

# Understanding IGAD engagement in governance promotion

*The region may not always be a catalyst...*

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This background paper is part of a series on the Political Economy Dynamics of Regional Organisations (PEDRO). It was prepared in March 2017. In line with ECDPM's mission to inform and facilitate EU-Africa policy dialogue, and financed by the Federal Ministry for Economic Cooperation and Development, BMZ, the studies analyse key policy areas of seventeen regional organisations in Sub-Saharan Africa. In doing so they address three broad questions: What is the political traction of the organisations around different policy areas? What are the key member state interests in the regional agenda? What are the areas with most future traction for regional organisations to promote cooperation and integration around specific areas? The studies aim to advance thinking on how regional policies play out in practice, and ways to promote politically feasible and adaptive approaches to regional cooperation and integration. Further information can be found at [www.ecdpm.org/pedro](http://www.ecdpm.org/pedro).

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# Table of Contents

<b>Table of Contents</b>	1
<b>1. Introduction</b>	3
<b>2. Assessing the political traction of IGAD's Governance agenda</b>	3
2.1. The establishment of IGAD and the evolution of its governance agenda	3
2.2. The IGAD's institutional arrangement	4
2.3. A lack of mandate to tackle governance	6
2.4. External factors affecting agenda implementation	6
2.5. Financing the IGAD	7
<b>3. Understanding political interest and member state dynamics</b>	7
<b>4. IGAD engagement in the area of governance - electoral assistance and observation</b>	9
<b>Bibliography</b>	11

# 1. Introduction

The Intergovernmental Authority for Development (IGAD) has been evolved over the past two decades from a group of states primarily determined to fight drought and desertification into a Regional Mechanism (RM) that plays an important role in mediations and peace-support operations (e.g., in South Sudan, Sudan, and Somalia). Despite the importance of the governance and political dimension of these conflicts, IGAD's focus on governance as a thematic area remains the least advanced in the IGAD organisation.

Democratic governance and peacebuilding efforts are at a critical juncture within the IGAD region. Figures from the Ibrahim Index of African Governance (IIAG) reveal that the IGAD region, despite improvements, continues to score lower on governance indicators than much of the rest of Africa. The region's low ranking is due in part to the fact that some of its states are not only among the lowest scoring in Africa but have slid into civil wars - South Sudan has registered a 9.6 point decline since 2011 on indicators of democratic governance and fragility. Indices measuring governance achievements and shortcomings generally highlight six troubling aspects in the region: (i) instability and violent conflicts; (ii) extreme poverty; (iii) weak and unresponsive governance; (iv) non-inclusive development; (v) group-based grievances; and (vi) highly fragmented political, military, and economic elites.

So what role for the IGAD in promoting governance? This study seeks to assess the political traction of the IGAD in the area of governance promotion by looking at the actual achievements and limitations of this organisation as well as the internal and external factors that influence its work in the governance area. The different interests of member states are also discussed to understand how they contribute to driving or blocking the governance agenda before briefly enumerating areas with potential future traction in this regional agenda area.

This note is based on an ECDPM Discussion Paper by Maru and El Fassi (2015).<sup>1</sup> Information updates relating to the progress of negotiations and additional fact-checks have occurred through desk work and a limited number of interviews.

## 2. Assessing the political traction of IGAD's Governance agenda

### 2.1. The establishment of IGAD and the evolution of its governance agenda

IGAD was launched in 1996 to supersede the Intergovernmental Authority on Drought and Development (IGADD), originally established in 1986 by six countries: Djibouti, Ethiopia, Kenya, Somalia, Sudan, and Uganda. The State of Eritrea and South Sudan joined later, respectively, in 1993 and 2011. IGAD had started out as a regional response mechanism to address the twin problems of desertification and drought, which continued to press on the region despite national-level efforts and support received from the international community.

With the end of the Cold War, the dynamics of the protracted conflicts in Ethiopia, Eritrea, Sudan (mainly South Sudan), Somalia, and Uganda quickly turned against the incumbent Cold War era governments. New leaders came in, and the changes brought a fresh impetus for regional integration. With the new governments leading the way, a 1995 Assembly of Heads of State and Government in Addis Ababa moved

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<sup>1</sup> For more details see [http://ecdpm.org/wp-content/uploads/Fassi\\_ECDPM\\_IGAD\\_AGA\\_REC\\_s\\_2015\\_Governance\\_Final.pdf](http://ecdpm.org/wp-content/uploads/Fassi_ECDPM_IGAD_AGA_REC_s_2015_Governance_Final.pdf).

to replace IGADD with IGAD and expanded the areas of cooperation among the institute's member states. The revitalised IGAD was inaugurated on 25–26 November 1996 in Djibouti with a broadened three-part mandate: (i) food security and environmental protection; (ii) economic cooperation, regional integration, and social development; and (iii) peace and security and humanitarian affairs.

Under its post-1996 expanded mandate, IGAD has become active on almost all regional issues resting on six strategic pillars: (i) agriculture (crops, livestock, fishery, and food security); (ii) natural resources and environmental protection; (iii) economic cooperation and regional integration; (iv) social development; (v) peace and security; and (vi) gender. Article 7 of the agreement establishing IGAD summarises the institution's aims under four rubrics:

- norm-setting, through development and harmonisation of policies and strategies;
- norm diffusion, through design and promotion of strategies for regional and cross-border cooperation regarding the norms set;
- norm implementation, through mobilisation of resources, building of capacities, and initiating and promoting jointly coordinated and complementary programmes and projects;
- monitoring norm implementation, through institutional and reporting mechanisms including policy and decision-making organs, regional consultative meetings and forums, research, and seminars and other public events.

The motivation for revitalising and expanding IGAD's mandate was twofold. First, there was a keenly felt need to quicken the pace of regional economic cooperation and integration processes. Second, there was a clear imperative to address the peace and security challenges that continued to plague the region. Since its inception, IGAD's areas of involvement have expanded still further, though more by default than by design.

Nonetheless, even after its mandate was expanded in 1996, it still did not explicitly include governance. IGAD activities have been most prominent in the sectors of agriculture, environmental degradation and climate change, and peace and security. Unlike other regions (e.g. ECOWAS), the role of the IGAD Secretariat in governance remains limited, with the concerned department being substantially under-resourced (1 staff member)<sup>2</sup>.

## 2.2. The IGAD's institutional arrangement

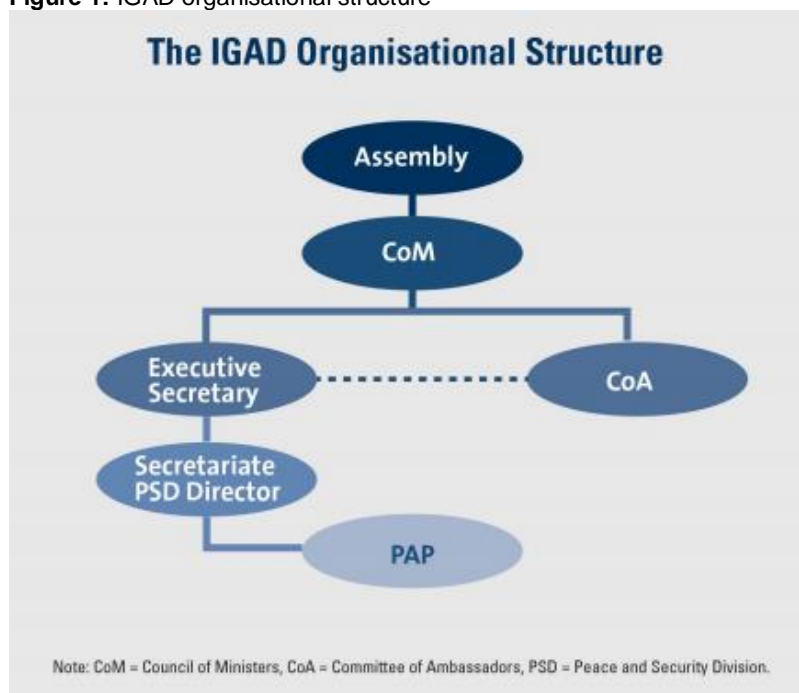
### **Institutional organs**

IGAD's highest political decision-making body is its Heads of State and Government Assembly, which is intended to meet at least once a year. IGAD looks to this Assembly for its most significant political and economic policy decisions. Accountable to the Assembly is the IGAD Council of Ministers (CoM), which is composed of the ministers of foreign affairs and one other focal minister designated by each member state. The CoM meets biannually and is responsible for formulating policy and approving the work programme and annual budget of the IGAD Secretariat. The Committee of Ambassadors (CoA), composed of ambassadors of the IGAD member states attached to the IGAD headquarters in Djibouti, is IGAD's only standing policy making organ. It oversees policy-relevant initiatives undertaken by the IGAD Secretariat and monitors the Secretariat's implementation of decisions taken by IGAD's other policy bodies. Together, these organs represent the aggregated and overlapping national interests of IGAD's member states and shape the workings of the implementing body: the IGAD Secretariat.

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<sup>2</sup> Interview, IGAD Secretariat, 8 March 2017.

**Figure 1:** IGAD organisational structure



### **The IGAD Secretariat**

The IGAD Secretariat, based in Djibouti with specialised institutions and liaison offices in the other member states, has a number of core functions, the first of which is to serve IGAD's governing organs. As IGAD's implementing body, the Secretariat conducts the institution's day-to-day affairs while also providing substantive expertise for the Assembly, the CoM, and the CoA and coordinating their activities and meetings. Furthermore, the Secretariat represents IGAD in all international, continental, and national forums, promoting and defending the interests of the organisation and its members. Third, it facilitates the convening of summits and other member state meetings at which common agenda items are discussed and decisions taken. These gatherings constitute the single most continual platform for norm-setting in the IGAD region. As its fourth core function, the Secretariat aims to disseminate the norms and decisions taken by IGAD executives.

### **The IGAD Political Affairs Programme**

The IGAD Political Affairs Programme (PAP) was established in its Peace and Security Division (PSD) in 2008. The PAP is tasked with contributing to peace and security in the IGAD region through preventive diplomacy, focusing on democracy, governance, elections, and human rights, thereby paving the way for gradual political integration of the region. A potential advantage of PAP being part of the PSD within IGAD is the opportunity to avoid rivalry and competition between political affairs and peace and security - an issue found in other organisations.

The mission of PAP is twofold: (i) to advance peace, security, and development through the promotion of democracy, good governance, credible elections, and genuine respect for human rights; and (ii) to facilitate harmonisation of the policies of member states on democracy, governance, and elections. Both missions of the PAP are broad and have potential for norm-setting, norm diffusion, norm implementation, and even the monitoring of implementation of steps agreed and decisions taken by member states.

Despite being one of IGAD's oldest programmes, various barriers have made PAP the least active. It is very minimally resourced (one staff member), and most feeble programme of the PSD. The institutional leadership's lack of emphasis on governance has resulted in PAP becoming a one-person show, even a decade after its establishment. The recruitment of an additional programme officer in early 2015 could have provided hope but fundamental concerns by some member states as to the role of IGAD in governance is a larger hindrance. Fundamental to what IGAD can or cannot do around the governance agenda is the mandate given, where this is ultimately defined by the interests of its member states.

### 2.3. A lack of mandate to tackle governance

The IGAD region has a number of documents at its disposal dealing with governance issues (see Box 1). While these texts have been developed, most of them have not been formally adopted by the decision-making structures. The adoption of a draft Protocol, which could strengthen the mandate of IGAD in the area of governance, remains elusive despite several adjustments being introduced to the document during three rounds of negotiations. As a result, IGAD itself does not have its own internally formulated strategic governance agenda.

**Box 1:** Governance-related texts in IGAD

1. Agreement establishing IGAD< 1996
2. IGAD PEace and Security Strategy, 2010-2014
3. Protocol establishing the COnflict Early Warning and Response Mechanism (CEWARN) 2002
4. Guidelines for Election Observers and IGAD Code of Conduct for Election Observers 2011
5. IGAD Draft Protocol on Governance, Democracy and Elections, 2014

However, the work of IGAD in the thematic area of governance has largely related to a peace and security instrument; the Conflict Early Warning and Response Mechanism (CEWARN). Under the new strategy for 2016-2020, governance is one of five sectors that will be monitored (in addition to security, social, economic and environmental factors). However, a number of challenges have already been highlighted by observers as governance is *'particularly contentious area given the historical differences and mistrust between member states'* (Lucey and Mesfin, 2016). Furthermore, CEWARN assessments, although methodologically sound, have not often been matched with effective action, therefore raising the concern that while member states provide space for solid analysis and a participatory process, the uptake of results and recommendations are often weak. A case in point was Kenya's post-election crisis of 2008.

Though potentially playing an important role, the reaction of member states is likely to determine its implementation. As CEWARN theoretically opens up space to allow civil society participation, questions emerge as to the organisations that will be allowed to participate given the limited and often closing civil society space in IGAD member states. Civil society is expected to voluntarily collect data which could then be used by CEWARN, a decision largely driven by financial constraints. The potential of CEWARN to serve as a platform to raise governance grievances is thus questionable.

### 2.4. External factors affecting agenda implementation

The shaping and implementation of the IGAD agenda seems to hinge on a number of factors, including external actors. To start with, IGAD is reliant on donor funding, while recognising the need for close and cooperative partnerships with stakeholders to translate its strategic ideals into concrete results. To this end, IGAD cooperates at the local, national, regional, and global levels with relevant actors that have similar mandates for achieving sustainable development in the region. Among these partners are the African Development Bank, the World Bank, the EU, the US Agency for International Development (USAID), the

Canadian International Development Agency (CIDA), and the governments of Denmark, Finland, Germany, Italy, Ireland, the Netherlands, Norway, Sweden, and Switzerland. Further, IGAD maintains close cooperation with the AU, other RECs, United Nations (UN) agencies, and civil society organisations.

IGAD officials have expressed their interest in working with partners on governance-related issues – and external partners are not opposed to such cooperation. However, differing perspectives between IGAD and donors on the potential for effective cooperation on governance remains a stumbling block. From IGAD's perspective, its work on governance is limited by funding and capacity constraints. International partners, for their part, have been reluctant to support governance activities at levels similar to their support to peace and security because of what they perceive as a lack of clear commitment, political will, and sufficient visible results in the area of governance.

Donors are also more drawn to collaboration on peace and security due to the transnational nature and associated international implications of threats in the peace and security domain, while peace is clearly something of a precondition for improved governance dynamics. Donors further note the lack of a solid basis and practicality of the IGAD governance agenda, which remains broad and ambiguous. As long as they prevail, donors and IGAD will continue to pursue governance only marginally.

## 2.5. Financing the IGAD

IGAD's average annual budget is US\$40m, of which US\$7m on average (constituting less than 20%) is from the assessed contributions of member states. Donors contribute more than 80% of IGAD's total budget. With the exception of Kenya and Ethiopia, IGAD member states already neglect regular payment of their full-assessed contributions to IGAD. Some member states have arrears of more than a decade.

Financial resource constraints are often advanced (by the Secretariat and Member States as a principal contributor to IGAD's low level of attention and commitment to the governance agenda. Arguably, this is a reflection of the perceived low priority of governance by those who fund it. Such challenges to governance promotion in turn affect perceptions of the institution among donors and other stakeholders, who rarely view IGAD as an institution capable of promoting governance. Concerns in this regard were expressed in 2012 in a validation report on the IGAD protocol on governance. It states unequivocally that unless the member states pay their annual assessed contributions on time, donors will continue to unduly influence progress on the governance agenda (IGAD, 2012). This however, did not reflect in a stronger commitment (including financial) by IGAD member states.

Fundamentally, and while lack of finance may undermine the roll out of specific programmes and interventions, the nature of the governance agenda itself, with implications for electoral processes and government functioning, clearly reach into sensitive areas of national policy. That then requires an understanding of member states.

## 3. Understanding political interest and member state dynamics

Clues to IGAD member state interests in a regional governance agenda can be garnered from evaluations of their current governance. Since the Ibrahim Index on Governance was launched in 2007, the index's East Africa region, which contains the IGAD member states, has consistently ranked fourth of Africa's five regions. This puts East Africa behind Southern Africa, which was the best performing region in 2014



(average score 58.9), followed by West Africa (52.4), and North Africa (51.2). Among the IGAD member states, Kenya is the best performer, with a score of 58.8 out of 100 and ranking 14th among all 54 African countries. Kenya has furthermore registered a 4.3 point improvement since 2011. Uganda, with a score of 54.6, ranks 19th in Africa and is second in the IGAD region.

### **'Mutually assured destabilisation' by IGAD member states on governance**

A first barrier to an effective governance agenda within IGAD has to do with the longstanding animosity and history of mistrust among the IGAD member states. This has fed a lack of determination and urgency to regionally tackle governance issues that have a bearing on the internal affairs of the countries concerned. There is fear that such involvement might fuel mistrust even further. This legacy partially explains the absence of an explicit commitment within the IGAD leadership to intensify activities in governance, democracy, elections, and human rights. Member states are much more supportive of cooperation in confronting transnational peace and security threats. National governance is often still perceived as a domestic concern, and states fiercely guard their sovereignty from outside interferences. The line between what is considered unwarranted interference and legitimate intervention remains thin due to mistrust among member states and opposition to external forces, including regional organisations. IGAD thus faced the challenge of transforming these member states from a primary source of challenges to governance in Africa into drivers of the good governance agenda.

### **Political sensitivity of governance**

The second and perhaps more formidable barrier to a more active governance agenda within IGAD is the political nature of governance. Governance issues invariably elicit sensitivity and nationalism. Governance tends to be considered an externally led agenda, driven by foreign forces bent to exploit Africa. IGAD member states and some members of the IGAD Forum for Non-Governmental and Civil Society Organisations voice an urgent need to do away with the current 'fixation with liberal democracy'. Distrust is particularly pronounced when it comes to components of the governance agenda such as state power, elections, transparency, accountability, corruption, and natural resource governance. Indeed, because delicate state-society relations are involved, governance and democracy are more sensitive in the Horn of Africa than peace and security. This has rendered progress on the governance agenda controversial and slow. In countries where poverty is rampant and the rule of law is weak, accountability is rare and political power often serves as a tool for capturing and holding control over resources. In such contexts, issues like corruption, CSO participation, and elections become politically sensitive, which raises a barrier to IGAD's governance-related work. Interviewees often mentioned the fear of offending member states.

### **Hard security mindset, with governance given low priority**

The third barrier to an effective governance agenda within IGAD is associated with the mindset of leaders of IGAD member states, within the IGAD Secretariat, and the way these actors define the threats facing the region. Human security has two aspects: 'hard security', referring to the absence of a direct risk to physical survival, for example, from war, violence, and destructive conflicts, and 'soft security', entailing eradication of the root causes of war and violent conflicts. By framing threats such as terrorism as an immediate risk to state security and not to human security, long-term 'soft' security issues associated with governance are typically neglected. Consensus can usually be found for collaborative action to counter transnational threats, as these are often considered of utmost urgency. In the same vein, the limitations imposed by IGAD's policy organs, particularly the CoM and CoA, have contributed to the low profile of PAP within IGAD. Given continuing tensions in the region, in 2012, the CoM requested that the Secretariat put peace and security at the top of its agenda, rendering the governance agenda a secondary concern.

Hence, governance interventions remain a source of division among member states and as such appear as rather low priority for IGAD as a whole and for its Peace and Security Division (PSD) in particular.



Illustrative of the greater concern and caution exhibited by member states regarding governance compared to peace and security is that while the Addis Charter took five years to enter into effect, the Protocol Relating to the Establishment of the Peace and Security Council of the AU took only slightly more than a year.

### **Persistent interest in maintaining regime security**

All members of IGAD have struggled with political instability and challenges to the regime. As in many African states, most governance and peace and security problems in the IGAD region emanate from the nature of states and political parties as well as external interferences. Currently all of the region's protracted conflicts and its most challenging governance issues can be attributed to lack of legitimacy due to unpopular governments, intolerance of diversity, and lack of capacity and willingness to deliver public goods. Indeed, many African states in conflict are strong in the wrong functions of state, effective only in the maintenance of regime security and safeguarding the interests of political parties and colluding individuals or groups.

### **Member states focus on service delivery**

Economically, the IGAD region has shown remarkable progress, with Ethiopia systematically featuring on the list of Africa's fastest growing economies. Expectations of the region's continued rapid economic growth are confirmed by various international and regional development and financial institutions such as the International Monetary Fund (IMF) and the African Development Bank. While the demonstrated desire to improve human and economic development is a positive sign in itself, developmental states tend to focus on service delivery, usually relegating democracy and human rights to a subordinate position.

With the above factors combined, it is perhaps not surprising that IGAD has been unable to effectively put the governance agenda at the centre of its regional activities.

## **4. IGAD engagement in the area of governance - electoral assistance and observation**

IGAD's activities in the area of governance included election observation and peace building. Election observations are routinely conducted by IGAD, though by default rather than design, but potentially represent an area with traction.

IGAD's election observation activities have taken place in response to invitations from member states rather than being advanced by IGAD as an institution. IGAD has also played a significant role in following up implementation of the Sudanese Comprehensive Peace Agreement. Vital aspects of that agreement were its stipulations on electoral processes and a referendum on independence, which led to IGAD's deployment of an election observation mission to the country. Another example of productive collaboration was the joint observation of the 2007 Kenyan elections. In this case, resource constraints forced IGAD to optimise and coordinate with the AU, the Common Market for Eastern and Southern Africa (COMESA), and the East African Community (EAC). Together, they assembled 59 observers, enabling them to cover more polling stations and constituencies.

IGAD's involvement in the joint effort was in part a consequence of the wider region's interest in ensuring violence-free elections in Kenya, paired with the resource limitations IGAD faced. Yet, it served not only to pool resources, but also to unify the voices of pan-African election observers and to cover many more areas than would have been possible if IGAD had acted alone. Unfortunately, this was not duplicated in subsequent missions. As a continental organ expected to coordinate and lead the RECs, and given the

endemic resource constraints, the AU could have taken responsibility for bringing African actors together for observing elections.

Member states have since increasingly requested IGAD to engage in governance and election-related activities. As such, the Secretariat was involved in the constitutional referendum in Kenya and presidential elections in Uganda and Djibouti. IGAD has observed polls in Sudan (three times), Uganda, Kenya (twice), and Djibouti. Election observation has now become a norm rather than the exception in the region, with IGAD's de facto mandate emanating from the various implicit and indirect authorisations. Following on its election-related experiences, IGAD has documented trends in election-related violence and the contributions of elections to democracy, good governance, and the prevalence of peace, security, and sustainable development in the region. Following on this norm, and based on its own experiences and AU documents, IGAD has developed guidelines and a code of conduct for election observers.

Despite the engagement of IGAD in these activities, the region has so far failed to agree on common standards that guide its engagement, again reflecting the ambiguities and reticence around this agenda, and is so far content with ad hoc arrangements. The political dynamics within the member states are important factors to explain the slow pace of engagement in the area of governance as opposed to other regions on the continent.

As a result, the independence of the IGAD election observation missions has often been questioned. Indeed, although IGAD deployed *'teams of short-term electoral observers to Sudan in 2015, Djibouti in 2016 and Uganda in 2016 ... it has been accused of not being critical enough'* (Lucey and Mesfin, 2016).

Overall, and unlike what is observed in other regions, the IGAD Secretariat continues to be largely a compliant servant of its member states with limited challenges being placed on the authority of members of the organisation, especially in the area of governance. As noted by an observer, on the governance agenda, IGAD Secretariat *'has gradually but steadily lost grip on its regional mandate, degenerating into a perpetual service to vested interests'* (Kagwanja, 2016). Furthermore, it *'operates as merely a mediator organisation rather than a regional alliance that ought to build regional equilibrium'* therefore focusing on reacting to crises rather than proactively engaging with its member states (Kagwanja, 2016).

Peace and security clearly remains a key area for traction, while the potential benefits of economic development and market integration linked with attempts to encourage cross-border activities around agriculture surely offer the area where IGAD has most to offer in line with current political interests.

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