

NON-ARMED CONFLICT RESOLUTION BY AFRICAN UNION: THE CASE OF THE POLITICAL CONFLICT IN MADAGASCAR ON 2009-2014

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Abstract

Africa is a continent devastated by conflicts and wars of all kinds. After being colonized for more than a century, African countries have sought solutions to solve the problems between them. They thus found their own organization which is the African Union with mixed commissions. The latter, besides dealing with the economic development of African countries, also deal with the management and resolution of armed and non-armed conflicts in the continent. Among these armed conflicts resolved by the African Union is the political crisis in Madagascar in 2009. The resolution of the conflict in Madagascar, despite its very successful appearance conceals some inconveniences for the Malagasy population and the Republic of Madagascar.

This paper will demonstrate how the African Union regulates non-weapon conflicts in Africa, including the case of Madagascar, and explain the failures and successes of managing the crisis there. It aims to analyze the problems encountered in the resolution of a conflict, especially internal. Liberalism, more precisely, institutional liberalism is the theoretical framework of this study. To dig deeper into this paper, the research design utilized is the qualitative method with a deductive method. Data collection comes from primary data like books, reviews, reports, newspapers, etc.

Introduction

Since 1970, there have been more than 30 wars on the African continent, the vast majority of which originated from internal conflicts. In 1996, 14 of the 53 African countries

experienced armed conflicts, responsible for more than half of all deaths caused by conflicts worldwide and causing more than 8 million refugees and displaced persons. The consequences of these conflicts have seriously undermined Africa's efforts to ensure long-term stability, prosperity and peace, according to Kofi Anan (1994). Conflict-ravaged Africa ranks among the poorest continent in the world, especially the region below the Sahara Desert, also known as Sub-Saharan Africa. Indeed, extreme poverty in 2015 rose to 35.2% of the population in this area of Africa. This represents almost half of the most disadvantaged countries in the world. The World Bank suggests that the region as a whole is failing to keep peace with the rest of the world. The situation is particularly worrying in Madagascar and the Democratic Republic of Congo (DRC), where 80% of the population lives below the poverty line according to the report (Traore, 2015).

Since the ratification of its Constitutive Acts, the AU, with its economic and political commissions, has continued its efforts for the economic development of Africa. Despite this, the problems for the maintenance of peace remain. At the end of August 2004, the number of UN military in sub-Saharan Africa reached 47,000 (compared with 31,500 in November 2003) and is expected to increase further with the strengthening of MONUC in the DRC. To respond to the conflicts, the UN approved the establishment of new peacekeeping missions in Africa and lead by African Union. Apart from armed conflicts, non-armed conflicts are also resolved by the AU. Among the

non-armed conflicts in Africa are the political crisis in Madagascar in 2009. Apparently, the resolution of the conflict was a great success, it led to the presidential election in 2013 and a return of the country to the constitutional order in 2014. However, there is also some evidence that AU resolutions have some disadvantages. It is this aspect of the subject that interests us here. To better understand the subject, we will divide the work into two parts. The first part is a general presentation of the crisis in Madagascar and the AU. The second part will be devoted to the process of ending the crisis.

Objective of the study

General Objective

The general objective of this study is to examine the role of the African Union in the resolution of non-armed conflict, including the political crisis in Madagascar in 2009.

Specific Objective

The specific objective of this study is:

- To analyze how the African Union solved the Malagasy crisis in 2009
- To examine the impacts and repercussions of the peace and crisis resolution process adopted by the AU during the management of the Malagasy political crisis

Research Question

A scientific study is theoretically guided by specific research questions. The main objective of this study is to analyze the analysis of the peace process by the AU in Madagascar. The question is therefore:

- How did the AU resolve the 2009 political crisis in Madagascar?

Theoretical Framework

The theoretical framework of this study is liberalism, more precisely institutional liberalism. Basic liberal assumptions are: (1) a positive view of human nature; (2) a conviction that international relations can be cooperative rather than conflictual; (3) a belief in progress. Institutional liberalism is an ideology based on the value of international institutions for a better functioning of the world system. Classical liberals such as Bentham, Kant, and Mazzini anticipated that international institutions (especially arbitration courts but also more advanced international federations with their own parliamentary assemblies) would reduce uncertainty and improve mutual trust among states, thereby attenuating the security dilemma and actively promoting international cooperation and world peace. In recent decades, international relations theorists have systematically developed and corroborated this intuition (Badie, Schlosser, Morlino; 2011). Institutional liberals claim that international institutions help promote cooperation between states (Jackson,

Sorensen; 2010; p106). In other words, institutional liberalism believes in interaction and exchange between states. International institutions (UN) or regional institutions (EU, AU) can help in one way or another a state or all of its member states to develop even more. According to Badie, Schlosser, Morlino (2011), recent scholarship, such as that of Charles Boehmer and colleagues, has also confirmed the classical liberal intuition that formal international institutions, such as the United Nations (UN) or NATO, independently contribute to peace, especially when they are endowed with sophisticated administrative structures and information-gathering capacities. According to institutional liberals, it is an international organization, such as NATO or the European Union; or it is a set of rules which governs state action in particular areas, such as aviation or shipping. These sets of rules are also called 'regimes'. Often the two go together; the trade regime, for example, is shaped primarily by the World Trade Organization (WTO). There may also be regimes without formal organizations; for example, the Law of the Sea conferences held under the auspices of the United Nations do not have a formal international organization (Jackson, Sorensen; 2010;p.111). Institutional liberalism reflects everything about the African Union and its relationship with members. The theory also gives a sense of duty to a regional organization such as the opening of economic market or the resolution of conflicts for the promotion of peace at the level of member countries as in Madagascar.

Research Methodology

The research in this paper is a descriptive research with a qualitative approach to analyze the data. This method is chosen because it corresponds to the researcher's goal in this study, which is to understand new contexts, to open up new horizons and a new perspective on the theme, that is to say the relationship of the African Union and its member countries. For more credibility in this task, the triangulation strategy is used, it makes it possible to compare information to other information and to have a more objective view.

Sources and methods of data collection

The data collection in this work will focus more on external secondary data: the research consists of collecting all the information and data needed for the work from government documents, international institution documents, libraries, books, essays, newspapers, scientific research papers, research papers, and media.

Results and Discussions

Background

In January 2009, a popular revolution led by Andry Rajoelina occurs in Madagascar. It entails the dismissal of the current president Marc Ravalomanana and the takeover of power by Andry Rajoelina. An act considered as a "Coup d'Etat" and condemned by the entire International Community,

including the African Union. A peace process begins with the Southern African Development Community Community (SADEC) and the Economic Community of Central African States (ECOWAS). Two AU Commissions to which Madagascar belongs. Indeed, in order to find a solution to all its ills, the leaders of the African countries decided to found the African Union in 2000 in Lome (Togo). A regional organization of which all African countries are members, 54 countries. The African Union is from a previous organization, the Organization for the Union of Africa (OAU). The latter was intended to help the emancipation of African countries. After all of Africa overlaid independence, the OAU was dissolved and replaced by the AU. The guidelines of the Constitutive Act are based on the economic development of Africa, the integrity and the settlement of conflicts by passive voice. Each country belongs to a sub-organization or territorial commission.

Madagascar as Member of African Union

The membership of Madagascar dates back to the OAU. At these times, it was the desire to liberate oneself from colonization to regain the independence that led to its integration. After the independence of the member countries, the latter decided by mutual agreement to change the status of the Organization and even the name. The African Union is born with the objective of developing economically the African continent after the centuries of poverty it has known.

Madagascar signs and ratifies the Constitutive Acts of the AU in 2000.

Madagascar's contribution to the African Union is described in the Constitutive Acts in Article 3 on the objectives of the organization; the role of each member country. Article 3 relates to the strengthening of Africa's cohesion, integrity and development of Africa through the effort of each country beginning with its national territory.

Madagascar, like all other members of the AU, benefited from being part of the AU. As a country still underdeveloped, it is economically that the Big Island has had several opportunities to grow its economy and its businesses thanks to the property of SADEC and COMESA (Common Market for Eastern and Southern Africa). One of the most interesting markets Madagascar has known is AGOA (African Growth Opportunities Act) and Madagascar was one of the first countries to have integrated the project. AGOA, is a United States's law voted and promulgated in May 2000 by the American Congress, under the aegis of the President Bill Clinton. This law allows the countries of Sub-Saharan Africa to export to the US market without customs duty. This is a new vision of economic growth, development through trade. The AGOA aims, among other things, to promote trade and investment between the United States and sub-Saharan Africa by granting admitted countries exceptional access to the US market, encouraging economic development and reforms in sub-Saharan Africa, promoting access and increased

opportunities for investors and businesses in sub-Saharan Africa, removing textile and clothing quotas from sub-Saharan Africa, encouraging diversification in Africa's poorest countries, encouraging the use of technical assistance to consolidate reforms and economic development.

According to the newspaper *Africatime*, if the turnover generated by this agreement reached nearly 280 million dollars in 2008, and Madagascar was the second largest exporter to the United States, the country is still far from this prosperous situation. And the suspension of Madagascar from AGOA in 2009 because of the coup d'Etat just precipitated the Big Island to lowest of scale economic. 32 companies have closed, resulting in a massive loss of jobs. Only 15 companies have become operational again at this time.

Why AU was concerned with crisis in Madagascar?

The African Union is a regional organization of the African continent. It specifies its values, its objectives in its Constitutive Act. The reasons for which the AU was concerned by the crisis in Madagascar in 2009 are mentioned in this act, these are the official reasons. On the one hand, according to the observers and experts, other reasons could lead the AU to be interested in the case of Madagascar. These are unofficial reasons.

Law enforcement

Crisis resolution has now become legitimate and the theme is very much in demand in many research and scholarly studies according to Alan C. Tidwell (1998, p.01). Several other reasons pushed the AU to be concerned by the crisis. Article 3 of the Constitutive Act of the organization is clear about the objectives. Article g states: "Promote democratic principles and institutions, popular participation and good governance". It is therefore impossible for the African Union not to vouch for a peace process when Madagascar finds itself unconstitutional.

Conflict of interest

The first interest, a diplomatic nature, is the willingness of African Union to settle African problems by hand, following the deterioration of other political problems in Africa. The resolution of Malagasy crisis, without bloodshed, without civil war, seems in this case the best alternative to give a new face to the eyes of the international community for UA. With the resolution of the Malagasy crisis, the AU and all of Africa itself can be considered again as being able to solve their problems themselves.

The reasons are, to strictly enforce rules, procedures and established practices to affirm the credibility of the functioning and the real commitment of African Union to the promotion of human rights, good governance and democracy; secondly, to avoid, as far as possible, the negative consequences for the AU's reputation of the record of massive human rights

violations in Darfur; and thirdly, to project the image of an organization that is effectively capable of responding to African problems.

Negotiation process

The stage of the negotiation was made just after the accession of Andry Rajoelina in power because the sanction excluding Madagascar of the SADEC has falls eight days after his inauguration, on March 30th.

There are various views of what constitutes the practice of conflict handling or resolution. Schellenberg (1996), for example, identified five basic practices in the resolution of conflict, including coercion, negotiation and bargaining, adjudication, mediation and arbitration. Burton and Dukes (1990) categorize all processes under three headings: management, settlement and resolution. Goldberg (1992), who identifies four categories of process, including negotiation, mediation, arbitration, and hybrid processes, a more conservative approach. These stages and evolution of conflict resolution generally reflect the beginning stages.

In the case of the management and resolution of the conflict in Madagascar in 2009, it was the stages defined by Schellenberg that came closest to the process of crisis resolution in the Big Island by AU. Just after the establishment of the Transitional Authority, the AU and all the international community declared the illegality of the Transition presided by Andry Rajoelina. A few days later, the

sanctions against Madagascar fell. This was the coercive step enunciated by Schellenberg that reflects this measure of AU. Madagascar, as stated in the Constitutive Act of the AU, has been excluded from the Permanent Commission for an indefinite period. The ratification of the Constitutive Act gives a coercive power to those stipulated therein.

After the first coercive stage comes negotiations and bargaining. During the crisis of 2009 in Madagascar, the first negotiations for a way out of crisis was in 2009, just after the nomination of Andry Rajoelina. At that time, the FFKM (Fiombonan'ny Fiangonana Kristiana eto Madagasikara) had the heavy task to conduct negotiations under the auspices of SADEC, and under the pressure of international actors. Then came the two summits of Maputo, organized respectively in August 2009 and in November 2009. The two organized summits brought together the leaders of the four Malagasy movements: Andry Rajoelina, currently in power; Marc Ravalomanana, forced to leave the presidency last March; and former presidents Albert Zafy and Didier Ratsiraka. It was not planned in the agenda of the summit to sign anything, the meeting aims to break the ice and thaw tensions between the four leaders of mobility. African Union (AU) mediator Ablassé Ouedraogo said "we are not going to Maputo to sign anything. We go there for these four to talk to each other and break the ice. If by miracle we had a clear desire to adopt a charter that can handle the transition, we are takers".

After the obvious failure of the negotiations of the Maputo summit, the signature of the "Transition Charter" for the sharing of responsibilities in the Transition government between the four movements, of others emerged for a return to calm. The mediators were called to "intensify the dialogues between the political parties". The mediations then intensified, an International Contact Group for Madagascar GIC-M9 was set up to conduct the mediation.

Folberg and Taylor (1984, p. 7) define mediation as the process by which the participants, together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach consensual settlement accommodate these needs. The mediation, apparently, aims at getting the protagonists to find a satisfactory middle ground for both sides. It turns out that this stage of conflict resolution did not have the effect of discounting against opposing camps.

The stage of Schelleberg's crisis resolution process, the last step is arbitration. The process is started when all the previous steps are unsuccessful. Goldberg, on the other hand, describes arbitration as often voluntary, final and binding. In other words, despite the term and the fact that it comes from a third party, the arbitration can still be considered as a will of the opposing camps. The results that can escape an arbitration are in most cases in agreement with the protagonists. A simple mediation was not enough even if the leaders of movement except the Ratsiraka Movement signed

the Roadmap for the holding of the elections in 2012. Despite the mediations, the fixed dates for the holding of election were not respects. The ICG has started lobbying to arbitrate the process for holding elections as soon as possible. According to Alan C. Tidwell (1998), in their arbitration settings, the use of arbitration is up to the party themselves, and its outcome is agreed by the parties to the final word on the dispute. The Southern African Development Community (SADC), which has been trying for months to send the two men to an agreement, has advanced the so-called "ni ... ni" solution, also advocated by the European Union in 2010: neither Andry Rajoelina nor Marc Ravalomanana candidates. The new president Hery Rajainarimampianina, a protégé of Andry was invested on January 24, 2014.

Points of failure and success of mediation

Third party actors are rarely neutral. This lack of neutrality does not necessarily jeopardize peace efforts; It is possible that the party might be very much influenced (Rogier: 2004: 24). The case of the resolution of the crisis in Madagascar, the former head of state, Marc Ravalomanana, was in exile in South Africa after his disappointment in 2009. The mediators demanded an unconditional return of Marc Ravalomanana to Madagascar. Government of the HAT rejected this idea. The condition of "ni ..., ni ..." (nor) imposed by the mediators to the protagonist was in favor of Marc Ravalomanana who could not be in the country because of the

prohibition of the HAT, or who could return but had to discharge his sentence imprisonment and would deprive him of any right to stand for election. The condition has reduced the freedom and the fundamental right of the Malagasy Human Rights. Andry Rajoelina and Lalao Ravalomanana, Marc Ravalomanana's wife cannot run in the presidential elections, thus reducing the Malagasy people's absolute freedom to speak their voice even if these two opposing sides could support a candidate.

Despite of this, a success part of the mediation is obvious. On the political front, the holding of free and transparent elections led to a return to constitutional order. The election of the new president of the Fourth Republic, in the person of Hery Rajaonarimampianina, has reestablished the political instability that had prevailed there since 2009. The diplomatic and international relations of Madagascar have been automatically restored as well. Madagascar was reintegrated into the various regional organizations to which she has not been entitled since the beginning of the crisis.

On the economic front, thanks to the return to the legality and constitutional norms of power, economic relations have been re-established. Donors have returned to the Big Island, economic markets such as AGOA have been reopened as well.

Conclusion

In conclusion, the role of the African Union in resolving the crisis in Madagascar has been clear and far-reaching. She held the reigns of mediation and organized everything from beginning to end for the end of the crisis. The five stages of Schellenberg's mediation process was the apparent form of the unfolding of crisis resolution in Madagascar. The success factors are palpable; however, the factories of failure are also considerable and not negligible in the case of internal and non-weapon conflict resolution. Subjectivity, conflict of interest and interference remain major problems in the conflict resolution by the AU and especially in the case of Madagascar. The overcoming of these problems is the factor of excellence in the case of the AU in the non-weapon conflict resolution.

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A delegation consists of:

COMESA: Ambassador Bethuel Kiplagat, Member of the Committee of Wise Persons, Mr. Salvatore Matata, COMESA Representative at AU, Two other members of the delegation.

African Union: HE Smaïl Chergui, AU Commissioner for Peace and Security, Eight other members of the delegation

SADC: Dr. Leonardo Simao, Member of SADC Mediation, Mr. Nuno Thomas, Member of SADC Mediation

IOC: Jean Claude de l'Estrac, Secretary General of IOC

UN: Mr. Roman Spack, Department of Political Southern African Liaison Team, Mr. Cedric Crowley, Department of Political Southern African Liaison Team

