Conflict Resolution Mechanism of the African Union and the Management of Darfur Conflict 2003 – 2009

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Abstract: This article identified whether the conflict resolution mechanism of the African Union helped in the management of the conflict in the Darfur region of Sudan between 2003 and 2009. The study contends that with the increase in intensity in the Darfur crisis, an Inter-Sudanese Peace Talks was arranged in Abuja-Nigeria in 2005, under the auspices of an African Union (AU) mediation team led by Salim Ahmed Salim and supported by the United Nation (UN), the United Kingdom (UK,) the United States (US) and other international partners. The Darfur Peace Agreement (DPA) was signed on 5th May, 2006, by the government and by Minni Minawi, the leader of one of the two SLM factions, but was rejected by Justice and Equality Movement (JEM) and Abdel Wahid al Nur, the leader of the other Sudan Liberation Movement (SLM) faction. Thus, all the factions concerned with the crisis were not involved in the deliberations instead foreigners dominated the deliberations. The study revealed that such conflict management efforts that treat Darfur outside of its Sudanese context became counter-productive, thus, the conflict resolution mechanisms of the African Union failed in the management of the conflict in the Darfur region. The study suggested the need for a fundamental overhaul of AU's conflict management mechanisms thus, the AU should adopt the conventional process for conflict resolution with all the parties or factions participating in the process without any form of external imposition or interference and threat.

Keywords: African Union, Darfur Conflict, Conflict Management, Conflict Resolution Mechanism, Management of Darfur Conflict, Organisation of African Unity.

1.   INTRODUCTION

The Organisation of African Unity (OAU), was established on 25th May, 1963, in Addis Ababa, on signature of the OAU Charter by representatives of 32 governments. Twenty one (21) states later joined as the years passed by.[1] The charter establishing the organization affirmed that OAU was not provided with enough leeway to effectively and adequately help in averting, overseeing and conflicts resolution in African States[2].The OAU as a matter of fact, was required to adhere strictly with the fixed motto of non-interference in the internal affairs of African countries, this hindered the OAU from settling conflicts in Liberia, Somalia, Rwanda, Sierra Leone, and Sudan, to mention but a few. These draw backs and stumbling blocks of OAU led to the formation and eventual emergence of African Union (AU).

The AU, is consisting of 54 African states, the secretariat, which is "The African Union Commission" is situated at Addis Ababa. Morocco is the only African state that is not a member. The AU was established on 26th May, 2001, in Addis Ababa and launched on 9th July, 2002, in South Africa.[3] Some of the main objectives of the Union include promotion of peace, security, and stability in the continent. The Peace and Security Council (PSC) of the Union was formally launched in accordance with Article 5 (2) of the Constitutive Act in May 2004, formulation of AU's Defense and Security Policy immediately followed. At the same time the establishment of the structures and mechanisms for ensuring peace and security in the continent was launched. These include: the African Standby Force (ASF), the Military Staff Committee,

the panel of the Wise, comprising five highly commended Africans that have made outstanding contributions to the cause of peace, security and development, and the Continental Early Warning System (CEWS). These structures enabled the AU to embark on missions in various African countries like Liberia, Sudan, Somalia and Burundi etc with varied results, while the organisation succeeded in Burundi and Liberia they failed in Somalia.

The War in Darfur which began in February 2003 involved various factions. One side of the conflict was composed mainly of Sudanese military and police and the Janjaweed, a Sudanese militia group recruited mostly among Arabized indigenous Africans and a small number of Bedouin of the northern Rizeigat; the majority of other Arab groups in Darfur remained uninvolved. The other side was made up of rebel groups, notably the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM), recruited primarily from the non-Arab Muslim Fur, Zaghawa, and Masalit ethnic groups. Although the Sudanese government publicly denied that it supported the Janjaweed, evidence supports claimed that it provided financial assistance and weapons and coordinated joint attacks, many against civilians.[4]

The escalation of this conflict in the early part of 2003 led to AU 2004 intervention in the crisis in line with its charter and responsibilities.[5] As stated earlier, one of the primary objectives for which the AU was created is to promote peace, security, and stability on the continent [Article 3(f) of the Constitutive Act]. Among its principles is peaceful resolution of conflicts among Member States of the Union through such appropriate means as may be decided upon by the Assembly [Article 4(e) of the Constitutive Act]. The primary body charged with implementing these objectives and principles is the Peace and Security Council [PSC], which has the power, among other things, to authorize peace support missions, to impose sanctions in case of unconstitutional change of government, and to "take initiatives and action it deems appropriate" in response to potential or actual conflicts. The PSC is a decision-making body in its own right, and its decisions are binding on member states. Article 4(h) of the Constitutive Act, repeated in article 4 of the Protocol to the Constitutive Act on the PSC, authorizes the Union to intervene in member state in circumstances of war crimes, genocide and crimes against humanity. Any decision to intervene in a member state under article 4 of the Constitutive Act will be made by the Assembly on the recommendation of the PSC[6].

As a result of the foregoing, the PSC has continued in its attempt towards resolving the Darfur crises since 2004, it adopted a lot of conflict resolution mechanisms among others is creating the AU peacekeeping operations in Darfur, yet the Darfur crises continued unabated. This paper thus, is an attempt to delve into the activities of the African Union and conflict resolution mechanism adopted for the management of Darfur conflict between 2003 and 2009.

2. CONFLICT MANAGEMENT

Conflict management is the process of reducing the bad aspects of conflict at the same time increasing the good aspects of conflict. The aim of conflict management is to enhance learning and group outcomes, including effectiveness or performance in organizational setting..[7] Well managed conflict can make group outcomes become better.[8] [9][10] [11][12]

Conflict management is the practice of recognizing and dealing with rows or squabbles in a realistic, sensible, impartial, effectual and potent way. This involves adequate communication, problem solving abilities and efficient negotiating skills to bring back the focus of the overall goals. Overall conflict management should aim to minimize affective conflicts at all levels, attain and maintain a moderate amount of substantive conflict, and use the appropriate conflict management strategy to efficaciously bring about the first two goals, and also to match the status and concerns of the two parties in conflict.[13]

In order for conflict management strategies to be effective, they should satisfy certain criteria. Below are particularly useful criteria for not only conflict management, but also decision making in management.

Organization Learning and Effectiveness- In order to attain this objective, conflict management strategies should be designed to enhance critical and innovative thinking to learn the process of diagnosis and intervention in the right problems.

Needs of Stakeholders- Sometimes multiple parties are involved in a conflict in an organization and the challenge of conflict management would be to involve these parties in a problem solving process that will lead to collective learning

and organizational effectiveness. organizations should institutionalize the positions of employee advocate, customer and supplier advocate, as well as environmental and stockholder advocates.

Ethics - A wise leader must behave ethically, and to do so the leader should be open to new information and be willing to change his or her mind. By the same token subordinates and other stakeholders have an ethical duty to speak out against the decisions of supervisors when consequences of these decisions are likely to be serious. "Without an understanding of ethics, conflict cannot be handled".[14]

On steps to manage conflict, the first step is reactionary by appraising and responding to the conflict. The second step is proactive by resolving and deciding how the employee responded to the decision. The manager tries to take (create) a new approach, and once again tries to discern how the employee reacts. Once the manager feels that the best decision for the organization has been chosen, and the employee feels justified, then the manager decides if this is a single case conflict, or one that should be written as policy. The entire process starts as a reactive situation but then moves towards a proactive decision. It is based on obtaining an outcome that best fits the organization, but emphasizes the perception of justice for the employee.[15]

Five steps of managing conflict was highlighted and they include:

Anticipate – Taking time in obtaining information that can facilitate conflict.

Prevent – Development of strategies prior to conflict.

Identify – If it is interpersonal or procedural, advance to manage it fast.

Manage – Do not forget that conflict is emotional

Resolve – Act, and do not blame and you will learn through discussion.[16]

Melissa Taylor's research on Locus of Control is directly related to individual abilities of communication, especially as it pertains to interpersonal conflict. She also states that conflicts should be solution driven which are creative and integrative. They should be non-confrontational, and they should still maintain control, utilizing non-verbal messages to achieve the outcome. [17]

Rahim, Antonioni, and Psenicka's article deals with two types of leaders. Those that have concern for themselves, and those that have concern for others. [18]They also have degrees of conflict management style:

- Integrating involves opening up, creating dialogue, and exploring differences to choose an effective solution for both groups. "This style is positively associated with individual and organizational outcomes." [19] Obliging tries to find the same interests of the parties, while trying to minimize the true feeling of the conflict, to satisfy the other party.

- Dominating is a coercive manager who forces their own way.

- Avoiding is ignoring the problem in hopes that it will go away.

- Compromising is a manager that is willing to make concessions and the employee makes concessions for a mutual agreement. [20]

The avoiding and dominating styles are considered ineffective in management while discussing on international crises management, special consideration should be paid to conflict management between two parties from distinct cultures. pseudo conflicts, arise when members of one culture are unable to understand culturally determined differences in communication practices, traditions, and thought processing. Pseudo conflict is when someone thinks there is a conflict when there really is none. This conflict arises from a misunderstanding.[21]

Indeed, this has already been observed in the business research literature. There are several episodes where managers from developed countries moved to less developed countries to resolve conflicts within the company and met with little success due to their failure to adapt to the conflict management styles of the local culture. He noted that Asian cultures are far more likely to use a harmony model of conflict management. If a party operating from a harmony model comes in conflict with a party using a more confrontational model, misunderstandings above and beyond those generated by the conflict itself will arise. International conflict management, and the cultural issues associated with it, is one of the primary

areas of research in the field at the time, as existing research is insufficient to deal with the ever increasing contact occurring between international entities.[22]

3.   AFRICAN UNION

"The African Union" (AU) is a union consisting of 54 African states. Morocco is the only African state that is not a member of the AU. The AU was established on 26 May 2001 in Addis Ababa and launched on 9 July 2002 in South Africa to take over from the Organisation of African Unity (OAU). The most important decisions of the AU are made by the Assembly of the African Union, a semi-annual meeting of the heads of state and government of its member states. The AU's secretariat, the African Union Commission, is based in Addis Ababa, Ethiopia.

The objectives of the AU are:

- To achieve greater unity and solidarity between the African countries and Africans.

- To defend the sovereignty, territorial integrity and independence of its Member States.

- To accelerate the political and socio-economic integration of the continent.

- To promote and defend African common positions on issues of interest to the continent and its peoples.

- To encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights.

- To promote peace, security, and stability on the continent.

- To promote democratic principles and institutions, popular participation and good governance.

- To promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments.

- To establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations.

- To promote sustainable development at the economic, social and cultural levels as well as the integration of African economies.

- To promote co-operation in all fields of human activity to raise the living standards of African peoples.

- To coordinate and harmonise the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union.

- To advance the development of the continent by promoting research in all fields, in particular in science and technology.

- To work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent.[23]

The African Union is made up of both political and administrative bodies. The top most decision-making organ is the Assembly of the African Union, made up of all the heads of state or government of member states of the AU. The Assembly has a chairman. The AU also has a representative body, the Pan African Parliament, which consists of 265 members elected by the national parliaments of the AU member states. Other bodies include:

- The Executive Council, made up of foreign ministers, which prepares decisions for the Assembly;

- The Permanent Representatives Committee, made up of the ambassadors to Addis Ababa of AU member states; and

- The Economic, Social, and Cultural Council (ECOSOCC), a civil society consultative body.[24]

The main administrative capital of the African Union is in Addis Ababa, Ethiopia, where the African Union Commission is headquartered. A new headquarters complex, the AU Conference Center and Office Complex (AUCC), was

inaugurated on 28 January 2012, during the 18th AU summit. The complex was built by China State Construction Engineering Corporation as a gift from the Chinese government, and accommodates, amongst other facilities, a 2,500-seat plenary hall and a 20-story office tower. The tower is 99.9 meters high to signify the date 9 September 1999, when the Organization of African Unity voted to become the African Union. [25]

Other AU structures are hosted by different member states:

• The African Commission on Human and Peoples' Rights is based in Banjul, the Gambia; and

• The New Partnership for Africa's Development (NEPAD) and African Peer Review Mechanism (APRM) Secretariats and the Pan-African Parliament are in Midrand, South Africa.

Another structure worth mentioning is the Peace and Security Council (PSC)

The PSC is central to its structures. As a response to the ineffectiveness of the OAU's mechanism, African leaders decided in May 2001 to devise a new security regime to operate within the framework of the nascent AU. The PSC is mandated to perform a wide-range of peace and security functions. Specifically, the central tasks that have been assigned to AU's security mechanisms include:

• Promoting and furtherance of peace, security and stability in Africa;

• Anticipating and preventing conflicts;.

• encouragement, promotion   and   implementation of   peace-building and post-conflict reconstruction;

• organizing, coordinating and harmonizing continental efforts in the prevention and combating of international terrorism;

• Growing a common defense policy that can be operationalised;

• promotion and encouragement of democratic   practices, good governance and the rule of law, through the protection of human rights and fundamental freedoms, the sanctity of human life, and international humanitarian law (See Article 3 of the Protocol Relating to the Establishment of the Peace and Security Council of the AU).[26]

Apart from Morocco, the AU covers the entire continent. Morocco is not a member because its government opposes the membership of Western Sahara as the Sahrawi Arab Democratic Republic. However, Morocco has a special status within the AU and benefits from the services available to all AU states from the institutions of the AU, such as the African Development Bank. Moroccan delegates also participate at important AU functions, and negotiations.[27]

May 2003 deployment of a peacekeeping force of soldiers from Ethiopia, South Africa, and Mozambique to Burundi to oversee the implementation of the various agreement was AU's first military intervention in a member state. The AU also deployed troops to Somalia for peacekeeping of which the peacekeeping troops were from Uganda and Burundi. Before the AU mission was handed over to the United Nations on 1 January 2008, AU also sent troops to Sudan for peacekeeping in the Darfur conflict. [28]

African Union's Conflict Resolution Mechanism have not helped in Managing the Conflict in the Darfur Region of Sothern Sudan:

Peace talks to end the 20-year North-South war between al-Bashir's ruling National Congress Party (NCP) and John Garang's Sudan People's Liberation Movement (SPLM) took place in Naivasha, Kenya when the Darfur conflict broke out in 2003. The people of Darfur were largely excluded from the talks. A Comprehensive Peace Agreement (CPA) was arrived at in Naivasha talk. A blueprint and a roadmap were provided by the CPA for a democratic 'New Sudan,' where wealth and political power will equitably be shared between the central government and the outskirts.[29] Again, in 2006 "Abuja peace talk" the same experience was at play, wherein the Darfur Peace Agreement (DPA) was signed. However, such conflict management efforts that treat Darfur outside of its Sudanese context can be counter-productive.

With severity increase in intensity in the Darfur crisis, an Inter-Sudanese Peace Talks was arranged in Abuja-Nigeria in 2005, under the auspices of an African Union (AU) mediation team led by Salim Ahmed Salim and supported by the UN, the UK, the US and other international partners. The Darfur Peace Agreement (DPA) was signed on 5th May, 2006, by

the government and by Minni Minawi, the leader of one of the two SLM factions, but was rejected by JEM and Abdel Wahid al Nur, the leader of the other SLM faction. [30]

The DPA failed to achieve peace as the post DPA in Darfur was characteristically inflamed more violently than before the agreement, thus, necessitating the Government and Minawi to form a dreadful offensive military collusion and accord and attacked areas that gave support to Abdel Wahid, while the Janjaweed's onslaughts persisted..Extensive opposition to the deal grew within the Minawi group, with some commanders announcing a suspension of the DPA. Four senior officials from JEM and the Abdel Wahid faction contrarily signed a declaration of support for the Agreement and some leaders in Abdel Wahid's grouping broke away because of his stance. As the International Crisis Group (ICG) put it, the DPA "accelerated the break-up of the insurgency into smaller blocs along ethnic lines". The DPA did not resonate with the people of Darfur and experienced growing resistance from internally displaced persons (IDPs) in particular. They were of the view that the agreement "has been forced upon them and, rather than meeting the interests of all parties somewhere halfway, only strengthens the position of the government and (Minawi's) minority tribe, the Zaghawa". [31]

The DPA contains the following provisions: wealth-sharing and compensation for the victims of the conflict; ceasefire arrangements and long-term security issues; power-sharing and political representation; and a Darfur - Darfur Dialogue and Consultation designed to facilitate local dialogue and reconciliation.[32] The content of the DPA has been criticized by a number of analysts. (Flint, 2006), including the ICG whose commentary sparked a heated exchange with the AU. These arguments and criticisms strengthened the position of the opposition groups. In the Abuja talks that produced the DPA, the negotiating parties were not willing to participate in negotiations and failed to forge agreements; the AU and its international partners, desperate for a quick accord, pursued a counter-productive strategy of deadline diplomacy that hindered progress; and the mediators were consequently unable to undertake effective mediation. Its implementation became difficult. The multiple historical, structural, political, social and economic causes of the conflict made quick accord unviable. This was re-enforced greatly by the protagonists' mutual hatred and suspicion that have arisen out of years of hostilities and marginalization.

Moreover, an enduring peace agreement cannot be forced on the parties. It has to be shaped and owned by them since it cannot be implemented without their consent and co-operation and its sustainability requires their adherence to its provisions in the long term. This has been frequently ignored by states and multinational organizations that seek to end civil wars through power-based diplomacy rather than confidence-building mediation. The mediators adopted an unobserved deadline diplomacy,[33] unapplied threat of the use of force and sanctions void of negotiations. Five days before the 2006, 30 April deadline, the mediation team, presented the DPA to the parties, giving them less than a week to go through, reflect, digest, meditate, comprehend, deliberate within their ranks and then authenticate and endorse an 86-page English-language document.[34] Abaker Mohamed Abuelbashar, one of Abdel Wahid's negotiators, puts the case as follows:

Above all, the (rebel) Movements have been given an ultimatum of five days to sign the document or leave it and this is clearly against the prevailing understanding of negotiation norms world-wide which allow the parties to negotiate every issue and reach a compromise position, where everybody is a winner.[35]

The parties totally and strongly disagreed on almost all the vital issues covered by the DPA; the rebels had no opportunity to inform and consult their members on the version of the DPA in Arabic, the language of choice for most of the rebel's significant mistranslations and ambiguities. The rebels asked the mediators to give them three weeks to study and comment on the document. [36] There request was turned down and consequently, they rejected the DPA. In addition to these problems, a peace agreement that did not include Abdel Wahid, whose faction represented the largest ethnic group in Darfur and the majority of the IDPs, was never likely to achieve its goals. To protest and drive their interest home, they intensified their struggle. These showcases the procedural and commensurate political weakness of the DPA, which was a product of externally imposed deadlines, international pressure and the mediators' drafting efforts rather than a product of negotiated compromises and agreements reached by the parties themselves. This culminated in the failure of AU's effort to manage the Darfur conflict.

However, it was argued that most of these roles controversially hindered the achievement of peace in Darfur. [37]

4. CONCLUSION

African Union's conflict resolution mechanism did not help in managing the Conflict in the Darfur Region of Southern Sudan. The AU, with its conflict resolution mechanisms could not adequately manage the Darfur conflict. The AU's process of restoring peace in Sudan was devoid of international Standards of conflict resolution which include dialogue, negotiation, compromise and agreement. AU's peace process excluded some factions and using threat, deadline diplomacy, the DPA was forced on the factions to sign. These guaranteed the failure of AU mission to Darfur, Sudan.

There is a serious need for a fundamental overhaul of AU's approach and responses to conflict resolution not only in Darfur, but in other African countries, thus, we consider it very pertinent to recommend that AU should adopt the conventional process for conflict resolution, all parties or factions participating in conflicts should be involved in negotiation devoid of external imposition or interference and threat.

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