

Documentation:

Expert Meeting on Conflict Management and Conflict Resolution at the Horn of Africa

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Conflict Scenarios at the Horn of Africa – An Introduction

WERNER PUSCHRA, Head of the Africa Department of the Friedrich-Ebert-Stiftung (FES) welcomed participants and introduced the topic of the conference by highlighting the need for multidimensional approaches to address the complex problems of the conflict-ridden Horn of Africa Region. He noted the trend towards “regionalisation of security” that could be observed across Africa, including the Horn Region. We then introduced the key note speaker GRUM ABAY, Director General for Europe and America at the Ethiopian Ministry of Foreign Affairs.

Grum Abay provided an overview of the global strategic relevance of the region in terms of peace and security and summarized the various conflict situations with a particular focus on Somalia and Sudan. He reminded participants that the Horn has long been a focus of international interest. Its strategic location at the Red Sea and the Indian Ocean, which has gained added importance through the increase of trade and market access in the age of globalisation, as well as the discovery of oil resources in the Sudan underlined this attention. In addition, the careful management of the region’s religious and ethnic diversity was nowadays challenged with the rise of radical Islamic groups and the export of the Wahabi puritan version of Islam from the Arabian Peninsula to the Horn, where the number of Muslims and Christians differ widely. Grum Abay also pointed to the importance of the Horn Region’s agricultural potential, which derives to a great extent from the Nile waters, posing the risk of conflict between riparian states, but also entailing the possibility of increased prosperity.

The presenter then directed attention towards the current conflict system of the Horn of Africa, which he saw as characterized by “regionalized civil wars”, in which neighbouring states reciprocally destabilise each other e.g. by supplying rebels with arms and training. In addition, Grum Abay saw low-intensity types of conflict, such as cross-border cattle rustling, as part of this system. He observed “hard security issues” such as sovereignty, self-determination, dissatisfaction with political systems and structures of governance at the heart of these conflicts, to which militaristic legacies, economic deprivation, power struggles, identity crisis and war profiteerism provided the structural causes. The presenter concluded that the state in the Horn of Africa does not reflect the interests and character of society as a whole. Historical contradictions have not been addressed in a participatory way, and have been aggravated by a lack of democratization. This has led to a de-legitimization of the state and the emergence of authoritarian regimes, resulting in more internal strife and regional instability.

September 11, 2001 ended the period of neglect that had affected the Horn of Africa since the end of the cold war, despite the embassy bombings of Nairobi and Dar Es Salaam in 1998, and despite the continuing conflicts in Uganda, Sudan and Somalia. In the view of Grum Abay, the autocratic rule of Somali President Siad Barre after his coup in 1969, combined with the political favouring of particular clans, administrative ineffectiveness and the expansionist ideology of greater Somalia were the main causes of the Somali civil war and the breakdown of the Somali state. The presenter noted that some observers consider the on-going Somali peace talks in Kenya as the most positive so far, after the previous 14 attempts failed due to a combination of clan rivalry, the failure of the Intergovernmental Authority on Development (IGAD) to act in unison, external brinkmanship and lack of seriousness. He pointed out that the Sudan conflict was not just between Arabs and Africans, North and South, Muslims and Christians, but that it indeed reflected the failure of the Sudan to address issues of power sharing, wealth and religion since independence, and that there were also internal wranglings over power within both parts of the country. Grum Abay saw the Sudan on the way to a more stable situation due to the achievements under the Machakos Protocol, which defined the precise role of religion and guaranteed the right to self-determination (by referendum) to the South. He ascribed these successes, including recent agreements on security and on wealth sharing, to the parties’ own readiness for peace, IGAD’s determination, international - in particular US - involvement and the newly acquired oil revenues which depended on peace. Power sharing, arrangements for Southern Blue Nile, Abyei, and the Nuba Mountains, as well as the new rebellion in Darfur, were cited as the most important remaining sticking points.

In a brief comment, HANS BÜTTNER, German Member of Parliament, expressed the optimism he places with the generation of Africa’s “new leaders” who increasingly try to address problems themselves. However, he also stressed his concern for Africa’s continuing, decade-old economic crisis, which according to Büttner cannot be overcome as long as Africa’s dependence on the world market prevails. In his response, Grum Abay agreed, stating that peace would be the first precondition of any economic improvement, but that market access, despite improvements, continued to be a problem.

Session I

Preconditions and frameworks for peace negotiations and international intervention

ROLF SALIGMANN, Head of the East Africa Desk at the German Ministry of Foreign Affairs, provided an overview of his Ministry's involvement in conflict resolution at different international levels. He cautioned the audience on the level by which the departments systematically work along guidelines and policies. Many of the conflict resolution efforts follow a day-to-day approach on the working level, rather than applying scientifically reflected concepts. According to Saligmann, German foreign policy follows the belief that one cannot "handle" Africa's conflicts unilaterally. He went on by explaining the different communication systems within the context of the European Union (EU), including monthly Africa Working Group meetings in Brussels. The presenter described multilateral conflict resolution efforts as a complex and wide system, in which the UN Security Council (UNSC) with its lengthy, consensus-based procedures holds ultimate authority, even for internal conflicts if they affect neighbouring states. In view of its enormous involvement in peace keeping (with a budget of 3.3 billion USD per year), the UNSC is nowadays very reluctant to pick up new issues and commitments, particularly in Africa where 40% of all UNSC activity focuses. Saligmann illustrated this difficulty with the fact that Northern Uganda and Sudan never made it to the UNSC agenda. Such reluctance is based on the fact that once an issue has been taken up, it cannot be removed until it has been addressed successfully. According to the presenter, these circumstances mark a difference to the EU which tries to put conflicts on the agenda as early as possible. The EU, the G8, and in particular Germany support the African Union's Peace and Security Council with 250 mio. Euro of EDF funds.

Turning to the conflicts under discussion by the meeting, Saligmann expressed optimism. Involvement of the UNSC in Somalia had remained low, and the Sudan issue had never officially been raised. Germany supported the better enforcement of the arms embargo for Somalia and the African Union (AU) observer mission. On Sudan, unofficial talks were underway to plan for a potential international peace keeping force of up to 10.000 troops to be deployed during the implementation of a future peace agreement.

The Case of Sudan

AMBASSADOR HASSAN ADAM OMER, Director of Foreign Relations at the Peace Advisory of the Presidency in Khartoum introduced his perspective on the Sudan conflict and preconditions and frameworks for peace negotiations. In his view, the conflict dates back to the "closed districts act" which was introduced by the British colonial administration in 1921, effectively sealing off the South from the rest of the country. According to the ambassador, all succeeding national governments failed to assimilate the two parts of Sudan thereafter, and until the 1972 Addis Abeba peace agreement, no solution could be achieved. However, the agreement broke down in 1983 and SPLA now sought to "liberate the whole country". All efforts to negotiate peace in the following years failed or led only to partial agreements, including the Declaration of Principles in 1994 and the Khartoum Peace Deal in 1997. Neither was one of the two sides able to achieve a military breakthrough. The UN's role remained limited to the humanitarian sphere, while according to the Ambassador's view, the initiatives of the Organisation of African Unity (OAU), IGAD and the Arab League were often driven by external forces and did not achieve the desired results. The peace efforts only began to make headway when Madeleine Albright, then US Secretary of State, became more involved by visiting Sudan's neighbour states and issuing strong statements. Though Khartoum regarded this approach as "failed", the ambassador's government saw the US efforts as positive and agreed to enter into the "humanitarian tests" under the auspices of US Envoy Danforth. The mandate was transferred back to IGAD which mandated Kenya to lead the mediation process after the Danforth mission proved successful – an agreement on the Nuba Mountains and the protection of non-combatants had been signed. Ambassador Hassan Adam Omer concluded by saying that the process had gone a long way, that his government negotiated in good faith and in particular welcomed the role of Norway and the US.

SAMSON KWAJE, Spokesperson of the SPLM/SPLA, did not see the Closed District Act as the main source of the Sudan conflict. He rather stressed that the Sudanese government had never been ready to grant Southern independence, and that the SPLM had long been waiting for the right moment to achieve

peace. He saw a combination of a military stalemate, rising costs of the war (including the losses in the context of the oil production), continuous loss of life and – not the least – external pressure as the factors that permitted the recent achievements. On previous efforts, he noted that the Sudan government had always had difficulty to allow an “internationalisation” of the conflict by agreeing to talks abroad. Even the Addis Abeba Agreement had broken down because of a lack of external/international involvement to guarantee that the agreements would be honoured during the implementation stage. IGAD eventually provided the framework that brought about the Machakos protocol, which the SPLM regards with optimism. According to Samson Kwaje, it allows for unity as well as separation, and its implementation is guaranteed through the continuing existence of the SPLA. In his view, an international intervention of which both sides are “fearful” will be needed after the signing of the agreement. He added that the conflict in Darfur needs an international negotiating framework too, and that peace in this region is necessary to achieve peace in the South. The SPLA/M speaker underlined that in his view the Darfur rebellion cannot be crushed militarily, just like the Southern rebellion could not have been crushed.

VOLKER RIEHL, Development Advisor of Misereor (Berlin) acknowledged the importance of economic development to the de-escalation of violent conflicts but questioned how fair resource sharing could be achieved in the Sudan.

CHRISTIAN MANAHL, Sudan/North Uganda Desk Officer at the DG DEV of the European Commission admitted that the Naivasha talks were not inclusive and should be broadened, and that that position was shared by many observers. However, he cautioned that the framework should only be broadened after the successful conclusion of the first phase and the signing of the comprehensive agreement. While the Government of the Sudan (GOS) and the SPLA were the main players in the current phase, which primarily aimed at ending the war, the political space is reportedly supposed to be opened up during the pre-interim and the interim phase to include all political actors who so far remained outside. He considered the planned constitutional review and the process of democratisation as at least as important as the current stage. On Darfur Manahl noted that the case was special as it primarily concerned one of the parties, and that the developments in that region had in a sense made phase 2 break into phase 1 of the process. While he agreed that the issue needs to be addressed, he also underlined that one should be careful not to encourage other factions or groups at this stage to make their case by the use of force. He further warned that similar problems could occur in the South, which would put the Machakos framework in danger.

TOBIAS DEBIEL, Acting Director of the Department of Political and Cultural Change at the Center for Development Research (ZEF Bonn) asked how the structure of the judiciary and the law system could best be addressed in the Sudanese case. He highlighted the problems associated with the coexistence of several penal codes and judiciaries in the framework of one state and expressed his concern over the agreements that had so far been achieved on this issue.

VOLKER VINNAI of the Department for Development Policy of the Friedrich Ebert-Stiftung (Berlin) pointed to the relevance that had been attributed to IGAD by most of the speakers. Yet in the face of IGAD's weaknesses, he wondered how the organisation could be enabled to live up to the expectations, and where the necessary impulse for change could derive from.

WINRICH KÜHNE, also of the German Center for International Peace Operations questioned the role that IGAD would actually be able to have in the implementation process of the peace agreement since he expected that the UN would eventually come in with its “big machinery”.

JEMERA RONE of Human Rights Watch directed the audience's attention to the lack of institutional, constitutional and international guarantees for the rule of law in the agreements signed so far and asked the presenters how this gap could be addressed.

MARINA PETER, Coordinator of Sudan Focal Point (Europe), explained that her organisation and the churches had demanded a broadening of the process for a long time. She acknowledged Christian Manahl's stated reasons to keep the issues of Darfur and the South separate, but reminded that the Darfur conflict had been put aside and forgotten in the process despite persistent warnings by civil society. To her, the conflict presented the classic case of failed “early warning”. She concluded by asking what could be learned out of this experience.

In his response, AMBASSADOR HASSAN ADAM OMER explained that the current GOS would be replaced by a broad-based government to implement the peace agreement, followed by a constitutional review process.

Yet Machakos provided a good framework to deal with the Southern problem. The ambassador expressed his satisfaction with the Wealth Sharing Agreement and the prospects of the future government structure, which would involve two elected houses. He stated that the problem of inclusiveness had been raised many times before, but that GOS and SPLM remained to be the two most important parties to actually stop the war. Hassan Adam Omer added that the GOS had sought talks with the National Democratic Alliance (NDA), yet the movement had been reluctant to enter into dialogue. On the issue of the judiciary he noted that this question would eventually have to be addressed in the course of the constitutional review process. Furthermore, the Sudanese representative said the prospects of IGAD would depend on the political will of its member states, but also on the material external support.

The Ambassador declined to comment the situation in Darfur since this 'was not part of his brief'.

SAMSON KWAJE made a number of supplementary remarks with regard to the question of inclusiveness. He stated that SPLM had an agreement with the GOS on file which says that the process will change the political system of the Sudan and open it up for democratisation. In addition, the SPLM reportedly wants to achieve an agreement that can later be replicated in places such as Darfur. According to Kwaje the NDA will not be disarmed during the first year of the interim phase to allow for their inclusion in the process. The elections to be held after three years are supposed to be open to all political parties of Sudan. Samson Kwaje further stated that Dr. Garang considers the integration of the NDA to the power sharing phase. He also reported that for a while the SPLM had thought about adopting the Ethiopian constitution for Sudan. While this idea may no longer be applied, it would, through its stated right of people's self-determination, up to and including secession, guarantee efforts by the GOS to involve the South. The SPLM speaker admitted the weaknesses of IGAD but speculated that the Kenyan mediator Gen. Sumbeiywo might continue his work after the conclusion of the talks. He said the Sudan Peace Secretariat could be transferred to Khartoum or Djibouti at that stage. On the issue of human rights he noted that these would in fact have to be addressed in the constitutional process, but that the parties would also have an extensive session on the issue in the course of the talks, despite the fact that the parties had unfortunately agreed on two separate laws in Machakos.

With regard to IGAD, GRUM ABAY highlighted that double loyalties (through multiple memberships, e.g. in the East African Community) and payment defaults made IGAD receptive to external influence. Only Ethiopia and Eritrea had no other memberships in regional organisations. He admitted that IGAD lacks a member country which could play a similar leadership role as Nigeria or South Africa play in their respective regional organisations.

JOSEFINE ODERA of the Africa Peace Forum (APFO, Nairobi) stressed the need to support IGAD in its role during the post-conflict phase and expressed fear of a sale-out of the organisation. She highlighted the difficulties of constitutional review processes by citing the recent experience of Kenya where those who had pushed for it most while in the opposition were very reluctant to live up to their promises now that they had taken over the government. Furthermore, Josephine Odera demanded an involvement of Sudanese Civil Society, and that the need for it should not be dropped once a new government comes into power.

ULF TERLINDEN, Researcher at the Center for Development Research (Bonn), mentioned that the security agreement signed recently remained superficial with regard to the exact structure and role of the so-called "joint / integrated forces" and asked the Sudanese presenters to elaborate further on this term.

HON. LAKANA TOM ANANG-ODUR, Member of Parliament in Uganda, agreed with previous speakers that the greatest problem of IGAD was the lack of political will among its member states and that IGAD's role in the context of the AU needed to be clarified, including the definition of specific tasks and roles.

BARBARA SCHACKE of the German Ministry of Defence underlined the importance of the United States' involvement in the process and asked what consequences a future change of government in the US would have for the Sudan peace process.

PROF. ADLAN EL HARDALLO of the University of Khartoum asked the presenters about the possibility of achieving unity even before the referendum.

SAMSON KWAJE responded directly to the question of Mr. Hardallo and said that unity could not be achieved before the referendum, but that there could be good signs for it to be achieved in the referendum. On the question of the different forces, he claimed that the government currently has 200.000 troops, the SPLA holds 120.000 to 130.000 men and that there are about 40.000 militia

inbetween the parties. Therefore, a downsizing of the armies to peace time levels, i.e. fifty percent of the current strengths, would be needed. Of the remaining 60.000 forces in the South and 100.000 in the North, 24.000 would be combined into the "joint/integrated forces", which will undergo the same training, will have the same "ideology" and follow the same instructions. The double name of the contingents emerged from the GOS' wish to call the forces "joint forces", whereas the SPLA preferred "integrated forces". Kwaje concluded by stating his wish to involve other parties in the next stage of the process, not only at the national level, but also at the level of regional governments.

AMBASSADOR HASSAN ADAM OMER reiterated the need for a "culture of peace", which he saw as a matter of education, with civil society having to play an important role in this. The ambassador also stated that even if external pressure was lifted, the commitment of both sides would continue.

GRUM ABAY reaffirmed that IGAD is the only viable regional forum for peace. He stated that external pressures in the Sudan process played a role but that the parties would not have responded to pressures alone. Furthermore, he warned that external forces were not only driven by their peace-loving attitude but pursue their own interests, too.

As IGAD's largest bilateral donor, Germany certainly welcomes the role of this regional organisation, ROLF SALIGMANN stressed. He stated that it was simply not feasible for IGAD to play a peace keeping role at this stage, but saw no contradiction between continued German support to the regional organisation and an engagement of a UN peace keeping mission.

WINRICH KÜHNE concluded the morning session by thanking all participants for their inputs. He summed up by highlighting the extent of common ground between the GOS and the SPLA, yet also pointed to the risk that these big players could share power and resources while Darfurians and other minorities feel at unease. These circumstances, combined with the fact that the process seems to be directed towards unity while distrust between North and South continues, required particular attention and strong involvement by third parties.

Session II

The Role of External Actors – Lessons learned from the three Conflict Areas

SIGURD ILLING, Head of the Delegation of the European Commission in Uganda, began his introduction by laying out the rationale of external engagement, which reaches from discrete political dialogue behind the scenes (applies particularly to countries with functioning government) to outright military intervention. Illing sees the aims of such interventions in supporting those who support peace in the country, in putting forward proposals (where needed) and in enabling talks by providing the necessary funding. Such efforts could be undertaken by neighbouring states, the aid community, regional organisations, the UN and military powers. The speaker admitted that the interests of these parties vary, and that the regional neighbouring states tend to hold the strongest self-interests. On the efficiency of external efforts, Illing noted that much depends on the availability of adequate entry points. Humanitarian aid could be one such entry point, and is in fact relevant for the European Commission's role in all the three conflicts. He cautioned expectations vis-à-vis military pressure and doubted that one can "push" people into agreements; a conducive environment ("ripe moment") would be required, too.

Comparing the three conflicts under debate, Illing pointed out their marking differences. Somalia was characterized by the multiplicity of actors, posing a fundamental challenge of inclusion, while the main parties in the Sudan conflict were few and could be distinguished quite clearly. In Uganda, external actors are apparently not even able to talk to two official parties. The Ugandan government sticks to a policy of "crushing" the rebels. The presenter further observed that all the three conflicts had strong regional connections, which has additional repercussions for the role of external actors.

In the history of tackling the Somali conflict, humanitarian aid was the main response in the beginning. When these efforts were hindered by the militias, UNOSOM came into play, but Somalis soon perceived the mission as external interference. Illing said the Sudan response had for a long time been rather "one-sided" by providing humanitarian support to the oppressed in the South. It took a long time for this

approach to shift and meanwhile meant that external actors had fairly little leverage in the North. The representative of the European Commission (EC) reported that the international community had for a long time turned a blind eye on the 18-year-old conflict in Northern Uganda, despite the number of 1.4 million internally displaced persons (IDPs). The international approach had only begun to change over the last two to three years.

Sigurd Illing then turned to the need for consensus among external actors trying to intervene in a given conflict. In the case of Somalia, Ethiopia and Egypt had followed contradictory approaches, a division that could easily be exploited by the warlords. Djibouti had also chosen its own course of action. According to Illing, no solution is imaginable to the Somali conflict unless the interests of Ethiopia, Kenya and Djibouti are addressed. Ultimately, one would have to raise the question of legitimacy of external interference. Hence conflicts such as in Somalia and Sudan would best be addressed by a strong regional organisation. The speaker said IGAD had solved some of its internal problems and, with the support of the Joint IGAD Partners' Forum (JIPF), could move forward now.

He then raised the issue of sustainability, which had often been the main weakness of peace making efforts. Somalia was characterized by a long series of mistakes in that regard, including a failed intervention and the multitude of parallel mediation efforts. However, he drew a positive balance with regard to the installation of the Somali Aid Coordination Body (SACB). The forum had helped to forward proposals, arrange for security and develop concepts in the absence of a Somali government. External intervention in Sudan according to Illing has not always been helpful, perhaps even extended the conflict at times. He concluded by expressing his hope that the international community would now act together on the Northern Ugandan conflict.

Opening the discussion, MARINA PETERS recalled that several speakers had described the UN as the only institution that could apply military force in a conflict. She warned that one needed to confront reality and recognise that there in fact was another force, the United States. Turning to Sigurd Illing, she asked why he had failed to mention NGOs and pressure groups among the external actors playing a role in conflict resolution.

ADLAN EL HARDALLO observed that the own interests of international actors had been missing from the presentations, and that none acted out of good will only. Furthermore, he said that economic and political conditionality were not as "innocent" instruments as they are often portrayed.

Commenting on the US' role in the Sudan conflict, JEMERA RONE said that the American government had "motivated" the GOS to take part in the negotiations, but also stressed the role that certain lobby groups in the US had played before this move.

ROLAND SCHWARTZ, Head of the Friedrich-Ebert-Stiftung Office in Nairobi (Kenya), quoted a newspaper article which criticised the trip of a group of British parliamentarians to Somaliland as external interference and at the same time demanded international intervention in the Somali peace talks. Turning to the conference, he asked: "What is a good and what is a bad intervention?"

In his response, SIGURD ILLING fully acknowledged the important role that NGOs play in conflict resolution, particularly in mobilising the public and pushing external actors to act. He further stated that all external actors had their own interests in conflicts and that the oil in Sudan had played an important, in fact positive, role in that regard. Pressure certainly was a "negative entry point" but could allow external actors to play a role at all. Positive (aid) and negative (pressure) entry points could be used in a mutually reinforcing way, but that was not necessarily always the case. On Roland Schwartz' question, Illing commented that the perception of interventions as positive or negative ultimately depends on one's perspective in and on the conflicts.

In the view of ASHA HAGI ELMI, Chairwoman of "Save Somali Women and Children", the said visit of British Members of Parliament to Somaliland had harmed the Somali peace process, yet external support to the talks remained necessary.

SAMSON KWAJE shared Illing's position that judgement of external engagement depends much on one's perspective in a conflict. He opposed Illing's view that international support in Sudan had been biased towards the South. In fact the North had received much higher support from the Arab world, France and others.

CHRISTIAN MANAHL commented that much confusion over the role of external actors exists because the United Nations remained a vision while states continue to act out of their individual interests.

ULF TERLINDEN drew participants' attention to the potential contradictions between external actors' interests and the needs of sustainable peace processes. In the case of Somalia, all international attention was directed towards the reconstruction of a state, rather than towards the silencing of the guns and supporting functioning structures of governance. Rather than playing out Somaliland and Somalia against each other, conceptual clarity would be needed to support peace in Somalia without losing peace in Somaliland.

In his second response, SIGURD ILLING apologised towards the Southern Sudanese and admitted that there had of course been one-sided support to the GOS, too. He reminded the audience of his stance that one cannot start building a house from the roof downwards. Illing favoured the famous "building blocks" approach of bottom-up peace building for Somalia. However, the remaining question would be how to bring the external actors together and come to a synthesis of goals. Furthermore, endless patience would be needed and confidence with all the conflicting parties would have to be built.

TOBIAS DEBIEL concluded this part of the debate by observing that one still does not know if the Somali house would eventually have one roof or two.

The Case of Northern Uganda

According to HON. LAKANA TOM ANANG-ODUR, Member of Parliament in Uganda, the conflict in Northern Uganda affects nine out of 38 districts of Uganda, with three more being affected by cattle rustling. 1.4 million people have been internally displaced, 25.000 children were abducted by the "Lord's Resistance Army" (LRA) to become child soldiers or wives of LRA commanders respectively. Around 300 people had been killed over the past month alone. 70 percent of the population in the conflict-affected districts now live below the poverty line, whereas the national average in Uganda is only 38 per cent. The country loses 100 million USD annually, or 3% of its GDP, in the war, which primarily affects infrastructure and development. According to the MP, the Government of Uganda (GOU) has spent 500 million USD on military hardware for the war in the North.

Turning to relations between North and South, the speaker said that the South was predominantly populated by Bantu groups and had seen progress in development whereas the North was primarily inhabited by Nilotic population and had served as a labour reserve and recruitment ground for Uganda but remained backward in its own development. Until 1981, Northerners had been seen as privileged in power. This situation changed with the removal of the former government in 1985/6, which cut off much of the income from military employment, too. The new regime apparently sought revenge against the North in the ensuing Luweru triangle war. Reconciliation did not take place as it lacked a proper framework.

Hon. Lakana described the close ties between the people of Northern Uganda and Southern Sudan and mentioned that Uganda had strongly supported SPLA until Museveni came in. Nowadays, the SPLM/A rebels again have Uganda's support, a factor that causes Khartoum to support the LRA. There had apparently been peace talks between the government that succeeded Obote and the LRA, but the agreement collapsed in 1986 when the NRA took over in Kampala. The parliamentarian reported that efforts to integrate the military forces into the Ugandan Army failed, partly because some of the Northern troops were arrested after their alleged integration. A number of Northern fighters did not follow the orders to integrate and formed the LRA.

Summing up, Hon. Lakana Tom Anang-Odur stressed that trust, reconciliation, an open perspective and the international community's involvement were needed to bring about a solution to the conflict in Northern Uganda. He requested clear criteria for international interventions, towards which the GOU does not seem to be very open, if not even hostile.

In her presentation, RUTH OJIAMBO OCHIENG, Director of ISIS-Women's Cross-Cultural Exchange (Uganda) complemented Hon. Lakana's remarks. She noted that the conflict in Northern Uganda had long been left to itself, although it did not fade away. The rebels had been labelled as "bandits" earlier, but this label had shifted to "terrorists" following the September 11 attacks. Lots of money had been spent on the

armed forces, with little effect in terms of ending the war. Ruth Ojiambo Ochieng asked whether the interventions actually tackle the root of the conflict. She reported that the female minister Bigombe who had been in charge of the North earlier almost succeeded in addressing the LRA problem through negotiations, but then public comments by the Ugandan president destroyed the LRA's confidence in the process and it pulled out. She remarked that civil society often remains weak and not well organised yet was also let down by the media at many points.

She further noted that an amnesty might not be of use when it cannot be implemented because people lack trust. She had personally travelled to the North with a group of Southern MPs who later pushed for a resolution of the conflict and supported the parliament's move to declare the North a disaster area, a decision that was rejected by cabinet on the same day.

Following the recent massacres, a debate on a possible intervention by the EAC set in, but President Museveni continues to keep Tanzania and Kenya out of the issue. The GOU rather blames the donor community for the problem in the North because it had not permitted Uganda to spend sufficient funds on the military. Ruth Ojiambo Ochieng said that an amnesty required univocal support from outside, and that the government should not be allowed to hide behind and benefit from the "war on terror", particularly because the country was funded by 50 percent from outside, offering sufficient levers for external engagement. She demanded that all international and regional actors must harmonize their actions to overcome the GOU's rejection of external interference.

TOBIAS DEBIEL offered Mozambique as an interesting example for comparison, where Renamo had long been labelled "terrorist" before the peace agreement could be reached. He further mentioned conditionality and the need for internal and external monitoring as outstanding issues of the previous presentations. Opening the floor for discussion, he asked participants to be more concrete when it comes to the roles of and expectations towards regional organisations.

In the face of the GOU's rejection of international interference, PETER SAMPSON, representative of a British NGO, asked Hon. Lakana Tom Anang-Odur for his views on the involvement of the International Criminal Court (ICC). He asked the conference to take into account the differences between perceptions and reality, highlighting the quantitative increase of Saudi funds flowing to Northern Sudan (which quadrupled) and the qualitative dimension of USAID's support of good governance in Southern Sudan, where there is no government. Furthermore, Sampson pointed to the relevance of media, particularly CNN, in decisions on international interventions.

FRITZ KOPSIEKER, Head of the Friedrich-Ebert-Stiftung Office in Kampala (Uganda), stressed the lack of clear lines of "demarcation" in the Ugandan conflict. Abductions would take people from one side of the conflict to the other, and the presence of LRA in Lira, which had become possible because the UPDF had not been reinforced, would raise the question of who is really doing what in the conflict area.

Responding to the questions from the floor, HON. LAKANA TOM ANANG-ODUR said that the GOU had succeeded to manipulate the international community with regard to labelling the LRA as terrorists, and that the US had "fallen into this trap". On the ICC he noted that Museveni had primarily sought to make them deal with the LRA, but now the ICC would look at the whole picture and he might no longer want to cooperate.

Hon. Lakana noted that a core problem of "perceptions vs. reality" was the fact that a fundamental, careful analysis was being avoided. But in his eyes, the LRA would not even fade away if the Sudan conflict was settled. African governments remained more concerned with their own staying in power than to address such issues, unless the international community takes a joint approach. On the day when the parliament declared the North a disaster area, all EU ambassadors and the ambassador of the United States came to endorse this decision. The MP saw that as an indication that the donors are prepared to take a united stand on the conflict.

RUTH OJIAMBO OCHIENG, who is a member of the women's caucus advising the ICC, welcomed the fact that the ICC seek a deeper analysis, which would reveal that not only the leader of the LRA Kony but also the top government leadership committed crimes. She said that Illing had actively convinced ambassadors and parliamentarians to take a closer look at the North and travel there, too. This reportedly changed people's perceptions and made the ambassadors come to parliament on the day of the disaster area vote. On civil society groups she added that they needed to cross borders (such as the Kenyan-Ugandan border), but

that there was also a fundamental lack of protection for these groups. She asked how one could expect NGOs to hand information to the ICC when no-one would protect such organisations thereafter.

With regard to the “murky” situation in Northern Uganda, Ruth Ojiambo Ochieng reported that those in charge of protecting the camps in fact lived in the middle of the IDPs and were poorly equipped, often without shoes and reasonable medical services, although lots of funds had been devoted to the military in the North. In addition she said that people on the ground reported that UPDF soldiers would rape women, too, even though at lower rate than the LRA.

JOSEFINE ODERA asked the Ugandan presenters for their views on Kony's support structure in Uganda and in the diaspora. Secondly, she inquired why the government did not want to take this issue head-on.

HERIBERT WEILAND of the Arnold-Bergstraesser-Institute (Freiburg) questioned the comparison between Uganda and Mozambique. From his perspective, the parties in the Southern African country were really worn-out when the peace agreement was reached; so he asked the presenters whether that was the case in Uganda, too.

VOLKER RIEHL noted the contradiction between the donors' support to Uganda, a country spending 200 million USD on defence, where about a third of the country was in free-fall, and the declared will of the international community to achieve the Millenium Development Goals (MDGs). He requested civil society (if not the donors) to draft a road map according to which aid to Uganda could increasingly be conditioned.

HILDEGARD LINGNAU of the East Africa Division of the German Ministry for Economic Cooperation and Development (BMZ) asked the audience what Germany could really do in terms of development cooperation to tackle the conflict in Uganda. She noted that representatives of the Acholi Religious Leaders who recently met the German Minister for Development Cooperation had asked her to end foreign aid to Uganda, but the Ministry did not share that view.

In his response, SIGURD ILLING stated that aid could in fact be conditioned and stopped if everything goes the wrong way in a country, but noted that that was not the case in Uganda which had achieved considerable progress towards many MDGs. The recent visit to parliament by so many ambassadors had shown the government that the international community was no longer willing to accept the approach to the conflict in the North. Illing said he had met President Museveni and heard him talk of how the LRA was going to be crushed, and the massacre in Lira took place on the same afternoon. However the question remained whether the president could be convinced to drop the military option.

On the question of conditionality, Illing noted that he had no doubt that a lack of donor money would be substituted by the government which would rather stop building roads and funding schools than to cut the funds of the military. Even in the case of Ethiopia, where the EU stopped funding for some time during the Ethiopian-Eritrean war, the war had continued without changes.

RUTH OJIAMBO OCHIENG reported that – similar to the earlier situation in Mozambique – even the Ugandan army was tired of the war. The problem was with the “invisible party”, the LRA, which received support through some diaspora. On the question why the government would not want to take the issue head-on, she said there was speculation of some “skeletons in the wardrobe” and corrupt structures that might have grown in the shadow of the war. The speaker did not believe that aid to Uganda should be cut, but rather be redirected towards the issue of the conflict.

On Josephine Odera's questions, HON. LAKANA TOM ANANG-ODUR noted that the LRA's support structure in terms of manpower were abductions, abusing the population of Northern Uganda as an unwilling resource base, which was also a result of a lack of government protection. In addition he said that there are some in the North who support Kony because they want to counter Museveni's government. With regard to the failure of the GOU to achieve successes against the LRA, the MP mentioned incompetence, which some in the North interpret as purposeful so that the war continues to “punish” the Northerners. He further reported that around 8.000 troops had just been deployed to the area where the massacres took place, however, only 30 militias had been in the Lira camp to protect the 5.000 IDPs. He expressed his hope that this issue would be investigated by the ICC, too.

Hon. Lakana asked the international community to encourage dialogue by supporting those on the side of the LRA who are willing to come out and talk, and the priests who tried to mediate. He spoke in favour of conditionality particularly because anyway the aid in his view does not reach the people concerned.

JEMERA RONE felt encouraged that some things finally seem to change towards Uganda, even if that could not be viewed as a great success after 18 years of war. She noted that 80 percent of the Acholi population were IDPs, and 100 percent depended on humanitarian aid. Jemera Rone requested an international, including African, action plan so that the political debacle that happened around Zimbabwe would not be repeated. Finally, she asked for support to an independent judiciary in Uganda which could also protect civil society and requested the diplomatic corps to take an active role in this.

CHRISTIAN MANAHL underlined the impression that the picture from Northern Uganda was often murky, including the question of who actually controls the army. Furthermore, he asked whether there was any discussion about an independent peace negotiating team and efforts to protect the IDPs, e.g. through an international intervention.

In his final response, HON. LAKANA TOM ANANG-ODUR said that the GOU was basically a military government and that no "real" military action could be taken without the president's consent. Yet questions remained, particularly because the LRA is known to have committed violence "in the name of the government at the time of the Luweru triangle war" (the Obote Government). The MP added that despite Nelson Mandela's and President Mbeki's efforts to discourage Museveni, people in Uganda expected him to stand in the next elections, which would dash hopes for change and peace, as Museveni continues to refuse peaceful means of resolution.

SIGURD ILLING expressed his pessimism in view of the fact that it would be difficult to change President Museveni's stand on the conflict with LRA. However, he noted that the president must be asking himself questions, too, after the recent massacres. Illing cautioned expectations towards the possibilities of the donors once again and warned that no one should expect the LRA problem to disappear after a resolution of the Sudan conflict, although it would certainly encourage Museveni in his position.

RUTH OJAMBO OCHIENG reminded the audience that civil society and even the parliament were manipulated by the government from time to time. The Ugandan president is reported to even "work on MPs individually" sometimes. She asked the EU to put the case of Uganda onto the agenda of the UNSC and warned of rising escalation if the problem was not addressed.

Session III

Experiences with the Participation of Civil Society at Conflict Resolution and Peace Negotiations

ROLAND SCHWARTZ opened the session by asking what civil society really means. He elaborated that the term goes well beyond NGOs, and stressed that the activities under consideration included not just conflict prevention, but also post-conflict reconciliation and mediation. He invited participants to share their different (locally influenced) definitions of "civil society". He quoted evidence according to which civil society had played a role in ten out of fifteen conflicts, however, the relevance of civil society in Ethiopia and Somalia was considered low, and medium in Sudan.

In her presentation, JOSEPHINE ODERA defined civil society as "outside government/state, army and the masses of the population", thereby including organised groups and the private sector. She said the level of civil society engagement in the conflicts of the region varied, depending on the nature of the conflicts and the location of the groups involved. The political space in which civil society can act is not a "given", according to the speaker, it remains a contested area. AU's appreciation of civil society would have to acknowledge this problem. When no-one would intervene, civil society might still have a chance to spring up and fulfil its spiritual duty. Josephine Odera said civil society felt a need to intervene before or during conflict because of its perceived responsibility to counter human suffering, denial of rights and violence. Civil society saw its role in trying to get parties to dialogue. It may get involved at any stage of conflict, by

all sorts of means (e.g. advocacy, research and analysis, partnerships), and even in the course of peace processes. The latter is the case in Somalia, but proves difficult in the Sudan.

The speaker cited evidence of 1997, when efforts were made to get women more involved in the men-dominated, state-run peace process for Sudan. Commentators at the time said women should join SPLA or the government to get involved, but women rejected and “engendering” the process remained difficult although women were the ones actually suffering from the conflict. With Dutch assistance, women were then supported in building their peace building skills, to organise themselves, and encouraged to link up between North and South, despite existing suspicions. Josephine Odera went on by describing the example of “Operation Save Innocent Lives” (OSIL), a project dedicated to de-mining in Southern Sudan which was organised under the Sudan Working Group of the All-African Conference of Churches (AACC). In this case, civil society took up the challenge of de-mining while the war was still going on. OSIL operates in the “liberated areas” of the South. Other examples of civil society engagement included the People-to-people Peace Process, an ecumenical effort, the watchdog role that civil society played with regard to the 2001 Nairobi Declaration to tackle the proliferation of small arms, and other networking activities for peace. She saw the main role of civil society actors to organise out of a real need to act and push for certain issues to be addressed. This repeatedly involved the need to open up political space, e.g. to gain a say for women in security matters.

With regard to the often-quoted fear that NGOs might only follow the priorities of donors, Josephine Odera admitted that it might sometimes be the case, but that this would not deny civil society its role and its options of acting constructively. Picking up the earlier debate, she also highlighted the problem of protection that civil society faces in many countries, which often required a certain “packaging” of information. She further pointed to the institutional weaknesses from which many organisations suffer and mentioned that her organisation APFO had been part of a USAID capacity building programme to address such problems of otherwise “able” groupings.

The second presenter, ADLAN EL HARDALLO confirmed Josephine Odera’s observation on the participation of women on the Northern side of the Sudanese peace process. Women had not even been invited to join that party of the conflict. The speaker went on to describe the variety of conflicts in contemporary Sudan, which were not limited to the major conflict between North and South but also involved local conflicts, e.g. between pastoralists. He pointed to the enormous physical and social reconstruction requirements of this “broken country” which would mark the second stage of the peace process and demanded a “different punch”, away from the elites, towards a democratic, inclusive transformation.

Adlan El Hardallo described civil society to have its role in the private sphere, between the family and the public, and distinct from the state. In “ideal principle” it would be part of the democratic framework that holds the state accountable to society, however, he questioned whether these conditions were given in Africa. While Sudan had known voluntary work (to fill social gaps) for a long time, it has – according to the presenter – never been possible to found organisations separate from the state. In his observation, the middle class and other relevant actors had only united temporarily in times of serious political crisis but had failed to identify the goals that civil society could have achieved. Instead, they had fallen prey to the political movements and lost their independence, their leadership often being monopolised by politicians. The “traditional” civil society organisations had been dissolved in the course of the coup in 1989 and were then re-founded under the same name but state-controlled or turned into state-controlled economic enterprises. Yet there are still some civil society organisations who limit the space of state and government, according to the speaker.

The presenter said the peace process excluded civil society, which in a way was understandable considering the complexity that the process already had now. Furthermore, the parties might fear to open a door which they could not close again at a later stage. Yet Adlan El Hardallo also pointed to the failure of the parties to win the support of civil society for the peace process. The civil society would presumably have its main function during the second stage of the process, which required capacity building, the construction of strategic alliances and financial capacities. He announced that shadow committees would be formed to accompany those committees of the peace process in which civil society would not be involved.

MANFRED ÖHM, Head of the Friedrich Ebert-Stiftung Office in Khartoum (Sudan) requested a differentiation between civil society in Khartoum and in Nairobi (for Southern Sudan) and asked the speakers to elaborate further on the composition of the so-called GONGOs (“Governmental NGOs”) in Northern Sudan.

The point was taken up by MARINA PETER who reminded the audience that there are also civil society organisations in Southern Sudan. While agreeing to Adlan El Hardallo's argument that there was no way for the Northern civil society to participate in the peace process, she mentioned that there had been a substantial number of Sudanese NGO's which produced concrete proposals that were partly taken up by the negotiation partners.

CHRISTIAN MANAHL clarified that he did not intend to say that civil society had no role to play in the first stage of the Sudanese peace process, rather the contrary. However he emphasized the importance of civil society for the democratic transition in phase 2 and stated that he would consider the peace process a failure if it ended up with two new dictatorships.

In the view of WINRICH KÜHNE, the discussion lacked a more detailed discussion of the validity and trustworthiness of NGOs in the countries of the Horn of Africa. He also demanded the debate to take into account the relationship that exists between NGOs and militias, which he believed to come from the same families in many cases. Kühne questioned the potential that NGOs have in influencing these powerful actors.

JOSEPHINE ODERA saw Winrich Kühne's statement as questioning the basis of civil society and admitted that in the end, every actor is from society, even the military. However, she stressed the need for clear analytical distinctions. She summed up that the role of civil society (such as the churches and coalitions of local peace groups) in all of the three conflicts was primarily that of a facilitator of dialogue who would be allowed to continue to talk even when war was on-going. Furthermore, these actors would bring the view of civil society to the table and try to hold armed groups accountable to the (limited) extent possible. Odera emphasized the need of constant civil society engagement which should not be limited to post-war peace talks. Furthermore, she recommended a broad understanding of the term civil society.

In his response, ADLAN EL HARDALLO explained the role of Northern Sudanese civil society. They had had campaigns on governance issues and "Sudan First", were part of the committee to reconcile political parties, and sent a group of its members to the Naivasha talks. The speaker stressed the variation of civil society and said he did not deny the role that it could play, however, civil society would have to fight for that role. He also reiterated that this role existed in phase 1, but that the real challenge was in countering the partnership between the GOS and SPLA in phase 2, since these power holders might no longer be inclined to discuss policies with their people. Furthermore, he expressed his concern that the agreement might not last the entire 6 years of the interim period.

The Case of Somalia

ASHA HAGI ELMU, Chairwoman of "Save Somali Women and Children", began her presentation by pointing out that the current Somali crisis should not be viewed in isolation from the rest of Africa. "Bad governance" was not only a source of conflict in Somalia, although it took an extreme form here when the state collapsed completely. In her view, international engagement in Somalia was and still is strong; however, it has failed to achieve the desired outcomes. Mrs. Asha saw the Arta Process as the furthest reaching attempt so far, which however had not been recognised widely, and had led therefore led to the current efforts in Kenya. Among the comparative advantages of these peace talks, the speaker saw its all-inclusive nature, the involvement of civil society, and the full engagement of the international community. She recalled that the main peace talks, including the formulation of the main issues, had begun only after a cessation of hostilities agreement was signed. The ensuing process had been lengthy and involved a lot of trouble over the selection of delegates. However, a breakthrough had been achieved in the retreat meeting under President Mwai Kibaki's chairmanship at the end of January 2004. Mrs. Asha reported that she in her function as the vice-chair of all civil society groups was the first Somali woman to sign that particular agreement on behalf of Somali civil society. She preferred to use a wide term of civil society, which would not only encompass women's groups (as some warlords may believe), but also NGOs, which are often considered "foreign instructed elements" by the warlords. The speaker primarily saw the role of civil society in creating the atmosphere in which the parties would get their act together, i.e. by raising the voice of the voiceless and making peace the top priority. She explained that the civil society representatives at the Mbagathi talks preferred to disassociate themselves from the process when it came to the issue of power sharing because they would not want to be seen as a threat to the warlords.

According to the speaker, the talks are now in the third stage, primarily discussing the question of power sharing, which she considered as the most difficult. A principle agreement has been made to select members of parliament along a 4.5 clan formula, and women achieved to be represented with 12 percent of the seats. The parliament is supposed to elect the President who chooses a prime minister who in turn forms a cabinet. Mrs. Asha said she hoped that the cabinet would then include the right share of women, too. She underlined the need for continued international support during the post-conflict period. In conclusion, the speaker observed that focus of international efforts had been on the warlords, whose exclusion was always feared, but that Arta had shown that this approach can be changed, and that power from the barrel of the gun would not have to be rewarded.

Coming back to the case of Northern Uganda, RUTH OJAMBO OCHIENG pointed out that in contrast to the other two conflicts under discussion, the Ugandan conflict was not internationally recognised. Traditional and religious leaders were heavily involved in talks and negotiations, and media, NGOs, women's groups had a role to play in advocacy and lobbying, too. However, the peace making efforts of civil society had not been recognized by the GOU. Her organisation had collected data to inform the public on the conflict. In her findings, women were not only victims in the conflict, particularly since their role in arms and ammunition trafficking had been documented.

On the history of civil society in Uganda, Mrs. Ochieng reminded that it had been ruled by decree under Idi Amin, which allowed very little space for civil society to flourish. Nowadays, some NGOs tended to ally themselves with the government, failing to perform in their role of checking on the government. The speaker noted that women and civil society in general could advocate for peace, get people from different sides together, inform them, and build their trust and capacity. She quoted the example of a group of women who understood the conflict and asked their sons to come out of the bush and stop fighting. Ruth Ojiambo Ochieng said that capacity building was the most important area that needed to be addressed with regard to civil society's, and especially women's role in conflict resolution.

SAMSON KWAJE made a few complementary remarks with regard to Southern Sudan. He said civil society had basically been destroyed in the course of the war, and that most of its structures then grew outside the country. The SPLM according to Samson Kwaje had realised this problem and organised workshops since 1995 to encourage the formation of new civil society groups inside Southern Sudan, which bore fruit in most parts of the area in the meantime. The speaker warned of the difficulties associated with some NGOs which only grow out of their respective regions and might in the end merely represent their specific militias, which was not only the case with the SPLA. The speaker noted that the SPLM had tried to involve women's groups in the talks on Sudan but that these organisations refused on the basis of being "non-partisan". As a consequence, the SPLM had turned to the New Sudan Council of Churches, trying to find women who would not "embarrass" the movement. Four women had become involved accordingly in the meantime. Furthermore, the SPLA reportedly briefs different groups after every signing of a document, and this would always involve at least one group of women. The GOS had brought "one or two women" to the talks in the past, but Kwaje said that that was no longer the case nowadays.

BARBARA SCHACKE raised the question of conflicts, particularly between different ethnic groups, that could potentially arise e.g. inside Southern Sudan once the major conflict will have been addressed. She asked whether civil society from the different sides could and would work together in such cases.

SIGURD ILLING congratulated Mrs. Asha Hagi Elmi for her achievements in fighting for the position of civil society and women in Somalia in particular. He recalled in how many ways women had originally been involved with the war, especially through their relatives, sometimes even forming "human shields" for militias in the Mogadishu street wars with US troops in 1993. This situation had drastically changed ever since. Illing warned of a redefinition of the term "civil society" and stressed that it needed to be an exclusive term, also in the interest of a targeted distribution of donor funds. The EC representative reported that Ugandan civil society would now receive a capacity building programme (the first of its kind funded under the ACP-EU roof) in which the groups themselves would determine their priority areas. He underlined the importance of accountability of civil society, effectively binding NGOs to their own good governance principles. Illing stressed the potential, mutual benefits that could arise from coalitions between the independent NGOs and elected parliamentarians, who had official legitimacy but often remained in a straight-jacket of government politics.

TOBIAS DEBIEL pledged for a clear distinction between "civil society" and "society", which also included "uncivilised society". In the case of Somalia, defining civil society as all unarmed groups, combined with the decision of civil society to stay out of power sharing meant that power would entirely be left to the

armed groups. However, strategies to involve civil society in the distribution of power were needed to overcome the dominance of the warlords. Debiel reminded the audience that the Arta conference had been praised by many, because it fit into the Western perceptions of participatory, inclusive conflict resolution. However, the effort had been disconnected from Somali priorities. He concluded that one should not follow idealistic paths along such formulas. Turning to the presenters, Tobias Debiel asked what options the peace process would come up with in respect to decentralization and power sharing, and what the role of the regions would be, including options for the north-western region of Somaliland. Furthermore, he questioned whether the international community should really (strongly) support a new central government after its formation, and stated that he would like to see more emphasis on the regional level.

PETER SAMPSON asked what role civil society could really play in the pre-negotiation stages of a conflict. In the case of Ituri (DRC), French-European soldiers armed with a Chapter VII-mandate of the UN had very effectively turned Bunia into a town without arms, while in nearby Mahagi, the same had been achieved only through the will of the local people. From a donor policy perspective, Sampson noted that the greatest problem was that of available partners. He stated that it needs people on the ground who work on the basis of a proper analysis which in turn provides them with legitimacy.

In the view of MARINA PETER, the primary role of civil society was to advocate for peace and speak out on pressing issues. She said that in the case of the Nuer in Southern Sudan, this was difficult because one would first have to determine who is really behind violent incidents, whether these were perpetrated by ordinary people or by the militias. Furthermore, she noted the importance of peace education as a crucial element of peace processes, particularly in raising the knowledge about the "other side" in a conflict. Marina Peter stated that capacity building and conflict resolution had become the current fashion among the donors and that NGOs would "go for it", whether they have the capacity to do it, or not. She agreed with previous speakers on the crucial need for capacity building, especially now that money will pour into Sudan at a massive scale. She warned that because of their freedom to work and their access to education, many GONGOs in Northern Sudan had much better capacity than the "real" NGOs, with the effect that the latter might be spoiled by the "big money". In this context, Marina Peter also pointed to the foreseeable pressure on donors to spend money in this field after the signing of an agreement.

ULF TERLINDEN commented that contrary to Asha Hagi Elmi's statement, the Mbagathi talks were in fact not inclusive because a number of faction leaders as well as Somaliland would not participate. He did not want to go into the reasons of their absence but asked what initiatives civil society on either side had taken to address this problem of the peace process. In addition, Terlinden asked the presenter to explain whether she saw the elders as part of civil society and how they would relate to other actors like NGOs, women groups, etc.

ADLAN EL HARDALLO regretted that although the Sudanese civil society participated in the peace talks, it did not act in a unified way, but rather kept talking about two Sudans. A united position was further complicated by the difficulty of meeting across the lines; Southern civil society cannot travel to Khartoum, while Northern civil society would often be restricted to travel to meetings in Nairobi. Mr. Hardallo said he did not consider legitimacy as a real problem because civil society was based on volunteerism. In his view, civil society can and should participate in politics without seeking power. On the issue of decentralisation, he noted that there had never been federalism in Sudan, but that the country was supposed to see a devolution of power which so far has not taken place.

In her final remarks in this session, ASHA HAGI ELMİ drew a clear line between civil society and the warlords. In her view, the warlords were power-oriented, while civil society was solution-oriented. On this background, she and her colleagues desired to be careful not to project an image of a civil society that seeks power. In addition, she said that the warlords would not come to the table with a clear sheet in terms of human rights violations. Many had been involved in atrocities and therefore feared if civil society came into positions of power. Furthermore, she stated that power sharing was purely a clan-based affair of the elders and civil society could not become involved. Asha Hagi Elmi noted that the Arta peace process had been a positive "pilot project" for the current process, but it had failed because internal factors such as the role of the warlords were underestimated and the TNG (Transitional National Government) could not mobilise the necessary international support. Mrs. Asha stated that the process was inclusive as far as the Somali people were concerned, and that Somaliland was represented in terms of clans (Dir-Issaq). She concluded by stating that the elders were part and parcel of civil society, and that she saw them and women as two main pillars of it.

Session IV

How to deal with human rights violations in negotiated agreements?

In his introductory remarks, VOLKER VINNAI recalled the development of international criminal law, which had brought about the International Criminal Courts for the Former Yugoslavia and Rwanda during the 1990s. These special courts had been limited in scope, conducted their trials outside the country and employed international lawyers, so that their work was always a bit detached from the respective reconciliation processes. The signing of the Statute of the International Criminal Court in Rome in 2002 decreased the likelihood that new special courts would be established, with very few exceptions such as the case of Sierra Leone. Volker Vinnai further elaborated on the potential of truth commissions (i.e. South Africa and Argentina) and other forms of reconciliation before he drew attention to the fundamental difficulty of addressing the needs of justice in on-going peace processes. Passing the floor on for the presentation, Vinnai raised the question whether in most of these processes, justice may simply have to wait.

JEMERA RONE of Human Rights Watch recalled El Salvador as one of the historical precedents of contemporary efforts to address human rights violations in peace processes. In this country, a huge UN human rights monitoring system had been set up to collect evidence of the worst atrocities of the past. She stated that in most wars, much of the conflict was waged by human rights violations, and if it was the case, human rights certainly needed to be incorporated in the peace process. Mrs. Rone expressed her concern that the EU Troika had a different view in the example of the Sudan, or at least it had not effectively pushed for human rights to be addressed in the process. According to the presenter, Human Rights Watch's arguments in favour of including human rights in the Sudanese peace process were that the actual enforcement of human rights by international actors would build confidence and that it would level the "playing field" if human rights included the right to participate. Jemera Rone said the agreement included elections which required international monitoring because freedom of expression would have to be guaranteed, both in North and South Sudan. She stressed the need for human rights monitoring in order not to let the powers in North and South to get into "bad habits". Protection of people who are "on the other side" was needed, too. Specifically, one should not expect that people would leave the garrison towns in the South, and similarly, groups like the returnees in the North required protection. Rone reported that the 5-page document on human rights signed in Naivasha had not been published and warned that this puts up "a red flag", particularly because it was basically limited to agreements to sign all sorts of international documents, but foresaw no implementation mechanisms and no benchmarks, despite the enormous atrocities that had been committed during the war. These circumstances also inflicted on possibilities to make ordinary people stick to peace and its rules, as conflict-related violence could be seen as something that you can always get away with.

Jemera Rone noted that the ability of the United States to lobby against prolonged incommunicado detention had been compromised by its own conduct. She noted that there was tension between corporate interests and religious constituencies within the administration. Since the Danforth Initiative, it had become ever clearer that the US were in need of a foreign policy achievement, a situation complicated now by the perceived foot-dragging of the process, which combines with the renewed challenges arising from the Darfur conflict. The US government would currently project an image in which its stand towards Khartoum was "stiffening".

The presenter noted that the ICC's involvement in Uganda would have a lot of value as a precedent and as the first case received a lot of attention. The prosecutor apparently for a while considered Congo (DRC) to become the first case of the ICC but might have changed his mind because he thought Uganda to be "easier" to begin with. According to Jemera Rone, the prosecutor will use his mandate in a very impartial and open process, so that the GOU will have little choice but to stick with its cooperation with the ICC. The focus of his efforts was certainly on prosecution, and it remained unclear how that could translate into peace and reconciliation efforts, of which there was no prospect anyhow. She warned however that once international law was applied, crimes could not be pardoned in the course of peace talks.

With regard to the Somali peace process, ASHA HAGI ELMU reported that discussions on human rights had taken place and that the issue seemed to contradict the spirit of reconciliation. So far, human rights had not been addressed in the charter and it remained unclear how impunity in Somalia could be ended.

Picking up her earlier point on “fashions”, MARINA PETER stated that human rights were not one of these fashions. In her view, the UN Human Rights Commission was a complete disaster, and it had been a shock to observe that an African leaders’ block had voted out the Special Rapporteur on human rights in Sudan. This she said effectively meant that those in power protect each other. The fundamental problem was that all leaders had been involved in human rights violations, and therefore would not sign up to agreements on human rights in peace processes. Marina Peter urged a people-to-people-process and measures to address individual crimes, particularly because of the violence that had been observed after the signing of the Machakos Agreement. People had apparently hurried to take revenge before peace would arrive.

JOSEPHINE ODERA noted the pattern that leaders in peace negotiations always have a terrible human rights record and asked what mediators could reasonably achieve. She warned that in the light of the said circumstances, retrospective approaches such as truth and reconciliation commissions might not always see the light of the day.

SIGURD ILLING highlighted the sometimes very painful choice between peace and justice. In the case of Uganda, the international community gladly welcomed the involvement of the ICC, yet also encouraged recommendations of the Acholi leaders on an amnesty law. President Museveni’s effort to bring in the ICC might have been an attempt to amputate the amnesty process and thereby to end the discussion on dialogue with the LRA. Illing concluded that for these reasons, the ICC might not really help the Ugandan peace process now.

According to HON. LAKANA TOM ANANG-ODUR, human rights violations are a big problem in the Ugandan conflict but there is not a lot of public support for punitive action. There seems to be a tendency in favour of stopping the violence but to carry on with life after that. The greatest difficulty is apparently with children who committed crimes while they were abducted. According to Hon. Lakana, the majority of the army is now composed of former abductees. The situation might become more complicated through the threat of punishment by the ICC. The speaker said that the LRA may no longer want to come out of the bush under these circumstances.

With regard to the issue of child soldiers, VOLKER VINNAI mentioned that the American prosecutor of the Sierra Leonean court said he would not try anyone below the age of eighteen because these children had been brainwashed and abused.

HASSAN ADAM OMER claimed that in terms of human rights violations, Sudan had been “more under fire” in the last few years than many other parts of the world, which he perceived as unfair. He said that despite its own rich traditions in addressing human rights problems, Sudan had not been allowed to follow its own course. Nevertheless, a lot of progress had been achieved in terms of human rights in the Sudan, e.g. with regard to freedom of expression, laws guaranteeing individual rights, and the establishment of a human rights council. In his view, the first priority was to stop the war, the second to achieve lasting peace. He reported that the two parties had agreed in Naivasha to build two pillars of government which would then set up new institutions to deal with human rights violations. Finally, he stated that the parties would also be capable to solve all their problems on their own.

SAMSON KWAJE informed the audience that the 5-page human rights document mentioned by Jemera Rone had been signed on February 6, 2004 and offered to share it with Human Rights Watch. According to Mr. Kwaje, this initial paper, which will be part of the final document on power sharing, includes an agreement to establish a human rights commission to monitor rights. He noted that the GOS had rejected 3 sections of the earlier draft: A paragraph against the discrimination of women, one on slavery (claiming that there is no slavery in the Sudan), and one that would have established a Truth and Reconciliation Commission. The latter was allegedly rejected because it sounded like apartheid South Africa. Samson Kwaje said the SPLA would insist on the introduction of these three essential points before the signing of the final agreement. He further remarked that the movement had complained when the UN Special Rapporteur on Sudan was removed but it was informed that a “democratic” decision had been taken.

In her response, JEMERA RONE turned to Mr. Kwaje and thanked him for the offer to share the human rights document. She highlighted the need for community-based dispute resolution mechanisms and reconciliation, e.g. in the conflict involving the Rezeigat ethnic group. Mrs. Rone observed that the SPLA had not been as fully participating in such efforts as Human Rights Watch would have wanted it to be, e.g. when it refused to attend the Kampala reconciliation conference for the South. She reported that the Nuer were becoming and feeling more and more alienated despite the twenty or so militia groups in the oil areas. She stressed that this problem would become increasingly important particularly because the

GOS had a history of using these Nuer-based forces to disturb the peace. In addition, it would be important to bring these militias to justice for their past atrocities. However, it seemed that these issues would not be a priority of the SPLA. Jemera Rone said she hoped the international community would take a constructive role with regard to human rights in Sudan at this point instead of having to “fix” the peace process once dictatorships would potentially have emerged in North and South Sudan.

On Uganda, Mrs. Rone regretted that there was a lack of human rights accountability within the UPDF. She asked why no-one had ever been tried for rape while many people had been tried for treason. At the same time, the Human Rights Watch representative urged not to allow human rights to be used as a tool to avoid peace talks. She agreed that human rights in some cases have to be left to a later stage, but must not be pushed aside forever. Once talks are more advanced, the room to address human rights issues would increase, and leaders could not just step out in response.

ADLAN EL HARDALLO welcomed the human rights principles laid out by Samson Kwaje but said they only catered for the future and did not take into account past atrocities. He added that the past should be addressed through the will of the people, e.g. in the form of a Truth and Reconciliation Commission. Turning to Jemera Rone, he asked why she rejected the notion of forgiveness. Islam had a long tradition to seek justice either through revenge or forgiveness, but preference was clearly given to the latter.

Recalling the debate of bringing Idi Amin court, FRITZ KOPSIEKER said that there had been a lot of discussions on whether and how he should be prosecuted. By citing statements from a public query which focused heavily on Idi Amin’s achievements, Kopsieker underlined the sense of forgiveness that characterized Uganda’s approach to put the past to rest.

CHRISTIAN MANAHL stated that forgiveness, in his view, could only be based on the offender’s admittance that he or she has done wrong, and explained that the right to forgiveness must be a privilege of the individual victims, not of outsiders or the communities as a whole. Furthermore, he stressed that reconciliation would have to be part of any conflict resolution process, which basically represented a process of social transformation. He admitted that peace processes can bring some “criminals” to power and others to be punished, but added that such was not tolerable and justice would have to be applied to all.

HILDEGARD LIGNAU cited the example of Rwanda where a procedure of public confession was combined with the judicial process. Those who spoke out about their crimes were forgiven half of their sentence. She said the number of 120.000 people charged with genocide crimes left no other option and the approach eventually stabilised peace in the country.

RUTH OJIAMBO OCHIENG described a traditional reconciliation procedure from Northern Uganda where perpetrators of crimes would have to speak out in public and depended on the victim’s acceptance of the appeal for forgiveness. Looking at the coming ICC involvement in Uganda, she repeated the suspicion that the process was meant to undermine local reconciliation efforts and demanded that the local people receive the chance to handle the issue.

In her final remarks, JEMERA RONE shared Christian Manahl’s perspective on punishment and forgiveness.

List of Abbreviations

ACP	African, Caribbean and Pacific States
APFO	Africa Peace Forum
AU	African Union
DRC	Democratic Republic of Congo
EC	European Commission
EU	European Union
FES	Friedrich-Ebert-Stiftung / Foundation
GONGOs	"Governmental NGOs"
GOS	Government of the Sudan
GOU	Government of Uganda
HRW	Human Rights Watch
ICC	International Criminal Court
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
JIPF	Joint IGAD's Partners Forum
LRA	"Lord's Resistance Army"
MDGs	Millenium Development Goals
MP	Member of Parliament
NDA	National Democratic Alliance
OAU	Union of African States
OSIL	Operation Save Innocent Lives
SACB	Somali Aid Coordination Body
SPLM/A	Sudan People's Liberation Movement/Army
TNG	Transitional National Government
UN	United Nations
UNOSOM II	United Nations Operation in Somalia II
UNSC	United Nations Security Council
UPDF	Ugandan People's Defence Force
USAID	United States Agency for International Development

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