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The role of regional parliaments in conflict resolution: The case of the Pan-African Parliament (2004-2011)

Kebede Kassa Tsegaye

Program Coordinator Social Development Division, Intergovernmental Authority on Development (IGAD) Addis Ababa, Ethiopia.

How do regional Parliaments contribute to conflict resolution? At what point in time do they intervene and with what impact? These are the key questions pursued in this paper. The ultimate purpose is to stimulate further discussion on the subject. The methodology employed is qualitative, historical and discourse analysis based on desk reviews. The study was conducted in 2011 and 12 with a focus on the experiences of the Pan-African Parliament (PAP) in four countries (Cote d'Ivoire, Sudan, Libya, and Somalia). The findings of the study reveal that regional parliaments play important roles in resolving violent conflicts. The study also confirms that in most cases, regional parliaments begin to intervene when conflict starts to escalate and stay involved until the situation stabilizes. In the process, regional parliamentarians use a range of tools: internal debates, fact-finding missions, providing fora for different actors, organizing meetings with diplomatic representations, and issuing periodic communications. These instruments target not only parties to conflicts but also other stakeholders with direct and indirect effects on conflict settings. Moreover, the study highlights that the positions of regional parliaments on a given conflict change depend on changing circumstances on the ground and parliamentarians' understanding of the situation. The paper concludes that though the power of PAP is limited to consultative and advisory roles, it plays considerable roles in trying to settle conflicts in different parts of the continent.

Key words: Conflict resolution, African Union, regional parliaments, Pan African parliament, diplomacy.

INTRODUCTION

Over the last six decades, conflict resolution has attracted considerable scholarly attention. The discipline is still growing in scope and complexity (Wallensteen 2007; Bercovitch and Richard, 2009; Ramsbotham et al., 2011). The end of the Cold War and the disintegration of the Communist Bloc, followed by a resurgence of ethnic conflicts, civil wars, and interstate clashes in Eastern and Central Europe, Africa, and Asia have necessitated a continuous search for solutions and a renewed emphasis on conflict resolution (Ryan, 2007). "Conflicts are dynamic, as they escalate and de-escalate; they are constituted by a complex interplay of attitudes and

behaviors that can assume a reality of their own" (Ramsbotham et al., 2011: 8). Therefore, they call for multidisciplinary efforts to understand their causes, consequences, and remedies. Accordingly, conflict resolution remains an important field of research and practice for decades (Kriesberg, 2011; Lederach, 2010; Alger, 1999; Miall, 2004; Väyrynen, 1991).

Though the roles of state and non-state actors have been recognized in settling and transforming conflicts, this paper argues that the role of emerging actors such as PAP remains largely unexplored. As such, there is a noticeable gap in existing debates and theorizing in the IR and peace or conflict literature. At the same time, the paper emphasizes that under circumstances of violent conflicts, resolving such conflicts is one of the immediate preoccupations of non-partisan third party actors, notably regional parliaments, which employ range of options.

The most common strategies in resolving conflicts include negotiation, mediation, peacekeeping, peace-building, and post-conflict reconciliation (Galtung, 1996; 2007; Wallensteen, 2007). Kornprobst (2002) observes that "Most of the literature emphasizes the causal relationship between conflict resolution techniques … and the success or failure of war to peace transition". However, the approach excludes the category of actors who are not necessarily involved in negotiations, mediation, peace-keeping or peace-building, but use other, equally important, power tools, such as, decisions, resolutions, declarations, recommendations, and diplomatic channels, all of which contribute to, facilitate, even prompt, and support commonly used interventions. In conflict-prone settings, like Africa, any effort towards settling them deserves serious consideration. As Lederach (2010: 8) rightly argues," Not one process, level, organization, or a state actor is capable of birthing and sustaining the movement from violence to constructive change on its own". Consequently, Lederach advocates for a multi-dimensional and multi-stakeholder approach if conflict resolution and transformation is to be effective.

Objectives of the study

The overall purpose of the study is to understand the role of regional parliaments, using the experiences of the PAP in conflict resolutions and the tools at their disposal. The specific objectives are:

(i) To describe the overall short- and long-term mandates and functions of the PAP vis-à-vis conflict prevention, resolution and peace-building in Africa;
(ii) To identify the mechanisms and types of intervention employed by PAP in conflict resolution, and
(iii) To forward policy recommendations to further strengthen the role of the PAP for effective intervention in conflict resolution and transformation.

PERSPECTIVES ON CONFLICT RESOLUTION

Given the ubiquity of conflicts, scholars make different attempts to explain the 'appropriateness' of interventions. Each theoretical tradition has its strengths and limitations when critically assessed by insiders and outsiders to that tradition. For example, critics of the realist school argue that it emphasizes much on power-politics and sees the end of conflicts in terms of material capabilities to protect and promote the national interests of actors. Conteh-Morgan (2005: 2) states that "Current peacebuilding efforts whether in Africa, Asia, or Europe are largely characterized by a language of power, exclusion or defense of international order." Transformation theorists like Ramsbotham et al., (2011) contend that realists often consider "conflict resolution as soft-headed and unrealistic since in their view international politics is a struggle between antagonistic and irreconcilable groups, in which power and coercion was the only ultimate currency." According to this view, realists miss the point that military capabilities are not the only effective sources of power in preventing or resolving conflicts. Though slightly differently, neorealists consider power and national interest as important elements in settling conflicts. According to Jackson et al. (2006: 173) "[N]eo-realists argue that the anarchical nature of the state system precludes the possibility of genuine conflict resolution or transformation". Some conflict resolution scholars often complain that although conflict is at the heart of international relations, realists and neorealists tend to downplay conflict resolution as an appropriate field of investigation. For example, Hauss (2001) observes that "Indeed the best brief book on the subject (Nye, 2000) focuses on the causes of major international disputes and does not even have an entry into its index for 'resolution'." He further points out that both realists and pluralists, including liberal institutionalists, have difficulty in accepting the relevance of "win-win conflict resolution, reconciliation, and stable peace" (Hauss, 2001). Similarly, Gaddis (1986) holds that if there was any peaceful option for the realists, it was 'great power peace' or deterrence which prevented the Cold War super-powers from confrontation through global conflict proliferated as these powers had to fight proxy wars in, Africa, Asia, and Latin America.

The democratic peace and liberal internationalism perspectives hold that societies with liberal political culture tend to avoid confrontations or resolve differences peacefully. According to these approaches, which trace their roots in the Kantian perspective of 'perpetual peace', the conditions for peace such as shared values, strong institutions, and economic interdependence, constrain states from seeking solutions through conflicts. The costs of war outweigh their gains (Doyle, 2004). Consequently, the democratic peace theory focuses more attention on why there is no conflict between democratic states than on how conflicts between states could be resolved (Maoz

and Russett, 1993). Nevertheless, proponents of this approach do recognize that democracies fight non-democracies, often at the instigation or transgression of the latter.

Liberal institutionalists, on the other hand, argue that even if there is no world government to prevent anarchy, resolve conflicts, or maintain peace; states could be constrained by the rules and norms of various international organizations such as the UN and the AU. They believe that such institutions play considerable roles in preventing or mitigating conflicts through the "flow of information and opportunities to negotiate, the ability of governments to monitor others' compliance and to implement their commitments … and prevailing expectations about the solidity of international agreements" (Keohane cited by Rennger, 2000:130). Consequently, Liberal institutionalism offers an important insight into how states interpret their actions concerning that of others and behave according to the norms of supranational institutions.

The debate among peace and conflict resolution researchers is that though realism, neo-realism, liberalism, and liberal institutionalism have their own respective merits in certain areas, most of these approaches fall short of providing a process-based explanation to conflict resolution on the one hand, and recognizing the role of non-conventional actors, such as regional parliaments, on the other. More specifically, neorealists and neoliberalists are unable to adjust to the changing 'realities' as well as the changing sources and notions of power. Katzenstein (1996) observes that "The main analytical perspectives on international relations, neorealism, and neoliberalism, share with all their critics their inability to foreshadow, let alone foresee, these momentous international changes … Disagreement is widespread on what are the most important questions, let alone what might constitute plausible answers to these questions", particularly to the question of conflict resolution.

Within the conflict resolution tradition, perhaps one of the most frequently cited approaches has been the *triangular model* developed by Galtung (1996). Galtung identifies three elements of conflict: *contradictions* characterized by mutually incompatible goals, *attitudes* of parties to a conflict, often fueled by perceptions or misperceptions of a situation as inherently conflictual, and *behaviors* which may include 'cooperation' or 'coercion' (Wallensteen, 2007). Galtung advocates for conflict resolution through peaceful means by addressing its root "causes, conditions and contexts" (Griffiths, 1999). He was also the first to make an analytical distinction between three tasks in response to conflicts: "peacekeeping, peacemaking and peace building" (CCR, 2000). However, critics argue that Galtung's ideas on conflict resolution remain broad, unfocused, and often controversial (Lawler, 2007). The triangular approach, though best for analysis of underlying causes, consequences, and possible remedies, does not explain

how emerging actors, such as regional parliaments, can contribute to the process of de-escalation and transformation of violent conflicts.

The regional security systems approach emphasizes the experience of countries and regions emerging out of conflict. It capitalizes on the "importance of the distribution of power within particular regions" (Wallensteen, 2007). Wallensteen identified two types of framework within the context of regional conflict resolution mechanisms: (a) *Tailor-made frameworks* – involving meetings, fora, or other arrangements that play significant roles in proposing solutions to regional conflicts, often having their origins in regional initiatives aimed at bridging the divide in an existing conflict and providing venues for discussion and dialogue; (b) Need-*based frameworks* – which take as their point of departure shared interests, including economic cooperation. Wallensteen (2007) referred to the experiences of EU, ECOWAS, SADC, IGAD, SEAN, and others which were primarily created to address economic needs but evolved into security actors. Wallensteen also recognizes the limitations of both tailor-made and need-based frameworks since conflict resolution is not a one-time transaction rather a continuous process that goes beyond the cessation of hostilities.

METHODOLOGY

As an exploratory study, the research used the case study approach with special emphasis on the process-tracking method in which, according to George and Bennett (2005: 6), "… the researcher examines histories, archival documents, interview transcripts, and other sources to see whether the causal process a theory hypothesizes or implies in a case is evident in the sequence and values of the intervening variables in that case". The process-tracking method provides a historical glance on social conflicts and generates valuable data for analysis. The analysis of texts and contexts helps to construct meaning on the thinking underlying the intervention of actors in conflict resolution.

The subject of this study is a regional, intergovernmental, organization. The primary level of analysis is regional with cases from selected conflict-affected member states of the AU. Data are derived from both primary and secondary sources. The primary sources include relevant treaties, protocols, resolutions, declarations, decisions, and reports of fact-finding missions or communiqués of the Pan-African Parliament as well as other relevant organs of the AU.

Four case countries, namely, Cote d'Ivoire, Darfur/Sudan, Libya, and Somalia are selected. The evidence so far suggests that PAP has been actively engaged in six major conflict hotspots (CAR, Cote d'Ivoire, Darfur/Sudan, DRC, Libya, and Somalia) since its establishment in 2004. Therefore, the four cases represent close to 70% of the total and a good deal of information is already available on PAP's involvement. What is not available, however, is a critical analysis and interpretation of its interventions in these conflicts. It is hoped therefore that the present study would survey as a starting point.

The analysis involved simple descriptive, narrative, and content analysis and interpretation techniques. "In case study research several sources of data, such as documents, observations, and interviews are used to get a deep understanding of the case. The typical data analysis methods are pattern matching, content analysis, and finding complementary cases" (Suhonen, 2009).

RESULTS AND DISCUSSION

The Pan African Parliament (PAP)

PAP is part of the construction of a new African identity at the "dawn of the 21st century" (AU, 2004). It is one of the nine (9) principal organs of the AU, and the 3rd in the institutional hierarchy, following the General Assembly and the Executive Council (Constitutive Act of the AU, 2000). PAP was formally inaugurated in 2004 and is located in Midrand, South Africa.

The 1991 OAU Treaty establishing the African Economic Community provides that PAP will be composed of elected "members by continental universal suffrages," in order to ensure that the people of Africa are fully involved in the economic development and integration of the Continent. "However, the Protocol establishing PAP states that "During the interim period, Member States shall be represented in the Pan-African Parliament by an equal number Parliamentarians". Each member state of the AU is represented by five representatives who come from national parliaments.

The legal basis of pap for conflict resolution

One of the existing functions of PAP is to "*promote peace, security and stability*" in Africa. To achieve this objective, PAP has established a Committee on "Co-operation, International Relations and *Conflict Resolutions*" (CCIRCR) to "assist the Parliament in its efforts of conflict prevention and resolution" (AU 2000; PAP 2007). Its mandates on conflict resolution are contained in different sources: the Abuja Treaty, the Constitutive Act of the AU, the Protocol establishing PAP, and the Protocol establishing the AU Peace and Security Commission (PSC). Very interestingly, the latter gives PAP a relatively strong mandate stated in strictly legally-binding terms. Article 18 of the PSC Protocol provides that:

(i) The [Peace and Security] Mechanism *shall* maintain close working relations with the Pan-African Parliament in furtherance of peace, security, and stability in Africa.
(ii) The Peace and Security Council *shall* … submit … reports to the Pan-African Parliament, to facilitate the discharge by the latter of its responsibilities.
(iii) The Chairperson of the Commission *shall* present to the Pan-African Parliament an annual report on the state of peace and security ... [emphasis added].
In this regard, the Pan-African Parliament has double responsibilities concerning conflicts. First, conflict resolution forms an integral part of its mandates. Second, it has the 'right' to receive reports from the PSC and the Commission of the AU.

These direct and indirect prerogatives mean that PAP could exert, at least in principle, considerable influences on conflict resolution in Africa. It can intervene itself, and

debate the effectiveness of interventions by other organs of the AU. Therefore, even if PAP has no strong legislative power at present, it still uses the available instruments to contribute to regional and international efforts towards resolving conflicts. Moreover, as the selected country cases will demonstrate, PAP does not function from a purely legislative mandate alone. It also draws lessons from experience, shared values, and collective concerns; and uses them to evolve its responses to existing and emerging conflicts. Accordingly, PAP's position on certain conflicts in Africa shifts depending on its perception of the actual or potential implications of these conflicts for the countries concerned or for the continent as a whole. Consequently, unlike national parliaments that could be stuck into local politics or a national interest box, regional parliaments, like PAP, have the opportunity to think outside that box and to adjust their approaches to a given conflict as circumstances unfold on the ground. Looking into this flexibility in approaches will contribute to a better understanding of the dynamics shaping actors' responses to conflicts and the positions they take, which in no way is static. Let's now turn to the analysis of the specific cases.

The cases of PAP's involvement in conflict resolution

As pointed out elsewhere, the preponderance of conflicts in Africa has necessitated the creation of regional mechanisms to respond to these developmental and existential threats. AP is one such institution actively engaged in mitigating deadly conflicts in different hotspots. For this study, four hotspots (Cote d'Ivoire, Darfur, Libya, and Somalia) are selected for a closer analysis of PAP's roles, impacts, challenges, and the way forward. A major part of PAP's conflict resolution efforts involves parliamentary diplomacy, fact-finding missions, and debates in either specialized committees or plenary sessions on issues surrounding the conflict and its short and long-term solutions. The following subsections discuss each of the four cases in detail.

Cote d'Ivoire

From independence in 1960 till the early 1990s, Cote d'Ivoire was a stable and thriving country. During this time the country was ruled by Felix Houphouet-Boigny who took careful steps to avoid ethnic divisions and conflicts. He could establish rapport with opposition parties and friendly relations with France. Houphouet-Boigny died in 1993; and in 1995 Henri Bédié became the second president of Cote d'Ivoire. Bédié introduced a divisive identity politics called "Ivoirite" designed to prevent politicians with non-Ivorian descent from aspiring high political offices, especially the presidency. This led to dissatisfaction and the eventual overthrow of Bédié by

a military coup, led by General Robert Guei, in 1999. The latter, too, made unsuccessful attempts to rig elections and stay in power. However, he was defeated by Gbagbo in the 2000 election but had to be removed by Gbagbo's supporters in a street protest (https://en.wikipedia.org/wiki/Ivory_Coast).

Between 2002 and 2005, several discontented factions launched offensives against Gbagbo's rule. In 2003, a UN peacekeeping Mission, MUNICI, was deployed "to help enforce a fragile ceasefire [after] eight-month of civil war" (Ohaegbulam, 2004: 21). In 2005, the AU appointed President Thabo Mbeki to mediate who facilitated the "Pretoria Agreement, signed April 6, 2005 [which …] formally ended the country's state of war and addressed issues such as disarmament, demobilization, and reintegration, the return of New Forces Ministers to government, and the reorganization of the Independent Electoral Commission" (USA-Cote d'Ivoire, 2011). However, the conflict was far from over despite repeated efforts by the AU, the UN Security Council, and other stakeholders to normalize the country. Elections were to be held in 2007 but continued to be postponed for years.

When the election was finally held in October/November 2010, it was followed by bitter confrontations between Gbagbo and his rival, Alassane Ouattara. Both claimed victory in the second-round election of 28 November 2010; and, strangely enough, each was sworn-in as president. This led to renewed clashes; and after considerable bloodshed, massive displacement, and intense bombardment of the positions of the incumbent, the Ouattara camp prevailed, with the support of French forces and UN peacekeeping mission.

PAP's efforts to resolve the conflict

PAP's involvement in the Ivorian conflict goes back to 2005, just a year after its official launching, by 'deciding' to send a Fact-finding Mission. Speaking to AFP about PAP's decision, one official states that: "'we know the history of Cote d'Ivoire. There have been peace deals before and all have floundered. Our members will go there and see that pledges are being implemented. We are very serious about Africa taking charge of its destiny'" (PAP, 2005). However, the Mission went there in May 2007 and reported that "Over the last few months there have been some dramatic, and largely unexpected, changes in the course of Côte d'Ivoire's protracted political conflicts" (PAP, 2007). Therefore, the CCIRCR recommended to PAP to "support the renewed political will and rapprochement shown by parties to the Ivorian conflict and urge them to press ahead with their disarmament and reintegration agreements … call upon the government … to further broaden the political space …; and … to work towards the hosting of free and fair elections to ultimately constitute a government that reflects the will and aspirations of the Ivorian people. Accordingly, PAP did all it could to appeal to all parties to

end the conflict by peaceful means.

Despite PAP's repeated calls and recommendations, the situation in that country remained unresolved. Eventually, it slid into election-related violence. Then, in July 2011, PAP sent another Fact-finding Mission, this time after the conflict ended. The Mission reported back to the Parliament that though the post-conflict "situation had greatly improved … the country was facing serious security challenges manifested through cases of armed robbery, rape, murder, and the proliferation of weapons". As a solution, the Mission emphasized "the need for the reorganization of the Ivorian army and the establishment of a level playing field for the Parliamentary Elections to be held by the end of the year [2011]." Based on this, PAP called on the new Government of Alassane Ouattara to speed-up reconciliation, build durable peace, promote justice, broaden the democratic space, and ensure the participation of all parties to the conflict. It also suggested the creation of an inclusive security structure, sustainable economic development, employment opportunities, and good governance.

In light of the foregoing, it is clear that PAP was actively involved in transforming the Ivorian crisis. In most of its communications, PAP expressed concern about the impact of the conflict on the civilian populations. PAP also shares and reinforces the AU's position on the conflict. Furthermore, in addition to calling for the peaceful and timely resolution of the crisis, PAP also emphasized the need for addressing the root causes of the conflict through dialogue, sustainable development, and democratic transformation. However, it is worth noting that PAP was slow to act, at least, concerning the 2010-11 election-triggered crises. While the conflict escalated between February and April 2011, PAP decided to send the Fact-Finding Mission in May 2011. The Mission went to Cote d'Ivoire in July 2011; and its report was ready only in October 2011, almost a year after the crisis began and half a year after it ended. By the time PAP passed its final resolution (recommendation), the country was already in a state of normalcy though not in perfect peace. This type of anachronism raises fundamental questions about the timing, relevance, and effectiveness of third party interventions as demonstrated by PAP's actions.

Darfur

The Darfur conflict began in early 2003; and, as Heather (2009) observes, the immediate trigger was the formation of insurgent organizations that had the motives, means, and opportunity to engage in armed resistance against the government … For Heather, "The key ingredient was the oppressive nature of the longstanding relationship between the dominant core of Khartoum and Sudan's marginalized peripheral zones". The main elements of this oppressive relationship, he further argues, include the military and the ruling elites; the turbulent nature of the Sudanese state; ethnic tensions between the Arabs

and Africans in Darfur; religion; and regional conflict complexes (geopolitical) factors. In short, the Darfur conflict is fueled by identity politics constructed through a history of divide between the Africans and Arab Sudanese. The concept of the "other" (Fenton 2003) is deeply ingrained in societies where multiple identities exist and follow divergent goals. These divisions become complicated when one or more of the groups feel that they are excluded or oppressed based on their identities. Therefore, "Behind the tragic events in Darfur lies a complex history of deeply entrenched social inequalities, environmental crisis, and competition over natural resources, conflicting notions of identity, the militarization of rural societies, and, above all, a chronic problem of bad governance that has plagued Sudan since its independence from British colonial rule in 1956" (Sikainga 2009). In the Darfur case, identity conflict is constructed by actors since actual differences are not so sharp. Sikainga argues that "In reality, there are no visible racial or religious differences between the warring parties in Darfur. All parties involved in the conflict– whether they are referred to as 'Arab' or 'African'–are equally indigenous, equally black, and equally Muslim".

He indicates that the ongoing crisis dates back to the 1980s when "Mu`mar Gaddafi of Libya [started …] an ambitious project in the region, which involved the creation of what he called an 'Arab Belt' across Sahelian Africa. His goal was to ensure Libya's hegemony in the region". According to this account, "Some of the … Janjawid, who are currently committing many of the atrocities in Darfur" (Sikainga 2009) had their roots in the Libyan initiative to create Islamic domination in the neighboring countries at the expense of non-Arab populations. The role of the South Sudanese People's Liberation Movement (SPLM) in the Darfur conflict is also significant (Dagne, 2011). It tried to mobilize the support of all marginalized groups, especially the non-Arabic speaking communities in different parts of the country in Darfur, Nuba, and Blue Nile states. These groups realized that despite the differences between them, they share the experience of oppression and marginalization. Their main ambitious goal was to unmake the Sudanese state and to establish, as Sikainga put it, a "… secular, plural, and unified Sudan, in which there would be no distinction on the bases of religion, ethnicity, language, gender, and the region".

Whatever its origin and ultimate drive, the Darfur conflict has inflicted heavy damage on the civilian population. The number of causalities and displaced people is still unknown. According to "The UN estimates up to 300,000 people died and about 2.7 million were internally displaced … Sudan's government says about 10,000 people died and about 70,000 were displaced" (The Guardian 20, April 2011). The resulting damages on the fragile environment, economic and socio-cultural infrastructures could only be guessed as it is difficult to measure the actual extent of destruction caused by the conflict.

PAP's role in resolving the Darfur conflict

The strong commitment of PAP to address the Darfur crisis started "[b]arely seven months after its birth" (Sallah, 2007: 18) with a Fact-Finding Mission whose was adopted by the Parliament in its October 2004 session. Reflecting on the early efforts of PAP in conflict transformation, Balch (2007:7) stated that "The most promising new development in African interparliamentary relations is the establishment of the PAP … which initiated a program of peacebuilding missions with its first delegation to Darfur in 2004. The PAP intends to monitor and advise on all AU peacekeeping operations if resources allow." Despite limited resources, PAP continues to send similar missions to Sudan. In May 2007, CCIRCR "called on the House to consider dispatching another mission to that country, to gather information relating to the implementation of the 2006 Darfur Peace Agreement to help it have a first-hand report on progress made so far as well as learn about the challenges that lay ahead." However, the second mission took place only in October 2009. Even then, the importance attached to PAP during this mission was demonstrated by the delegation's meeting with senior government ministers and advisors to the President, representatives of the AU-UN, and national parliamentarians. In all its reports and recommendations, PAP underlines the need for revitalization of previous agreements between the warring factions; democratic transformation in Sudan and bringing on board all the parties to the conflict. These measures, according to PAP, were vital for the transformation of the country from conflict to peace, recovery, and reconstruction.

The Darfur case put PAP dilemma: between defending the people and maintaining a political balance. That is, PAP has to deal with a situation where an arrest warrant is issued from ICC against the Sudanese President for 'alleged, war crimes and crimes against humanity in Darfur. This situation has complicated the peace process and PAP's difficulty can be seen from the ambiguous position of CCIRCR/PAP after the above-mentioned fact-finding mission, which reads: "Amongst the observations made by the Committee on Sudan was the issue regarding the warrant of arrest issued against the Sudanese President Omar-El Bashir, where the Committee felt the issue should be accorded all the respect it deserves from all parties." In more explicit terms, PAP, at its sixth regular session, in January 2012, decided not to cooperate with the ICC regarding Al Bashir's arrest warrant reasoning that ICC "was serving only western nations." This is where the constructivist approach of PAP lies. When it felt that the State had the duty to protect its citizens, respect the rights of individuals and minority groups in Darfur, it called on the government to address people's grievances and to resolve the crisis

peacefully. In this respect, the fact-finding mission:

… recommended that the military observers' mandates be transformed into a robust protection force to provide security for the inhabitants of Darfur. The mission further observed that since the armed opposition wants a new Sudan while the government is also amenable to the sharing of decision-making powers and resources, negotiation for a political settlement of the conflict should be accelerated to inspire hope among the combatants and to deter them from resuming hostilities. The mission cautioned that if the negotiations for a political settlement were not time-bound, insecurity would gain primacy through repeated cease-fire violations (Sallah, 2007:7).

In the strongest sense "The PAP Mission concluded that when the vast majority of people in a region or state are alienated and traumatized, the sovereignty and legitimacy of a government becomes the casualty" (Sallah ibid). This reflects the views of a maturing, self-asserting parliament, which voices the concerns of people and the viability of the state. According to the foregoing, PAP believes that the legitimacy and sovereignty of the state should be based on the rule of law. Regardless of whether or not national governments heed to such strong appeals of PAP, the latter is playing the roles expected of it both in Sudan and in other countries.

However, PAP's rejection of the ICC arrest warrant reveals another dimension of the constructivist it follows. As indicated elsewhere, PAP is composed of members from national parliaments. That means, even if PAP as a body is expected to stand for the rights and security of people, it also feels that it must protect the continent and governments of member states from perceived or actual threats and interference. Therefore, like the umbrella Organization, the AU, which refused to cooperate with the ICC concerning the charges against the sitting President of one of its member states, PAP had to do the same. In as much as PAP wants to resolve the Darfur crisis by expressing concerns about the rights and security of people, it did not want to go against the 'general will' of the continent's leaders.

From the foregoing, it can be concluded that just a few months after its establishment, PAP started to address the Darfur conflict; it dispatched its first-ever mission there as part of its parliamentary investigation. Sub-sequent missions and contacts with relevant actors have enabled PAP to understand the complex environment surrounding the conflict. Its recommendations and declarations were informed by this understanding and by lessons from relevant organs of the AU. Although PAP has tried to put greater emphasis on the protection of civilians and on addressing the underlying causes of the conflict, as time goes on, it has also taken sides with the state when circumstances necessitated such a position. As argued elsewhere, its interpretation of the changing local, regional, and international 'realities' have shaped its positions. Here, a very clear identity line has emerged

between "they" (the ICC) and "we" (Africans). This distinction moves the issue from individual accountability to geopolitical vulnerability; and race, levels of development, history, and power inequalities serve as potent tools for the blame game. Therefore, PAP seems to be trapped in this dynamic state of identity politics constructed through the "we-they" discourse. It had to make a painful choice, to stand by the side of the "accused" because this is expected of it. After all, it has not stood on its legislative ground yet; thus it had to tread carefully and read between the lines both the written words and implicit norms of the real world. This dilemma is even more apparent in the Libyan case which is the subject of the next section.

Libya

In Libya, the overthrow of the British-supported monarchy in 1969 by Gaddafi was followed by the establishment of an Arab socialist republic inclined to embrace the identity of pan-Arabism. "Despite the closure of American as well as British military bases which followed his seizure of power, Qadhafi was initially supported by the United States in the face of some internal resistance … Later he turned to the Soviet Union for assistance" (Gutteridge, 1984: 3). But Gaddafi was regarded "in some quarters of 'Africa unguided missile" (Gutteridge, 1984: 4). He had a grandiose idea of creating a federation of Libya, Egypt, and Sudan which did not materialize; and had tried the same with Syria, Mauritania, and Tunisia but in vain. In the early years of his rule, "Al-Qaddaf influence with national leaders in Africa has been small or counter-productive due to the widespread refusal to respond to his chairmanship of the Organization of African Unity has demonstrated" (Gutteridge, 1984: 4). He is considered an eccentric and controversial figure, often criticized for his illiberal and autocratic stance informed by a political philosophy outlined in his *Green Book.* In it, Gaddafi expressed his abhorrence to electoral democracy, party politics, constitution, the free press, and parliamentary representation. For him, "Political struggle that results in the victory of a candidate with, for example, 51 percent of the votes leads to a dictatorial governing body in the guise of a false democracy, since 49 percent of the electorate is ruled by an instrument of government they did not vote for…" He also believes that "Parliaments … have become a means of plundering and usurping the authority of the people" since "The most tyrannical dictatorships the world has known have existed under the aegis of parliaments." Instead, he advocates for a system of "Popular Conferences and People's Committees" as the best forms of government and ultimate solution to "people's struggle for democracy" (Al-Qaddaf, ND). At the center of all this is Qadhafi, who exploited every possible means to stay in power. He ruled Libya for over forty years during which time he had exerted, a considerable

influence on the continent, as indeed in many parts of the world. In addition to supporting freedom fighters in South Africa, Namibia, Zimbabwe, and other countries outside Africa, he had contributed to several conflicts, one way or another, in many countries.

The Arab Springs that began in December 2010 in Tunisia and in January 2011 in Egypt reached Libya in February that year. Perhaps, Al-Qaddafi was not prepared to believe that Libyans would rise against him. They did; and his response was not only quick but also violent. His son, Saif Al Islam, went public, in a desperate attempt to scare people and warned: "Libya is at a crossroads. If we do not agree today on reforms we will not be mourning 84 people but thousands of deaths and rivers of blood will run through Libya" (Al Arabia, 21 February 2011). His father joined him in fighting back. He called the protestors as "rats" and "cockroaches." These words were not new in Africa, as they were used in Rwanda nearly two decades ago where the worst ever genocide occurred at the close of the 20th century. And the world was greatly concerned that the same could happen in Libya; hence the need for early prevention though already hundreds were reported dead by the time the UN/SC adopted resolutions 1970 and 1973 (2011). In March 2011, internal rebellion and harsh government response to it triggered NATO bombardment to reinforce these resolutions and weaken Al-Qaddaf's killing machines. However, this external intervention, coupled with reports about increasing civilian casualties, has attracted strong reactions in Africa, particularly from the AU, PAP, and the PSC.

PAP's response to the Libyan conflict

PAP began to follow up on the situation in Libya early on; and when the conflict escalated, it began to intervene in the best possible way it could. The first official response of PAP began in May 2011, and since then, the Parliament continued to be seized by the events there. PAP's concerns and positions are expressed on different occasions from the time the conflict began in February 2011 to the time it subsided in October 2011. As in the Sudan case, PAP adopted a dual approach to the crisis which is demonstrated in its shifting positions following changes in the course of events. When the conflict began in February 2011, PAP took a position of protector of the lives and rights of the people. It expressed its grave concerns about the impending danger, appeals for maintenance of law and order, and a political settlement to the conflict. For example, in a strongly worded statement issued on 22 February, PAP: "… condemns all forms of violence and the resulting loss of many innocent lives ... believes in the right of the Libyan people to express themselves in a free and peaceful manner … calls upon all parties to immediately end all forms of violence … and to resort to peaceful dialogue to

overcome the current crisis". In the beginning, it also supported the UNSC resolutions which, it thought were, driven by the duty to protect civilians. It did this because this was the reason for its existence.

As the conflict escalated and the NATO attacks intensified, however, PAP began to take a different course, that of protecting the state. Its shift follows as well as pre-empts the steps taken by the AU. Their combined response largely stems from the perception of the situation as an external intervention, regime change, and, perhaps, a *possible* occupation of Libya by Africa's former colonial powers – Britain, France, and Italy, plus the U.S. Therefore following a debating on the "Security Situation in Libya" at its Fourth Ordinary Session (09-20 May 2011) PAP issued a more revealing resolution which:

(i) Condemns the military aggression of NATO forces in the bombing of public facilities, infrastructure, and residential sites and the targeted assassination of national leaders;
(ii) Requests […] the international community to stop this aggression immediately …
(iii) Calls for solidarity with Libya in the face of the abuses by the forces of NATO of the UN Security Council resolutions …
(iv) Appreciates the African Initiative in seeking a peaceful solution to the crisis [and] endorses the African solution to the problem of Libya;
(v) Condemns the disinformation and calls on all media organs … to play their part in the transfer of the true reality of the events in Libya (PAP, 2011);

To have a fuller picture of the situation on the ground, PAP also "Decides to dispatch a fact-finding mission which visited Libya in June 2011, at the peak of the conflict in the country. One of the Members of the Mission later reported that "What is happening now in Libya is what happened in Iraq and Afghanistan. Where there is foreign intervention, there is a disaster. In Tunisia and Egypt, the people rose and stood up themselves. They did not need foreign intervention" (PAP, 2011).

In the above-mentioned resolution, PAP also supported the AU's proposal to convene a special session of the Assembly in May 2011 and calls for a similar session of the UN General Assembly to look into the operations of NATO and its impact on Libyan. At least, the AU Assembly held a Special Session on 25 May 2011 which, among others, "… expressed Africa's surprise and disappointment at the attempts to marginalize the continent in the management of the Libyan conflict…" The Assembly echoed PAP's concerns on the conflict, demanded an immediate cessation of hostilities, and urged all parties to "fully comply with the letter and spirit of" UN resolutions ... Like PAP, the Assembly requested the African Group in New York and the African members

of the United Nations Security Council, to take the initiative of the early convening of a meeting of the Security Council, as well as the General Assembly, to assess the implementation of resolutions 1970 (2011) and 1973 (2011)" (AU 2011). The changing scenarios in Libya and PAP's reading of the situation have influenced its responses to the conflict and its sympathy to the Gaddafi regime, considering the latter as a victim of external aggression and conspiracy. Underlying this perception could be Libya's oil resources, Gaddafi's thorny relations with the West, his strong though erratic emphasis on pan-Africanism, and his support to the AU and some of its member states. Moreover, PAP's concerns have been reinforced by the lessons learned from external interventions in other countries, notably Iraq and Afghanistan, and the long-term implications of this for regional stability in Africa.

Despite Africa's efforts to find an African solution to a *supposedly* African problem in Libya, the conflict continued and all indications suggest that the end of the Gaddafi era was approaching. And it did. The conflict reached a climax with the fall of Tripoli in August 2011. On 20 October 2011, Gaddafi was captured and killed; and with him, one big chapter of Libyan, African, Middle Eastern, and, perhaps, world, history came to a close. Although still too early to predict the consequences of the Libyan revolution for that country, the effect on the neighboring regions is being felt. Mali has become the first victim of the post-Libyan conflict where Taureg rebels and al Qaeda elements waged fierce separatist/'Islamist' battles and took control of most parts of northern Mali, where they declared independence.

How did PAP respond to the post-crisis situation in Libya? After the change of circumstances which saw the overthrow and eventual demise of Gaddafi, the PAP, in October 2011, assessed the post-conflict scenarios, took note of the "volatile situation in the country", and stressed that the "best solution for Libya is to fulfill the legitimate aspirations of the Libyan people to Democracy, Good Governance and Respect for Human Rights, Achieve Sustainable Peace and Preserve Unity and Territorial Integrity of the Country" and the "Sovereignty" of Libya. PAP, therefore, calls for "immediate cessation of war in conformity with the AU roadmap"; and "urgent need for national reconciliation." Moreover, PAP advised that "the African Union should encourage Libya to be a Member of the African Court on Human and Peoples' Rights." These recommendations are directed to the Transitional National Council (TNC) which toppled the Gaddafi regime (PAP, 211). Thus, despite its previous rejection of regime change and external intervention, PAP had now to deal with a different 'reality' and a de facto regime; hence its renewed emphasis on the protection of the civilian population from further violence. PAP's call for a new Libya to accede to and recognize the authority of the African Court of Human and Peoples' Rights is to remind the new regime of its obligations to ensure law and order and to take responsibility for actual or potential human

rights violations.

The Libyan case presents an interesting aspect of the constructivist approach to conflict transformation. It demonstrates that there is no single perspective, one best approach to conflict resolution, or a fixed position of third party actors. As indicated elsewhere, approaches and positions change as conflicts move from one state to another. In an address to the "Second African Union High-Level Retreat on the Promotion of Peace, Security and Stability in Africa" (4 September 2011, the Chairperson of the AU Commission intimated that about the North African crisis, the "AU has reacted creatively. In other words, our Union was able to *exhibit the necessary flexibility. It based its action not on a literal and dogmatic interpretation of the existing texts, but rather on the need to contribute to the attainment of the overall objective sought by the African Union*, namely the consolidation of the ongoing democratization processes in the continent" [emphasis added]. This is what exactly PAP did. PAP understood that the people of Libya were targeted by their government and deserved protection. It, therefore, expressed its dismay and reminded the government of its responsibility to protect and to avoid indiscriminate killings. Latter, it realized that an AU member state and its leadership have been at the receiving end of external attacks. Theretofore, PAP condemns the 'aggression' in the strongest terms possible, as a regional parliament representing all the member states.

In conclusion, the Libyan conflict has recast the concept of sovereignty from nation-state sovereignty to *regional sovereignty.* That is, any externally-assisted attempt to topple a regime in any member state for whatever reason, has been construed as re-occupying the continent and violating its *collective sovereignty*. Therefore, it is not surprising to see PAP's shift of emphasis from the protection of people to the prevention of the war on Libya as part of its attempts to resolve the conflict. However, when the situation went beyond its control and what was feared happened, it had to soften its stance accepting the 'facts' on the ground.

Somalia

Until its independence in 1960, Somalia was partitioned into British, French, and Italian Somaliland. Besides, a considerable segment of the Somali population was under the jurisdiction of Ethiopia and Kenya (Ohaegbulam, 2004). From 1960 to 1969, Somalia had a stable democracy in Africa. Its first President, Aden Abdullah Osman, was the first in post-colonial Africa to accept electoral defeat and transfer power to his successor, Abdirashid Ali Shermarke, in 1967, peacefully. In 1969, General Siad Barre overthrew Shermarke and ruled the country until 1991.

Somalia had irredentist ambitions to unite all the territories occupied by the Somalis in Ethiopia, Kenya, and Djibouti. In 1977, Barre launched a large-scale

offensive against Ethiopia; and soon the Ethio-Somali conflict took a Cold War posture: the US was supporting Somalia whereas the Soviet Union assisted Ethiopia. The latter won the war in 1978; and Somalia was severely weakened. Consequently, "Barre was discredited in the eyes of the Somalis because of the loss to Ethiopia … This fall in public esteem added to the discrimination and violence by his regime against clans and communities other than his own fueled three main insurgencies. However, external support, mainly from the United States, Saudi Arabia, and Libya, convinced Siad Bare that he could defeat his opponents by force …" (Ohaegbulam, 2004:103). But external support gradually declined; and Barre finally fled the country in January 1991. Since 1991, therefore, Somalia remains a "problem child of Africa" (Wolde-Mariam, 1977). In the early years of the conflict, the UN and US undertook peacekeeping and humanitarian activities but faced myriads of challenges and left the country in 1995. Similarly, subsequent efforts to resolve the crisis through negotiations, mediations, and conciliation led to the establishment of a Transitional Federal Government (TFG) in 2004. Though Somalia is a homogenous society, identity politics based on clan and regional divisions have complicated the conflict transformation process. Somalia serves as a classic example of the role primordial ties, social networks, and shared values perpetuate endless conflicts where there seems no end in sight. As Heather (2009:193) sums it up, "With a divided nation, competing clan groups, internally displaced persons and the threat of terrorism and international reprisal, it may take some considerable time before Somalia settles into normal governance."

PAP's efforts in resolving the Somali conflict

Like in the other three cases discussed above, PAP takes up Somalia's crisis quite early. Given the protracted nature of the conflict, it is very difficult to find a peak there, but the PAP uses some of the disturbing events that receive wider publicity and deals with the situation accordingly. For example, when reports suggest that the presence of Ethiopian troops in Somalia was fueling nationalist fervor, on 10 May 2007 the CCIRCR asks PAP to call upon the Ethiopian government to withdraw its troops from Somalia; and the international community to focus all diplomatic efforts on a ceasefire in Mogadishu to facilitate national dialogue among the people of Somalia. CCIRCR's recommendation was based on a thorough assessment of the complex situation in the country: escalating skirmishes between the clan-based warlords, the impact of Al Qaeda, and external interventions by Eritrea, Ethiopia, and the US. Introducing a motion on Somalia, on 17 April 2010, a member of PAP reminded his colleagues that "Somalia has experienced almost two decades of severe instability, lack of security, and countless human sacrifices. The blood of many women,

children and the most vulnerable of the society has been repeatedly spilled in the country." Again, in its May 2011 session, PAP condemned the worsening situation in Somalia, particularly the lack of progress in finding a peaceful settlement of the crisis; called on "All parties to the Somalia conflict to work together to restore peace and security in the country"; and to respect "All decisions of the African Union Peace and Security Council" (PAP, 2011).

Unlike in the Libyan or the Sudanese case, PAP has been consistent in its position of protecting the people and ending the conflict in Somalia through the participation of all parties and stakeholders concerned. Unfortunately, the culture of conflict and violence seems to stay around for some time as it has become a business for some actors at the expense of millions of innocent lives both in Somalia and other countries in the region. Moreover, the Somali crisis has also affected global social and economic security because of the fertile ground it created for piracy.

IMPACTS OF PAP INTERVENTION IN CONFLICT TRANSFORMATION

The evidence so far suggests that PAP plays both direct and indirect roles in conflict resolution. The direct role is based on its explicit mandates stated in different legal texts whereas the indirect role refers to the various fora PAP organizes, its missions and the various communiqués it releases. Both of these resources are used by parties to conflicts, civil society organizations, other AU organs, member states not parties to conflicts, and the international community. In its present status, the PAP is seen as more of a platform for parliamentary diplomacy, deliberative democracy, and participation in a wide range of actors and interest groups, including the civil society. It is also a repository of empirical information generated through its fact-finding missions. In this regard, PAP's experiences show increasing recognition given to it by these groups and also approaching it as a legitimate expression of the desires, aspirations, and challenges of people in the region. Nevertheless, the parallel decisions, recommendations, diplomatic contacts, and communiqués PAP issues either in line with the AU Assembly or even prompting the latter's actions, could influence the decisions of the Assembly and the other AU institutions. More particularly, since the AU Commission and the PSC are required to report their activities to the PAP, the latter could use this mandate to propose decisions and resolutions. The Commission and the PSC are responsible for drafting the various instruments for adoption by the Assembly.

CONCLUSION AND RECOMMENDATIONS

The Pan African Parliament was created to help Africa rid

conflicts by representing the voice of the people and addressing the root causes of conflicts. PAP forms part of the new peace and security architecture of Africa. Organizationally, PAP has created CCIRCR to assist it in monitoring, tracking progress, and proposing appropriate measures towards resolving conflicts. Using PAP's experiences in Cote d'Ivoire, Darfur/Sudan, Libya, and Somalia this study confirmed that PAP has devoted considerable attention to the major conflict hotspots in the continent. The research also confirmed that while regional, supra-national institutions play important catalytic roles in conflict transformation as third-party actors, they are either missing from or inadequately covered in both the international relations and conflict resolution literature. The study further highlights that regional parliamentary institutions operate based on both the written word (acquired legal competences) and the real world (constructed competences). Therefore, PAP's efforts in conflict resolution are not only procedural (rule-determined), but also time and context-specific. Accordingly, PAP demonstrates a noticeable process of adjusting and readjusting positions as situations move from one phase or direction to another in the life-cycle of conflicts. Based on the detailed analysis of the cases studies, it is important to highlight the following key observations:

(i) First, though still in the formative stage, PAP has embarked on the task of conflict resolution. While trying to contribute its share to the conflict resolution process, PAP also emphasizes the need for addressing the root causes of these conflicts, chief among them being lack of democracy week institutions, the problem of governance, transparency, and accountability. To this effect, PAP makes repeated calls on member states to (a) grant it law-making powers and (b) ratify the new African Charter on Democracy, Elections, and Governance.

(ii) Second, PAP uses a range of tools in its effort to resolve conflicts: parliamentary debates, press releases/communiqués, briefing sessions with the diplomatic community, reports and statements to the AU Assemblies, receiving reports from the AU Commission and the PSC, fact-finding missions; and cooperation agreements with international organizations, and the civil society. These direct and indirect tools enable PAP to play supportive roles since the end product of conflict resolution cannot be attributed to one party or another alone.

(iii) Third, in most cases, PAP assumes the role of protecting the security and rights of people. However, depending on circumstances, its position shifts to the side of the state when the latter seems to be a victim of external threats as in the case of Libya.

(iv) Fourth, because its regional character, its intervention comes late, after a conflict escalates; and once a conflict subsides not much is heard about PAP's activities on latent conflicts.

Based on the foregoing observations, PAP has become

one of the promising institutions of the AU. The amount of its work, especially in conflict resolution, despite limitations, is impressive. In this regard, it is important to further understand PAP's roles in conflict prevention, management, transformation, and resolution. More specifically, it is important to study further the direct and indirect contributions of PAP's recommendations/decisions on mitigating conflicts before they escalate. Besides, studies are needed on theoretical frameworks relevant to explain the role of regional parliamentary institutions in internal and international conflicts.

CONFLICT OF INTERESTS

The author has not declared any conflict of interests.

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