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Regional Organizations and Conflict Management in Africa: The Case of the African Union and Conflict Management in Kenya

Afrika'daki Bölgesel Organizasyonlar ve Kriz Yönetimi: Kenya'da Kriz Yönetimi ve Afrika Birliği Örneği

Dr. Kieran E. Uchehara*

Özet

Bu makalenin amacı, Kenya'daki çatışma yönetiminde Afrika Birliği'nin etkililiğini incelemektir. Birlik arabuluculuk yapma girişiminde bulunsa da, kriz yönetimi ve diyalog ile ilgili sorunların üzerinde az durduğu için, kriz üzerindeki etkisi çok fazla değildir. Makalede, Afrika Birliği'nin krize müdahale etmede isteksiz olduğu hususu tartışılmaktadır. Bunun yanı sıra, Afrika Birliği'nin kurumsallaşması, üyelerinin daha fazla homojen tercihlerinin olması ve daha demokratik üyelerinin olması durumlarında; birliğin çatışma yönetiminde daha etkili olacağı tavsiye edilmektedir. Demokratik örgütler, statükonun lehine kalıcı şartları desteklerken, kurumsallaşmış ve homojen örgütler etkili çatışma yönetimi için daha uygun olduğu düşünülmektedir. Makalede sonuç olarak, Afrika Birliği'nin Kenya'ya müdahale etmesindeki isteksizliğin, çoğu Afrika liderinin seçimlere hile karıştırılması suretiyle iktidara gelmesinden dolayı, kısmen birliğe üye ülkeler arasındaki güvensizlikten kaynaklandığı ileri sürülmektedir.

Anahtar Kelimeler: *Çatışma Yönetimi ve Diyalog, Arabuluculuk, Müdahalede Bulunmak, Homojen Örgütler, Demokratik Örgütler*

Abstract

The purpose of this paper is to analyze the effectiveness of the AU's conflict management in Kenya. Even though it has attempted to mediate, its impact on the crisis was not profound, as it has paid less attention to the questions of crisis management and dialog. The paper argues that the AU appears reluctant to intervene in the crisis. It recommends that the AU would be a more effective conflict manager if it were institutionalized, if it had members with homogenous preferences, and if it had more democratic members. Institutionalized and homogenous organizations are better suited for effective conflict management, while democratic organizations support lasting settlements in favor of the issue's status quo. It concludes that the AU's reluctance to intervene in Kenya is partly due to mistrust between its member states as most of the African leaders came to power through the rigging of elections.

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Introduction

The purpose of the African Union (AU) is to help secure Africa's human rights, democracy and a sustainable economy especially by bringing an end to intra-African conflict and creating an effective common market, good education, better hospital and cultural development of the people all of which will be of great help to the people of the world in general. The AU, a community of 53 countries, was established to help the African nations who are in need to bring in a better resolution to the socio-economic, political and cultural diffe-rences. It has helped to create unity within the African continent by stopping conflicts in different regions of Africa. But the question that comes to mind is: Why has the AU has been reluctant to take decisive measures in Kenya as several people have been killed and many displaced. The aim of this paper is to analyse the regional political organization's intervention in Kenya. It puts promises to empower the reader with sufficient information on what the AU is and what it does as far as conflict management in Kenya is concerned. It argues that "the AU has done nothing to halt the violent crisis in Kenya. That it is not doing a good job of living up to its primary goal as it was stated in its Charter, which is to maintain regional peace and security, to take effective collective measures for preventing corruption and for the promotion of acts of peace in Africa." The above statements serve as the guiding themes of this paper. The structure of the paper follows the same order as the propositions posed above. The ultimate aim of this paper, is to add to knowledge the capa-bilities of regional organizations in maintaining regional peace and security. This paper begins by exploring the literature on the probability of regional organizations' intervension in regional conflicts. This is followed by a review of the background to the crisis in Kenya; the impact of the conflict on Kenya's economy; the international community's and the AU's intervention in Kenya. The final section is the conclusion of the study.

Approaches to Regional Organizations' Intervention

An intervention by any regional organization occurs within the context of a conflict, crisis or war. Once a conflict occurs it can be managed in several ways, for example, by violence, bilateral negotiation or by the involvement of a regional organization acting as an arbitrator or as a mediator between

the parties.[1] The role of a regional organization in non-violent conflict management is directed toward helping the actors in conflict to realize their own interests when various problems threaten to disrupt or downgrade their bargaining relationship.[2] Regional organizations are useful in the process of conflict abatement, and they can make positive and direct contributions by focusing the parties on a termination agreement, providing an agenda and/or manipulating the timing of the negotiation process. They also can help to overcome constraints faced by the primary parties such as providing rationalizations for the disavowal of previous bargaining positions (face-saving), certifying the benefits of an agreement (guaranteeing), or providing insurance against the risks of the failure of an agreement (leverage).[3] Furthermore, Hampson argues that regional organizations can often be very useful in bringing the parties to seek an accommodation and often have a moral obligation to do so, a view echoed by Licklider.[4] Carment and Harvey point out that third party interveners may often have a limited knowledge of the states and issues in which they get involved, and this in turn can lead to inefficient and short peace accords.[5] Regan finds that third party interventions in general are inefficient and have little or no impact on the expected duration of conflicts.[6]

Thus, the issue of regional organizations and conflict management spans many disciplines and epistemological/methodological approaches, which leads to a certain level of confusion regarding the concepts and definitions to be analyzed. James Rosenau exposed the confusion in his classic 1969 chapter titled "Intervention as a scientific concept." Indeed, scientific research in this area was impeded due to the broad meaning of the term "inter-

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1 Bercovitch, Jacob. "International Mediation and Dispute Settlement: Evaluating the Conditions for Successful Mediation." *Negotiation Journal* 7/1 (1991), pp. 17-30.

2 Young, Oran R. "The Intermediaries: Third Parties in International Crises", Princeton 1967., NJ: USA, p. 34.

3 Brecher, Michael and Jonathan Wilkenfeld. "A Study of Crisis", Ann Arbor 1997, University of Michigan Press, 849.

4 Hampson, Fen Osler. "Parent, Midwife or Accidental Executioner. The Role of Third Parties in Ending Violent Conflict." In Chester A. Crocker, Fen Osler Hampson and Pamela Aall, eds., *Turbulent Peace: The challenges of managing international conflict*. Washington D.C. 2001, United States Institute of Peace Pres, pp. 387-406; Licklider, Roy. "Obstacles to Peace Settlements." In Chester A. Crocker, Fen Osler Hampson and Pamela Aall, eds., *Turbulent Peace: The challenges of managing international conflict*. Washington D.C. 2001, United States Institute of Peace Press.

5 Carment, David and Frank Harvey. "Evaluating Third-Party Efforts to End Intrastate Ethnic Conflict." In *Using Force to Prevent Ethnic Violence, An Evaluation of Theory and Evidence*, Westport 2001., Praeger Publishers, pp. 123-146.

6 Regan, Patrick M. "Third-Party Interventions and the Duration of Intrastate Conflicts." *Journal of Conflict Resolution*, 46/1 (2002), pp. 55-73.

vention." Rosenau argued that it is difficult to develop variables and models, and thus make scientific progress, when the existing literature "is pervaded with discussions of military interventions, propaganda interventions, economic interventions, diplomatic interventions, and ideological interventions, not to mention customs interventions and other highly specific actions through which one state experiences the impact of another".[7] In other words, if any act can be qualified as an intervention, any explanatory model I develop loses its meaning as the concept itself is somewhat meaningless. Unfortunately, in many ways, Rosenau's critique is still valid. This is obvious even when one narrows a literature review to the political science and international relations field; an extensive search yields the observation that authors have differing concepts of intervention. A very recent article by Michael J. Butler also briefly reviews the ambiguity of the concept of a regional organization intervention, and concentrates on cases of militarized interventions.[8]

At the other end of the spectrum is the integrative bargaining view of negotiation as a "variablesum game", where the actors are not necessarily in fundamental conflict and engage in joint problem solving.[9] Examples of the first view (distributive) would include differences over territory in the case of an interstate conflict, or over ethnic discrimination in the case of an internal conflict. Integrative bargaining is closer to economic or political differences that can be resolved by accommodation. A broad definition proposed by Oran Young, however, can serve as a good starting point. Young defines an intervention as "any action taken by an actor that is not direct party to the crisis, that is designed to reduce or remove one or more of the problems of the bargaining relationship and, therefore, to facilitate the termination of the crisis itself."[10] Linking this broad definition to international relations shows that regional organizations' involvement can be of varying levels and take different forms such as:

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7   Rosenau, James N. "Intervention as a Scientific Concept." In James N. Rosenau, ed., *The Scientific Study of Foreign Policy*. New York 1969, Nichols Publishing Company, pp. 344-345.

8   Butler, Michael J. "Just War Theory and U.S. Military Intervention in Crisis." *Journal of Conflict Resolution* 47/2 (2003), pp. 226-248; Walton, Richard E., and Robert B. McKersie. "A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interactive System". Ithaca NY 1991, ILR Pres, p. 4.

9   Walton, Richard E., and Robert B. McKersie. "A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interactive System". Ithaca NY 1991, ILR Pres, p. 5.

10 Young, Oran R. "The Intermediaries: Third Parties in International Crises". Princeton NJ 1967, USA, p. 34.

(a) Discussion of the problem in international or bilateral fora;

(b) Fact-finding, which involves an inquiry by a regional organization as to the facts surrounding a conflict;

(c) Good offices, where a regional organization helps the parties to reinitiate direct negotiations, and has minimal involvement in both the content and the process of resolving a dispute;[11]

(d) Condemnation, which includes an implied or explicit demand to desist from hostile activities, and a request for aid to the victims of hostile activity by the third party;[12]

(e) A "call for action" by adversaries includes a call for cease-fire, troops withdrawal, negotiation, and action to facilitate termination by the third party;

(g) Mediation or conciliation, which involve a regional organization that actively participates in the settlement process. Mediation is generally constituted by a single regional organization, while in conciliation there may be a conciliatory commission. In both cases their aim is to propose an acceptable solution for the parties to a conflict;[13]

(h) Arbitration, which is a legalistic form of conflict resolution where the contestants select a third party who makes a judgment on the case. There is a formal binding settlement by an arbitration body, thus distinguishing it from mediation and conciliation;[14]

(i) Sanctions , which may include the complete or partial interruption of economic or political relations, and of rail, sea, air, postal, radio and other means of communication, are measures that often do not involve the use of armed force employed to make effective the decisions reached by international organizations;[15]

(j) Peacekeeping or military intervention by emergency military forces, whose primary task is to encourage conformity among the parties to a cease

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11 Monroy Cabra, Gerardo *et. al.* "Manual de Derecho Internacional Público". Bogotá 1986, Editorial Temis, pp. 270-271.

12 Brecher, Michael and Jonathan Wilkenfeld. "A Study of Crisis", Ann Arbor 1997, University of Michigan Pres, p. 849.

13 Monroy Cabra, Gerardo *et. al.* "Manual de Derecho Internacional Público". Bogotá 1986, Editorial Temis, pp. 270-271.

14 Raiffa, Howard. "The Art and Science of Negotiation". Cambridge MA 1982, Harvard University Pres, p.28.

15 White, N. D. "The United Nations and the Maintenance of International Peace and Security". Manchester UK 1990, Manchester University Pres, p. 80.

fire or armistice. Methods include interposition (stationing troops between the forces of the disputants) and surveillance.[16]

As we look at the increasing levels of involvement or intervention by the regional organizations listed above, it is also important to keep in mind that an intervention, or lack thereof, is fundamentally a political decision. Questions of power, interests, bureaucratic, international and domestic politics undoubtedly affect whether leaders chose to intervene, or consciously decide to not intervene. As Chester A. Crocker put it, "intervention (just like nonintervention) is an inherently political action with inescapable political consequences".[17] Moreover, the political aspect of the intervention decision-making process may blur the distinction between "unbiased" and "biased" regional organizations. At what point is an intervener an involved actor (a party to) or not in a conflict? Does it matter if regional organizations are biased or not?

Regan argues that interveners definitionally seek to affect the duration of conflicts, which is in effect a conflict-management function.[18] Indeed, while it may be difficult to measure the interests of regional organizations, we can more easily assess the motives of their actors. If the purpose of the intervention is to affect the process of the conflict in such a way as to hasten its abatement and to save lives, we can evaluate whether the intervention had a "lifesaving" function. Thus, Betts questions the whole idea of biased v. unbiased intervention, arguing that the point of an outside intervention is to manage the conflict, so interventions work best.[19] That is, end a conflict more efficiently and quickly when "the intervener takes sides, tilts the local balance of power, and helps one of the rivals to win. That is, when the intervention is not impartial".[20]

Building on previous concepts and definitions, and having as principal objective the empirical analysis of various interventions for the purpose of better conflict management and policy development, the paper adopts the following definition of intervention:

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16 Baehr, Peter, and Gordenker Leon. "The United Nations in the 1990s". New York 1994, St. Martin's Pres, pp. 76-77.

17 Chester A. Crocker, cited in Weiss, Thomas G. "Military-Civilian Interactions. Intervening in Humanitarian Crises". Boulder CO 1999, Rowman & Littlefield Publishers Inc., p. 41.

18 Regan, Patrick M. "Third-Party Interventions and the Duration of Intrastate Conflicts." *Journal of Conflict Resolution*, 46/1 (2002), pp. 55-73.

19 Betts, Richard K. "The Delusion of Impartial Intervention," *Foreign Affairs*, vol. 73, Nov/Dec 1994, pp. 20-33.

20 Ibid. p. 21.

A regional organization intervention is a concrete action, be it political, economic or military, undertaken by a governmental or intergovernmental actor of the international system, the purpose of which is principally to affect the direction, duration or outcome of an internal/civil or international conflict.[21]

As such, an intervention is a response to an ongoing crisis/conflict and has a convention breaking character, that is, it is an extraordinary measure.[22] A good operationalization of this concept will enable researchers to study the same phenomenon. This proposed operationalization is both inclusive as, it recognizes that there are many reasons for regional organization to intervene in conflicts, and useful because it is concerned only concrete steps undertaken by regional organizations, actual political or military decisions, which should simplify the data gathering process for empirical evaluations. In summary, the operationalization is action based; it is not limited to militarized intervention yet neither does it include insignificant forms of interventions such as "calls for action." Of particular importance is the analysis of conflict and conflict resolution theory. The exploration of this is important for understanding the nature of political conflict itself and to find solutions to the seemingly intractable problems in Kenya. Developments in this field will hopefully guide researchers to a better understanding, and help in the search for solutions.

Conflict and Conflict Resolution Theory

The issue to be addressed here concerns the nature of conflict and its solution. Conflict engenders interaction at a level more intense than that of competition. Although, as Schelling notes, conflict, competition, and cooperation are inherently interdependent, and conflict occurs when competing groups' goals, objectives, needs or values clash and aggression, although not necessarily violence, is a result.[23] Conflict exists whenever incompatible activities occur.[24] An activity that is incompatible with another is one that prevents, blocks, or interferes with the occurrence or effectiveness of the second

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21 Young, Oran R. "The Intermediaries: Third Parties in International Crises". Princeton NJ 1967, USA, p. 34; Rosenau, James N. "Intervention as a Scientific Concept." In James N. Rosenau, ed., *The Scientific Study of Foreign Policy*. New York 1969, Nichols Publishing Company, pp. 344-345.

22 Rosenau, James N. "Intervention as a Scientific Concept." In James N. Rosenau, ed., *The Scientific Study of Foreign Policy*. New York 1969, Nichols Publishing Company, pp. 344-345.

23 Schelling, Thomas C. *"Strategy of Conflict"*. Cambridge 1960, Harvard, pp. 163-164.

24 Deutsch, Morton. The Resolution of Conflict: Constructive and Destructive Processes. New Haven CT 1973, Yale University Press, p. 8.

activity. A conflict, however, can be as small as a disagreement or as large as a war. It can originate in one person, between two or more people, or between two or more groups. Conflicts have considerable value when they are managed constructively. The issue is not whether conflicts occur, but rather how they are managed. The AU's intervention in Kenya is of particular importance and this is analysed in detail bellow.

Background to the Crisis

This section begins with a definition of crisis or conflict, kinds of conflicts in theory and practice at the global level and developing countries before analysing the background to the conflict in Kenya. For the purpose of this paper, a crisis is defined as a kind of tension that arises between two or more parties (states, organized groups and international foundations) in which one of the parties appeals to violence.[25] Indeed, several factors account for the conflict or dispute we observe globally, especially, in developing countries. These factors include: land/border dispute, for example, if the area in question is reach with natural resources, power struggle between political parties, separatism such as when a group of people in a state demands for an autonomy, political manipulation of ethnic/religious groups and political manipulation of elections, just to mention a few. The above mentioned factors are, for example, connected with the conflict in Iraq, Afghanistan and Kenya.[26]

Kenya became independent on December 12, 1963. Jomo Kenyatta, an ethnic Kikuyu and head of the Kenya African National Union (KANU), became Kenya's first President. The minority party, Kenya African Democratic Union (KADU), representing a coalition of small ethnic groups that had feared dominance by larger ones, dissolved itself in 1964 and joined KANU. After independence from Britain in 1963, politics was dominated by the charismatic Jomo Kenyatta. A small but significant leftist opposition party, the Kenya People's Union (KPU), was formed in 1966, led by Jaramogi Oginga Odinga, a former Vice President and Luo elder. The KPU was banned shortly thereafter, however, and its leader detained. KANU became Kenya's sole political party.

Jomo Kenyatta was succeeded in 1978 by Daniel Arap Moi, who remained in power for 24 years. At Kenyatta's death in August 1978, Vice President Daniel Arap Moi, a Kalenjin from Rift Valley province, became interim President. By October of that year, Moi became President formally after he was elected head of KANU and designated its sole nominee for the presiden-

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25 Canbolat, İbrahim s. , "Gelişmekte Olan Ülkeler: Küresel Politik ve Ekonomik Çıkar İlişkilerindeki Konumları". Alfa Aktüel Yayınları, 3. baskı, İstanbul 2004., pp.244-245.

26 Ibid. p. 251.

tial election. The ruling Kenya African National Union, Kanu, was the only legal political party for much of the 1980s. Violent unrest-and international pressure-led to the restoration of multi-party politics in the early 1990s. In June 1982, the National Assembly amended the constitution, making Kenya officially a one party state. Two months later, young military officers in league with some opposition elements attempted to overthrow the government in a violent but ultimately unsuccessful coup. In response to street protests and donor pressure, Parliament repealed the one party section of the constitution in December 1991. In 1992, independent Kenya's first multiparty elections were held. Divisions in the opposition contributed to Moi's retention of the presidency in 1992 and again in the 1997 election. Following the 1997 election Kenya experienced its first coalition government as KANU was forced to cobble together a majority by bringing into government a few minor parties.

In October 2002, a coalition of opposition parties formed the National Rainbow Coalition (NARC). In December 2002, Kenyans held democratic and open elections, which were judged free and fair by international observers. The NARC candidate, Mwai Kibaki, was elected the country's third President. President Kibaki received 62% of the vote, and NARC also won 59% of the parliamentary seats. The 2002 elections marked an important turning point in Kenya's democratic evolution as the presidency and the parliamentary majority passed from the party that had ruled Kenya since independence to a coalition of new political parties. But it was to be another decade before opposition candidate Mwai Kibaki ended nearly 40 years of Kanu rule with his landslide victory in 2002's general election. In 2003, internal conflicts disrupted the NARC government, culminating in its defeat in 2005 in a referendum over the government's draft constitution. Two principal leaders of the movement to defeat the draft constitution, Raila Odinga and Kalonzo Musyoka, who are both former Kibaki allies, are now presidential candidates for the Orange Democratic Movement (ODM) party and the Orange Democratic Movement-Kenya (ODM-K) party, respectively. Despite President Kibaki's pledge to tackle corruption, some donors estimated that up to $1bn had been lost between 2002 and 2005. Other pressing challenges include high unemployment, crime and poverty; most Kenyans live below the poverty level of $1 a day. Droughts frequently put millions of people at risk.

In early 2006, revelations from investigative reports of two major government linked corruption scandals rocked Kenya and led to resignations, including three ministers (one of whom was later re-appointed). In March 2006, another major scandal, which involved money laundering and tax evasion in the Kenyan banking system was uncovered. The government's March

2006 raid on the Standard Group media house conducted by masked Kenyan police was internationally condemned and was met with outrage by Kenya media and civil society. The government did not provide a sufficient explanation. No one has been held accountable. The country was at peace, which is nothing to sneeze at in a neighborhood that includes war racked Somalia, Sudan and Congo. The country also had a democratic civil society that appeared to be in the first stages of bloom, a far cry from a near dictatorship under President Daniel Arap Moi a decade previously. Vigorously covered by a free press, 2,548 candidates were running for Parliament, with genuine issues separating the leading parties, like strong central government versus federalism. Electoral politics in Kenya were not saddled by the deep cynicism that dogs Nigeria, Africa's most populous democracy, or the one party rule of South Africa, the continent's most developed country.[27] But that was before the presidential elections of Dec. 27, the charges of vote rigging that greeted the incumbent's surprise victory or the sudden flare of violence along tribal lines that followed. In September 2007, President Kibaki and his allies formed the coalition Party of National Unity (PNU). KANU joined the PNU coalition, although it serves in Parliament as the official opposition party.

Kenya held presidential, parliamentary, and local government elections on December 27, 2007.[28] President Mwai Kibaki claimed victory in the controversial presidential elections. Kibaki was re-elected with 51.3 percent of the vote, to 48.7 percent for Odinga. The subject of contention is Kibaki's legitimacy as the president of the country. His swearing in for a second term in office prompted a wave of unrest across the country. His rival for the post of president, opposition candidate Raila Odinga, rejected Kibaki's victory and accused the government of rigging the result. After the much debated results were announced the country exploded into chaos and gangs from opposing tribes hacked one another to death. The contest explicitly challenged the balance of power between the country's ethnic groups. Kenya has a very diverse population that includes three of Africa's major sociolinguistic groups: Bantu (67%), Nilotic (30%), and Cushitic (3%). Kenya's 37 million people are split among some 40 ethnic groups. Kikuyu 22%, Luhya 14%, Luo 13%, Kalenjin 12%, Kamba 11%, Kisii 6%, Meru 6%, other African 15%, non-African (Asian, European, and Arab) 1%.[29] Religions, Kenyans are deeply religious. About

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27 http://topics.nytimes.com/top/news/international/countriesandterritories/kenya/index.html?inline=nyt-geo(30.01.2008)

28 http://www.state.gov/r/pa/ei/bgn/2962.htm(19.01.2008).

29 https://www.cia.gov/library/publications/the-world-factbook/geos/ke.html (24.01.2008)

80% of Kenyans are Christian, 10% Muslim, and 10% follow traditional African religions or other faiths.[30]

Mr. Odinga, a member of the Luo tribe, has charged that the Kikuyus, whose members include both Mr. Mbaki and the country's founder, Jomo Kenyatta, have long gotten more than its fair share of government benefits. Of more concern, though, are the tribal issues. The voting followed mostly tribal lines and have stirred up strong undercurrents of ethnic based hatred that will not recede any time soon. Mr. Kibaki is a Kikuyu, known as Kenya's privileged tribe, and Mr. Odinga is a Luo, a tribe that has long felt marginalized. After Mr. Kibaki was declared the winner, despite disputed vote tabulations that gave the president a razor thin margin of victory at the counting process, Luos and members of other tribes lashed out at Kikuyus. Mobs swept through towns across the country, looting Kikuyu stores, attacking Kikuyus and in one case burned to death Kikuyu women and children who were taking refuge in a church. Thousands of Kikuyus have evacuated ethnically mixed areas and are streaming back to central Kenya, their homeland and a Kibaki stronghold. Aid officials said that thousands of people have been killed, displaced and many are still scared.

An institutionalized society is one in which there are effective political mechanisms for reconciling and implementing demands, the most appropriate of which are political parties. Political parties or equivalent institutions will certainly prevent many kinds of demand from being presented at all. Indeed, one of the ways in which they most effectively maintain order is by keeping things off the political agenda. It is essential, however, that they should be what Huntington terms 'autonomous', that they should not simply act as the mouthpieces of particular sections of the society, such as ethnic, religious or class groups.[31] Implicit in this is some conception of a national interest, overriding sectional interests, and this in turn takes one back to some notion of shared values. By the same token, shared values are unlikely to survive for very long unless there is some institutional mechanism in which they are embodied.

The Impact of the Crisis on Kenya's Economy

While President Mwai Kibaki and his populist rival Raila Odinga were accusing one another of stoking the ethnic strife, the people of Kenya have suf-

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30 Ibid.

31 Huntington, Samuel P., "Political Development and Political Decay", *World Politics*, 17 (1965): pp.386-430;
Huntington, Samuel P., "Political Order in Changing Societies", New Haven 1968, Yale University Press, p. 12.

fered the worst outbreak of violence. The conflict has brought condemnation from diplomats across the globe as one of Africa's top tourist draws and most stable democracies descends into chaos. Kenya's economy, which powers trade and industry across a large part of eastern Africa, is taking a beating from all this. In 2006, tourism was the country's best hard currency earner, ahead of horticulture and tea.[32] Tourists, drawn by wildlife and white sand beaches, are canceling trips in droves, leaving some of the biggest hotels in the country only 20 percent occupied, which could lead to layoffs. Its economy had been humming along, with a growth rate around 7 percent and a billion dolar a year tourism industry.[33]

Supplies of commodities, including petroleum, had been disrupted to and from neighbouring Uganda, Tanzania, Rwanda and Sudan, which all rely on Kenya's port of Mombasa. Many gasoline stations there have shut down because of shortages of fuel, most of which is imported by road from Kenya's Indian Ocean coast. Obviously, there are still political differences between Mr. Odinga and Mr. Kibaki, but accommodation will have to be made by the international community. The overall impact had been limited, but if the crisis persists, the consequences could be much more severe. Conflict resolution is exceedingly difficult to achieve when there is little interest in resolving the conflict. A similar difficulty arises for intervention. What level of involvement constitutes intervention and who can rightfully be considered a third party? The political violence in Kenya provides no clear cut examples of either intervention or conflict resolution, such as the brokered elections in South Africa. The examination of this specific conflict will demonstrate how effective the AU is in resolving intra-state conflicts in Africa. While President Mwai Kibaki and his populist rival Raila Odinga were accusing one another of stoking the ethnic strife, Kenya has suffered its worst outbreak of violence.[34] What people now witness in Kenya are cold and calculated massacres. The conflict in Kenya has caused humanitarian problems and getting these two men to agree will take international and regional pressure.

Reactions of the International Community to the Crisis

The United Nation's officials are trying to bring the ruling party and opposition together to find a peaceful solution through dialogue. Washington has pressed Kenya's opposition and government to hold talks as its top diplomat

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32 http://news.bbc.co.uk/2/hi/africa/country_profiles/1024563.stm(18.01.2008).

33 http://edition.cnn.com/2008/WORLD/africa/01/05/kenya.diplomat.ap/index.html(01.05.2008).

34 http://www.csmonitor.com/2008/0103/p01s03-woaf.html(01.03.2008).

for Africa, Jendayi Frazer, extended a visit to help reconcile the two. The U.S. ambassador to Kenya has called both sides to speak out and bring the violence to an end. Secretary of State, Condoleezza Rice, had spoken to Odinga by telephone on January 2008 and had a call scheduled with Kibaki to ask the pair to resolve their differences peacefully. Jendayi Frazer, the American assistant secretary of state for African affairs and the highest ranking Western official have visited Kenya since the unrest began, for national reconciliation. Fourteen of Kenya's leading donors, including the United States, have issued a statement warning the Kenyan government that they were reviewing foreign aid to Kenya in light of the crisis. What is uncertain is whether the United States recognized Kibaki's victory as legitimate even though Washington had "concerns" about accusations of electoral malfeasance that must be addressed within the country's legal system. Britain also has pressed Kibaki and Odinga to negotiate a solution to one of the worst crises since Kenya's independence from Britain in 1963. David Miliband, the British foreign minister, and Condoleezza Rice, the US Secretary of State, have issued a joint statement calling for an end to the violence in Kenya. These efforts are to get Kenya back to its old self as one of Africa's most stable countries and a regional economic powerhouse. What is unclear is how far the UN Secretary General Ban Ki-Moon's intervention, together with that the AU's Chairman, John Kufuor; the Former-UN Secretary General, Kofi Anan; and many other international leaders will go towards ending the conflict in Kenya.

The AU's Intervention to the Crisis

The AU and African leaders are not ready to address the crisis in Kenya. However, on January 9, 2008, the AU attempted peace talks in Kenya. Its initiatives proved abortive because Odinga's Orange Democratic Movement (ODM) has rejected an offer of bilateral talks from Kibaki, saying they would be a "sideshow" if not chaired by international mediators. This indicated that the ODM was not prepared to enter into serious talks that would be mediated by the AU chairman, Ghanaian President, John Kufuor, who arrived for crisis meetings with both sides.[35] Ahmad Tejan Kabbah, the former president of Sierra Leone, has also attempted mediation to the crisis in order to find national unity in Kenya. The former UN Secretary General, Kofi Anan, is in the process of contacting the leadership in Kenya. He has brokered deal but the peace settlement talks are prone to failure, as millions of people have been displaced, others killed and injured.

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35 http://www.sudantribune.com/spip.php?article25500(25.012008).

Conclusion

The creation of the AU and the emphasis on regional security indicates an increasing willingness and ability on the part of African states to engage in intervention. Unfortunately the AU's intervention in Kenya illustrates the continuing African states reluctant to accept the principle of intervention in her member states' internal affairs. A difficult problem involved in putting its doctrine in practice. Earlier, they accepted that state sovereignty would not be sacrosant, yet African governments are deeply sensitive about external interference in their internal affairs. Although the AU has attempted to mediate, its impact on the crisis was not profound, as it has paid less attention to the questions of crisis management and dialog. On the hand, the regional organization's ability or inability to intervene in Kenya is partly due to the historical legacy of non-intervention and continuing mistrust between its members. It is perhaps competition and disputes among African leaders that hampered cooperative approaches to the AU's conflict management in Kenya as many of the AU member states are still reluctant to grant sufficient autonomy to the AU. The AU would be a more effective conflict manager if it had members with homogenous preferences, and if it had more democratic members. A homogenous organization is better suited for effective conflict management, while democratic organizations support lasting settlements in favor of the status quo. It concludes that the AU's reluctance to intervene in Kenya is partly due to mistrust between its member states. With the combination of the above factors, it is not difficult to understand why the AU has made little or no progress in Kenya. Considering the fact that continued violence in Kenya would lead to a civil war, this paper recommends some type of power sharing arrangement between Mr. Odinga and Mr. Kibaki.

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