Conflict Resolution in Africa: Analysis from Global and Regional Perspectives

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ABSTRACT

International Security is of great significance to States at regional and global levels. As such the need to address challenges to international Security becomes paramount for States, non-State actors and several organizations at different levels. When challenge to security is evaluated, the major issue at stake is the consequences of conflict(s) to peace and security.

Africa is a region that contributes to insecurities at different levels of organizational framework; this is due to the fact that African conflicts are quite ill in nature, and they undermine certain human right values that require peace and security to be maintained. This craves the need for both global and regional organizations to ensure the conflict decadence in the African region do not spill out of control to affect other areas of the international system.

With the above in mind, this work seeks to evaluate how African conflicts resolution can be attained. And how African conflict resolution has being pursued by several organizations such as; the United Nations, the European Union, the African Union and African sub-regional organizations.

Keywords: International Security, Conflicts resolution, Conflict prevention and Conflict management.

ÖZ

Uluslararası Güvenlik bölgesel ve küresel ölçekte. Devletler için büyük bir önem taşımaktadır. Böylece Uluslararası Güvenliğe yönelik tehditleri ele alma ihtiyacı devletler, devlet dışı aktörler ve pek çok kuruluş için farklı düzeylerde olmakla beraber çok önemli bir hal almaktadır. Güvenlik sorununun değerlendirilmesinde esas mesele çatışmanın barış ve güvenlik üzerindeki sonuçlarıdır.

Afrika örgütsel çerçevenin farklı seviyelerindeki güvensizlikler üzerinde payı olan bir bölgedir. Bu ise Afrika'daki çatışmaların yapı itibariyle oldukça marazi olmaları ve barış ve güvenliğin sağlanmasını gerektiren belirli insan hakları değerlerini zayıflatmalarından dolayıdır. Bu hem küresel hem de bölgesel örgütler için Afrika bölgesindeki çöküşün uluslararası sistemin diğer bölgelerini etkileyecek kadar kontrolden çıkmasını önleme ihtiyacını ortaya çıkarmaktadır.

Bunları göz önünde bulundurarak bu çalışma Afrika'daki çatışmaların günümüzde nasıl azaltılabileceğini ve gelecekte nasıl önlenebileceğini değerlendirmeyi amaçlamaktadır. Bu konunun içerdiği yaklaşımlar, Birleşmiş Milletler, Avrupa Birliği, Afrika Birliği ve Afrika alt-bölgesel örgütlerin aldığı önlemleri yansıtmaktadır. Bu araştırmanın önemli noktası Afrikadaki bölgesel çatışmalar ve Uluslararası Güvenlik teşvik kuruluşlarının rollerini analiz etmektir.

Anahtar kelimeler: Uluslararası Güvenlik, Çatışma çözümü, Çatışma önleme ve Çatışma yönetimi.

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LIST OF ABBREVIATIONS

ACP   EU agreement with African Caribbean and Pacific States

ANISOM   AU Peacekeeping Operation in Somalia

ASF   African stand force

AU   African Union

AU-AHG   AU Assembly of heads of States and Government

AU-PSC   African Union Peace and Security Council

CMC   OAU Conflict Management Center

CMCA   OAU Commission for Mediation, Conciliation and Arbitration

CPMR   OAU Conflict Prevention Management and Resolution

ECOMOG   ECOWAS monitoring group

ECOWAS   Economic Community of West African States

EU   European Union

EWS   AU Early Warning System

ICC   International Criminal Court

ICJ	International Court of Justice
IGAD	Intergovernmental Authourity on Development
MCPMR	AU Mechanism for Conflict Prevention, Management and Resolution
OAU	Organization of African Unity
SADC	South African Development Cooperation
SPLM	Sudanese People's Liberation
UN	United Nations
UNISOM	UN Peacekeeping Operation in Somalia
UN-SC	United Nations Security Council

Chapter 1

INTRODUCTION

International security is of major concern in the international system, and one issue that threatens this security is the rise of conflicts. The current international system is relatively unstable due to the demise of conflicts across regions. Though it has taken numerous measures to curb conflict both at the global and regional levels, the evidences of threats to international security still loom the system especially in the African region. Following the advent of decolonization and post-Cold War system, the rampant nature of ethnic conflicts and secessionist movements within regions, including Africa, have obstructed the viability of ensuring international security to a great extent.

The African region has proved to be a special case which has drawn so much attention at global level and regional organizational levels, bringing about organizational efforts to resolve African conflict. The organizations who have contributed to conflict prevention in the African region include the United Nations, the European Union, and indigenous African Organizations (AU and its sub regional units). The United Nations is the global organization committed to preventing conflict at the international system, as such in regions were conflict disrupts international peace, the role and effort of the UN becomes quite relevant. Nevertheless, it has also given regional organizations the authority to engage in conflict prevention by several diplomatic measures, which conflict resolution is part of. But one question that remains a puzzle is how organizations actually engage in

conflict resolution, in order words what are their capabilities and how do they exercise it in conflict resolution? The answer to this question is where the objectives and purpose of this work lies (detailed in the analysis of chapter three and four of this work).

1. 2 Purpose and Objective

The purpose of this thesis is to evaluate how African conflict resolution can be attained through several organizational forums. The availability of several forums in African conflict resolution purports the concept of proliferation in forums as a result of fragmentation in the normative measure of conflict prevention and resolution.

The proliferation of forums in this work can be seen from the evaluation of global organization and regional organizations engaging in African conflict resolution. At the global level lies the role of United Nations (UN) in African conflict resolution in this work, seen as an external organization involved in conflict resolution, and the generic forum from which conflict resolution measures originates. Along the lines of external involvement in African conflict, is the evaluation of the European Union, who also acts in African conflict resolution processes. Within the region lie the roles of indigenous African organizations, the African Union (AU) and some of its sub-regional organizations (ECOWAS, SADC and IGAD) who also engage in indigenous conflict resolution. In understanding these organizations involvement in African conflict, the capacity to engage in resolution and their capabilities displayed through illustrative practices are the subject of evaluation. The capability of these organizations informs the understanding of the processes each organization pursues in attaining resolution. And how these measures lead to effectiveness or impact the disposition of forum presence and preference in African conflict resolution.

The evaluation from the African perspective follows the fact that the region has being a conflict-prone zone in the world[1]; which undermines regional peace and international security. And as a result it has attracted several organizations to aid resolution that promotes peace. But the availability of several forums(organizations) raises so much questions as to what impact has these organizations contributed to African conflict resolution, because the region still poses threats to regional and international security; since uncurbed and unresolved conflicts still exist. In line with this, the major purpose of this analysis centers on; the impacts of organizational involvement in African conflict resolution. And it tries to answer questions like; in what way can African conflict resolution be best attained and served in relation to international security? To what extent have the UN, the EU and African organizations been effective in African conflict resolution? How effective will a "hybrid form"[2] of action be, if the AU regional and global organizations complement one another to achieve effective resolution? Is there any possible difference between hybrid formations and duplication in organizational roles in African conflict processes? What organization will the Africans prefer to approach for conflict resolution processes and why? Additionally, the question of what causes African conflict, the nature and characteristics of African conflict will also be answered in the cause of this evaluation, in order to know which forum (organization) is best capable in addressing the conflict in question.

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[1] Richard Jackson, (2001), p.3

[2] Hybrid concept in this work, deals with the merging of two forums (UN and AU) to achieve effective conflict resolution, based on the issue of strengthening AU's capabilities and understanding compatibility needed for effective impact. (See details in chapter five)

1.3 The Scope of study and Methodology

The scope of Study in this work explains the framework which the subject matter embraces as well as its limitations. The subject matter is on organizational roles in African conflict resolution processes, and this is limited to specific organizations such as UN, EU, and AU(plus AU sub-regional organizations) and also certain zones in Africa were the tide of conflicts is high and the tendency for these conflicts to spur international concerns are eminent. The zones in question reflect the sub-regional organizational dimension in African conflict resolution; it entails conflicts within the ECOWAS, IGAD and SADC zones. Conflict resolution within these zones reveals the dynamic roles played by organizations in African conflict prevention, management and resolution; were peace building, peacekeeping and breaking of Conflict impasse are basic necessities for attaining resolution. To illustrate these concepts in organizations involvement in African conflict resolution, certain State will be used as studies even though this work does not really entail case study analysis. Also, this work is limited to specific organizational roles, meaning while it recognizes the roles played by States or non-governmental organizations to African conflict, it seeks to focus mainly on collectives roles played by the UN, EU, AU and the three sub-regional organization listed above. The reason for this limitation is to streamline the general roles of all Actors in African conflict resolution (which might be quite cumbersome to evaluate), and focus on specific efforts to analyze the impact and effect of African conflict to regional and international security from an organizational perspective.

The methodology for analyzing this work entails normative analysis, comprehensive content analysis from historical works, contextual interpretations of primary documents, and comparative analysis from primary, secondary and tertiary

sources. The primary sources are generic documents obtained from organizational Charters, and websites like UN Resolutions, European Union Council conclusions, Treaties and partnership agreements. Interpretation of these documents will be made as a premise for understanding the structure of the thesis in light with the rights and authority available to organizations; their capabilities and capacities to act validly in African conflict resolution, management and prevention. This interpretation forms the basic foundations for understanding the issues of peace and security at the regional and global levels. Also the use of secondary and tertiary relevant sources will also be implored to illustrate the works that has being done in previous times in relation to the thesis subject matter, which helps buttress on facts that are relevant in order to understand different ideas and dispositions to what conflict resolution entails. The secondary and tertiary source in this work involves the use of relevant books, journal articles, and online publications. All these sources indicate the literatures available for the subject matter and reveal the relevance of the issue in today's world. However, before highlighting the literatures at my disposal, a brief summary on the structural arrangement of this work will be given below.

The first chapter is the introductory chapter which explains the purpose of my study as seen above and the literatures available at my disposal for this work (given below). The second chapter is the conceptual framework chapter which shows the different concepts applied by different organizations in African conflict resolution, and it explains the need for resolution following the nature of African conflicts and its impact on regional and global security. The third chapter evaluates external organizational forums involved in African conflict resolution, explaining their capabilities in acting and what informs their actions. The fourth chapter follows along the lines of capability evaluation like the third chapter, only that it deals with

the indigenous African organizations capabilities and their practices in African conflict. Though the work has no case study analysis, it will however make use of relevant examples in evaluating organizational capabilities in African conflict both in Chapter three and four. Chapter five of this work deals with a comparative analysis structure of organizational forums capabilities, drawing the significance of proliferation in conflict resolution practices, and also dealing with the hierarchy of authority in light with normative principles guiding organizational involvement in conflict resolution. The sixth chapter will give the conclusion and findings of what the work has being able to deduce during the cause of evaluation. However, this is only possible with the help of literatures that will be seen below.

1.4 Literature Review

The literature review by scholars in the field of African Conflict Resolution entails general ideas evaluated with specific application. The general idea is what illustrates conflict resolution in general regardless of the region where conflict is being addressed, while the specific idea is an application of the general idea of conflict resolution to specific regions or States. In this work, the specificity is the Africa region; through certain States evaluation on conflict resolution efforts.

When conflict resolution is evaluated generally, William Zartman (1997), draws a caution to the role interest and power play in conflict resolution. In his book he buttresses "conflict resolution is more sophisticated than what it was before, and it involves an international conflict which deals with power and interest within States and among States"[3]. Understanding the role interest and power play in conflict resolution, explains what conflict resolution entails to a large extend.

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[3] Zartman W (1997), p.3

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However, many scholars have tried to illustrate the basic framework of the conflict resolution based on the impact of conflicts on other States and the need for security. Often time scholars start with the definition of conflict, then the types of conflict, the need to resolve conflict and then the concept of conflict resolution and what it entails. Peter Wallenstein (2007) in his book 'Understanding Conflict Resolution', explains the evolution of conflict, the different types of conflict, the need for peace, and the processes of attaining peace which entails organizational roles at different levels (global and regional). The link between Conflict and resolution is the premise for which security or peace can be attained in societies. Burton and Duke (1990) while defining conflict, emphasizes the dangers of conflict in a society; suggesting the need for prevention, management and resolution which should be pursued at different structural levels in other to promote security. Before conflict can be prevented or managed, the need to understand the type of conflict in question and the nature or characteristics it possesses is quite relevant if peace and security must be attained. The reasons for this is because conflicts are dynamic in nature, and understanding a particular conflict gives insight to how best it can be resolved.

The dynamic nature of Conflict was buttressed by Mayern Bernard (2000) and Ramsbotham etal (2005), in their books, they draw the attention of actors engaging in conflict resolution process to keep in mind the type of conflict and the nature of conflict they address, with this a best approach possible for achieving effective result will be feasible. Merrills J.(1999) and Quincy Wright (1990), explains the fundamental measures for which conflict resolution process can be attained in light with the nature and type of conflict. Here the illustration of how to engage in International settlement of Dispute is regarded as forms of Negotiation, Mediation,

Inquiry, Conciliation, Arbitration and the use of Courts. These forms of settlement has being used as measures to attain conflict resolution, and it has being greatly recommended as the first form of any dispute or conflict settlement by the United Nations (which is the global organization committed to conflict prevention and collective security). Collective security is an issue that is subject to a two-faced coin perception with regard to the roles UN play in conflict prevention as will be seen in details in later chapters. Collective security "may be defined as a plan for maintaining peace through an organization of sovereign states, whose members pledge to defend each other against attack"[4]. However, the premise of collective security today goes beyond the traditional forms of security which focused on States national interest. Rather the issue of security in this framework entails a consideration on modern interpretation of security which entails human security, social security and environmental security; because the promotion of human welfare in light with values of human rights, good governance and democracy[5]. The modern day context of security is the premise for which organizations engage in resolving conflicts because a disregard for human and environmental security may creates insecurities for other States like in issues related to refugee influx, and illegal immigration to mention a few. To avoid insecurities rubbing off other regions peace, the need for collective action becomes necessary. This explains why organizational roles are explained as a form of projecting conflict resolution in this thesis, because it evaluates how organizations act in the name of collective security to deter threats to peace and stability.

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[4] Stromberg N Roland, www.americanforeignrelations.com/A-D/Collective-Security. accessed 3rd Feb,2010.

[5] Lloyd Axworthy(2001),pp19-23

Peace in the concept of conflict resolution analyzed in this work can be likened to Galtung Johans' explanation (1995), which entails critical evaluation of what is done at the present compared to what is expected, based on analyzing the causes, and conditions of conflict, and proffering cure and prevention either in forms of militarily prevention, political prevention, economic prevention or cultural means[6].

To address the specificity of literatures on this work (with relation to African Conflict resolution), many scholars have tried to understand certain key issues in African conflict. These issues deal with the causes and nature of African conflict, the roles of indigenous African organization to African conflicts and the roles of external organization(s) to African conflicts. Many scholars, some of which includes Akinrinade and Sesay (1998), Nehma and Zeleza(2008) evaluates the causes of African conflict to be an issue mostly related to ethnic rivalries due to poor boundary formations in Africa after decolonization, coupled with issues of underdevelopment and marginalization experiences within the region and outside the region. The impact of cold war tensions, and the demise from lack of the rule of Law (interchanged as disrespect for legal provisions), are also issues that relates with the causes of African conflicts. Nehma and Zeleza(2008) trace the colonization effect to historical times when "European powers scrambled for territories with scant regard for ethnic boundaries"[7]. The effect of this ethnicity disregard has created so much boundary related disputes in Africa compared to other regions. In essence the uti possidies[8]

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[6] See Galtung Johan(1995),pp1-23
[7] Nhema and Zeleza (2008), p.1
[8] See Louis Henkins etal (1993), p.325

Uti possidies (lets possess what we possessed) - In Africa this Latin concept relates to the acceptance of territorial status quo at the time of independence which created the heterogeneous ethnicities within States.

The reason why Africans accepted the ambiguous map given to them by the colonial masters was because they wanted to be free and since disputing over problems in State can hinder this

nature of African formation depicts the nature in which one ethnic conflict can escalate to other States were feelings of loyalty or affiliation with other ethnic groups in other States exist. Often time this has transnational effects that becomes quite hard to manage resulting in regional catastrophe were the international community becomes obliged to intervene if security must exist. This is a typical reflection of the nature of African Conflict.

In terms of the nature of African conflicts, often times conflicts spills and becomes internationalized due to its effects, though may have domestic origin. Goulding M.(1999), explains how an internal African conflict becomes internationalized. When a conflict becomes unmanaged by an immediate society and results in gross human rights violations, other States (within certain organizations) becomes concerned due to the challenges such conflict might cause to their security. This is why some States and or organizations tend to get involved in conflict States in order to mitigate activities that leads to insecurities. However, the involvement of other States or organizations can sometimes have two fold effects. First, States can influence resolution actions in conflict areas or second, can escalate the pace of events in conflict areas. The latter is not the basis for my evaluation but the former. The fact that internal conflicts tend to be internationalized in Africa, explains the premise for which organizations get involve in African conflicts, based on collective action plan to promote security and deter instigating actions that challenges security and peace. Scholars also access organizational roles from the global perspective in light with the UN's actions being the generic forum promoting conflict prevention and collective security, and EU acting as an external regional organization

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independence, they choose to accept the boundary formations in order to promote political stability as envisaged by the OAU and Pan-African leaders. (See more on Colonial boundaries in Akirinande and Sesay 1998)

complementing the general roles of UN, and also partnering with African indigenous organizations who are also actors in their own conflict resolution process. When Organizational roles in African conflict are evaluated, the capacity to act and the capabilities of actions informs their effectiveness to a large extent. The United Nations being the global forum is often evaluated based on its preventive diplomacy roles, which entails peacekeeping and mediation capacities. The framework of UN activities in Africa are given in its Charter, however an understanding of it practices can be seen from the works of Taylor and Williams (2004), Joseph Nye (1993), Higgins R (1994), Sahr Malcom (1997), were the roles of UN Security Council is explained in light with preventing conflicts that threatens international security, and its delegated duties to other UN organs to engage in conflict prevention and resolution processes. The role of UN is seen as an external actor in a divided world by Roberts A and Bury Kings (1993). Here they explain the reason why UN gets involved in international matters; being the generic organization that promotes security at all levels.

Another external organizational actor in African conflict is the European Union (EU). When the roles of EU is examined, the premise for its involvement in Africa is often traced to the African Caribbean Pacific Agreement now Cotonou Agreement (2000), and the Strategic AU-EU partnership agreements (2007), which basically promotes development and democratic values. Also the role of EU in Africa has also being seen to compliment the global goals of maintaining peace and security. Smith K(2003), Coppieters etal (2004), Hill Christopher(2005), Soderbaum F and Langenhove L(2006), all explain EU's global role and involvement in Africa based on its capabilities and capacity to act through some of its structural organs like the EU High representative, its Commission among other organs to ensure security. EU

roles in preventing and managing African Conflict has being visible in areas of aid, logistics and support to peacekeeping and peace building measures in conflict prone societies. Bayne S.(2002), Boerzel and Risse T(2002), and Manners Ian (2008) articles all buttresses EU conflict prevention processes in this line involving financial aid, economic integration and spread of democratic values as a means of attaining security and peace in regions, thereby contributing to a global promotion of peace and security while eliminating the basic foundations for which conflict erupts. One of the major causes of African conflict as will be seen in chapter two is the issue of underdevelopment. For Collier P. et.al. (2003), promoting development policies through socio-economic advancement can help minimize Africa's conflict threats in the international system, especially those related "forced migration of refugees and internationally displaced person"[9]. The idea of economic development promoted by EU in the African region is greatly appreciated by indigenous African organizations, which see EU as model they can pattern their activities after, because development aids necessary capabilities needed for conflict resolution. When African Organizational roles are evaluated, the capabilities and capacity in which they respond to internal conflicts are said to have being limited by so many socio-economic factors which can be seen in the forms of financial constrains resulting in low troops provision for peacekeeping and peace building missions, poor commitment and structural tensions displayed in undemocratic policies and interest of certain Statesmen to mention a few. Malan M (1999), Nhara W.(1999), Alao A.(2001), Levith J.(2001) in their journal articles underscores financial constraints to be the major factor that weakens African indigenous roles to conflict prevention, management and resolution; this is why conflicts escalates beyond control calling for

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[9] Collier Paul et.al (2003), p.18

international responses. While these factors hinder indigenous organizational roles, it is expedient to note that regional organizational roles cannot be ostracized from issues that promote regional security regardless of their capabilities or capacity to act. For Zwanneburg M (2006), regional organizations offer substantial opportunities for partnership with the UN to ensure international peace and security. More so, when the UN Charter deals with collective security, it draws on cooperation at regional levels to support the global goals of maintaining international peace and security[10].

From the literature reviews of scholars on what conflict resolution entails and how African conflict resolution can be attained, it is evident that organizational efforts to curbing conflicts are quite necessary. And the fact that different organizations are committed to conflict prevention shows the variety of forums present for attaining security, and the relevance of peace and stability to regions and the international system.

One can establish of a fact that what challenges peace and security in regions or the international system are unmanaged conflicts. African conflict evaluated in this work gives an illustration of how regional and global securities are being challenged.

Chapter two of this work lays a foundation of the conceptual framework this thesis evaluates, by taking into consideration, the causes of African Conflict, its nature, the means in which organizations handles conflict and what conflict resolution entail.

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[10] See Article 52, UN Charter

Chapter 2

CONCEPTUAL FRAMEWORK OF CONFLICT RESOLUTION IN AFRICA

2.1 INTRODUCTION

The concept of conflict and the need to prevent or resolve it cannot be over-emphasized. As seen from the previous chapter of this work, conflict is a challenge to peace and security in regions and in the international system. In this current dispensation, Africa seems to be the most vulnerable region to conflicts, and it has become a sort of concentration camp for ills to spur threats that disrupts security.

In order to understand the conflict resolution, its need as well as measures or tools for which conflict resolution is pursued, this chapter explains it all. First it focuses on a general conceptual framework; explaining what conflict is, the reason why conflict resolution is needed, the concept of conflict resolution and other means for which conflicts can be handled. Additionally, it evaluates the causes of African conflict, the nature and characteristics of a typical African conflict and the methods for which African conflicts can be resolved (diplomatic arrangements and judicial forms of settlements). The application of the general framework of conflict and conflict resolution to African gives the premise for which organizational roles are evaluated in this work.

2.2 The Concept of Conflict

Conflict is an issue that is present in every society. For Nye and Welch, it "marks all aspects of our social life"[11]. However, the manner in which it is handled is what determines if it constitutes threats to security or challenges peace. Often time it is interchanged as dispute, and different scholars have defined it to suit different situations based on the scenarios in which it occurs. By this one can have an economic related definition of conflict as well as a political definition. Nevertheless, an underlining idea of the concept can be inferred from all definitions. Some definitions of conflict includes the following; "Conflict is as opposition among social entities directed against another says Burton and Duke"[12]. In Quincy's terms it can also refer to inconsistencies in the motions, sentiments, purposes or claims of entities and sometimes to the process of resolving these inconsistencies[13]. The inconsistency in motions and sentiments is based on what Mayern describes as "perception due to incompatibility of needs, wants and interest with someone else"[14]. The above definitions were merged in Bartos and Wehr definition, when they defined conflict as a situation in which actors use conflict behavior against each other to attain incompatible goals expressed in hostilities[15]. The underlining understanding from these definitions as well as others not mention entails the fact that conflict occurs as a result of incompatible goals between disputants and this can involve ethnic related issues, marginalization, underdevelopment due to mismanaged resources and uneven distribution of resources. When conflict occurs it can be between individuals in a society, ethnic groups or States. Conflicts that occur between States are referred to as

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[11] Nye and Welch(2009), p.181

[12] Burton and Dukes (1990), p.19.

[13] Wright Quincy, ibid. p.19

[14] Mayern(2002), pp4-5

[15] Ottomar and Wehr(2002),p.13

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inter-State conflicts, while when it occurs between groups in a society it is regarded as an intra-State conflict (which could be in forms of civil wars, ethnic conflicts or religious conflicts). However, intra-State Conflicts can become inter-State in nature when it affects neighboring States or become internationalized, if not influenced by others. A detailed analysis on these differences will be explained under the Nature of African conflict.

In order to clarify the type of conflicts this work evaluates, the consideration of both inter-State conflicts and intra-State conflicts which becomes internationalized, threatening regional and international securities is what this thesis focuses on. In this light, the definitions employed to fit into the conflict evaluated here will be "opposition among social entities directed against another"[16], whereby incompatibility in goals creates the premise to neutralize, gain advantage over, injure or destroy an opponent[17]. The reason for using this definition in this work is because it fits into the nature and characteristics of what African conflict entails. The main character of conflict in Africa entails social entities which are ethnic groups, were opposition over scarce resources (incompatible goals) are often eminent. Scarce resources often portray other elements for which group opposition arises in Africa. In some cases, it leads to ethnic marginalization, favoritism, discrimination, power tussle and civil unrest. An example on these incompatible goals in conflict can be seen from the Hutus and Tutsi's ethnic clash in Rwanda, based on the fact that one group felt marginalized in political and economic aspirations compared to the other[18]. When a conflict comprise of different incompatible goals it is susceptible to a sky-rocket of hostilities. The need to manage and resolve such conflicts becomes

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[16] Burton& Duke (1990), p.19

[17] Laure James (1987), p.17

[18] See Bruce Jentleson

eminent. While a deeper understanding of what the nature and character of African conflict entails will be seen later in this chapter, it is relevant to portray the need for which conflict resolution should be pursued.

2.3 The need for Resolution

The reason why conflict needs to be resolved is based on the general ideas of security, peace and maintenance of world order as explained in chapter one of this work. This implies both internal socio-economic stability and external impact conflict creates other States. When a conflict is allowed to spill beyond manageable limits, it becomes a detriment for nations, regions and global community at large; examples of detriments includes refugee influx, illegal migration, trans-border crimes, (to mention a few), destroying economic and socio-political development. One of the ways to curtail these threats (insecurities) resulting from conflict torn societies, is for actors at the international levels, regional levels and national levels to engage in actions that promote conflict management, prevention and resolution. Though some conflicts might have domestic origin, they tend to have an external consequence which rubs the peace and tranquility of other neighboring States in the international system. This is why external efforts (actions) are needed too in curbing conflicts, even when such conflicts do not necessarily originate from their geographical territories. The idea that a conflict does not immediately threaten ones security should not be an excuse for non-action by States in the international community, neither should it prevent measures that promotes management of conflicts or conflict resolution. When a case like the Somalia is considered, one can trace the present demise of threats in the region, and the impact it has on the international system today, to be poor capability to effectively resolve the conflicts at its initial years. Today the domestic originated conflict in Somalia has become an

international concern since it looms danger in the face of States especially with the pirates' activities. Piracy in Somalia today has no respect for regional consequences or international consequences, this is why a collective form of actions is needed both from regions and the international system or other non-State actors to engage in conflict resolution mechanisms in order to curtail conflict and stabilize societies. According to Daws and Taylor, the idea of collective actions against conflicts is seen as a joint action plan in the UN Charter, as it calls on UN a global actor and other regional organizations to cooperate by building consensus on regional conflicts that threatens security and peace[19]. The essence of these actions is what informs the evaluation of organizational roles this work deals with, as will be seen in subsequent chapters. From the analysis above, it is an established fact that conflicts needs to be resolved due to its consequences, however the need to understand what conflict resolution entails, and other possible forms of handling conflict is quite relevant.

2.4 The concept of conflict resolution and what it entails

The concept of conflict resolution became quite popular in the 1980's following escalations of conflicts with intra- State natures that were evident in regions. The need to employ measures to resolve these conflicts and foster relative peace and stability gave rise to the concept of conflict resolution.

Conflict resolution refers to the termination of conflicts by methods that are analytical, which gets to the root causes of the problems[20]. For Wallenstein it is *"where the conflicting parties enter into an agreement that solves their central incompatibilities, accept each other's continued existence as parties and cease all violent action against each other"*[21] . While in cases of armed conflict it can be seen

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[19] Dow & Taylor (1999), p.209.

[20] Burton John, (1991), p.72

[21] Wallesteen (2007), p.8

as "a social situation where armed conflicting parties in a (voluntary) agreement resolve to peacefully live with and or dissolve their basic incompatibilities and henceforth cease to use arms against one another"[22]. The school of conflict resolutions has its basic assumptions as to when a conflict is said to have been resolved. "The usual assumption is equivalent to agreement about particular issues underlying a dispute, if the parties to the dispute can agree on an outcome that is mutually acceptable, and then the conflict has been resolved"[23]. It is one thing to get involved in conflict resolution, but completely another to achieve effective result. When conflict resolution is pursued, there are several factors that entail its actualization and effectiveness. One of the factors is the level of understanding and commitment to the cause of achieving solutions, both from disputants and from actors mediating resolution. In Daniel Druckmans' terms, this is a value which is predominant in conflict resolution, because communication and understanding cannot be ostracized from resolution processes[24]. Another underlining factor that projects an effective resolution is the issue of 'confidence'.

Confidence is the backbone for which all other factors of effective conflict resolution lie. When confidence is addressed, it comes from both disputants and resolvers. In Nhema and Zeleza, the role of Confidence in an African conflict resolution process was emphasized as a yardstick for disputants' commitment to the mechanism in use, whereby deterrence to further escalations of conflict is curtailed[25]. Confidence reflects resolvers understanding in conflict resolution process, which is needed to attain effective resolution. It also goes a long way to show what approach

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[22] Ibid p.47

[23] Mayer (2000),p. 97

[24] Druckman D. et.al (1988), p489

[25] Nhema and Zeleza (2008),p.3

is more appropriate, and effective in achieving desirable result. One can infer that confidence built in resolvers (actors) by disputants can also go a long way for resolvers to influence effective communication of the right ideas needed for a compromise. Disputants often approach actors they deem best putting to consideration the level of resolvers understanding of their plight; because they tend to be confident in a forum were actors' shows unbiased understanding. In chapter five of this work the role of confidence and understanding is explained with regard to forum shopping of conflicting States who desire to resolve their dispute. In essence it explains why certain regional organizations or the global organization may be better disposed to effective conflict resolution processes compared to others.

In general conflict resolution projects maintenance of peace and in Levith's terms, "conflict maintenance press represents the lunch pin to sustainable peace; the objective is to maintain the system peace by building and rebuilding civil society and state institutions to allow for transference and accountability"[26] .

2.5 Other forms of Handling Conflict

Aside the Conflict Resolution being a means of handling conflicts, maintaining peace and promoting security, there are other forms in which conflicts can be handled either at an early state or at a crisis level. Conflict resolution is more or less the last form of action in ensuring security, because when conflicts are resolved there is nothing at stake that threatens security or peace anymore. This leaves us with the question of what other forms are measures for which conflicts can be handled. Logically, Conflicts can be handled in a chronological manner; first by prevention and then by management. Conflict prevention and conflict management are other forms for which internationalized conflicts are handled.

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[26] Jeremy Levitt (2001), p.8

2.5.1 What is Conflict Prevention?

Prevention is popularly said to be better than cure. It refers to the actions taken to reduce manifest tensions or prevent an outbreak or reoccurrence of violent conflict[27]. Ramsbotham et.al sees conflict prevention as a cooperative approach which facilitates peaceful solutions to dispute, and implies addressing the root causes of conflict[28].Prevention seems to be the first stage of handling conflicts when the cycle of conflicts is analyzed. This stage negates crisis creation turning to war, and promotes the building of stable peace based on control[29]. For instance it can be in forms of promoting good governance, political stability enshrined in democracy and the respect for human rights in areas where these issues tend to contribute to conflict escalations. When a conflict is prevented, it means the transition for it turning into a war is averted. Conflict prevention can also be in forms of promoting measures to deter further escalations. The concept that explains conflict prevention and what it entails is the concept of preventive diplomacy. In order to prevent conflicts from escalating, diplomatic tools like mediation, negotiation, conciliation, arbitration and judicial settlement can be used as a broad sense of preventive diplomacy[30]. According to the UN agenda for Peace, 'Preventive diplomacy' is defined as an "action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur"[31]. As listed above, diplomatic measure for which dispute settlement can be attained (or 'preventive diplomacy' can be actualized) is based on;

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[27] Bayne S (2002), p.19

[28] Rambostham, op.cit p.124

[29] Hauss (2001), pp25-30

[30] Nicholson (1991), pp.57-78

[31] UN Secretary General: An agenda for peace(1992). www.un.org

- Negotiation:

This is the most commonly used measure of dispute settlement that prevents escalation. It involves bargaining that takes place formally usually on a round table discussion, involving a back and forth dialogue format[32]. For Merrill's "It is a process which allows the parties in conflict or dispute to retain maximum amount of control over their dispute"[33]. It also serves as a premise for other forms or measures of dispute resolution.

- Inquiry:

Inquiry involves the use of fact finding commissions to ascertain the root causes of conflict in order to reach a compromising solution. In its broader sense it refers to a process performed whenever there is a disparity among conflicting parties as to what is fact and what is not especially in a court[34]. In an inter-state conflict, States often disputes over what is of fact and what is not especially in boundary dispute, once facts are not ascertained on time, there is every tendency that conflicts could be blown out of proportion, which could escalate into unmanageable consequences. The role of an inquiry mission or a fact finding mission is to investigate on what the facts are and verify the point of misunderstanding among disputants. The UN often set up fact finding commissions to investigate the disparity between conflicting parties, by this they can verify the cause of conflict and follow a means appropriate for resolution.

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[32] Goldstein Joshua.(2004),p.79

[33] Merrills.(1991), p.17

[34] Ibid. p.43.

- Mediation:

Mediation is a process that "involves attempts by third parties to facilitate voluntary agreements between parties in conflict"[35]. In order words mediators are third parties who basically acts like an intermediary to bridge conflict grounds. Third parties can take the forms of State(s) or diplomatic personnel assigned to act as facilitators, aiding in breaking impasse, and producing an acceptable solution. Mediation also lies between the use of good offices and negotiation processes: it proposes solutions based on an assessment of each sides demands and interests[36]. Mediation process is like a confidence building measure which involves a range of activities like "facilitating communication, creating parity, suggesting options and providing resources needed to build trust in many ethnic related conflicts"[37]

- Conciliation:

This is another measure for preventing an escalation of conflict. According to Merrill's, conciliation entails the use of a commission set up by the parties on a permanent basis or on an ad-hoc basis, to deal with disputes by engaging in an impartial examination of the dispute and attempting to define the terms of settlement such as they may have requested[38]. The conciliation commission functions as an investigator who suggests possible settlement terms to the conflict at stake.

- Arbitration:

Arbitration is a process whereby both parties to conflict agree to abide by the solutions devised by a mediator[39]. In essence it combines elements of mediation and conciliation to promoting peace among disputants. However, the difference between

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[35] Josephine M.Z et.al (1992), p.546

[36] Goldstein (2005), p.144

[37] Ayres (1997), p.432

[38] Merrills (1999), op.cit., p.59

[39] Goldstein (2005) op.cit., p.114

this forms of preventive diplomacy compared to others is that decisions under this platform is binding which is similar to judicial forms of settlement.

- Judicial settlement:

Judicial settlement on one hand is similar to arbitration because it involves the acceptance of binding decisions made by the court. However in a court system, conflicting parties must consent to the case being brought under the authority of the court and must abide by the decisions which proceeds from court. The use of judicial forms of settlement has being implored in certain boundary related disputes of African conflict. The analysis of this will be evaluated in the preceding chapter.

2.5.2 What is Conflict Management?

Conflict management is another means for which conflict can be handled. Figuratively, the essence of conflict management can be understood in light with the phrase 'a stitch in time saves nine'. Again emphasizing on the fact that conflict challenges security and peace, when prevention to conflict(s) cannot be attained, management seems the necessary measures suitable to curtail the dangers of conflict escalations.

Conflict management entails "addressing the issue which parties are contending about, and the deeper concerns which if ignored are likely to resurface in a short time"[40]. For Burton to achieve conflict management, three 3 basic components has to be considered, first the degree and quality of participation by disputant parties, second the quality of communication between parties, and thirdly parties degree of decision-making power[41]. The essence of conflict management is to proffer better methods for which parties to conflict can handle a given situation, rather than opting

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[40] Ross Howard (1993),p.3

[41] Burton (1990), p.189

for violent means. Sometimes methods employed in conflict management can overlap methods in conflict prevention. By this I mean the use of the diplomatic tools explained above. The overlapping of measures is not of necessity to this work, rather the outcome of these measures being means of preventing and managing conflicts is what this work seeks to evaluate. However, aside the diplomatic tools explained above, measures like peacekeeping, peace building, peacemaking and the use of monitoring groups acting as early warning system to conflict detection, can also serve as means of managing conflicts in order to prevent escalations.

Peacekeeping is a term that denotes the use of deployed troops to conflict areas (States) in order to stabilize the conditions within that society and protect civilians. It is more or less like a combination of diplomatic settlement and the use of force. In Ramsbotham terms it refers to an "inter-positioning of international armed forces, to separate armed forces of belligerents, often now associated with civil tasks such as monitoring and policing and supporting humanitarian intervention"[42]. For Dag Hammarskjöld, it is a concept that belongs to "Chapter Six and a Half of the Charter, placing it between traditional methods of resolving disputes peacefully, such as negotiation and mediation under Chapter VI, and more forceful action as authorized under Chapter VII[43]. It can also be seen as an all inclusive term when conflict prevention, management and resolution are evaluated. To buttress on this, a classical definition given by International Peace Academy defines it as "the prevention, containment, moderation and termination of hostilities between or within States through the medium of third party intervention, organized and directed

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[42] Ramsbotham etal, op.cit p.30

[43] United Nations peacekeeping http://www.un.org/en/peacekeeping/ accesses on May 21, 2010.

internationally, using multinational military, police and civilian personnel to restore and maintain peace.[44]

Peacemaking on the other hand is defined as "actions that brings hostile parties to agreement, essentially through peaceful means as foreseen in Charter VI of the UN charter"[45]. The measures explained here are those outlined above under preventive diplomacy. When peace keeping and peacemaking measures are combined, then a form of peace building ensues. For instance, when the roles of UN peace keeping are analyzed it is seen as 'a unique and dynamic instrument developed by the Organization as a way to help countries torn by conflict creates the conditions for lasting peace'[46]. Lasting peace is what builds societal stability, and informs an idea on whether security is eminent or still prone to challenges. While sometimes peacekeeping and peacemaking measures might overlap, they both form the basis for preventive diplomacy inculcating management and resolution techniques in promoting stable peace and security. The application of these concepts will be seen in organizational roles in African conflict. But before engaging in that, the need to understand the causes of African conflict, its nature and characteristics are quite eminent in order to know why certain measures are applied in certain African conflicts in order to curb and mange escalations.

2.6 African Conflicts: Nature and Characteristics

Borrowing from conflict definitions terms above, African conflicts can be seen as opposition among African social entities, religious or ethnic entities, having incompatible goals which create hostile behaviors resulting in injuries or the

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[44] IPA, Australian Peacekeeping memorial
www.peacekeeping.nationalcapital.gov.au/definition.asp accessed 12th March 2009

[45] Ghali Butrous An agenda for peace 1992 www.un.org/Docs/SG/agpeace

[46] United Nations peacekeeping ibid.

destruction of an opponent. The manner in which incompatibility of goals is expressed informs the nature and characteristics of a typical African conflict.

The nature and characteristics of African conflict can be said to be intra-State oriented and inter-State oriented. In either case African conflicts are typically prone to protraction which leads to inter-related social oppositions within and outside a State were the conflict originates. The protractions of a typical African conflict reveal the heterogeneous characteristics of a typical African inter State or intra State conflict. One of the major challenges to world order and security was seen from the closing years of cold war were the nature of conflicts 'moved from global tensions or super powers tensions to intra-state, interstate tensions especially with protractions in regions like southern Africa, central America, East Asia were conflicts where rampant'[47]

Intra-State conflicts are conflict which occurs within States, they are domestically created perhaps due to issues of ethnic rivalry, poor governmental control leading to revolutions or a conflict of interest with regard to marginalization and unequal distribution and or allocation of resources and funds needed for survival. Inter-State conflict on the other hand refers to conflict that occurs between two or more States. Inter State conflicts were the main platforms for which organizational involvement to conflict resolution or management and prevention were considered valid prior to Cold War era. But with the observance of human rights violations and internationalization of intra-State conflicts due to cases like ethnic cleansing, the relevance of organizations to get involved in both inter State and intra-State conflicts became necessary.

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[47] Ramsbotham etal, ibid p.4

In recent years, many African States have intra-State characteristics, but the reality of such African conflicts is that they are not completely internal; 'though its causes may be internal its consequences spread beyond States borders'[48]. An explanation to African conflicts being internationalized or having external consequences beyond its region can be seen from the causes African conflicts and the impacts of such conflicts.

2.7 Causes of African Conflict

There are four basic causes of African conflicts, or what propels its escalations. In the order of importance, the legacy of colonization takes a preceding historical root cause, then the level of underdevelopment which instigates rivalries and oppositions to scarce economic and social resources within a society, the effect of cold war tensions; which is more or less a booster of violence, and the disrespect or lack of the rule of Law; which weakens societal balance and deterrence systems to many acts of atrocities against human rights and dignity. All these factors have contributed so much decay in the African region, and have energized security tensions that go beyond the four-walls of the African continent.

2.7.1 The Legacy of Colonization on African Conflict

The African region to a large extent is marred by the defects of colonization. "History shows that the multi-ethnic States of Africa can hardly be defined as cohesive nation States, in which the inhabitants have developed solidarity on the bases of shared customs and values"[49]. The reason why most nations in Africa are prone to ethnic rivalry is due to the fact that their customs, beliefs and value system are incompatible. The legacy of colonization which instigates intra-State tensions is

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[48] Golding M (1999), p.157

[49] Nhema and Zeleza(2008), p.2

traced to "the arbitrary demarcation of colonial territories, which led to the division of ethnic groups between two, and sometimes several successor States, and from time to time these groups clamour for union with their kith and kin across border"[50] . This demarcation became "artificial boundaries"[51] in Africa which creates land disputes between different African States. An illustration of internationalized boundary dispute in Africa due to artificial boundary formations is the rivalry between Cameroun and Nigeria over Bakassi Pennisula (A more detailed explanation on this is explained in the preceding chapter). However, the result of colonial demarcation in Africa is the heterogeneous nature of African States, susceptible to affiliating with other cultural relatives outside their borders. This affiliation entails sharing the plights of others in socio-economic matters that affect in-groups regardless of their location. As such when an ethnic group sees that their cultural relatives in other areas are being threatened, they see the need to act to preserve their values. This was the case of Ethnic Hutus and Tutsis in Rwanda getting support from relatives outside Rwanda in order to promote their identity and loyalty to their culture. Obviously people tend to be loyal to their cultural values and any disrespect to this perception in the minds of loyalist often causes some to ill feeling that could instigate uprisings, crisis and conflicts. If the definition of a 'nation State'[52] is anything to go by, the merging of different ethnically unrelated groups by colonial powers was of great detriment to Africans. One would ask how on earth do you merge people who practically have different ways of life, values and customs as a

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[50] Akinrinade S, and Sesay A (1998), p.4

[51] Shah Anup www.globalissues.org/article/84

[52] One of the major characteristics of a nation State drawing from its definition, is the tendency of shared custom, believes and values. The nation States in Africa has being gravely damaged as a result of colonial artificial boundaries, because the result of this history leaves the region with conflicts of ethnic-rivalry and boundary disputes.

nation State, without considering the fact that they could be incompatible, which could increase ethnic conflicts with trans-border effects, thereby creating another type of conflict that is inter-State in nature and when unresolved can lead to detrimental effects requiring the international system to address. Ethnic conflicts are detrimental legacies of colonization in Africa traced to the era when "European powers scrambled for territories with scat regard for ethnic boundaries"[53]. The nature of most intra-State conflict that becomes internationalized in Africa are mainly ethnic conflict, and Africa seems to have a unique formation of States when ethnicity is discussed compared to other regions. In this continent ethnic conflicts are prone to disrupt regional security.

2.7.2 Economic Underdevelopment

Economic underdevelopment is another issue for which the nature of African conflicts could be explained to raise international concerns. However, underdevelopment is also historically linked by some scholars to colonization era. Akinrinade and Sessay explains "many years of colonial exploitation left the independent States impoverished and economically underdeveloped; a situation which coupled with post independence corruption and mismanagement of resources, combined to make Africa the most underdeveloped continent in the world"[54]. While colonial exploitation can be one angle of explanation to economic underdevelopment and poverty in Africa, the selfish drive of leaders in Africa also play a big role in advancing economic underdevelopment through lawless practices at the expense of the civil society; the end result of this is often political conflicts and economic crisis that leads to several other insecurity factors in the region and in the international system. For many outsiders, the availability of resources (especially natural

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[53] Nhema ibod,p.1

[54] Akinrinade and Sessay, op.cit p.44

resources) in Africa is quite more than enough to get the continent developed. It is worthy to mention here that many Africans sees these resources as a curse rather than a blessing, because the elements of poor infrastructure, corruption and fraudulent misappropriation of funds makes many political leaders quest after satisfying their interests and bellies by staying in power (government) as long as they can.

Economic underdevelopment in Africa seems to reflect conflict in two major forms; socio-economic forms and political forms. The aspect of satisfying basic needs is the socio-economic dimension for which conflicts can occur in an African State. This aspect often involves poor allocation and distribution of resources among groups within the society, were basic needs are not met for many. Speaking on the issue of 'needs'[55] , the African Union acknowledges security is related to needs in its non-aggression and common defense pact, claiming;

> "African security means the protection of individuals with respect to the satisfaction of the basic needs of life; it also encompasses the creation of social, political, economic, military environmental and cultural conditions necessary for survival, including the protection of fundamental freedoms, asses to education healthcare, and ensuring each individual has opportunities and choices to fulfill his\her own potential" [56].

Inferring form this acknowledgement, several conflicts that relates to political and social-economic chaos like revolts and riots in elections against oppressive

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[55] 'Needs' in this aspect are the basic necessity individuals require to survive, which also infers their actions in society when such needs are not acquired. In Africa needs ranges over issues like shelter, food, security, good governance, education, employment to mention a few.But the satisfaction of needs means different things to different people, groups, entities tribes or countries within the African region depending on the level of economic growth a State possesses. The danger in this is that, the quest for satisfying one need can lead to both conflict and competition, which ever case when taken out of proper control based can be expressed in manners that undermine the security of others. The embodiment of Africans economic growth and development is based on the satisfaction of these needs. The relationship between needs and conflict in Africa cannot really be separated, because people fight because of these, and needs are synonymous with interest of Africans.

[56] NIC 2020 project paper presentation- "conflict resolution in Africa" www.dni.gov/nic

regimes of dictators and authoritarians can all be traced to the fact that the basic needs of individuals involved in such crisis are not met, and as such they try to alleviate their sufferings by engaging in actions (violent and non-violent) against government officials or other ethnic groups that seems to be gaining from the administration, at the expense of others potential livelihood and sustenance. The political aspect that underdevelopment breeds insecurity is based on the fact that "political power in independent Africa is associated with wealth, and those in power do not hesitate to use State resources (economic, political and coercive) to remain in office"[57]. The effect of political leaders retaining power and using State resources for their own good has often increased crisis in Africa that spills over to other areas, either as a means of illegal immigrants or as a means of war which creates violence that becomes a concern for the international community, due to human right abuses. Political will of leaders in Africa in maintaining and retaining power "seems to have little or no bearing on standards of morality and ethical behavior"[58]. The dimension of political development promoting insecurities is quite a complex issue that cannot be exhausted in a work like this compared to socio-economic dimensions, however the purpose of this differences is just to show how underdevelopment leads to conflict in Africa and how these conflict threaten human security which is a part of international security.

2.7.3 Cold War Effect on African Conflicts

The Cold War period is another contributing factor to violent conflicts threatening security in Africa. The provision of arms to Satellite States by super-powers in Cold war period as a means of defense to promote security for such satellite States, has left so much detriments in the African region, in terms of political

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[57] Akirinande and Sesey, op.cit p.45

[58] Kampe R and Hope S (1996), p.129

violence and the emergence of child soldiers. The popular saying 'when two elephants fights, the grass suffers' captures the impact of super-powers struggle during the Cold War era in Africa.

In Africa today, it is popularly noted that "the rivalry between the super-powers fuelled much arms conflicts due to the continuous availability of arms given to friendly States to pursue the interest of big powers in the Cold war periods"[59]. The African suffering from this effect is the consequences of what arms are being used for in African societies today. It can be said that the premise for which "US and USSR have refused to get actively involved in African conflict[60] also shows the suffering of Africans in light with what was obtained from cold war tensions. Illustrative examples on the impact of this in Africa can be seen in Congo and Sierra Leone were conflicts instigating regional insecurity has often being traced to the "vast flow of arms, weather by long attending international rivalries and resentments (the cold war legacy) and other factors"[61] . The Cold War has empowered certain African States militarily (with arms) but has also created lack of control to the use of arms in this continent, which threatens not only the regional peace but also the international peace. However, the level of decay the impact of arms has created to Africa is as high as the decay created by the disrespect for the rule of law.

2.7.4 Lack and Disrespect for the Rule of Law in Africa

Laws are basically legal principles that uphold societal values, and maintain order in any society. In order words the rule of law serves as a safety valve for activities within a society in order to protect the rights of its individuals. Applying this to Africa, the rule of law is expected to protect individual human rights

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[59]Nhema and Zeleza, p.3

[60]Ibid p.22

[61] Howe Herb (2000), p. 54

regardless of their positions and status in the African society. Everyone is supposedly regarded equal before the law, but this definitely does not apply in Africa; and this reveal the inequalities that exist in African societies and how basic values of law are disregarded to a large extend. Inequalities in this sense exist based on societal status as a result of political positions, as well as the availability of power often displayed in abusive forms by politicians. Often time this instigates political riots and chaos that can sometimes spill out of control and create human insecurities in the region, also and create international concerns for the international community as well. Inequality in Africa is one of the major causes of interstate conflict in Africa[62]. And the reason why inequality thrives in African societies is because there is disrespect for the rule of law; which ought to control actions of bureaucratic officials or government officials who makes use of their positions and political status to suppress the voice of the civil society. When good governance is evaluated in Africa, many conflicts have being seen to arise from the bad choices made by States leaders and elites disregard for the legal principles. Sometimes political aspirations and the quest to retain power often makes African leaders to neglect and disregard laws which does not suit their interest, neither do they accept new ones that protect the welfare of citizens under their authority when it is against their interest. A typical illustration of political power abuse in Africa is the case of Zimbabwean president Mugabe creating so much international concerns to Zimbabwe political stability today. Many African State leaders often stay in power to suit their political interest while the public masses languish at their mercy. In Nigeria, late President Sani Abacha stayed in power unquestioned and unrivalled as a dictator for many years without respect for laws, the present president of Cameroun have being in power for about 30years.

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[62] Department for International affairs- consultation document on "the causes of African Conflict" March 2001 p.13

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According to Nhema and Zeleza "as long as the political systems and the elites operating under them are not subjected to the rule of law, such a system will give rise to those in political power paying scant attention to the development of constitutional State that protect human rights and civil liberties"[63].Leaders have engaged in suppressive measures and oppressive measures of human right to promote their stay in power without being questioned by law needless the civil society.

For some the political decay created as a result of disrespect for law can also be related to bureaucratic corruption, which to an extend was explained under the factor of economic underdevelopment. However, cases of bribery and fraudulent misappropriation of funds explain instances of bureaucratic corruption to an extent.

The causes of African conflict in this section all explain the nature of different conflicts that threatens security in Africa. The issue of lack of the rule of law can be classified as intra-state instigation of conflict though can raise international concerns when politicians abuse citizens and disrespect human right laws. Economic underdevelopment, colonization, and Cold War effects can be both intra-State and inter-State in character.

The reason why classification of conflicts in Africa is made, alongside the causes and nature is based on an understanding of what approach is best suited for conflict resolution processes when organizations engage in African conflict resolution

In conclusion, African conflict resolution can be approached and understood with consideration to on its intra-state and inter-state natures. And the consequences of conflicts in African societies inform the level of response needed to combat African conflicts. With this in mind, the next chapter explains how external

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[63] Nhema & Zeeza(2008) p2

organizations gets involved in African conflict based on the conceptual framework and terminologies outlined in this chapter, with an addition to promoting international security.

Chapter 3

EXTERNAL ORGANIZATIONS INVOLVEMENTS IN AFRICAN CONFLICT RESOLUTION

3.1 INTRODUCTION

The manner in which African conflicts threaten international peace and security has created a platform for exogenous interference to areas of conflict. In essence, States within exogenous organizations sees the need to prevent, manage or aid African resolution in order to curtail catastrophic effects it might cause when it spreads to other areas, irrespective of the fact that they might not be immediately endangered by the conflict in question. Major external organizations who engage in African conflicts are the United Nations, and the European Union. The UN acts in a global capacity to maintain peace and security as well as engaging in actions that prevents conflict to safeguard human security. The EU on the other hand engages in Africa based on partnership agreements that exist between African union and the European Community, and also on the basis of complimenting the general goals of UN in ensuring preventive diplomacy in global issues (which conflict is a part of). These factors are the element that validates organizational roles in Africa, juxtaposing the ideas of intervention or external inference in other States with regards to questions on the respect for States sovereignty.

The dimensions in which these organizations are evaluated in African conflict deals with an evaluation of their capacity to ensure resolution, and their capabilities

envisaged in practical forms in African conflict States. In essence capacity to act is differentiated from organizational practices in African conflict resolution. In terms of capacity, the structural framework for which organizations are capacitated to act is evaluated and separated from actual practices were their capabilities to deter conflict or curtail it is analyzed with illustrative cases. Practices involves measures directed to conflict prevention, conflict management, and resolution within the concepts of peacekeeping operations, peacemaking, diplomatic forms of settlement (negotiation, mediation etc) and judicial means of settlement, serving as a premise for attaining and promoting security and peace.

3.2 The Global dimension on African Conflict Resolution: The role of UN

The global dimension or perspective of conflict resolution in Africa entails the evaluation of United Nations structural framework, and its capabilities with regards to illustrative practical cases indicating its effort and involvement in African conflict resolution. The structure depicts the organs (UN institutions) capacitated to act in conflict situations. It draws the relevance of these organs role to the general expected roles of UN in conflict situation, which forms the basis for the second part of UN evaluation dealing with actual practices in specific African States.

3.2.1 The Structural Framework of UN Capabilities in Conflict Resolution

The framework for which UN capabilities are validated in conflict resolution processes are based on the provisions of Article 1 of its Charter, which enjoins UN to prevent conflicts in order to maintain international peace and security. With this provision, it is expedient that the UN takes effective collective measures to conflicts which threaten security, as well as ensure suppression of aggressive acts that

breaches peace[64]. For UN to carry out this responsibility inferred by the Charter, certain organs (institutions within the UN) are delegated specific roles to ensure effective implementation of the general goals of conflict prevention and the actualization of peace. These organs include; the Security Council, the General Assembly, the Secretary General, and the International Court of Justice. Among these organs, the major one that stands out in conflict prevention capacity is the Security Council. The details of their functions as well as certain limitations to achieve resolution will be evaluated below.

3.2.1.1 The UN Security Council (UN-SC) Capability

The United Nations Security Council (UN-SC) is the first organ of the UN conferred with the responsibility of defining threats to peace, and providing measures for which peace can be attained in cases where conflict stands as a threat; Chapter seven(7) of the UN Charter relates this function. In its role, US-SC makes recommendation and decides what measures should be taken in a case of conflict, once it has being determined that there is an existing threat to peace and security. Nevertheless, measures taken are limited to the provisions of international law, and the compliance to Articles 41 and 42 of the UN Charter. Measures provided by the Charter to the UN-SC include fact finding measures that unravel the causes of conflict, the use of mediation, or judicial means of settlement. Also in its actions, the UN-SC is capacitated to make use of sanctions e.g. trade embargos, military blockade or cutting diplomatic ties with offensive States. The latter actions are mostly used as influential basis, a means of cajoling States to change offensive policy actions and engage in rational decisions that projects peace in the international system. Additionally, UN-SC can make resolutions to engage in intervention, based

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[64] Article 1 United Nations Charter

on humanitarian grounds; were human rights abuses and violations, or war crimes escalate insecurities in conflict areas. However, before the UN-SC can authorize the use of force, there has to be proof that other measures diplomatically pursued have failed, and forceful intervention is the last resort to preventing further escalations. Intervention in the field of conflict prevention is quite complex, because it can be seen as external interference to domestic affairs which contradicts sovereignty principle[65]. In light with the above, intervention based on last resort must be assigned by UN-SC in good faith, based on UN collective interest goals in conflict prevention and management[66].

The capacity of UN-SC actions can either by seen as 'self-action' or delegation made through other institutions acting on the organizations' behalf. In the latter capacity, the organs below are evaluated as part of UN institutional capacity to engage in conflict prevention, while they also compliment the roles of UN-SC in conflict resolution.

3.2.1.2 The Capability of UN General Assembly in Conflict Prevention

The UN General Assembly is the platform, were all member States of the organization are duly represented. At this level, the views of member States with regard to what threatens peace and security can be brought forward to the awareness of the organization, and also to the knowledge of the UN-SC in order to take decisive actions that mitigate conflict threats. This attention drawing role is given with relevance to Article 99 of the UN Charter; which says the General Assembly can

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[65] Joseph Nye (1993), p.132

[66] Sahr Malcolm in Muller A et al (1997:224), "The Security Council and international court of justice; judicial drift and judicial function: the international court of justice, Its future role after fifty years.

relate any matter it deems of threat to the core values of the organization[67]. Aside acting as a medium between member States (or non member States) and UN-SC, in relating complains of security threats, the General Assembly also engages in fact finding and mediating capacities. The purpose of fact finding is to unravel the underlying causes of conflict and see how mediation can help resolve the conflict before it escalates. In mediation capacity, the UN Secretary General often aid many forms of conflict resolution through its good office gesture as will be elaborated below.

3.2.1.3 The Capability of UN Secretary General in Conflict Resolution

The capabilities of the Secretary General to act in conflict resolution processes its limited based on authorization required from the Security Council. In other words, there is no elaborate package for UN-Secretary General involvement on conflict resolution. The limitation of the General Secretary here is likened to the roles of the General Assembly in Higgins; explaining that they mainly deal with recommendation as given in Article 14 of the UN Charter[68]. Though limitations exist with regards to authorization for actions, it however does not incapacitate the Secretary General to roles that promote conflict prevention, management and resolution. In many cases, as explained earlier, the Secretary General makes use of his good office position to mediate and negotiate in conflicts. In this sense, the activeness of the Secretary General relates to conflict resolution mechanisms. There are numerous illustrations of this organ getting involved in 'mediation capacity'[69]. Some examples includes of UN Secretary General roles in crises areas such as in the

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[67] Higgins Rosalyn (1994) p.171

[68]Merrill (1996), p.181

[69] See Skjelsbek Kjell (1991),pp.99-115

Balkans, West Africa, Liberia and Sierra Leone, Central African States, Algerian Middle East, Lesotho and recently in the Democratic Republic of Congo and[70].

The secretary General can additionally engage in inquiry missions as well, in order to address root causes of conflict or resolve misunderstandings based on underlying facts misrepresented. In general, the structural framework of UN involvement in conflict resolution is based on diplomatic measures provided in the Charter. The use of these measures is explained below in light with preventing, managing and resolving African Conflicts.

3.2.2 UN Practices in African Conflict Prevention, Management and Resolution

The UN practices evaluated in this section deals with the application of capabilities explained above, to conflict prevention, management initiatives and resolution processes in African conflicts. The measures employed by UN as practices in African conflict resolution entails diplomatic measures seen in Chapter two of this work, stipulated under Article 33 of the UN Charter. These measures reflect in three broad UN activities; peacemaking, peacekeeping and judicial forms of settlement. Peacekeeping capacity is the major platform of UN involvement in many Africa Conflicts. Though the term Peacekeeping is not part of the UN Charter; it became popular and functional under the notion of preventive diplomacy following the UN Secretary General's report "An Agenda for Peace" in 1992[71]. Practices of UN in African conflict have often being questioned due to poor commitment, responses and selective interest by UN member States[72]. For instance in States like Rwanda and Somalia which will be seen later, Taylor and Williams (2004), explains how "UN-SC erroneously treated both conflict as humanitarian disaster when it was clear that both

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[70] Mwelwa Chambikabalenshi Musambachime(1999)

[71] Brahimi's Report (1992): An agenda for Peace 55th session, in Rambostham et al , p.123.

[72] Goulding M(1999), p.161

States were orphans of cold war external powers intervention"[73]. Military capabilities of peacekeeping operations were lacking for these States conflict management measures. While this stands as criticisms of UN peacekeeping roles in African resolution processes, the main idea in this section is not to criticize UN roles per se, but to evaluate the methods which UN uses in curbing African conflict as a premise for promoting security and peace. In light with this, UN evaluations in African conflict will be based on the general frameworks of peacekeeping, peacemaking and Judicial settlement of disputes; which are the major areas were UN organizational practices can be evaluated in African conflicts.

3.2.2.1 UN Peacekeeping Operations in African Conflict

Peacekeeping as explained in chapter two in this work entails the deployment of a UN presence in the field of conflict, hitherto with the consent of all parties concerned, involving UN military, police or civilian personnel ensuring societal stability[74]. There is an endless list of UN peace keeping missions in Africa. Some major UN examples of peacekeeping in internationalized conflict includes peacekeeping missions in Congo (ONUC), Rwanda (UNAMIR), and Somalia (UNOSOM II MISSION) to mention a few, (See details of other UN peacekeeping missions in the Appendix).

The aim of UN peacekeeping missions in these States is to help monitor violent conflicts prone to escalations or spiral effects in the region and in the international community. The grounds for which these peacekeeping troops act, is to ensure human security based on the welfare of civilians, humanitarian workers, as well as deter attacks that might spur further escalations. "Peacekeeping for the UN is an

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[73] Taylor and Williams (2004), p.200

[74] UN agenda for peace, www.un.org

instrument that helps countries torn by conflict, to create conditions for lasting peace"[75]. It also entails a form of preventing conflict through support of good governance and political stability.

In the Case of Congo which was torn apart by resentment to Belgian colonization, and the armed Congolese militias terrorizing the Congo, the UN saw the need to quickly intervene in Congo through its peacekeeping mission in order to deter further death rates in the Country and prevent external forces from manipulating the events in Congo to suit their interest. The "Lusaka Ceasefire Agreement" in July 1999, buttresses the need to prevent Congo Conflicts from further escalations, which could disrupt international security given the nature in which the tide of events was involving external States. Also, UN Security Council established the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) based on resolution 1279, to engage in the observation of ceasefire and disengagement of forces while maintaining liaison with all parties to the Ceasefire Agreement[76].

In Rwanda, the tensions between ethnic Hutus and Tutsis was what made the region quite unstable and vulnerable to collapse of security, coupled with the fact that ethnic ties and affiliations existed between Rwanda and Uganda. The nature of ethnic conflict between these groups made UN establish a mission in Rwanda assigned to "establish an atmosphere of security, but the roles of peacekeeping troops

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[75] http://www.un.org/en/peacekeeping/ accessed 24th May,2010.

[76] "Lusaka Ceasefire Agreement" in July 1999, was made between the Democratic Republic of the Congo (DRC) and five regional States in July 1999 see

http://www.un.org/en/peacekeeping/missions/monuc/ accessed 24th May,2010

were limited to observing and reporting"[77]. The fact that UN troops could not actually install a secured atmosphere led to the demise of the Rwanda society which leaves history with the story of 1994 genocide[78].

In Somalia, UN peacekeeping entails both ceasefire observer missions and the use of sanctions to deter armed militias, while offering humanitarian aid and assistance to the community. The withdrawing of troops following the exchange of fires in Mogadishu in 1992 created a pull out of US supports and a decline in UN commitment to Somalia crisis[79]. Many have criticized UN peacekeeping roles in Rwanda and Somalia because the peacekeeping troops have either being disillusioned due to poor mandate and poor commitment to African Conflicts; resulting in mission creep which to an extent portrays the UN had no idea of what African conflicts actually entailed. Goulding, relates mission creep in terms of disillusionment in role of peacekeepers in Rwanda and Somalia, based on the powerlessness to protect civilians, humanitarian workers[80]. It should be noted that while UN peacekeeping missions faces several challenges in Africa, the important role peacekeeping play is to help safeguard or aid lasting peace by monitoring the pace of society stability. Peacekeeping also aids peacemaking in African conflicts, because the use of military deployment to observe and monitor the State of affairs goes a long way to lay the foundation of interaction and acceptance of third parties

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[77] See Guida Sophia "UN peacekepping General in Rwanda speaks at Haverford (bi-college online news Wednesday, May 5th, 2010) http://www.biconews.com/?p=24531 accessed 24th May,2010.

[78] Kofi Annan (2 May 1994) "100 days of slaughter: A chronology of US/UN Actions" http://www.pbs.org/wgbh/pages/frontline/shows/evil/etc/slaughter.html

[79] See Patman G.Robert (1997), pp.509-533

[80] Goulding, op.cit p.137

presence needed for mediation processes in which confidence building measures in peacemaking can be attained.

3.2.2.2 UN Peace Making in Africa

Peacemaking entails moving towards settlements of armed conflicts, where conflicting parties are influenced to reach agreements voluntarily as envisaged in Chapter VI of UN Charter. It is a combination of conflict management measure and conflict resolution measures, through UN structural organs in advancing peace and security in the African region. In order words mediation, negotiation, arbitration, conciliation and judicial settlements of dispute measures are all en-twined in UN peacemaking practices due to measures employed under both concepts (as will be seen in examples below). Sometimes, peacekeeping and peacemaking tend to overlap, however the purpose of my evaluation is to seek how they aid resolution processes. In Somalia, though peacekeeping troops were meant to monitor the events in the country, it also served to enforce peace (peacemaking) due to human rights concerns[81]. Other examples of UN peacemaking in Africa include cases of mediation and negotiations in Angola, Sierra Leone and Western Sahara[82]. Additionally, an example of peacemaking activities in the capacity of UN Secretary General roles include; the role of Kofi Annan mediating Kenya power-sharing, in a bid to promote political stability and national peace[83]. It is quite difficult to separate UN peacemaking activities from peacekeeping because they both tend to actualize the same goal at the end of the day; which is to maintain peace and promote stability that ensures regional security. This can be seen in diplomatic measures used for reaching

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[81] See Ramesh Thakur (Sept., 1994),pp387-410

[82] Goulding M, op.cit, p.161

[83] See www.aljazeera.net/english on Kenya power sharing

peace and settling disputes (e.g. mediation and negotiation), which makes it appear as though the concept overlap to some scholars.

3.2.2.3 UN Judicial settlement of African Dispute

Under the judicial settlement of dispute, the use of arbitration commissions and the international court of justice (ICJ) to resolve African cases help in African conflict resolution. The ICJ is the international court affiliated with UN principles. Cases brought before ICJ are consented to by parties in Conflict, and the decisions made by the court to such conflict cases are binding on disputant without appeal. The ICJ is however limited in conflict resolution capabilities based on the nature of conflicts it addresses; it only adjudicates on inter-State conflicts. This implies that cases with intra-State characteristics, (though internationalized and creating international insecurity), cannot not be adjudicated upon by the ICJ. Often time, inter-State conflicts in this sense relates with boundary disputes or territorial issues. A recent example of ICJ role in Africa conflict resolution is the Bakassi Pennisula dispute between Cameroun and Nigeria. The resolution of ICJ was binding without appeal on both parties; as the Court ruled in favour of Cameroun, based on its decision that the boundary is delimited by the Anglo-German Agreement of 11 March 1913 (Arts. XVIII-XX), and that sovereignty over the Bakassi Peninsula lies within Cameroon borders"[84]. The functions of ICJ in African conflict resolution is mainly to ensure laws related to sovereignty and the misapplication of valid legal treaties are properly interpreted, in order to prevent conflict tensions related to territorial issues, which have being laid down in legal documents afore times but not understood by disputants. In order to breach the gap in court decisions with regards to the limitations of ICJ adjudicating on inter-State conflicts only, the International

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[84] Press Release 2002/26 "Land and Maritime boundary between Cameroon and Nigeria (Cameroon v.Nigeria:Equatorial guinea interventiing) http://www.icj-cij.org/docket - 10 October 2002

Criminal Court (ICC) helps to create a balance in intra-state conflict by investigating perpetrators of intra-States conflicts based on the notion of human security and human rights violations. In essence, one can see a complimenting judicial mechanism of ICC roles in relation to legal balance in ICJ's effort in conflict resolution.

However, when ICC roles are evaluated, it falls under measures of conflict prevention in Africa. In its Conflict prevention capacity it investigates actors that instigate conflict due to certain decisions made by such actors, or those who contribute to the escalations of conflict with regard to human right abuses and war crimes in many African conflicts. The validity of ICC actions is based on the fact that gross human rights violations are international crimes, which requires international responses and actions to curb conflicts tensions. More so, ICC roles are valid since States signed up for human right laws in the United Nations, as a bid to promoting peace and security. Illustrations on ICC roles in African conflict prevention, can be seen mostly in Sub-Saharan African States such as; Sudan, Uganda, Democratic Republic of Congo, and Central African Republic.

In Sudan, the Sudanese president Omar H. Al-Bashir was indicted by ICC on the grounds of genocide activities, torture, rapes and other crimes in Darfur[85]. In Uganda, the ICC indicted five rebel leaders of the Lord's Resistance Army, who were said to have committed crimes violating human rights and creating so much insecurity in neighboring States like Congo and Sudan. However the view of ICC roles in Uganda raises so much concern today, because many see it as a deadlock to the process of achieving peace, which is

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[85] Dr. V. Antwi-Danso – "The ICC Indictment Of President Omar Bashir: Implications And Expectations" The Ghanaian Times Sat, 04 Apr 2009) http://www.modernghana.com/news/209771/1/the-icc-indictment-of-president-omar-bashir-implic.html accessed 25 May,2010.

still an ongoing process[86]. Nevertheless, Kofi Annan (former UN Secretary- General) praises ICC in this sense because to him "it sends a powerful signal around the world that those responsible for crimes will be held accountable for their actions"[87]. In like manner, ICC roles of indicting actors who promote human rights violations and political unrest can be seen also in Democratic republic of Congo, Central African Republic[88]. In Kenya "a full investigation into possible crimes against humanity is expected to help restore confidence among Kenya's people that elections don't have to turn into bloodbaths" says Elizabeth Evenson, (Human Rights watch Counsel)[89]. There seems to be an endless list of cases were ICC roles in investigating individuals who tend to contribute to human insecurity based on gross human rights violations has being seen in African[90](some of these can be seen in appendix c in this work)

Additionally, special tribunals are also set in place to aid judicial means of conflict prevention in Africa. One of such special courts is seen in the case involving Charles Taylor (former Liberia president); "Taylor was indicted for his role in fuelling the conflict that raged in Sierra Leone between 1996 and 2002…charged with crimes against humanity and violations of the laws of war such as terrorizing the civilian population of Sierra Leone, crimes of sexual violence, the use of child

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[86] See Josefine Volqvartz "ICC under fire over Uganda probe"

http://www.globalpolicy.org/component/content/article/164/28501.html accessed 25th May, 2010.

[87] See Kofi Annan in "The ICC arrest warrants and Uganda's Lord's Resistance Army: Renewing the Debate over Amnesty and Complementarity" Havard Human Rights journal,Vol.19 p269. http://www.law.harvard.edu/students/orgs/hrj/iss19/moy.pdf accessed 25 May,2010.

[88] Arieff Alexis etal, (Sept., 2009), "International Criminal Court cases in Africa:Status and Policy Issues"CRS Report for Congress. pp4-34

[89] Elizabeth Evenson, Human Right Watch http://www.hrw.org/en/news/2010/03/31/icc-judges-approve-kenyan-investigation accessed 25 May, 2010.

[90] See ICC referrals : All cases on African indictment. http://www.icc-cpi.int/Menus/ICC/Situations+and+Cases/Cases/ accessed 25, May 2010

soldiers, abductions and forced labour,… acts of physical violence"[91]. When judicial forms of settlement are evaluated in relation to intra-State disputes, the relevance of human rights respect and promotion of human security in general takes precedence in action. UN's practices through these forms of settlement in Africa have contributed to their capabilities in African conflicts. This is not to say UN has being effective in its efforts in Africa's Conflict resolution, but it portrays the methods in which UN handles African Conflicts.

3.3 EU Capacity in Conflict Resolution Process

The European Union is another external organization who acts in the international system as a conflict resolution provider. Its roles in Conflict resolution processes deals with a projection of the general goals of UN to preventing conflict and ensuring global peace and security. However, EU engagement in conflict prevention entails a concept called Europeanization. "Europeanization" according to Melina is defined as "changes in the relationship between European and domestic policy which entails dual processes as to the civilian and military capabilities, for which it engages in crisis management"[92]. For Olsen "it is not a unique process, and a sui generis phenomena, rather it compares European dynamics with the dynamics of other system of governance[93]. One aspect of Europeanization is that it has many meanings ascribed to it both from the European community and outside it[94]. Nevertheless, the ideas of Europeanization I would stick to in this work entail the views of "Manners' normative power of Europe"[95].

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[91] New York Human Right first "Crimes against Humanity" http://www.humanrightsfirst.org/cah/ij/w_context/w_cont_08.aspx, accessed 25 May,2010

[92] Melena Britz (2007), p.2
[93] Olsen Johan P, "working papers the many faces of Europeanization" www.arena.uio.no-arena
[94] See Hill C and Smith K, (2005),International relations and the European Union

[95] See Manners Ian in Scheipers S, Sicurelli D(2008), pp.435-457 and Fosberg Tomas(2009).

For manners, Europeanization entails an integration process of diffusing European norms. These norms are embodied in policy formations stipulating how EU acts in the international community. As such when conflict resolution of EU is evaluated in a broad sense, the spread of EU values and norms is what informs the capabilities at the disposal of EU to engage in Conflict prevention[96]. The means in which policy formulation are processed, and how it operates is what forms the concept of Europeanization.

The pattern in which EU conflict resolution is evaluated here deals with its structural formations that projects Europeanization. And the medium in which the structure engages in African Conflict explains EU's practices in the African region.

3.3.1 Europeanization in Conflict Resolution through EU structural framework

The structural framework for which conflict resolution measures is pursued by EU within the concept of Europeanization, entails the use of specific organs (EU institutions) just like the United Nations. However, the backbones of these organs roles are outlined in the Common Defense and Security Policy (CFSP).

3.3.1.1 The backbone of EU engagement in Conflict Resolution – Relevance of CFSP

The Common Defense and Security Policy (CFSP), is the structure which defines how other organs of the EU engages in international affairs such as conflict resolution outside the EU border lies.

According to the Treaty of European Union (TEU) which established CFSP as a second pillar of the EU structure, the objectives of CFSP in relation to events in the international systems entails the promotion of international democracy and cooperation, the advancement of human rights and fundamental freedoms, among

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[96] Bayne S (2002), p.20

other things[97]. The promotion of international cooperation and democracy is what informs the roles of EU involvement in promoting conflict prevention, management and resolution. The basic instruments of CFSP operations entails joint action, common position, concluded international agreements, diplomatic relations, restrictive measures and EU strategy. For all these instruments to be practicable EU makes use of specific organs, which includes the "European Council, the Commission, the High Representative, European Community Humanitarian Office(ECHO), European investment Bank and other support organs like the Civil servants-COREPER and Political Committee"[98]. A brief explanation of how these organs work in relation to conflict resolution in CFSP will be provided below.

3.3.1.2 The EU Council and Commission roles in conflict resolution

The main role of the Commission in CFSP deals with economic and trade policies through diplomatic medium. Diplomatic relations advances cooperation on security development, through promotion of conflict prevention Strategies and agreements with other States in the international system. It also projects a "follow-up implementation plan of European Security Strategy (ESS) on a broader picture for conflict prevention"[99]. Some examples of security strategy arrangement on conflict prevention by the commission and council includes; Council conclusions on conflict prevention, may 2001Council common position concerning conflict prevention management and resolution in Africa, May 2001, Communication from commission on conflict prevention April 2001, Cotonou ACP-EU aid and Trade partnership agreement, June 2000.

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[97] See Treaty of European Union, title V "objectives of CFSP" www.europa.org/teu

[98] See Smith H, "European Union Foreign Policy" pp105-123

[99] EU report on COREPER, Ibid p.2

In general the policy formulations from the Council (in line with co-decision from the Commission) are expected to promote economic development which in turn advances respect for human rights, good governance, and democratization. When these elements are in place, the ECHO takes the responsibility for engaging in actions that provide both short term and long term strategies of attaining conflict prevention, and when necessary engage in relief and rehabilitation capacity[100]. Funds for relief, rehabilitation and development are gotten from the European development Bank. One way or the other, these organs inter-wine in functions when promoting CFSP objectives in the international system. And their roles can be categorised under preventive diplomacy provisions and management mechanisms.

3.3.1.3 Conflict Management and Resolution by EU High Representative

When conflict resolution is addressed in EU under the CFSP, the use of its High Representative comes in handy; because it serves as EU representative (envoy) monitoring crisis events outside European borders, while it reports to the Union on the dangers such crisis has on the international system or on EU States. The High Representative can also negotiate or mediate on EU's behalf in conflict situations as directed by the Union. The High Representative is more or less EU's ambassador in foreign lands. Though the EU Commission also monitors the State of affairs in other areas, the High representative is better capacitated and disposed to understanding conflict due to its representative presence in the State were crisis erupts. The advantage of this is that "the High Representative can improve coherence and effectiveness of EU action in the field of conflict prevention"[101].

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[100] See Hazel S. (2002), p.110

[101] www.europa.com accessed 20th April,2010.

When monitoring events is concerned, (based on understanding what is at stake in conflict situation), the Policy Planning and Early Warning Unit (PPEWU) of EU aids the roles of EU envoy as they compliment in functions. The benefit of an early warning scheme like PPEWU is that it detects conflict at its early stages and can mediate at that point to prevent any further escalations.

Also, when the values of Europeanization are viewed in light with the structural framework of EU in conflict resolution, it projects the concept of economic development, good governance, and respect for human rights as well as democratization[102]. For EU, these are basic issues that often create international concerns or responses. When there is a threat in these areas EU acts through different instruments listed above to ensure security is restored in a conflict zone. Predominantly, EU engages in diplomatic measures in conflict resolution were it makes use of political dialogue, diplomatic initiatives, envoys, and early warning system to prevent and mange conflicts[103]. Nevertheless, it also uses restrictive measures when necessary in line with UN provisions given in Chapter V1 of the UN Charter. 'Restrictive measures' include breaking diplomatic ties, recalling ambassador, or applying diplomatic pressure on a recalcitrant third party through the issue of a demarche[104]. It also supports the UN in issuing sanctions and peacekeeping operations in a crisis management capacity[105]. Since mediation is the popular form of

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[102] The projection of good governance, and respect for human rights can be explained in light with the idea of democracy needed for sustainable environment were peace thrives. It entails fundamental freedoms enjoyed by the people of a given society, were supreme power lies in the body of citizens who can elect people to represent them, and not manipulate them or dictate to them. See www.wordnetweb.prenceton.edu/perl/webwn?s accessed 24th June,2010

[103] Bayne S, op.cit p.21

The term 'Demarche' is a move or an act of maneuvering political or diplomatic affairs.

[104] Marsh S, Makenstein H. (2005), p66

[105] See "EU Council Conclusion on CSDP" 26 April, 2010 www.consilium.europa.eu/newsroom

EU's instrument in conflict resolution; mediation can be explained based on its elements

3.3.2 Element of EU Mediation processes

The elements of EU mediation process entail certain means in which mediation is promoted and established for conflict resolution. These elements show the basic methods for which EU enters into mediation processes in a bid to promote peace and security. There are four basic comprehensive dimensions to EU mediation process:

1. 'Promoting mediation; In promoting mediation EU engages as a model for human right values, the rule of law observatory, promoting dialogue as non-coercive response to tensions and conflict

2. Leveraging Mediation; provides diplomatic leverage as part of group of friend and economic credence in a follow-up plan of instruments in field of trade and development

3. Supporting Mediation; it aids other mediators through capacity building, training, logistic support and provision of expertise

4. Funding mediation; provides financial support to formal and informal mediation process'[106]

All these dimensions of EU mediation process constitute an understanding of EU's capacity in foreign policy relations based on the notion of "conditionality and social learning"[107]. However, the relevance of this is to lay a foundation for the premise in which, and with which EU mediation process in Africa occurs. In some

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[106] EU Report on COREPER ibid p6

[107] See more in Coppieters etal (2004) and Boerzel T and Risse T (2002),

cases it is based on support in others it is based on its global roles on human rights promotion. All these will be illustrated in EU practices in Africa.

3.4 EU Capacity in African Conflict

What makes EU capacitated in Africa is based on partnership Agreements with AU and sub-regional organizations of AU. These agreements validate EU's actions in line with the promotion of sovereignty values in the international system. The major agreements that capitulates EU-AU relation in African conflict includes; The African Caribbean Pacific agreement (ACP also known as the Cotonou Agreement), and the AU-EU strategic partnership agreement; which extends to AU sub-regional organizations.

3.4.1 EU Capacity through ACP-Cotonou Agreement in African Conflicts

The broad objective of ACP agreement was based on an integration process involving economic development for ACP countries in order for these countries to engage in globalization process. The idea here is that when these States (ACP) fit into the global system properly, the rules of engagement as to a caution on conflict eruption elements (e.g. good governance, respect for human rights), will be binding on them. The reason for this move by the EU is based on the notion that economic underdevelopment and poverty alienates these countries from global integration process, and if the issue of underdevelopment is not addressed the impact of insecurity created in these region will disrupt the international system. Limiting this Agreement to the African region, EU's commitments to African conflict relates to underdevelopment and poverty with traces to historical times of European imperialism and colonization. On this premise there is a general assumption that EU feels a sense of attachment to Africa because of its involvement in prior times traced to African history. As such EU sees the need to contribute to Africa's development

which will reduce conflict causes as analyzed in Chapter two of this work. More so, issues of good governance, respect for the rule of law are basic fundamentals of EU structuring under the concept of 'conditionality and social learning process' referred to earlier (within the concept of Europeanization). However, these values are transferred to external States to promote EU norms as reflected in the ACP agreement.[108] . So the relationship established in this agreement with Africa being one of the ACP regions, is economic aid for development, and the promotion of peace-building measures given in EU's conditionality principles, to ensure conflict prevention and conflict management plans in Africa.

Aside the conflict prevention plan established through economic provisions, the ACP agreement also outlines the use of dialogue as an effective measure in mediation, negotiation and reconciliation process to conflicting parties or States.[109]. Other complementary measures provided in this agreement to ensure effective dialogue processes and conflict prevention in general is the use of financial aids to sub-regional organizations that are committed to conflict prevention. In the years 2000-2007, EU estimated about 13.5billion Euros, in the partnership agreement to aid ACP countries[110]. The purpose and objective of EU's commitment to AU conflict resolution is based on this partnership. This agreement was to enhance the economic capability of AU States as a support system from the EU to improve conflict prevention and resolution measures in the African region. EU saw a partnership with AU in social-economic development as a means of contributing to regional growth, with an aim of also acting as a model for AU socio-political advancement which promotes good governance and democratic values as well; following the fact that EU

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[108] See Nugent N in Holland M (2002), p.202

[109] Martin Holland, op.cit p. 40

[110] The courier Brussels(2000);special issue "European commission; ACP-EU partnership agreement signed in Cotonou on the 23rd June"

sees Africa to be historically similar in conflict issues when considering ethnicity and impacts of conflict consequences on economic development.

3.4.2 AU-EU Strategic Partnership of 2007

The joint strategic partnership of AU and EU in 2007 illustrates EU conditionality principles, similar to what was already established in ACP. However, this was specifically related to AU without being joined to other regions like in the Caribbean and Pacific regions. Additionally, this agreement created a form of joint partnership team as leverage in economic relations, with the aim of advancing AU development, while eradicating certain elements that contributes to economic tensions instigating conflicts. An underlying clause in this partnership agreement draws on AU responsibility and commitment to human rights issues, democratization, and respect for the rule of law. The partnership channel for these values in Africa is the AU Economic, Social and Cultural Council (ECOSSOC). This is necessary for an effective achievement of the goals of this partnership; in turn, the benefit is aimed at reducing elements of insecurities in the region. Another aspect of this partnership is that it offers supports for effective AU and AU-Sub regional organizations capacitating conflict prevention, management and resolutions measures, in both "civilian crisis management and post-conflict reconstruction and development"[111]. The supportive measures of EU here involve financial aid offers and logistic supports from the EU to AU within AU-sub regional organizations (thereby reflecting its element of mediation processes explained earlier).

3.4.3 EU Strategies on Africa

The EU strategy on Africa depicts the specialty in measures like peace building and peacemaking capacities in EU Africa relations. It entails three principles;

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[111] 'The African-EU strategic partnership; a joint African –EU strategy'2007;6 (Lisbon, 9 DECEMBER 2007) www.consilium.europa.eu

partnership, equality and ownership with solidarity on millennium development goals (peace, security and good governance), promoting peaceful environment. Also it "fosters peace and security through several actions, "ranging from the support for African peace operations to a comprehensive approach to conflict prevention addressing the root causes of violent conflict"[112]. In general this document encourages African countries to "implement international instruments of crime prevention, reinforce respect for human rights and democracy, develop local capacity and encourage the decentralization process, with the aim of promoting democracy and development"[113].

The relevance of all these agreements is also expected to create conducive, stable environment in Africa, free of insecurity elements. They also validate the practices and involvement of EU in African conflict.

3.5 EU Practices in African Conflict Resolution Process

The Practices of EU in African resolution process predominantly occurs through AU sub-regional organizations, and this is where my focus lies in the thesis. The reason for this evaluation through sub-regional organization is because these are zones were conflict spurs out from. And they are the first contact in conflict situations before the general structure of African Union. More so, these organizations have made so much efforts in curbing conflicts, and they tend to serve as the grass root operatives in African conflict resolution; which EU sees as important following the provisions of AU-EU strategy. Since the EU engages more in resolving underlining causes of conflict, addressing conflict from these forums is the first point of call where escalations can be curtailed.

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[112] EU Strategy for Africa
http://europa.eu/legislation_summaries/development/african_caribbean_pacific_states accessed 24th May,2010.

[113] Document ibid

The sub-region organizations used in this work to evaluate EU practices, in African conflict in light with the above Agreements, are IGAD, SADC and ECOWAS. These zones are the most susceptible to conflicts and cases under these zones have drawn so much international concern compared to other African sub-regional organizational zones. EU roles through AU sub-regional organizations will be evaluated in light with State cases as illustrations.

3.5.1 EU- IGAD Relations

The intergovernmental Authority on Development (IGAD) is situated in the Horn of Africa. The EU has greatly contributed to the aims of this organization in Conflict resolution within the zone.

EU-IGAD relation can be seen from events in Sudan, Somalia and Gulf of Eden. On "March 23, 2010 a political dialogue meeting was held in Brussels over issues in these countries which threaten security" [114]. Efforts by EU in these States are based on the use of mediation elements explains earlier which entails support, advices and aids. An example of EU efforts in IGAD can be seen where EU Troika supported IGAD in the implementation of TFG agreement as a means of peace-building measures for Somali national reconciliation. Also EU has contributed to Somalia peace process by "training and supporting Somalia security sector"[115] as a part of "comprehensive approach to political, security and developmental engagement"[116]. In terms of aid for regional integration, the grant of 18million Euros was accorded African regional organization by the EU, which includes a quota for

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[114] NIC 2020 project paper presentation- "conflict resolution in Africa" www.dni.gov/nic.
[115] Ashton Catherin Statement by High Representation of the EU at the UN Security Council, "Training mission for security forces of Somalia" New York, 4 May 2010. www.eeas.europa.eu
[116] EU-IGAD political dialogue meeting (24-03-2010) www.nieuwsbank.ni

IGAD operations[117]. This is one of the EU's economic development efforts for IGAD to advance the cause of peace building measures within Africa.

In mediation capacity, an agreement plan of TFG was arrived at by the EU, were EU aided and supported the move to cooperate with other factions of the Somalia society who conflicted over the structure of governance, which was the basic premise for the conflict. Ashton, the EU High Representative asserts "cooperation from TFG and ASWJ (one of the opposing factions of the government) will be a good basis for reconciliation process in Somalia"[118]. The case of Somalia today is of great concern to international security and regional stability; the presence of piracy attacks and hostage taken has deteriorated the events in Somalia and has created so much fear in the heart and minds of many both within the region and outside the region. For instance the humanitarian personals aiding Somali peace process are susceptible to pirate attacks as well as shipments required by external States development.[119] EU is more preoccupied with the protection and safety of humanitarian personals, at the same time with the civil society[120]. The premise for which EU protects civilians and humanitarian workers is based on its value system on the promotion of human rights, good governance and cooperation.

3.5.2 EU-SADC Relations (Southern African development community)

SADC is a sub-regional organization situated in the southern province of Africa. The EU relations with SADC are similar to those of IGAD. It involves economic aid, technical support and training activities for negotiations that complements EC-ACP

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[117] http://euroafrica.net

[118] Ashton C. On Somalia reconciliation process. www.raxanreeb.com.

[119] See Bjourn Moller (Jan.2009) in DIIS brief "Piracy Off the Coast of Somalia" http://www.diis.dk/graphics/Publications/Briefs2009/bmo_piracyofsomalia2. accessed 31st May, 2010

[120] Vincent Kronrnberger (2001;467) "The European union and the international legal order; discord or harmony?", TMC press Netherlands.

interest in conflict management. Technical assistance are the major befits SADC acquires from the EU in order to control and mange its (SADC zone) conflict.

The EU technical role in SADC involves instances where SADC can jointly negotiate with EC through the office at Brussels[121]. The ability to engage in joint negotiation with the EU or under the guardianship of EU serves as training basics for expertise in conflict management. It enables SADC to understand the dynamics and challenges involved in conflict resolution, borrowing a leaf from the experiences of EU. The major Africa SADC Member State that channels SADC –EU relations in this zone is- South Africa. With South Africa's past of apartheid destroying the foundations for peace and good-governance, EU sees it as an experienced tool for others to imbibe the lessons and dynamics of conflict and conflict resolution.

In Zimbabwe, EU has encouraged democracy and the promotion of human rights as a premise for conflict prevention in SADC operations, this follows a strong disapproval of human rights violations, neglect for democracy displayed in Zimbabwe. The measure in which EU tries to promote democracy and respect for human rights, within this country is to engage in economic integration process and expose the EU trading relation option to Zimbabwe, in order to influence the actions of Zimbabwe government to issues that promotes human security and development.

3.5.3 EU-ECOWAS Relations (Economic community of West African States)

The EU-ECOWAS relation is more like a case study on security capabilities of the EU in Africa. The reason for this is that ECOWAS operates more on a military basis to prevent escalation of conflict through the auspices of its security arm- ECOMOG. Integration for EU here will involve security measures to complement ECOMOG's role dealing with cases of armed conflicts, and violent border disputes,

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[121] Sheila et al (1999; 6) "SADC –EU TRADE RELATIONS in a post Lome world", (oversea development institute, UK.)

which requires strict, (if not) intense, monitoring. The role of ECOMOG as a monitoring group of ECOWAS has deepened EU-ECOWAS relations following post cold war events, in order to pursue conflict management goals in the region. Unlike other sub-regional organizations were economic aid and diplomatic support can aid conflict prevention, EU has to battle with the security dimension in ECOWAS; because member States often do not trust themselves enough to cooperate military unlike in economic issues[122].

EU also relates with ECOWAS as a support system for influencing democratic processes and the upholding of the rule of law[123] . In this light, it supports ECOWAS in mediation processes of violent conflicts. Often time it has morally encouraged the AU to take advantage of ECOWAS leverage system, in order to achieve peace-building in the region. In order word, EU relation with ECOWAS entails both direct forms of involvement and indirect form of relations. The moral support which is an indirect form of relations will energize effectiveness of the organization to achieve its aims and objectives. Several cases under ECOWAS where EU relations have being supportive and complimentary in line with UN operations include;

Guinea Bissau; where EU promoted international conference for necessary financial resources needed for development and stabilization of the country, which sparked improvements in social-economic and political areas where security reforms were needed[124]. EU applied restrictive measures of sanctions, (unlike diplomatic measures often used by EU), on Guinea Bissau to achieve this result, due to human

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[122] Nivet Bastein (Security by proxy? The EU and (sub) regional organizations; the case of ECOWAS, March 2006; ocaasional paper). www.iss.europa.eu

[123] EU Troika meeting communiqué (11 Nov., 2009), 16th EU-ECOWAS ministerial, www.reliefweb.int

[124] www.reliefweb.int

right violations and undemocratic rule in this State[125]. While the EU mainly uses soft economic (diplomatic economic policies) measures to influence activities that promote conflict prevention, this case proved its use of sanctions as well to achieve its goals. Other cases where EU roles have being evident in the support of security promotion and peace processes in African conflict includes Kenya, Chad, Darfur and Congo[126].

In general, what the EU seeks to advance in Africa is development, good governance, political stability and the respect for Law (which also includes human right laws and democratic values). In most African States, EU engages in support mechanism to promote conflict prevention and management. It also compliments the roles of UN in promoting peace and preventing conflicts in the international system. While these external organizations plays major roles in African conflict resolution, there is a lot more effort required by African indigenous organizations to the conflict prevention, management and resolution; because conflict originates from this region, and it behooves on regional organizations to first attempt resolution within their borders before getting others involved.

Chapter four evaluates some attempts of African Union and its sub-regional organizations acting in a capacity to prevent regional conflicts, manage and resolve them in a bid to promoting regional peace and security, and also promoting peace in the international system.

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[125] Smith K(2003),p.202

[126] See Ashton C (4 May,2010), in "EU report on Aston representation in the UN Security Council www.eeas.europa.eu

Chapter 4

INDIGENOUS AFRICAN ORGANIZATIONS ROLE IN AFRICAN CONFLICT RESOLUTION

4.1 INTRODUCTION

Conflict Resolution in Africa can be seen as an issue requiring indigenous joint efforts of African States, projecting the idea of indigenous peace and security in the region. Following the pan African movement of 1960's concerning African Unity, former President of Ghana, Nkrumah asserts the fact that solution to African problem was to be found among Africans, because the freedom pan African movement proposes cannot be bestowed on Africans as a gift[127]. The light in which this statement was made followed the events of independency in the early 60's, were decolonization and the recreation of new States became eminent, and the need to secure the new freedom (independence), needed to be obtained through valid efforts and commitment of African States themselves. However, procedures of achieving African unity as a premise for solutions to African problem has changed from pan African times. The present drive and methods implored by African States to ensure its unity and maintenance of security is quite different from what existed in the sixties. This reveals the dynamic nature of conflict resolution processes and depicts

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[127] Nkrumah Kwame , on Pan Africanism www.panafricanperspective.com

See Pan African News wire achieve for more on pan African movement
 www.panafricannews.blogspot.com/2007_04_01_archive

the changes in the African societies in terms of structural roles and obligations expected (as part of its capabilities) to tide the present day conflict processes. The events from the past following the era of pan African movement which was based on African shared unity, seems to have an impact on the present day African conflicts and the organizational structure of AU. By this I mean the acceptance boundary as was shared (ascribed to States) by the colonial masters. The impact of colonial boundaries accepted by Africans after decolonization goes a long way to explain boundary related disputes posing threats in the present day African region. As such the 'blast' from the past also creates challenges and underscores the roles of African States today to commit themselves to the general goals of the African region. It is worthy to note here that, though there was a transition in organizational structure from OAU to AU, the values, objectives and goals of OAU were inherited by the present AU structure.

When the role of African organization in conflict resolution is assessed, the AU capabilities as an indigenous organization can be viewed independently or in conjunction with its sub-regional organization roles in conflict prevention, management and resolution processes. However there is a hierarchy of authority prompting AU and AU's sub-regional organizations actions. The hierarchy of authority follows that sub-regional organizations are expected to comply with directions from the AU itself; there are exceptional cases though were sub-regional organizations act independently like in the case of ECOMOG in Liberia, but the purpose of this chapter is not to depict the differences in roles but to evaluate the efforts of AU, and its sub-regional organizations acting either dependently or independently for the collective good of the region.

The structure of this chapter is in two parts; first it deals with AU capacity to engage in conflict prevention, management and resolution actions, with illustrative examples. And the second part deal with sub-regional organization roles in African conflict with illustrative cases as well. The sub-regional organizations evaluation is based on specific zones listed earlier (ECOWAS, SADC and IGAD).

4.2 The Capabilities of AU in Conflict Resolution

The capabilities of the AU in African conflict resolution can be likened to structural framework seen in the UN and EU cases in the previous chapter. Just like the EU, a similar regional organization, the AU draws its normative authority in actions from the UN (being the global structure for which other organizations generate authority to operate from). As such AU patterns its institution in similar manner to the UN, which is evident in institutional roles allotted to organs when engaging in conflict prevention, management and resolution.

The fact that Africa is more prone to conflict based on reasons ethnic inter-relativity, underdevelopment, poverty, human right violations etcetera, explains the need for indigenous organization to get actively involved in resolution, because it is expected that the AU understands the nature of African conflict, and cultural demands better than external organizations who also aid resolution processed.

For AU to actively engage in conflict resolution processes it uses measure similar to the UN, which involves peacekeeping, peacemaking, mediation, negotiation, and peace building forms to achieve solutions in conflict resolution. During the OAU era, Conflict management processes embraced three main areas of activity; conflict prevention or peace promotion, Conflict control of abatement and

conflict resolution[128]. This asserts the fact that mechanisms of peacekeeping, peacemaking, good governance, mediation are basic premise for promoting African resolutions. But for OAU to act in this capacity, it requires the authority of the UN to ensure the green-light needed for operations; the reason for this will be seen below. In light with the above, one can say the validity and strengths of OAU actions (now AU) in Conflict prevention, management and resolution erupts from the proliferation of United Nations goals in ensuring international peace, security and preventing instability at regional and international levels as given and explained in its Charter and the previous chapter of this work respectively. Additionally the Pan African movements also strengthened and empowered AU to engage in conflict management and preventions, being the regional platform were conflicts erupted from. The pan-African leaders' objective at that time of Pan Africanism (1950's and 1960's), was to establish regimes committed to the resolution of the inter-state conflicts and represent Africa in the global scene. The drive of these ideas gave birth to the OAU in 1963.

The institutional structures of the OAU projecting the pan-African goals were: the Assembly of Heads of State and Government (AH-SG), the Council of Ministers, the Secretariat, the Commission of Mediation, Conciliation and Arbitration, and also specialized Commissions (CMCA). These institutions served as the principal organs of the organization. And the Commission of Mediation, Conciliation and Arbitration was the main body given the responsibility to resolve member States disputes amicably, as conditioned by social protocol approved by the Assembly of Heads of

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[128] The United Nations Economic and Social Council, April 1994 "capabilities in support of good governance, political stability, peace and security in Africa" www.uneca.org/eca_resources

States and Government which was the supreme organ of the OAU[129]. However, the peaceful settlement of disputes among member States, the CMCA must work in line with the provisions given in Chapter seven of the UN Charter. In essence, the OAU can be seen as a complementary organ with which the UN projects its goals on conflict prevention at regional levels, though it is its duty to curb its own conflict.

The OAU has being used afore time in this work with respect to indigenous organization in Africa, but it is worthy to note that there was a transition of indigenous organizational structure in the early 1990's. The transitional process entailed OAU changing to AU. Though the name of the indigenous organization changed, but the objective and goals both in structure remain the same. The AU inherited the goal and objectives of OAU, and it roles compliments that of the UN in the region (just like its predecessor). However, AU's objectives were broadened due to concerns of socio-economic development, which is one of the basic factors for ensuring peace and security, since one of the reasons why conflict occur in the region can be linked to underdevelopment. The use of AU below will conceptualize the visions and objectives of OAU broadened under AU structure.

AU's vision of achieving Unity, development and Security is confined to its responses on the promotion of accelerated socio-economic integration, economic partnership; involving the government, the civil society and private sectors and sub-regional organization. It is of importance to note that the AU borrowed a leaf from the EU's economic cooperation concept as a basis for unity and peace. This can be viewed as a form of EU norms being diffused under the concept of 'Contagion' explained by Manners'[130]. This however, does not mean it shifted from the goals of

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[129] Charter of the OAU in 'Transition', Indiana University Press on behalf of the W.E.B. Du Bois Institute (No.10;Sept.1963) pp41-42

[130] See Manners Ian ' EU Normative power characteristics' 2008

OAU, rather it expanded on it; by establishing further institutions to aid the process of unity.

The basic importance in the institutional transition is that, while the OAU concentrated more on inter State conflicts, the AU extended its tentacles to cover both inter and intra-State conflicts, the reason for this is that it acknowledges the fact that intra-State conflicts and wars are susceptible to being inter-State in nature and internationalized as seen from Chapter two. It is right to mention here too that the ideas that contributed to the immediate establishment of the OAU was pan-Africanism in 1960's[131], while the AU followed the international concerns of economic growth in 1990's. As such the ideas that informed their establishments were quite dynamic in relations to what was happening at that time; even though they both project regional peace and security.

A major difference in the transitional structure of OAU to AU can be seen in light with the number of organs that each possessed. While the OAU had about five basic organs (institutions), the AU expanded these organs to about ten. These new AU organs are the framework for AU capacity and practices (or involvement) in African conflict resolution. AU institutions include; the Assembly of Heads of State and government (AHG), the AU Executive Council, the Commission, the Permanent Representative Committee, the Peace and Security Council (PSC), Pan African Parliament, the Economic and Social Cultural Council (ECOSOCC), the African

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[131] See Dallas L Browne on the definition and scope of Pan African movement in 'Pan-Africanism' and the African Union' (pp1-54)

The drive behind the OAU was the idea of 'pan-Africanism'; depicting the collective freedom of African proximate geographical States having shared-experiences of colonial rule forming an organization on shared unity and peace. The transition to AU on the other hand was based on the growing international relevance of economic cooperation and development, creating the drive for unity as a pretext for disseminating the drive for ethnic tensions following the events of 1990's.

Court of Justice, specialized Technical Committees and financial institutions (i. e African Central Banks)[132].

4.2.1 Historical evaluation of AU organs and their Capacity to engage in Conflict Resolution

The major institutional body of the AU which carries out conflict prevention, management and resolution is the PSC; which was known as CMCA in OAU. Often time the CMCA will be used for analysis because conflict prevention started under this mechanism in the era of OAU. And it gave relevant credence to the mechanism the AU operates through today. Other organs (institutions) which aid the PSC will be evaluated below. These organs form the basis for analyzing the institutional framework of OAU/AU on African conflict resolution schemes.

4.2.1.1 The Commission for Mediation, Conciliation and Arbitration (CMCA)

The CMCA was the OAU principal organ capacitated to act in mediation, conciliation and arbitration cases between AU member States on behalf of the Organization itself. The role of this institution is given in Article 19 of the OAU Charter. The CMCA was expected to operate based on diplomatic authority on issues which involves the use of peaceful settlement of disputes as outlined in the UN Charter. But conflicts within the jurisdiction of CMCA were limited to inter-State nature of conflicts. As such conflicts which were intra-State in nature were completely outside the scope of CMCA jurisdiction. In terms of practice, the CMCA never actualized its role because the CMCA never really resolved or arbitrated on any case. Rather in inter-State conflicts, the use of 'ad-hoc' committees was set in place by the Assembly of Heads of State and Government (AHG) to settle cases

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[132]See - The charter of the OAU and the AU constitutive Act

supposedly under the jurisdiction of the CMCA. The ad-hoc committees operated via the 'use of good offices and fact finding missions' to promote the objectives of conflict management and resolution[133]. Though the Commission of Mediation Conciliation and Arbitration never actualized its roles (under this name), the use of ad-hoc committees did perform the roles expected of it. For many, this can be seen as a failure to a large extend. But one advantage of this failure is that the offices of the Assembly of Heads of States became directly involved in conflict management schemes. More so, it instigated the vision of having a mechanism of conflict prevention, management and resolution (MCPMR), which was meant to deal with both inter-State conflicts and inter State conflicts.

This mechanism was seen as a plus to project peace and security between States and within States. The relevance of this is that the recognition of intra-State elements instigating insecurities was seen by African States to weaken its unity. And most of these intra-State conflict elements contributed to regional insecurities, which also draws the international community's attention; due to conflicts being internationalized. Cases of civil wars that leads to mass murder, ethnic cleansing, genocide, and human rights abuses illustrates intra-State created conflicts becoming internationalized. The AU structure adopted this mechanism (MCPMR) into its protocol, and this is the basis for which the AU Peace and Security council functions.

4.2.1.2 Relevance of the MCPMR to AU institutional Framework

The MCPMR was established following the '56th ordinary session of the Council of Ministers and 28th ordinary session of the Assembly of Heads of State and

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[133] Uchenna Nzeako, (2009), p.2 www.allafrica.com

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Government in Dakar 1992'[134]. The idea of MCPMR was due to a proposal made by the Secretary-General through the Council of ministers evaluation on having a concise mechanism for which conflict prevention, management and mediation could be attained; involving the roles of the Central Organ, the Secretary- General, the Assembly of Heads of States and government, sub-regional organizational cooperation, the Peace funds and a close tie with the UN Article 52 and its peace-keeping roles within the region[135]. The relevance of MCPMR to AU is that, it clarified the contributions of these organs acting as an institutional framework for the organization, both in Intra-State and inter-States conflicts. As such when evaluating organizational roles the relevance of these organs also play a part in conflict prevention, management and resolution of African Conflict.

4.2.1.3 The AU Central Organ

The central organ of the OAU comprises of States who are 'member States of the Bureau of the Assembly of Heads of States and Government (AHG), the State of the outgoing chairman, the State of the incoming Chairman, with the General Secretary (and Secretariat) being the operational arm of this organ'[136]. The central organ acts in the capacity of directing and coordinating the activities of the MCPMR, similar to the roles of EU Troika. It is also similar to the UN Security Council; using the General Assembly where the secretary general becomes an operational arm for which it carries out its activities and representations. In July 2002, the Central Organ became officially known under the AU as the Peace and Security Council[137]. Within

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[134] UN Economic and security Council op.cit on 'mechanism for conflict prevention, management and resolution' www.uneca.org/eca-resources-UN-ESC.

[135] OAU protocol on the declearation made by AHG on MCPMR 2001;1-18

[136] UN-ESC ibid p.4

[137] AU protocol on PSC 'AU constitutive act'

this MCPMR, the role of the Secretary-General became expanded, as he was also made the chair person of the commission of the MCPMR.

4.2.1.4 The role of the AU Secretary General

Going by the OAU proposal of 1992, the role of the Secretary-General in conflict prevention was to take initiatives on monitoring events in conflict situations, and alerting the Bureau of the Assembly of Heads of States and Governments about an impending danger, and sometimes using good office position to mediate peace. There were limits to what the Secretary-General could do under OAU institutional capability. But with the establishment of MCPMR under AU, the role of the Secretary General was expanded. MCPMR empowered the Secretary-General to act in the capacity of special representative, engage in fact finding missions, and take initiatives when necessary to promote, peace, stability, development and security[138]. An additional relevance of the Secretary Generals' capacity came with regard to complementing the roles of the Central Organ (now Peace and Security Council); were the access of information by the Central Organ goes through the auspices of the Secretary-general. Unlike its roles under the Commission for Mediation Conciliation and Arbitration, were only administrative functions were assigned to it, the MCPMR made the Secretary General more proactive in conflict prevention and management processes in African conflict.

4.2.1.5 Conflict Management Centre (CMC)

In pursuit of a more effective means of handling conflict, the OAU member States thought it necessary to have an early warning system within the confines of the MCPMR. The CMC came into existence in 1992. One reason for this was the

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[138] OAU proposal for Action (1992) on 'Resolving Conflicts in Africa'(OAU press information series 1) www.oau.org/proposal

rampant nature of conflicts which posed threats though not addressed by organizations that had the power to control the threats and prevent its escalations. The purpose of CMC was for African States to respond collectively to challenges in the region on time, as a means of promoting regional peace and stability[139]. The CMC acts as an operational channel for the MCPMR, performing early detection of dangers, and alerts the MCPMR to take preventive measures to curb the danger in question. In order words it forms a basis for preventive diplomacy, and the monitoring of peace process[140]. In its functions, the CMC engages in development of policy options in relation to the goals of MCPMR, make recommendation(s) to the Central Organ based on the policy action made, increase awareness of Organizational roles to conflict management, link international and sub-regional organizations in issues related to conflict management, engage in research to understand root causes of conflict and its impact, and ensure management operations of observer monitoring missions[141]. It also operates through the early warning system to prevent conflict.

4.2.1.6 The Early Warning System (EWS)

The Early Warning System Unit is similar to what CMC does; it is more like the proliferated unit of CMC, aiding its general objectives in preventive diplomacy. The roles of EWS conforms to the goals of CMC, however EWS unlike CMC uses a more advanced technological forms of extracting information on areas prone to conflicts[142]. Just like the popular saying, prevention is better than cure, what the EWS does is to alert the OAU through the CMC on an impending conflict which if

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[139] Muyangwa M, Magret A Vogt 'An assessment of OAU mechanism for conflict prevention, Management and resolution'. International peace academy, New York (pp 26-28)

[140] Department For International Development consultation document 'The causes of African Conflict' March 2001;16

[141] See 'CMC' in the OAU charter www.africanunion-org

[142] Early Warning System (EWS) http://www.cybersoft-intl.com/Products/ews.asp

not addressed can lead to an unmanageable catastrophe. The measures in which EWS engages in preventive diplomacy is to monitor events, gather information, analyze the tendencies for conflict eruption based on the information gathered, and make quick alert to the organization in order to respond speedily[143] (obviously similar to CMCA if not for its advanced use of technology).

4.2.1.7 The African Stand Force (ASF)

The ideas of ASF were born from the field operation unit (FOU) which established a framework for military components in conflict resolution mechanism. However, the ASF came into existence through a draft protocol of MCPMR Article 9(1)[144]. This organ was also imbided by the AU in its protocol following the same goals which entails peace support by member States, to promote security by contributing a sort of brigade that aids monitoring and peace keeping[145]. Under the AU-PSC protocol, the role of ASF is to engage in intervention where Member State constituted grave danger to the promotion of peace and security. The ASF also aids sub-regional organizations and complements other organizational peace keeping force like the UN, to monitor and control conflict within the region[146]. Though this organ observes the military capacity needed for peace keeping operations, it however craves the indulgence of member State commitment, and other officials (e.g. African Chief of Staff Advices), as well as the use of peace funds to carry out an effective function.

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[143] 'Early warning in Conflict Prevention:OAU perception and possibilities' (Addis Ababa; Oct 4, 1996) - www.um.dk/Publikationer/Danida/English/Evaluations/

[144] See Takehiko Ochiai, (2006) "Regional Security in Africa", working paper Series No. 14 (Afrasian Centre for Peace and development studies)

[145] OAU Draft protocol relating to Mechanism for Conflict prevention, Management and Resolution (Addis Ababa; the OAU secretariat July 2001; 14-18).

[146] AU Constututive act on PSC protocol 2002 -Article 13 (3) www.africaunion-org

In its peace-keeping roles, the use of ground troops (forces), observer missions and fact finding missions are made use of in controlling a conflict. An example of an observer group of ASF was the Neutral military observer group placed in Rwanda 1993[147]. ASF requires funds if it must engage in any operation, and funds are brought in from the peace fund provisions. The Peace Funds like the name suggests is the financial aid set aside by the organization to carry out operations like that of the ASF, which promote peace and security within the region. Funds can be in form of donations subject to the approval of the Central Organ, or can be gotten via fund raising plans. The issue of funds contributes an impact in effectiveness of operations. It is quite difficult for individual States to finance or donate funds for peace operations. Also one can imagine some of the reasons to be, some member States not capable of funding an operation based on their economic level of development, or the fact that the danger or threat in question does not necessarily impair their viability.

All these organs explain the institutional framework of how AU acts in conflict resolution processes (when independent from its sub-regional organizations). It is quite difficult to differentiate the independent roles played by AU and the dependent or interdependent roles played by AU's sub-regional organizations in conflict resolution; because the sub-regional organization is expected to receive green light authority from the AU before taking actions. For example the role of IGAD in Sudan was based on authority from the African Union, because AU also acts through its sub-regional organizations when necessary to curb conflicts escalation. This projects complementary proliferation of goals at AU regional level and shows the hierarchies that exist within organizational chart as will be seen in Chapter five of

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[147] See Col. J P M Kobbie,(2009), "The role of African Union in African Peacekeeping operations" http://www.dtic.mil/cgi accessed 26th May, 2010.

this work. A more detailed evaluation of AU sub-regional actions in African conflict will be seen below.

4.2.3 AU Sub-regional Organizations in African Conflict

The forms in which sub regional organizations acts in Africa conflict implies an indirect form of AU actions, because it is expected that sub-regional organizations take directives from the regional organization (AU) which they act under. As such AU can be seen as a delegator of duties which sub-regional organizations implements. The provisions for which sub-regional organizations functions in promoting regional peace and security can be indirectly implied as given in the UN Charter Article 52. In this article, regional organizations were given the right to pursue peace and prevent insecurities by means they deem fit. If the AU deems its sub-regional organizations fit in promoting peace and security then the validity of sub-regional organizations are unquestionable to the collective good of the region, as well as the global system since they project same objectives and goals.

Following the establishment of the first African regional organization-the OAU, five (5) sub-regional organizations were established under it, as a means of promoting peace and security from the grass root. These are; the intergovernmental authority on development (IGAD), the Economic Community of West African states (ECOWAS), Southern African Development Community (SADC), and Arab Maghreb Union in the north, and the Economic Community of Central African States (ECCAS) located in central African zone. With time this grew beyond five, and extended roles of non-governmental organizations were also seen promoting stability, security and peace for the good of the region. The purpose of this thesis, is not to deal with NGO's, or take the first five sub regional organizations into consideration, but to evaluate three of the above which are areas more prone to

conflict, and has drawn international attention due to the impacts of conflicts in these zones. These three sub-regional organizations are ECOWAS, IGAD, and SADC. For many writers, ECOWAS is said to be best known for its massive peace-keeping efforts, SADC for its robust conflict management endeavors and IGAD assertive in sub-regional conflict resolution'[148]. Though these organizations command international presence, the evaluation of their capabilities in conflict prevention, management and resolution is what this section seeks to analyze.

4.2.3.1 The Role of ECOWAS in African Conflict Resolution

The Economic Community of West African State (ECOWAS) deals mainly with peace keeping and monitoring capabilities in conflicts within the West African zone of Africa. ECOWAS consists of 16 member African states in the western part of Africa. It was established in May 1975, with the aim of integrating the western economy of Africa at a sub-regional level. Following the need for maintaining security in the western region, several protocols were signed by member States to refrain from acts of hostilities and tensions that disrupt peace, as well as engage in mutual defense forum to stampede any acts of aggression by other States, or from other States within this region[149]. Though the initial objectives of ECOWAS focused on external threats to its security, the rampant nature of internally motivated insecurities (based on civil wars, armed conflicts and bad governance), informed its drive to get involved in peacekeeping in order to maintain peaceful environment. Since peace-keeping entails the use of a monitoring group, the establishment of Economic Community of West African States Monitoring Group (ECOMOG) was created in 1990, as a defense arm for supporting ECOWAS roles. ECOMOG became

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[148] Mark Malan (1999), p. 2

[149] Abiodun Alao,(2003), pp3-5

the unit for ECOWAS capacitated role in conflict resolution, management and prevention. Some areas were ECOMOG has played effective roles are Liberia and Sierra lone.

In the case of Liberia (which was the foundation for ECOMOG's creation and its first active effort in the early 1990's), ECOMOG troops were stationed to monitor ECOWAS several mediation sessions to resolve ethnic conflicts between warring factions in Liberia. ECOMOG's peace attainment in Liberia has being of much credit in the history of ECOWAS role. In Sierra Leone, the monitoring group made efforts to ensure legitimate rule in the society, thereby contributing to good governance as a premise for resolution[150]. Though ECOWAS, through ECOMOG, aided peace-keeping operations in the zone, it is however prone to certain challenges like free-riding of States based on poor commitment, financing constraints amongst other things. Aside the use of the ECOMOG as military arm monitoring events and engaging in peace-keeping operations, ECOWAS also makes use of its Ministers, through the directives from ECOWAS Heads of State to get actively involved in mediation processes when necessary. However this compliments the roles of ECOWAS Mediation and Security Council, which has sole responsibility in taking initiatives on matters that requires mediation. The Mediation and Security Council comprises of ministers of defense working in line with States-men or elders, also known as council for elders. Though mediation capacities exist within ECOWAS, the leading role of ECOMOG channeling the general objectives is more prominent due to the fact that conflicts within this zone requires military might (since most conflict are arms prone).

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[150] William Nhara, (1999) "Conflict management and peace operations; the role of the Organization of African Unity and sub-regionalorganizations'. www.iss.co.za/monographs/no21/Nhara.ht

4.2.3.2 The role of Southern African Development community (SADC)

SADC came into existence in 1995 due to development concerns of States in the 1990's within this zone. Prior times (in the 80's) it used to be known as a Southern African Development Co-ordination Conference (SADCC). SADC was adopted in June 1995, empowered to maintain peace in the South African region. Its roles mainly deal with conflict management measures which supports preventive diplomacy[151]. SADC carries out it functions through several organs; Ministers of Foreign Affairs, Heads of State and Government, and the Security Unit known as Organ on Politics, Defense and Security. The role of this Organ (organ of Politics, Defense and Security) is to pre-empt dangers, mediate in inter -State and intra-state disputes, and ensure the people of the South African region are protected, and developmentally safeguarded based on the rule of Law. The validity of these actions by the organ in question is given in SADC protocol, which empowers the organ to engage in intervention, in areas where violent conflicts, civil wars or insurgency exist[152]. An illustration of SADC conflict management is its engagement in Lesotho, and the Democratic Republic of Congo[153]. With regard to effectiveness, SADC's capabilities in conflict resolution have being questioned due to tensions among its leaders (South Africa and Zimbabwe), nevertheless its initiatives and willingness to mange conflicts has often being credited; especially in line with human rights promotion and protection of civilians.

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[151] Jeremy Levith (2001),p.176

[152] SADC protocol, Art 2(1) and Arts 5(2) (1) www.au.org.SADC

[153] Jeremy Levith, Ibid p.178

4.2.3.3 The Role of IGAD in African Conflict Resolution

The intergovernmental authority on development (IGAD) is another sub-regional organization in Africa, location in the most conflict ridden sub-region, the Horn of Africa[154]. The establishment of this organization in 1996 was due to the incessant nature of ethnic conflicts and human rights violations in the Horn of Africa. The need to have a regional socio-political, economic development and security entity in the northern region, similar to SADC and ECOWAS was of great demand by its founding member. What IGAD sought after was to contribute efforts to prevent conflicts, by engaging in conflict management and humanitarian affairs in addition to infrastructural Development, food security and environmental protection[155]. To carry out its roles above, IGAD's Heads of States' signed a protocol agreement on the establishment of a 'Conflict Early Warning and Response Mechanism (CEWARN)'[156]. CEWARN was to maintain and monitor events. Aside the monitoring and early warning alerts, it could also engage in mediation processes, which made it institutionalize a mediation committee. The mediation committee composed of Heads of States and the Foreign ministers. IGAD also had its Peace and Security unit also known as 'Conflict Prevention, Management and Resolution' (CPMR). The CPMR deals with issues related to security and it complements the role of CEWARN in peace keeping efforts. In peace keeping, its supports has being noticed in the development of Eastern African Brigade (EASBRIG), an AU- led

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[154] Dustin Dehez "The intergovernmental authority on Development: meeting challenges and failing expectations." Panel 4: The role of regional organizations in conflict Resolution www.peace-building.de

[155] www.Africa-union.org

[156] IGAD "protocol on the establishment of a Conflict Early Warning and Response mechanism - www.cewarn.org/documents/protocol .

African Standby Force (ASF) used for peace keeping missions[157]. Two major conflicts in the region which has received international recognition are cases in Sudan and Somalia. The capacity in which IGAD exerts its strengths and actions has being tested within these States.

4.2.3.3.1 IGAD in Sudan

The role of IGAD in Sudan was based on diplomatic measures to resolve dispute through the use of mediation and negotiation tactics. In mediation, IGAD mediation committee established in 1993 comprising of four State heads (Kenya, Uganda, Ethiopia and Eritrea) were the organ for its peaceful settlements of disputes. IGAD initiative in Sudan mediation process started in 1994, it intervened in the armed conflicts between the government of Sudan and the Sudan people's liberation movement (SPLM) who clashed over the democratization of governance[158]. The role of IGAD here was to bring warring parties to the negotiation table and unite the people of Sudan through peace agreements[159]. In Sudan operations, IGAD got a green light from the OAU, and support from the UN to embark on this mission; which explains a dependent role of AU sub-regional organization on AU. Bringing warring parties to the negotiation table was an achievement for IGAD.

However, just like any other sub-regional organization, IGAD has its limitations. One major challenge that undermines IGAD maximal effectiveness is member State clashes. The clashes between member States in IGAD slows the pace of actions, and distracts member States focus on the collective good of security. This

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[157] www.aros.trustafrica.org

[158] See www.nubasurvival.com

[159] Umma Proposals for the international community - 'Sudan's Peace and Democratization process' (Oct. 25, 2001)www.eimaits.co.uk

distraction sets the premise for other actors aiding the functions of IGAD both within and outside its zone. In essence, IGAD welcomes support from external actors who can help it achieve its goals. (See IGAD-EU relations in chapter three). Within the African domain, IGAD has often called on support from other powerful States to support its goals and objectives for the collective good of the region. Examples on this includes the Egyptian- Libyan initiative in Sudan, which engaged all parties to conflict in negotiation process, and also encouraged mutual recognition between parties, that broadened the agenda for peace and democratization. Nigeria's support for IGAD's role is also remarkable (under the era of President Olusegun Obasanjo), were it served as an African lever to help Sudanese negotiation process to achieve a Comprehensive Political Agreement; based on an arranged peace process[160]. The 'Comprehensive Peace Agreement ended the internal difference between Sudan government and Sudan people's Liberation Army (SPLA)'[161]. The ground for which this peace agreement was made is based on a post election referendum outcome[162]. The election was held 10th of April this year; this means the referendum will come after this to decide the pace of events for the Sudanese people. It will reveal if the South Sudanese still desire to have their own entity (based on the principles of self-determination) or may be happy with the new governmental structure and live in unity with the North.

4.2.3.3.2 IGAD in Somalia

The most troubling State in the IGAD region today is Somalia. Its ethnic conflicts (intra-state in nature) have become internationalized, and has caused so

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[160] Umma proposals ibid. www.eimaits.co.uk

[161] See Sam K. Ketusa, 'Peace and Conflict Resolution in Africa' (June 2009)

[162] Suleiman Musa Ralihal, 'IGAD initiatives versus Arab reconciliation in search for peace for Sudan' (August 1992, vol.2, No.5 NAFIR Nubba Survival)- www.nubasurvival.com

much detriments to States both within the region and outside the region. Somalia just like Sudan is another illustration of AU acting indirectly through IGAD. IGAD in Somalia carried out functions of peace keeping capacity, as it engaged in the deployment of troops to monitor Somali activities of the current transitional federal government, (TFG). One advantageous impact this sub-regional organization had on Somalia peace process was its ability to sponsoring the Eldoret peace process which entailed cessation of hostilities in October 2002[163]. However, the major challenge in IGAD peacekeeping mission in Somalia is that, the "warlords of Somalia do not really appreciate its role; because they see IGAD as the trap external actors uses to cage them and deny them of sovereignty. Nevertheless, the AU still intervenes to ensure a steadiness in the Transitional Federal government (TFG)"[164] .

In conclusion, it is worthy to note that the purpose of indigenous organizations acting in African conflict Resolution is based on the ideas that the AU have better understanding to African Conflicts, and since it is the first platform for forum shopping, it is expected to promote a kind of grass-root conflict prevention, management and resolution to achieve regional peace and security. The ideas of grass root solutions are to create mutual understanding between the agents of resolution (the organizations) and the conflicting parties. In essence, it bridges closeness between the people, and build the necessary confidence and trust needed to attain resolutions. However, it seems as though grassroots involvement is not enough; because so far it has not produced much effectiveness. This leaves a puzzling question as to what must be done to achieve effectiveness of African

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[163] See Nhema and Zeleza, p.135

[164] Integrated regional information network(March 16,2005), 'IGAD to deploy peacekeepers despite opposition by fraction Leaders'- www.newsfromafrica.org

See more of Somalia issues in Taylor and Williams (2004; chapter 27)

resolution. Obviously, the African conflicts are open to several forums within its borders, but several challenges still exist in the region that unsteadies its peace and threatens international security.

With the availability of all these organizations in Africa engaging in conflict resolution, peace is still far from being obtainable in the continent. This brings a question as to what then is wrong with the efforts made so far by these organizations? Perhaps a comparison of organizational efforts in light with understanding African conflict, and what resolution entails can help clarify the understanding of how best resolution can be attained in Africa. This informs the basis of chapter fives' evaluation.

Chapter 5

COMPARATIVE ANALYSIS OF ORGANIZATIONAL CAPABILITIES IN AFRICAN CONFLICT RESOLUTION

5.1 INTRODUCTION

In comparing organizational capabilities in Africa conflict, the premise for which this evaluation is made lies within structural similarities and differences in organizational capabilities, and the hierarchy which exist in organizational structure. The purpose of this comparison is to understand the fragmentation in structural composition of organizations (capacitated) at different levels to prevent, manage and resolve Conflict(s), as well as finding out which forum is better capable to address African conflicts.

This chapter also illustrates the proliferation of the universal goals of conflict prevention, peace and security promotion enshrined in the UN Charter, juxtaposing its specific applications at regional levels. The existence of UN forum, EU and AU (plus AU sub-regional) organizations engaging in African conflict shows the availability of forums at the disposal of AU States in ensuring conflict resolution. But what forums are AU States in conflict better disposed to when engaging in forum shopping. Is there a pattern of approach required for African States to engage in conflict prevention? What informs the preference in forums? How effective are these forums capabilities in African conflict? What possibility can a hybrid forum

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enhance effectiveness in African conflict resolution? These are basic questions this analysis entails. The structure of this Chapter entails two parts were all the questions above will be addressed.

The first part of comparison evaluates United Nations and African Unions' structural framework, the hierarchical ranking of both forums, and their capacity to actualize the goals of conflict resolution. It draws on a fact that actualization of goals depicts preferences in forums and entails effectiveness. However, a possibility of merged preferences in hybrid formation between these organizations are also evaluated to understand what approach can best serve African conflicts in reference to capability issues, pointed out in the structural comparison. The second part compares the AU with EU, taking structural formations into consideration like in the case of AU-UN comparison, and also understanding the similarities in disposition of both organizations to conflict resolution. In this case the nature of conflict in each region is compared in order to understand EU roles and how it impacts AU approach in Conflict resolution (in line with capabilities just like in AU-UN comparison).

At the end of the analysis, issues like why AU is incapable of handling its conflict compared to other regional organizations will be determined, and the commitment of different organizations to conflicts prevention regardless of geographical location will be determined based on the roles and practices of organizations to African conflict prevention, management and resolution.

5.2 Structural Comparison of AU and UN Composition

Structural comparison between AU and UN can be seen from two perspectives; first the hierarchical nature of organizations in the international system and the structural composition of organs within these organizations. In the former, a model

of organizational hierarchy can be seen below, while the later entails similarities and differences in structural capabilities in conflict resolution.

5.2.1 Hierarchical comparison

The United Nations is the general framework for which other organizations draws their capacity to engage in conflict resolution. The diagram below shows the vertical ranking of organizational capacity in conflict resolution processes.
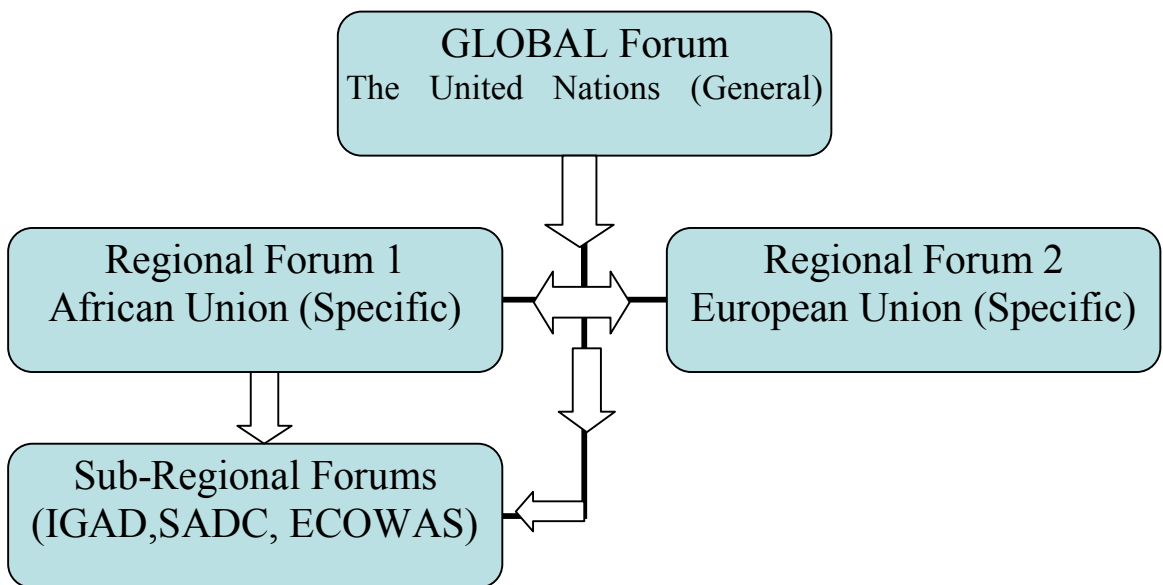
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                    ┌─────────────────────────┐
                    │     GLOBAL Forum         │
                    │ The United Nations (General) │
                    └─────────────────────────┘
                                 │
         ┌───────────────────────┐     ┌───────────────────────┐
         │  Regional Forum 1     │◄───►│  Regional Forum 2     │
         │ African Union (Specific) │     │ European Union (Specific) │
         └───────────────────────┘     └───────────────────────┘
                    │                          │
         ┌───────────────────────┐            │
         │  Sub-Regional Forums  │◄───────────┘
         │ (IGAD,SADC, ECOWAS)   │
         └───────────────────────┘
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Figure 1: Hierarchical chain of authority for organizations in Conflict Resolution

While the UN stands as the global platform (forum) for which specific organizations like the AU draws credence from in conflict prevention and resolution; the UN by this holds more authority on how other forums engage in conflict resolution. This means AU methods of engagement are regulated and subjected to the general forum (UN) provisions. AU obviously requires a kind of green light before it engages in actions; for instance in Somalia peacekeeping operations, AU capacity to act lied within UN's permission to achieve Somalia peace process. This is in no way projecting AU cannot act independently from UN, rather it projects a fact that AU actions must be in line with UN provisions stipulated in UN Charter (as evaluated in previous chapters of this work). In terms of capacity to act, the general forum is

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better disposed to conflict prevention because it entails the support of all States within the international system acting in a collective security interest to deter conflicts, manage or resolve them. Also, it acts as a leader in conflict prevention, (especially in peacekeeping), taking into account the changes within and between member States following the impact of conflict over the last few years[165]. Unlike the UN, AU is limited in capacity because it is only a fraction from the general framework. As such certain abilities which the UN possesses cannot be found in AU forum (e.g. adequate funds from all member States). This can incapacitate AU roles to a large extend when handling conflict. However, when African conflict is concerned, the capabilities of these organizations does not necessarily dictate the pace of involvement; it behooves on AU being the indigenous organization to address conflict issues within its region first, by engaging in preventive measures before conflicts becomes internationalized. In essence conflict prevention and resolution measures need to start from indigenous organizations before it gets to the general forum.

The relevance of hierarchy shows there is an upward chain of command in the approach of forums were conflict resolution practices can be attained. It also illustrates power distance in conflict resolution. Power distance here shows in the way UN relates with regional organizations, and sub-regional organizations in Africa. Another area of comparison between AU and UN is the structural frameworks of both organizations.

5.2.2 Structural comparison between AU and UN

Since there is hierarchy in the composition of organizations in the chain of command, regional organizations tend to replicate structural composition of the

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[165] Adel Safty (1999), p.407

general framework in their specific capacity. Also, the fragmentation of UN goals into specific regions allows the proliferation of roles through similar organs performing similar functions. The similarity in functions does not inform same results; neither does it take the entire structure of both organizations to have being replicated in like manner. The analysis below, distinguishes between AU, UN similarities and differences in structural formations.

5.2.2.1 Structural Similarities

In light with delegated roles to organs in conflict prevention; the functions of the UN Security Council in defining and detecting threats to security is similar to the AU Peace and Security Council (AU-PSC). This however does not infer similar structural ranking of UNSC to AU-PSC; because when ranking of organs at the top of organization is to be evaluated the UN-SC being the top most organ of UN, will be compared to similar the AU Central Organ (which entails the Assembly of Heads of States and government). The UN ranking is also different because AU is only a fragment from the UN. Another comparison on organs in AU-UN structure related with conflict resolution roles is the use of courts. The UN structure has the ICJ, alongside ICC complementing the goals of ICJ, while AU has African Court of Justice which is only capacitated on paper, not in practice. Unlike UN, AU has no functional judicial system to help it promote inter-State settlement of dispute, neither a platform which prosecutes crimes related to human rights violations, political unrest perpetrators and bad governance. The lack of this structure in AU makes it incapacitated to a large extend, which allows it rely on the general forum (UN) to help it resolve conflicts beyond its capacity. An example of AU reliance on UN is the case of UN-SC authorization of ICC in Sudan; who acted in full capacity to

investigate and prosecute cases of criminals who perpetrated crimes in Darfur which sparked international concerns and disrupted regional security[166].

Also, the role of UN Secretary General acting in good office capacity to mediate and negotiate conflict is reflected as well in AU, which uses its General Secretary in mediation capacity as well. These organs are also assisted by specialized commissions in both organizations.

Another basic similarity in these forums is an issue related to proliferation of roles. Both organizations engage in proliferation of conflict prevention roles smaller units. For UN, it proliferate its roles through AU and other regional agencies, while the AU proliferates as well with the use of its sub-regional organizations, which aids its extension of cooperative efforts in security promotion and peace. The use of sub-actors (sub-organizations) under each forum entails a form of "cooperation in roles between these organizations"[167] expected to enhance effectiveness to large extends, (thereby following grass root approach of resolving conflicts).

5.2.2.2 Differences in Structural formations

When major differences are to be explained in AU and UN structures, the relevance of AU early warning system seems to stand out as a means of pursuing early actions that aids effectiveness to conflict prevention, compared to UN who has no such provisions. Another difference in structure is the presence of veto 'power'[168]

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[166] Vanderbilt Law Review, " Increasing the Effectiveness of the Security Council's Chapter VII Authority in the Current Situations Before the International Criminal Court" , p.647

[167] See Boulding Jane,(2003), "Dealing with Conflict in Africa: The United Nations and Regional Organizations" Basingstoke: Palgrave Macmillan. (doi:10.1093/refuge/fei042).

[168] Power in this regard refers both to the ability to influence an action to suit the desired result and the means of using force if necessary to achieve a result. For more on power See - **Hans Joachim Morgenthau** on the concept of power and the UN charter on the use of force as a means of power(Articles40-42)

influencing UN actions which can either contribute to effective resolution or defective conflict resolution. Also another paramount activity of UN structure that differs from AU which can also relate to effectiveness in conflict resolution is the issue of the use of force. UN enjoys the monopoly on the use of force compared to other organizations. But as seen from chapter three, use of force is only possible when other measures have being exhausted and there still exist threats that endanger international security. Sometimes, the use of force is the answer to many violent conflicts, but it can also create positive impacts if the mission is effective or negative impact if stability cannot be attained. All these differences analyzed can be seen as promoters of effective measures to resolution process. Effectiveness in operations might be difficult to ascertain, due to the fact that this work is based on empirical analysis, it can however be inferred from the results obtained in certain cases using the time frame such operation(s) started and what it has achieved. To illustrate this idea, I would like to use Somalia as a lens for AU-UN effectiveness in conflict resolution through the ideas of peacekeeping operations of both organizations in Somalia.

5.2.2.3 Analyzing AU-UN Effectiveness in Somalia Peacekeeping Operations

The present Somalia catastrophe can be accessed based on the roles played by both organizations in the State. When effectiveness in roles is evaluated the availability of power to control affairs or the use of force when needed, is quite relevant in relation to capabilities of organizations. In this the AU tends to have limitations both on structural capabilities, and its authority to act with force, (which in my view would probably have brought stability). But it draws its validity of actions from the UN. The AU had its peacekeeping force-ANISOM stationed in Somalia just like that of UN-UNISOM. The functions of both peacekeeping

operations were to achieve same results; monitor events and promote peace building to ensure conflict resolution, yet they could not achieve resolution. The question is why two operations with same objective, yet no effective result to show for it? One explanation can be based on poor commitment from the global forum in Somalia peace process, coupled with the fact that self interest played a major role in the whole process. In terms of interest there is a "cynical assertion that, rather than a purely humanitarian gesture, the US was stepping in to gain control of oil concessions, not necessarily to help because with the crisis and the killing of US officials in Mogadishu gun battle in 1993, the decision to back out from operation was asserted by US"[169]. It is said that the incident, one of the most humiliating U.S. military defeats in modern times, soiled the U.S. mood for peacekeeping operations, particularly in Africa'[170]. The poor interest of US despite its capabilities (strength) to engage in conflict resolution process explains Zartmans' explanation of power and interest playing a role in conflict resolution[171].

On the part of the AU, structural problems like logistic issues, financial hazards were the challenges that undermined its effectiveness in any reasonable capacity on the Somalia issue[172]. Based on popular knowledge that US is the largest financier of UN activities, obviously any decline from US can greatly impact the outcome of peacekeeping operations. In essence UN seems to hold the head position of financial capabilities, and if the head can no longer hold, how will other parts of the body function? From an African perspective, the AU which is a specific regime under the authority of UN obviously needs backups from the universal structure (UN) to be

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[169] See "UN intervention (1993-1995)- www.absoluteastronomy.com/topics/Somali_Civil_War and

[170]Pan Esther on AfricanPeacekeeping operations (Dec2,2005)

http://www.cfr.org/publication/9333/african_peacekeeping_operations.html#p3

[171] See Zartman W (1997), p.3

[172] ibid

able to function appropriately. The most popular reason that underscores UN collective action in Africa is the role veto-power play in decision making of UN-SC permanent members. The facts that veto power advance the interest of the five permanent members, rather than the collective interest that connotes "we the peoples", destroys effectiveness that hails from the notion of collective security in the UN[173]. This calls for the need to reform the UN-SC. A lack in consensus on the plan of action, or poor commitment to set plan, weakens the effectiveness of the organization and the mission, they engage in, creating mission creep, since objectivity in goals is exchanged to suit few member States interest. Since UN has some strength with EU having some as well, how possible will a hybrid form of organization contribute to effectiveness in conflict prevention, management and resolution? In order words what impact will hybrid form have on attaining effective African conflict resolution?

5.2.3 The impact of hybrid formations in organizational performance on African Conflict resolution

Hybrid is a form of fusion of two or more joint operational unit, which entails organizations merging capabilities and capacities in actions to achieve a common 'desired result'[174]. The foundation of a Hybrid role of AU-UN operations in African conflict is related to roles of conflict management, peacekeeping operations in this analysis. Hybrid can have some impact on how best to achieve resolution. It allows the weakness of one organization to be the strength of the other, while a mutual

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[173] Denis Halliday "The United Nations role in Peace and war" (Global Research Public Lecture, MontrealDecember 4, 2009) http://www.globalpolicy.org/security-council/security-council-as-an-institution/security-council-reform/membership-including-expansion-and-representation.html

[174] Desired result is what constitutes effectiveness. For the purpose of this work when effectiveness is used, it refers to the ability to achieve the goals intended in an operation or mission, with special relations to peace-keeping roles.

understanding will be of necessity if effectiveness must be attained. For instance, in the structure of the UN where no Early Warning System (EWS) is found, UN can make use of the AU EWS to achieve quick determination of an impending conflict, and take adequate measures to prevent the conflict. This can in turn promote UN's credibility to early response within the African region and create better understanding between the African people and UN structure, (which is a positive impact).

Emphasizing the above, another positive impact a hybrid role can play in African conflicts is that it might draw the UN closer to the African people and can create a spark for better understanding, which every effective resolution process requires. Based on popular African assumption, the UN does not understand the plight of Africans and this make it indisposed to African conflicts. This has created a level of disdain on the roles UN play in some African States. For some, the need to understand the African people is a premise for which effectiveness of actions can be attained, because understanding brings trust and increases confidence level in organizations involved in conflict resolution. Understanding from the UN part has being seen to be of great relevance to UN reform, which will entail establishing a permanent representative from Africa in the UN Security Council. The idea of 'reforming the UN-SC'[175] to inculcate African States having a permanent representation in the Security Council, is a notion that satisfies two purposes; one it draws the UN-SC closer to the people causing better understanding, and two it breaks deadlock to the issues of veto power to a large extent in African responses required from UN. To achieve understanding, the representative(s) serves as a liaison between the UN structure and the African entity. Representation in this sense is not

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[175] UN-SC Reform - See Olivia Lau "United Nations Security Council Expansion: The Efficacy of Small States Under Bipolarity and Multi-polarity" (October 1, 2003)

about having a secretary general from an African society who is more or less limited in power to make decisions in African issues especially those related with conflicts. Rather, it is a representation that accredits proper percentage and relevance in voting. A proper representation of Africans in the Security Council will increase the Councils' attention to issues of conflict in Africa, and speed up the process of action rather that undermine the consequences of a relatively small scale conflict. The relationship between this and the impact of hybrid formation in African conflict is basically influencing decisions that contribute to global effectiveness of the UN Structure., as well as regional stability and security[176].

The analysis above illustrates the positivism in having a hybrid structure in issues of promoting conflict prevention and resolution; however, if certain measures are not taken, negative impacts can create more catastrophe than the existing conflict needed to be handled. Recalling the fact that hybrid is a fusion of two or more Structures, which of course can be incompatible. When structures are incompatible, the tendency to have structural frictions in mission is bound to occur. Often time a weaker structure bears the brunt of incompatibility[177]. In the case of African Union, who draws credence and validity from the United Nations, incompatibility in hybrid will reflect negatively on the approach applied by African Union to conflict

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[176] If the structure of the UN is properly positioned, credit will be given to UN for a better understanding of African conflict. And the question of how best to resolve an African conflict can be easily attained since it will receive opinions from African members who understands the nature of African conflict and its dynamics better. More so, common interest of maintaining peace and security can be advanced from this angle rather than rely on the incentives of individual member State gains at the expense of the collective good.

[177] Incompatibility in this sense involves friction in roles, approaches and procedures expected by one organization to be followed by others. Since the AU follows the rules of the UN, a better initiate from its ends on how to act in peacekeeping might not be necessarily welcomed, and vice versa. This is like serving two masters, who deem their measures better than the other.

prevention and resolutions. An illustration on this can be seen in the case of ECOWAS 'in Guinea Bissau, where after few months of operation, it withdrew its troops due to lack of financial support and logistics support from the United Nations'[178]. However, a typical illustration of hybrid peacekeeping in Africa is the UN/AU Darfur peacekeeping. While the first analyses (positive impact) can serve as the theory of a hybrid role, this aspect on incompatibility of structures (negative impact) serves as the reality of what hybrid formations entails in many hybrid formations. Some reasons for this incompatibility can be due to the level of interest and commitment which was explained above. Also incompatibility can be as a result of cultural differences; which can impair the approach of operations in cases like peacekeeping and peace building measures.

The fact that there appears to be a replication of roles between AU and UN structures in peacekeeping operations to the goals of conflict resolution in Africa, does not necessarily constitute a need for hybrid role especially if initiatives and measures are incompatible. Until a proper merge and redefinition of functions is made in a hybrid structure, having two masters will be more catastrophic than having to fail on one's own ineffectiveness. The best way to address conflict resolution is to approach the best possible available forum that understands what is at stake and has the capacity to carry out effective operations.

5.3 Availability of Forums and Forum Shopping

In analyzing the availability of forums, the idea here shows that maintaining peace and security through conflict prevention and resolution can be addressed based

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[178] See more in Titilope Ajayi, "The UN, the AU and ECOWAS-A Triangle for Peace and Security in West Africa?" FES Briefing Paper11.(November 2008;3)

on the advantage of "fragmentation"[179]. Fragmentation can be understood in line with the global structure proliferating collective security goals through different organization level.

From the evaluations in chapter 3 and 4, it is obvious that there are opportunities of using the UN (global organization) and other regional organizations (AU, EU) as a platform for addressing conflict resolution. In the case of Africa, the availability of forum also includes the use of Sub-regional organizations in addition to UN, EU, and AU. In Chapter 4, the roles of ECOWAS, IGAD and SADC were evaluated in light with efforts to engage in conflict prevention, management and resolution. The advantage of this allows States to engage in forum shopping, on the basis of which organization can best serve their interest. However the availability of forums can also be disadvantageous in some ways, for instance States can decide to choose organizations they can influence in resolution processes favoring their interest. Though this is a negative impact of forum shopping, but often time States will prefer mediation from forums they have confidence in, based on how much understanding such forum have to their plight, and in an unbiased resolution process. As such proper understanding from organizations to conflict issues is necessary for States commitment, interest and reliability on the process of resolution outcomes. Reliability is one major factor that determines outcome of effective resolution (as explained under what conflict resolution entails in chapter 2). However, reliability goes beyond the trust and understanding of conflicting parties' desire, it also entails the ability of organizations to deliver effective actions. Ability in this sense entails

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[179] Fragmentation is seen in the delegation of roles to organizations at regional and sub-regional levels in ensuring peace and security. In essence there are several units created for handling issues related to peace and security. And when there is a conflict at hand states are opportune to opt for the forum which best serves their interest and understand them.

proper logistics in place, financial capability, adequate standby force (in peacekeeping operations) and dedication to the objectives of peace and security for which resolution lies. In Africa, weak organizational abilities have undermined effective result in peacekeeping missions. Most times, dedication is poor, due to free riding or social loafing by some States at the expense of others. An example of the effect of social loafing and poor dedication was given in Darfur case. For Pan Esther, an African conflict analyst claims "Darfur missions failed because the force was not big enough, and the mandate was too limited"[180] . In Liberia "the force has been guided largely by the Nigerians, who have provided around 70% of its human capital, with financial capital estimated at $4 billion, and military resources"[181] compared to other States that were members of ECOWAS promoting ECOMOGs' role.

It is obvious that fragmentation allows forum shopping, but forum shopping also allows social loafing of member States, which informs the role of forum preferences based on satisfaction. However in terms of forum shopping one cannot but ask which forum Africans may prefer to approach based on their desires and expectations? Is it the global - UN forum, the EU forum or AU (including AU sub-regional depending on the case) forums. But what informs preferences? The analysis below sheds more light on these questions.

5.3.1 African Preferences in Forum Shopping

The exact position of Africans disposition as to which organization they prefer most (global, region al or sub-regional) cannot be ascertained. This is because; there are mixed dispositions of what States want and which organization they deem

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[180] Pan Esther, op.cit. "why Darfur mission failed"

[181] Conciliation Resources – "Bringing peace to Liberia" http://www.c-r.org/our-work/accord/liberia/bringing-peace2.

effective in ensuring peace and security. However, it seems most Africans (generally speaking), would most probably prefer African forums based on the idea that AU is closer to the people, understands the plights of Africans better, compared to other organizations. Nevertheless, better understanding of conflict is not what informs peace attainment or effective resolution. African forums would be better if they have the financial support needed for effectiveness alongside adequate troops for peacekeeping missions. These issues create complication and divided attention in preferences, because though Africans might want an understanding organization, they also expect and respect an organization that is able to create useful impact. In essence understanding and expectations in terms of capabilities shapes the preferences in African States forum shopping. When capabilities are to be considered, it is worthy to emphasis African Union cannot fully support conflict resolution, neither can it adequately prevent or manage conflicts.

The global forum (the UN) is more capable than the AU, using effective capability as yardstick for forum preferences, but the roles UN has played in many African cases has created sentimental dispositions in Africans believe to effective conflict resolution. The sentiment hails from the fact that UN has often failed in the past, which discredits much reliance on it. Most times, many will cite cases of 'Rwanda missed opportunities and failures'[182], as well as neglect in Somalia peace process. The lack of UN interest in African conflict has being explained in a spiral relationship of major African conflicts; failed mission in Somalia by UN is explained to have led to Rwanda crisis and then Congo crisis as well[183]. The phrase of how a

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[182] See Magnarella Paul J. Journal of international criminal justice "the backround and causes of Rwanda genocide" Vol.3 No.4 p805

[183] Bruce W Jentleson (2002), p241

stitch in time saves nine seems not to apply in African conflict prevention when evaluating UN's action, due to lack of interest and poor. In essence, the availability of forums is not the issue but the capabilities and effectiveness of forums to conflict resolution processes is what informs preferences.

While the above analysis explains AU-UN structural composition in line with effectiveness, availability of forums and forum shopping preferences, one would ask how a regional organization like EU affects forum shopping preferences. Also in what ways can EU structural composition be likened in efforts, preferences and 'actorness'[184] in African Conflict, compared to AU and UN analysis above? To understand this, an evaluation on AU-EU compositional structure and capabilities will be made below.

5.4 Comparative Analysis on EU-AU capabilities and structure

The comparison of EU-AU capabilities is based on an understanding of why and how EU acts in African conflict, what are the commonalities or differences between both organizations, also how credible is EU's involvement in conflict resolution process, juxtaposing its effectiveness in African conflict resolution compared to the African indigenous organization. In this section commonalities based on structural formation with regard to the types of conflict both regions experienced, and what makes EU better capacitated to conflict prevention, management and resolution compared to AU.

It is expedient that the UN tries to understand the conflict in question and attend to it properly just like they would do in other regions in order to provide confidence needed fro resolution. Also the need for reforming the permanent Security Council members to include an African representative acting as a liaison between the region and global organization is expedient as well

[184] 'Actorness' refers to the capabilities of EU in light with African conflict. See more in Hill C, -EU Foreign Policy relations

5.4.1 General Commonalities in AU-EU Conflict Resolution processes

When the possible commonalities in conflict are addressed, what informs the first level of comparison is the question of hierarchy. Second the type of conflict that exists in both regions. In the process of this analysis, the capabilities of each organization to take effective measures, and their level of understanding as to the dynamics of compared to the United Nation.

In the hierarchy of organizational forums, in relation to how authority is acquired for conflict resolution actions, the EU and the AU are at the same level of ranking. They are both regional organizations, (that is specific forums), which draw validity of actions from the universal forum (the UN). As such they stand to have mutual understanding with relation to regional issues based on authority to act in conflict. Also the nature and type of conflict both regional organizations have dealt with are quite similar; entailing ethno-political conflicts, though intra-State in nature but becomes internationalized, drawing the attention of the international community due to the impacts it creates on security such as; ethnic-cleansing, human right violations as seen in cases of Rwanda, Bosnia and Yugoslavia[185]. It is worthy to mention here that though both organizations have ethno-political elements in conflicts, the issue of ethnic composition is quite different in both regions. In the European context, ethnic conflicts often entail secessionist and political movement[186]. But in African, when ethnic conflicts are addressed often time it is not

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[185] See Magnarella Paul J. Journal of international criminal justice "the background and causes of Rwanda genocide" Vol.3 No.4, and 'Peacekeeping in new Europe' Washington quarterly, vol.15,no.2(spring1992)pp153-171

[186] Coppiettiers etal op.cit European ethnicity confined in a State often entails 2 or 3 unrelated ethnic groups, calling for separate governance because of incompatibility in living condition.

about secessionism, it mainly related to revolts against economic marginalization, political inequalities, and loyalties to cultural values, not necessarily with the aim of having a separate entity, but rather to be accepted by other ethnic groups and represented in the States they find themselves in.

The ethnicity of African conflict is quite complex, because in every African State the multiplicity of unrelated ethnic groups is quite common compared to European States who may have two or more ethnic related groups living side by side. This gives a unique nature of African ethnic conflicts, simply by an explanation of uti possidetis (in boundary formations following decolonization) which European States lacks in their composition. Often time an ethnic group within an African State is prone to affiliate with in group which is geographically located in a different State, this was the case of Tutsi's in Rwanda having ties with those in Uganda. African geographical map is more of a curse than blessing when ethnic conflicts are discussed, though for some it is seen as richness in diversity, but as long as diversity brings incompatibility there is no feasibility of richness in such an African geographic composition. Nevertheless, the impact of uti-possideties has drawn the European powers to African conflict as seen from the EU-strategy on Africa. This legislation shows EU commitment to the environmental concerns in Africa and also project measures that can improve environmental security among other things. The deduction from this strategy and the partnership agreements explained earlier shows that the EU is better disposed to understanding African conflict compared the United

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In Africa, more than 3 unrelated ethnic groups might be living side by side, and separating them will only complicate laws and structure of the system both at the regional level and the global level; due to effects of State multiplication and precedents for other States. This alone creates a fact that as long as secessionism is unrealistic in the African setting, better management of conflict compared to the EU can never be attained, in cases were secessionist movement might actually be the prevention of a spiral escalation of ethnic conflict.

Nations based on the fact that it understands root causes of conflicts and its impact. Understanding the plight of Africans in relation to conflict prevention is one of the basic necessities emphasized in the guidelines (principles) of 'Africa-EU strategic partnership'[187]. Since understanding is necessary for commitment and reliance on an approach to conflict resolution, it is not wrong to infer that EU is better capable in aiding African conflict resolution compared to the UN. Based on popular belief this is why Africans will prefer the EU forum in conflict resolution processes compare to UN. And this also gives credence to why AU is patterned in similar fashion to the EU. For AU, EU is more or less a model to emulate, which has undergone similar impacts of ethnic conflicts, it is at the same rank of organizational authority and it has the capacity to engage in conflict resolution, envisaged in its financial capacity and in EU Europeanization process explained in Manners terms in Chapter three of this work,. However, there are some structural similarities and differences in the approach of AU and EU when engaging in conflict resolution process, this will be highlighted below.

5.4.2 Structural Comparisons on AU and EU framework

In structural comparison, the first profound distinction between AU and EU is the relevance of supranational content in EU structure compared to AU. The EU acts as one entity under the framework of its supranational composition. It has no sub-regional units that may act in conflict resolution. But in AU, supranational inter-governmental structure does not exist, rather AU substitutes' supranational governance in the forms of sub-regional organizations cooperation; that complement the general goals of the AU. Nevertheless EU promotes the roles of AU sub regional

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[187] EU Press Release – The Africa-EU strategic partnership; Joint Africa-EU Strategy. press.office@consilium.europa.eu, and http://www.consilium.europa.eu/Newsroom

organizations in form of the ideas of solidarity, which entails local level promotion of conflict resolution.

In respect to structural similarities, the perception of EU being a model for AU explains why certain organs of the EU are replicated in AU. For instance, the EU CFSP framework is a policy that stipulates how the EU engages in conflict resolution, in like manner, the AU established the Mechanism for Conflict Prevention, Management and Resolution (MCPMR) as its own framework that regulates actions of conflict resolution process. Also it is evident that Troika composition within CFSP is replicated in AU Central Organ, having similar composition and roles within MCPMR. Additionally, the perception of both organizations to economic development and integration being yardsticks for curtailing causes of conflict also reflects the similarity in organizational framework. Economic development for both organizations is seen to be the basic medium for promoting regional peace and security[188]. Logically it can be insinuated that since both regions are prone to developmental goals; this also increases the credibility and reliance on EU forum when preference in forum shopping is considered by Africans. From the partnerships agreement explained above, the issue of economic development has often being reiterated in the relationship between EU and AU as the premise for security attainment.

In general, when perception influencing approaches of these organizations are evaluated, they operate in dissimilar ways. By this I mean EU predominantly engages in conflict resolution through Europeanization and normative power which entails diffusion in economic means (see details in Chapter 3 of this work). The EU does not necessarily see the need to engage in the use of military might per se, but

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[188] See more in 'AU Constitutive Act' www.africanunion.org, and

'Africa-EU strategic Partnership' www.europa.eu

with the AU though the value on economic integration is high, it however does not restrict its use of military power when necessary for peace attainment. An illustration of this can be seen in ECOMOG's role in Liberia and the Peacekeeping in Sierra Leone. These comparison shows that though many issues may be common to AU and EU, they however have some distinct differences in their perception and approach.

In conclusion, the analysis in this chapter shows there are different forums for which states in conflict can shop for resolution. As such the problem is not the availability of forum but the effectiveness of these forums based on their capabilities as they show understanding to conflicts and draw the attention of disputants to rely on the measures provided for conflict resolution. It is worthy to emphasize that, for conflict to be resolved mutual understanding of forum(s) and the disputants must exist. However, understanding must be displayed by the global, regional and sub-regional organizations commitment to conflict prevention, management and resolution in Africa with a collective security at heart not selfish interest.

Chapter 6

CONCLUSION

Conflicts have being rhetorically started by many scholars to be nothing out of the ordinary; it is more or less seen as a part of social life. However, the manner in which conflict is handled is what informs if it requires curtailing due to the promotion of peace and security. Security is quintessential for States stability and peace. When conflicts becomes a threat to it, States becomes obliged to resolve conflicts at different levels due to the effect conflicts might have on States, regions and international stability.

Based on historical analysis, the impact of conflict was the premise for which organizational roles in conflict resolution became prominent. The first international system, the League of Nations, (succeeded by the United Nations today) was established in light with collective security due to the threats that conflict posed to States securities. The UN which is the Leagues' successor acts within the same goals of ensuring peace and stability based on its roles of conflict prevention, and resolution. The UN is the first organization capacitated to act in conflict resolution processes, and it retains autonomy as to what measures should be employed in conflict resolution processes. When UN acts in conflict prevention and resolution capacity, it acts on behalf of every State in the globe which makes its role a global role to conflict resolution. However it draws the cooperation of regional agencies to engage in conflict prevention as well, which envisages UN's proliferation of conflict prevention goals at fragmented (specific) levels, in other to ensure resolution at lower

levels to deter its impact from extending to the international system. The evidence of UN and other regional agencies (organization) involved in conflict prevention and resolution processes especially in the African region, shows the availability of several forums disposed to deterring conflict threats.

The premise for regional organizations involvement in conflict resolution follows a chain of command and standardized procedural measures, which are often diplomatic forms of conflict settlement (negotiation, arbitration, mediation, judicial forms of settlement, or peacekeeping and peacemaking activities), explained in chapter two of this work. A deflect from these standards often call for criticisms and legal prosecution.   The UN sets the standard for regional organizations; because it stands at the top of organizational hierarchical chain of command, it is also the general (global) forum from which specific forums (regional and sub-regional organizations) draw authority and validity in actions from.

The application of these standardized measures by different organizations in Africa resolution has being evaluated in this work. The deductions in the course of my evaluation shows that, the African region is one of the major areas were collective actions has being taken, by different organizations, to ensure security through the promotion of conflict resolution. Conflict resolution curbs security threats that conflict brings to peace due to the impact and consequences conflict leaves in regions and the international society. The nature of African conflicts shows that most conflicts in the region are quite susceptible and prone to international concerns and impacts; especially those which originate from socio-economic insecurities displayed in ethnic conflicts, civil wars and political riots. The characteristics of these conflicts carries along with it elements of human rights violations which call for international or external responses. Human right violation is

an issue that cannot be curtailed by African States themselves. When human rights violation occurs, the level of migration, refugee influx, trans-border crimes among other issues becomes a source of concern to external States even when conflicts never erupted from such States. Since Human rights violation is an issue under international law, and the UN is committed to promoting civil rights, the platform for its involvement becomes necessary (in response to the responsibility to protect civilians from arms way). This is also an issue for which other organizations participates in African conflict resolution processes.

In light with the above issues when the UN engages in African conflict resolution (being an external organization) it makes use of peacekeeping operations and peacemaking operations to settle, monitor and prevent conflict escalations that threatens human security. The EU which is also analyzed along same lines of UN with regard to external organizational roles in chapter three of this work, imbibes the use of diplomatic measures especially mediation support and funding to advance African conflict resolution. But having these organizations participating in African conflict resolution process still leaves doubts as to what hope is there for African conflicts to be effectively curtailed. Obviously, the region is still susceptible to conflict threats, and still poses great danger to peace and security in the region and in the international system. An illustration concern of threat today can be seen from the detrimental impact of piracy in Somalia; which has transcended beyond regional insecurities into international insecurities. But one would ask how an African conflict spurs out of control to the extent that it impacts the international system when there are several mechanisms in place to curb conflicts? More so, what role have the African indigenous organizations played in curbing indigenous conflict? And if several forums are available in African conflict resolution processes, to what extend

have they being effective? These are basic question the thesis evaluates, though they are quite complex analysis that entails several angles of arguments, meaning different people can answer these questions with regard to the angle of argument they aligns with. However, for most critics, the roles of African organizations are often questioned with regard to early containment of conflict to deter international impacts. But when most Africans are asked this question, the general argument from the Africans point of view follows the fact that, though the conflicts are indigenous African conflicts but it does not require the Africans to resolve it alone because the decay conflict has caused in the region can be traced to both internal weaknesses on the part of Africans, and external influences as a result of super power tensions in the 1960's as well as the era of colonization. As such both external and internal efforts are needed to curb the problems and challenges the region faces.

However, from my evaluations in the cause of this work, several findings and recommendations can explain several arguments that the above question poses with regard to what has been done so far by several organizations, and also why conflicts are still poses threat to regional security and international security.

Firstly, it is worthy to mention that not so much has being done to effectively resolve African conflict, regardless of the forums available in the region, but some efforts can be praised with reservations to the fact that there is room for much more to be done, both from indigenous and external forums participating in African resolution processes.

Secondly, it is expedient to note that the reason for ineffectiveness from the roles organizations seen so far, are based on certain deadlocks and limitations these organizations faces. To summarize my findings and recommendations with regard to

this issue of limitations and ineffectiveness, I will start by outlining external forums efforts first then the efforts and limitations of indigenous organizations;

- The UN (global forums) limitations:

The level of understanding on what African conflict entails, is quite poor from the global forum (the UN; supposedly committed to conflict prevention at several levels). From the analysis in Chapter three and five, the UN is not quite clear as to the dynamic nature and characteristics of African conflict. With illustrative examples in these chapters, UN commitment to African resolution has been marred by mission creep, as seen in Somalia were it backed out from the conflicts, which could have being long resolved, and the current Somalia piracy could probably have been averted. It is quite hard to accept losses, but the fact that losses are recorded in peacekeeping missions (as a result of cross fire death counts) should not constitute a withdrawal of actions per se, neither should it constitute a nonchalant approach to conflicts prevention when the need arises; because in my opinion the effect such conflict aftermath might leave on societies may be much more detrimental to national and human security compared to its initial state of eruption. More so, when the UN backs out of a mission on the basis of low interest it leaves a question of credibility in its role and also the question on responsibility to protect civilians. The cases of Rwanda and Somalia often questions the capacity and capabilities of UN actions in African conflict, this obviously needs to be checked. The purpose of this UN evaluation and finding is not in any way meant to condemn UN's effort per se, but to draw a caution to the way they handle conflicts in the African region. There is need for the UN to go beyond the super flux of 'mere says', and try to understand the African peoples' plight and the nature of conflict in the region; else further limitations may occur as a result of shaped dispositions by Africans over the way UN

gets involved in Africa conflicts. In today's dispensation, African general dispositions to the role UN play in the region has greatly minimized their trust and confidence in UN involvement; because they see UN as only advancing its interest were it tends to gain or receive benefits of its actions. This is one major reason that accounts for poor commitment on the parts of disputants to UN led effective resolution. In essence, understanding and commitment from both resolvers and disputants in the process of resolution is a virtue for attaining effective resolution by the global forum. Additionally, the role of self interest by big powers should be checked with regard to the collective interest of the organization. As seen from chapter five's analysis, the nature of veto often plays a bossy role as to UN involvement in African conflicts; this obviously weakens the bid of achieving resolution and peace contribution by the global forum to the region.

- EU limitations:

The European Union seems to be better disposed with regard to understanding the African conflicts compared to the UN, but the EU is limited in its role due to its ideas Europeanization, which projects economic integration above military might. Though, economic developments have great impact on African conflict resolution due to the fact that underdevelopment is one of the causes of African conflicts; but not all conflicts can be resolved through economic development means. Some conflicts may require harder measures in forms of military might before it can be curtailed or prevented from escalations. The problem here is that while the EU only projects diplomatic economic means of resolution through the power of persuasion and influence in the normative power diffusion, it lacks the full capacity and authorities to act in military required cases of conflict, presupposing peacekeeping measures like in ECOWAS region, seen in chapter three and four analysis. However, it might be

argued that the UN maintains autonomy on the use of force, and as such the EU cannot really have a say as to the use of military might. In my opinion this is not completely true because the EU has a power of influence in global issues, and it works side by side with the UN in issues like conflict resolution in the globe. EU can make use of its influence in the global forum to take speedy military actions when needed to curtail African conflicts More so, since it understands African conflicts better, many would expect that just like it spurs economic development measures of conflict resolution, it can also spur the UN to committed goals of conflict prevention and management, projecting the aim of collective interest rather than the interest of a few displayed within the UN security Council. Nevertheless credit must be given to its role in supporting the training of Somalia forces in Uganda, which is expected to promote Somalia stability but room can be created for more influential roles within the UN forum.

- African Indigenous Organizations limitations:

Indigenous African organizations (AU and AU sub-regional organizations analyzed in this work) have also limitations that contribute to ineffective conflict resolution within the region. The African Union as well as its sub-regional organizations lacks the capability to act efficiently in conflict resolution. The limitation in these organizations has to do with financial constraints. Financial constrains also reveals the impact of underdevelopment to conflict escalation and impediment to security issues to a large extend. This constrains reflects in troops support of peacekeeping missions of AU led operations. The fact that indigenous organizations in Africa are prone to incapacity to act effectively makes them look out externally for aid; calling for help from other organizations to aid conflict resolution processes. While financial constrains may explain one dimension of indigenous organizations limitation,

Africans must also learn to promote public interest ahead of selfish interest; because aside the fact that traces of conflict instigation can be linked to external influences, Africans have also promoted the decay conflicts have caused in the region due to selfish interest thriving over collective good, as seen from political will of government officials, disrespect for the rule of Law and the impact of human right violations based on political abuse of power. If the idea of pan-Africanism is about promoting freedom and security for the African peoples, who share similar experiences with regard to colonization, then they must be disposed to mutual understanding of promoting freedoms and democratic values embedded in peace and security advancement at individual, national and regional levels. Nevertheless, I recognize the fact that Africans obviously needs support also from external forums if they must become more capacitated in conflict resolution. And as such I see the need for texting hybrid roles to check how effective security in conflict resolution goals can be achieved, and also see how best African conflict resolution can be served. But from my deduction based on the analysis of chapter five, hybrid between an indigenous and an external organization, (like the illustration made between UN and AU structure) has certain issues that need to be addressed before effectiveness can ensued. Generally, hybrid formation will capacitate the AU better in handling conflict because it will bring in logistics, expertise and more support which the AU needs to become more effective if not efficient, as long as commitment is present to motivate actions. But the danger in hybrid is the question of incompatibility which entails proper understanding of structural goals and hierarchy commands. Before expanding on hybrid incompatibility idea, I would like to explain the issue of hierarchy within organizational forums.

The hierarchy that exists within the forums evaluated in this work is a vertical authority distribution. When conflict prevention or resolution is addressed the measures for which it can be attained are enshrined in the general norms given in the UN charter. In essence all other organizations must draw validity of actions in conflict resolution from the UN before their actions will be justified. As such the UN retains autonomy of authority as to how its far organizations can act. This in no way implies that regional forums cannot act independently from the UN; they certainly can, but their independence is partial because they must comply with the standards and provisions given in the UN charter. This buttresses proliferation of UN goals which shows a kind of reflection as to the replication of the measures by regional forums when engaging in conflict resolution processes. In other words, regional measures are not different from global measures of conflict resolution evaluated in this work. When a hybrid occurs, the respect for hierarchical authority may slow the pace of resolution process in Africa because as seen from the above, the UN and AU tend to view interest and commitment to resolution differently. Incompatibility in hybrid formation of UN-AU forum in African resolution process can also occurs as a result of cultural barriers and poor understanding of the nature of conflict. Incompatibility in hybrid can simply be explained (like in chapter five) to a tale of two masters with one servant. Who do you obey when an order is given by two structures yet to synchronize their goals and objectives in light with mutual understanding? So in what way does authority dictate the pace of effectiveness of hybrid forum in African conflict resolution? From my analysis it is obvious nothing can be done with regard to the structural authority passed down from the global organization down to regional organizations, but the higher authority must take the understanding of lower structural dispositions into consideration to advancing a

general good conflict resolution brings to security. It is expedient that the higher authority shows understanding and commitment to the cause of action, because in such way it sets good example for the lower authority to follow. If poor understanding and commitment is displayed by the higher authority, or the ranking of hierarchical authority becomes bossy in the issues of resolution, two things are likely to occur; one either the lower authority backs out from the process itself or it gets weakened in commitment just like the higher authority (which is UN in this illustration), in either case the aim of resolution would have being thwarted. My recommendation in the case of hybrid formations is that compatibility should be based on committed collective interest, without regard for hierarchical ranking bossing around with decisions but rather for hybrid forums to focus on preventing, managing and resolving conflicts to promote security at different levels. More so, hybrid should be seen as a source of empowerment at the regional levels by global the forum, and should be noted that when it works, it is for the good of regional and global security.

In conclusion, African conflict resolution is open to several forums, and these forums must pursue conflict resolution in the interest of all not a few; because its impact can rub on other States or regions regardless of their geographical locations. More so, "non-involvement of organizational commitment to conflict prevention is an illusory option says Safty, and inaction in the face of massive violence on the part of organizations is morally indefensible"[189]. In order words, if African security and the international security must be promoted, all hands (both external organizations and internal organizations) must be on deck, to drive out elements that undermines

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[189] Safty A. ibid, p.401

peace within the region and across the region, since insecurity to one is likely to be an insecurity to all.

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APPENDICES

Appendix A: List of UN Peace Keeping Operations in Africa

Dates of operation	Name of Operation	Location	Conflict	Website
1960–1964	United Nations Operation in the Congo (ONUC)		Congo	Congo Crisis
1988–1991	United Nations Angola Verification Mission I (UNAVEM I)		Angola	Angolan Civil War
1989–1990	United Nations Transition Assistance Group (UNTAG)		Namibia	Namibian War of Independence
1991–1995	United Nations Angola Verification Mission II (UNAVEM II)		Angola	Angolan Civil War
1992–1994	United Nations Operation in Mozambique (ONUMOZ)		Mozambique	Mozambican Civil War
1992–1993	United Nations Operation in Somalia I (UNOSOM I)		Somalia	Somali Civil War
1993–1997	United Nations Observer Mission in Liberia (UNOMIL)		Liberia	First Liberian Civil War
1993–1994	United Nations Observer Mission Uganda-Rwanda (UNOMUR)		Rwanda / Uganda	Rwandan Civil War

1993–1996	United Nations Assistance Mission for Rwanda (UNAMIR)		Rwanda	Rwandan Civil War
1993–1995	United Nations Operation in Somalia II (UNOSOM II)		Somalia	Somali Civil War
1994	United Nations Aouzou Strip Observer Group (UNASOG)		Chad	Aouzou Strip dispute
			Libya	
1995–1997	United Nations Angola Verification Mission III (UNAVEM III)		Angola	Angolan Civil War
1997–1999	United Nations Observer Mission in Angola (MONUA)		Angola	Angolan Civil War
1998–1999	United Nations Observer Mission in Sierra Leone (UNOMSIL)		Sierra Leone	Sierra Leone civil war
1998–2000	United Nations Mission in the Central African Republic (MINURCA)		Central African Republic	Central African Republic mutinies
1999–2005	United Nations Mission in Sierra Leone (UNAMSIL)		Sierra Leone	Sierra Leone civil war

2000–2008	United Nations Mission in Ethiopia and Eritrea (UNMEE)		Eritrea	Eritrean-Ethiopian War
			Ethiopia	
2004–2007	United Nations Operation in Burundi (ONUB)		Burundi	Burundi Civil War

Source: www.un.org/list/peacekeeping_Africa accessed 20th May, 2010.

Appendix B: Current African States of UN Peacekeeping

- United Nations Mission in the Central African Republic and Chad (MINURCAT)
- African Union-United Nations Hybrid Operation in Darfur (UNAMID)
- United Nations Mission in the Sudan (UNMIS)
- United Nations Operation in Côte d'Ivoire (UNOCI)
- United Nations Mission in Liberia (UNMIL)
- United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)
- United Nations Mission for the Referendum in Western Sahara (MINURSO)

Source; www.un-org/en/peacekeeping/mission/unoci

Appendix C: African Cases under ICC investigations

Northern Uganda	Government of Uganda	(December 2003)
Central African Republic	Government of CAR	December 2004
Democratic Republic of the Congo (DRC)	Government of the DRC	(March 2004)
Darfur, Sudan	UN Security Council	(march 2005)
Republic of Kenya	Government	2008-1010

Appendix D: African map showing most prone conflict zones
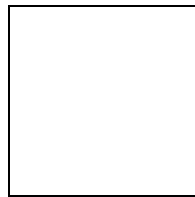
Source; www.usaid.gov/.../conflict/support/afr.html