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EFFICACY OF REGIONAL CONFLICT MANAGEMENT ARCHITECTURE: A CASE STUDY OF EAST AFRICAN COMMUNITY

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A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT FOR THE POST GRADUATE DIPLOMA IN STRATEGIC STUDIES

DECLARATION

I, Adolphe Kaguruka hereby declare that this research project is my original work and has not

been presented for a degree in any other University.

Dr Peterlinus Ouma Odote

Signed
Adolphe Kaguruka
This project has been submitted for examination with my approval as University Supervisor.
Signed Date 26th 11 2021

DEDICATION

Let me dedicate this work to God Almighty who guided me and gave me wisdom towards accomplishing this task. I would also like to dedicate the project to my family back at home, who gave me all the necessary support.

ACKNOWLEDGEMENTS

First, I would like to acknowledge my supervisor, Dr. Peterlinus Ouma Odote, who gave me all the necessary guidance and assistance towards completing this project. My acknowledgements also go to the entire fraternity of Defense Staff College-KAREN for their dedicated efforts towards ensuring that I was as comfortable as possible. Finally, let me also acknowledge my course mates for the support they gave me through group discussions and consultations.

ABSTRACT

The East African Community was founded with the main purpose of enhancing cooperation in the region. However, the region has faced a number of hindrances in attaining its development agenda due to the existing conflicts that emanate from cattle rustling, human and drug trafficking, the refugee question and prevalence of small weaponries and light armaments. This study sought to examine the efficacy of regional conflict management architecture, using the East African Community as a case study. The research was steered by the following goals: to identify the regional conflict management mechanisms in the East African Community; to evaluate the effectiveness of these regional conflict management mechanisms in the Eastern African Community; and to find out challenges affecting East African Community conflict management mechanism. The study was guided by the realist and consociationalism theories. The study used library research method to collect data from secondary sources. The study found that the nature of conflict in the East African Community stems from structural, cultural, social, economic and political forms. These conflicts are manifested in political violence, ethnic violence, and conflict over resources. The regional conflict management in East Africa is supported by the East African conflict management Act, which aims to endorse conflict deterrence and propose peaceful resolution of any emerging conflicts in the Community. The study also found that there have been a number of reforms to try and ensure the functionality and efficiency of the East African regional conflict management mechanisms. The study also found the main challenges to the EAC conflict management mechanism to be human resource and capacity constraint, financial constraint, and challenges emanating from neighbours. The study recommends that the East African Community policy framework should have a separate policy on conflict management. Besides, there is need for the East African legislature to increase the allocation of resources towards the existing conflict management mechanisms within East Africa. Lastly, EAC member states should always be willing to cooperate with one another when it comes to conflict resolution.

TABLE OF CONTENTS

DECLARATION	i
DEDICATION	ii
ACKNOWLEDGEMENTS	iii
ABSTRACT	iv
TABLE OF CONTENTS	v
ACRONYMS AND ABBREVIATIONS	viii
CHAPTER ONE	1
INTRODUCTION AND BACKGROUND OF THE STUDY	1
1.0 Introduction	1
1.1 Background to the study	1
1.2 Statement of the Problem	5
1.3 Research questions	7
1.4 Objectives of the Study	8
1.4.1 General Objective	8
1.4.2 Specific Objectives	8
1.5 Literature Review	8
1.5.1 Introduction	8
1.5.2 Global Perspective	10
1.5.2.1 The European Union (EU)	10
1.5.2.2 The Association of Southeast Asian Nations (ASEAN)	22
1.5.2.3 The Arab League	24
1.5.2.4 The Economic Community of West African States (ECOWAS)	27
1.6 Justification	31
1.7 Theoretical Framework	32
1.7.1 Consociationalism Theory	32
1.8 The conceptual framework of the study	33
1.8.1 Conflict Management Mechanisms	33
1.8.2 Effectiveness of conflict management Mechanisms	33
1.8.3 Capacity in implementing conflict management mechanism	34
1.9 Research Methodology	34
1.9.1 Research Instruments	34
1.9.2 Methods of Data Analysis	35
1.10 Limitations of the Study	35

1.11 Chapter Outline	35
CHAPTER TWO	36
THE REGIONAL CONFLICT MANAGEMENT MECHANISMS IN EAST AFRICAN COMMUNITY	36
2.0 Introduction	36
2.1 Nature of Conflicts in the EAC	36
2.2 The EAC Conflict Management Act	40
2.3 The EAC Treaty	41
2.4 Protocol on Environment and Natural Resource Management	43
2.5 Chapter Finding	45
2.6 Conclusion	45
CHAPTER THREE	46
EFFECTIVENESS OF THE REGIONAL CONFLICT MECHANISMS IN EAST AFRICAN COMMUNITY	46
3.0 Introduction	46
3.1 East African Community Reforms	46
3.2 East African Community Policies	47
3.3 Chapter Finding	49
3.4 Conclusion	49
CHAPTER FOUR	50
CHALLENGES AFFECTING EAST AFRICAN COMMUNITY CONFLICT MANAGEMENT MECHANISM	50
4.0 Introduction	50
4.1 Human Resource Capacity Constraint	50
4.2 Financial Constraint	52
4.3 Challenges Emanating from Neighbours	53
4.4 Weak Institutions	55
4.5 Lack of Regional Hegemons	57
4.6 Chapter Findings	58
4.7 Conclusion	59
CHAPTER FIVE	60
SUMMARY, CONCLUSION AND RECOMMENDATION	60
5.0 Introduction	60
5.1 Summary of Findings	60
5.2 Conclusions	61
5.3 Recommendations	62

BIBLIOGRAPHY 63

ACRONYMS AND ABBREVIATIONS

ADF: Allied Democratic Forces

ADR: Alternative Dispute Resolution

AEPU: African Economic and Political Union

APSA: African Peace and Security Architecture

CET: Common External Tariff

COMESA: Common Market for Eastern and Southern Africa

COMWARN: COMESA Early Warning System

CPPI: COMESA Peace and Prosperity Index

CPMR: Conflict Prevention, Management and Resolution

CSOs: Civil Society Organizations

EAC: East African Community

ECOWAS: The Economic Community of West African States

IGAD: Intergovernmental Authority for Development

IOC: Indian Ocean Commission

LRA: Lord Resistance Army

OAU: Organization of the African Unity

RECSA: Regional Center for Small Arms

REC: Regional Economic Communities

SADC: The Southern Africa Development Community

SALW: Small Arms and Light Weapons

UN: United Nations

CHAPTER ONE

INTRODUCTION

1.0 Introduction

This section presents the framework of the research on the Efficacy of Regional Conflict Management Architecture: A Case Study of East African Community. The statement of the problem for which the study is being conducted is presented, followed by objectives of the research, importance of the research, and the scope which the research covers is also presented.

1.1 Background to the study

Relations between individuals, groups or states are characterized by competing interests which can result in conflict. Contention is categorized as a disagreement between persons emerging out of a dissimilarity in the manner of rational, mindsets, interests, necessities, and even some of the time insights. A conflict leads to heated arguments, actual maltreatment, and indisputable depletion of peace and congruity. In simplest terms, conflict is a struggle or a contest between people with opposing or incompatible needs or ideas. Therefore, a conflict involves at least two people. A contention not only emerges between people but also among nations, ideology groups, and states too.

A contention does not always involve violence although the risk or threat of violence is implied. When disputes are not resolved in time, violence becomes inevitable. Therefore, conflicts can be violent or nonviolent. States find themselves in a situation of violent conflict at some point in their history. A situation of conflict may exist not only between states-commonly called conflict between peoples or inter-state conflict- but also within states-

¹ https://www.managementstudyguide.com/understanding-conflict.htm accessed on 29 September 2020.

commonly called conflict among the people or intra-state conflict.² Inter-state conflicts are known as international conflicts while intra-state conflicts are termed non-international conflicts or internal conflicts.

Conflict management focuses on removing, neutralizing, or manipulating the means of conflict or crisis management. It is hard to do by direct deed, which is often attained only over a long while, even though the immediate features of conflicts can at times be eradicated by settlement between the parties.³ Conflict Management alludes to interventionist endeavors outfitted towards forestalling the heightening and adverse consequences, particularly savage, ones of continuous contentions. There are several modes of conflict management. At the point when wars break, responses to them from the territorial groupings typically include intercession, great workplaces, preventive tact, and a mediation power. 4 Conflict management normally implies a third party to the conflict.

In the international system, this role is traditionally played by the United Nations (UN) whose fundamental raison d'être is "to preserve international peace and security. Chapter VI of the UN Charter provides for the pacific settlement of disputes, through the intervention of the Security Council, by means such as negotiation, mediation, arbitration, and judicial decisions."5 In the event a peaceful settlement fails, Chapter VII of the Charter grants the Security Council the ability to arrange coercive measures. These actions comprise in strategic, monetary, military assents and the utilization of armed power.

At the same time, Chapter VIII of the Charter of the United Nations provides "the constitutional basis for the involvement of regional organizations in the maintenance of

² British Army Doctrine Publication Volume 1, Operations (June 1994), p 3

³ African Journal Of Political Science And International Relations, 2007, Published Articles: 366, https://academicjournals.org/AJPSIR/PDF/Pdf2009/October/Essuman%20pdf.pdf

⁴ Idem

⁵https://www.britannica.com/topic/UnitedNations/Functions#:~:text=The%20main%20function%20of%20the.% 2C%20arbitration%2C%20and% 20judicial%20decisions.

international peace and security for which the UN Security Council is primarily responsible. Article 52 provides for the involvement of regional arrangements or agencies in the peaceful settlement of disputes. Article 53 allows such arrangements to take enforcement action, but only with explicit authorization by the UN Security Council." Article 53, therefore, "creates a mechanism that allows the UN Security Council to utilize regional arrangements to implement its enforcement measures. Finally, Article 54 stipulates that regional arrangements or agencies shall inform the UN Security Council of their activities for the maintenance of international peace and security at all times."

The role of regional organizations in conflict management has substantially increased fallowing the end of the Cold War. The contemporary era is portrayed by internal conflicts and an increase in number of complex peacekeeping missions. In the "Agenda for Peace (1992)," UN Secretary General- Boutros Ghali-supported "a more significant role for regional organizations in preventing and resolving regional conflicts, partly assuming that regional states know their regions best and partly as a form of burden-sharing. Local organizations were often restrained by the Cold War in initiating and resolving regional conflicts."

Since then, regional bodies have become increasingly active in dispute avoidance, management, and settlement in their areas. In Somalia, for example, in 1993, the UN cooperated with the Organization of the African Unity (OAU), the Arab League, and the Organization of Islamic Conferences to put the Somali groups to a harmony agreement. As far as the OAU is concerned, it is important to note that until 1990, it was reluctant to play a

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⁶ https://www.un.org/securitycouncil/content/regional-arrangements-chapter-viii-un charter#:~:text=Chapter%20VIII%20of%20the%20Charter,Security%20Council%20is%20primarily%20respon sible.

⁷ African Journal Of Political Science And International Relations, 2007, Published Articles: 366, https://academicjournals.org/AJPSIR/PDF/Pdf2009/October/Essuman%20pdf.pdf

part in the settlement of contentions owing to the guiding value of non-interference in internal matters of member nations.

The increasing role of regional organizations in managing local issues can be explained using the following three elements. First, powerful nations are not willing to intervene and, most critically, they do not have the ability to deal with all international disputes although disputes such as the Iraqi invasion of Kuwait may give rise to timely and meaningful responses. Secondly, UN optimistic development could also produce resentment if the developing countries perceive it as an imposition from the members of the UN Security Council. Third, a decrease in global strains might be seen by regional powers as setting out open doors to build their command over the prompt strategic environment. In this way, the desire for "regional answers for regional problems" may acquire a firm ground.⁸

The involvement of the Economic Community of West African States (ECOWAS) Observing Group in Liberia in 1990 marked a turning point in conflict management by African sub regional organizations. This initiative lead by Nigeria has probably influenced the African Conflict Management Mechanisms. ECOWAS continues to play an active role as it was recently seen in Mali and Gambia.

Similarly, the Southern Africa Development Community (SADC) has recorded successful initiatives in Madagascar, Lesotho and Zimbabwe. SADC "took the lead in facilitating mediation processes, in deploying security forces in the case of Lesotho to secure peace, and in peace building measures like training, confidence building and humanitarian assistance."

Another instance is the conflict in DR Congo. Endeavors were made by African heads of state to stop the contention. Several conferences and summits were organized through 1998

9 https://www.accord.org.za/ajcr-issues/african-union-approaches-peacebuilding/

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⁸ African Journal Of Political Science And International Relations, 2007, Published Articles: 366, https://academicjournals.org/AJPSIR/PDF/Pdf2009/October/Essuman%20pdf.pdf

and 1999 culminating in the signing of the Lusaka peace accord on July 10, 1999. ¹⁰ The role of the South African SADC in the resolution of the DR Congo contention was critical.

The above mentioned regional organizations (SADC and ECOWAS) are some examples of many regional organizations in Africa. These organizations were created initially for the purpose of economic integration. However, their role in conflict management is increasing. The African Union recognizes eight Regional Economic Communities (REC). The Peace and Security Council (PSC) Code adopted in July 2002 also recognizes the relationship between the African Union and the Regional Economic Communities/Regional Mechanisms for Conflict Prevention, Management and Resolution (RECs/RMs) as a key contributor of the African Peace and Security Architecture (APSA).

There are two sub-regional organizations in the Eastern Africa region: The East African Community (EAC) and the Intergovernmental Authority for Development (IGAD). The EAC comprises Burundi, Kenya, Rwanda, South Sudan, Tanzania, and Uganda. The Establishment of the EAC Agreement in 2002 provided the regional body the mandate (under article five) to come up with plans and programs intended for enhancing peace and conflict management. Additionally, the EACs mandate extends to exploring sundry cooperation benefits, particularly in the political arena, economic partnerships, social-cultural exchanges, and defense training for collaborative peace and security. 11

1.2 Statement of the Problem

Several countries' trend gives off an impression of being towards breakdown and fragmentation, called "black holes." Richard Falk pointed out that a "black hole" is "a way of accounting for the deterioration of nation-states or 'nation-state projects' in the context of

¹⁰ African Journal Of Political Science And International Relations, 2007, Published Articles: 366, https://academicjournals.org/AJPSIR/PDF/Pdf2009/October/Essuman%20pdf.pdf

Arriola, L. R. Multiethnic Coalitions in Africa: Business Financing of Opposition Election Campaigns, (2013). New York: Cambridge University Press

global change. Black holes or the danger of them give rise to regional security crises as has already become a reality in countries such as the former Yugoslavia in Europe, Sri Lanka in South Asia, Somalia, Liberia, Sierra Leone, and DR Congo in Africa."¹²

Since inception, the ultimate goal of the EAC was to arrive at a political alliance. The fourth step after the Customs Union, Common Market, and Monetary Union. The Community has made significant advances in terms of economic integration. However, without a stable and peaceful environment within the Community, its goals cannot be achieved.

Problems related to stability are a common phenomenon in EAC countries. South Sudan, for instance, is experiencing a violent conflict since 2013, while Burundi is slowly recovering from a political crisis which started in 2015. Similarly, tensions between Rwanda and Burundi on the one side and between Rwanda and Uganda on the other side are hindering the proper functioning of the organization. Apart from internal disputes, the development of EAC is affected by relations between partner states. While the effort to solve the Burundi political crisis did not succeed, EAC seems not involved in solving the South Sudan conflict and defusing tensions between member states. This has been attributed to the weak conflict management processes that lack a clear framework for mediation.

According to Honorable Beatrice B. Kiraso (2009) conference proceedings report in Kampala Uganda, to discuss EAC Integration Process and the Enabling Peace and Security Architecture, all Regional Economic Communities (RECs) are obligated to backing the Continental Peace and Security System by developing Conflict Prevention, Management and Resolution (CPMR) mechanisms. As such, the Council of Ministers has adopted a Draft Early Warning Framework for Conflict Prevention. It aims to promote the anticipation, planning and early response of EAC Partner Nations to avoid, curb and handle circumstances

¹² Hettne B, Inotai A. The New Regionalism: Implications for Global Development and International Security: (1994). UNU World Institute for Development Economics Research [Helsinki].

that are probably going to subvert peace and security in the area. Although there is a clear guideline for conflict prevention, CPMR draft is yet to be tabled to member expert's states for review. This turns into a hit to the framework giving a compelling reconnaissance instrument to screen expected spaces of contention, orders, and rules for commitment and methodology for execution.13

Unlike other regional bodies, the EAC has a limited record of harmony and security operations in the area compared to ECOWAS in West Africa. While it has been running smoothly since it began, there is still little evidence as to whether it has been successful in its peace and security efforts. This study will seek to analyse the efficacy of conflict management processes by EAC. The objectives will be identifying the regional conflict management strategies in EAC, determining whether the conflict management strategies are effective and establish the importance of the conflict management strategies.

1.3 Research questions

- What are the regional conflict management mechanisms in the East African a. Community?
- How effective are these regional conflict management mechanisms in the Eastern b. African Community?
- What are the challenges affecting East African Community conflict management C. mechanism?

¹³ Hon. Kiraso, B. B. EAC Integration Process And The Enabling Peace And Security Architecture. 2009. Available http://repository.eac.int/bitstream/handle/11671/248/EAC%20Integration%20 %20Enabling%20Peace%20and%20Security%20Architecture.pdf?sequence=1&isAllowed=y

1.4 Objectives of the Study

1.4.1 General Objective

The key goal of this research is to scrutinize the effectiveness of the EAC Conflict Management Mechanism. Based on the general objective, the study will have the three following specific goals.

1.4.2 Specific Objectives

- To recognize the regional conflict management mechanisms in the East African Community.
- To evaluate the effectiveness of these regional conflict management mechanisms in the
 Eastern African Community.
- c. To find out challenges affecting East African Community conflict management mechanism

1.5 Literature Review

1.5.1 Introduction

Chapter VIII of the Charter of the United Nations gives the United Nations a legal framework to allow it to delegate its responsibility of maintenance of international peace and security to regional organizations and agencies. Article 52 caters for the participation of said organizations in the peaceful determination of disagreements between conflicting parties while Article 53 caters for the use of force but only with direct permission from the Security Council thus creating the structures necessary for the United Nations to use regional organizations in implementing its enforcement initiatives. Lastly, Article 54 states clearly that regional organizations, arrangements or agencies must inform the Council of their activities

in maintenance of international peace and security at all times. ¹⁴ Thus, regional organizations are permitted by the United Nations to pursue dispute mediation, implementation of sanctions or even use force to secure resolution of disputes between conflicting parties. Different organizations in different regions of the world have taken this mandate and exercised their influence in their regions to foster, defend and implement peaceful solutions to conflicts between their member states or between factions in a member state. These efforts have sometimes led to successes although with significant challenges. Other times it has required the direct input from the United Nations to realize a satisfactory resolution.

Regional organizations are formed by states which are geographically close to each other allowing them to tackle similar common challenges as a group and thus more easily than as individual states. Providing security to their citizens from both external and internal threats was a major reason for states joining together during the Cold War period. Nowadays, countries are driven to form regional organizations due to many reasons including environmental, security, social and economic factors. These regional organizations have been at the forefront in dealing with security challenges in their backyards and beyond. These organizations have faced and dealt with peace and security issues. As Diehl (2008) puts it, the United Nations explicitly recognizes regional organizations' roles in peace maintenance and conflict management, yet some inherent limitations are obvious. First, regional organizations are confined to geographically narrow disputes instead of those with broader scope and potential impact. Also, global regional organizations are clearly to be subordinate to the United Nations Security Council, which retains supervisory authority over regional actions as well as the right to supersede regional efforts if necessary. ¹⁵

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¹⁴"Pacific Settlement Of Disputes (Chapter VI Of UN Charter) | United Nations Security Council", *Un.Org* https://www.un.org/securitycouncil/content/pacific-settlement-disputes-chapter-vi-un-charter#rel1 [Accessed 24 April 2021].

¹⁵Diehl, P. Regional organizations and conflict management in the post cold war era. Brown Journal of World Affairs, (2008). Vol.12, No. 2, pp.191-202.

1.5.2 Global Perspective

1.5.2.1 The European Union (EU)

Since its formation The European Union has faced many challenges. The precursor to the European Union the council of Europe was formed in the late 1940s. Its main goal was to unite the European country and stop the constant wars between them. Its original members are Germany, Italy, Luxembourg, the Netherlands, France and Belgium. "Division between Eastern and western Europe showed the need for further European integration, this led to the signing of the Treaty of Rome on March 25th 1957 creating the European Economic community and allowing the movement of people and goods throughout Europe. In 1987 the single European act was signed which eventually led to the creation of a single market. Europe became more integrated with the fall of the Berlin Wall in 1989."

At the core of the European Union are the 27 member states that belong to the Union, and their citizens. Currently, the European Union has 27 member states. Though these states are sovereign and independent states, when they join the European Union, they delegate some of their powers to the organization. In practice, this means that the Member States delegate some of their decision-making powers to the shared institutions they have created, so that decisions on specific matters of common interest can be made democratically at European Union level. Its organs include the European Parliament, which represents the EU's citizens and is directly elected by them; the European Council, which consists of the Heads of State or Government of the European Union Member States; the Council, which represents the governments of the European Union Member States; and the European Commission, which represents the interests of the European Union as a whole. Generally, it is the European Commission that proposes new laws and the European Parliament and the Council (also

¹⁶ Jeremy, Richardson (1996). Power and policy-making. Routledge 270 Madison Ave, New York

called the Council of the European Union) that adopts them. The Member States and the European Union institution or institutions concerned then implement them. Before a country can join the European Union, it has to fulfil a number of steps so as to align itself with the values of the European Union. Among them is settling internal disputes to a level satisfactory to the European Union. This process is closely monitored by the European Union so as to ensure that the new members do not bring divisions in the European Union. Also before a new country can join all the other members have to agree. This means a new country with a dispute with a European Union member will first have to settle the dispute amicably before it can be allowed to become a member. An example is Croatia's accession which took over six years mostly because of a border dispute with Slovenia. Both Slovenia and Croatia became republics after the breakup of Yugoslavia in 1991. The border between them was never demarcated before independence and several parts both on land and sea were disputed. They attempted to solve the disputes but by the time Croatia accession talks to European Union came around in 2004, it was not yet settled and Slovenia having already joined the European Union earlier in the year blocked the talks. They eventually agreed to a binding arbitration resolution of the dispute. They handed the matter to the International Tribunal in The Hague and Slovenia lifted their blockade on Croatian accession talks. Slovenia made sure that the implementation of the future deal was put in the accession treaty to make sure Croatia does not backtrack on its promise. On 29 June 2017, the Permanent Court of Arbitration issued a binding ruling on the border, ruling on the disputed parts of land border, drawing the border in the Gulf of Piran, and ruling that Slovenia should have direct access to international waters in the north Adriatic Sea using a corridor crossing Croatian waters. It also ruled on several other disputed border areas. 17 The ruling was hailed by Slovenia but Croatia said it would not implement it. Croatia stated that they withdrew from the process in 2015, citing the

¹⁷ Croatia and Slovenia Continue Maritime Dispute After Arbitration Ruling' (www.euractiv.com) https://www.euractiv.com/section/enlargement/news/croatia-and-slovenia-continue-maritime-dispute-after-arbitration-ruling/ accessed 29 April 2021.

discovered talks between the Slovenian government representative and the member of the arbitration court as a breach of the arbitration rules. Slovenia implemented the ruling on 29 December 2017 with a continued opposition from Croatia. Slovenia took Croatia to the European Court of Justice but the European Court of Justice in 2020 ruled it had no jurisdiction to rule on the issue and asked the two sides to settle their differences. Its decision was final and not subject to appeal. 18

Another instance of a member state blocking EU accession of another country until a dispute between them is settled is the Greece blockade of Macedonia accession. Greece disputed the use of the name "Macedonia" without a geographical qualifier to avoid confusion with its own region in the south because some ethnic Greeks called themselves Macedonians but are not related to the Slavic people of north Macedonia. Greek also opposed members of the largest ethnic group in north Macedonia calling themselves Macedonians arguing the Macedonian nationality has been associated with Greece since 2000B.C. 19 and accusing them of appropriating Greece cultural symbols. This dispute started in 1991 after the breakup of the Yugoslav republic and North Macedonia adopted the name Macedonia when it became an independent state. The Greeks blocked them from joining any international organization they were members of while using the name Macedonia. They only joined the United Nations by using the provisional name "former Yugoslav Republic of Macedonia" (FYRM) until a solution could be found.²⁰ Greece also blocked them from joining NATO. The issue was mediated by the UN and the two sides signed the Prespa agreement in June 2018. This agreement was ratified by both parliaments and a referendum in North Macedonia voted to change the country's name. Macedonia officially was renamed to North Macedonia in

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¹⁸ Croatia And Slovenia Continue Maritime Dispute After Arbitration Ruling' (www.euractiv.com)

https://www.euractiv.com/section/enlargement/news/croatia-and-slovenia-continue-maritime-dispute-after-arbitration-ruling/ accessed 29 April 2021.

^{19'} The Macedonian-Greek Conflict' (*Historyofmacedonia.org*)

http://www.historyofmacedonia.org/MacedonianGreekConflict.html accessed 29 April 2021.

²⁰ Macedonia Naming Dispute - Wikipedia' (*En.wikipedia.org*)

https://en.wikipedia.org/wiki/Macedonia naming dispute> accessed 29 April 2021.

February 2019 ending the dispute. This allowed Greece to lift its blockade of North Macedonia joining the European Union and NATO.

The European Court of Justice (ECJ) was created to settle disputes between member states, initially. But crucial to the European Court of Justice was a clause that allows national courts to ask for clarification on how to apply European law in a case pending before it. This allowed small courts to bypass national courts hierarchy in their jurisdiction and seek for interpretation from the European Union. It also allowed for European court to give rights to local citizens using European Law.

In 1962, a case was referred to the European Court of Justice by a national court reviewing a case between the Netherlands customs agency and a Dutch import firm, Van Gend en Loos. The firm claimed that a Dutch law adjusting customs fees on imports actually increased them and was, thus, contrary to treaty provisions in Article 23 which prohibited member states from enacting new import taxes on goods once they had entered the customs union. This case was special because a private actor and not a member state used European Union law in their defence. The Belgian government, which along with the German government submitted observations to the case, argued that Van Gend and Loos, the appellant, as a private actor could not claim rights from the treaties signed by member states in a court of law since the law in the treaties was addressed only to states. The European Court of Justice disagreed with the Belgian argument and ruled that EU law imposes obligations on individuals and also confers rights upon them. This was the first step towards the 'constitutionalisation' of European Union law. This was the point from which the European Court of Justice began the transformation of the treaties into documents that, like constitutions, granted rights to

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²¹ "EUR-Lex - 61962CJ0026 - EN - EUR-Lex", Eur-Lex.Europa.Eu, accessed 28 April 2021, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:61962CJ0026.

²²Edward A. Mearns Jr., *The Constitution of Europe, by Joseph H. H. Weiler*, 32 Case W. Res. J. Int'l L. 169 (2000) Available at: https://scholarlycommons.law.case.edw/jil/vol32/iss1/7

individual citizens which they could claim before their national courts and request to have referred to the European Court of Justice. The court subsequently extended this new concept of "direct effect" to other areas of European Union law. Now, not only regulations but also parts of directives 3 (ECJ 41/74 Van Dyne v. Home Office) create rights that individuals can claim in court. Regulations create rights that individuals may claim in disputes both against public agencies and with other private parties -so called "horizontal direct effect"-whilst directives only create rights that can be claimed against the state. States can also be found liable for damages for failing to appropriately transpose directives into law.²³ The political benefits to the European Court of Justice of its ruling are as clear as its legal consequences. The European Court of Justice substantially increased its power when it expanded the number of potential litigants able to bring suit before it. As Craig and De Búrca note, half the then members of the EU submitted observations opposing the European Court of Justice's interpretation.²⁴ The European Court of Justice demonstrated its authority when it successfully ruled against the stated preferences of member states. The member states, in turn, lost some sovereignty- an implication that they clearly recognised in their arguments before the Court. The government of the Netherlands forthrightly asserted, in Court proceedings, that a ruling finding for Van Gend en Loos would undercut member states' sovereignty and that there was a risk that member states would simply not comply with such a decision. National courts, too, have been identified as having gained power under the new interpretation as they were now able to bypass higher courts, send a reference to the European Court of Justice and get decisions that would be binding on national courts superior to them (Alter 2001). Thus the European Court of Justice became the true arbiter of disputes between member states and also for individual citizens.

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²³Edward A. Mearns Jr., *The Constitution of Europe, by Joseph H. H. Weiler*, 32 Case W. Res. J. Int'l L. 169 (2000) Available at: https://scholarlycommons.law.case.edu/jil/vol32/iss1/7

²⁴Kunzlik, Peter. (2000). EU Law: Text, Cases and Materials (Second Edition). By PAUL CRAIG and GRAINNE DE BURCA. The Cambridge Law Journal. 59. 201-229. 10.1017/S0008197300320074.

The European Union is also involved in peace and security initiatives in its neighbourhood and elsewhere across the world. As a global actor, it is involved in many peace building and conflict management initiatives worldwide. Its Global Strategy is to pursue diplomatic, development and security policies in support of common goals. It ensures an integrated approach to conflicts and crises by using the comprehensive toolbox at the EU disposal - at all stages of a conflict, from prevention to crisis management - in order to contribute to sustainable peace. It strives to deliver stabilisation and peace, in close coordination with the Member States, combining conflict prevention, mediation and peace building in an effective way. It ensures that EU engagements are conflict sensitive and based on a proper analysis. With regard to Conflict Prevention, the EU aims at addressing structural risks of violent conflicts through all relevant policies, tools and instruments in a timely and sequenced manner.²⁵ In addition to carrying out conflict analysis, the EU uses specific tools such as the EU conflict Early Warning System and the Horizon Scanning, to identify countries at risk of instability and/or of violent conflict. Systematic conflict analyses, at times also realised jointly with external partners as the UN and the AU, of countries at risk of or facing conflict or instability, and where the EU has ongoing or planned significant engagement is essential to play a key role in prevention and peace building. The European External Action Service (EEAS) is actively involved in mediation, mediation support activities and dialogue to support the EU's efforts to preserve and restore peace at any stage of the conflict cycle. ²⁶

Conflict prevention and early warning is based on the fundamental premise that violent disputes and conflicts can be prevented before they break out. Since the European Union itself was created out of conflict with the main aim of prevention of violence, it follows this principle in its international engagements. Reacting after eruption of is not desirable since it

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²⁵'Conflict Prevention, Peace Building And Mediation' (*EEAS - European External Action Service - European Commission*) <a href="https://eeas.europa.eu/headquarters/headqua

²⁶ Ibid.

results in losses of financial, moral, strategic and human lives. The failure of preventing conflicts undermines the credibility of international diplomacy, reverses years of development, and increases the need for costly reactions. Informed, timely and effective conflict prevention reduces the risk of human suffering, and saves both human lives and financial resources. The EU is ready to act preventively at all stages of a conflict, as it works to prevent the eruption, escalation and re-occurrence of violent conflict. Conflict prevention also requires dedicated efforts to ensure that EU engagement in fragile or conflict-affected countries remains conflict sensitive. The EU external action service has several instruments at its disposal to put conflict prevention into practice. For the early identification of risk of violent conflict, and closing the gap to early action: Early Warning helps to prioritize countries at risk of violence. The EU Conflict Early Warning System (EWS) is a robust risk management tool that identifies, assesses and helps to prioritise situations at risk of violent conflict for non-EU countries. The EWS draws upon evidence-based risk factors, like an economic shock or shrinking political space, adopting a time horizon of four years. The system also identifies conflict prevention and peace building opportunities. Prioritizing a country allows for a deeper dive into the conflict dynamics, through conflict analysis. The EWS is designed to close the gap between early warning and early action by engaging EU staff across headquarters and in-country in a joint assessment to prepare specific recommendations and follow-up actions. Effective conflict prevention relies upon a sound understanding of conflict situations (root causes, actors and scenarios). EU conflict analysis offers insight into the drivers of conflict using a structured approach. The EU promotes the systematic use of conflict analysis, notably in fragile and conflict-affected countries. A team of experts advises EU Delegations on conflict sensitivity in fragile contexts, on policy, programming, training, technical support and operational issues. The EU's conflict analysis methodology is robust yet flexible to accommodate different timelines and environments. Conflict analysis can usefully inform decision-making at different levels, as it facilitates a common understanding of the crises between all EU actors and enhances identification of the range of options for EU action. This way, conflict analysis can make EU diplomacy, missions and development cooperation more relevant, more effective and potentially more influential.²⁷

The EEAS promotes the use of mediation and dialogue as a tool of first response to emerging and ongoing crisis. Mediation is part of the EU's preventive diplomacy, since the adoption of the 2009 EU Concept on Strengthening EU Mediation and Dialogue Capacities. The EU is constantly enhancing its mediation capacity to be more systematic and strategic in its approach. To achieve this goal, the EEAS has updated the EU Mediation Concept in 2020, and has prepared specific guidelines to support EU mediators and implementing partners. The EU engages in a range of mediation roles to support peace processes. These include for example leading mediation as a third party, opening up and facilitating spaces for mediation and dialogue and supporting mediation efforts of others through capacity building, training, logistical support and expertise. The EEAS Mediation Support Team (MST) provides advice on mediation process design and technical expertise. It can be deployed on short notice. The EEAS geographic divisions, EU Special Representatives and EU Delegations can draw on the MST for advice and support with regard to assessing mediation opportunities, supporting existing mediation efforts or building mediation capacity. The MST not only supports EU institutions, but also actors and partners upon request, with particular attention to inclusivity and gender aspects in peace processes. It provides training, coaching, and assessment of mediation opportunities. In June 2020, the EEAS established a gender balanced in-house Pool of 20 EU Mediators to strengthen the EU's mediation outreach and operational capacity.

²⁷ "Conflict Prevention, Peace Building And Mediation" (*EEAS - European External Action Service - European Commission*) https://eeas.europa.eu/headquarters/headquarters-home-page_en/426/ Conflict%20 Prevention, %20Peace%20building%20and%20Mediation> accessed 28 April 2021

Finally yet importantly, a taskforce was created to exercise political oversight of EU mediation activities.²⁸

The EU has deployed its military abroad for either civilian missions or military operations. The deployment is meant to help in peacekeeping activities or capacity building. In 2003, the EU took over the peacekeeping mission in the Republic of North Macedonia from NATO. The mission was codenamed EUFOR Concordia. It deployed around 300 troops to provide security to EU and Organization for Security and Co-operation in Europe (OSCE) to monitor overseeing the implementation of the Ohrid Framework Agreement a peace settlement resolving the conflict between the government and country's ethnic Albanian community. This became the first ever military operation of the EU. EUFOR Concordia was a significant event in the evolution of the EU's security cooperation. It was then replaced by EU Police Mission. It was the first deployment of European troops under the EU flag and it marked a new chapter in EU's conflict resolution policy. ²⁹

Still in 2003, Operation Artemis, formally European Union Force (EUFOR) in Democratic Republic of the Congo, a EU-led UN force was deployed in the Ituri region of the Democratic Republic of Congo. This is considered the first EU led military operation, the first autonomous EU operation, the first rapid response mission of the EU, first operation outside Europe, first operation applying the principle of the framework nation and first example of "relay operation", conducted in cooperation between the EU and the United Nations. The deployment of EUFOR troops quickly decreased the conflict's intensity. It was

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²⁸ "Conflict Prevention, Peace Building And Mediation" (*EEAS - European External Action Service - European Commission*) https://eeas.europa.eu/headquarters/headquarters-home-page_en/426/Conflict%20Prevention, %20Peace%20building%20and%20Mediation> accessed 28 April 2021

²⁹ European Union Military Operation In The Former Yugoslav Republic Of Macedonia - Wikipedia' (*En.wikipedia.org*)https://en.wikipedia.org/wiki/European_Union_Military_Operation_in_the_Former_Yugoslav_Republic_of_Macedonia accessed 28 April 2021.

the first autonomous EU military mission outside Europe and an important milestone in development of the European Security and Defence Policy.

In 2004, Operation Althea was launched. Operation Althea, formally the European Union Force Bosnia and Herzegovina (EUFOR), was a military deployment for enforcing the Dayton Agreement in Bosnia and Herzegovina in replacement of SFOR and IFOR, a NATO led mission. ³⁰

In 2006 during the election period in Congo, the United Nations Security Council passed a resolution authorising the deployment of EU forces to DRC to support the United Nations Mission in DRC (MONUC) during the period encompassing the general elections in the DR Congo. The mission role was: to support and provide security to MONUC installations and personnel; contribute to airport protection in Kinshasa; contribute to the protection of civilians under imminent threat of physical violence; evacuate operations in case of emergency.³¹

The EU has been involved in many other peace keeping missions, helping to promote peace and security in many regions of the world. Other than military operations, it also regularly sends civilian missions for capacity building. One such mission is the European Union Rule of Law Mission in Kosovo, dubbed EULEX Kosovo. It is the largest civilian mission ever launched under the Common Security and Defence Policy (CSDP) of the European Union. EULEX supports selected Kosovo rule of law institutions on their path towards increased effectiveness, sustainability, multi-ethnicity and accountability, free from political interference and in full compliance with international human rights standards and best European practices through monitoring activities and limited executive functions with the

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³⁰Operation Althea - Wikipedia' (*En.wikipedia.org*) https://en.wikipedia.org/wiki/Operation_Althea accessed 29 April 2021.

³¹https://en.wikipedia.org/wiki/European_Union_Military_Operation_in_the_Democratic_Republic_of_the_Congo_(2006)

aim of handing over remaining tasks to other long-term EU instruments and phasing out residual executive functions.

The EU faces a number of challenges from intrastate conflicts as there are a number of breakaway regions in European member states. Separatist movements exist in Spain, Germany, France, Belgium and other European Union member states. They claim the right to self-determination of the International Law. Most aim to separate from their countries and join the EU separately as independent states. This would give them more powers as compared to when they exist as autonomous regions which is the best solution that governments come up with when faced with separatist movements. Separatist movements in Europe pose a great challenge to the harmony and peaceful existence of its inhabitants. They also pose a legal challenge in that in case of a successful split from the central country, what would be the European status of the new countries. Do they become members automatically or do they have to apply for membership? These separatist movements have even formed an alliance in the European parliament, the European Free Alliance (EFA). The EFA is an umbrella organisation that gathers 47 nationalist, regionalist and autonomist parties throughout the European Union (EU), representing stateless nations, emerging new States, regions and traditional minorities in Europe. It focuses its activity on the promotion of the right of selfdetermination of peoples, human, civil and political rights, democracy, internal enlargement, multi-level governance, devolution of powers, cultural and linguistic diversity; as well as on nationalism, regionalism, autonomy and independence. The right to self-determination is a cornerstone of the EFA's program and ideology. The European Free Alliance is a European Political Party recognized by the European Parliament since 2004. It is financed by the European Parliament and EFA Members.³² These parties and movements pose a threat to the stability of the European Union and its conflict resolution mechanism. For now the European

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³² "Who We Are - EFA - European Free Alliance" (*EFA - European Free Alliance*) https://www.e-f-a.org/who-we-are/ accessed 29 April 2021.

Union considers these movements a national issue of the member states but when violence breaks due to these divisions, the European Union will be called upon to respond. A case in point is the Spanish crisis in 2017 precipitated by the decision of the regional government in Catalonia to hold a referendum on Catalonia's independence from Spain. The referendum was declared illegal by the national government and the national government proceeded to attempt to stop the referendum using the police force. This led to huge demonstrations and arrest warrants were issued for the leaders of the region. Some leaders had to go into exile in other European countries while others were arrested and imprisoned. There were calls for the European Union to get involved in the matter from within the European Union and outside its borders. The European Commission refused to be involved saying it was an internal matter for the Spanish government a statement reading "we trust the leadership of Prime Minister Mariano Rajoy to manage this difficult process in full respect of the Spanish constitution and of the fundamental rights of citizens enshrined therein" Most EU nations which harbour dissatisfied regions were happy with this outcome because any other result would encourage their dissatisfied regions to follow the Catalonia example.

The EU needs a clear plan on how to handle separatist movements in its backyard. The existence of the EU has encouraged many regions with grievances with their national governments to escalate towards self-rule. This trend is bound to grow since there is a clear advantage for a region to join the EU as an independent state. Such a region gets to have more say on its affairs and also the affairs of other European members. The biggest stumbling block is the ambiguity of whether such a state will remain in the EU after its formation or it will need to apply to the EU for membership. This uncertainty looks to have held back the Catalan president from declaring independence from Spain. Part of the reason is if the EU

³³Wagner, Andrea & Marin, Jianna & Kroqi, Dorian. (2019). The Catalan struggle for independence and the role of the European Union. Regional Science Policy & Practice. 11. 10.1111/rsp3.12218.

demands that break away states apply for membership, their mother nation would be bound to object and they will be at their mercy.

1.5.2.2 The Association of Southeast Asian Nations (ASEAN)

It was formed in August 1967 with founding members being: Singapore, Indonesia, the Philippines, Malaysia and Thailand when the foreign ministers of the said countries signed the ASEAN Declaration. The aim of ASEAN was to cooperate in the fields of social, technical, cultural, educational, economic and other fields, and to promote peace and stability in the region through the respect of justice and the rule of law and adhering to the principles of the United Nations Charter. It declared that membership was open to all states in the region provided they subscribe to its aims, principles and purposes. The seeds for the formation of ASEAN were planted when Indonesia, Thailand, Philippines and Malaysia realised the need for an organization for helping in solving disputes during a mediation by Thailand of a dispute between the other countries.

In addition to the Bangkok declaration, ASEAN Concord and the Treaty of Amity and Cooperation in Southeast Asia (TAC) were also signed in 1976. The ASEAN Concord stressed enhancing cooperation among member states through political, social, economic, cultural and security programs thus creating a favourable and stable peaceful regional environment. The TAC detailed the principles and policies for conflict management. It is stressed: the mutual respect for sovereignty, independence, equality, territorial integrity and national identity of member states; the right of every state to exist free from external interference, subversion and coercion; the non-interference of the internal affairs of another

member state; the settlement of disputes and differences by peaceful means; the renunciation of the threat or use of force and effective cooperation among themselves.³⁴

The organisation combines these principles with a passive approach of avoiding conflict, dampening conflict and postponing dealing with it for an indefinite period. During conflict the principles are worked out in the institutional mechanisms of conflict management in ASEAN. These mechanisms include summit meetings, foreign affairs minister meetings, economic and environmental ministers meetings and senior officials meetings totalling some 230 meetings in a year. There are also bilateral joint committees and commissions dealing with a border issue and military cooperation. All these meetings are designed to give ASEAN members the opportunity to interact at various forums even when they may be engaged in Conflict. Success has been achieved in solving major conflicts between the states through restraint and bilateral and ASEAN discussions. For example, when in 1995 a Filipino maid was hanged for murder in Singapore causing lots of anger in the Philippines and withdrawal of ambassadors by both countries, intergovernmental dialogue between the two countries with support from other ASEAN members led to restoration of diplomatic relations without further escalation. This process of conflict management followed the same pattern as the officer hanging incident of 1968, when two Indonesian marines were executed for espionage in Singapore. The execution caused inflamed passions in Indonesia where citizens and politicians were calling for retaliations but the President of Indonesia, Suharto, resisted the pressure and took no action. This allowed for the event to become irrelevant and normalisation of relations between the two countries was possible. There are currently a number of territorial disputes among the states of ASEAN which have gone on unresolved for quite a long time and still looks to continue that way. These include: the Spratly Islands which are claimed by Brunei, Malaysia, the Philippines and Vietnam which has been ongoing

³⁴ Askandar, K. *The ASEAN way of conflict management: Old patterns and new trends.* Asian Journal of Political Science, 2002.

since the late 1950s; Pulau Batu which is contested by Malaysia and Singapore and has been ongoing since the 1960s; the border dispute between Malaysia and Thailand ongoing since the 1950s, etc. This exercise of restraint and dialogue is the hallmark of ASEAN conflict management. Some challenges like the invasion and occupation of Cambodia by Vietnam in 1978 presented a major challenge to the ASEAN organisation. ASEAN's effort for mediation and to broker a viable peace agreement through political, diplomatic and economic initiatives were frustrated by Cold War politics until 1990.³⁵

1.5.2.3 The Arab League

It was formed in 1945 with founding member states being Lebanon, Iraq, Egypt, Syria, Jordan, Yemen and Saudi Arabia as an outgrowth of Pan-Arabism and also as a direct reaction to the creation of the state of Israel on Palestinian Territory. They were later joined by Libya, Algeria, Bahrain, Oman, Qatar, Sudan, Tunisia and Morocco, Kuwait, and the United Arab Emirates, Comoros, Somalia, the Palestine Liberation Organization, Djibouti, and Mauritania. Each member has one vote on the League Council and the Council decisions are only binding to those states that voted for them. Its formation aims in were to enhance and coordinate the political, cultural, economic, and social programs of its member states and to mediate disputes among them or between them and third parties. In 1950, they signed a joint defence agreement and committed to coordinate military defence measures. The joint defence agreement was shown to be ineffective during the 6 days' war with Israel. It was a brief but bloody war fought in June 1967 between the Arab states of Egypt, Jordan and Syria and Israel. It followed years of political and diplomatic tension between Israel and its neighbours over borders and Israel's occupation of the Palestinian Territories.

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³⁵ Kamarulzaman Askandar, Jacob Bercowtch and Mikio Oishi, "The ASEAN Way Of Conflict Management: Old Patterns And New Trends" (2002) 10 Asian Journal of Political Science.

Israeli forces launched pre-emptive air attacks that destroyed the ability of Egypt and its allies to launch air attacks. It followed this with a ground offensive that helped it seize the Gaza Strip and Sinai Peninsula from Egypt, the Golan Heights from Syria and the West Bank and East Jerusalem from Jordan. The war ended when the United Nations managed to broker a cease fire from the warring sides. This war significantly changed the map of the Middle East and also caused a rise in geopolitical tensions that continue to this day.

Initially, the Arab League concentrated mainly on economic, cultural, and social programs. In 1959 it held the first Arab petroleum congress and in 1964 established the Arab League Educational, Cultural and Scientific Organization (ALECSO). Also in 1964, despite objections by Jordan, the league granted the PLO observer status as the representative of all Palestinians. This was upgraded to full membership in 1976. The league has been plagued by internal political differences between its members especially concerning the occupation of the Palestinian Territories. How to deal with Israel has been a major flashpoint in relations among the members of the league. Case in point, the headquarters of the Arab League was moved from Cairo to Tunis after Egypt signed a peace treaty with Israel in 1979. Egypt was also suspended from the league. Its membership was only restored in1989 and the headquarters returned to its capital Cairo in 1990. The invasion of Kuwait by Iraq in 1990 caused a deep lift in the league which was exacerbated by the involvement of some members in the Gulf War as Saudi Arabia invited the Americans to dive the Iraqis from Kuwait.36 Another flashpoint is the relationship of the members of the league with Iran a majority Shia Muslim nation and the Arab League whose member states are mostly ruled by Sunni Arabs. After the Iranian revolution in 1979, the leader of the revolution, Ayatollah Ruhollah Khomeini, declared that the concept of monarchy was a total contradiction to Islam. This led to tension and hostility with Iran's neighbours. In addition, the fact that Iran did not hide its

³⁶'Arab League | History, Purpose, Members, & Achievements' (Encyclopedia Britannica)

https://www.britannica.com/topic/Arab-League accessed 28 April 2021.

intention to spreading its version of Islamic revolution to other parts of the Muslim world was an added source of hostility. This led to the invasion of Iran by Iraq in 1980. With exception of Syria, the Arab League states supported Iraq financially and morally together with most of the Western world including the US. The war lasted for 8 years and ended in a stalemate and only after a United Nation brokered ceasefire. 37 Syria continued its good relations with Iran which led to a rift between it and other Arab states. Qatar has also suffered isolation by the Arab States due to its relationship with Iran. In June 2017 Djibouti, the Comoros, Saudi Arabia, Senegal, the UAE, Bahrain, Egypt, the Maldives, Mauritania, Jordan, the Tobrukbased Libyan government and the Hadi-led Yemeni government severed diplomatic relations with Qatar. They then blockaded its airspace and sea route with Saudi Arabia blocking the only land crossing. They said their actions were as a result of Qatar's relationship with Iran. They demanded that Qatar severe its relationship with Iran and also dismantle the international broadcaster Al-Jazeera which they accused of negative reporting. Qatar termed the blockade a bloodless declaration of war and declared that they are rich enough to withstand the blockade. The blockade was lifted three and a half years later through mediation by Kuwait and the United States.³⁸

The Arab League is beset by divisions which makes mediation and conflict resolution very difficult. Countries in the league are unable to speak in one voice. Also given the fact that countries can only implement decisions in which they vote for, speaking with a common voice is very difficult. The Arab Spring was a good example of this. When Bahrain citizens demonstrated demanding better service from their rulers, Saudi Arabia and the United Arab Emirates (UAE) supported the ruling class allowing the Bahrain King to suppress the movement violently. When the same happened in Libya, the nations that supported Barhain

³⁷ Arab League–Iran Relations - Wikipedia' (En.wikipedia.org)

https://en.wikipedia.org/wiki/Arab League%E2%80%93Iran_relations> accessed 29 April 2021.

³⁸Qatar-Saudi Arabia Diplomatic Conflict - Wikipedia' (En.wikipedia.org)

https://en.wikipedia.org/wiki/Qatar%E2%80%93Saudi Arabia diplomatic conflict> accessed 29 April 2021.

now changed their tune and gave their support to the demonstrators. This led to the overthrow of the Gaddafi regime.

1.5.2.4 The Economic Community of West African States (ECOWAS)

The Economic Community of West African States was founded in 1975 with the mission of promoting economic integration in all fields of economic activity, particularly industry; transport; telecommunications; energy; agriculture; natural resources; commerce; monetary and financial interests; and social and cultural matters. The ECOWAS Secretariat which is located in Abuja, Nigeria, is responsible for implementing ECOWAS' policies through pursuance of a number of programmes and projects in member states.

Two protocols were signed between the states to help in promotion of peace in the region: the Protocol on Non-aggression (1978) and the Protocol on Mutual Assistance in Defence (1981). These protocols addressed interstate conflicts and were thus insufficient in handling the numerous intra-state conflicts in the region. They also ignored issues of conflict prevention, conflict resolution, and humanitarian action and peace building. Successive outbreaks of conflicts induced ECOWAS to undertake several conflict management initiatives.

In 1999, the ECOWAS Conflict Prevention Framework (ECPF) mechanism was adopted to help solve these issues. The objectives of the mechanism cover all material aspect of modern conflict resolution, such as conflict prevention, early warning, peace keeping, strengthening of cooperation to tackle joint security problem, establishment of institutions to tackle security issues, humanitarian and relief operations and the constitution of a civilian and military peace keeping force.

The Early Warning Systems, a key structure of the framework, aims to furnish incident and trend reports on peace and security, as well as real-time preventive response options, to

ECOWAS policy makers to ensure predictability and facilitate interventions to avert, defuse or creatively transform acute situations of conflict, instability, disruptions and disasters. The ECOWAS Early Warning and Response Network (ECOWARN) which falls under the Department of Early Warning (DEW) has four zonal bureaus from which it collects and collates all intelligence. It is mandated in the protocol to liaise with Departments of Political Affairs, Human Development and Gender and others as needed in the analysis of data and the preparation of reports and briefings for policy makers. It is also required to coordinate its operations with other organisations including the African Union and the United Nations to ensure the success of the Continental Early Warning System (CEWS).

To implement the protocol, ECOWAS Heads of States authorized the establishment of the following institutions of the mechanism: the Authority; the Mediation and Security Council; the Executive Secretariat; any other institution as may be established by the Authority.

The Authority is the main political institution under the protocol and is composed of Heads of States and Governments of member states. It is the highest decision making body authorized to act on all matters concerning conflicts prevention, management and resolution, peace keeping, security, humanitarian support, peace building, control of cross-border crimes, proliferation of small arms as well as all other matters covered by the mechanism. The Mechanism shall be put into effect upon the decision of both the Authority and the Mediation and Security Council.

The mediation and Security Council is composed of the ten members. The mediation and Security Council is the technical or implementation body of the mechanism authorized to take decision on issue of peace and security in the sub-region on behalf of the Authority and to implement all provisions of the protocol. The deliberations of the Mediation and Security Council shall be held at three levels, namely: Heads of states and Governments, Ministerial and Ambassadorial levels. Each level has distinct operational powers and is mandated to meet

at specified period to monitor and appraise security situations in the sub-region. The Mediation and Security Council votes for the deployment of the ECOWAS Ceasefire Monitoring Group (ECOMOG) forces, when the situation requires it through a two thirds majority. The lack of a provision for the course of action to be adopted if the two thirds majority is not reached is a major drawback which can delay quick response if required. It could lead to a deadlock that could prevent speedy intervention; this can only be broken by dialogue and consensus building, which though advantageous would take time thus delaying the deployment of the ECOMOG force.

The Defence and Security Commission is responsible for assisting the Mediation and Security Council management of the peacekeeping force. It formulates the force's mandate, its term of engagement, the composition of the force and also appointing the force's commander.

The ECPF also included creation of other institutions like the council of elders to help in promotion of peace and security in the region. The Council of Elders consisting of 15 eminent personalities, one from each member state of the Community, including women, traditional, religious, and political leaders was established under ECOWAS' 1999 Protocol to promote peace and security in West Africa. It uses the experience of its members to act as mediators, conciliators and facilitators. It is assigned duties by the Mediation and Security Council or the Executive whenever a situation arises. The Council of Elders has observed elections in Sierra Leone, Nigeria, Gambia and Togo; and contributed to defusing potential conflicts throughout West Africa.

By adopting the protocol, ECOWAS has successfully established a comprehensive system for conflict prevention, management and resolution. However, the efficiency and workability of the mechanism is in doubt; this is evident from the numerous conflicts that bedevil the subregion and the haphazard manner of some ECOMOG operations.

West Africa has gone further than any other African sub-region in efforts to establish a security mechanism to manage its own conflicts.³⁹ The ECOWAS Ceasefire Monitoring Group intervention in Liberia between 1990 and 1998 was the first such action by a sub-regional organisation in Africa relying principally on its own men, money and military material. It was also the first time the UN had sent military observers to support an already established sub-regional force. The ECOMOG intervention in Sierra Leone to restore the democratically elected government of Ahmed Tejan Kabbah to power in 1998 was equally unprecedented, and the UN took over ECOMOG's peacekeeping responsibilities by 2000.⁴⁰ ECOWAS' fourth military intervention in Côte d'Ivoire was launched in early 2003. The Ivorian case again highlighted the interdependence of security and the need to adopt a regional approach to managing West Africa's conflicts.⁴¹

ECOWAS intervened in 2017 in the Gambia, under mission named The ECOWAS military intervention in the Gambia (ECOMIG), to resolve an internal government breakdown caused by a constitutional crisis when long serving president Yahya Jammeh lost the presidential election to Adama Barrow but refused to hand over power claiming election irregularities. Repeated mediation efforts encouraging Jammeh to step down were not successful and ECOWAS troops amassed in the Gambian borders. The President was given an ultimatum to step down but he still refused. The UN passed a resolution supporting ECOWAS intervention but not by use of military force. Senegalese and Ghanaian soldiers entered the country in spite of the resolution, which led to the exile of Jammeh. ECOWAS deployed its ECOMOG force in the Gambia to force the President Yahya Jammeh to step down in an operation codenamed Operation Restore Democracy. Two days after ECOMOG military incursion,

³⁹Protocol Relating to the Mechanism For Conflict Prevention, Management, Resolution, Peacekeeping and Security, ECOWAS, Lomé, Togo, 10 December 1999

⁴⁰brahim Abdullah and Patrick Muana, "The Revolutionary United Front of Sierra Leone: A Revolt of the Lumpen-proletariat", in Christopher Clapham (ed.), African Guerrillas (Oxford, Kampala and Bloomington: James Currey, Fountain Publishers and Indiana University Press, 1998)

⁴¹Achievements | Economic Community Of West African States (ECOWAS)' (*Ecowas.int*) https://www.ecowas.int/achievements-of-ecowas-at-40/ accessed 28 April 2021.

president stepped down and went into exile. President Yahya Jammeh stepped down after he lost the support of the armed forces with Gambian army chief announcing that the army will not involve itself with a political matter and the navy supporting Mr Barrow. When Mr Barrow returned to the country, he asked the troops to stay for 6 months in order to help in maintenance of peace and order. The mission was then extended until 2021.

Harouna (2019) argues that "in promoting sustained economic development of the West African region through the implementation of the Community work programme, ECOWAS has laboured to bring about greater entrenchment of democratic culture, enhanced efficiency in dealing with conflicts, crisis prevention and resolution as witnessed in the restoration of stability to Member States caught in conflict over the years." It has also endeavoured to promote democracy in the region. It serves as a great example to other African regional organizations on how to solve and manage conflicts that befell their members.

1.6 Justification

The study is focusing on the efficacy of regional conflict management mechanisms in conflict management. It specifically focuses on the East African Community which encompasses Burundi, Kenya, Rwanda, South Sudan, Tanzania, and Uganda. The member nations have been plagued with internal conflicts for many years. Therefore, it provides chances to efficiently scrutinize the working effort of the regional body on conflict control in the East African community.

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⁴²Harouna MAYAKI, 'Stakeholders Call For Support Of The ECOWAS Conflict Prevention Framework | Economic Community Of West African States(ECOWAS)' (*Ecowas.int*, 2019)

https://www.ecowas.int/stakeholders-call-for-support-of-the-ecowas-conflict-prevention-framework/ accessed 28 April 2021.

1.7 Theoretical Framework

The theoretical context reflects an understanding of the ideas and definitions applicable to the research context, which applies to the broader fields of expertise being discussed. Thompson, R. (1995) states that the realist assumes that the international community's allocation of power is the main determinant of international consequences, including both conflicts and the negotiated resolution of crises and disputes.

A report by Klaus lands complaints and the mobilization of electoral savagery in Côte d'Ivoire and Kenya concluded that regional bodies lack the capacity to intervene and handle the conflict in contrast with international bodies such as the United Nations and the African Union.⁴³ It should also be noted that having a composition of regional bodies bound by a shared definition of economic integration and further arguing that the stability and security of the region does not in itself constitute potential for effective Conflict Management Mechanism.⁴⁴ In order for regional bodies to have sufficient resources, they must have technical expertise, experience, functional skills and dispute management and resolution skills, as well as the goodwill and confidence required to bring warring groups to the table.

1.7.1 Consociationalism Theory

Most of the ideas of world crisis management are that of consociationalism. This theory proposes two aspects of institutional architecture that concentrate on power-sharing and self-government. The argument is based on the fact that conflict mediation techniques should be viewed independently because they always coincide with the design or otherwise (Wolff 2009a). This hypothesis appeared to work as it did in the case of post-election violence in Kenya.

⁴³ Klaus, M. land grievances and the mobilization of electoral violence in Côte d'Ivoire and Kenya. 2013

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⁴⁴ Frere, Regional Conflict resolutions strategies in Africa. 2016

This is relevant for the study because the regional bodies ought to have a conflict management framework that ensures more strength in terms of expertise, technological ability, goodwill and experience in regional conflict.

1.8 The conceptual framework of the study

The theoretical framework depicts the link amid the dependent variable and independent variables. The independent variables namely conflict management mechanisms, the effectiveness of conflict management mechanisms and the capacity in implementing conflict management mechanisms while the dependent variable is Conflict Management Mechanisms.

1.8.1 Conflict Management Mechanisms

Conflict management mechanisms involve both civil techniques and legal techniques. This study will review: Third party Interventions, Negotiations and Good offices in explaining civil techniques identified. Seemingly, legal techniques will be a review of Arbitration and Coercive settlement.

1.8.2 Effectiveness of conflict management Mechanisms

Regional bodies and the UN, rely on mediation, preventive diplomacy, good offices and the use of intervention powers. Preventive diplomacy was carried out in the form of resolutions of the EAC Summit and recommendations to the Government of Burundi. This is in line with Adebajo, who argued that mediation is one of the methods adopted by the regional authorities as mediation has the capacity to bring dispute partners to the negotiation table to address their grievances and how to resolve those grievances.⁴⁵ Desmidt noted that mediation in various

⁴⁵ Adebajo, A. Building Peace in West African. Liberia, Sierra Leone and Guinea Bissau, Boulder: Lynne Rienner. 2002.

conflicts, including the Biafra conflict in Nigeria, the Angolan civil conflict, and recently the post-election conflict in Kenya in 2007-2008, had been successful.⁴⁶

1.8.3 Capacity in implementing conflict management mechanism

On the ability of regional conflict management bodies, the Adebajo study concluded that, insofar as conflict unites different states facing conflict problems, the collective effect on conflict management is significantly hampered by a lack of technical ability. For example, the ECOWAS region has been heavily involved in conflict in West African states, including Cameroon, Gabon, Ivory Coast and Togo, but the efficacy of these efforts has often been hampered by a lack of preparation and ability for negotiators and mediators leading to weak resolution or protracted fighting.⁴⁷

1.9 Research Methodology

Data used for this study was drawn from secondary sources. The EAC peace initiatives are also only privy to certain levels of security intelligence clearance, thus, the option of secondary data collection in order to understand the peace mission conducted by the EAC. The Secondary data collected was through journals, books, newspapers, magazines, and organizations reports discussing the effectiveness of EAC in conflict management mechanisms.

1.9.1 Research Instruments

To understand the targets of this investigation, the research involved gathering auxiliary sources of information in regard to the plans, policies, journals, books, newspapers,

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⁴⁶ Byiers, B., &Desmidt, S. Regional economic integration in the Horn of Africa: Wishful thinking or a basis for peace?GREAT Insights Magazine, (2016) Volume 5, Issue 1. February 2016

⁴⁷ Adebajo, A. Building Peace in West African. Liberia, Sierra Leone and GuineaBissau, Boulder: Lynne Rienner, 2002.

magazines, and organizations reports discussing the effectiveness of the EAC in conflict resolutions.

1.9.2 Methods of Data Analysis

Topical or, content investigation was applied to examine subjective information. Information substance was summed up and that data utilized as a beginning stage in the examination. Similitudes and contrasts in optional information were analyzed to make inferences.

1.10 Limitations of the Study

To access information from the EAC on conflict management mechanisms requires high level clearance hence focused on literature. Therefore, the researcher faced some challenges while trying to gain clearance to access the information.

1.11 Chapter Outline

This investigation is coordinated in five sections. Section one (General Presentation) presents the subject of our examination research, by first setting the broad framework of our research, the statement of the problem, goals of the research, justification, theoretical framework, and the methodology of the research. Section two gives the background to the regional conflict management mechanisms in the East African Community. The part covers first the nature of conflicts in the East African Community. From there on it presents the mechanisms for conflict prevention, management and resolution within organization. Part three investigates the adequacy of the conflict management systems in the East African Community. Chapter four analyses the challenges affecting East African Community conflict management mechanism. Part five gives conclusions of the investigation, proposals, and gives ideas on areas to additional examination.

CHAPTER TWO

THE REGIONAL CONFLICT MANAGEMENT MECHANISMS IN EAST AFRICAN COMMUNITY

2.0 Introduction

Section two presents a summary of disputes in the region and by country. It also discusses the conflict management mechanisms, focusing on East Africa.

2.1 Nature of Conflicts in the EAC

All causes of dispute: "structural, political, economic, social and cultural, are at play in the East African region. Likewise, all types of conflicts are also present: violent and non-violent; sporadic or occasional and endemic or intractable." The conflicts are manifested in form of ethnic violence, political violence and conflict over resources. Tensions between states are also a reality.

Clashes in this area "are not just a result of the power of the states but are also a result of the weakness of the states in managing two critical transitions: the transition from the colonial to the independent state in the early sixties and the transition from authoritarian/undemocratic regimes to democratic change in the early nineties." Although colonial legacies have powered the struggles, contemporary brutality is by all accounts an aftereffect of disappointment in both statecraft and government ability to give a protected and good life for the residents. Exclusionary administration styles are generally to reprimand for a significant number of the disputes since rejection from administration typically implies the denial of any remaining opportunity for prosperity.

⁴⁸ Chikwanha A. The Anatomy of Conflicts in the East African Community (EAC): Linking Security With Development: Development Policy and the Security Agenda for Africa: Reassessing the Relationship Keynote speech to Development Policy Review Network-African Studies Institute, (2007), Leiden University, The Netherlands

⁴⁹ Idem

All partner states, except the United Republic of Tanzania have experienced violent conflicts. In addition to internal conflicts, tensions exist between member states. South Sudan is the most unstable country within the EAC. South Sudan gained independence in July 2011 but fierceness erupted in 2013 due to rivalry between the President and the Vice President. Despite the return of the Vice President and the formation of a transitional government, the situation remains volatile.

Burundi has been plagued by violence since independence in 1962. The country was shaken by ethnic massacres in 1965, 1972 and 1988. The murder of the democratically chosen President Ndadaye in October 1993 sparked the massacre of the Tutsi. This marked the beginning of a bloody civil war opposing Hutu rebel groups to the Government forces dominated by the Tutsi ethnic group.

A political deal signed in 2000 eventually allowed a cease fire agreement in 2003 which partially put an end to a 10 years political-ethnic conflict. Democratic elections organized in 2005 were followed by a decade of relative stability despite the persistence of sporadic attacks by armed dissidents. The country fell again into violence in 2015 when the late President Pierre Nkurunziza decided to run for a controversial third term. The country is still affected by the effects of that crisis which have badly shaken the national cohesion. Many people have fled the country and armed groups operating from DR Congo launch from time to time attacks. The crisis has also exacerbated tensions with Rwanda. Both countries accuse each other of hosting and sponsoring armed opposition. Several incidents along the common border have occurred and the risk of escalation is high.

Rwanda managed to recover from the 1994 genocide against Tutsi. Rwanda is relatively stable and regarded as a model of good governance. But the country is constantly threatened by armed opposition groups including former genociders operating from DR Congo. Relations with her neighbours i.e Uganda, DR Congo and Burundi are tense.

Uganda's past is plagued by violence and civil wars. From 1971 to 1979, Uganda was under the oppressive regime of Idi Amin. During the reign of Idi Amin, and projected 300,000-500,000 persons were assassinated and a further 80,000 Asian Ugandans were banished from the state. The Idi Amin's government was replaced by the oppressive administration of Obote, during which time an additional estimated 100,000 individuals were murdered.⁵⁰

In 1985, Obote was dismissed and in the following turmoil, the current President H.E Museveni held onto control of Uganda and announced an administration of public solidarity. Nonetheless, the power battle proceeded, and since Museveni's administration has been in leadership, more than 20 assailant groupings have attempted to uproot it, most especially the Lord Resistance Army (LRA). 51 LRA was defeated in 2008 and the remnant combatants fled to DR Congo and Central African Republic.

In 21 years of civil warfare in Northern Uganda, around 1.6 million individuals from Northern Uganda have been dislodged and more than 100,000 individuals abducted or lacerated by the LRA.⁵² Today, Uganda is still confronted with the Allied Democratic Forces (ADF) insurgency. They were initially based in Western Uganda but they moved into DR Congo. Uganda also faces political agitation.

In contrast to the vast majority of its East African neighbours, Kenya has since independence not experienced huge resistance or civil conflict. However, it has encountered a high number of more restricted ethnic struggles which on occasion have brought about high losses of life.⁵³ Nevertheless, Kenya and Tanzania are the most stable and peaceful countries in the East African region despite the existence of elements of risk of conflict.

⁵⁰ https://www.edukid.org.uk/news/ugandan-civil-war-brief-history/

⁵¹ Idem

⁵² Ibid

⁵³ https://link.springer.com/content/pdf/10.1007%2F978-981-13-2898-5_50.pdf accessed on 17 Nov 2020

One of the factors of conflict is ethnicity. In the 1990s, Kenya experienced various "ethnic clashes." These conflicts neither converted into civil conflicts nor kept going for long. Generally, ethnic conflicts have been restricted in limited topographical zones and have not influenced life in different sections of the country. Besides, the conflicts have not included revolutionary gatherings battling to dislodge the public authority and thus did not bring about setbacks on the public authority side. Ethnic conflicts are often connected to competition over resources such as land conflicts. They result in clashes between communities and cause death and displacement of many people.

For instance, in Tana River Region in eastern Kenya, two waves of brutality - in 2001 and 2012 - between the Pokomo and the Orma and Wardei prompted many deaths, the obliteration of homes and towns, the displacement of thousands of individuals, and huge disturbances of education and economic exercises. The contention is situated in a generally dry region, where the networks - who are chiefly inactive ranchers and pastoralists individually - are reliant upon the stream for their livelihoods. For instance, in Tana Waterway Area in eastern Kenya, two floods of viciousness - in 2001 and 2012 - between the Pokomo and the Orma and Wardei prompted many deaths, the annihilation of homes and towns, the relocation of thousands of individuals, and enormous interruption of schooling and economic exercises. The contention is situated in a great extent parched territory, where the networks - who are primarily inactive ranchers, and pastoralists, individually - are subject to the stream for their jobs. ⁵⁵

Political violence is another cause of conflict in Kenya. The 2007 post electoral violence will probably remain for Kenya one of the unprecedented events of the 21st century. Following the declaration of election results in Kenya in December 2007, serious battling broke out in

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https://land.igad.int/index.php/documents-1/countries/kenya/conflict-3/585-sporadic-ethnic-violence-why-has-kenya-not-experienced-a-full-blown-civil-war/file Accessed on 17 Nov 2020

⁵⁵ https://link.springer.com/content/pdf/10.1007%2F978-981-13-2898-5_50.pdf accessed on 17 Nov 2020

various sections of the country. Between 300,000 and 600,000 individuals were forced out of their homes due to the post-election brutality. More than 1,100 persons were murdered.⁵⁶ The 2017 elections were also contested but violence was avoided.

Proximity with Somalia is also an element of risk for Kenya's stability. Al Shabab militants operate across the common border between the two countries and regularly orchestrate terrorist attacks into Kenya territory. The maritime border dispute with Somalia is a potential source of conflict.

2.2 The EAC Conflict Management Act

The EAC contention, deterrence, control and resolution mechanism is known as the EAC Conflict Management Act. The main objective of the Act is to promote conflict prevention and nonviolent resolution of contentions that might arise in the Community. The specific objectives are to: Prevent internal, cross border and regional conflicts affecting the Partner States, bring together the conflicting parties for mediation, encourage the parties to a conflict to resolve the conflict amicably, Encourage cooperation among the Partner States in conflict management, and Coordinate post conflict management.

The Mechanism is run by a Panel consisting of one eminent person from each Partner State and selected by the Summit upon endorsement by the Council. The Panel is known as the EAC Panel of Eminent Persons. It is responsible for deterrence, control and resolution of conflicts in the Community. The functions of the Panel are to: identify potential sources of conflict, propose pre-emptive responses to tackling contention situations, undertake intercession and dialogue to forestall and solve clashes, recommend modalities for involvement and calming of clash situations, cause operationalization of the contention early admonition and reaction mechanism of the local people, cause the facilitation of and support

⁵⁶ Markussen,T and Mbuvi,K. 'When Does Ethnic Diversity Lead to Violence? Evidence from the 2007 Elections in Kenya'. Department of Economics University of Copenhagen (July 2011).

the negotiation and mediation capacity of the Community, enhance conflict resolution capabilities in relation to regional tensions in the Community, develop capacities at the Secretariat and in the Partner States to anticipate and mitigate conflicts, sensitize the people of East Africa on the East Africa Community conflict deterrence, control and resolution mechanism and finally to facilitate the Partner States in resolving conflict. The panel is tasked to meet at least once a yearly. Its decision making is by consensus and in the event that consensus is unattainable, then the Summit steps in with the final decision through the Council.⁵⁷ This kind of decision making constitutes a weakness as consensus is seldom reached. Therefore, situations which require quick responses are not addressed on time or member states systematically oppose decisions which they deem unfavourable to them. The EAC should adopt the ECOWAS model whereby decisions are made on two third majority basis.

2.3 The EAC Treaty

Kenya, Tanzania and Uganda were the original signatories of this treaty which formed the EAC community. The treaty provides for the inclusion of other member states and therefore Burundi, Rwanda and South Soudan have since joined the community. The treaty targets the development of programmes and policies that deepen the integration of member states politically, economically, socially and culturally, in research and technology issues, defence matters, security, legal and judicial affairs, for the benefit of the member states. To accomplish these objectives, the treaty calls for the establishment of a Customs Union, a Common Market, subsequently a Monetary Union and ultimately a Political Federation.

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⁵⁷ The East African Community Management Act, 2012. Available at https://www.eala.org/index.php?/documents/view/eac-conflict-management-act2012 [Last accessed: 28 April 2021.

It identifies peace and safety as a pre-requisite for the success of the EAC region integration Process. The EAC has developed the peace and security strategy as where as a protocol that identifies areas for cooperation among the partner states.⁵⁸ "The strategy's vision is to create a secure and peaceful environment for development and the mission is to provide security within the region through enhanced co-operation."59

The EAC integration is based on, among different issues, the basic presumption that harmony and safety are a precondition to, undoubtedly the beginning stage of regional integration and advancement. The Agreement for the Foundation of the EAC and the advancement systems likewise emphasizes mutual protection, harmony and safety among the concurred domains of collaboration between member states. The journey for provincial harmony and security in East Africa is safeguarded under article 5 of the Treaty, which gives that harmony, security and great neighbourliness in the area will be among the central goals of the community.

Article 124 of the Agreement expounds on the cooperation in Regional Harmony and Security; and the Partner Nations have a MoU for Co-operation in Defence Matters. Under this MoU, "the EAC partner states are taking measures to address the issues of defense, peace and security by ensuring the maintenance of peace and stability in the region; avoidance and prevention of conflict within the region, observance of the principles of good neighbourliness and the peaceful resolution of conflicts, addressing the root causes of conflict through observance of good governance, respect for human rights, co-operation in defense matters, including preparedness for common defence and peacekeeping, conflict resolution and disaster management."60

⁵⁸ Kaguta, D. Peace and Security Officer-EAC. Personal Interview July 19, 2010. EAC Headquarters, Arusha,

Tanzania. 59 Ibid

⁶⁰ Kiraso, B. EAC Integration Process And The Enabling Peace And Security Architecture, 2009.

In its more extensive visualization, whereby EAC accepts the inevitable foundation of a Political League of the East African States (Article 123), the EAC Treaty takes a gander at the possible foundation of a typical defence agreement (Article 125). The most important target is to harden/fortify the EAC representation for regional harmony and safety and actuate it within the extensive, continental context, that is, the foundation of the suggested African Economic and Political Union (AEPU) and compelling investment in the mission for an African methodology or instrument to keep up harmony and security in the continent. 61

2.4 Protocol on Environment and Natural Resource Management

East African member states are auditing the Convention on Environment and Natural Resources Management to establish arrangements for battling environmental change, e-waste control and peaceful resolution of conflicts identified with trans-boundary assets, for example, the contentious Migingo Island. The tiny Migingo is located along the Kenya-Uganda boundary in Lake Victoria and it has been a source of conflict for the two neighbouring countries since 2004.

The agreement has clear provisions on decrease of greenhouse emissions, e-waste control and resolution of conflicts emerging from shared natural resources. By ratifying the protocol, the partner states agree: to develop a common policy on healthy management of natural resources and the environment; to implement good environmental management practises and utilize natural resources sustainably; to coordinate environment protection and conservation activities; to adopt common policies on hazardous and toxic chemicals management and strategies for regulation of trans-boundary movement of hazardous and toxic wastes including radioactive materials; to protect critical ecosystems of flora and fauna in the East African Community; to promote the exchange of information, research and development and

⁶¹EAC Treaty -East African Legislative Assembly' (*Eala.org*, 2012)https://www.eala.org/documents/view/eactreaty accessed 28 April 2021.

promote the use of cleaner production technologies; to develop the capacity for sustainable management of environment and natural resources throughout the community; to promote scientific, technical, and educational values concerning sound environment management and sustainable use of natural resources; to conduct environmental impact assessments and environmental audits; to initiate and strengthen development activities that demonstrate sound environment and natural resources management practices and to undertake any other activities as may be agreed upon by the member States.⁶²

The ratification of this protocol is essential especially because it deals with management and exploitation of shared natural resources which sometimes are a source of conflict. E.g. Lake Victoria which strands the border of Kenya, Uganda and Tanzania. To ensure sustainable exploitation of this natural resource is essential to all three states and also important for the states to have the same policy on its exploitation and management especially due to the potential of conflict with other African countries that share the water from the lake. There is also the conflict between Kenya and Uganda on who owns Migingo, a tiny island in Lake Victoria.

EAC member countries view peaceful and coordinated management of shared natural resources as critical to promoting unity and regional integration that appears to have remained elusive largely due to persistent trade disputes and lack of commitment by member states in the implementation of joint regional projects. According to Dr Desai "One of the key benefits of regional integration is the coordination in management of the environment and natural resources in order to ensure sustainability of the achievements that accrue from other fronts." The protocol, which was signed by Kenya, Uganda and Tanzania in April 2006, has remained dormant for more than 14 years after Tanzania declined to ratify it calling for its

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^{62 &#}x27;Protocol on Environment and Natural Resource Management' (Eac.int, 1999)

https://www.eac.int/environment/natural-resources-management/protocol-on-environment-and-natural-resource-management accessed 28 April 2021.

review. Rwanda and Burundi are not bound by the agreement since they were not yet part of the regional bloc by the time the agreement was being signed. Article 114 of the EAC treaty provides for cooperation in joint management and sustainable utilisation of natural resources within the bloc.

2.5 Chapter Finding

The East Africa sub-region is facing several challenges. Most of the states of the sub-region are in the grip of internal tensions. Similarly, conflicts between member states hinder regional stability and cooperation. Conflicts are mainly embedded in natural resources use or political issues. Mechanisms in conflict management have been implemented and some are in the stages of assenting, negotiations, and discussions. The EAC Conflict Management Act has been a step towards reinstating trust and cooperation. The EAC treaty has been objective in enhancing co-operation, peace and security, resource conflict management and good neighbourliness in member states.

2.6 Conclusion

This chapter has looked at the regional conflict management mechanisms in the East African Community. Under this, the chapter has presented a discussion on the nature of conflicts in EAC, the EAC conflict management act, and the EAC treaty. The next chapter looks at the effectiveness of these regional conflict management mechanisms in the Eastern African community.

CHAPTER THREE

EFFECTIVENESS OF THE REGIONAL CONFLICT MECHANISMS IN EAST AFRICAN COMMUNITY

3.0 Introduction

The section focuses on highlighting the effectiveness of the regional conflict mechanisms in the East African Community.

3.1 East African Community Reforms

Economic growth has been the focus of EAC policies in recent years, through reforms of tradable structures such as customs, the common market and structure progress. This pattern can be seen at the annual EAC Ordinary Summits, which have concentrated on structure in previous years. Preceding this, the Single Market and Customs Union had taken precedence. This prioritization is also reflected in the 2014 financial plan, in which trade was the largest spending region and the EAC Development Plan 2011/12-2015/16, which concentrates on trade, structure development and economic progress. Other industries, on the other hand, received minimal financing and policy focus; food security and adaptation accounted for 2% of spending in the 2013/14 budget.

The EAC has established techniques for harmony, safety and democratization. The EAC Treaty obligates its Member States to stand by both the operative values of democracy, the rule of law, civil rights and generally recognized human rights standards. These values are repeated in the draft foreign policy protocol of the EAC. Also, the EAC Forum of National Electoral Commissions has set up normal guidelines and standards for deciding the validity and authenticity of electing measures. Given the conspicuousness of regional security

⁶³ CMI (Chr. Michelson Institute). Forward Looking Review of the Strategy on Scaling Up Access to Modern Energy Services in the East African Community. Prepared with Norplan. 2013.

⁶⁴ Bageine, S. EAC Budget Speech 2013/14. Presentation of the Budget of the East African Community for the Financial Year 2013/2014 to the East African Legislative Assembly (n.d.): 2013

dangers, especially from Somalia and South Sudan, the EAC likewise centres around defence and security participation.

In February 2014, Kenya, Rwanda and Uganda signed a common defence settlement building up a system for joint activities of the armed forces and sharing of knowledge. In the Horn of Africa, the IGAD has a Convention on Vote based system, Administration and Decisions, yet it has not acquired footing in light of the need given to security.

3.2 East African Community Policies

Although EAC policies have been successfully adopted, while there are a range of obstacles to enforcing them within Member States, in comparison with other sub-Saharan African RECs, integration is proceeding more rapidly in terms of trade policy than any other REC in SSA. EAC policies are being implemented successfully. According to a recent survey by the African Development Bank, the "EAC has made the most linear progress on economic union and the eight RECs' highest ambitions." The EAC is introducing an FTA that includes substantial yet operational exclusions. In the same way, the customs union has performed more thoroughly since Rwanda and Burundi joined in July 2009, amid major exemptions and continued challenges. In July 2010, a single market was introduced and in 2013 a protocol was developed outlining a 10-year roadmap for launching a currency union.

Similarly, the Customs Union is the first landmark in area incorporation and the vital cornerstone of the East African Community (EAC), which has been in effect since 2005, as laid down in Article 75 of the Agreement creating the East African Community. This indicates that the EAC Participant Countries have decided to create unrestricted trade (or zero duty) for merchandises and services between themselves and have decided on a common external tariff (CET) wherein commodities from nations outside of the EAC zone are subject

⁶⁵ AfDB. African Development Report 2014.Regional Integration for Inclusive Growth. 2014.

to same tariff when sold to any EAC Partner State. Goods which move unrestricted within the EAC must abide by the regulations of origin of the EAC and specific requirements of the Treaty establishing the Customs Union of the East African Community.

The EAC agreed that economic inclusion will only thrive if the entire country has peace, stability and security. It thus concentrates its energies on preventing crises, resolving disputes, surveillance of small weaponries and light armaments, and fostering good authority. The Curriculum integrates EAC Secretariat technical and political consultancy services on organizational growth and management consulting. In order to create a cohesive regional framework for harmony and safety, it is crucial to reinforce the engagement and cooperation between regional and national and regional organizations. The programme, which facilitates political integration, helps to meet the objectives identified by the EAC Treaty in stability, safety and good authority as well as to implement the Regional Strategy for Harmony and Safety.

The objective group of the program is the citizens of the EAC Member States. The effect of armed conflict and insecurity generally affects women, children and minorities in particular. They benefit especially from the source of violent conflicts and the promotion of good governance. In December 2012, the portion "East African Small Arms and Light Weapons Regulation" was finished. The initiatives are now focused on supporting the new EAC Peace and Security Directorate which will be set up in February 2013, following the signature of the EAC Protocol on Peace and Security. In close collaboration with another priority program: "Promoting the EAC Integration Process," the program is implemented.

A prominent position on the regional political agenda has emerged from the topic of light weapons monitoring with German support. The EAC has partaken in the application of strategy and Strategic Controls of Light Arms among the four regionally-oriented harmony and safety organisations – the East African Community (EAC), the Eastern and South African

Common Market (COMESA), the Intergovernmental Development Authority (IGAD) and the Indian Ocean Commission (IOC).

Results achieved to date are - The military and police weapons are marked and registered in five partner countries in collaboration with the Regional Centre for Small Arms (RECSA), headquartered in Nairobi, and the partner countries are being directly assisted with control aid under the 2002 Nairobi Protocol Guidelines and all national plans for light weapons. 66

3.3 Chapter Finding

This chapter has reviewed different sources that discuss the effectiveness of the regional conflict management mechanisms in the Eastern African Community. As shown in the previous chapter, there are few sources that focus on the regional conflict management in Eastern Africa. Most of the sources under this chapter places conflict management under the East African Community Reforms and policies, which means that it is a new area that is yet to be fully explored. While the East African Community has existed for a number of years, the current sources reveal that there has never been a solid consideration and pragmatism on how conflict can be managed in the region.

3.4 Conclusion

In conclusion, two decades since the Treaty on the Formation of the East African Community (EAC) came into effect; substantial development has been attained towards achieving the goal of regional integration and the ultimate purpose of the political federation. The Customs Union, Common Market, the signing of a Protocol to set up the Monetary Union, the adoption of a Regional Peace and Security Policy, the signing of the Agreement on Peace and Security, the adoption of a Strategy on Counter terrorism, Conflict Prevention and Resolution, and early warning systems, etc.

⁶⁶ GIZ. Supporting the implementation of the regional integration agenda. Achieving compliance in the Member States of EAC, ECOWAS and SADC. Eschborn: GIZ Network for Economic Development in Africa. 2014.

CHAPTER FOUR

CHALLENGES AFFECTING EAST AFRICAN COMMUNITY CONFLICT MANAGEMENT MECHANISM

4.0 Introduction

This chapter discusses the challenges affecting the East African Community conflict management mechanism. Under this, the chapter looks at capacity constraints, the human resource factor, financial shortcomings and challenges emanating from neighbours among other challenges.

4.1 Human Resource Capacity Constraint

One of the main challenges affecting the EAC conflict management mechanism is insufficient human resource. EAC has staffing constraints in a range of areas relating to its conflict prevention work. For example, in 2006, its Council of Ministers adopted a decision that there should be one police officer and a Directorate for Felony Management involving four officials: a chief for felony management, a counter-illegal officer, a multinational and frontier violations officer and small and light weaponries and dairy cattle raiding officers. Notwithstanding, as of now, just one police officer handles the work implied for four officers. The police component of EAC Peace and Security facility depends on the African Union for funding of their drug and persons trafficking programme and on the EU for financial support for facilitation in counter-terrorism and for its regional forensic centre in Kampala, Uganda. Additional officers are required to handle the various task components indicated above.

The master plan for the Application of the EAC Early Warning Mechanism (EACWARN) envisaged that EACWARN will be entrusted the responsibilities for; information collection from various sources and their observation, contention and collaboration analysis, and development of response options or policy option formulation, which will be carried out by

analysts based at the Regional Early Warning Centre.⁶⁷ It was expected that the situation room would be staffed by six analysts - one per Partner State. Currently however, there are only two staff for the situation room and EACWARN will need at least three analysts at P2 level to perform the functions indicated above. In addition, EACWARN suggests to advance its capacity to undertake structural vulnerability assessments in its Partner States, based on the African Union Continental Structural Conflict Prevention and Structural Vulnerability Assessment tool.

The Nyerere Centre for Peace Research, an essential part of the EAC Political Affairs Department, similarly has staffing constraints. EAC noted that it requires two staff positions, namely "a Coordinator at P2 level and a Research Officer at P1 level, to support policy research on peace and security and provide managerial leadership for the Centre." Likewise, the EAC Gender, Community Development and Social Mobilization Department requires two additional professional staff at the P2 level. The Department "is responsible for coordinating implementation of the EAC Gender Policy, adopted in May 2018, including assisting other departments to mainstream gender issues. The department has also been responsible for developing and monitoring implementation of action plans on eight priority areas: (i) women in socio-economic development and business, (ii) gender issues, (iii) youth issues, (iv) children, (v) persons with disabilities, (vi) social protection, (vii) community development, and (viii) civil society organizations."

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⁶⁷ https://www.eac.int/customs

⁶⁸ ACPHR. The Civil Society Guide to Regional Economic Communities: East African Community (EAC), Economic Community of West African States (ECOWAS) and Southern African Development Community (SADC), 2015.

⁶⁹ Ibid.

4.2 Financial Constraint

The EAC conflict management structure is also underfinanced. It estimates this would require financial resources of about US\$300,000 translating to US\$50,000 per Partner State. It would also require an additional US\$300,000 to direct nationwide sessions on the Structural Vulnerability Assessments in its six Partner States. 70

The Mediation Support Unit which is not yet established "is presently facilitated by one professional staff. It will need at least one additional mediation support expert at P2 level and about US\$250,000 to implement some of the key recommendations of a recent retreat which EAC organized for experienced mediators, special envoys, researchers, academics, youths as well as members of the EAC Inter-Religious Council in 2018."71 Some of the major recommendations of this retreat called on the EAC to: build up an expert and all around financed intercession support unit to adequately uphold its intervention exercises, including through research, "conflict analysis, documentation of best practices and knowledge management; sustain capacity building on inclusive mediation, negotiation and dialogue involving stakeholders such as civil society (including women and youth), religious leaders, traditional leaders and the business sector. With respect to the latter, it was also recommended that the EAC implement key normative frameworks of inclusivity including the UN Security Council Resolution (UNSCR) 1325 on Women, Peace and Security, the UNSCR 2250 on Youth, Peace and Security and the African Union Solemn Declaration on Gender Equality in Africa; and create a repository of knowledge and insights for bridging gaps between mediation norms and practices."72

70 Ibid

⁷¹ IGAD News: A Newsletter on Intergovernmental Authority on Development. "Regional Economic Blocs Ready for Conflict Mediation and Negotiation Work

⁷² Kiraso, B. (Deputy Secretary General, Political Federation) during a Workshop on Peace and Security Conference in Kampala, Uganda between October 5 - 7, 2009

4.3 Challenges Emanating from Neighbours

Every one of the nations in the EAC has at least three neighbours and for every nation, at any rate one of its neighbours has at least one seething clash. Uganda is "surrounded by conflict zones except for its southern neighbour, Rwanda. Kenya has a coastline that stretches for about 600km and its proximity to southern Sudan makes policing a big challenge especially since the security situation has deteriorated since 2006." It likewise sits on the same boundary with Somalia, which is encountering an imploded state marvel. These permeable boundaries have exacerbated the weakness of residents and those leading businesses in the region. Cross border "conflicts have affected all the countries in the envisaged union and the historic causes of these conflicts merit attention if integration is to contain the rather shaky peace deals."

Uncertainty has led to "stagnation of national and regional development. Conflicts result in resource diversion at the expense of development programs that would sustain a development-oriented environment." Territorial struggles create doubt on stake returns, fuel the expense of working together and make it less alluring, henceforth joblessness will just increase requiring a very much organized and inclusionary way to deal with "building security and it is imperative to find the missing links in the search for what is increasingly appearing to be elusive peace, development and stability for the region. The horn is plagued by intra-state conflicts that end up sucking in the entire region in one way or another. The

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⁷³ Desmidt, S. & Hauck, V. Conflict management under the African Peace and Security Architecture (APSA): Analysis of conflict prevention and conflict resolution interventions by the African Union and Regional Economic Communities in violent conflicts in Africa for the years 2013-2015, 2017.

¹⁴ Ibid.

⁷⁵ OSAA. Regional Economic Communities and Conflict Prevention in Africa: An Overview of Capacity Gaps and Priority Needs, 2017.

wars, the consequences, conflict resolution and mediation, all spill over to other countries and this complicates the pre-conditions for peace."⁷⁶

There is simultaneousness among provincial security specialists that the best test to human security has its underlying foundations in the manner nations in the district seek after state security to the detriment of individuals' privileges. This governance-oriented security approach represents trials on issues of citizenship. It is thus "imperative to ask if the East African Community will rise to the occasion of enhancing security as a regional group. If good government is about the protection of life and property, the enforcement of law and order, the administration and dispensation of justice, the settlement of disputes and the defense of the polity against external aggression, how do we rank the performance of the east African countries?" First of all, all EAC states have joined "the New Economic Partnership for Africa's Development and the Africa Peer Review Mechanism indicating that there is hope for building local and regional networks that work towards peace building and maintaining peace." 78

The locale, actually like Africa, normally adopted a mobilized idea of safety which is tested by the all-encompassing idea of human security. While securing the region is fundamental for post- (pilgrim) contention nations, "equally demanding issues such as hunger, healthcare, crime prevention, political and civic freedoms, war prevention and democratic participation, all compete for government attention amongst other issues. Development indicators listed below show how the region is struggling in terms of the quality of life experienced by the citizens."

76 Ibid.

⁷⁷ Ibid

⁷⁸ East African Community Conflict Management Act, 2012.

⁷⁹ The Network of African National Human Rights Institutions (NANHRI). The Role of National Human Rights Institutions in Conflict Management, Resolution and Peacebuilding: A Baseline Survey of the East African Situation, 2014.

4.4 Weak Institutions

Poor governance, porous borders, weak institutions, and incompetently trained security forces all enable the unlawful trade of small weaponries and light armaments. No While "the Nairobi Declaration of March 2000 and the Bamako Declaration of December 2000 provide potential mechanisms to curb the illicit trade of small arms and light weapons, many of their legislative and operational components have not been implemented. In addition, civil society groups have been largely left out of the process. Participants urged that regional states address the illicit trade of small arms and light weapons by involving civil society organizations more significantly in these efforts; by seriously undertaking security sector reform; by coordinating joint-border patrols; and by implementing poverty reduction programs."

In turn, small weaponries and light armaments proliferate because "several governments in Eastern Africa have politicized their security forces. Frequently, security forces have been used by autocratic regimes to retain political power, protect particular ethnic groups, or quell opposition. Even in supposedly democratizing states, security forces have been used to monitor the actions of opposition groups." Hence, human rights are often "abused and some groups remain marginalized and unprotected. Moreover, as police forces have become weak, many states in the region have seen a rise in mob justice and vigilantism. Participants urged the reform of the security sector as a critical component in reducing conflict. Reforming the security sector entails deep political restructuring, including democratization; adopting

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⁸⁰ Chikwanha, B. The Anatomy of Conflicts in the East African Community (EAC): Linking Security With Development, 2007.

Mumma-Martinon, C. Efforts towards Conflict Prevention in the Eastern African Region: The Role Of Regional Economic Communities And Regional Mechanisms. *International Peace Support Training Centre*, 2010.

⁸² Williams, Paul D. 2014. Reflections on the evolving African Peace and Security Architecture in African Security, 7: 147-162, 2014

principles of good governance; training police and armed forces in human rights; and ensuring proportional representation of all ethnic groups in security forces."83

Historically, "civil society organizations have not played significant roles in conflict management in Eastern Africa." In turn, this is due to the doubt with which "governments viewed civil society organizations – considering them anti-government actors beholden to the agendas of external funders. While the relationship between government and civil society is changing, as evidenced by the prominent roles played by civil society organizations in the Somali and Sudanese peace processes, participants urged greater inclusion of civil society organizations, and women in particular, in efforts by sub-regional organizations, governments, and the AU to manage and resolve conflicts." To this end, civil society associations should arrange their exercises internally and furthermore with sub-provincial associations.

The expansion of unlawful small weaponries and light armaments pose a danger to human security and has escalated clashes in Eastern Africa. Violent conflicts "in major cities like Nairobi; cattle rustling by pastoral communities in the Karamoja and Somali clusters; and armed rebellions in southern Sudan and northern Uganda illustrate the scope of the problem. Generally, the proliferation of SALWs emanates from the failure of governance. States that cannot control the flow of SALWs across their borders are often politically and institutionally weak. In addition to porous borders, the police and other security forces in such states lack effective enforcement capacity." An excess of SALWs "results in communities riddled with crime and violence, as well as rogue security forces that sometimes perpetuate insecurity and human rights abuses. In fact, militias and rebel movements (which can easily arm themselves as a result of the proliferation of SALWs) are often as well-armed as government forces. To

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⁸³ Ibid.

⁸⁴ USAID. East Africa Regional Conflict and Instability Assessment, 2012.

⁸⁵ Ibid.

resolve the insecurity caused by rebels and militias, regional governments have often acquired more weapons, but this frequently results in an arms build up and the increased proliferation of weapons."86

In turn, small weaponries and light armaments "proliferate because several governments in Eastern Africa have politicized their security forces." Often, "security forces have been used by autocratic regimes to retain political power, protect particular ethnic groups, or quell opposition. Even in supposedly democratizing states, security forces have been used to monitor the actions of opposition groups. As a result, human rights are often abused and some groups remain marginalized and unprotected." Additionally, as police forces have become feeble, some states in the region have seen an ascent in chaos and vigilantism.

4.5 Lack of Regional Hegemons

IGAD and the EAC are inadequately staffed, "lack peacekeeping experience, and do not have permanent mediation bodies, rendering any interventions *ad hoc*. There is need for the region to establish its capacity for peacekeeping, as ECOMOG has done in West Africa, others cautioned against the establishment of such a force." A number of scholars voice concerns on the absence of a potential provincial hegemon tantamount to Nigeria in "West Africa and South Africa in Southern Africa, to lead such an intervention force. Eastern Africa was also seen as too divided for such a force to be created by regional leaders. Several participants, however, noted that ECOWAS and SADC, like IGAD, continue to suffer from financial, logistical, and capacity constraints." 89

⁸⁶ Muigua, K. Traditional Conflict Resolution Mechanisms and Institutions, 2017.

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⁸⁷ Kiraso, B. EAC Integration Process And The Enabling Peace And Security Architecture, 2009.

⁸⁸ OSAA. Regional Economic Communities and Conflict Prevention in Africa: An Overview of Capacity Gaps and Priority Needs, 2017.

⁸⁹ Ibid.

IGAD and the EAC cannot work in detachment however need to embrace partnerships with civil society participants in Eastern Africa, "other sub-regional and regional organizations, and external actors. Indeed, it was noted that state actors in Eastern Africa – in their roles as agents of both war and peace – have compromised their ability to intervene effectively in conflicts within the sub-region." There is also a need for the organization to have regular meetings between "Africa's sub-regional and regional organizations in order to learn from each other's experiences. One recommendation called for the designing of a training program for IGAD and the EAC in cooperation with the African Union, ECOWAS, SADC, the Economic Community of Central African States, and the Common Market for Eastern and Southern Africa." It also needs to set a stronger relationship with the United Nations. Such a partnership would allow the UN to obtain accurate and timely data on the security situation in Eastern Africa.

4.6 Chapter Findings

From this chapter, there is scarcity of literature that discusses challenges affecting EAC conflict management mechanism. However, the existing literature does well to compare EAC with the regional bodies in West Africa. Contention and crisis management is a fundamental establishment for Africa's turn of events. Nonetheless, the difficulties to African peace and security oppose simple arrangements. In the Eastern African sub-region, similar to the case in numerous regions of the continent, clashes are complex and profoundly settled in. These contentions are probably going to stay on the worldwide plan for quite a while. Combined with the evident reluctance of the world community to react genuinely to these emergencies,

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⁹⁰ Desmidt, S. & Hauck, V. Conflict management under the African Peace and Security Architecture (APSA): Analysis of conflict prevention and conflict resolution interventions by the African Union and Regional Economic Communities in violent conflicts in Africa for the years 2013-2015, 2017.

⁹¹ ACPHR. The Civil Society Guide to Regional Economic Communities: East African Community (EAC), Economic Community of West African States (ECOWAS) and Southern African Development Community (SADC), 2015.

there is need for elective ways to deal with the struggle counteraction around there. Despite the fact that various issues continue for the current sub-regional groupings to lead such methodologies, the most recent decade has seen a few significant indications of progress. The boundaries have unmistakably changed in the course of more prominent perceivability and an increased political will to act. We see different sub-regional associations inside the region gradually moving forward with the way toward building up EA Security Design. This is a chance for the sub region and for the RECs and the RMs to cooperate with the world community to advance harmony and security in this section of Africa. This requires a common, regular methodology in light of a legitimate concern for all concerned. All together for the joint effort to prevail among the RECs and RMs, there is a need for material and monetary contributions to make the essential institutional designs and overhaul the current ones. Coordinated effort is typically compelled by dread among states. Consequently, political eagerness is vital, if any of the basic endeavors are to succeed.

4.7 Conclusion

This chapter has examined the challenges affecting East African Community conflict management mechanism. Some of the challenges highlighted include the human resource capacity constraint, financial constraint, challenges emerging from neighbours, weak institutions and lack of regional hegemon. The next chapter summarizes and concludes the study and offers recommendations.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATION

5.0 Introduction

This chapter gives a detailed summary of how the East African Community policy framework should have a separate policy on conflict management. Besides, there is need for the East African legislature to increase the allocation of resources towards the existing conflict management mechanisms within East Africa. Lastly, EAC member states should always be willing to cooperate with one another when it comes to conflict resolution The chapter goes on to high light the conclusion of the research and further more give the recommendations

5.1 Summary of Findings

This study sought to examine the efficacy of regional conflict management architecture, using the East African Community as a case study. Specifically, the study sought to: identify the regional conflict management mechanisms in the East African Community; evaluate the effectiveness of these regional conflict management mechanisms in the Eastern African Community; and find out challenges affecting East African Community conflict management mechanisms.

From the first objective, which was to identify the regional conflict management mechanisms in the East African Community, the study found that the nature of conflict in the East African Community stems from structural, cultural, social, economic and political forms. These conflicts are manifested in political violence, ethnic violence, and conflict over resources. The regional conflict management in East Africa is supported by the East African conflict management Act, which aims to endorse conflict prevention and offer peaceful resolution of any emerging conflicts in the Community. The regional conflict management mechanism is

also advanced by the EAC treaty, which aims to create a peaceful and secure environment for development in order to provide security within East Africa through heightened co-operation.

From the second objective, which was to assess the effectiveness of the regional conflict management mechanisms, the study found that there have been a number of reforms to try and ensure the functionality and efficiency of the East African regional conflict management mechanisms. These reforms have come in form of infrastructure development and improvements in the common markets and tradable structures. The regional conflict management mechanisms have also been improved through policy reforms, which aim to create stability and peace by fostering governance, surveilling small arms and light weapons, resolving disputes amicably and preventing crises.

From the last objective, which was to examine the challenges affecting East African Community conflict management mechanism, the study found the main hindrances to be human resource and capacity constraint, financial constraint, and challenges emanating from neighbours. Other challenges include weak institutions and lack of a regional hegemony. Due to these challenges, the East African Community conflict management mechanism has not attained its intended objective, which is to create peace and stability by strengthening regional security cooperation measures.

5.2 Conclusions

From the study findings, the following can be concluded. Based on the first objective, the study concludes that the regional conflict management mechanisms in the East African Community are legally supported by the EAC Conflict Management Act and the EAC treaty. Based on the second objective, the study concludes that the regional conflict mechanisms in East Africa are not as effective as they should be, despite the reforms and forging of stronger policies. Based on the last objective, the study concludes that the major challenges affecting East African Community conflict management mechanism are mostly based on capacity

restraints and weak institutions. Besides, lack of a regional hegemon has made it hard for the East African Community to have a solid leader that can push for their agenda.

5.3 Recommendations

From the study findings, the following are recommended:

- a. First, the East African Community policy framework should have a separate policy on conflict management. The current policy framework combines a number of factors together, making conflict management to be a segment in an ocean. With its own policy framework, the conflict management mechanism in the EAC is likely to receive the necessary attention and vibrancy from the member states.
- b. Second, there is a need for the East African legislature to increase the allocation of resources towards the existing conflict management mechanisms within East Africa. With increased funding, the existing centers for conflict management, such as the Nyerere Centre for Peace, will be adequately staffed and well-equipped to ensure efficiency and effectiveness in conflict resolution efforts within the region.
- c. Lastly, EAC member states should always be willing to cooperate with one another when it comes to conflict resolution. Most of the conflicts are interstate. With weak institutions, for example the security and judiciary arms, it becomes difficult to resolve conflicts adequately. Therefore, there is a need for the EAC member states to strengthen their institutions, which will boost the levels of cooperation when it comes to resolving underlying conflicts.

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