2009). *The Somali Conflict: The Role of External Actors*. Copenhagen: Danish Institute for International Studies.
- Murithi, T. (2009). Inter-Governmental Authority on Development on the Ground: Comparing Interventions in Sudan and Somalia. *African Security*, Vol. 2. No. 3, pp. 136-157.
- Mwanika, P. N. (2015). Kenya's Soft Power Dipomacy and Strategic Intervention in the Somali Conflict. *Occassional Paper, No.1*. Africa Institute of South Africa.
- Mwanika, P. N. (2013). Track -One Diplomacy and Post Conflict Reconstruction: Kenya's Mediation of Somalia Conflict and Strategic Intervention Avenues. (PhD Thesis). Nelson Mandela Metropolitan University; Port Elizabeth: South Africa.
- Organization of African Unity. (1991). Treaty Establishing the African Economic Community. <u>www.wipo.int/edocs/lexdocs/treaties/en/aec/trt_aec.pdf</u>. Accessed on 15th of April, 2017.
- Organization of African Union. (1964). OAU 1964 Cairo summit. people.zeelandnet.nl/adamr/O%20A%20U%20Summit, Cairo, July%2021, 1964.htm. Accessed on 18th August 2016.
- Organization of African Unity. (1963). *Charter of Organization of African Unity*. <u>www.au.int/en/default/files/treaties/7759-sl-oau charter 1963.pdf</u>. (Accessed on 6th July, 2016).
- Pham, J. P. (2010). Putting Somali Piracy in Context. *Journal of Contemporary African Studies*, Vol. 28, No. 3, pp. 325-341.
- Terlinden, U. (2004). *IGAD-Paper Tiger Facing Gigantic Tasks*. Bonn: Friedrich-Ebert-Stiftung.
- Thompson, V. B. (2015). Conflict in the Horn of Africa: The Kenya-Somalia Border Problem, 1924-2014. Lanham: University Press of America.
- Transitional Federal Government of Somalia. (2004). The Transitional Charter of Somalia. <u>www.ilo.org/dyn/.../Transitional%20Federal%20charter-feb%202004-English.pdf</u>. Accessed on 17th September, 2016.
- United Nations. (1993). United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and /or Desertification, Particularly in Africa. www.ifrc.org/docs/idrl/I223EN.pdf. Accessed on 17th March, 2017.
- United Nations. (1982). United Nations Convention on the Law of the Sea. <u>www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf</u>. (Accessed on 12th of July, 2016).
- United Nations (1945). Charter of the United Nations. <u>https://integrity.undoc.org</u>. (Accessed on 7th March, 2016).
- United Nations High Commissioner for Refugees (2016). Kenya Factsheet July, 2016. (Online). <u>https://data.unhcr.org/horn-of-africa/download.php?=1934</u>. Retrieved on 10th September, 2016.
- United Nations Security Council. (2007). UNSC Resolution 1772 (2007). www.un.org/en/sc/documents/resolutions/. Accessed on 14th of August, 2016.
- United Nations Security Council. (1993). UNSC Resolution 814(1993). www.un.org/en/sc/documents/resolutions/. Accessed on 14th August, 2016.
- United Nations Security Council. (1992). UNSC Resolutions 733, 746, 751, 775 (1992). www.un.org/en/sc/documents/resolutions/. Accessed on 14th August, 2016.

- Vinci, A. (2006). An Analysis and Comparison of Armed Groups in Somalia. *African Security Review*, Vol. 15, No. 1, pp. 75-90.
- Wambua, P. M. (2012). The Jurisdictional Challenges to the Prosecution of Piracy Cases in Kenya: Mixed Fortunes for a Perfect Model in the Global War against Piracy. *Journal* of Maritime Affairs, Vol.11, No. 1, pp. 95-13. (Accessed on 13th July 2016).
- Weldesellasie, K. I. (2011). IGAD as an International Organization, Its Institutional Development and Shortcomings. *Journal of African Law*, Vol. 55, No.1, pp. 1-29.
- Whittaker, H. A. (2012). The Social Dynamics of the *Shifta* Conflict in Kenya, c. 1963-8. *Journal of African History*, Vol. 53, No. 3, pp.391-408.
- Yihdego, Z. W. (2007). Ethiopia's Military Action Against the Union of Islamic Courts and Others in Somalia: Some Legal Implications. *Internantional and Comparative Law Quarterly*, Vol, 56. No. 3, pp. 666-676.
- Yoh, J.G.N. (2006). Politics of Mediation and Responses to Conflicts in the Horn of Africa: The Case of Somalia. In K. G. Adar & J.G.N. Yoh (eds), Somalia Peace Process: Challenges and Future Prospects for the Reconstruction and Restoration of Legitimacy (pp. 45-61). Pretoria: African Institute of South Africa.