

THE AFRICAN UNION AND ITS CONFLICT RESOLUTION APPARATUS

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ABSTRACT

This paper reflects on the role of the African Union in implementation of its conflict resolution apparatus. The emerging picture is that African leaders are taking responsibilities for making, building and keeping peace in Africa. They recognize that the days of non – interference and expecting the world to resolve conflict situations created by them are over. The AU would achieve results if member states are more committed to removing challenges faced by the organization. The most relevant include the poor commitment of some African leaders to positive peace, the regional organization is still underfunded as the former OAU and problem of weak national armies in some states comprises efficiency of peace support operations.

Keywords: African Union, Conflict Resolution

INTRODUCTION

Armed ethnic conflicts civil wars, violence and the collapse of governments represent the greatest challenge to peace, security and stability in the continent .These threats have become more pronounced and indeed have taken on a scale, intensity and frequently that has defied even the imagination of the greatest science fiction author. This has pushed many Africans calling for African solution to African problems. They blame their inability to achieve their aim on the pernicious proxy wars of the cold war era that engulfed parts of the African continent. Between 1960 and 1990 eighteen civil wars in Africa resulted in about 7 million deaths and spawned 5 million refugees.¹ Though the then superpower rivalry of the cold war fuelled many African conflicts, their roots were internal: inept political leadership which manipulated ethnic to favour or suppress particular groups' unresolved differences from colonially inherited artificial borders, weak and unproductive economies, inefficient bureaucracies, unstable or weak institutions and fragile political authority.

There was the urgency among African policy makers in search for effective mechanism for resolving African conflicts. As Francis Deng stated “Africans...are recognizing that the world does not care much about them and they must take their destinies into their own hands”.² A coincidence of interests seems to have emerged: Years of independence has led to the search to putting in the practice the concept of “Pax Africana”. To overcome inherent weakness, however, African States also constructed their own continental and regional institutions. For the Africans and most post-colonial states, building alliances is a well –tested strategy for weak states in search of peace and security; hence African states banded together into blocs

¹ Deng,F.M and Zartman,I.W (1991) Introduction in :F.M.Deng and I.W.Zartman (eds) Conflict Resolution in Africa Washington DC:The Brookings Institution p.6

² *ibid*

that would enhance their leverage in world affairs. These institutions became important in solving problems collectively and in the quest for economic integration.

The African Union initiated vital steps towards the creation of a peace and security council (PSC) which serves as the decision making institution and the sole authority for deploying, managing and terminating AU-led peace operations. The rationale for its establishment came through mutual concern expressed by the Heads of State and Government and member states of the AU about the “Continued Prevalence of armed conflicts in Africa and the fact that no single internal factor has contributed more to socio-economic decline on the continent and the suffering of the civilian population than the scourge of conflicts within and between states”³. The reason for its establishment was found in a firm awareness that the development of strong democratic institutions, and the observance of human rights and the rule of law, as well as the implementation of post-conflict recovery programmes are essential for the promotion of collective security, durable peace and stability as well as for the prevention of conflicts.

This paper is divided into four parts: the first section comprises of conceptual clarification, the second section is on the Background to AU mechanism for conflict resolution the third is the challenge, and lastly the conclusion.

CONCEPTUAL CLARIFICATION

A number of concepts used in this paper would be defined from the outset. These concepts include conflict prevention, conflict resolution, and conflict management.

Conflict resolution is an omnibus concept that covers a number of academic, military and diplomatic understandings of how a conflict can be peacefully terminated. It involves building bridges between hostile communities, working to clarify issues which represent points of confrontation between them and creating opportunities for developing new relationships based upon a process of peaceful change and grassroots level reconciliation (International Alert 1995). Conflict resolution according to Moluwa (1989:30) involves changing reality either by reducing scarcity of a disputed value or resource or by changing the causal factors that have made for antagonism and confrontation in the past. It can also consist of changing the demands of the conflict actors so that a distribution of values is found that is subjectively acceptable to both of the actors and therefore agreed.⁴

Kenneth E. Boulding who with Robert Cooley Angell invested the concept of “Conflict resolution”, shifted grounds some years later to become an advocate of another concept: Conflict management (1990:367) he thus argued that “Perhaps conflict should not be resolved, but should be managed at least to maximize the total gain to both parties, resolve for several reasons: the mobilization of others in one’s core group is relatively easy, there are few people whose interests hinge on the resolution of the dispute and conflict may persist unless a common external foe forces disputants to resolve their differences. In contrast, individuals in cross cutting ties societies cannot count on a large, loyal core group who share the same interests, because people mobilized on the basis of one shared characteristic, like kinship, can oppose each other over another, such as residence or ritual affiliation. Ties among members of same community and among different communities limit the severity of overt conflict and promote dispute settlement through shared interests.

³ African Union (2002) Decisions on the establishment of the peace and security council of the African Union, AU Assembly, 1st Ordinary session, A.U Doc. ASS/AU/Dec.3 (1), Durban, south Africa (<http://www1.umn.edu/humanrts/Africa/audec1-8.html>)

⁴ Maluwa, T., 1989 ‘The Peaceful Settlement of Disputes among African States, 1963-1983: Some Conceptual Issues and Practical Trends’, International and Comparative Law Quarterly, Volume 38 p.30.

The most widely used concept is 'Conflict Prevention' which refers to 'Actions, policies, procedures or institutions undertaken in particularly vulnerable places and times in order to avoid the threat or use of armed force and related forms of coercion by states or groups, as the way to settle the political disputes that can arise from the destabilizing effects of economic, social, political and international change. Conflict prevention can also include action taken after a violent conflict to avoid its recurrence' (Lund 1997:2-3). In other words, conflict prevention can take place at two levels in a typical conflict life cycle:

- a) When there has not been a violent conflict in recent years, and before significant signals of violence [make] possible [the] escalation of sustained violent conflict, conflict prevention aims to keep a conflict from escalation: and
- b) When there has been a recent violent conflict but peace is being restored, conflict prevention aimed to avoid a relapse or re-igniting of violence (ibid).⁵

In some literature, it is also possible to see some scholars using 'Conflict regulation'-This concept suggests to me the use of force in bringing about peace; though the 'force' indicated here could be purely legal not necessarily military in nature. A regulated conflict might not necessarily generate a peaceful environment. It will likely produce a win-lose outcome between disputants. A number of other questions will suggest to us the kind of problems that are likely to be associated with conflict regulation: who sets out the terms of conflict regulation: who has the power to enforce such regulation? How does such a person go about performing this task? This explains why conflict regulation is not commonly found publications on peace. Some scholars however used it to refer to situations where policymakers put together a body of laws aimed at preventing people from getting into violent conflict. This is a mere wishful thinking.

All the concepts have specific relevance to a peace process. Writing on relationship between them, Lake (1993:27) noted:

...advocates of conflict resolution would prefer an approach that allows the parties with the most at stake to be assisted in working through the conflict in their own interests. Persons who use the language of conflict management and conflict regulation argue that that they want to increase the abilities of parties to manage or self-regulate their conflicts themselves because if conflicts escalate, external agents or agencies will step in and try to bring the conflict within their own definitions of acceptable boundaries of social control.

The main reason is to reposition Africa for more effective participation in global politics and economy in the post cold war world. During the cold war, African states were courted by both the East and west in their inordinate ambition to expand their spheres of influence. With the end of the cold war affected in the late 1980s, foreign investment and aid from the developed world to Africa declined sharply. The end of the cold war affected Africa in another significant way. As the two former superpowers seized the opportunity of the cold war to manufacture new arms, the 'surplus' arms they stacked up during the cold war were channelled to the developing world, largely through block markets. The weapons fuelled intra state civil disorder in different parts of the developing world, most especially Africa.

The attention that is now devoted to issues of conflict management by the AU derives from the realization that it is impossible for any society bedevilled by violent conflict to maximally benefit from political and economic globalization (Ibiki-Jonah 2001).⁶ About \$300 billion is believed to be spent on the war industry annually throughout the world (Boulding 1990:35)⁷. Africa gulped a sizeable percentage of such resources, which would otherwise have been

⁵ Lund, M.S 1997, Preventing and Mitigating Violent Conflicts: A Revised Guide for Practitioners, Washington DC: Creative Associates International.

⁶ Ibiki-Jonah, I., 2001, 'Transforming the OAU to African Union', Africa Notes, December.

⁷ Boulding, K.E., 1990, Three Faces of Power, London: Sage p.35

spent on development projects. As the number of conflicts in Africa increased the continent became more marginalized in global politics, economics, science and technology. It was within this framework that Ali Mazrui (1995:9) observed 'in global terms the African state has become increasingly marginalized and has been pushed into the ghetto of the world system' since the end of the cold war. Philip Ndegwa warns not to see the revalorization and marginalization of African states in idle academic terms. It is not 'a kind of natural and harmless gradual reduction of contacts between African economies and the rest of the world .What the process actual involves is the deepening of the poverty of an already very poor people, widespread unemployment, political instability and other economic and social hardships(1993:13)⁸.

The western world has not withdrawn completely from African conflicts .They have merely adopted a new approach, which the AU had to learn from. However the UN and the US encourage the use of 'preventive diplomacy ' for managing conflicts in Africa and elsewhere .The policy of preventive diplomacy was first given official push at the 1992 meeting of the heads of state and governments of the United nations Security Council. Participants at the meeting were enjoined to give future attention to analysis and recommendation on ways of strengthening ... the capacity was warmly received by the UN General Assembly in October 1992. Most regional organizations and committees have been encouraged to practice preventive diplomacy as an alternative to engaging in expensive peacekeeping operations.

The attitude of the US to the practice of preventive diplomacy is a clear message to African leaders to find better ways of resolving their internal problems before they degenerate into crises. America is unwavering in its resolve not to send ground troops to Africa for any combat operations .The US National Security Director, Anthony Lake (1993), affirmed in that 'in addition to helping solve disputes ,we must also help prevent disputes ...[and place greater emphasis on such tools as mediation and preventive diplomacy ? President Clinton too promised in his mid-1994 speech on Africa to help Africa nations identify and solve problems before they erupt' .He also noted at the summit of the leaders of the member nations of the conference on security and cooperation in Europe in December 1994. It is within this framework that preventive diplomacy has become the main plank of the US Policy towards Africa (Lund 1999:5)⁹. The Conflict Resolution mechanism is a direct response to all these challenges.

THE BACKGROUND TO THE FORMATION OF AU CONFLICT MECHANISM

The African Union (AU) in its findings discovered that territorial disputes, armed ethnic conflicts, civil wars and the collapse of governmental authority in some states are the main principal threats to international peace and security. The AU established a Peace and Security Council to address these issues. The Peace and Security Council (PSC) was intended as "an operational structure for the effective implementation of the decisions taken in the areas of conflict prevention, peacemaking, peace support operations and intervention, as well as peace –building and post –conflict reconstruction"¹⁰.

The main reason is to reposition Africa for more effective participation in global politics and economy in the post cold war world. During the cold war, African states were courted by both the East and west in their inordinate ambition to expand their spheres of influence .With

⁸ Ndegwa,P., 1992' Africa and the World :Africa on its own' in Olusegun Obasanjo and Felix GN.Mosha (eds),Africa:Rise to Challenge ,Otta:Africa leadership Forum

⁹ Lund ,M.S., 1999,Preventing Violent Conflicts :A Strategy for preventive Diplomacy,Washington,Dc:United States Institute for Peace

¹⁰ Article 5 of the constitutive Act of the AU

PSC is constituted of fifteen members to be elected, ten of them for a two year term and five for a three year term. Elections into the council will be based on geographical representation and rotation, criteria for membership entails obligations in terms of payment of dues and contributions to the operations and the peace fund set up to finance them”¹¹. The functions of the Security Council are peace keeping and intervention in the contingencies of war crimes, crime against humanity and genocide. It is to play a pro –active role by making proposals to the Assembly. The Council is to ensure collaboration between the AU and sub regional organisations such as ECOWAS and SADC. The Security Council will be supported by the Panel of ‘the wise’ in its deliberations and activities. The panel consists of “five highly respected African personalities from various segments of society who have made outstanding contribution to the cause of peace, security and development on the continent”.¹² The protocol establishing the PSC formally came into force on the 26th of December 2003 after being ratified by the required majority of member states of the AU. The PSC is backed by the constitutive act of the African Union to carry out its activities. Joaquin Chissano further pointed out that “the peace and security council has been designed to raises the hope that African governments and civil societies would have an opportunity to see themselves as partners to address insecurity issues more promptly and effectively”¹³.

The Continental Early Warning System consisting of an observation and monitoring centre located at the Conflict Management Directorate of The Continental Early Warning System consisting of an observation and monitoring centre located at the Conflict Management Directorate of the Union. Its situation room will link to the observation and monitoring units of sub-regional organisations. The protocol also made provision for an African standby force, “such a force shall be composed of standby multidisciplinary contingents with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice”¹⁴. However the Peace and Security Council will also cooperate and work closely with the United Nations Security Council and other relevant UN agencies in the promotion of peace, security and stability in Africa. The inauguration of the PSC was on the 25th of May, 2004. In the words of Ambassador Siad Djimit the African Union’s Commissioner of Peace and Security, “No more, never again, Africans cannot ...watch the tragedies developing in the continent and say it is the UN’s responsibility or somebody else’s responsibility. We have moved from the concept of non-interference to non indifference we cannot as Africans remain indifferent to the tragedy of our people”¹⁵. He believes that the African Union will be able to use this mechanism created to address the security issues affecting its people. It would reduce its dependence on the international community. The African Union is working in accordance with Article 52 of the United Nation which states “that regional organisations can set up peace keeping operations to manage conflicts in their region.”¹⁶

CHALLENGES IN IMPLEMENTATION OF THE AU CONFLICT RESOLUTION APPARATUS

BUDGETARY AND ADMINISTRATION CONSTRAINTS

The first problem is finance .How the AU been able to generate enough financial resources in implementing its intricate security management system? The experience of the AU is

¹¹ *ibid*

¹² Article 11 of the constitutive Act of the AU

¹³ Timothy Murithi Op.cit p.87.

¹⁴ Article 13 of the constitutive Act Of the AU

¹⁵ K.Powell op.cit p.1.

¹⁶ Article 52 of the UN charter

instructive. So long as the AU members' states (as witnessed under OAU) are not willing to meet their financial obligation to the organization, the responsibility for conflict management will remain largely borne by the International community. The African Union is quite aware of this potential problem. This is why Article 23 of the Constitutive Act of the AU listed defaults in the payment of membership dues as one of the conditions under a member state can be sanctioned. The sanctions against this kind of offence include denial of the right to speak at meetings to vote, to present candidates for any position or post within the Union or to benefit from any activity or commitment any position or post within the Union or to benefit from any activity or commitments there from. Peacekeeping and resolution; from the OAU's misadventure inched 1982 through to the AU force in Burundi, Darfur and Somalia. This is to be expected, because Africa international organizations, including the AU are notorious for being run on shoestring budgets, a point made as far back as 1985 by Isebill Gruhn. AU secured pledged of financial support from the EU which has earmarked 250m Euros for its peace fund. How can the AU Claim ownership ensure timely intervention by the sustainability and predictability of its force anywhere on the continent, if its force anywhere on the continent, if it has to depend on external funding? Without its own capacity the AU will not be able to intervene autonomously effectively and in a timely way in a conflict situation. Peace keeping operations by their nature are costly affairs. The most important factor on the future of peace keeping in Africa is financing. The AU experience with its military observer missions have proved to be expensive and could not be financed from the AU peace fund. It had to rely on donor funding to finance its peace missions. The AU's first peace operation AMIB had an approved strength of 3,335 and an operation budget of approximately US\$110 million per year. It is expensive when analysed from the African context. The budget of the AU Commission for 2003 was US\$43 million compared with the operational budget of US\$110 million per year, and the AU's second peace operation, AMIS with 7,731 personnel and annual budget of approximately US\$466 million.

It is donor funded and as mentioned earlier on, the EU and USA have contributed to the bulk of the mission's budget. The AU's third peace operation, AMISOM with 8,000 troops had budget of US\$335 million for a year. With the three examples stated here, it is quite obvious that in the future, the AU will continue to be dependent on donor sponsorship for its peace operation. This creates a serious problem in the sense that AU dependency on external funding will not guarantee its freedom and independence on decisions relating to strategic operation and even tactical aspects of peace operations it may wish to undertake. The reason for the AU depending on donor sponsorship is that the African Union has no effective mechanism for obtaining financial contribution from its members; this has affected the African Union on embarking on complex peace operations on their own.

The management structure within the AU and those of its field operations have shielded away from delegation and adopted a micro management approach. This is not helpful when it comes to matters that involve peacekeeping operations. The effect of this has resulted to poor planning which has produced ineffective timetables for deployment. The aftermath of this has led to occasional clashes between its civilian and military mindsets of the organisation. Because conditions of deployment were not put into consideration alongside with the necessary numbers needed in field operations, peacekeepers were not able to understand their duties in the field. Parties in the conflict have taken advantage of this weakness.

THE STRUCTURE OF THE PEACE AND SECURITY COUNCIL

The AU's peace and security council mechanism tends to produce the organization and the continent with ample opportunities for conflict management and prevention and peace

building in Africa ,one central issue that has to be addressed is whether the organization has autonomous capacity to activate such a mechanism .one important factor that stands out clearly is that peace and security architecture is too elaborate and complex for a continent that is also the least endowed in terms of indigenous capacity for conflict management ,prevention and peace building . A causal look at the peace and Security Council and its ancillary agencies suggests that the AU was mimicking the UN system raising the vital question, why would it opt for a rather grandiose UN mechanism? Can it operate a standby force when even the global body dropped the idea many decades ago? It is doubtful if the AU can scale through the maze of political ,financial and logistical obstacles to the successful operation of a standby force .The wonder is why would a resource starved continent put in place an elaborate mechanism that is expensive to operate in the real world ?The organization is like a house under construction with no roof yet :people are asking us for protection from the rain and we are not ready.

The AU structures and mechanisms for peace and security is said to revolve around the Peace and Security Council. Article 3(f) of the Constitutive Act “talks on the promotion of peace and security and stability on the Continent” as one of the AU objectives. It failed to establish the structure for achieving this objective. It also faces difficulty in the area of decision making due to the unclear rules of procedure within the AU system. This has resulted to delayed action and inaction. Rules of procedures of the Assembly does not stipulate on how the PSC should make decisions on intervention under Article 4 (j) and 4(h). Article 8(9) of the peace and security Council states that “members of the peace and security council who is party to a conflict or a situation under consideration by the peace and security council shall not participate either in the discussion or in the decision making process relating to the conflict”.

The implementation of the peace and security agenda is affected due to the capacity of the AU. The Peace and Security Directorate is still in its developmental stage and yet to be effective and efficient. An institution of this nature is not yet seasoned enough and lacks the capacity to organise the financing or deployment of peace keepers in the field. It also lacks the institutional expertise and appropriate civilian support system.

The Power tussles between the Commission’s Peace and Security Directorate and PSC has not really helped matters in the planning of the missions. This happened because the PSC depends heavily on the PSD for secretarial support and expertise.

POLITICAL WILL

Another problem is that African leaders are suspicious of one another .It has been very difficult in apply this conflict management mechanism under this kind of situation. Member States are involved in conflict related issues, these have therefore created moral problems and conflict of interests and have affected its peace keeping operations so far. Isaac Albert argues that “African Union will find it difficult to implement its peace programmes because African leaders are involved in the sponsoring of rebel activities against neighbour states”¹⁷. Chad played a role in the humanitarian ceasefire agreement for Sudan and later started accusing Sudan of harbouring and supporting Chadian rebels who are said to be operating from Darfur. Similarly the Chadian Defence Minister, Emmanuel Nadinger said: “There is a build up of political military forces in the Al-Genaina Zone, and about 3,000 Chadian rebels

¹⁷ Isaac Albert ‘The Africa Union and Conflict Management’, Council for the Development for Social Science Research in Africa, XXX11 (1) 2007, p.57.

under the leadership of Adlef Alsimah Gabriel are operating near Zalingeli with the support of the Government of Sudan”¹⁸.

Before this accusation came up, Chad had accused Sudanese militia Janjaweed of launching cross border attacks. The Government of Sudan on the other hand had also accused Chad of allowing Sudanese Rebels to use her country as a recruitment centre for Sudanese refugees based in Eastern Chad. According to Human Rights Watch, it was reported that a rebel faction of the Sudan Liberation Army led by Commander Khamis Abdullah, was linked to the Chadian Government. It was also reported that he forcefully recruited approximately 4,700 men and boys from UN supervised refugee camps in Chad and many of them were seized from school”¹⁹. Sudan was reported to have played some role in the political instability in Chad by backing Chadian rebels who were determined to topple their president. This led to the destruction of lives and property in the east end of the country. Despite peace agreement signed between the two countries in which they promised not to interfere in each other’s internal affairs and not to host the opposition of one country in the other’s territory, it is quite interesting to note that none of the parties respected peace agreement but continued to instigate trouble.

The second case is that of Ethiopia and Eritrea both countries have been known to have fought for 30 years until Eritrea got her independence in 1993. One can see the role played by both countries in the conflict of Somalia. Ethiopian support for the Transnational Federal Government of Somalia is one of the contentious issues in the conflict in Somalia and has led to resentment towards the TFG. The rise of the Union of Islamic Court in Somalia was seen as a security threat to Ethiopia. The support of Ethiopia’s opposition such as the Ogden National Liberation Front (ONLF) and the Oromo Liberation Front (OLF) was seen as a challenge to the Ethiopian government. Ethiopia is using Somalia as a proxy frontline in its border dispute with the former. Ethiopia backs the Eritrean Democratic Alliance an Umbrella Organisation of groups which is opposed to the Eritrean government²⁰. Eritrea is said to be providing finance and military support to the opposition to the TFG especially UIC²¹. For her Somalia is a military front for the war with Ethiopia. Eritrean agony is that of the ruling of the International Ethiopia-Eritrea Boundary Commission of April 2002. Their activity is said to be heating up the conflict even to the extent that Eritrea has threatened to deal with the Ugandan troops. Their actions have been said to have created a division amongst the membership of the AU. All these represent what majority of the members are engaged in and has created a moral dilemma on the organisation as a whole. It is therefore not surprising why the AU has not proved to be very effective.

OPERATIONAL EFFICACY OF NATIONAL ARMIES

How well trained are African military? We ask this question against the backdrop of the fact that within a few weeks of any major insurgency in the continent, the rebels are close to the capital and government forces found scampering for safety in different directions. This was the situation in Mali and Guinea Bissau. The Northern part of Uganda is today occupied by the lord Resistance Army. Why are professional soldiers so humiliated by rebels are often tagged ‘rag-tag drunken fighters. Is it because our soldiers are not trained? Trained in what? Guerrilla warfare? If yes, then we have to ask the question: who provided such more qualitative training to the guerrillas? The operators of AU ‘s Conflict management mechanism will continue to be engaged in fire brigade missions until they find proactive answers to all the question raised above.

¹⁸ International Crisis Group: Now or Never in Darfur, Crisis Group Report 80 23 May 2004 p.9.

¹⁹ Human Rights Watch: Abuses Related to the conflict in Darfur, Human Rights Watch Report 2007 p.100.

²⁰ H.Morolong: Somalia: Have all the options run out? Situation Report .13th November 2007 p.5.

²¹ Ibid

However prepared are African governments in making their armies combat ready in terms of the provision of enough equipment and the inculcation of the right kind of motivation. Two things are possible if a thief breaks into one's house all the time. The first is that the doors to that house are not strong enough. The second is that the thief has a technology that is very efficient for breaking down doors. AU member states must learn to start by constructing strong doors in their houses. Strong armies needed for implementation the AU mechanism for conflict management as it is. Weak armies cannot implement it except the organization seeks to deceive itself. These who offered to stake their lives for the security of their countries must be treated with respect.

The AU constitutive Act must be carefully 'edited' to reflect this stark reality that will go a long way at ensuring that the conflict management mechanism of the organisation works. The security that Africa has in future will depend on the morale of those who are put in charge of our security. Are they being properly treated? African armies must be strengthened in terms of training and motivation. Those who led the continent must also make rebellions less attractive by doing what is right for their society. Accountable regimes that respect equal access to wealth and that promotes equalitarian justice is bound to be supported by the people. Such a regime would side with the rebels by granting them safe passage.

CONCLUSION

The AU involvement in Conflict Resolution in Africa has been reviewed as clearly stated in this paper and the fact speaks for itself. There is no doubt that AU steps are a bold initiative. However, the challenges have been identified and must be addressed to ensure effectiveness in its peacekeeping operations. Poor and corrupt leadership in Africa has impoverished the continent. This has made it difficult if not impossible for AU to adequately finance and organise peace keeping operation on their own. The UN needs to assist more to ensure that AU will become effective in its peace keeping operations in Africa.

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