Normative and Institutional Limitations of IGAD's Peace and Security Framework

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Abstract

The purpose of this article is to examine the normative and institutional constraints that exist within the Inter-Governmental Authority on Development's (IGAD) peace and security frameworks. Despite IGAD's broad mandate to maintain regional peace and security in the Horn of Africa, this article claims that the organisation has yet to develop a comprehensive regional peace and security framework. As a result, the contribution of IGAD has been limited. Meanwhile, the region remains one of the most conflict-ridden in Africa. In this study, a qualitative research approach was used. Primary and secondary data were gathered through in-depth interviews, newspaper articles, and online resources. The data was investigated using qualitative discourse analysis and content analysis. The findings indicate that IGAD lacks robust and comprehensive normative and institutional mechanisms for effectively maintaining regional stability.

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Introduction

Established in 1986 as the Inter-Governmental Authority on Drought and Desertification (IGADD), IGAD had a limited mandate of tackling environmental crises such as drought and desertification in the Horn of Africa. Its mandate was revitalized and expanded in 1996 to promote and ensure peace, security, and stability in the Horn of Africa (Article 7(g) of the IGAD agreement). Nevertheless, IGAD has failed to address intrastate and interstate conflicts in the region (Healy, 2011). Despite the IGAD Agreement's (1996) provision in Article 18(a) for a leading role in addressing conflicts within the sub-region, it has often not fulfilled this responsibility. In this respect, it played little role in the 1998-2000 Ethio-Eritrea conflict, in the Darfur conflict, the northern Uganda conflict (Borchgrevink & Lie, 2009; Berouk, 2011; Asnake, 2015), and the Eritrea-Djibouti conflict in 2008 (Redie, 2012; Ferras, 2013), and the recent conflict in Ethiopia's Tigray region (Collins, 2021).

Most peace processes in the region have been led by other regional and international organizations (Williams, 2011; Ylönen, 2014). IGAD was not involved in mediating between Ethiopia and Eritrea during their two-year war from 1998 to 2000. The first major mediation effort, though unsuccessful, was made by Rwanda and the US. The Algiers peace agreement that eventually ended the war was, however, mediated by the Organization of African Unity (OAU) (Fisher, 2014). Moreover, IGAD did not play any role in the signing of the 2018 peace agreement between Ethiopia and Eritrea that ended a two-decade-long 'no war, no peace situation' between the two countries. The 2018 agreement was mediated by Saudi Arabia and the United Arab Emirates (UAE) (Melvin, 2019; Donelli & Dentice, 2020; Mosley et al., 2021). Similarly, IGAD did not take part in mediating conflicts that emerged in Darfur, South Sudan and between Sudan and South Sudan after the latter's independence in 2011 (Elowson & Albuquerque, 2016).

Although IGAD has been criticized for its limitations, it has been positively assessed for the role it played in the resolution of conflicts in Sudan, Somalia, and South Sudan (Borchgrevink & Lie 2009; Healy 2011; Williams 2011; Maalim, 2013). Healy (2011) emphasized that a significant accomplishment of IGAD with regard to the peace process in Sudan was the 2005 Comprehensive Peace Agreement (CPA), which led to the end of hostilities. Furthermore, in 2004, the Transitional Federal Government (TFG) of Somalia was established in accordance with the Transitional Charter following peace negotiations facilitated by IGAD (Healy, 2011; Williams, 2011). Since the conflict in South Sudan began in December 2013, IGAD also played a major role (Adetula et al., 2016; Micheale,

2020). However, the conflict resolution activities of IGAD were influenced by external players particularly members of the so-called IGAD's International Partners Forum (IPF[5]), the United States (US), and the European Union (EU) (El-Affendi, 2009; Healy, 2011; Ylonen, 2014). El-Affendi (2009) noted that "though rhetorically perceived IGAD has played as a formal broker to manage the CPA in Sudan in 2005, the more decisive role was played by other external actors, primarily the US, United Kingdom (UK), Italy, and Norway" (p.10).

IGAD's shortcomings and limited contributions to regional peace and security raise questions about its normative and institutional systems. Nonetheless, IGAD has established an array of normative and institutional instruments. However, there are concerns about the depth and breadth of its normative and institutional mechanisms. Solomon (2014) and Byiers (2016) argued that IGAD's inadequate institutional mechanisms have made it weak. Adetula et al. (2016) also stated that IGAD's institutional design is flawed, which affects how well it can function. This article makes the case that, despite the numerous obstacles that IGAD has had to overcome from a range of sources and players, the organization's institutional and normative constraints are what make it weak and incapable of preserving stability in the region. Because of this, the main emphasis of this article is on the normative and institutional gaps rather than the strengths and weaknesses of IGAD's current conflict prevention and management mechanisms. Consequently, this article responds to the following two queries: First, in terms of its framework for peace and security, what normative and institutional constraints has IGAD encountered? Second, how these limitations affected IGAD's ability to carry out its mandate for regional security?

IGAD's normative and institutional mechanisms

The various institutional tools, legislative provisions, policy documents, strategic plans, and programmes that IGAD uses to manage, prevent, and resolve conflicts in the region are referred to in this article as "normative and institutional

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[5] The IPF has three membership categories: ministerial, ambassadorial, and technical. The Italian government currently co-chairs the IPF, which has members from Austria, Belgium, Canada, Denmark, France, Greece, Germany, Ireland, Italy, Japan, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom, and the United States, as well as the European Commission (EC), International Organization for Migration (IOM), United Nations Development Program (UNDP), and the World Bank.

instruments and mechanisms". IGAD's institutional, structural, and normative systems are highlighted in the sections that follow**.**

IGAD's normative instruments for regional peace and security

Regional security organizations have established a range of norms, principles, regulations, and policies to handle conflicts in their respective regions. Scholars like Acharya (2004), Caballero-Anthony (2005), and Asnake (2015) emphasized the importance of norms, principles, and procedures in regional security organizations. Acharaya (2004) argues that regional security institutions set norms and principles for three reasons: (1) they have a major influence on inter-state relations, which contributes to the formation of a security community within a region; (2) they set and limit member state behaviour within a region; and (3) they shape member state identities and interests. Some scholars also argue that the success or failure of regional security organizations is based on well-established norms and principles. For instance, Asnake (2015) contended that the Association of Southeast Asian Nations' (ASEAN) adherence to universal norms like non-interference and non-intervention, as well as its shared and highly developed socio-cultural norms, which are deeply ingrained in its discussions, reaching consensus, and quiet diplomacy are the primary reasons for the organization's success in building a security community in east-south Asia.

Similarly, the organization's normative instruments are the laws, norms, and principles outlined in the IGAD Agreement and other policy documents. The IGAD Agreement's Articles 6 and 7 set forth these common standards and values. Asnake (2015) claims that the legal-rational basis for regional stability in the region is provided by the common norms and principles of IGAD. Respect for the sovereignty and territorial integrity of member states, non-interference in internal affairs of member states, peaceful dispute resolution through dialogue, and conflict resolution within the framework of the IGAD are some of these norms and principles. IGAD's norms and principles are derived from and contextualized within the context of continental and international norms and principles. According to Asnake (2015) the IGAD norms and principles are based on the legal-rational norms and principles of the international laws and principles of the Africa Union (AU) and United Nations (UN). At the regional level, IGAD is one of the eight pillars of the AU's Regional Economic Communities (RECs), which comprise the African Peace and Security Architecture (APSA). At the international level, it is an essential part of the UN's international system for maintaining peace and security.

IGAD's normative instruments include the Agreement Establishing IGAD (1996), the Protocol Establishing Conflict Early Warning and Response

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Mechanism (CEWARN) adopted in 2000, the IGAD Draft Document on Peace and Security Strategy (IPSS) (2010-2014), and, more recently, though not yet ratified, the Protocol Establishing Mediation and Preventive Diplomacy (2019). The Agreement Establishing IGAD (1996) is the organization's foundational document. According to Article 7(g) of the Agreement, one of IGAD's primary mandates is to achieve regional security through the peaceful resolution of intra- and inter-state conflicts, the maintenance of regional peace, stability, and security, and the protection of human and people's rights.

IGAD's institutional mechanisms for regional peace and security
In this article, the term "institutional instruments and mechanisms" refers to the various institutions, policies, programmes, and administrative organs used by IGAD to prevent and manage crises in the region. The Assembly of Heads of State and Government (Assembly), the Council of Ministers (Council), the Committee of Ambassadors (Committee), and the IGAD Secretariat (Secretariat) are the four administrative and policy-making bodies established by Article 8 of the IGAD Agreement.
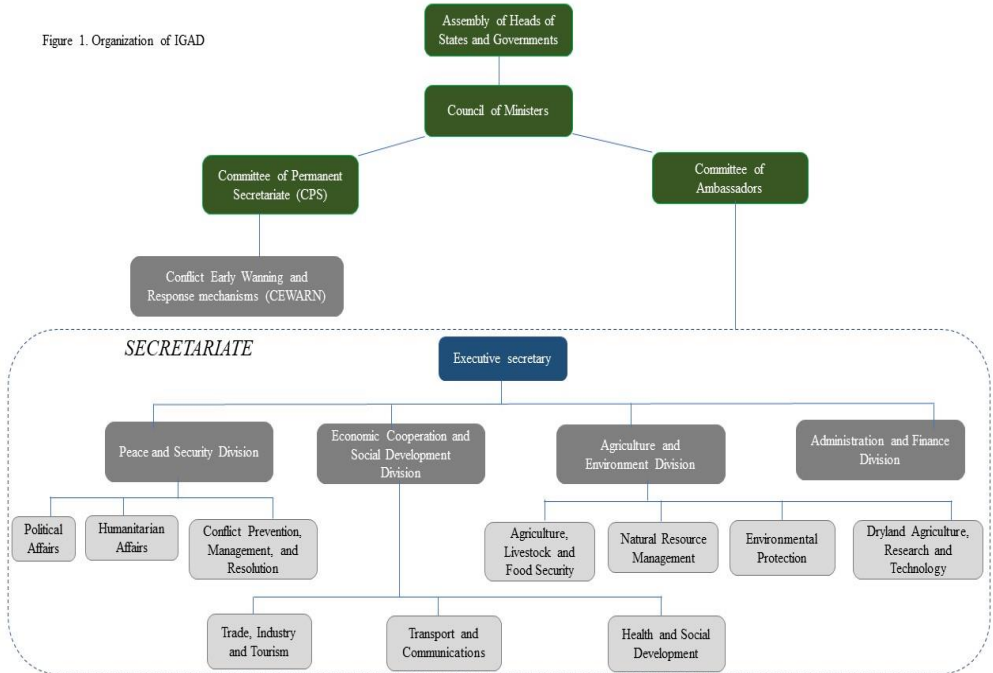
The Assembly is the highest political decision-making body. It is led by a chairperson who is elected on a rotating basis by member states. Its functions include policymaking, directing, and controlling the organization's functions; establishing the main guidelines and cooperation programmes; and providing guidelines and monitoring political issues, particularly conflict prevention, management, and resolution (Article 9(2)).

According to the IGAD agreement, the Council of Ministers (CoM) is composed of foreign ministers and one additional focal minister. It is responsible for policy formulation and guiding the Secretariat, including approving the Secretariat's work programme and annual budget, monitoring humanitarian activities, and promoting peace and security in the sub-region (Article 10(1-2)).

Article 11(1) states that the Committee of Ambassadors (CoA) is made up of ambassadors. It is the only permanent policy-making body of IGAD. It oversees the IGAD Secretariat's policy-relevant initiatives and monitors the Secretariat's implementation of decisions made by the other IGAD policy organs, including advising the executive secretary on the implementation of policies and guidelines that may require further elaboration (Article 11 (2)).

An executive secretary, nominated by the Assembly, oversees the IGAD Secretariat for a four-year term that is renewable once (Article 12(1)). It functions as the executive body of the organisation (Article 12). The Secretariat's

headquarter is in Djibouti (Article 2). In addition, it receives support from a number of specialised organisations and programmes, liaison offices, and the majority of its institutions deal with matters of peace and security. It is split into four main sections, or divisions: peace and security, agriculture and environment, administration and finance, and economic cooperation and social development. A director leads each of these divisions

Figure 1. Organization of IGAD

Assembly of Heads of States and Governments

Council of Ministers

Committee of Permanent Secretariate (CPS)

Committee of Ambassadors

Conflict Early Wanning and Response mechanisms (CEWARN)

SECRETARIATE

Executive secretary

Peace and Security Division

Economic Cooperation and Social Development Division

Agriculture and Environment Division

Administration and Finance Division

Political Affairs

Humanitarian Affairs

Conflict Prevention, Management, and Resolution

Agriculture, Livestock and Food Security

Natural Resource Management

Environmental Protection

Dryland Agriculture, Research and Technology

Trade, Industry and Tourism

Transport and Communications

Health and Social Development

Figure 1: Organizational structure of IGAD
Source: Solomon (2014)

Additionally, IGAD has set up specialised organisations and initiatives. The Office for Special Envoys for South Sudan, the Red Sea, the Gulf of Aden, and Somalia; the IGAD Mediation Support Unit (MSU); the IGAD Foreign Service Institute (IFSI); the IGAD Centre of Excellence for Preventing and Countering Violent Extremism (ICEPCVE); and the Programme to Promote Regional Maritime Security for Eastern Southern Africa and Indian Ocean (MASE) are among the specialised institutions and programmes.

Research methods

This study employed the constructivist-qualitative research paradigm. A constructivist paradigm was selected as the methodological framework due to the qualitative nature and purpose of this study. IGAD's primary goal of promoting and sustaining regional peace and security in the Horn of Africa is affected by normative and institutional limitations, which were examined from the viewpoints of research participants using this paradigm. Creswell (2009) states that studying and comprehending people's perspectives of a social or human problem is a suitable use for qualitative research**.**

Primary and secondary sources were used. In-depth interviews, newspaper articles, internet resources, and media outlets—such as YouTube videos and broadcast television news—were used to gather primary data. Fieldwork was conducted in Kenya and Ethiopia from October 2020 to August 2022. During the fieldwork, more than 25 key informant interviews were carried out.

Purposive and snowball sampling methods were used to select research participants. The data were examined using content analysis and discourse analysis. Discourse analysis was employed because it enables the analysis and interpretation of the participants' viewpoints (Neuman, 2013). Texts and other documents were analysed using content analysis. Thus, content analysis was used to review data from IGAD's founding documents, communiqués, statements, and reports.

Ethical concerns were also considered. The interview process was conducted with pseudonyms and codes to ensure participant anonymity and ensure a secure and respectful environment. The research participants' privacy was maintained through key informant interviews (KII), which were assigned letters.

Normative limitations of the IGAD peace and security framework

The section below discusses the normative limitations of IGAD peace and security framework.

Peacekeeping and peace enforcement provisions and mechanisms

In the lack of successful political solutions, peacekeeping operations can play a crucial role in managing regional crises, as noted by scholars such as Bah (2009). Upon closer examination, however, the IGAD Agreement does not contain any explicit provisions pertaining to peacekeeping and peace enforcement. Regarding military and defence issues, such as peacekeeping and enforcement measures, the Agreement contains no illustrative standards or principles (Key Informant

Intervew D (KII D), October 23, 2020). Due to a lack of both a formal mandate and empirical experience, IGAD's role in peacekeeping and peace enforcement is essentially nonexistent (KII B, August 17, 2021). As a result, as noted by Sousa (2013) and Solomon (2014), IGAD is devoid of institutional and legal frameworks as well as proven expertise in conducting peacekeeping and peace enforcement missions.

Although Article 7(g) of the IGAD Agreement necessitates the establishment of procedures within the sub-region for conflict prevention, management, and resolution, the Agreement does not explicitly identify or include any peacekeeping or peace enforcement measures (Sousa, 2013). Adetula et al. (2016) also explored the structural and decision-making mechanisms required for peacekeeping procedures and processes that are immobile and insufficiently available inside the IGAD framework. Though IGAD does not have the legal authority to send peacekeeping troops, it may advise the AU and UN on the need for peacekeeping deployments, as it did during the conflicts in Somalia and South Sudan. For example, the IGAD Somalia Mission (IGASOM) was established in 2005 with the intention of sending troops to Somalia; however, for a variety of reasons that will be discussed further below, this plan did not materialise, and troops were sent to Somalia by the AU under the African Mission to Somalia (AMISOM) in 2007. Despite being regarded as a key participant in the entire Somalia peace process, IGAD relied on other institutions, such as the AU and UN, for peace support operations (Adetula et al., 2016). Aside from legal constraints and flaws, IGAD's weakness in peacekeeping operations is explained by a lack of capacity and member states' limited commitment.

The absence of legal provisions for peacekeeping operations limits IGAD's ability to manage sub-regional conflicts. Furthermore, the lack of a defined provision on peace operations and mechanisms suggests that IGAD lacks the authority to impose military and diplomatic actions, including sanctions and military interventions, on its member states. Member states are hesitant to delegate such authority to IGAD for fear of limiting their sovereign authority and interfering in their internal affairs. As a result, IGAD lacks the authority to act in matters of peacekeeping, enforcement, or humanitarian assistance. Because of IGAD's lack of power and capability to engage in peacekeeping, as demonstrated by Somalia's failed peacekeeping mission, it is reasonable to conclude that its legal and institutional mechanisms are better suited to peacemaking rather than peacekeeping (Farole, 2018).

Apart from failed attempts in South Sudan and Somalia, IGAD has no practical experience in military force deployment or peacekeeping. Byiers (2016)

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contends that IGAD has never been capable of carrying out a comprehensive peacekeeping mission on its own. IGAD's difficulties in peacekeeping and military operations can be attributed to two major factors. To begin with, member states, as in South Sudan and Somalia, lack the will and commitment to engage in such activities due to competing economic interests. Second, IGAD lacks both technical and material resources, as well as, most importantly, financial resources. In January 2005, IGAD agreed to establish an IGAD Peace Support Mission in Somalia (IGASOM) to help the organization lead the Somalia peace process on behalf of the AU (Lucey & Berouk 2016). "IGASOM was proposed to deploy with the tasks of managing disarmament of militias; protecting the Somali Transnational Federal Institutions (TFIs) and, later, the transitional federal parliament and president; and creating a conducive atmosphere for the political process" (Adetula et al., 2016, p. 31).

To that end, the IGAD plan was approved by the AU Peace and Security Council (PSC) and the UN Security Council (SC). However, the peacekeeping mission did not take place. The failure of the IGAD's deployment of troops in Somalia was attributed to a variety of factors. First, necessary technical and material resources were scarce, particularly financial resources. Second, the scruffy methods used by many significant countries, such as the US, were opposed to the deployment of regional peacekeepers. Third, there were concerns regarding the source of troops for the operation, particularly Ethiopia, which the Somalis regarded as a historical enemy (Adetula et al., 2016; Byiers, 2016). Fourth, there was fierce competition among member states for the lead role and economic interests from troop deployment. As a result, the IGAD-proposed IGASOM was replaced by the African Union Mission in Somalia (AMISOM) on January 19, 2007.

The other failed IGAD peacekeeping mission occurred during the conflict in South Sudan. IGAD's lack of experience and lack of a conventional framework for conducting peace support operations were evident during the South Sudanese civil war (Solomon, 2014). The IGAD plan to send peacekeepers to South Sudan was to monitor the implementation of the ceasefire agreement signed by the South Sudanese government and the Sudan People's Liberation Movement/Army In Opposition (SPLM/A-IO) in January 2014. The deployment of troops coincided with the implementation of the verification and monitoring mechanism agreement of the ceasefire agreement (CCTV, October 4, 2013). The troops were also tasked with protecting civilians from threats and maintaining the country's critical

installations (ENN TV, May 18, 2018). In order to achieve this, certain IGAD members decided to deploy troops to Juba as part of the verification and monitoring framework, but member states could not agree on the best way to move troops to South Sudan (CCTV, October 4, 2013). Ultimately, the plan to send troops was unsuccessful for a number of reasons. The primary cause was the lack of consensus among IGAD member states regarding troop deployment and responsibility (ENN TV, May 18, 2018). Due to security and financial concerns, several IGAD states were also reluctant to deploy.

Peace and security agreement

IGAD does not have a comprehensive peace and security agreement that covers all aspects of peace and security, with the exception of the organization's founding agreement, which covers a variety of areas of involvement, including peace and security. The agreement that established the organisation in 1996, the protocol that established CEWARN in 2000, the IGAD draft document on Peace and Security Strategy, and the protocol that established mediation and preventive diplomacy in 2019 are some of the important instruments that make up IGAD's institutional mechanism for conflict prevention and management. However, IGAD lacks a compenhensive peace and security agreement comparable to the AU's PSC and the Economic Community of West Africa States (ECOWAS)'s Mediation and Security Council (MSC).

Collective security arrangements

The implementation of diplomatic, political, and military measures as part of collective security arrangements is essential to maintaining peace and security. The IGAD Agreement's Article 18(a) on collective security measures states unequivocally that member states must take effective collective action to remove threats to the peace and stability of the region. Nevertheless, the concept of collective security measures is not defined in the Agreement. There are many unsolved questions surrounding the concept of collective security because it is a hazy term full of ambiguity and vagueness. Four questions could be raised regarding the issue of collective security.

First, no legal-rational norm is specified in the Agreement regarding how and when IGAD and its members must implement appropriate collective security measures to eliminate serious threats to regional peace and stability. In contrast, IGAD accepts (though has not yet fully implemented) the policy of non-interference in the internal affairs of member states (See Article 6(b)). According to Asnake (2015), IGAD has struggled to effectively implement international

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norms such as non-interference within the context of the organization's norms and principles. As a result, it has not intervened in internal conflicts among its members, even when serious human rights violations have occurred, because it lacks enforcement principles that specify how and when IGAD and its member countries should take collective action. The conflicts in Ethiopia's Tigray region and Sudan's Darfur region were two powerful examples of the case in point. It is also important to note that the AU and UN do not frequently interfere in matters of state sovereignty, even though they have legal authority to do so. The 1994 Rwandan genocide serves as a crucial illustration of how international organisations can fail to act quickly enough to stop mass atrocities. Nevertheless, despite their shortcomings, the AU and UN are crucial in resolving conflicts because of their commitment to interfering in internal affairs of member states in cases where there are grave human rights violations or threats to regional and global security.

To this end, the AU's Constitutive Act, specifically Article 4(h), authorizes the use of force to intervene in a member state when necessary. However, the AU has failed to do so in a number of recent conflicts. Important examples in this regard include Libya and Sudan (Kingah & Van Langenhove, 2012). It is also important to note that the AU's military intervention has occasionally helped to settle disagreements, as was the case in Burundi in 2003 (Kingah & Van Langenhove, 2012). Again, the inability or unwillingness of IGAD to intervene in its member states' internal affairs is not justified by the AU's failure to implement Article 4(h) of the Constitutive Act. As a regional body in charge of maintaining peace and security, IGAD should play a role by adopting intervention principles. Therefore, this article argues that IGAD's inability to assume leading positions in the management of regional crises may be caused by a lack of intervention mechanisms.

Second, under what conditions or circumstances shall IGAD and its member states take effective collective measures to eliminate serious threats to regional peace and stability? What are the peace and security threats that require effective collective security actions by IGAD and its members? There is no clarity on the precise regional threats that require collective security. The IGAD 1996 Agreement said nothing about threats to regional peace and security and what collective security measures can be taken.

Third, what does it mean by effective collective security measures? What are the requirements for effective collective security measures? In this context, the

concept of effective collective security measures is hazy and requires greater explanation and clarification.

Fourth, what kind of effective collective security measures (military, political, economic, or diplomatic) should IGAD and its member states implement to counter threats to regional peace and stability? It is unclear what kinds of collective security actions IGAD and its member states will take.

For example, if sanctions are considered one of the instruments that could be used to maintain collective security, the IGAD Agreement lacks any legal provision relating to the imposition of economic, military, and diplomatic sanctions against any member state that has committed actions that endanger regional peace and security. This could be a result of the fact that IGAD adheres to a non-interventionist policy and hence has a restricted chance to implement interventionist actions. Neither the Agreement establishing IGAD nor its practice allows the organization to impose sanctions on its member countries. There are a number of reasons for this, but the main one that prevents IGAD from actively promoting collective security in the region is member states' minimal, if any, desire to give the organisation more authority. Though there are calls for sanctions at the organization level, IGAD lacks the legal authority to adopt and enforce such collective measures against its member states (KII A, August 24, 2021). However, as it did in the case of Eritrea's UN sanction, it could advise the AU and UN to impose sanctions on its member states and other actors that jeopardise regional peace and security (KII A, August 24, 2021).

In terms of military action for the purpose of collective security, IGAD is not authorised by law to take military action. RECs such as ECOWAS and Southern Africa Development Community (SADC), on the other hand, keep standby forces which could be called upon in the event that military action becomes necessary. For example, ECOWAS has a military force called the Economic Community of West African States Monitoring Group (ECOMOG). The military arm was formed in 1990 to regularly intervene in conflicts within the region so that it could deploy troops when violent conflicts and humanitarian crises emerge in one of its member countries, as it did in Liberia, Sierra Leone, and the Ivory Coast.

According to a key informant, IGAD's inability to impose sanctions and approve military intervention measures in various crises across the sub- region— including those in Somalia, Sudan (particularly in Darfur), South Sudan, and, most recently, Ethiopia's Tigray conflict—was caused by a lack of effective collective security mandates, as compared to other sub-regions like ECOWAS in West Africa (KII B, August 17, 2021). The lack of authority and capacity to intervene in

disputes, particularly in larger states like Ethiopia and Sudan, has also had a significant negative impact on IGAD's efforts to resolve conflicts. According to Kingah and Van Langenhove (2012), the effectiveness of regional organizations in conflict prevention and management depends on three factors: willingness, legitimacy, and capacity. In terms of capacity, IGAD has been known for its insufficient institutional mechanisms to effectively carry out its responsibilities (Kiros, 2011; Sousa, 2013; Solomon, 2014; Adetula et al., 2016; Redie, 2019; Byiers, 2016).

Based on empirical experience, IGAD has never implemented collective security measures, such as diplomatic, economic, and political sanctions or military interventions, with the exception of failed attempts during the crises in South Sudan and Somalia, as discussed above. Despite the lack of legal authority to apply sanctions and military interventions, IGAD was urged to take all necessary measures, including sanctions against South Sudanese warring parties who violated peace agreements. The Assembly of Heads of state and government held numerous sessions to press both parties to find a political solution, including sanctions to enforce the ceasefire agreement aimed at eliminating humanitarian suffering and ending hostilities (ENN TV, May 18, 2018). To that end, IGAD urged sanctions against the warring parties in order to stop the killings and conflicts in South Sudan and it gave the organization more leverage over the conflicting parties. However, there were conflicts of interest among IGAD member states regarding the type of actions to be implemented, including sanctions. CCTV in its interview with a former IGAD special envoy for South Sudan peace mediation elaborated that:

> There were concerns among some member states on the relevance of sanctions in South Sudan. It is the youngest and poor country and faces multiple difficulties to build a new nation. Besides that, considering the vast majority of the people are illiterate and a lot of people are armed, to rush for imposing sanctions would not be a solution to the crisis in the country (CCTV, July 29, 2017).

However, IGAD has failed to take any concerted action, including the proposed sanctions, to end the South Sudan conflict. One of the reasons was a lack of consensus among the IGAD countries due to competing national interests. They were reluctant in the proposed sanction because they have security and economic

interests and desired control over the sanction process (Apuuli, 2015). According to Apuuli (2015), the sanction has two implications for the rest of the countries. First, IGAD's decision to impose the sanction was motivated by the idea that it will have a long-term impact on them. Second, there was concern that if sanctions were applied, IGAD would have a great influence over the states' interests.

The other significant element hindering collective efforts in the IGAD region is unilateral action. Although states are expressly prohibited from meddling in the internal affairs of other countries by the IGAD non-intervention principle (Article 6b), unilateral interventions in the internal affairs of neighboring states is common in the sub-region. Numerous instances of unilateral meddling in the domestic affairs of other regional nations have occurred. Some of the best examples of unilateral interventions in other states' domestic conflicts include Ethiopia's intervention in Somalia in 2006, Kenya's intervention in Somalia in 2011, Uganda's intervention in South Sudan in 2013, and Eritrea's most recent intervention in Ethiopia in 2020.

Non-Aggression

Another legal limitation of the IGAD framework is the absence of a non-aggression principle. The IGAD Agreement contains no legal provisions concerning [non]-aggression and other similar issues. Despite the region's history of destabilization and intervention practices, and the use of force in other member states' internal affairs (Healy, 2011; Asnake, 2015), the IGAD agreement lacks any norm and principle dealing with [non]-aggression issues. It is critical to pose the following questions. What if a country engages in open hostilities against another member country? What important elements, such as norms or legal rules, does IGAD employ when there is an evident imminent risk, threat, or act of aggression by any of the member states against another member state, which could result in a significant violation of regional peace and security? What actions should be taken against the aggressor in particular in order to maintain or restore the region's peace and security? There is no clear solution to these questions in the IGAD Agreement. Furthermore, compared to other RECs such as ECOWAS, which have the core principle of non-aggression, IGAD does not have a rule on non-aggression other than the norm on respect for member states' sovereignty.

Election and unconstitutional change of government

From the standpoint of democracy and elections, IGAD lacks any legal mandate regarding election and unconstitutional change of governments. Although IGAD has no declaration to track election-related mandates, only the role of election observation without a formal mandate has become a common activity of the

organization (Mehari & El-Fassi, 2015). NTV's interview with the IGAD executive secretary explained that:

> The issue of elections is one of the member countries' domestic issues. Thus, IGAD's role in election-related activities is to help its member countries conduct elections as an impartial and objective observer. IGAD often sends observers at the request of member states. The purpose of establishing IGAD is to maintain peace and security and promote economic integration and collaboration in the region (NTV, February 25, 2021).

According to the executive secretary, elections and other democratic-related issues are not the organization's focus or mandate. Similarly, Mehari and El-Fassi (2015) revealed that, without a clear mandate, election observation has become an IGAD practice carried out by default rather than design. As a result, IGAD's activities regarding elections are limited to election observation, which is only effective upon invitation from member nations rather than self-authorization (Mehari & El-Fassi, 2015). Similarly, IGAD lacks a formal and well-designed system to participate in its member states' election procedures as an observer or in any designated function (KII C, August 28, 2021). Moreover, as indicated by Mehari and El-Fassi (2015), IGAD was unable to execute any meaningful mission in upholding democratic principles, unconstitutional change of government and constitutionalism in its member states. For example, IGAD has said nothing about the 2021 military coup in Sudan (KII E, March 15, 2021). The military leaders who staged the coup not only ousted the civilian side of the transitional government but also undermined the transitional process in that country.

Institutional and structural limitations of the IGAD peace and security framework

Institutional and structural-related factors are yet another key limitation of IGAD. Since its inception in 1996, IGAD has made significant efforts to institutionalize mechanisms for conflict resolution and management. Though IGAD has a wide range of institutions, it still lacks both institutional mechanisms and well-established experiences. An informant said that:

So far, IGAD's areas of involvement have been limited to specific areas. More dominantly, its engagement is related to mediation and early warning systems. Although it has achieved some successes in terms of mediations, negotiations, and early warning systems, it still has several institutional limitations and challenges in other areas of engagement (KII B, August 17, 2021).

The section below highlights the institutional limitations that IGAD has encountered.

A permanent decision-making organ in peace and security issues

From an institutional standpoint, the IGAD peace and security framework lacks a permanent decision-making organ responsible for handling peace and security-related issues. Whatever the name is or could be, one cannot find an institution that is separate and independent to oversee the overall region's peace and security matters. The absence of a permanent decision-making body has harmed and will continue to harm the organization's regional peace and security responsibilities (KII D, October 23, 2020). Mehari (2016) noted that IGAD lacks a permanent decision-making apparatus to act on the organization's behalf in conflict situations that threaten regional peace and stability. The absence of a permanent body with sole responsibility for peace and security issues suggests that IGAD has yet to fully implement the provisions of its agreement requiring the establishment of mechanisms "for the prevention, management, and resolution of inter- and intra-state conflicts" (Solomon, 2014, p. 8).

Nothing in the IGAD Agreement specifies which body is in charge of maintaining peace, security, and stability, such as the United Nations Security Council (UNSC) or the AU's PSC. As stands, it carries out the mandate on peace and security matters through the collaborative efforts of the administrative institutions, notably the Assembly, the Council, and the Secretariat. When compared to other regional organisations in Africa, IGAD's peace and security framework stands out as unique. Unlike the AU's APSA, which has the PSC, IGAD does not have one, despite being part of the Architecture (Solomon, 2014). According to the 2010 IPSS draft document, IGAD lacks a comparable body to the PSC and is distinct from its larger political structures, which include the Assembly and the Council (Apuuli, 2011). In comparison to other RECs, such as ECOWAS, which has the Mediation and Security Council (MSC), IGAD lacks a comparable organisation, instead opting for an ad hoc framework established by the Assembly of Heads of State and Government (Solomon, 2014).

By comparing IGAD to other regional and sub-regional organizations, this article does not suggest that IGAD should imitate their structures and institutions. The purpose is rather to examine whether peace and security decisions are made independently of the influence of the Assembly and the Council. Because the Assembly and Council are state-affiliated agencies serving the national interests of the member states, they cannot function as independent institutions.

In the absence of an institution responsible for addressing peace and security concerns, the Assembly is granted the power to do so, with strong backing from the Council. According to Article 9 of the IGAD Agreement, the Assembly is responsible for monitoring peace and security as well as other political concerns, particularly those concerning conflict prevention, management, and resolution. The Council, on the other hand, is in charge of monitoring and improving humanitarian activities, as well as following up on political and security issues (Article 10). Despite the fact that the IGAD Secretariat is the executive and most important organ in terms of implementation, it has been limited to managerial functions due to the Assembly's strong involvement (Redie, 2012; Byiers, 2016). Healy (2011) investigated whether the Secretariat is still allowed and reinforced to take all actions, including the power to intervene in one of its member states, through security institutions and structures. According to Kiros (2011), the Assembly does not sufficiently authorise the Secretariat to make critical and powerful decisions to address peace and security issues.

Military and defense force

Another institutional limitation of IGAD is the lack of a military and defence force capable of intervening militarily in the Horn of Africa region. In comparison to other areas of engagement, IGAD lacks well-established institutional mechanisms and empirical experiences in the areas of military and defence pacts, primarily for peacekeeping or other military intervention (KII A, August 24, 2021). According to Jacobson and Nordby (2012), military capability is essential but missing in the IGAD institutional framework. It not only lacks a military component capable of taking military action against any threat or other breach of peace and security, but also lacks normative provision dealing with it (KIC Interview, August 28, 2021).

In comparison to other RECs such as ECOWAS and SADC, IGAD lacks a standby military force that can be deployed in the event of a conflict involving one of its member states. ECOWAS, for example, maintains a military force called ECOMOG that deploys troops when violent conflicts and major humanitarian crises emerge in one of its member countries, as they did in Liberia, Sierra Leone,

and the Ivory Coast. IGAD lacks such a structure. Instead, it operates within the broader continental AU framework of the East African component of the African Standby Force (ASF), the East African Standby Force (EASF). The EASF structure is distinct from the IGAD structure and institutional systems. It is the only military entity in the East African region with regional military legitimacy and autonomy, the ability to intervene both locally and regionally, and AU PSC or UN authorization (Jacobsen & Nordby, 2013).

The EASF and IGAD share member states as well as common goals and interests, despite being two separate organisations with unique roles, missions, and organisational structures. In addition to Burundi, Comoros, Madagascar, Mauritius, Rwanda, Seychelles, and Tanzania, which are not IGAD members, all eight IGAD member states are also members of EASF. This shows that the EAC and COMESA are the two main additional regional organisations under the EASF system that certain IGAD member states are members of. As a result, there is no direct structural linkage between the EASF and IGAD or the other regional organisations.

Although IGAD and EASF are not structurally linked, they coordinate their activities. To this end, they signed a Memorandum of Understanding (MoU). The MoU between these two organizations operates as a 'collaborative tool' (Solomon, 2014). Nonetheless, IGAD's work in partnership with the ESAF has encountered two major challenges: (1) a sense of ownership; and (2) a conflict of interest between other regional organizations and member states. Regarding ownership, ESAF is a component of the AU ASF and, hence, in structure and mandate, it is distinct from regional organizations such as IGAD, EAC, COMESA, and SADC. This implies that IGAD has limited leverage over the ESAF, while the latter has no accountability to the former. In terms of conflict of interest, ESAF operates within the greater East African region, which includes fifteen member states and four regional organizations. The countries and regional organizations have interests that differ from those of IGAD and its member states. According to Byiers (2016), this overlapping will never be straightforward. For example, there are competing interests between IGAD and EAC on the question of military deployment capacity, as the latter find it difficult to act on military security issues within its member states (Jacobsen & Nordby, 2012).

Diplomacy and mediation
Compared to other peace and security engagements, IGAD's diplomacy and mediation roles have earned much attention and appreciation (Appuli, 2011; 2015). Hence, preventive diplomacy and mediation have been the organization's most

frequently deployed tools, second only to early warning and response procedures. The IGAD Agreement includes two legal provisions: (1) Article 6(c), which states that the peaceful resolution of intra- and inter-state conflicts through dialogue, and (2) Article 18, which deals with conflict to maintain peace, security, and stability within the sub-region. Moreover, mediation is one of the IPSS's 2010–2014 major strategic priority areas (Apuuli, 2015).

Although IGAD has won praise for emphasizing the significance of mediation and diplomacy, it lacks a well-established institution to carry out such roles. Though Article 7(g) emphasizes the need for promoting peace and stability in the sub-region through the establishment of mechanisms for the prevention, management, and resolution of both inter- and intra-state conflicts, the region still lacks a standing legal body devoted to mediation and diplomatic roles (Sousa, 2013; Solomon, 2014). However, in 2011, IGAD established a body known as Mediation Support Unity (MSU) which is tasked to build a team of technical specialists and envoys in the field of conflict mediation (Apuuli, 2015). The MSU has been constituted structurally as part of the Peace and Security Division (PSD) of the IGAD Secretariat. But this unit is an ad hoc with specific functions and authority (KII A, August 24, 2021). That is why the MSU did not take part in the most recent IGAD-led mediation efforts in South Sudan and in the effort to achieve a peaceful solution to the civil war in Ethiopia's Tigray region (KII A, August 24, 2021).

Based on empirical evidence, ad-hoc approaches predominate in IGAD's mediation processes due to the absence of a well-institutionalized mediation body (Byiers 2016). Most IGAD mediation proceedings are overseen by ministerial committees, delegations, and special envoys appointed by the Assembly (Apuuli 2015). Apuuli (2015) added that ad hoc interventions and the particular political goals of state leaders controlled IGAD's mediation processes in Somalia and Sudan rather than any established institutional framework. For instance, three special envoys from Ethiopia, Sudan, and Kenya participated in ad hoc IGAD-led mediation processes in South Sudan (Micheale, 2020).

Furthermore, IGAD mediation processes were also influenced by member states' interests and state-centered institutional mechanisms. Thus, IGAD along with its special envoys and ad hoc committees, generally had little influence over the warring parties in a number of regional crises, such as those involving South Sudan, Sudan, and Somalia (KII F, August 16, 2021). The involvement of member

state leaders in mediations led by IGAD is heavily influenced by their respective interests. An informant for this study said:

> The role of member states is more visible than the organization itself despite rhetorically called IGAD-led mediation processes. In most cases, however, mediation initiatives have been dependent on the political and diplomatic roles of the individual member states and the support or pressures of external partners (KII D, October 23, 2020).

However, member state meddling and political interests have been the main obstacles to IGAD-led mediation efforts. The protracted political rivalry and power struggle among member states has made IGAD-led mediation processes needlessly complex and unachievable (El-Affendi, 2001; Jacobsen & Nordby, 2013). For El-Affendi (2001), member states regard the organization as the superior regional mediator in situations where they are only interested in resolving problems and utilizing it as a tool to achieve their battle for power and regional hegemony. Apuuli (2015) also noted that member states simply use IGAD to pursue their objectives, as they did in Sudan and Somalia. According to Asnake (2015), the IGAD peace talks in Somalia and Sudan, in which member states served as mediators, were not impartial but prioritized the national interests of the mediators.

Court of justice and judicial activities
The 1996 IGAD founding agreement lacks any legislative provisions regarding arbitration, courts of justice, or legal proceedings, in contrast to other regional organisations such as ECOWAS and EAC (Nadew, 2015). The role of courts and judicial activities is crucial in guaranteeing that the mandates of regional organisations concerning security are fulfilled. That is why a number of African regional organisations, including the AU, SADC, ECOWAS, and EAC, have all set up courts and carried out judicial operations in their respective regions. As IGAD does not have a judicial body, it lacks the institutional capacity to interpret treaty obligations that fall under its purview (Kiros, 2011). An informant for this study also underlined that IGAD is unable to rule out the resolution of crises in its member countries due to its lack of judicial authority (KII B, August 17, 2021).

The primary cause of IGAD's lack of a judicial branch is member states' attempts to stop the organisation from bringing in supranational components, which would have required member states to act even though they had no interest in doing so. That is why they oppose a court system that has the power to overturn national governments (KII D, October 23, 2020).

Conclusion

Although IGAD has a broad mandate to maintain regional peace and security, it has failed to develop a well-developed and comprehensive normative and institutional peace and security framework. Its present peace and security framework faces normative and institutional limitations to effectively handle security threats and challenges in the region. IGAD lacks some basic institutions and norms that could have helped the organisation improve its performance in conflict prevention, management, and resolution. As a result, IGAD continues to lack a permanent organ dedicated to peace and security, peacekeeping, and the judiciary. Norms concerning collective security, non-aggression, election, and unconstitutional change of government are not yet developed. To that end, its engagement in various peace and security initiatives typically happens through ad-hoc mechanisms. The main reason why IGAD lacks a comprehensive framework for peace and security is due to member states' lack of commitment and desire to provide the organization with more potent, inclusive, and robust instruments.

Furthermore, this article concludes that the lack of well-defined normative and institutional frameworks has significantly hampered IGAD's performance and efficacy. Because of its normative, institutional, and structural constraints, IGAD has yet to fully implement the provisions of its Agreement regarding peace and security in the region.

Finally, this article contends that the current IGAD normative and institutional peace and security framework should be revised and modified on a regular basis to address new conflict dynamics and challenges at both the regional and global levels. Unless and until IGAD revisits its normative and institutional instruments, the organization's broad mandate for regional security cannot be properly carried out by the current approaches, which are insufficient and not systematically structured, as discussed in this work.

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