

**SEARCHING FOR NEW RELEVANCE IN THE
1990'S: THE ORGANIZATION OF AFRICAN
UNITY AS AN INSTRUMENT OF CONFLICT
RESOLUTION**

**Thesis Submitted in Partial Fulfillment of the Requirements
for the Degree of Masters in International Studies of Rhodes
University, Grahamstown**

By

Thandeka Lungile Dlamini

January 2000

Supervisor: Prof. P. Bischoff

Declaration

This is to certify that, “Searching for New Relevance in the 1990’s: The Organization of African Unity as an Instrument of Conflict Resolution”, is my own study and that all the resources I have used, have been acknowledged.

Signature 

Acknowledgments

I would like to thank the Supreme Being, without whom nothing is possible.

I would also like to thank my family, for all their support through what seemed to be a lifetime in school! Thank you for your patience and understanding but most of all, thank you for your money! My mom, you have been an inspiration to me through the years and I am proud to say that I respect you, for who you are, what you have achieved and for what you stand for. My brother Musa for always knowing the right thing to say in my moments of despair. To my Dad, thank you for always making me feel that I could do no wrong in your eyes. Thank you for helping me to believe in myself as much as you do in me.

I would also like to thank those friends that have been there for me. Thanks to all my classmates for their support. A special heartfelt appreciation and gratitude goes towards all those, who have assisted in the completion of this thesis.

A special thanks to Mr. Panganai Sharawakanda, words cannot express how much your continued love, support and encouragement means to me. Thank you for keeping the faith.

To the Political Studies Department, thank you for providing me with the opportunity to grow emotionally, intellectually and also in spirit. To my advisor, Dr. Bischoff, thank you for your patience and valuable supervision. Special thanks towards Prof. Southall, for taking the time to guide me through my proposal. To Dr. Adar, thank you for your valued wisdom and support. To Dr. Ajulu, thank you for your continued encouragement and support.

Abstract

The 1960's and the 1970's marked a great Pan-African movement in Africa, that saw the liberation of most African states. This Pan-African movement, was spearheaded by a quest to unite Africa, and to abate foreign occupation. Amidst the spirit of unity, lay a promise of an organization that would embody the hopes and aspirations of a continent undergoing a re-birth; a progression towards self-determination, economic development and integration, and the maintenance of peace. Therefore, the inception of the Organization of African Unity (OAU) was not only a symbol of a unifying force for Africans, but a diplomatic platform that would promote African needs on the international arena.

In effect the OAU, at its inception, was for specific ideals that would guarantee liberation and unity of African states. The outcome of these ideals would be greater regional economic integration and the achievement of peace and stability. These ideals mirrored the structural definition of regional organization, with the inclusion of a Commission for Mediation Arbitration and Conciliation under the OAU Charter, to handle disputes among member states. However, the mere fact that this commission lacked the political wherewithal to resolve conflicts, by its sheer lack of a standing peacekeeping force, contributed to the inefficiency of the organization to play an effective role in conflict management.

This study attempts to examine the role of the OAU in settling disputes. The study sought to accomplish this, in the following manner.

Firstly, an investigation into the nature of conflict and why it persists in Africa was conducted. Further, an examination of the tools that practitioners utilize not only to study conflict, but to prevent, manage and resolve it, was done. During the investigation it was found that, although the OAU's greatest successes have come from preventive diplomacy, its structural foundations limit the capabilities of the organization to become more relevant. The Charter of the OAU alludes

vaguely to the settlement of disputes, but without an executive political decision-making body able to deploy peacekeepers, its principles are largely meaningless.

Amidst the growing concerns, the OAU as a matter of survival, developed initiatives it hopes will make it more effective and relevant.

The focus of the study was the evolving role of the OAU, from its inception to its new role as an instrument of conflict resolution. Most of the scholarly work conducted on the OAU, is concerned with depicting a terminal organization, with little or no hope of surviving. Little emphasis is placed on prescribing remedies on how to improve and restructure the organization.

The findings included, *inter alia*, that the organization is faced with enormous challenges, as the sources of conflict are varied and complex. Africa is now the landscape of collapsed states, economic stagnation, environmental degradation, disease and chronic conflicts. The OAU shoulders much of the responsibility for not sanctioning governments that contribute to the decay and suffering of the African peoples. Most of the criticism of the OAU, stem from the inability of the organization to play an effective role in resolving conflicts in Africa. Most of Africa's conflicts stem from a lack of political legitimacy, lack of democratic institutions, uneven distribution of resources, ethnic tensions and economic stagnation. Until such problems are addressed, Africa will continue to host the world's deadliest conflicts.

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List of Abbreviations

ACRF	African Crisis Response Force
ACRI	African Crisis Response Initiative
ANAD	Non-Aggression and Defense Co-operation
ANC	African national Congress
CDR	Coalition for the Defense of the Republic
CNN	Cable News Network
ECCAS	Economic Community of Central African States
ECOMOG	Economic Community of West African States Cease-fire Monitoring Group
ECOWAS	Economic Community of West African States
FNLA	Front for the National Liberation of Angola
FTX	Field Training Exercise
IAF	Inter-African Force
IGAD	Inter-Governmental Development Authority
LIC	Low Intensity Conflict
MCM	Mean Conflict Magnitude
MCP	Manifest Conflict Process
MLIC	Low intensity conflicts with militarized violence
MINURSO	United Nations Mission for the Referendum in Western Sahara
MOT	Military Observer Team
NATO	North Atlantic Treaty Organization
NGO	Non- Governmental Organization
NMOG	Neutral Military Observer Group
NMRT	Non-Marxist Radical Thought Perspective
OAU	Organization of African Unity
OAS	Organization of American States
OMIC	Observer Mission to Comoros

OPDS	Organ for Politics, Defense and Security
REP	Serious violence which is a consequence of state repression
RPF	Rwandan Patriotic Front
RTLMC	Rwandan Broadcasting Authority
SADC	Southern African Development Community
SPLA	Sudanese People's Liberation Army
UN	United Nations

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CHAPTER 1

INTRODUCTION

1.1. Problem Statement

The Organization of African Unity (OAU) is a uniquely African institution, voluntarily created by African states, to serve as the embodiment of a collective will for political unity and a vehicle to serve Pan-African interest on the continent and internationally. The organization has proved successful, in formulating common strategies and adopting common policies on the issues of colonialism, disarmament, the de-nuclearization of Africa and the relief of Africa's external debt. The diplomatic value of the organization has been overshadowed by its apparent shortcomings in resolving internal African conflicts.

In describing the contemporary African situation, the Head of the Organization of African Unity (OAU) Conflict Management Division, Dr. Bakwesegha asserted:

“Conflicts constitute one of the greatest challenges currently facing the African continent. Issues of identity, governance, resource allocation, state sovereignty and power struggle...have all conspired not only to cause staggering loss of human life, destruction of property and environmental degradation but also to saddle Africa with the unenviable record of hosting the biggest number of uprooted communities in the world...”¹

¹Bakwesegha, Chris J., “Conflict Resolution in Africa: A New Role for the Organization of African Unity?” in Gunnar M. Sorbo and Peter Vale (Eds) Out of Conflict: From War to Peace in Africa” Michelson Institute & Nordiska Afrika Institute: Sweden, 1997 p.311

It has been argued that conflicts, especially in Africa, have existed since the beginning of time. However, the end of the Cold War signalled a change in dimension of conflicts in Africa and brought to the fore, protracted intra-state conflicts, which have not only jeopardised human security, but also obscured development.

Noting the list of endless problems facing the continent, the OAU has experienced harsh criticism, with complaints of inefficiency, irrelevance and failure to be at the forefront of African affairs.² The challenge facing the organization is to design viable mechanisms for conflict resolution and management, in order to become more relevant in the next century.

1.2. Objectives of the Study

This study attempts to analyse the evolving role of the OAU in conflict prevention, management and resolution, in the context of the evolving political landscape of Africa and the international community. In so doing, it hopes to determine an effective role for the OAU in an attempt to make it more relevant, in managing internal conflicts on the continent. Case studies will be an important component of the research, to gain knowledge of the existing decision-making machinery within the organization, and to examine OAU failures and successes, in managing conflicts. An investigation into the structure of the organization will be conducted. This information will help to determine whether or not the OAU has the capacity to intervene in conflict situations. Lastly, the study suggests a possible role for the organization in its search for new relevance.

² “The OAU Has Become Increasingly Irrelevant”, *Newsweek*, June 6 1988

1.6. Limitations of the Study

Conflict resolution is a broad and complex area of study, and contains multi-dimensional approaches. The concern of this work is with the evolving nature of conflict and the scope of the OAU to manage, resolve and hopefully prevent such conflicts. Because of the complex nature of the study, and the limited framework of the thesis, only general aspects of the organization were examined. The OAU, in the context of conflict resolution, has been neglected by scholars in recent years, which explains the general perspective of the work.

1.4. Structure of the Study

The study is on historical research, concerned with a broad view of a condition and not necessarily its specifics. Historical research has been defined as, "...the systematic and objective location, evaluation and synthesis of evidence in order to establish facts and draw conclusions about past events. It is an act of reconstruction undertaken in a spirit of critical enquiry designed to achieve a representation of a previous age...It provides a sketch, rather than a portrait of past events".³ Conflict is a complex manifest process that has varied causes and therefore needs complex and diverse tools to resolve.⁴

Consequently, this study has been organized in the following manner:

The First Chapter contains the introduction, which provides an overview and rationale for the study. The Second Chapter deals with the definition and nature of conflict, its implications for

³ Cohen, Lewis (Ed.). Research Methods in Education. Third Edition. Routledge Press: London, 1989 p87

⁴ Sandole, Dennis J. Conflict Resolution: Theory and Practice, Integration and Application. St. Martin's Press: New York, 1996

world order and its impact on Africa. The Third Chapter examines the concept of conflict resolution, and analyses the instruments (preventive diplomacy, mediation and conflict management) that fall under the umbrella of conflict resolution. In so doing, it hopes to shed light on the capacity of the OAU to manage conflict.

Any realistic appreciation of the OAU's capabilities must begin with an examination of the OAU Charter. Many scholars have argued that it is the restrictive nature of the OAU Charter that has led to the inability of the OAU to be more effective in conflict situations. Therefore, Chapter Four examines the history and structure of the OAU, to determine the type of decision-making processes the organization has available. An important aspect of the Chapter is the documenting of Case Studies where the OAU has intervened in conflict situations since its inception, to assess its failures and successes in the context of trying to assess the evolving role of the OAU in conflict management, prevention and resolution.

The Fifth Chapter discusses initiatives at strengthening the OAU's capacity for conflict resolution. Some of these initiatives include, the Mechanism for Conflict Prevention, Management and Resolution and the Early Warning System. The chapter also examines rival foreign capacity-building initiatives, which are challenging the OAU's role as an instrument of conflict resolution in Africa. The Sixth and final Chapter, contains the Conclusion and provides recommendations that might assist the OAU, in asserting itself in its evolving role, as an effective instrument of Conflict Resolution.

CHAPTER 2

THE NATURE OF CONFLICT

2.1. Introduction

Samuel W. Lewis, President of the United States Institute for Peace once declared that much is known about how wars and other violent international conflicts get started, than about how to end them. He continued to add that we also do not know how to transform settlements that terminate immediate hostilities, into enduring peaceful relationships through which nations can continue to work out their differences without violence¹. He attributes this lack of knowledge to the way in which international relations as a subject, has been studied, which, by and large, focuses more on academic theory, which stresses patterns of behaviour, with an eye on perfecting theory, rather than discovering effective, usable remedies to international conflicts.

2.2. Defining Conflict

According to Sandole, conflict, "...is a dynamic phenomenon...a *manifest conflict* process, comprised of phases of initiation, escalation, controlled maintenance, abatement, and termination/ resolution"². He describes a manifest conflict process (MCP) as a situation in which two actors, or their representatives, try to pursue their perceptions of mutually incompatible goals by undermining, directly or indirectly, the goal seeking capability of one another. Conflict possesses a multi-faceted dimension that is pervasive in most social

¹ Lewis, Samuel W., then President of the United States Institute for Peace, found in Burton, John. Conflict: Resolution and Prevention. St. Martin's Press: New York, 1990

² Sandole, Dennis J. Conflict Resolution: Theory and Practice, Integration and Application. St Martin's Press: New York, 1996 p.6

processes. In other words, it is present in all social systems, however simple or complex, irrespective of their location in time and space³. There is nothing inherently wrong with conflict in this particular sense, as John Burton (1972) aptly describes:

*Conflict, like sex, is an essential creative element in human relationships. It is the means to change, the means by which our social values of welfare, security, justice, and opportunities for personal development can be achieved...The existence of a flow of conflict is the only guarantee that the aspirations of society will be attained.*⁴

Using this definition, one might conclude that conflict may not necessarily be catastrophic; after all, it is a *means to change*. What is at issue here is the nature of the conflict, and the means with which the parties involved choose to deal with it. There is a prevailing view that all potential conflictual situations can be deterred, failing which, they can be contained, provided sufficient coercion is employed. However, there exists many types of complex conflicts within societies and internationally that can be contained when treated by the enforcement of legal norms or by coercive means of power. Two predominant types of conflict exist, those that are subject to the application of social and legal norms and coercive processes, and those that are not⁵. What is of concern in this work is the deep-rooted internal conflict that leads to éthno-political violence. Burton describes deep-rooted conflict as involving conflict with authorities,

³ Bercovitch, Jacob. "Some Conceptual Issues and Empirical Trends in the Study of International Relations", *Journal of Peace Research*, vol. 28 no.1, 1991

⁴ Burton, J. W. *World Society* Cambridge University Press, Cambridge, 1972 pp.137-138

⁵ Burton, 1990:13

between authorities and among persons and groups in society⁶. He adds that symptoms of this particular type of conflict include hostage taking, illegal strikes, public protest movements, ethnic violence, terrorism, gang warfare and other forms of intractable opposition to authorities at one social level or another.

2.3. Types of Conflict

Organized conflict has always clustered along fault lines within and among states⁷. According to Gurr, "...the end of the Cold War reduced the salience of the East-West ideological conflict and has prompted much speculation about the broad cultural, economic and political divisions that will shape the emerging conflicts of the 21st century"⁸. The Post-Cold War era is characterised by a resurgence of ethno-political conflict, spurred by the emergence of weak states, and ethnic and religious minorities asserting their independence from tyrannical oppression. Millions of people have witnessed the gruesome violence and suffering as a result of the genocide in Rwanda (1994), Somalia(1992) and now in the Democratic Republic of Congo(1998-). Of the wars being fought in 1994, all but five were based on communal rivalries and ethnic challenges to the state.⁹ Some observers have drawn a connection between the end of the Cold War and the escalation of ethno political conflicts. On the other hand, scholars like Walter Connor pointed out that state building and economic modernization have increased the awareness of ethnic and cultural differences in heterogeneous societies

⁶ *Ibid*:15

⁷ Gurr, Ted Robert. "Peoples Against States" in "Conflict and the Changing World System", *International Studies Quarterly*, vol. 38 no.3, Sept 1994 p351

⁸ *Ibid*

⁹ Refer to Table 3. The total wars being fought in 1994 was 50

throughout the world, and that, inter-ethnic conflict has increased as a result¹⁰. In addition, ethno political conflicts were relatively common and increased steadily throughout the Cold War. To show the insurgence of ethno-political conflict, the Minorities at Risk statistics by Robert Gurr (1994) will be used.

Table 1 indicates that the greatest absolute and proportional increase in numbers of groups involved in serious ethno political conflicts, began in the 1960's and the 1970's and continued in the 1980's and 1990's. Table 2 shows the number of serious ethno-political conflicts during 1993-1994 by region. Moreover, as is shown in Table 3 ongoing ethno political conflicts that began after 1987 are not appreciatively more intense than those that began earlier. The conflicts that began before 1987 have more deaths but fewer refugees.

Table 1. Number of Ethno Political Groups Involved in Serious Conflict 1945-1994 by Region

Decade	Europe ¹	Middle East ²	Asia ³	Africa	Latin America	Total
1945-49	7	6	12	1	0	26
1950-59	2	15	13	6	0	36
1960-69	3	4	15	17	0	39
1970-79	1	16	18	19	1	55
1980-89	7	13	20	17	5	62
1993-94	10	6	28	23	3	70

¹⁰ Connor, Walter found in Gurr, 1994:327-332

Reference: Minorities at Risk Statistics by Gurr (1994) ¹¹

Gurr, analysing politically active groups in the Minorities at risk database, bases the tabulations for 1945-94 on a study by Gurr analysing politically active groups in the Minorities at Risk database . Groups are tallied for each decade in which they participated in serious, widespread political rioting, local rebellions, guerrilla activity, and civil war, of inter-communal warfare. Groups participating in more than one type of conflict in a decade are counted once. Numbers of contending ethno political groups in 1993-4 are larger than numbers of conflicts in Table 2 because some areas, like Asia and Africa, for example, have multiple contenders.

Table2. Serious and Emerging Ethno Political Conflicts in 1993-94 by Region

Number of Conflicts by Type

Region	Wars	MLIC ⁴	LIC ⁵	REP ⁶	Cum. Deaths(000)	Refugees(000)	MCM ⁷
Europe	3	4	1	0	281	4,508	2.19
Middle East	0	3	1	2	317	1,670	2.53
South & S.E. Asia	5	2	1	1	325	3,178	2.19
Pacific Asia	0	2	1	4	385	138	1.94
Africa	9	3	4	0	2,506	16,465	3.79
Latin America	1	1	0	1	181	800	2.48
Total	18	15	9	8	3,995	26,759	2.79

¹¹ Gurr, Robert, "Peoples Against States" in "Conflict and the Changing World System", *International Studies Quarterly*, vol.30, no.3, September 1994

Table 3. Ethno Political Conflicts in 1993-94 by Period of Origin and Mean Magnitude

	All Current Conflicts	Began Before 1987	Began after 1987
Number	50	27	23
Percent	100%	54%	46%
Mean Magnitude	2.73	2.85	2.59
Mean no. of refugees	535,000	408,000	684,000
Mean no. of deaths	80,000	111,000	43,000

The tables show most of the ethno political conflicts in which substantial levels of life-threatening coercion, have been used (1993-94) by one or all the contenders. A summary indicator of the magnitude of each conflict is constructed using the information on estimates of fatalities and refugees. Data on refugees and displaced persons were accurate as of late 1993 and early 1994, since many of the refugees of earlier phases have been returned or resettled, the numbers are indicative of the conflicts severity. The worst case is in Sudan, where the number of deaths were about one million and refugees approached the five million mark¹². Table 2 shows that Africa has the largest number of serious political conflicts and the highest mean magnitude of conflict.

The fifty conflicts, listed in table 3, have caused a cumulative four million deaths; the majority of which are non-combatants¹³. Most have also prompted substantial displacement of populations within and among countries. According to Gurr, "...mass repression, genocide massacres, and forcible resettlement of communal groups by public officials are symptomatic of serious conflict; so are rebellion, guerrilla warfare...and terrorist campaigns by communally

¹² Gurr, 1994, from Minorities at Risk Statistics carried out in 1993. Found in Gurr, Robert T. "Peoples Against States", *International Studies Quarterly*, vol.30 no.3, 1994 p.351

¹³ *Ibid*:352

based political movements”¹⁴.

2.4 The Importance of Internal Conflicts and its Implications for World Order

Damrosch (1993), defines internal conflict as, “... violent or potentially violent disputes, whose origin can be traced to domestic, rather than systemic factors and where armed violence takes place or threatens to take place within borders of a single state”.¹⁵

According to Brown (1996), internal conflict is important for five main reasons:

- ◆ it causes colossal suffering
- ◆ it is widespread
- ◆ it almost always affects or involves neighbouring states, thereby undermining regional stability
- ◆ it engages the interests of distant powers and international organizations
- ◆ it is important because the international community is currently involved in ways of reassessing its efforts to deal with it.¹⁶

In 1995, major armed conflicts (conflicts in which at least 1, 000 people are killed) were prevalent in over 35 locations around the world.¹⁷ Although these conflicts had inter-state consequences, they were largely intra-state in character. Internal conflict is the most pervasive form of conflict in the world. This type of conflict, causes tremendous suffering, because it

¹⁴ *Ibid*

¹⁵ Damrosch, Lori F. (Ed.) Enforcing Restraint: Collective Intervention in Internal Conflicts. Council on Foreign Relations: New York, 1993 pp.4-5

¹⁶ Brown, Michael, E.(Ed.) The International Dimensions of Internal Conflict. The MIT Press: Cambridge Massachusetts, 1996 p.351

sometimes involves direct and deliberate attacks on civilians. The numbers of people displaced or killed in such conflicts are often counted in tens of hundreds of thousands and sometimes, even in millions, as evidenced in Rwanda and Bosnia¹⁸. Refugees fleeing from conflict areas often cross national borders in large numbers, disturbing the host country's ecological and economical balance and thus propelling it into the conflict. For example, at the height of the genocide in Rwanda in 1994, 250,000 Rwandans fled to Tanzania in a single day¹⁹. Over the next few months, an estimated 2 million people fled from Rwanda to Tanzania, Zaire and Burundi.²⁰ None of these countries was in a position to play host to such a vast number of people. Along with the economical burden refugees pose on host countries, they can also be cause for concern for political and security issues as well. However, neighbouring states are not always the innocent victims of turmoil in their regions. Some states, in some cases are responsible for sparking internal conflict, or meddle in conflicts already under way, making a bad situation worse. This type of conflict, can also affect the interests, and engage the attention of distant powers and international organizations.

In the early 1990's following the end of the Cold War and the aftermath of the Gulf War, many people were optimistic about the international community's ability to address both intra-state and inter-state conflict and to create a stable, peaceful international order. In 1991, the President of the United States, George Bush, spoke of creating a 'new world order', that

¹⁷ *ibid*

¹⁸ Bell-Fialkoff, Andrew, "A Brief History of Ethnic Cleansing", *Foreign Affairs*, vol. 72 no.3, Summer 1993

¹⁹ Preston, Julia, "250,000 Rwandans Flee to Tanzania in One Day", *Boston Globe*, April 30, 1994

would be characterized by peaceful settlement of disputes, solidarity against aggression, reduced military arsenals and the just treatment of all people.²¹ In 1992, a meeting of the UN Security Council took place at the level of heads of state and then UN Secretary General, Boutros Boutros Ghali, prepared recommendation for the strengthening of the UN collective security system. In his June Report *An Agenda For Peace*, Boutros Ghali, declared that with the end of the Cold War, "...an opportunity has been regained to achieve the great objectives of the [UN] Charter- a United Nations capable of maintaining international peace and security".²² The 'great expectations' were not limited to the UN, many believed that regional organizations such as the European Union (EU), the North Atlantic Treaty Organization (NATO) and the OAU would deal effectively with many types of regional security problems. However, all the hopes for effective conflict prevention, management and resolution capabilities, were hampered by the international community's inability to prevent, or resolve, most of the violent internal conflicts that raged in the early 1990's. This failure was particularly disturbing in Rwanda, where about 800,000 Tutsi were killed between April and July 1994. The distant powers did nothing while one of the world's worst cases of genocide was carried out.²³ Although multilateral action was taken in Somalia(1992), it failed to bring the armed conflict to an end. The UN force was pulled out in Somalia and the credibility of the major powers, the multi-lateral organizations through which they operate, and the international community at large, was lost.

²⁰ *ibid*

²¹ Dunne, Nancy, "Bush Spells Out Vision of "New World Order", *Financial Times*, April 15, 1991 p4

²² Ghali, Boutros Boutros, *An Agenda For Peace: Preventive Diplomacy, Peacemaking, and Peacekeeping*, United Nations, New York June 1992 p.1

2.5. Africa: The Prevalence of Internal Conflict

The 1990's have symbolised a transition to democracy for some African states, lifting the dark veil of oppressive and tyrannical regimes. However, these events have been marred by the bloodletting and suffering that continued to plague the continent. In the early 1990's, Africa was the scene where many of the world's deadliest conflicts took centre stage, as the international community and others with CNN watched on. It is estimated that between 1991 and 1993, 400,000 Somalis died from war induced famine. In 1992, the death toll reached one thousand people per day in Angola. Liberia fared no better, it is reported that the civil war there, has seen nearly half of its population die, or flee to neighbouring countries. In less than two months in 1994, approximately 800,000 Rwandans fell victim to genocide.²⁴

The negative events of Africa have clouded the remarkable transitions to democratic governance and economic resurgence occurring in South Africa, Namibia, Botswana, Uganda and Ghana. These events lead to certain questions being asked: Why, for example, have some states in Africa collapsed, while others have prospered? What combination of causes led to the violence and suffering in Angola, Comores, Rwanda, Sierra-Leone, Somalia and Sudan? How have internal conflicts engaged neighbouring states and fostered regional instability?

In response, Stedman (1996) argues that internal conflicts in Africa have arisen from long-term

²³ *Human Rights Watch online, Crisis in the Great Lakes: Rwanda 1994*

²⁴ *ibid*

permissive conditions and more immediate proximate causes.²⁵ The legacy of colonialism predisposed much of Africa to conflict, over the distribution of resources, access to political power and basic political identities. These legacies helped create a pattern of state and class formation, in which African political leaders relied on external support to reward internal allies and ignored the needs of their citizens, "...by the end of the early 1980's, the survival of many African regimes depended on external, not internal legitimacy".²⁶

The crisis of the legitimacy of African states prompted different responses, and some states found themselves under attack from old political rivals and new insurgencies. In many African countries, leaders accepted multi-party elections, while others spewed ethnic hatred and pursued divide and rule tactics against opposition movements in order to forestall political change. Africa's internal conflicts have had a profound effect on neighbours, sub-regions and the continent and the international community as a whole. The complex and diverse experiences of Africa, caution against sweeping generalizations about the regional and international ramifications of such conflicts. In many cases, internal violence has destabilized its neighbours, but in other cases the neighbours and the leaders thereof, have taken advantage of a neighbour's internal trouble and made matters worse. There has also been a frantic response among those who fail to differentiate among African countries, and conclude that political and economic collapse of the state due to civil war, is characteristic of all African

²⁵ Stedman, John Stephen, "Conflict and Conciliation in Sub-Saharan Africa" in Brown (Ed.) International Dimension of Internal Conflict, 1996

²⁶ Jackson, Robert H. and Carl G. Rosenberg, "Why Africa's Weak States Persist: The Empirical and Juridical in Statehood", in Atul Kohli(ed). The State and Development in the Third World. Princeton, New Jersey: University Press, 1986 pp.259-282

states and that Africa's condition may foreshadow collapse of states all around the world.²⁷

This has led to the focus of the international community, shifting to humanitarian and peacekeeping missions, which are costly, and whose success rates are low, rather than investing in those African states with an opportunity to develop. Stedman asserts that if the international community is unwilling to increase the overall amount of aid for Africa (which during the 1990's has dropped substantively), then it should adopt a policy of triage and provide aid only to those countries that have a potential to achieve sustainable development. In addition, he claims that the present policy of responding to a few crises at the expense of the needs of the many "...is both unethical and untenable...it is a policy doomed to produce more, not fewer humanitarian disasters".²⁸

Africa's conflicts have roots that extend to various conditions present at independence. Colonial governments neglected the cultivation of Africa's human capital, and focussed their economies on the exportation of primary products, agricultural and mineral. When independence came, few Africans were trained to step in and operate large state bureaucracies. This situation was further compounded by the leaders who came in after independence, and according to Basil Davidson, exacerbated the political and economic underdevelopment, by emphasizing the state as the leading engine for economic growth, and insisting on national

²⁷ See Kaplan, Robert, "The Coming Anarchy", Atlantic Monthly, vol 273, no. 2 February 1994 pp.44-76

²⁸ Stedman, "Conflict and Conciliation in Sub-Saharan Africa," in Brown (Ed.) 1996 p.237

unity at the expense of sub-national ethnic and political identities.²⁹

As the state became the prime focus for employment and capital in the new countries of Africa, a pattern of patrimonial politics soon emerged. Those in office used state resources to consolidate their power bases and reward their networks of alliances. National interest was compromised and used instead to further the political goals and ideologies of those who held office and their supporters, therefore using public office as *public property*.³⁰ The rate at which states were becoming independent, and the zeal with which Africans scurried to claim that which was once denied them, led to an expansion of state bureaucracies that consolidated a patron-client network.³¹ Simultaneously, a shortage of human capital assured that the bureaucracies would lack skilled civil servants and technicians. Patrimonial politics eventually led to devastating economic decline. Domestic investment dried up, and international investment went to more profitable regions around the world. The result was that the standard of living declined for most African countries, evidenced in figures that point to higher standards of living during the 1960's, then in the 1980's. Most African states in turn, borrowed heavily from international financial institutions and found themselves heavily dependent on international monetary institutions. The stability of the regime became dependent on the African *l'arcesse* (elite) and on the coercive force of the military and the police. According to Stedman, in time this led to the African State being the biggest threat to individual security in

²⁹ Davidson, Basil. The Black Man's Burden. New York: Times Books, 1993

³⁰ Diamond, Larry, "Class Formations in the Swollen African State", *Journal of Modern African Studies*, vol 25 no.4 December 1987, p.581

³¹ *ibid*

Africa.³²

Africa's internal conflicts have had a wide-ranging and costly effect on the sub-region. Violent conflict in one country can spread to a neighbouring country, in the case of refugees and even rebels running for protection in neighbouring states. For example, rebel forces may take sanctuary in a neighbouring state for strategic purposes, because they feel they will be in a better position to seize territory. Often this is done with the approval of the host country. Mozambique, and Tanzania provided bases and supplies to Zimbabwean guerrillas in the 1970's. Uganda willingly hosted rebels of the Rwandan Patriotic Front (RPF).³³ In another scenario, civil wars have spread across borders when government forces attack neighbouring states in the hopes of eliminating rebel bases and supply lines and intimidating countries which gave sanctuary to rebels. Throughout the 1980's, the South African defence force attacked Botswana, Mozambique and Zimbabwe in order to kill members or the supporters of the African National Congress (ANC).³⁴ Violent conflict has also spread when neighbouring governments have used destabilisation tactics. It can also spread when a neighbour's meddling results in the supporting of rebel groups in the offending country. For example, in 1975 Zairian assistance training and leadership of the Front for the National Liberation of Angola (FNLA) prompted the Angola government to sponsor the rebels who invaded Zaire's Shaba province in 1978. Ugandan support for the Sudanese People's Liberation Army (SPLA) has led the

³² Stedman, 1996:243

³³ *ibid*, 245

³⁴ *ibid*

Sudanese government to train and support rebels in Uganda.³⁵

Apart from the political instability and economic decline that wide-ranging conflict can create, there is also the issue of the human cost. At the beginning of 1995 there were an estimated 6.7 million refugees in Africa.³⁶ Along with this issue being of humanitarian concern, some African states view it as a security concern, claiming that refugee camps are the breeding grounds for rebel recruitment. Home countries have, in the past, responded by attacking refugee camps as Rhodesia did against Mozambique in the 1970's. Conflict can also arise out of the competition for shelter, food and water. However, if the local governments are ill-equipped to handle the situation, it could create a scenario whereby the citizens of the nation become resentful of the refugees and the state legitimacy is questioned. This is not to assume that refugee camps cause political instability, much depends on the capabilities of the host country as well as policies and actions of the international community to ensure that a conflictual situation does not recur. In Botswana for example, the government strictly forbade any of the South African and Zimbabwean refugees from participating in political and military activity.³⁷

Scholars have written comprehensively on what they term as a "contagion", or demonstration effect. This is when fears are raised that similar violence could erupt which would provide leaders with an opportunity to learn the costs and benefits of violence, and the likely responses of the international community. According to Donald Rothchild, one must be careful about

³⁵ *ibid*

³⁶ United Nations High Commission for Refugees, *Statistical Overview, 1994* New York: United Nations, 1995

³⁷ *ibid*

ascribing too much explanatory power to demonstration effects. This implies that conflicts spread through a "...natural or automatic process, or at least unmediated by the choices of leaders. Second, it is often asserted, without evidence, that leaders in one conflict base their behaviour on lessons learned, and expectations formed by conflicts elsewhere."³⁸ There is a case where contagion mattered, and that was the case of Rwanda and Burundi, two countries that share a border, colonial history and similar ethnic composition. In 1993, Tutsi military extremists in Burundi assassinated the Hutu president, which led to a one month long ethnic slaughter. Hutu extremists in the Rwandan military drew two lessons learned in Burundi; that accommodation between the two ethnic groups was impossible and that genocide would not necessarily trigger an international response. The Rwandan Presidential Guard proceeded to organize and direct the 1994 genocide of hundreds of thousands of Tutsi and moderate Hutu.

2.6 Conclusion

In a world poised on the edge of destruction, crisis management is an art of survival.³⁹ Conflicts have varied and complex causes. Most are due to political and economic inequality, social and cultural forces. This Chapter has shown how protracted conflicts can have deadly consequences for the country involved, its neighbours and the region as a whole. Although the great expectations of the early 1990's have been dampened, some scholars remain optimistic about the ability of the international and regional organizations to deal with problems posed by internal conflicts. The question now is, "What should these organizations do with respect to

³⁸ Rothchild, Donald and Stuart Hill, "The Contagion of Political Conflict in Africa and the World", *Journal of Conflict Resolution*, vol 30, no 4, December 1986 pp.716-735

³⁹ Zartman, William I. Ripe For Resolution: Conflict and Intervention in Africa. New York: Oxford University Press, 1985

these problems?”.

The main guideline is this, if the organization is going to take action to manage conflict, it should act sooner rather than later. Although internal conflicts pose formidable policy problems for international organizations, options do exist. Chapter 3 discusses two tasks, conflict resolution and conflict management. While it is true that these instruments have not always been used effectively in the past, it does not mean that they are doomed to fail. The key is in understanding the problems that internal conflicts pose for different kinds of instruments, and the conditions under which different instruments can be used effectively.

CHAPTER 3

THEORY OF CONFLICT RESOLUTION, INSTRUMENTS AND ACTORS

3.1. Introduction

To many, the OAU has largely symbolic value as the embodiment of Africa's collective political personality on the world stage. However, one should not be content with the mere survival of the OAU. While the symbolic value of its existence and of its annual ministerial and summit conferences should not be underestimated, the OAU's real importance and credibility derive principally from the effectiveness of its contribution to the promotion, realization and maintenance of peace, freedom and progress for the people of Africa.

The OAU has succeeded in providing a diplomatic forum for airing the views of Africa on international issues affecting Africans. Within the United Nations (UN), the organization has become an instrument for the conduct of collective African diplomacy and brought to the fore, more than any other region in the world, problems stemming from colonialism, racism and economic development.¹ Therefore, greater efforts need to be made to enhance the organization's authority and influence upon which its credibility, both within and outside the region depend. Consequently, when member states disregard or violate agreements, decisions or resolutions adopted by them, by consensus, at OAU meetings, such attitudes only serve to undermine the credibility and effectiveness of the OAU.

Although the OAU has been successful in meeting the objectives of decolonization and

¹ Hovet, Thomas. Africa in the United Nations. North-Western University Press: North-Western University, Illinois, 1963

independence, it has not fared as well on the peace-keeping front, "...the OAU's very limited success in this field has led to complaints of ineffectiveness..."² Although it could have performed better, it should be noted that in many of these cases, African governments did not provide the OAU with the requisite tools with which to carry out such delicate and expensive missions. Unlike the UN, the OAU does not have supranational enforcement powers such as those in the Security Council. It is not a formal security or defence alliance, but rather a forum for the harmonization and co-ordination of policies (by consensus) and actions on matters of regional interest; it depends on interstate collaboration on the basis of voluntary political will. Its resolutions and decisions are not binding and are merely recommendatory. Its secretariat is hampered by gross and inadequate resources, (namely a small budget and staff), and a very limited and largely administrative powers for the Secretary General.³ The current weaknesses of the OAU are particularly discomfoting because of the need for an effective inter-government institution to deal with the increasing range of Pan-African and trans-national problems requiring collective inter-government solutions, is more urgent and relevant today, more than ever.

The OAU's role can be defined in terms of the need for it to evolve in its capacity to resolve internal conflicts. In providing the theoretical underpinnings for this, this chapter suggests the relevance of conflict resolution and conflict management approaches, as a guide to political action in an African intergovernmental context.

² *ibid*: 52

³ *ibid*: 53

3.2. Theory of Conflict Resolution

The study of conflict resolution necessitates that one look at the nature, and cause of conflict, in this regard conflict resolution is examined as an explanatory process. In other words, one cannot prescribe cures, until one has been made aware of the ailment. A problem solving approach will be utilized to define conflict. According to John Burton (1990), the problem solving approach has two connotations. Firstly, problem solving implies a concern with the issues that lead to conflict. In other words the underlying, causal sources of terrorism or the institutional dimension that lead to ethnic violence. Unless the underlying causes of conflict are examined, there can be no resolution of any particular conflict, let alone prevention of such conflicts in the future.⁴ Secondly, in order to reveal the nature and sources of conflict, the approach must be analytical. It must include the clarification of concepts and assumptions.⁵

3.2.1 Conflict Resolution as Political Philosophy

The term *conflict* and *resolution* are relatively new and you find that in most literature that, words such as *disputes* and *settlements* are used interchangeably. 'Disputes', according to Burton, involve negotiable interest, while 'conflicts', are concerned with issues that are non-negotiable. Similarly, 'settlement' refers to negotiated outcomes whereas 'resolution', refers to outcomes that must satisfy the inherent needs of all. Therefore, we have dispute settlement and conflict resolution. According to Sandole there are four paradigms that are relevant to the study of conflict resolution: 1) political structuralism (*realpolitik*), 2) political idealism (*idealpolitik*), 3)

⁴ Burton, John. Conflict: Resolution and Provention. St. Martin's Press: New York, 1990

⁵ *ibid*

Marxism and 4) Non-Marxist Radical Thought Perspective (NMRT).⁶ The first two, as stipulated by Carr (1939), are opposites, and can be viewed as a reaction to the other.⁷ The *Realpolitik* paradigm is characterized by a “competitive” process of conflict resolution, which is power based, adversarial, confrontational, zero-sum approach to dealing with conflict resolution. *Realpolitik* was the paradigm of superpower decision makers during the Cold War.⁸ It continues to dominate the perceptions and behaviour of the Serbs and Croats and also in Northern Ireland. Therefore it is not surprising that *realpolitik* is associated with destructive outcomes.

On the other hand, proponents of *idealpolitik* agree with the school of *realpolitik* that there is an alarming cost and frequency of conflict, however they do disagree over the reasons for this, and what kind of response is required for such a situation. There are several causes and explanations of violent conflict according to the *idealpolitik* school of thought. For them, violent conflict can be the result of factors such as learned responses to frustrated goal seeking behaviour. The range of responses to violence is quite broad and includes counter violence, but also non-violent means that bring about socio-economic and political change. *Idealpolitik* encourages the use of ‘cooperative’ processes of conflict resolution that stress non-confrontational, non zero-sum approaches, therefore *idealpolitik* tends to be associated with constructive outcomes.⁹ According to Waltz, the basic difference between *realpolitik* and *idealpolitik* is the old adage, ‘nature vs. nurture’. In other

⁶ Sandole, Dennis, J., “Paradigms, Theories and Metaphors” in Sandole and Van der Merwe (eds) Conflict Resolution Theory and Practice: Integration and Application. Manchester University Press: Manchester and New York, 1993

⁷ Carr, E. H. The Twenty Year Crisis, 1919-1939: An Introduction to the Study of International Relations. Macmillan, London, Harper and Row: New York, 1939

⁸ Deutsch, M. The Resolution of Conflict: Constructive and Destructive Processes. Yale University Press: New Haven Connecticut and London, 1973

words, while one stresses *containing, deterring* and making the best of a negative, biologically determined situation, the other emphasizes the *changeability* of environment and therefore of behaviour¹⁰. In conclusion therefore, one is clearly pessimistic while the other more optimistic. Marxism, like realism, stresses the inevitability of conflict (between socio-economic classes). It is also similar with idealism in its emphasis on structural change, especially in the means of production and ownership, as the way to bring about behavioural change.¹¹ Hence, Marxism has a conception of human nature that is dependent on the environment, in contrast to the realists, with their fixed conceptions of human nature.

The (NMRT) perspective, like realism, stresses the power of human needs in world society, however it is like idealism in that it stresses structural reform to bring about political, social and economic change to provide *basic human needs*.¹² NMRT also recognises that the changes necessary to realign institutions with needs-environment of human nature, are often radical and therefore, attempts to affect such change, are likely to generate and sustain violent conflict cycles.¹³ NMRT sees a competitive process of conflict resolution, characterizing the efforts of the dis-empowered, the disenfranchised, needs violated persons and minority groups, attempting to redefine their relationships with resistant supporters of the status quo, which benefits only certain

⁹ Sandole, 1993:5

¹⁰ Waltz, K. N. Man, the State and War: A Theoretical Analysis. Columbia University Press: New York and London, 1959

¹¹ Op cit.,

¹² Coate, R. A. and Rosati J. A. (eds) The Power of Human Needs in World Society. Lynne Rienner Publishers: Boulder Colorado and London, 1988

¹³ Burton, J. W. Deviance. Terrorism and War: The Process of Solving Unsolved Social and Political Problems. St. Martin' Press: New York, 1979

groups¹⁴. The paradox lies in the fact that the use of competitive processes, consciously or otherwise to clear the way for structural change and cooperative processes, may generate self-perpetuating violent conflict systems, which then fall into the realist category.

In conclusion, the paradigms listed above, political structuralism, idealism, Marxism and NMRT, are different orientations to conflict, suggesting two different manners of dealing with conflict, the competitive and the co-operative. There is a sufficient overlap between the different paradigms which blurs their finer points of distinction, once conditions become overwhelmed by the dynamic processes of conflict escalation over time.¹⁵ There is a lack of a particular conflict resolution theory and most studies on conflict, revolve around the different political systems, capitalist, communist and others. However, it is important to realize that conflict resolution is part of political philosophy and relevant to all systems. According to Burton, the conflict resolution process can deal with complex situations both national and international, however the resolution of particular conflicts is just a small beginning:

*“While it helps to provide insights into the nature of conflict and the conditions that stimulate conflict, by itself it does not deal with the problem of conflict. Conflict [management] is the goal. Both are part of a process of system change, and their theoretical framework points political systems in the directions required”.*¹⁶

¹⁴ Op cit.,

¹⁵ Sandole, 1993:6

¹⁶ *ibid*: 64

3.3. Conflict Management

As stated in the previous chapter, conflict is an inevitable consequence of interactions among people in any given society. Similarly, conflict is inherent in world politics, impacting the individual, society and the state. Since conflict is a recurring phenomenon, and since the risks of uncontrolled conflict are so great, conflict management has become an important area of study and practice. Conflict management has a tendency to be confused with conflict prevention, "...to suggest that conflicts can be managed, implies that conflicts are dynamic social processes, moving from an incipient latent stage, to maturity and termination".¹⁷ It also suggests, that conflicts have certain consequences for the parties involved, as well as the environment in which they occur. The concern of conflict management is with increasing values and beneficial consequences and decreasing costs and harmful consequences. Thus conflict management, "...is an attempt to feed learning into the process of conflict, learning which can make conflict more productive and less costly".¹⁸ Bercovitch argues that the primary purpose of conflict management is to arrest the expansion and escalation of conflicts and to create a structure or conditions which would be conducive to realizing beneficial consequences.¹⁹ In addition, conflict management can influence the course of a conflict situation in the following ways:

- the characteristic of a conflict
- the nature of the issues at stake
- the strategies used by each party

¹⁷ Jacob Bercovitch. Social Conflicts and Third Parties: Strategies of Conflict Resolution. Westview Press: Colorado 1984

¹⁸ K.E Boulding., "Conflict Management as a Learning Process" in A. De Reuck and J.Knight (eds), Conflict in Society J.A. Churchill: London, 1966

¹⁹ Bercovitch, 1984:9

the presence and activities of third parties.²⁰

There are different types of conflict management tools, which are utilized depending on the nature of conflict, which allow for a clear distinction between endogenous and exogenous conflict management. The former refers to conflict undertaken by the parties involved (negotiation) and the latter refers to efforts undertaken by an outside party.

3.3.1. Defining Third Party Intervention

Third party intervention is an aspect of conflict management designed to arrest possible destructive consequences and inhibit a dysfunctional conflict cycle, as well as help the parties to find a proper, satisfactory basis, for an agreement. A third party, is someone who is external to a certain conflict and who interposes between the conflict parties, in order to help them with their conflict management efforts. This normally occurs when a) a conflict is complex and drawn out, b) the parties involved have reached a deadlock with their own conflict management process, c) the continuation of the conflict is seen as an exacerbating factor by all concerned, and d) there exists some communication and cooperation between the parties.²¹ Third party intervention can be defined as "...the intervention into a dispute of a person or an agency whose purpose, it is, to act as an instrument for bringing about a peaceful settlement to that dispute, while creating structures whereby the foundations of a lasting settlement may be laid".²² According to Young, the process of third party intervention consists of any action, "...taken by an actor that is not a direct party to

²⁰ M Deutsch. The Resolution of Conflict: Constructive and Destructive Processes. Yale University Press: New Haven, 1973

²¹ Mitchell, C.R. Peacemaking and the Consultant's Role. Gower Publishing Company: Farnborough, 1981

²² Harbottle, M, "The Strategy of Third Party Intervention in Conflict Resolution", *International Journal*, vol.35 no. 1, 1979-80 pp.48

the crisis, that is designed to reduce or remove one or more problems in the bargaining relationship and, therefore, to facilitate the termination of the conflict itself.”²³ The effect of third party intervention is to modify the basic structure of conflict management. For instance, a third party brings with it certain ideas, knowledge and assumptions, as well as interests which are designed to influence the likelihood of achieving a successful outcome.

3.4. Instruments and Actors

3.4.1. Mediation and Negotiation

International mediation, used as a vehicle of third party intervention, has become one of the most important methods of managing international disputes. In the recent past we have witnessed the involvement of such diverse parties as the United Nations (in the Falklands/Malvinas conflict and the Afghanistan conflict) the Organization of American States (in the Nicaragua dispute) the United States (in numerous mediation efforts in the Middle East) and the Organization of African Unity (in the Tanzania/Uganda dispute) .

However there remain, questions into the nature of mediation, namely: How does mediation work? and, Under what conditions is it most effective? This study will attempt to answer some of these questions. Another component of the study will be the evaluation of the characteristics of international mediation, and to study the conditions that influence mediator behaviour and the impact these may have on mediation outcomes.

²³ Young, O.R. The Intermediaries: Third Parties in International Crises. Princeton University Press: Princeton, New Jersey, 1967

3.4.2. Definition

Mediation is a form of conflict management that involves an outsider, or a third party who is not directly disputant. According to Bercovitch (1991), third party forms of conflict management are grouped into two categories of procedures. There are legalistic or normative procedures (eg. adjudication and arbitration) that rely on other parties to abide by ruling or judgement handed down by a third party. The second involves voluntary procedures (eg. Mediation and conciliation etc.) that involve various forms of assistance and facilitation, short of coercive steps, designed to help the parties reach an acceptable outcome.²⁴ These have little in common aside from the fact that they involve an outsider entering a conflict and helping the parties with their management efforts. Similar with other forms of conflict resolution, it is an intervention that must be acceptable to the adversaries in the conflict, who cooperate diplomatically with the intervener.

Throughout history individuals and groups have sought ways to contain their destructive behaviour to ensure a measure of order and peace in their environment. According to Galtung (1965), numerous devices, mechanisms and institutions have been invented to manage, deal or resolve disputes among antagonistic actors.²⁵ Mediation has been one of the most significant of these devices. References are found in Homers *Iliad* (ca. 750BC) and Sophocles' *Ajax* (ca. 500BC).

²⁴ Bercovitch, Jacob. "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations", *Journal of Peace Research*, vol 28 no. 1, 1991

²⁵ Galtung, J. "Institutionalised Conflict Resolution", *Journal of Peace Research*, vol 2, 1965, pp. 348-96

Mediation has been a dominant feature of peaceful settlement of disputes within the OAU. The Commission on Mediation, Conciliation and Arbitration allows for the use of diplomatic tools, such as *ad hoc* agreements, summit diplomacy and the Secretary General's *good offices*. The territorial dispute between Morocco and Algeria in 1963, prompted numerous mediation efforts. Both parties accepted the third party intervention of Haile Selassie (Ethiopia) and President Keita (Mali) who were appointed by the OAU. In 1967, President Mobuto of Congo Kinchasa, was entrusted by the OAU, with the role of mediator in Burundi and Rwanda.²⁶ The most successful methods of conflict resolution by the OAU, has been the designation of an individual Head of State, who enjoyed the confidence of the parties concerned, as the sole intermediary of a dispute.

However in the present international environment characterized by heterogeneous societies and the absence of generally accepted rules or norms, or a centralized authority, "...the unstoppable proliferation of states and non-state actors, and increasing ethnic dissidence, the opportunities for conflict are multiplied and manifold...therefore...the need for effective conflict management."²⁷

A broader definition of mediation, stipulates that mediation is a process of conflict management, "...where disputants seek the assistance of, or accept an offer of help from, an individual, group, state or organization to settle their conflict or resolve their differences without resorting to physical force or invoking authority of the law thereof".²⁸ The study of mediation has, for a long time, been characterized by its lack of information. The practitioners of mediation were keen to

²⁶ Cervenka, 1968

²⁷ Miller, Lynn H. Global Order, Second Edition. Boulder, Colorado: Westview Press, 1990

²⁸ Bercovitch, 1986

sustain the perception of mediation being a mysterious practice, taking place behind closed doors. The desire to maintain the intuitive mystique of mediation, is best exemplified by Arthur Meyer an American practitioner, commenting on the role of the mediator he stated:

...the task of the mediator is not an easy one. The sea that he hails is only roughly charted, and its changing contours are not clearly discernible. He has no science of navigation, no fund inherited from the experience of others. He is a solitary artist recognising at most of a few guiding stars, and depending on his personal powers of divination.²⁹

An equally noted practitioner, although less prosaic, stated in an equally resounding fashion, that the variables (on the role of mediators) are so many, "...it would be an exercise in futility to describe typical mediator behaviour with respect to sequence, timing or the use or non-use of the various functions theoretically available...the mystery and uniqueness of mediation acted like a ghost that has haunted us for too long".³⁰ There may not be a lot of consensus on how best to study mediation, but there seems to be broad agreement that this *ghost* should be exorcised.

According to Carl Stevens and Tom Schelling, mediation is best viewed in the context of a general bargaining process, suggesting that:

mediation, like other social phenomena, is susceptible to systematic analysis. The key to analysis is in recognising that

²⁹ Meyer, Arthur, S. "Functions of the Mediator in Collective Bargaining", *Industrial and Labor Relations Review*, vol 13, 1960, p.160

³⁰ Simkin, William, "Mediation and the Dynamics of Collective Bargaining"(Bureau of National Affairs Washington D.C.) 1971

*where mediation is employed, lies an integral part of the bargaining process...an analysis of mediation is not possible except in the context of general analysis of bargaining negotiations.*³¹

In this vein, a mediator is probably best viewed as an element in the communication arrangements, or as a third party with a payoff structure of his own. In other words, the mediator is the catalyst for any diplomatic efforts that the parties involved have agreed upon. It is possible to study mediation systemically, but it can also be studied as an aspect of the broader context or structure of negotiations and the parties own efforts to manage the conflict. Mediation, therefore is the continuation of negotiations by other means.³² What mediators do, or can do, or are permitted to do, in their efforts to manage a dispute, may depend, to an extent, on who they are and what resources and competencies they have.³³

International disputes are not uniform or static events, and much depends on who the parties are, and the context of the conflict and the nature of the interaction. This striking thought has incurred much debate, notably Stulberg (1981), who argues "...mediation...is a procedure predicated upon the process of negotiations".³⁴ As a process, the structure and the nature of mediation may be reflective of the context of the situation and the nature of the parties involved,

³¹ Stevens, C. Strategy and Collective Bargaining Negotiations. New York: McGraw Hill, 1963 p123

³² Bercovitch, Jacob and Jeffrey Z. Rubin (eds) Mediation in International Relations: Multiple Approaches to Conflict Management. New York: St. Martin's Press, 1992, p.2

³³ *ibid*: 4

³⁴ Stulberg, J.B, "The Theory and Practice of Mediation: a Reply to Professor Susskind"

3.4.3. The Role of the Mediator: Strategies and behaviour

The complexity of the international system is such, that states and nations can no longer facilitate the pursuit of human interest. It is widely believed that free international markets and their expansion, undermine the foundation of the state. Seemingly, greater economic and political interdependence has made it difficult for states acting alone, to influence international policies. Consequently, there has been a phenomenal growth in the number of international, trans-national and other non-state actors, all of whom affect issues of war and peace, the environment and survival.³⁵ It may appear that with the proliferation of political actors (heads of state, non-governmental organizations and civil society for example), capable of initiating and conducting international mediation, the essence of international mediation may be obscured (individual initiatives by Kissinger and Carter for example). But individual mediation, although significant, is not all that common in international relations. Most mediation is carried out by states or international organizations and the system of diplomacy, has evolved around the state. However, common standards that build on our knowledge have been developed into models, that account for the way that different mediators operate. The proliferation of actors need not obscure the essence of international mediation. According to Rubin, all mediators operate within a system of exchange and influence. The parameters of this particular system, can be characterized as the communication, expectation and experience of the disputing parties, and the interests and the resources of the mediators.³⁶ There are quite a number of roles that describe what mediators do and how they meet their objectives.

Vermont Law Review, vol 6, 1981 pp.85-117

³⁵ Bercovitch, 1992

³⁶ *ibid*:15

Rubin offers a comprehensive set of roles and distinguishes from formal vs informal roles, individual vs. representative roles, invited vs. non- invited roles, advisory vs. directive roles, content vs. process roles, permanent vs. temporary roles and conflict resolution vs. conflict prevention roles.³⁷ Stulberg, lists the following as mediators' roles;

- a catalyst,
- an educator,
- a translator,
- a resource expander,
- a bearer of bad news,
- an agent of reality,
- a scapegoat.³⁸

While the role of the mediator may shift from active (promotion of settlement ideas), to passive (facilitation), in reality, mediators adopt one or more roles that change within the course of the mediation. Gulliver asserts that one should be careful not to speak on a certain *role of the mediator*, he finds such dogmatic assertions, misleading. He adds that the enactment of a particular role, or set of roles and the adoption of a passive or active stance, does not depend so much on the mediator's adherence to a prescribed notion of "the role", as it does on the context of the dispute, and the interests and resources of the mediator.³⁹

³⁷ Rubin, Jeffrey Z. "Introduction" in Rubin (ed) Dynamics of Third Party Intervention: Kissinger in the Middle East. Praeger: New York, 1981

³⁸ Stulberg, 1981:15

³⁹ Gulliver, P.H. Disputes and Negotiations. Academic Press: New York, 1979

In trying to solve specific problems of peace and security, the role of an international or regional organization, depends essentially, on the nature of its purposes and principles and on the capacity of its institutional machinery.⁴⁰ In settling disputes between its member states in the 1960's and 1970's, the OAU has used several methods, both direct and indirect, with a varying degree of success. The direct methods, involved formal action by the OAU, which consisted of: the establishment of norms for inter-state relations, in regard to specific problems; the channelling of appeals to the states in dispute, to reduce tension between them and to seek agreement through negotiation, bilaterally or unilaterally through the use of a mediator; and the establishment of a mediation commission or the designation of an individual mediator.⁴¹ The indirect method, is concerned with providing a conducive environment for bilateral diplomatic contacts and for the development of mediatory initiatives on the part of African statesmen.

The direct method of addressing appeals to states, to normalize their relations and to seek peaceful settlements through negotiations, has been somewhat successful, but only in a few cases. This particular method, used primarily by the Council of Ministers, was helpful in bringing about a cease-fire between Somalia, Kenya and Ethiopia. However, it was not very successful during the Congo Civil War. Although the Charter called for the establishment of a Commission of Mediation, Conciliation and Arbitration, this body could only be established through a protocol approved by the Assembly of Heads of State. The disputants of a conflict nor the OAU deliberative bodies, utilized this instrument and therefore it remained relatively dormant. Instead, the OAU devised more flexible ad hoc bodies of varying sizes and levels of national

⁴⁰ Andemicael, Berhanykun. The OAU and the UN: Relations between the Organization of African Unity and the United Nations. Africana Publishing: New York, 1975

⁴¹ *ibid*, 97

representation. The ad hoc commission on the Algeria Morocco dispute was successful in clarifying areas of disagreement and the issues of the border dispute. However, other ad hoc commission in Nigeria and the Congo (Kinchasa), failed.⁴² In the final analysis, it appears that the chances of success for mediating bodies increase with the inclusion of a Head of State as a member of the body, and a high degree of impartiality on the part of the mediators.

The indirect role, derives from the capacity of the OAU to serve as a forum and to provide a suitable environment for member states to air their grievances, and for the emergence of third party initiatives. Individual statesmen have taken the initiative under the guise of the OAU, to exercise their good offices and to mediate in cases such as the dispute between Chad and the Sudan and Uganda and Tanzania.⁴³

To conclude, both the direct and the indirect roles of the OAU in peace settlements have been relatively successful. They have often helped to reduce tensions and occasionally solve disputes. However, most of the disputes with which the OAU experienced success, involved territorial and border conflicts. These roles will need to be strengthened, if the OAU aims to be more effective in addressing the internal conflicts experienced in the 1990's.

3.5. Conclusion

As has been previously mentioned, any attempt at resolving a particular conflict, must begin with an appreciation and understanding of the underlying causes of conflict. Understanding the nature

⁴² *ibid*

⁴³ *ibid*

of a conflict, can guide a practitioner, to the relevant tools needed, to manage the conflict. Preventive measures such as mediation, are important and although there is no blue-print on the behaviour of a mediator, they need to operate with the requisite tools, to bring about a satisfactory outcome. In other words, much depends on the skill, the perceived impartiality and resources of a mediator, as well as the context of the dispute.

In the past, the OAU was somewhat successful in using their capability as mediator to resolve territorial disputes that were more prevalent during the first decade of its inception. However the organizations has experienced harsh criticism for its apparent failure to evolve, to meet the challenges of the evolving nature of conflict, as mentioned in Chapter 2. This Chapter suggested relevant approaches of conflict management and resolution, as a guide to African inter-governmental intervention.

An important aspect of this Chapter was not only to show the complex nature of conflict, but to reveal how multi-dimensional the process of conflict resolution is. The purpose was also to highlight ways the OAU can become more relevant in the settlement of disputes in Africa by employing some of the instruments mentioned above. This in no way implies that the organization has been completely ineffective in the past. However, in order for the organization to take a lead role in the maintenance of peace in the continent, it needs to continue to evolve in order to meet the necessary challenges.

The following chapter examines the structure of the organization and its charter. This is necessary because any realistic appreciation of the organization and its capabilities, must be viewed in the context of the decision-making structures and the resources the organization has available.

CHAPTER 4

**THE STRUCTURE OF THE OAU AND ITS ROLE IN RESOLVING
AFRICAN CONFLICTS**

*“...it is the inalienable right of all people to control their own
destiny...”¹*

4.1. Introduction

Conflicts constitute one of the greatest challenges facing the African continent. This is a sentiment echoed in most literature about the contemporary situation of Africa. Among the harsh realities that continue to plague the continent, are economic stagnation and underdevelopment, resource allocation, good governance, environmental degradation and disease. Africa also plays host to some of the poorest nations in the world and also possesses one of the highest number of displaced persons.

Noting the list of endless problems that seem to characterize the continent, the OAU has come under fire for being ‘ineffective’, ‘irrelevant’, ‘indifferent’, and for having failed to be at the forefront of African affairs.² While it appears that these attacks may have some bearing,³ it would be unfair to continue using the organization as a convenient scapegoat for events, which it has largely no control over. Or do they?

During the time of its inception, the organization was viewed as a vehicle to promote African

¹ Resolution of Fifth Pan-American Congress held at Manchester 1945

² “The OAU has Become Increasingly Irrelevant”, *Newsweek*, June 6, 1988, p18

independence from colonialism, and to provide a platform to voice Africa's concerns on the international stage. Although the OAU Charter stipulates that one of the principles of the organization is the peaceful settlement of disputes, apart from the Commission for Mediation, Conciliation and Arbitration which has been largely dormant; it does not provide constructive mechanisms for the effective resolution of conflicts in Africa. Critics have cited the structure of the organization, with its lack of a political decision-making body, and the absence of a standing peace-keeping force, as the cause for the impotence of the organization to be a more prominent instrument of conflict resolution.

In trying to solve specific problems concerning peace and security, the role of a regional organization depends essentially, on the nature of its purposes and principles, and on the capacity of its institutional machinery.³

This chapter seeks to examine the history and the structure of the OAU in the context of the evolving nature of conflict, and the capacity of the OAU to resolve such conflicts. By so doing, it hopes to shed light on why the organization has been characterized by some observers, as a 'toothless dog'. Case studies will be an important component of the chapter, to document OAU failures and successes in managing conflicts. An examination of decision-making structures of the organization is necessary to determine whether or not the OAU has the capacity to become an effective instrument of conflict resolution.

³ Andemicael, Berhanykun. The OAU and the UN: Relations between the Organization

“...Nations may be considered like individual men which hurt each other in the state of nature, when they are not subject to laws, by their very propinquity. Therefore each for the sake of security may demand and should demand of the other to enter with him into a constitution similar to the civil one where the right of each may be secured. This would be a *Volkerbund*, or a union of nations...”⁴

4.2. History of the OAU

The formation of the OAU, occurred in the midst of decolonization that was brought about, largely by the spirit of Pan-Africanism, heralded by Nkwame Nkrumah and Julius Nyerere. This spirit of Pan-Africanism dictated a new form of thinking, not only insofar as political and human rights were concerned, but in the manner in which the newly independent countries related to one another. The early Pan-Africanist thinkers, stressed the importance of economic relations as being, “...different from the materialism of Europe, [which]...was founded on the concrete understanding of the cultural unity of Africa and the contributions of its peoples towards human transformation”.⁵ Undoubtedly, the creation of the OAU occurred during a time when it was most evident that Africans lacked a mechanism that would provide a voice on African issues and that would make important decisions on African problems. The need for such an organization was expressed as early as October 1961 where Ethiopia called upon the Africans to join,

“...in the creation, under Article 52 of the United Nations Charter, of a regional organization of African States, the basic and fundamental task of which will be to furnish

of African Unity and the United Nations. Africana Publishing: New York, 1975

⁴ Kant, Immanuel. “Eternal Peace” in Carl J. Friedrich (Ed.) The Philosophy of Kant. Modern Library: New York, 1993 p487

⁵ Campbell, Horace, “The OAU and Pan-Africanism”, *SAPEM*, May 15- June 15, 1997

6

the mechanism whereby problems which arise on the continent and which are of primary interest to the region could, in the first instance be dealt with by Africans in an African forum, free from outside influence and pressure..."⁶

At the time of the creation of the OAU, 29 territories in Africa had gained their independence and two more were in the midst of following suit. The remainder of the 'non-self governing states' included most of the complex problems of decolonization in Southern Africa. The United Nations had already experienced much difficulty in its initial efforts to pressurise these governments and the African leaders were sceptical about the prospect of a harmonious resolution, as long as they themselves failed to synchronize their efforts at the highest possible level.⁷ While taking full advantage of their membership in the United Nations, the African states realized that the attainment of their collective goals would call for a larger measure of self-reliance, which could be achieved through the efforts of an African regional organization. Such an organization could promote solidarity among the States and render their collective relations with outside powers more effective. The OAU was foreseen to become an important instrument for the conduct of collective African diplomacy in the world context.⁸

According to Nkwame Nkrumah at the Addis Ababa Summit in May 1963, African Unity should be the cornerstone upon which this new institution should be founded, he further added

⁶ *General Assembly Official Records* 16th Session, 1020th Plenary Meeting, 2 October 1961 p.177 (A/PV.1020)

⁷ Padelford, N.J. "The Organization of African Unity", *International Organization*, vol. 18 no.3, 1963

⁸ Akindede, R. A., "Reflections on the Preoccupation and Conduct of African Diplomacy", *Journal of Modern African Studies*, vol.14 no.4, 1976

that, "...African Unity is above all a political kingdom which can only be gained by political means".⁹ It was widely agreed among the African leaders, that African Unity and solidarity would not only assure a common front to safeguard Africa's interest and give it a more effective voice in world affairs, but would also provide a deterrent to fragmentation and remove obstacles to rapid economic and social development, on a broad and rational basis.¹⁰ The social and economic development of Africa would come, only within the political kingdom, not the other way around.¹¹ After much discussion centered on language and the use of terms, and the viability of an organization for African Unity, Julius Nyerere declared

*"...in our approach to the final liberation of Africa we are all agreed without single exception that the time for mere words is gone, that this is the time for action that the time for allowing our brethren to struggle unaided is gone, that from now on our brethren in non-independent Africa should be helped by independent Africa....I want to assure our gallant brothers, that we are prepared to die a little for the final removal of the humiliation of colonialism from the face of Africa..."*¹²

The vision of many African leaders was of an organization characterized by a unique 'African personality', that would assist in the provision of prosperity and progress for Africans.

⁹ *ibid*:566

¹⁰ Emerson, R. "Pan-Africanism" in N.J. Padelford and R. Emerson (Eds.) Africa and World Order. F.A. Praeger: New York, 1963

¹¹ Cervenka, Zdenek. The Organization of African Unity and its Charter. C. Hurst and Company: London, 1968

Responding to this vision, then Nigerian Prime Minister Sir Abubakar Tafawa Balewa, argued that African states should have a common respect for one another, regardless of their size. He further added, that there could be no African Unity, as long as some African states continued to carry on subversive activities in other African countries. Consequently, "...African Unity can only be achieved by taking practical steps in economic, educational, scientific and cultural co-operation and by trying first to get the Africans to understand themselves before embarking on the more complicated and more difficult arrangement of political union".¹³

The growing enthusiasm over issues of liberating colonised Africa, and the continuing resentment of apartheid South Africa, gave rise to the formal acceptance of a Charter of the Organization of African Unity.¹⁴ The development of international organization has been accompanied by a continuing debate concerning the problem of regionalism, which has also been mistakenly related to involving a choice between the concepts of regional and universal organization. The main elements of African regionalism, in the context of the attitude of African States in the drafting of the OAU charter, are as follows:

- (i) an inclination to combine Pan-Africanism with Nationalism
- (ii) a quest for autonomy in solving African problems; and
- (iii) a strong determination to liberate the entire continent from colonialism and racial discrimination¹⁵

¹² Speech given at the *Addis Ababa Summit Conference 1963*, in Cervenka, 1968:13

¹³ *ibid*:11

¹⁴ Wallerstein, I. *Africa: The Politics of Unity*. Random House: New York, 1967

¹⁵ Andemicael, B. *The OAU and the UN: Relations Between the Organization of African Unity and the United Nations*. Africana Publishing: New York, 1976 p.9

4.3. The OAU Charter

Any realistic appreciation and understanding of the OAU's capabilities must begin with an examination of the OAU Charter. Many scholars have argued that it is the structure of the OAU Charter and its restrictive nature that has led to the inability for the OAU to act in conflict situations. According to Foltz, the OAU was a product of its time and the immediate needs and fears of the founding fathers marked the structure and agenda of the organizations in ways that have endured.¹⁶ Venter re-iterates the sentiment, arguing that African leaders' primary objective was solidifying political power under threat from former colonial powers and secessionist movements within the state.¹⁷ On the subject of the restrictive nature of the OAU Charter, Venter adds,

*"...although the Charter enunciates the provisions for the peaceful settlement of disputes in great detail, it does not empower the OAU, or provide it with the necessary wherewithal, to prevent or defuse such conflicts...[in addition], the decision-making processes within the organization are so cumbersome that its initiatives are, even with the best of intentions,...almost invariably overtaken by events."*¹⁸

Venter claims that the few peacekeeping efforts that have succeeded, have been initiated by states outside of the decision-making structure of the OAU, although acting on its behalf and blessing.¹⁹

¹⁶ Foltz, William J., "The Organization of African Unity" in William Zartman and Francis M. Deng (Eds.). Conflict Resolution in Africa.Brookings Institution: Washington, D.C.,1991

¹⁷ Venter, Denis, "An Evaluation of the OAU on the Eve of South Africa's Accession", *Africa Insight*, vol.24 no.1, 1994

¹⁸ *ibid*: 48

¹⁹ *ibid*

The OAU Charter bears much resemblance to the Charter of the United Nations, suggesting a great admiration by the African leaders of the world organization. The preamble recalls the Universal Declaration of Human Rights by declaring, "...freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples..."²⁰

What follows, is the awareness of the responsibility of the total advancement of the African peoples in their human endeavours, and a determination to promote understanding among peoples for a brotherhood that transcends cultural and religious barriers.²¹

To achieve this end, the Heads of State realised that, "...conditions for peace and security must be established and maintained[!]"²² Article I of the Charter establishes an organization known as the Organization of African Unity, which shall include the continental African states, Madagascar and the other Islands surrounding Africa. Article II basically examines the purposes of the OAU, which are:

- 1) to promote the unity and solidarity of the African States
- 2) to co-ordinate and intensify their co-operation and efforts to achieve a better life for the peoples of Africa
- 3) to defend their sovereignty, their territorial integrity and independence

²⁰ *ibid*

²¹ Elias, T.O. "The Charter of the OAU", *American Journal of International Law*, vol. 59, 1965 p.245

²² OAU Charter, 1963

- 4) to eradicate all forms of colonialism from Africa
- 5) to promote international co-operation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.²³

To achieve the goals set out in Article II, the Member States pledged to co-ordinate and co-operate on the political and diplomatic front, the scientific, educational, economical and security objectives. However, then Attorney General and Minister of Justice in Nigeria, T.O.Elias proclaimed,

*“...Nowhere in these purposes and objectives is any reference made to a political union of any kind, nor is the reference to co-operation ‘for defence and security’ intended as relating to any idea of establishing an African High Command. The essential aim is defensive rather than offensive action.”*²⁴

Although there is emphasis on the defence of sovereignty and territorial integrity of Member states, the Charter does not provide for a collective security arrangement. The OAU, is not the UN on a smaller scale, it has a different legal character. The OAU Charter, for example, contains benign political principles such as the “inviolability of the colonial frontiers”, while at the same time stating clearly that one of the organization’s purposes is the struggle against colonialism and racism in Africa and not for neo-colonialism as defined by Nkrumah when he asserted that,

²³ *ibid*

²⁴ Elias, 1965:246

“...the essence of neo-colonialism is that the state which is subject to it, is, in theory independent and has all the outward trappings of international sovereignty. In reality its economic system and thus its political policy is directed from outside.”²⁵

Neo-colonialism, according to Shaw, is the survival of the colonial system in spite of the formal recognition of political independence in emerging countries, which become the victims of an indirect and subtle form of domination by political, economic, social, military, and technical means.

Article III and the principles contained thereof, have served to create much controversy and criticism of the Organization, namely because of the second principle of “non-interference” in the internal affairs of member states. This has been seen as a weakness on the part of the organization, to act against the tyrannical regimes that encompassed a sizeable amount of the membership. Questioning this “golden rule” contained in the charter, South African President Nelson Mandela in 1998, asserted, “...We must all accept that we cannot abuse the concept of national sovereignty to deny the rest of the continent the right and duty to intervene when, behind those sovereign boundaries, people are being slaughtered to protect tyranny”.²⁶ Not only has the leadership of the OAU supported dictators, according to Campbell, but “...the clause of non-interference allowed the militarists to consolidate the colonial frontiers while defending the interests of foreign monopolies...”²⁷

²⁵ Nkrumah, Nkwame. “Neo-Colonialism: The Last Stage of Imperialism” quoted in Timothy Shaw, in “Beyond Neo-Colonialism: The Varieties of Corporatism in Africa”, *Journal of Modern African Studies*, 1968, p1

²⁶ De Coning, Cedric, “Time to Debate the OAU Golden Rule” *The Star*, June 24 1998, p.16

²⁷ Campbell, Horace, “The OAU and Pan-Africanism” *SAPEM*, May 15-June 15

The failures of the OAU were most profound in East Africa, where in Uganda, Idi Amin emerged from the machinations of the US and the British, to prevent the emergence of progressive forces. Under Amin, Uganda invaded Tanzania, whilst Amin was the Chair of the OAU. After Tanzania voiced their strong criticism, and strongly rallied for the removal of Amin, the leaders of the OAU remained detached and invoked the “non-interference” clause.²⁸

Most of the principles of the third Article of the OAU Charter mimic present principles of international law. However, it is the vagueness of the principles that have led to the inability of the OAU to take a strong position amongst its member states. The principles are vague, because, there is no enforcement mechanism to empower the OAU with the necessary wherewithal to prevent or resolve conflicts. According to William Foltz, the Charter is a conservative document designed to protect the autonomy of member states from interference or coercion by other members, or by the organization as a whole.²⁹ Here are the principles as stated in the Charter:

- 1) the sovereign equality of all member states
- 2) non-interference in the internal affairs of States
- 3) respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence
- 4) peaceful settlements of disputes by negotiation, mediation, conciliation or arbitration

1997, p.9

²⁸ *ibid*

²⁹ Foltz, William, “The Organization of African Unity” in Francis M. Deng and William Zartman(Eds.). Conflict Resolution in Africa. Brookings Institution: Washington, DC, 1991

- 5) unreserved condemnation, in all its forms, of political assassination as well as of subversive activities on the part of neighbouring states or any other state
- 6) absolute dedication to the total emancipation of the African territories which are still dependent
- 7) affirmation of a policy of non-alignment with regard to all blocs³⁰

The fourth, fifth and sixth articles of the Charter, stipulate that each independent African state, is entitled to become a member of the organization, enjoying equal rights and duties with a strong dedication to observing the principles of the Charter.

In order to view the Charter in its decision-making capacity, one must examine the principle organs of the Organization. The principles of the Charter are an attempt to create the essential legal and political foundation, and the administrative framework which enables Members to manifest a collective will and to assume their rightful place in the world, "...to establish the nature and manner of their cooperative relationship, and to confirm their commitment to African unity."³¹

Article VII establishes the institutions that shall accomplish the objectives of the Charter, these are:

- 1) Assembly of Heads and State and Government (Article VIII)
- 2) Council of Ministers (Article XII)
- 3) General Secretariat (Article XVI)
- 4) Commission of Mediation, Conciliation and Arbitration (Article XIX)

³⁰ OAU Charter

³¹ Tekle, Amare, "The Organization of African Unity at Twenty Five Years: Retrospect and Prospect", *Africa Today*, vol. 35. no.3/4, 1988

Assembly of Heads of State and Government:

This is the supreme organ of the organization and has the ability to review the structure and function of all the organs of the organization. Each Member State has one vote, and all resolutions passed are determined by a two-thirds majority of the members of the organization. The members of Heads of State or their representatives meet once a year.³² The purpose of such an organ is to provide a forum for discussion, through these discussions, conclusions/ resolutions are reached. Although the resolutions are the result of a decision, not all decisions take the form of resolutions. It can be deduced, from the information listed above, that resolutions would be recommendations to the Members of the organization, as in the case with resolutions adopted by the UN General Assembly. However, unlike the Charter of the UN, the OAU Charter has neither created an organ with disciplinary powers to enforce compliance with OAU resolutions, nor provided for expulsion in case of non-compliance.³³

Council of Ministers:

The Council of Ministers is comprised of the foreign ministers of member states or any other minister designated by that member state. The Ministers are responsible for organizing the conferences of the Assembly and seeing to the implementation of the resolutions that are passed. Other duties prescribed, are for the co-ordination of Inter-African co-operation in accordance

³² Article VIII, IX, X, XI of the OAU Charter

³³ Cervenka, 1968:45

with Article II (2) of the Charter.³⁴ The powers of the Council are limited and its resolutions purely recommendatory, imposing no legal obligations to the Members of the Council. Under the provisions of Article XIII, any resolution must be submitted for approval to the Assembly, making the Council responsible to the Assembly.³⁵

General Secretariat:

The Secretary General and Assistant Secretaries General of the Organization are appointed by the Members of Heads of State. The functions of the Secretary General are determined by the provisions of the Charter and the recommendations of the Heads of State. The Secretary General shall be neutral and not receive any instruction from any other government aside from the authority of the Organization.³⁶ It is the duty of the Secretary General, to be briefed on all aspects of the agenda before each Assembly and Council session. However, the Charter is not explicit in the right of the Secretary General to attend any of the meetings of the Council or the Assembly. Despite this omission, which has made the presence of the Secretary General in meetings of the principle organ, the exception, rather than rule, his attendance has become common place. The post of Secretary General of any organization, depends on the person holding it. A good Secretary General possesses intimate knowledge of the workings of each organ and institution, this accompanied by his direct negotiations with various member states, makes him the most informed

³⁴ Article XII, XIII, XIV, XV of the OAU Charter

³⁵ Op, cit., 55

³⁶ Articles XVI, XVII, XVIII of the OAU Charter

top official, whose advice is worth listening to.³⁷

Commission of Mediation, Conciliation and Arbitration:

This institution allows for member states to pledge themselves to resolve their disputes by peaceful means. They can accomplish this, by establishing a Commission of Mediation, Conciliation and Arbitration, "...the composition of which and conditions of service shall be defined by a separate Protocol to be approved by the Assembly of Heads of State and Government".³⁸ The general provisions make it clear that it is up to the parties involved in a dispute, to decide which of the modes of settlement (mediation, conciliation, arbitration), they will resort to. Under the mode of mediation, there are no rules of procedure followed and the mediator can only give advice and recommendations to the parties. The system of *good offices*, consists of a third party, a state, international organization or an individual attempting to bring the disputing parties together for negotiations, especially when diplomatic relations have been cut off. Good offices do not involve any active assistance in reaching a settlement, apart from establishing contact between the disputants.³⁹

An early example of the OAU's use of good offices would be the Guinea and Ivory Coast dispute in 1964/5. The Ivory Coast lies between Guinea and Ghana, therefore an impending announcement that President Toure of Guinea was to invade Ghana, induced President Houphouet Boigny of the

³⁷ Cervenka, 1968:67

³⁸ *ibid*:85

³⁹ Cervenka, 1968:88

Ivory Coast, to mobilize troops to the frontier.⁴⁰ Although the immediate threat of armed conflict was abated, the Ivory Coast government detained Guinean officials, explaining that its (Ivory Coast)'s action, was part of an 'arbitrary arrest'. Guinea urged the United Nations Secretary General to intervene. In the meantime, the OAU asked President Tubman of Liberia to renew his diplomatic efforts. While the UN General Assembly consulted with the Security Council, on the nature of the intervention that was to occur, the two governments of the dispute responded favourably to diplomatic efforts by the OAU led mediation, and the Ivory Coast agreed to release the detainees.⁴¹

The conciliation office clarifies the issues of the dispute and is expected to propose terms of settlement to the parties. However, its proposals are not binding to the parties involved, being purely recommendatory. This method has not been used much by the OAU, even with its recommendatory character⁴²

Arbitration, on the other hand, differs from conciliation, in that it allows for a tribunal, which bases its conclusions on rules of international law, and these conclusions are binding upon the parties. There are inconsistencies within this protocol, in light of the fact that all members of the OAU are also members of the UN, and therefore entitled to submit their disputes to the Security Council, the General Assembly or the International Court of Justice. Neither the protocol, nor the OAU Charter, is explicit in defining the relationship between the machinery of the OAU and the

⁴⁰ Andemicael, 1975

⁴¹ *ibid*

⁴² *Op cit.*,

UN in resolving disputes arising within the OAU.

In conclusion, the Charter is designed to protect the autonomy of member states, while also protecting the organization from being manipulated from the outside.⁴³ The limited powers of the Secretary General and the non-utilised Commission of Mediation, Conciliation and Arbitration, make it clear that the real power is reserved for the Heads of State.

However, the Charter of the OAU, under Article 33, leaves the provision of the amendment to the Charter. This could have a tremendous impact on the future development of the Charter and the OAU as a whole. The Article stipulates that at least one year elapse before an amendment is considered by the Assembly. Consequently, a two-thirds majority is needed before amending any aspect of the Charter. Theoretically, there is nothing wrong with the two-thirds majority rule; in practice it can be used for either progressive or reactionary purposes. The first test of the amendment clause came from Ghana when Nkrumah proposed the setting up of an Executive Council. He was attempting to make the organization a more effective instrument of achieving African aspirations.⁴⁴ The decision on whether to accept the proposal, was to be taken at the November 1966 Summit in Addis Ababa. However, a coup d'état in Ghana in February of that same year, prevented the government from pursuing the issue further. Sierra Leone brought the proposal up at the Summit, but it was rejected.⁴⁵ It is apparent that the member states at the time

⁴³ Foltz, William J, "The Organization of African Unity and the Resolution of Africa's Conflicts" in Zartman, William and Francis Deng (Eds.) Conflict Resolution in Africa. The Brookings Institution: Washington D.C, 1991 p350

⁴⁴ Cervenka, 1968: 53

⁴⁵ *ibid*

did not want a coherent organization with executive powers.

The OAU has no power to sanction, therefore it is not a command organization nor is it equipped with independent executive instruments capable of enforcement powers, against either members, or non-members⁴⁶. Venter argues that the major institutional weakness of the OAU, is that in order to stabilize the political map of Africa, the organization had to impose the principle of the sovereign equality of all member states on the community of African states.⁴⁷ According to Zartman, the OAU is meaningless, "...there is no OAU, there are only members, and their interests come first..."⁴⁸

4.4. The OAU's Involvement in Settling Disputes: Failures and Successes

The OAU is an intergovernmental organization, which embraces all aspects of inter-state relationships that include political and security questions as well as economic, social and related matters. Similar to the Organization of American States (OAS), it is distinguished from defence alliances such as the North Atlantic Treaty Organization (NATO), by its role as an agent for resolving conflicts and disputes among its own members⁴⁹. However, in contrast to the OAS, which according to Article 7 of the Inter-American Treaty of Reciprocal Assistance, is required to take all necessary measures to re-establish or maintain peace and security between two or more Member States of the OAS; the OAU is entrusted with no disciplinary power over any offending

⁴⁶ Andemicael, 1976: 15

⁴⁷ Venter, 1994:52

⁴⁸ Zartman, William, "The OAU in the African State System" in Yassin El-Ayouty and Zartman (Eds.) The OAU After Twenty Years. Praeger: 1984 p.41

⁴⁹ Andemicael, 1976:15

members.⁵⁰ The OAU requires members to co-ordinate and harmonize their policies regarding defence and security, and provides for the establishment of a Defence Commission.

When one examines the “material resources” (monetary, physical) of the OAU, it does not fare quiet as well in comparison to the OAS because of its smaller budget and less administrative staff. The OAU is hampered by the fact that there are a number of members who are in arrears, and staff was difficult to recruit and therefore in the past the organization has had to rely disproportionately on Ethiopian nationals.⁵¹

However, it is more endowed in political resources. Its ability to act in a third party role, is enhanced by the fact that it encompasses small, developing nations and it is free from the domination of a single country or group of countries. But existing cleavages have tended to inhibit both leadership and consensus, on crucial security issues in Africa.⁵²

As has been suggested earlier, the OAU was conceived on the principle of regional security in the context of regional co-operation in the political and diplomatic fields, thereby providing the necessary vehicle to promote peace, stability and development in the continent. According to Ibok, “...it was...in this context that African leaders expressed in the OAU Charter, their determination to coordinate and intensify their cooperation and efforts, for the sole purpose of

⁵⁰ *ibid*

⁵¹ Nye, Joseph S., “Controlling Conflicts: OAS, OAU, Arab League” in Joseph S. Nye. Peace in Parts: Integration and Conflict in Regional Organization. Little, Brown and Company: Boston, Massachusetts, 1971

⁵² *ibid*

achieving a better life for the peoples of Africa....”⁵³ Ibok also suggests, that with the benefit of hindsight, the objective of the ‘founding fathers’, was to provide the fragile African states that were just emerging from colonial rule, with a sense of collective security through the minimization of individual vulnerability in their relation with the former colonial powers. In addition, he argues that one should view the Charter as a “*covenant for regional security and mutual survival*”.

From our discussion above, the problem of peace and security in Africa can be divided into three categories, (i) intra-state conflict, (ii) inter-state conflict, (iii) intervention by Non-African States. Most of the OAU’s efforts in its first decade, surrounded issues of settling territorial disputes and ideological confrontations among its members.* Ravi L. Kapil in an article entitled, “On the Conflict Potential of Inherited Boundaries in Africa”, contends that, earlier predictions of a high incidence of conflict in Africa due to boundary disputes, are not likely to be borne out, *except* in states where political power is exercised by leaders that represent a culturally homogenous political community.⁵⁴ Kapil seems to neglect the fact that inter-state differences over ideological or other political issues have tended to escalate the conflict potential of several boundary disputes.

The Organization was already in the 1980's beginning to evolve, especially when it sought an Inter-African Force (IAF), that would carry out peace keeping missions. One such example was Chad, where the OAU dispatched a peacekeeping force in 1981. This force was inexperienced,

⁵³ Ibok, Basse S. “The Dynamics of Conflicts in Africa: Evaluating OAU’s Past and Present Approaches for Conflict Prevention, Management and Resolution and Future Prospects”, *African Journal on Conflict Prevention, Management and Resolution*.1997 vol. 1 no.1, p.65

⁵⁴ Kapil, Ravi L. “On the Conflict Potential of Inherited Boundaries in Africa”, *World Politics*, vol. 18, 1965-1966

thereby highlighting some institutional weaknesses of the organization; it was withdrawn after a year.⁵⁵ Some of the difficulties that this IAF mission encountered, were the issues of command and control, as each national unit continued to work on their individual agenda. According to Cleaver and May,

*“...the Zaireans, for example ignored the instruction of the Nigerian IAF commander. They received logistical support from the US and appeared to act as a US proxy force.”*⁵⁶

Secondly, the mandate of the IAF was not clear to both of the warring parties. For example, the government of Goukouni Waddeye saw the function of the IAF as ‘regime supporting’, that is replacing his allies, the Libyans. For Habre, the IAF was ‘regime opposing’, ensuring the exit of the ‘invading Libyan forces’. The OAU strongly denied any of the positions and emphasized its neutral role in supervising the formation of a Chadian National Army.⁵⁷

Most of the OAU initiatives in the past revolved around settling territorial and border disputes. However, during the 1980's and 1990's the nature of conflicts evolved to encompass internal conflicts. Below are some examples of situations where the OAU intervened and failed, or met a measure of success. These illustrations are important in determining whether or not the organization has evolved to meet the challenges of contemporary conflicts.

⁵⁵ Cleaver, C. & R. May, “Peacekeeping: The African Dimension”, *ROAPE*, vol. 22, no 66, December 1995

* Examples of territorial disputes are Morocco and Algeria, Ethiopia and Somalia. See Chapter 5

⁵⁶ *ibid*: 491

⁵⁷ *ibid*

4.5. Case Studies: Failures

4.5.1. Congo 1964-1965

The trend prevailing in the 1960's in Africa was that, "...the Unity of Africa requires the solution of all disputes between member states to be sought first within the Organization of African Unity".⁵⁸ However, because of the enshrined principles of non-interference and the respect for territorial integrity, the OAU was not in a position to act decisively in what some members thought was a domestic issue.

The Congo is an example of an internal conflict where there were more than 1,000 fatalities in one year. After the UN (ONUC) forces pulled out, the rebellions in the rural areas began to spread and Tshombe rose to power. Most of the members of the OAU viewed Tshombe as an externally imposed traitor and detested his use of white mercenaries to combat the rebellion.⁵⁹ Tshombe was not permitted to attend the Heads of State Summit in Cairo, but was allowed to attend three special council meetings in Addis Ababa, which appointed a ten-nation Congo conciliation commission. Apart from a 400-member Nigerian police unit, Tshombe's request for African troops was ignored.⁶⁰ The West participated heavily in supplying the Congo with arms, some members of the OAU viewed this, as imperialistic intervention. The crisis in the Congo exemplified the constraints of the 'non-interference' principle of the OAU Charter.

⁵⁸ Cervenka, 1968:92

⁵⁹ Nye, Joseph S. "Controlling Conflicts: OAS, OAU, Arab League" in Nye Peace in Parts: Integration and Conflict in Regional Organization. Little, Brown and Company: Boston, 1971

⁶⁰ *ibid*

The OAU was divided into two camps, those who were supportive of intervention and those who were not. The need for a two-thirds vote during the Summit meetings, made it impossible for the organization to pass a cease-fire resolution, or to agree on deploying troops or observers. Although the conciliation commission held several meetings to encourage peace talks, it was not regarded as impartial by Tshombe. The adage, *African solutions to African problems*, proved useless in this scenario as the two superpowers (US and Russia) intervened in the conflict, thereby, further weakening the OAU's capacity to manage the conflict

4.5.2. Nigeria Civil War 1966-1970

Nigeria provides an example of how the OAU's pre-occupation with territorial integrity in order to prevent external and internal secessionist movements, can produce deadly consequences. This example, displays two main principles of the OAU Charter that were put to the test; the non-interference principle (Article III, 2), supported by the federal government of Nigeria, and the 'respect for the inalienable right to independence' (Article III, 3) claimed by the secessionist Biafra.⁶¹

In January of 1966, there was a military coup d'état that overthrew the regime of Abubakar Tafawa Balewa, and brought to power the military government of General Aguiyi-Ironsi. In July of that same year, General Ironsi was kidnapped and killed by Northern secessionists and was succeeded by Lt. Colonel Yakubu Gowon. The revolts in the North unleashed conflict against the Ibos and resulted in the deaths of over 30,000 Ibos. What ensued, was a divide between the North and the East where Colonel Ojukwu took control in 1967. The fighting soon became war as the

⁶¹ Cervenka, 1968:192

Nigerian army led by Colonel Gowon, fought against the Biafra- led contingent of Colonel Ojukwu.⁶²

The OAU summit in Kinshasa, appointed six presidents to visit Lagos in the quest of ‘territorial integrity and peace’. It was felt that if the African leaders dispersed without any initiative towards the crisis in Nigeria, they would have provided the critics of the OAU with arguments against the usefulness of the organization.⁶³ In a sense, Nigeria presented a challenging situation for the OAU. On the one hand, the Nigerian government warned the OAU against interference, claiming that the war was, “...merely a police action against secessionist rebels and strictly an internal matter of Nigeria...”.⁶⁴ The Nigerian government held firmly to the view that any action by the OAU, would be in direct violation of Article III (2) of the OAU Charter, prohibiting interference. Conversely, the Biafran regime was strongly lobbying for international support, which it hoped, would come about through intervention from the OAU.

The OAU responded, by adopting a resolution by the OAU Heads of State, which was careful to stress the humanitarian foundation and that it by no means, wished to interfere in Nigeria’s internal affairs.⁶⁵ The resolution also established a consultative mission , comprised of six Heads of State: Cameroon, Congo (Kinshasa), Ethiopia, Ghana, Liberia and Niger. The mission reaffirmed the decision taken at the OAU summit condemning all secessionist movements in Africa, and that its primary goal was the establishment of a peaceful solution to the Nigerian crisis,

⁶² Cervenka, 1968:195

⁶³ *ibid*

⁶⁴ *ibid*

that would not undermine the territorial integrity of Nigeria.⁶⁶ The Biafran regime rejected the mission, because of its partiality to the federal position regarding sovereignty. It was for this reason, that the OAU mission talks were held under the auspices of the British Commonwealth Secretariat.⁶⁷

In 1968 several African countries, including Tanzania, recognized Biafra, this move accelerated the need for both parties to engage in talks. The talks were opened in May of 1968 in Kampala, and President Obote appealed for an agreement to a cease-fire as a sound foundation which would, "...heal the wounds of the current misunderstanding and end the conflict".⁶⁸ The meetings between the two factions were fruitless, while Nigeria's principle condition was renunciation of secession by Biafra before any cease-fire; the Biafrans wanted an immediate cease-fire with no conditions attached. When it was evident that no political settlement could be reached, both the African and non-African powers focussed on humanitarian aspects of the conflict.⁶⁹ In 1969, the Heads of State meetings voted to support the position of the Lagos government. The sentiment of the OAU Heads of State can more aptly be described by an article in the East African Standard of September 3 1968:

"Those who have criticized our opinions about Biafra have misunderstood the motives. Nonetheless, it should be reiterated that Biafra took the initiative in secession, though the OAU specifically supports unity. Even if any hope of

⁶⁵ *ibid*:196

⁶⁶ *ibid*:198

⁶⁷ *ibid*

⁶⁸ *ibid*: 200

⁶⁹ *ibid*

6

*success existed in the beginning, none is left, and for Col. Ojukwu to continue resistance when the ring is closing, is reminiscent of Hitler in his Berlin bunker...Biafra has lost the war and the terms for a cease-fire should have been accepted months ago. Every day has added death and suffering-needlessly sacrificed to personal obstinacy in the face of OAU condemnation*⁷⁰

In conclusion, the non-recognition of the Biafran regime made it impossible for the OAU to treat the two sides equally and the difficult issue of that recognition, resulted in the organization becoming partial to one side. The significance of the non-recognition of Biafra, lay in the fact that the OAU character, and its foundation of unity, was threatened, for it was felt that support of a secessionist movement in Nigeria, would seriously undermine African Unity. It is not clear, however whether recognition of Biafra would have served detrimental to the peace, unity and territorial integrity of Nigeria.

4.5.3. The Crisis in Rwanda, 1990-1994

Rwanda provides a contemporary example of how the lack of a mechanism for intervention in a conflict situation, has undermined the OAU, within Africa and internationally. This case study also brings to light, the weakness of the communication facility that could have served to coordinate diplomatic efforts between the international community and the OAU. Never before, has the world witnessed such brutal, horrific images as the astounding number of casualties in the Rwanda genocide increasingly escalated. These figures reached to a point where, it was estimated that over 500,000 people were killed in only three months of ethnic fighting in 1994. The onslaught

⁷⁰ *ibid*: 218-219

continued to claim over 800,000 people and millions more were raped, tortured, or fled to neighbouring countries, resulting in further violence and threat to economic and political security.⁷¹ Much has been written about the cause of the genocide, mostly insinuating historical ethnic conflicts between the two major ethnic groups, the Hutu and the Tutsi. Others have claimed political corruption and economic decline. However, one cannot blame all the havoc on political leaders as the people wielding the machetes were neighbours. What is clear, is that there is no one causal factor that sparked the conflict, and what can be deduced, is that the complex makeup of the political and social structure affected by historic ethnic division; followed by economic uncertainty, played a part in the killings. The rest continues to baffle the mind.

In October of 1990, the Rwandese Patriotic Front (RPF), invaded the northern area of Rwanda from Uganda. Coincidentally, the RPF was formed back in 1988 in Uganda where most of the Rwanda Tutsi served in the Uganda military under Museveni. Major General Rwigyema, who led the RPF into Rwanda, was the Vice Minister of Defence under Museveni. Major Paul Kagame, was deputy director of military intelligence in Uganda.⁷² Although the immediate aim for the RPF was a resolution of the refugee problem, the organization worked out a plan to change the political landscape of Rwanda. The organization accused the Rwandan government of undemocratic and corrupt policies and of ethnic discrimination. The RPF continually projected itself as being multi-ethnic, even though the vast majority of members and supporters were

⁷¹ Human Rights Watch online, World Report, 1994-Rwanda Country Study. [website:www.hrw.org](http://www.hrw.org)

⁷² Prunier, 1995 * There is evidence that Museveni gave support to the RPF (Human Rights Watch/Arms Project 1994)*

Tutsi.⁷³ Some observers have questioned the wisdom of the military action taken by the RPF, at a time when the OAU and the UNHCR (United Nations High Commission for Refugees) were engaged in talks on solving the problem of refugees. Although it seemed as if the negotiations might have led to a breakthrough, the RPF was impatient and were not prepared to wait any longer. It is also argued, that the RPF attacked at this particular time, because had they waited any longer, the process of negotiations and the ultimate venture into greater human rights and democratization, would have diminished the legitimacy of the attack.⁷⁴

As the pressure mounted, the President was criticised incessantly, even by members of his own party. He was caught up between the demands for political liberalization from the opposition, as well as the international community. Analysts claim that it was the build up of party militias (Interahamwe), and of the extremist pro-Hutu party CDR (Coalition for the defence of the Republic) in particular, that served to propagate the strong opposition to the reform process.⁷⁵

4.5.4. The Role of the OAU

March of 1991, saw several new parties launched, however Habyarimana rejected any call to multi-party elections. In 1992, after heavy international pressure, a new transitional government was established. The domestic opposition continued to be accused of collaborating with the RPF and the Tutsi. Belgium offered support, but initially stressed the importance of giving democracy a chance.

⁷³ *ibid*

⁷⁴ Reyntjens, 1994

⁷⁵ "Rwanda: Death, Despair and Defiance" *African Rights*, 1994 p.14

The OAU, in conjunction with Tanzania, undertook diplomatic efforts that led to the Arusha Peace Accords. This was a continuation of earlier efforts to resolve the refugee crisis.⁷⁶ Under the mediation by Belgian and Tanzanian officials, President Habyarimana and President Museveni of Uganda agreed on the OAU/UNHCR supervised regional conference, on the refugee situation. Habyarimana and Museveni also agreed to meet with the RPF and acknowledged them as discussion partners, even though Habyarimana was still a little suspicious of Museveni's involvement in the Tutsi led RPF movement.⁷⁷ The process received lukewarm media attention. There was little progress achieved in the mostly mediated talks between the RPF and the government. There were no fundamental signed agreements that would lead to substantial peace, however there were a few cease-fire agreements that would solve the immediate problem. The OAU, as agreed in the Goma talks, was to send a 55-member Military Observer Team (MOT) to oversee the implementation of the cease-fire.⁷⁸

However, by September of 1991, only 15 officers had arrived. The United Nations assumed formal responsibility for overseeing the initial implementation of the Accords, but failed to make adequate use of the OAU and local African states in this regard. As a result, there was a disjuncture between the mediation and implementation process that served to undermine the entire process. The Arusha Accords were signed on the fourth of August 1993, by President Habyarimana and RPF Chairman, Alexis Kanyarengwe. The President however, showed an

⁷⁶ Op cit.,

⁷⁷ Milwrod, 1996

⁷⁸ Kieh, George K., "International Organizations and Peacemaking in Africa" in Magyar, Karl P. and Earl Conteh-Morgan (Eds.) Peacekeeping in Africa: ECOMOG in Liberia

unwillingness to go along with many of the resolutions.⁷⁹ The President would veto, or postpone his consent to, agreements between the government and the RPF on several occasions. Some of the principles of the agreement included:

- 1) the creation of the rule of law,
- 2) power sharing
- 3) creation of a transition parliament,
- 4) the re-integration of refugees and internally displaced persons,
- 5) the creation of a national unified army [merger of RPA and FAR]) and the multi-party system should be the cornerstone of democracy.⁸⁰

Supporters of the regime were less than enthusiastic about the Accords. They faced the problem of a growing unsatisfied population deprived of the most basic human needs, because of a deteriorating economy, the possibility of domination by the Tutsi and the potentially politically damaging consequences of a multi-party democracy. According to Stephen Van Evera, regimes that face imposing tasks, such as the situation faced in Rwanda, would be more likely to use ethnic myths, to divert popular impatience with the inability of the government to improve conditions.⁸¹

The climate in the region was not conducive to any peaceful resolution in Rwanda. The Hutu believed that the Tutsi were responsible for the predicament the country was in, thereby playing

⁷⁹ Op cit.,

⁸⁰ *ibid*

⁸¹ Van Evera, Stephen, "Hypothesis on Nationalism and War", *International Security*, vol 18 no.4, Spring 1994 p.31

the role of what Rothschild calls, the *internal magnifier of enemy idea*.⁸² For example the assassination of the democratically elected “Hutu” President Ndadaye of Burundi, led to a series of violent outburst and thousands of Hutu refugees escaped towards the southern part of Rwanda. The message being sent was not good, “...Never trust the Tutsi...” the echoes reverberated throughout the nation. It then became clear to Habyarimana that the Tutsi would never accept Hutu majority rule within the context of a government of national unity.⁸³ With Ndadaye’s death, vanished the last glimmers of hope that remained about the success of the Arusha Accords. This, combined with the unwillingness of the opposition parties to reconcile, and the massive spread of weapons in the country and the harsh economic situation, resulted in the impossible task of implementing the Accords.⁸⁴

With the manipulation of ethnicity, Habyarimana had attempted to create a broad Hutu political front. The strategy adopted by the supporters of the regime indicated an inclination to marginalise the RPF, and by so doing, the slow elimination of the Tutsi.⁸⁵ The fighting resulted in more Tutsi arrests, and many more maimed or killed, the President however continued to denounce all acts of violence. The international pressure was mounting, as human rights groups around the world voiced their discontent. This led to the Dar-es-Salaam cease-fire agreement of March 9 1993. This cease-fire agreement, stipulated the use of an international force (the OAU or the UN) to replace the French troops, and a demilitarised zone and the resumption of the Arusha talks. After the

⁸² Rothschild, Donald and A. Groth, “Pathological Dimensions of Domestic and International Ethnicity”, *Political Science Quarterly*, vol. 110 no.1, 1995 pp.73-76

⁸³ Lemarchand, 1994

⁸⁴ Op cit.,

⁸⁵ Africa Watch, 1992 Reliefweb *website: www.reliefweb.org*

signing in August of that same year the hostilities did not diminish, but managed to increase.

One of the primary instigators, according to some observers, was the Rwanda broadcasting authority (RTLMC). According to *Africa Rights*, the RTLMC played a key role in inciting violence against the Tutsi and the moderate Hutu.⁸⁶ Already, there existed a poisoned political climate reeking of ethnocentrism. Secondly, there was the direct use of force through militia and a proliferation of weaponry. Lastly, the massacres were planned, according to Lemarchand. There is evidence to suggest that the planning emanated from the highest ranking persons in the army, the Presidential guard and the administration that had previously benefited from a single-party state.⁸⁷ As if the ongoing violence was not enough, tragedy struck again in the morning of April 6 1994, when the plane carrying President Habyarimana and the President of Burundi, Cyprien Ntaryamira was hit by a rocket and exploded. The Belgian government has been accused, as well as the RPF and even members of the Presidential administration.⁸⁸

What followed, was one of the worst evidence of human suffering in history. The exact role of the international community, is unclear. Why for example, did it take so long for the UN to respond to the crisis? The genocide was not a spontaneous occurrence, why was the OAU and the UN ill-prepared to deal effectively with the ensuing conflict? On a more positive note, the OAU did make attempts at peaceful negotiations, with the Arusha Accords, but lacked instrumental infrastructure to carry it through. This, combined with a lack-luster international community suffering from

⁸⁶ Africa Rights, 1994

⁸⁷ Lemarchand, 1994

⁸⁸ African Rights, 1994

Somalia fatigue, along with the near impossibility of containing a war once it has reached epidemic proportions, added to the exacerbation of the conflict.

Overall, it is interesting to note that, most of the failures of the OAU, involved internal conflict. Also, the operations tended to be small in scale and primary resources were more ideologically based than material. In other words, Charter restrictions and the identity of the OAU seemed to play a greater role. The primary role of the OAU, it appeared was that of a forum, rather than the administrator of operations. The lack of financial and logistical resources hampered the progress of the organization especially in the case of Rwanda. The lack of an established, defined relationship between the OAU, the UN and other regional organizations, also led to a failure to act quickly and decisively.

4.6. Case Studies: OAU Successes

Although it is argued that conflicts have always existed in Africa, the problems of poverty, dictatorship in the guise of official neglect, persecution and the denial of human rights, have significantly contributed to the escalation of conflict. These conflicts have evolved from the territorial disputes and other inter-state conflicts of yesteryear, to the intra-state dilemma characterised more profoundly by the numerous *coups d' etats* around the continent.⁸⁹ Traditionally, there has been a strong view that conflicts within states, fall within the “non-interference clause”. Arising from that pronouncement, was the equally strong view that it was not the business of the OAU, to “pronounce itself on those conflicts and that the Organization

⁸⁹ Gutto, S. B. O., “The OAU’s New Mechanism for Conflict Prevention, Management and Resolution” *Codesria Bulletin*, Dakar Senegal, no. 4 1996 pp.15-50

certainly had no mandate to involve itself in the resolution of problems of that nature...⁹⁰

4.6.1. Algeria-Morocco 1963

The most common cause of concern among African states were the boundary disputes, refugees and territorial disputes. One of the first conflict situations confronted by the OAU, was the territorial dispute between Morocco and Algeria. Morocco claimed an area of the Algerian held Sahara, which coincidentally possessed a great mineral resource, oil. After the French withdrawal in 1962, Algeria and Morocco moved troops into the area where the border was being disputed. The fighting broke out in October of 1963 and soon threatened to ensue in war.⁹¹ The conflict was in direct violation of the OAU Charter and also went against the spirit, which had brought the African Heads of State together a few months earlier in the creation of the Organization. In late October, while the Council of Ministers of the OAU communicated with the provisional secretariat about calling an emergency meeting, Emperor Haile Selassie (Ethiopia) and President Modibo Keita (Mali) assumed the role of peacemakers and urged the conflicting parties to consent to a cease-fire agreement.⁹²

The agreement required that a meeting be held with the Council of Ministers of the OAU. This meeting, resulted in a resolution which provided for an ad hoc Commission, comprised of Ethiopia, Ivory Coast, Mali, Nigeria, Senegal, Sudan and Tanzania which was to continue with

⁹⁰ Ibok, 1997:68

⁹¹ Nye, 1971: 155

⁹² *ibid*

the negotiations between the conflicting parties.⁹³ The commission established at Bamako, arranged for the withdrawal of forces in February 1964. Despite numerous meetings over the years, the commission was unable to resolve the dispute. However, by 1968 the de facto lines became more or less acceptable and the heads of state of the two countries met during the OAU summit in Algiers to symbolize their reconciliation.⁹⁴

Although the OAU sponsored mission did not bear immediate results, it was a success for several reasons, namely, it legitimized the role of the OAU as a regional organization and made use of the resources therein. Also, the organization drafted a cease-fire agreement (Bamako agreement), and established an ad hoc commission for peaceful settlement of the dispute. In a way, this ad hoc commission led the way for the formalization of the Commission on Mediation, Conciliation and Arbitration. Thirdly, the various members of the mission allowed for impartiality, respect and continuity, which solidified the role of the organization as mediator.

4.6.2. Ethiopia-Somalia-Kenya 1964-1967

This particular conflict provides a mixture of border tensions, caused by guerrilla warfare and territorial disputes. The border dispute in question involves, Ethiopia's northern border with Somalia and the former's Eastern border.⁹⁵ Ethiopia maintained that her northern border had been nationally recognized since the Anglo-Ethiopian Treaty of 1897, and admitted that only her eastern border with Somalia was open to settlement. Somalia on the other hand, denied the

⁹³ Cervenka, 1968:97

⁹⁴ Op cit.,

⁹⁵ Cervenka, 1968:97

validity of both Ethiopia's northern and eastern borders with the republic, and considered that, on ethnic and cultural and historical grounds, the border territories are entitled to form a Nation-State and that the Somali areas under Ethiopian rule, have the right to exercise the principle of self-determination. According to Hoskyns, the Somali are a people whose widespread sense of community, leads them to a 'nation-makes-state', type of nationalism, rather than 'state-makes-nation'.⁹⁶ The Somali leadership has been committed in its stance to, 're-uniting the Somali' and Somalia has supported guerrilla activities by Somali dissidents in Ethiopia and North-Eastern Kenya. This led to fighting between the Ethiopian and Somali armies in 1964.⁹⁷

The Somalian government appealed to the UN Security Council, but any assistance was turned down by the UN Secretary General, pending OAU action. The OAU Council of Ministers in their scheduled meeting in Dar-es-Salaam, agreed to discuss the issue of Kenya's dispute with Somalia. What resulted, was a resolution calling for an immediate cease-fire, negotiations and further discussion which would take place at a later meeting in Lagos. A joint commission to establish a cease-fire agreement and to supervise the withdrawal of troops, was arranged by the President of Sudan. However, during the Lagos meeting, appeals by Somalia for OAU observers into the conflict were turned down by Ethiopia. The hostilities and fighting continued until 1967. At this time the OAU Heads of State held a Conference in Kinshasa and the President of Zambia arranged talks between Kenya and Somalia.⁹⁸

⁹⁶ Hoskyns, Catherine. The Ethiopia-Somalia-Kenya Dispute, 1960-1967. Oxford Press: Dar-es-Salaam, 1969

⁹⁷ Nye, 1971:156

⁹⁸ *ibid*

While the OAU did not, in effect resolve the conflict between the warring factions, it provided a forum for the peaceful settlement in 1964 through *quiet diplomacy*. The OAU enabled negotiations to take place thus setting the stage for a peaceful negotiation within the framework of the OAU.

4.6.3. Rwanda-Burundi 1967

These two countries not only border each other but share similar ethnic identities, the Hutu and the Tutsi. The Tutsi minority in Rwanda was the political majority and enjoyed privileges not accorded to the Hutu ethnic majority. The ethnic conflicts in Rwanda led to the creation of refugee populations in neighbouring countries, with 700,000 in Burundi alone. The Rwandan refugees in Burundi were committed to overthrowing the Rwandan government and frequently crossed the border to create tension between the two countries.

In response to Rwanda's complaint, the OAU Heads of State Conference in Addis Ababa asked president Mobutu of the Congo to intervene in the situation. In April of 1967, there were three meetings held between the conflicting parties, that led to an agreement on controlling the activities of refugees and the issue was reported as settled to the 1967 OAU Summit Conference.

The OAU and the Congo, in its conciliation efforts, were able to provide a framework for discussion. The OAU was regarded as impartial by both sides, and the Congo provided the materials needed, to facilitate the process of a negotiated settlement.

4.6.4. Eritrea-Ethiopia 1998-Present

Eritrea became officially independent from Ethiopia in 1993 and relations between the two countries appeared peaceful. Relations deteriorated when Eritrea introduced its own currency and Ethiopia responded, by declaring that cross border trade be conducted with hard currency. It has also been alleged, that new maps of Ethiopia's northern Tigray region and an enlarged Ethiopian map on the new Ethiopian currency the birr, was also a major source of tension. There has also been speculation that there were other economic and political differences between the two countries and Eritrea later revealed that there were secret border clashes in the Bada border as early as 1997. However, the official conflict broke out in May of 1998 where hundreds of soldiers were killed and an estimated 300,000 civilians displaced.⁹⁹ Officials estimate, that there has been a minimum of 200,000 armed soldiers mobilized altogether. Numerous air-raids have occurred from both sides, where many more lives were lost and an additional 315,000 were displaced on the northern Tigray provincial capital of Mekelle.¹⁰⁰ These air-strikes, have raised fears that the fighting will reach Addis Ababa.

There have been several diplomatic initiatives undertaken by both the US and the OAU. There was an initial US-Rwanda plan that urged Eritrean forces to withdraw, pending a final settlement, however Eritrea refused, arguing that it would only withdraw, if the territory in dispute was demilitarized and controlled by a third force. In July, Rwanda withdrew from the OAU-led "Committee of Ambassadors", in the hopes that this would serve to pave the way for a new peace

⁹⁹ UN-OCHA(Office for the Co-ordination of Humanitarian Affairs) Integrated Regional Information Network for Central and Eastern Africa (IRIN-CEA) reliefweb online: [website: www.reliefweb.int](http://www.reliefweb.int)

¹⁰⁰ *ibid*

initiative. The team includes ambassadors from Burkina Faso, Djibouti and Zimbabwe, along with staff members of the OAU's organ for conflict prevention management and resolution¹⁰¹. The committee conducted fact-finding missions with both countries trying to examine the basis of the dispute. There were consultations held with technical experts, diplomats and representatives of UN and non-governmental organizations in each country. In an attempt at mediation, the OAU opened up talks in Ouagadougou under the chairmanship of the Burkina Faso Foreign Minister. Both representatives from Eritrea and Ethiopia were present, and the Ethiopian representative asserted, "...Ethiopia has said clearly from day one that until the Eritrean forces of aggression have left Ethiopia, we will not hold direct discussions with Eritrea". In response to the Ethiopian delegate's assertions, the Eritrean representative articulated, "...We are ready for an immediate and unconditional cease-fire and unconditional talks".¹⁰²

Inevitably, there resulted a stalemate in the negotiation process, as both sides refused to sign an agreement until the other party had withdrawn their troops. Fighting continued in February 1999. There was large-scale ground combat and Ethiopia resorted to using air strikes. Hope for a peaceful resolution was lost, as both parties seemed determined to continue their offensive tactics. Amidst the heavy fighting on both sides, the Security Council adopted a new resolution (1227) condemning the use of force by Ethiopia and Eritrea, and demanded an immediate halt to the hostilities, especially the use of air strikes.¹⁰³ The UN-Secretary General, urged the OAU to continue to take the lead in seeking a negotiated settlement to the dispute. In July of 1999, the

¹⁰¹ *ibid*

¹⁰² *ibid*

¹⁰³ *ibid*

Ethiopian cabinet and the ruling party endorsed the decision undertaken at the recent OAU summit in Algiers calling for a peaceful solution to the 15 Month border conflict with Eritrea. Eritrea also accepted the agreement, although some factions within the Ethiopian government claimed that it was insincere, sighting Eritrean preference for placing pre-conditions on the agreement. Eritrea claims that they were trying to re-claim the land that was being illegally occupied by Ethiopia. The OAU agreement calls on the two countries to withdraw from the disputed area.

While the OAU initiatives were much more coherent in this situation, with the organization providing a framework for discussion between Ethiopia and Eritrea using the Secretary General's *good offices*, and also providing a mediation team through its Central Organ; one cannot clearly make the assertion that they were able to resolve the conflict; only time will tell. However, the OAU displayed remarkable integrity and decisiveness, in establishing the Committee of Ambassadors, to facilitate the difficult process of peaceful negotiations. It demonstrated versatility in working with the United Nations' Secretary General's office, in fulfilling aforementioned end.

4.7. Conclusion.

This chapter has outlined the OAU and its charter in the hopes of making clear how charter restrictions of the organization can have tragic consequences, most notably, Article III, and its principles of non-interference and the protection of territorial integrity. The principles have served to create much criticism of the organization. These principles were viewed as weaknesses on the part of the organization to act against oppressive regimes that encompassed a sizeable number of the organizational membership. Case studies like the civil war in Nigeria are evidence of the drastic consequences that may result at the price of protecting nations' sovereignty. The

organization as a whole is bound by the non-interference principle to stay out of civil wars and has done so in cases such as the attempted secessionist movement of Biafra and in the Southern Sudan.¹⁰⁴ Because the OAU formally deals with central governments, it upholds the norm of territorial integrity. In addition, the two thirds majority rule at Summit meetings, and the lack of a political decision making body, cripples the OAU in terms of its capacity to respond quickly to crises.

The OAU has no effective sanctions to bring against the offenders and the most it can do as an institution is to persuade others to stay out of the quarrel and to offer its *ad hoc* and *good offices* to smooth out bilateral relations among the member governments.¹⁰⁵

In most of the Case Studies noted above, the organization played a supporting role. However, it was in those instances, where the organization was viewed as being impartial and independent, where the greatest number of successes occurred. Also, in these instances the organization was decisive and quick to act, engaging the support of the UN and other regional organizations. The organization's strength lies in its mediation capabilities, especially when they act quickly and their intervention is seen as impartial. However, a dismaying observation is that most of the failures of the OAU, involved internal conflict as was the case with Nigeria.

Realizing the need to evolve, to better address the change in dynamic of conflict in the 1990's, the organization is currently undergoing structural changes that could make it a more effective

¹⁰⁴ Foltz, 1991:354

¹⁰⁵ *ibid*

instrument for resolving Africa's conflicts.

The following chapter examines some of the OAU's capacity building initiatives, such as the Mechanism for Conflict Prevention, Management and Resolution. It also, suggests ways that the OAU can become more relevant in conflict situations and hopefully, with time, a changing political climate and greater co-operation with the international community, be able to predict when a conflict will occur, in the hopes of preventing another Rwanda.

CHAPTER 5

STRENGTHENING THE OAU'S CAPACITY FOR RESOLVING CONFLICT

5.1. Introduction

Within the study of international organization is a continuing debate concerning problems of regionalism, which has often times been mistakenly regarded as involving a choice between the concepts of regional and universal organization.¹ The basis for determining a regional organization under Chapter VIII of the UN Charter include: whether it plays a role in the maintenance of peace and security, including pacific settlement of disputes and enforcement action as authorized by the Security Council; and whether its objectives and activities are comparable with the purposes and principles of the UN.²

The information presented above leads to crucial questions about the division of labor between the universal (UN) and the regional (OAU) organizations, namely, what matters relating to peace and security, are appropriate for regional action or international intervention through the UN Security Council? According to Andemicael, these unanswered questions, while resulting in ambiguity, have led to flexibility in the development of patterns of regional-universal

¹ Andemicael, Berhanykun. The OAU and the UN : Relations between the Organization of African Unity and the United Nations. Africana Publishing: New York, 1976

² *ibid*

relationships.³ In essence, states need not choose the regional or the universal approach, to the exclusion of the other. The real question is how the two approaches should interrelate, without undermining each other. Thus this study is not so much concerned with which approach to adopt, but which to emphasize in solving specific problems of peace and security.

When examining the role of the OAU in conflicts, one is looking to characterize the relationship of the OAU and the UN. Strengthening the OAU does not in any way imply the total disregard of the UN, but suggests a means to which this organization (OAU), can better address the evolving nature of African concerns, namely conflicts.

This chapter examines the positive initiatives undertaken by the OAU to resolve conflicts, such as the Mechanism for the Management and Prevention of Conflict, the Early Warning System, and foreign initiatives, such as the African Crisis Response Initiative. It also provides insight into the way the OAU is continuing to transform itself in the 1990's in an effort to become more relevant in intra-state conflicts. Another point that needs to be emphasized is, although the OAU is doing its best to address conflict situations, it cannot be called upon to act alone as the sole resolver of conflicts in Africa. Conflicts by nature are multi-layered and therefore call for multi-layered solutions. This study looks at the importance of strengthening the OAU, against the backdrop of the initiatives that it has continued to undertake in the region, and internationally. Therefore, the relationship between the OAU and the UN will be examined, in an effort to suggest better ways in which these two organizations might be able to forge new bonds, that in future, might be able to

³ *ibid*

prevent and manage conflicts.

5.2. The Mechanism for Conflict Prevention, Management and Resolution

As has been stated previously, the OAU does not have the equivalent of the UN Security Council (UNSC), for during the time of its inception, the OAU believed that conflicts should be resolved through diplomatic rather than legal means.⁴ The importance of resolving disputes through this avenue, is enclosed in Article XIX of the OAU Charter whereby states pledge, "...to settle all disputes among themselves by peaceful means and, to this end decide(d) to establish a Commission of Mediation, Conciliation and Arbitration."⁵ The creation of the Commission was done through a constitutional instrument known as a protocol. According to this protocol, the main characteristics of the commission are that it:

- (i) consists of 21 members elected for five years by the OAU Assembly from a list of candidates with "recognized professional qualifications" nominated by Member states
- (ii) is administered by a Bureau comprising the President and the two Vice-Presidents of the Commission
- (iii) has a jurisdiction which is limited to disputes between states
- (iv) considers disputes brought to it jointly by both parties, by one party alone, provided that the other party accepts the Commission's jurisdiction, or by the OAU Assembly or the Council of Ministers

⁴ Andemicael, 1976:34

- (v) the Bureau of the Commission consults with the parties to a dispute as to which of the three methods of settlement-mediation, conciliation, or arbitration- to apply, but leaves the decision on the choice of the parties
- (vi) while the proposals resulting from mediation and conciliation are merely recommendations, the award made by the tribunal is binding on the parties that have accepted its jurisdiction; but no procedures or machinery exist to interpret, revise or enforce the award⁶

While it is true that the Commission was set up to resolve disputes, it is also true that it has been relatively dormant, and thus never became fully operational. The ad hoc arrangements put in place to deal with conflict have been relatively successful in the quest for stabilization.⁷ For example the establishment of the ad hoc commission on the Algerian-Moroccan dispute, the Mission on Nigeria and the Committee of Good Offices in the Somalia and Ethiopia dispute.⁸

Many of the conflicts during the 30 or so years of the OAU existence, focused on inter-state conflicts. It was during the latter part of the OAU's being, that the focus shifted to intra-state conflicts. Intra-state conflicts were left to the discretion of the member states involved, because of

⁵ OAU Charter

⁶ Andemicael, 1976:36

⁷ Bakwesegha, Christopher J., "The Need to Strengthen Regional Organizations: A Rejoinder", *Security Dialogue*, 1993 vol. 24 no.4, pp.377-381

⁸ Andemicael, 1976:38

the “non-interference” principle in the OAU charter. However, as more and more of the conflicts reached drastic proportions, leading to millions of displaced persons and mass carnage, such as the conflict in Rwanda, that the OAU decided to play a greater role in addressing these concerns.⁹

There was a realization amongst African leaders that the failure to maintain or re-establish peace, has set back development in many parts of Africa. The change in character of East-West relations that occurred during the late 1980's, forced the African leaders to realize that they needed to prepare themselves to respond effectively to the changing political landscape, failing which, Africa would find itself further marginalized by the rest of the world in the post-Cold War era.

In response to the fundamental changes taking place in the world, the Heads of State during their 26th Ordinary session in 1990, adopted a declaration entitled, “Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World”.¹⁰ The declaration expressed a determined effort, to transform Africa politically, socially and economically, thereby establishing a solid foundation for self-reliance and sustainable development on the basis of social justice and collective self-reliance.¹¹ The Heads of State continued to add,

“... We are fully aware that in order to facilitate this process of socio-economic transformation and integration, it is necessary to promote

⁹ Bakwesegha, Christopher J., “Conflict Resolution in Africa: A New Role for the OAU?” in Sorbo and Vale (Eds.) Out of Conflict: From War to Peace in Africa

¹⁰ OAU Conflict Management Division, 11 July 1990,

¹¹ *ibid*

popular participation of our peoples in the process of government and development. A political environment which guarantees human rights and observance of the rule of law, would assure high standards of probity and accountability particularly on the part of those who hold public office. In addition, popular based political processes would ensure the involvement of all... in particular women and youth in the development efforts. We accordingly recommit ourselves to the further democratization of our societies and to the consolidation of democratic institutions in our countries and the necessity to ensure development and satisfy the basic needs of our peoples. We therefore assert that democracy and development, should go together and should be mutually re-enforcing.”¹²

Africa's efforts to promote democracy and economic integration resulted in the Treaty of an African Economic Community in 1991. In issues relating to peace and security, the OAU established the Mechanism for Conflict Prevention, Management and Resolution in 1993.¹³ The Proposal was initiated by OAU Secretary General Salim Ahmed Salim at the 28th Summit in Senegal, where he told Foreign Ministers of the 51 member delegation that, "...the image of a continent in which conflicts seem to be endemic and in which human suffering seems to be

¹² *ibid*, Article 10

¹³ Bakwesegha, 1998:83

callously taken for granted, must be effaced and done so without further delay.”¹⁴

The Mechanism would allow the OAU to take initiatives to anticipate and contain potential conflict situations as well as provide for political and military organs for peace-making.¹⁵ To achieve this end, the Mechanism institutionalized conflict resolution at the center of the OAU's being and established the Central Organ, a committee of member states, to take charge of the process. According to Mark Malan, the experiences of Africa in Rwanda, Angola, Ethiopia and Eritrea, show that internal conflict results in vast amounts of displaced peoples creating a refugee crisis; encourages the proliferation of arms which destabilizes societies and destroys any economic credibility that particular states have left.¹⁶

5.2.1. The OAU Central Organ

The Central Organ provides operational counsel for the Secretary General in as much as the UN Security Council does for the UN Secretary General. It is comprised of the member states and provides political direction for the Mechanism. The chairperson of the Assembly of Heads of State and Government is also the chairperson of the Organ.¹⁷ Its responsibilities are:

- * Overall direction and co-ordination of the activities of the Mechanism

¹⁴ Da Costa, Peter “Combining Against Conflict”, *Africa Report*, September/October 1992 p.22

¹⁵ *ibid*

¹⁶ Malan, Mark., “Conflict Management, Peace-keeping and Peace-building: Lessons for Africa from a Seminar Past” , *ISS Monograph Series*, no.10, April 1997

¹⁷ *ibid*

- * the anticipation and prevention of conflicts (as primary objective)
- * Undertaking peacemaking and peace building functions in circumstances where conflicts have occurred
- * Mounting and deploying civilian and military missions of observation and monitoring
- * Laying down general guidelines for the operation of the Mechanism¹⁸

5.2.2. The Structure of the Central Organ

Figure 1. Central Organ- Composition and Membership 1997

North	West	East	Central	South
Algeria	Guinea	Comoros	Congo	Malawi
West Sahara	Nigeria	Sudan	Gabon	Mozambique
	Togo	Tanzania		Zambia

Past Chairperson: Ethiopia

Current Chairperson: Cameroon

Future Chairperson : Zimbabwe

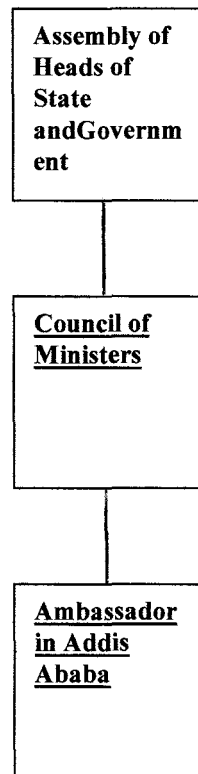
All the member states of the OAU can attend the meetings of the Central Organ. Decisions are taken on the basis of consensus and any member state can ask the Secretariat to call an urgent meeting of the Organ regardless of whether or not the state is a member of the Organ.¹⁹

¹⁸ *ibid*:16

¹⁹ *ibid*:17 * All the data from Malan, 1997*

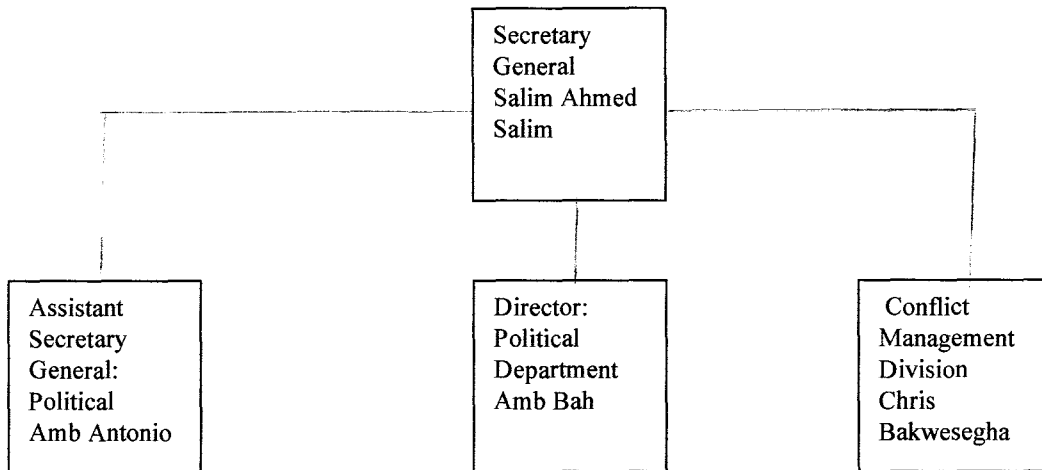
Figure 2²⁰ Central Organ

Levels of Representation



²⁰ For detailed text of the workings of the Mechanism, see Method of Work of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, Central Organ/MEC/AHG.2(1)

Figure 3. Conflict Management Division: Secretariat



The Conflict Management Division Secretariat falls under the Political Department of the OAU. The line of authority stretches from the Secretary General, the Assistant Secretary General in charge of Political Affairs, the Director of Political Department to the Head of the Political Division (note figure 3). There is Conflict Management Center in Addis Ababa which is equipped with computing facilities and a 24hour operations room.²¹

Out of the establishment of the Mechanism, came initiatives for conflict prevention which have also served to change the nature of the OAU. There is now an Electoral Unit, which observes elections throughout Africa. It is comprised of diplomats, academics and parliamentarians, jurists and other leading figures. The underlying principle, is that successful transitions to democracy are an integral part of conflict resolution and prevention. The OAU election observers, by playing an integral role in elections, guarantee a permanent position as

²¹ Malan, 1997:19

mediator/ facilitator should the parties concerned request it.²² Since its inception, the OAU election observers have participated in 50 elections in 33 African countries. These constitute all types of elections, from legislative, presidential and constitutional referendum. The OAU has participated in the historic election in South Africa in 1994, and also dispatched monitors to the referendum on self-determination in Eritrea. An OAU team also partook in the UN Mission for the Referendum in Western Sahara (MINURSO)²³ The OAU has also undertaken peace missions in the Republic of Congo.

In 1993, the Congo underwent a relatively smooth transition from a one party-state to a multi-party democracy with the free elections held there in 1992. The country had become divided along ethnic lines and political parties had started to form militias. The Secretary General dispatched an OAU mission to the Congo and the mission was able to negotiate a cease-fire and organize talks, with President Omar Bongo of Gabon acting as mediator.²⁴

The OAU is also involved in Liberia, Comoros, Sierre Leone, Rwanda, Burundi, Ethiopia, Eritrea and to a lesser extent, in the Sudan and Angola. Most of these activities include direct mediation by the OAU (eg. Sierre Leone, Ethiopia and Eritrea) and indirect mediation through special

²² *ibid*

²³ Report of the Secretary General on the Process of Election Monitoring by the OAU CM/1949 (LXIV), July 1996

²⁴ Cohen, H., "Conflict Management in Africa", *CSIS Africa Notes*, no. 181, 1996

envoys in Liberia and Somalia and ad hoc visits and meetings, in the case of Sudan.²⁵

As it has been mentioned in the Third Chapter, the OAU's deployment of military personnel has been very limited. In the last six years their peacekeeping measures have been largely observer missions, intervening in three conflict situations. The first example was the Neutral Military Observer Group (NMOG), a peace support mission to Rwanda authorized in 1992, prior to the creation of the Mechanism. This resulted in the Arusha Accords, of which the OAU oversaw the demilitarized zone between the government of Rwanda and the RPF.²⁶ There were concerted efforts by the OAU and neighboring countries, to bring to the discussion table then President Habyarimana and the leaders of the RPF. Some examples of missions undertaken by the OAU Central Organ, was the Observer Mission to Burundi in 1994, whose task it was to facilitate the process of dialogue peace and national reconciliation. In addition, the OAU dispatched an observer mission to the Comoros(OMIC) in 1997. Some scholars argue that although such missions have played an important symbolic role, they cannot be expected to assume multi-faceted peace-keeping operations.²⁷ The policy and procedure with regard to the type of decisions that will result in an OAU Mission being deployed, still need to be clarified.²⁸ For example, under what

²⁵ Malan, 1997:20

²⁶ *ibid*

²⁷ Berman, Eric G. and Katie E. Sams, "Constructive Dis-engagement: Western Efforts to Develop African Peace-keeping", *ISS Monograph Series*, no.33, 1999

²⁸ Coning, Cedric, "Preparing for the Third Millennium: Towards a Policy Framework for the OAU Conflict Management Mechanism", *Accord Online-Occasional Papers*, April 1999, [website: www.accord.org.za/publications/papers/99-4.htm](http://www.accord.org.za/publications/papers/99-4.htm)

conditions should such missions be deployed, the objectives of the mission, the level of force that may be used, the size and composition of the force, administrative, logistical and financial guidelines that have to be met.

The establishment of the Mechanism, however, has brought several important initiatives that have changed the nature and behavior of the OAU, one such initiative is the Early Warning System.

5.2.3. Preventive Measures: An Early Warning System

The OAU Mechanism, in an attempt to find another approach which would move beyond military responses to conflict, attempted to operationalize the Preventive Diplomacy concept, when dealing with potential and recurrent conflicts. Such initiatives include, the establishment of supportive structures and institutionalized capacity building: outlining guidelines for networking with national, sub-regional and international organizations for preventive diplomacy, in order to create a positive and cooperative attitude among all the actors to the different conflicts on the continent.²⁹

Aware of the crucial need for an Early-Warning Network in association with Early Political Action in conflict prevention, the OAU in 1996 was in the process of establishing such a Network, based on a modest coordinating facility to be located in the Conflict Management Center, which is being equipped with a Crisis Management Room, at the Headquarters of the

²⁹ *ibid*

Organization.³⁰

The concept of Early Warning basically means what it says. This system of early detection of potential danger has been used in many fields including weather, for the detection of floods, hurricanes and possible earthquakes. The aim is to warn the agencies and give them enough time to plan a strategy of action, so the potential weather disturbance does not turn into a disastrous nightmare.

This system has recently been implemented (1996) into the study of conflict. There is an adage that says, "prevention is better than cure", this is especially true in conflict situations, as history has shown, it is a near impossible task to end a war once it has begun. When one examines the concept of early warning from a conflict perspective, it is important to have a working definition. One such definition suggests that early-warning is, "...the systemic collection and analysis of information coming from areas of crisis, for the purposes of, a) anticipating the escalation of violent conflict; b) development of strategic responses to these crises; and the c) presenting of options to critical actors for the purposes of decision- making"³¹ In other words, early-warning is an action to alert an impending event, with a view to preventing the occurrence of such an event.

³⁰ Ibok, Bassey S., "The Dynamics of Conflicts in Africa: Evaluating OAU's Past and Present Approaches for Conflict Prevention, Management and Resolution and Future Prospects", *African Journal on Conflict Prevention Management and Resolution*, vol. no.1, 1997 p.72

³¹ Anderlini, Sanam and David Nyheim, "Preventing Future Wars: State of the Art Conflict Early Warning Systems", *Conflict Trends*, Accord Online Publications, April 1999, [website: www.accord.org.za/publications/99apr/earlyw.htm](http://www.accord.org.za/publications/99apr/earlyw.htm)

Early Warning requires clear knowledge about the nature of the conflicts through the gathering of information. Unlike traditional intelligence, which also collects and analyzes information, the object of early warning information is not primarily security for one's country, but the security of the region. The intelligence gathered is not ammunition against another country, no parties are considered adversaries, as in the case with traditional intelligence gathering. Early-Warning allows for preparedness to facilitate the implementation of strategic choices in the context of regional collective security.³²

Anderlini and Nyheim argue that such a system should be available in all of the regional blocs to be able to address a wide variety of conflicts as they arise. In the specific context of the OAU Mechanism, the early-warning system is to be based on a coordinating facility located at the OAU Secretariat capable of collecting and analyzing, and of communicating relevant evidence, for the use of the policy makers making strategic decisions.³³

To facilitate the establishment of this system and to ensure that it becomes fully operational, several questions need to be answered by the OAU. For example, What kind of information should be gathered? What are the exact aims of establishing a Data Bank? Who is supposed to gather the information? How will the information be transmitted to the OAU and will meaningful analysis of the available information be ensured? Who will have access to the information? How

³² OAU

³³ "Early Warning in Conflict Prevention: OAU's Perception and Possibility", 4 October 1996 Addis Ababa, Ethiopia [website:http://www.oau-oau.org](http://www.oau-oau.org)

will this information and analysis be translated into concrete action?³⁴

There is, therefore, a need to establish a Data Bank within the OAU Mechanism, which would enhance the predictive capacity of the Mechanism to go beyond gathering information. There is also a need for technical expertise in storing and disseminating information. Effective preventive action requires information which permits a pro-active stance. Without the capacity to collect and analyze available information from an early-warning system, it will not be possible for the decision-making organs of the OAU to make informed decisions.³⁵

5.2.4. Peacekeeping as Instrument of Conflict Management

The OAU has always adopted mediation and monitoring, which are diplomatic tools, with the use of the Secretary General's *good offices* to intervene in conflict areas like Namibia, Zambia, Somalia, Rwanda, Liberia and South Africa.³⁶ Although these individual initiatives have been relevant, they have not allowed the OAU to take initiatives to anticipate and contain potentially dangerous situations, as well as provide for political and military organs for peace making. Conflicts in Africa are too complex to be dealt with internally and therefore the OAU needs to abandon its usual stance of 'territorial integrity'. Critics have also argued, that states might be unwilling to devolve sovereignty to a higher authority. Many states themselves lack political

³⁴ *ibid*

³⁵ *ibid*

³⁶ Da Costa, Peter, "Combining Against Conflict", *Africa Report*, September-October 1992

legitimacy and will cling to any shred of sovereignty they can.

Although the OAU, has used the traditional methods of conflict resolution, it has not moved full time into the arena of peace-keeping. The organization has been hampered by the fact that it does not have a standing peace-keeping force, most of the conflicts in the past have been inter-state, and the Charter of the organization explicitly states that no state or organization shall interfere in the affairs of another state. The Charter, although containing principles that stress the importance of peaceful settlement of disputes, does not provide for the use of military force as an instrument of conflict resolution.³⁷ However, the emergence of protracted internal conflict and the ineffectiveness of traditional methods of conflict resolution, propelled the OAU into new thinking. The OAU, decided to use the peace-keeping method as developed and used by the United Nations.³⁸

Peacekeeping, under Chapter VII, Article 42 of the UN Charter, allows for the deployment of troops (as long as there is consent and impartiality), and force can only be used as a means of self-defence. The OAU, after numerous *ad hoc* committees to deal with the Chadian civil war failed, resorted to the use of peacekeeping. The objectives were, to disarm the combatants, supervise the cease-fire and maintain order.³⁹ However, this mission did not succeed, as member states failed to

³⁷ Kieh, George K., "International Organizations and Peacemaking in Africa", in Magyar, Karl P. and Earl Conteh-Morgan (Eds.) Peacekeeping in Africa: ECOMOG in Liberia. St. Martin's Press: New York, 1998

³⁸ *ibid*

³⁹ *ibid*

contribute to the financing of the troops, the mandate became unclear after the cease-fire the peace-keepers were sent to maintain, collapsed. The OAU, undaunted by the failure of its visionary initiative, launched a second peacekeeping mission called Chad II. The organization, although taking several measures to ensure the success of the mission, like consulting the UN, enlarging the number of troops, were still unsuccessful.⁴⁰ The OAU's limited success in this field has led to complaints of ineffectiveness and irrelevance. Although the organization could have performed better, it should be noted that in many cases, African governments did not provide the OAU with the requisite tools, with which to carry out such delicate, and expensive missions.

Peacekeeping as a means of conflict management should be used as a last resort when all other methods of conflict resolution have failed. The peacekeeping missions are costly, and when combined with a lack of a mandate, neutrality or the support of member states, they can serve to exacerbate a conflict situation. According to Kieh, there are 5 main factors that are instrumental in the successful implementation of peacekeeping operations:

- 1) political will on the part of the member states of the organization
- 2) financial resources
- 3) logistical resources (equipment etc)
- 4) clearly defined mandate
- 5) central chain of command that operates under the organization and not individual member states⁴¹

⁴⁰ *ibid*

⁴¹ *ibid:29*

Whether or not the OAU will utilize this method of conflict management is unclear. However, if international trends are anything to go by, the OAU will continue to use preventive measures of conflict management. The United Nations is itself, experiencing a peace-keeping crisis, as international support for such missions is waning and regional organizations are playing more of a lead role in resolving conflicts.

In concluding, while the Mechanism establishes methods that might prevent future conflict, it does not address the need for formalized decision-making structures to deal with ongoing conflict.

Again, the OAU is not a command organization and nor is it equipped with executive instruments capable of enforcing decisions against either members, or non-members. The organization does not possess the supra-national enforcement powers such as those found in the UN Security Council. Owing to the need of a standing peace-keeping force and the inability of the OAU to meet immediate conflict concerns, the international community has devised initiatives for African 'capacity-building'.

5.3 International Initiatives at Capacity Building

5.3.1 The United Nations

Although there exists a broad array of conflict management tools or techniques, the international community appears to be more fixated on the UN aspect of peacekeeping. "Peace-keeping" refers to the classical understanding of peacekeeping, involving consent, impartiality and limited use of force. In the contemporary context, peacekeeping and peace-enforcement have been merged in international relations and while the former stipulates the limited use of force under Chapter VII

of the UN Charter, it remains sufficiently ambiguous to allow for more military oriented missions, allowed for, in the peace-enforcement category. However, as perceived demand for peacekeeping increases, the capacity of the UN to deliver peacekeepers seems to have diminished.⁴² The reality is reflected in the declining number of UN missions and peacekeepers worldwide. According to the UN Department of Peace-keeping Operations, the number of troops deployed by the UN rose from 10, 000 in 1989 to 70,000 in 1995, however this number has dropped drastically to a little over 14, 000 as of December 1998.⁴³ This illustrates the fact that international peacekeeping under the auspices of the UN, is in a state of crisis. According to Kofi Anan in his report on Un Reform,

*“...the United Nations does not have, at this point in its history, the institutional capacity to conduct military enforcement measures under the Chapter VII [of the UN Charter] ...The Organization still lacks the capacity to implement rapidly and effectively decisions of the Security Council calling for the dispatch of peace-keeping operations in crisis situations”.*⁴⁴

On the other hand there has been a rise in peacekeeping missions *not* under the auspices of the UN. It appears that the UN is more willing to hand over responsibility for peace and security to

⁴²Malan, Mark, “Peace-keeping in Africa: Trends and Responses”, *ISS Papers*, no.31, June 1998

⁴³ United Nations Department of Peace-keeping Operations, “Summary of Troop Contributors”, *website: www.un.org/depts/dpko/troop1.htm*

⁴⁴ United Nations Report on Reform, *website: www.un.org/reform/track2/part2.htm*, July, 1997

any form of 'coalition of the willing' without requiring the concerned support of the international community. Greater responsibility has been given to regional organizations such as the OAU, ECOWAS and alliances such as NATO. However, Africa continues to present a challenge to international peace and security.

After Somalia and Rwanda, the OAU became a focal point for deriving responsibility for the responding to African crises by African players. However, most of the initiatives for an African peace-keeping force were coming from outside the continent. The OAU, although making progress at structural change, was not evolving fast enough to address the immediate concerns of protracted internal conflicts around the continent. The British government, for example, has convened peacekeeping seminars in Camberly, Accra, Cairo and Harare, with the aim of enhancing OAU peace-keeping capabilities.⁴⁵

The French proposed the *African Intervention Force*, which emerged from the Biarritz Francophone Summit of 1994. This proposal was aimed at the creation of a modest standing force, with possible contributions from African countries, which could be utilized in times of crisis. This force was to be mobilized under the auspices of the OAU. This initiative included plans for assessing the capabilities of member states to intervene in conflict situations on a

⁴⁵ OAU Secretariat, "*Report on the OAU's Position Towards the Various Initiatives on Conflict Management: Enhancing OAU's Capacity in Preventive Diplomacy, Conflict Resolution and Peacekeeping*", Central Organ/MEC/MIN/3 (IV) Addis Ababa, July 1995

regional level and also to provide capacity building and training of the high command staff.⁴⁶

Both the British and the French initiatives related to the setting up of a *Multi-National African Rapid Deployment Peace Force*. This involved the setting up of logistical and equipment bases in strategic African territories, with support from Europe, America and Africa providing the personnel.⁴⁷ Amid all these recommendations, it became apparent to the OAU, that some African countries had their own peace-keeping forces at a national level and therefore a meeting with of the Chiefs of Defense and the Staff from the OAU Central Organ called for a working group to, “come out with practical and realistic recommendations to the technical issues raised”.⁴⁸

5.3.2. The United States Response: The African Crisis Response Initiative

Because the OAU does not possess a unified intercontinental standing peace-keeping force, Africa’s conflicts have become protracted humanitarian disasters. In response, the United States government sought ways to assist African governments in their capacity to resolve conflicts. This mission was not altogether altruistic, as the US had experienced disastrous failings in Somalia. Somalia provided the turning point of US military engagement in Africa, after the spectacle of a soldier being dragged through the streets of Mogadishu and the loss of the lives of 18 US soldiers, the US Congress had decreed that there would be no intervention in future crises unless American

⁴⁶ *ibid*

⁴⁷ *ibid*

⁴⁸ Malan, Mark, “Peacekeeping in Africa-Trends and Responses”, *ISS Papers*, Paper 31, June 1998

national interest, was clearly at stake. But the horrors of the genocidal killings in Rwanda and crises in the Congo, Sierre-Leone and Central Africa made it clear that there existed an urgent need for the international community to develop methods for rapid and effective intervention in Africa. The solution, according to Malan, was to devolve responsibility for such interventions from the international community to African countries and organizations.

James Jamerson, the Deputy Chief in Command for the US European Command, disagrees with this, he believes that the creation of an African capacity for peacekeeping in no way implies that the US or other international player is shifting responsibility. He claims that it is meant to support African initiatives to develop the capacity to be full participants with the international community.⁴⁹ The idea works under the assumption, that foreign peacekeepers tend to alienate the combatants and the local population. Therefore, the Africanization of peacekeeping forces avoids the impression that black African lives are of less value than white European ones.⁵⁰ After the genocide in Rwanda, the *African Crisis Response Initiative (ACRI)* took shape. The primary objective of *ACRI* is to “assist in developing rapidly-deploy able, interoperable battalions and companies from stable democratic countries that can work together to maintain peace on the continent.”⁵¹

⁴⁹ Jamerson, James, “A United States Contribution to Capacity Building: The African Crisis Response Initiative”, *ISS Monograph Series* no. 21, February 1998

⁵⁰ Cleaver, C & R. May, “Peacekeeping: The African Dimension”, *ROAPE*, vol.22 no.66, December 1995 pp.485-489

⁵¹ Speech by Ambassador Marshall F. McCallie, “The African Crisis Response Initiative: America’s Engagement for Peace in Africa”, address at the “*Emerald Express*” Symposium Camp Pendelton, California, 8 April 1998

While the OAU was working on proposals for a peace-keeping force, the US was also developing its own initiative, spearheaded by the State Department. The goal of *ACRI* is not only to enhance the capacity of African peacekeeping, but also to harness the ability to respond to humanitarian crises in a timely and effective manner.⁵² The *ACRI* was first proposed in 1996 by then US Secretary of State, Warren Christopher. The idea was prompted by the fear of further instability in the Great Lakes region, comparable to the massacre in Rwanda.⁵³ The initial idea was for the State Department to create a standing force (*ACRF*) of 10,000 troops, which could be deployed rapidly in the event of a humanitarian crisis. However, after much criticism from African leaders, the UN and some European nations, the State Department officials were advised against the idea and instead strongly encouraged not to create, "...a standing force, but rather to establish an inter-operable peace-keeping capability by offering training to African states interested in enhancing their peace-keeping capability".⁵⁴ Consequently, the mission of the *ACRI* changed, it is not a scheme aimed at creating a standing military force, but a *training* initiative, and all the trained battalions remain under the command of their respective governments. In this way, the African states have a say in whether they want to deploy their troops unilaterally or multilaterally under the auspices of the OAU, SADC, ECOWAS (Economic Community of West African States)/ECOMOG (ECOWAS cease-fire Monitoring Group) or the UN.⁵⁵

⁵² Op cit., Malan, 1998

⁵³ Levitt, Jeremy, "The African Crisis Response Initiative: A general Survey", *Africa Insight*, vol 28 no3/4, 1998

⁵⁴ *ibid*: 101

⁵⁵ *ibid*

5.3.2.1. Training Operations

Initially, there were some concerns expressed about whether the ACRI battalion should be trained under the guidelines of the UN Chapter VI(which take into consideration any procedures for the settlement of disputes which have already been adopted by the parties) operations, or to focus instead on the Chapter VII peace enforcement operations. This was an issue because of the protracted nature of conflicts in Africa in the recent past. Therefore one would assume that a large scale peace-keeping force would be needed. In response to this dilemma, UN military experts advised on focusing the training on Chapter VII peace-keeping, with an emphasis on training and not on equipment.⁵⁶ Ambassador McCallie concurs,

“...let me repeat: the ACRI is a training initiative. It is not an attempt to impose a command structure on our African partners. While we are able to provide bilateral training, including command and staff training, -and while we’ are able to work with African partners to provide sub-regional and regional training exercises...it is for Africans themselves, to determine what the appropriate command and control structures will be. They will decide when and how to deploy their peacekeeping troops. And they will decide whether they work through continental or sub-regional organizations to establish standby command structures”⁵⁷

⁵⁶ Jamerson, 1998:45

⁵⁷ McCallie, Marshall F., “Speech before the 19th Annual Forum-Parliamentarians for Global Action”, London, 7 October 1997

The State Department therefore, instructed trainers to develop a curriculum that would be useful to African units for service in every part of the world. Most of the doctrines followed are those of the peacekeeping procedures of the UN, the North Atlantic Treaty Organization (NATO), the US, the UK, and several Nordic Countries.⁵⁸

The US Army European Command and the Central Command conduct and oversee the training. Most of the training though, is conducted by the US 3rd and 5th Special Forces groups based in North Carolina. The trainers instruct the African troops on the following areas:

- human rights,
- refugee management,
- cooperative programming with humanitarian organizations,
- rifle marksmanship training,
- company maneuver's training,
- platoon training in administration and logistical supply operations,
- staff and leader training in coordination and tactical decision making,
- convoy security,
- and the maintenance of roadblocks and checkpoints⁵⁹

The approximate cost of each of the training exercises is \$3.1 million a third of this amount is used to supply the battalions with non-lethal military equipment, although the US does equip the

⁵⁸ *ibid*

⁵⁹ Levitt, 1998

soldiers with bullets, but only for training purposes.⁶⁰ To date, training exercises in Senegal, Malawi, Uganda have involved sixty US trainers working with a battalion for a period of sixty days in each country. The training is tailored to the needs and the capability of the country, using the concept *train the trainer*, meaning that in addition to training the soldiers, the leaders are taught to train their own soldiers in peacekeeping tasks.⁶¹ Jamerson uses an example whereby you teach a soldier map-reading skills, he claims that if you were to teach the leader the skills necessary to train soldiers on that task, you create a training system that is able to sustain itself. Other aspects of the training, involve an eight to ten day field training exercise (FTX) based on a peace keeping scenario. The exercise involves humanitarian organizations, the media and the local populations. The medical and engineering exercises are designed to assist the local community. The involvement of the humanitarian organizations allows for a more realistic approach and helps train soldiers to work effectively with civilian organizations. For example, in Uganda, the representatives of the World Food Program took the opportunity to conduct a relief convoy as part of the FTX. The aim of the FTX, is to develop professional soldiers who are aware of the challenges of protecting human rights in the midst of a military operation and also, to enhance civilians' understanding of how the military forces can contribute to an environment in which law and order can be re-established and conditions created for reconstruction.⁶²

The ACRI participating states, determine the type of command and control structure suitable,

⁶⁰ *ibid*

⁶¹ Jamerson, 1998:47

⁶² *ibid*

given their national and regional security interests. Even though the battalions could be called for duty in the UN or other regional organizations, the general view amongst ACRI states is that they will not deploy any battalion troops without the consent of the OAU⁶³ The OAU has sought to advance a scheme capable of encompassing the continent's various peace-keeping mechanisms under one umbrella.

Ultimately the position of the ACRI states compliments the one taken at the OAU 62nd Ordinary Session of Council of Ministers held in Addis Ababa in June 1995, namely to “endeavor to develop and enhance its capacity in the filed of peace-keeping”.⁶⁴ It is envisioned that with a well trained battalion the OAU will be in a better position to respond effectively in situations of conflict.

Whether or not states choose to act through the UN or unilaterally, there are certain criteria that need to be followed:

- there must be a cease-fire or a cessation of the violence
- all parties to the conflict should consent¹ to the intervention
- the peace-keeping mission should have an attainable mandate

⁶³ *Panafrican News Agency*, “Options for African Peacekeeping Force”, 1 June 1998
online website: www.africaonline.com

⁶⁴ The OAU Introductory Note to the Report of the Secretary General, Assembly of Heads of State and Government. Thirty Third Ordinary Session Council of Ministers, Sixty Sixth Ordinary Session, 43 Harare, Zimbabwe, 26 May-4 JUNE 1997

the operation should not necessitate the use of force⁶⁵

Traditionally, it has been the UN Security Council (UNSC) that determines when and how to deploy the peacekeeping forces. The Security Council may decide to use armed force to maintain or restore international peace and security, of which members states are to supply the necessary assistance, such as armed forces.⁶⁶

However in reality the five permanent members of the Security Council have spearheaded many peace-enforcing initiatives because they supply the majority of the funds. It is by this virtue that these member states (UNSC) decide which conflict areas to intervene. Under Chapter VII of the Charter the UNSC is authorized, when the situation calls for it, to allow regional actors to take action on their behalf. However, under no circumstances can regional organizations take action without the expressed consent of the UNSC.⁶⁷ The UNSC, has on at least two occasions in Africa, provided the *carte-blanche* for regional organizations. In 1992, the UNSC adopted resolution 788 which implemented an arms embargo on Liberia and deemed ECOWAS the enforcer of the region.⁶⁸ In 1997, the UNSC adopted resolution 1132 and imposed an oil and arms embargo against the junta in Sierra Leone. Again ECOWAS troops were thrust into the situation.⁶⁹ It is fascinating to note, that the ECOWAS states took unilateral action well before the

⁶⁵ Wippman, David, "Change and Continuity in Legal Justifications for Military Intervention in Internal Conflicts." *Columbia Human Rights Law Review*, no.27, 1995-96, p.446

⁶⁶ UN Charter Articles 39 and 42

⁶⁷ UN Charter Article 53 (1)

⁶⁸ UNSC Resolution 788 (1992) November

⁶⁹ UNSC Resolution 1132 (1997) October

UNSC approved the resolutions. In this instance one can imagine a situation where ACRI trained battalions responded under the wing of ECOWAS or perhaps under the auspices of Chapter VI. Nothing in the UN Charter prohibits states from deploying troops in the traditional peacekeeping mode. Nevertheless before any group decides to deploy troops they have to gain consent from all the major players of the conflict.⁷⁰ ACRI member states would be able to deploy battalions in the traditional mode under the following circumstances:

- independently, (eg. as Nigeria did in Sierra Leone)
- in an ad hoc fashion
- collectively under the auspices of the OAU

However the UN Charter forbids the use of force except if it is in self-defense.⁷¹ The issue of when states should intervene for humanitarian purposes, while still cause for debate, has become a more acceptable means of foreign intervention.

Humanitarian intervention is the intervention in a state involving the use of force (eg. UN action in Iraq and Somalia, where the intervener deploys armed forces and makes it perfectly clear that it is willing to use force if its operation is resisted, as it attempts to alleviate conditions where a substantial part of the population of a state is threatened with death or suffering on a grand scale.⁷² International law does not allow states to act in their own initiative in situations involving the use of force, however customary law does allow for groups of states or regional actors to

⁷⁰ *ibid*

⁷¹ *Africa Insight*, 1998:106

⁷² *Op cit.*, Levitt

intervene in internal conflicts.⁷³ The ECOWAS mission in Liberia and Sierra Leone is one of a few examples of intervention by a regional actor that enjoyed support from the international community. Although the State Department would like the ACRI battalions to be deployed by the UN, they have been more than impressed with the “successes” of ECOWAS missions in Sierra Leone and Liberia, enough to consider a change of deployment scenario for future missions.

A number of African countries have been involved in peacekeeping initiatives under the auspices of the UN for a number of years, both in Africa and abroad. There have also been productive partnerships in peacekeeping training between African and non-African states. For example, France has worked extensively with its West African partners and in 1995 it proposed a rapid reaction capacity. In 1998 Senegal and France co-sponsored a regional peacekeeping exercise in West Africa that involved some other West African nations as well as the UK and the US.⁷⁴ The Zimbabwe Defense Force in conjunction with the British Army, presented a regional battalion peacekeeping exercise in April 1997. The operation, termed Exercise Blue Hungwe, comprised 1,400 members of the armed forces mostly from the SADC countries, as well as some civilian observers and international humanitarian non-governmental organizations (NGOs).⁷⁵ In October of that same year, a group of military experts met in Harare to draft peacekeeping

⁷³ Teson, Fernando R., “Collective Humanitarian Intervention” *Michigan Journal of International Law*, vol. 17, no. 2 1996 p.324

⁷⁴ Jamerson, James, “A United States Contribution to Capacity Building: The African Crisis Response Initiative” in “Resolute Partners: Building Peace-Keeping Capacity in Southern Africa” *ISS Monograph Series*, no.21 February 1998

⁷⁵ Malan, 1998:7

proposals to be considered by the OAU Central Organ. What evolved was an agreement on the need for African efforts to strengthen the UN peacekeeping and for the OAU to be more assertive in placing African crisis on the UN agenda.⁷⁶ It was also decided that any such initiative should coincide with the OAU Early-Warning System within the Conflict Management Division, which would include network linkages in the early warning cells in numerous sub-regional organizations in Africa as well as research institutes and academic and civil society.⁷⁷ The proposal suggests that sub-regional organizations should be the first line of defense in those instances where the OAU cannot respond. There was another suggestion that stipulated that each of the five sub-regions should contribute a brigade sized force that would act as a standby arrangement system which could later be scaled down or up depending on the nature of the crisis.⁷⁸

The recommendation to contribute a brigade sized force, coincides with the resolution of the armed forces of West African states(Ivory Coast, Burkina Faso, Mali, Mauritania, Niger, Senegal, Togo) which at the time belonged to the sub-regional non-aggression and defense cooperation (ANAD).⁷⁹ The chiefs of staff called for the creation of a force that would prevent or end conflict and that would help with the humanitarian operations within and beyond the region.

⁷⁶ *ibid*

⁷⁷ Thompson, J. Fisher, "OAU Advice Proved Valuable in Formulating ACRI, McCallie Says", USIS Washington File, 12 May 1998 p.1

⁷⁸ *ibid*

⁷⁹* ANAD (Accord de Non-Aggression et d' Assistance en Matiere de Defense) signed in June 1997. It is basically a non-aggression mutual defense and assistance agreement for the purpose of maintaining peace and security in the region. It has a secretariat in Abidjan.

They envisioned a force that would be, "...a permanent force of specialist units on a standby in their countries of origin...which would assemble on demand whether for crisis in the ANAD zone of influence or outside member countries".⁸⁰

5.3.3. What the Africans Think: Responses to the Western Peace-keeping Initiatives

In theory, the idea of a force trained in issues of peacekeeping and humanitarian rights protection, is a much needed initiative to the possible end to the protracted conflicts in Africa, however, the idea has come under fire. Some African leaders have been taken aback about the 'about face' of the US in their change of policy (shift from "hands off") towards Africa. However State Department Officials maintain that the Africans are not so much critical of *ACRI*, as they are suspicious of the new US policy.⁸¹ This idea blossomed during the time of President Clinton's trip to the African continent, where he proposed an *African Growth and Opportunity Act*, which would in future help to get Africa moving again.⁸²

There was much concern expressed over the current trend towards intense bilateral foreign intervention initiatives, it was felt that the UN or the OAU should take the lead role in determining the parameters of the training and also should make sure that any such initiative benefits the whole region. The Nigerian Foreign Minister perceived the new US relationship with

⁸⁰ "West African Armies Seek Joint Peace Force", *Reuters News Service*, 27 April 1997

⁸¹ Africa News Online, "Summary of the African Growth and Opportunity Act", 23 May 1997 *website: <http://www.africaonline.com>*

⁸² *ibid*

Africa to be a form of military imperialism. He argues that ACRI was designed to divide Africa and weaken its efforts to take care of its own security.⁸³ He further added his countries concern at what he construed to be an attempt to weaken the OAU and collective African efforts by drawing countries into initiatives designed to divide the continent linguistically (Anglophone and Francophone).⁸⁴

In South Africa, President Mandela voiced his concern over the perceived neo-colonial undercurrents of *ACRI* and stated that the US was getting *too* involved with Africa and that all operations should fall under the auspices of the OAU or the UN Security Council. Other leaders were not as concerned with the US interest in Africa, so much as they were weary of the potential *misuse* of the US trained battalion forces.⁸⁵ Perhaps as some observers have insinuated, that Africans just need a little more time getting used to the idea of a new player in the field, since the French and the British are seasoned trainers of African militias.

According to Levitt, "...whenever foreign military assistance, aid or training is provided to a state, there is the possibility that the receiver state will misuse the benefit it has derived."⁸⁶ He owes this to the fragility of some African states, and the leading role that the militias of these states had in

⁸³ "Options for African Peace-keeping force", *Panafrican News Agency*, 1 June 1998

⁸⁴ Malan, 1997

⁸⁵ "US-Trained Ugandan Military Unit Ready", *Panafrican News Agency*, 18 September 1997

⁸⁶ Levitt, 1998:103

starting and exacerbating conflicts, and that history has shown that foreign-trained military units are no exception to this phenomenon. During the Liberia rice riots of 1979, for example, the US sent a specialized force of Green Berets to provide specialized security training to units assigned to protect President Tolbert. In 1980, the same units that had received the training led a coup which resulted in the murder of President Tolbert and 26 other personnel.⁸⁷

During the late 1980's, the French trained special units of the Central African Armed Forces, to support the regime of General Kolingba. In 1996, the same units that had received the training carried out several mutinies and attempted to overthrow the government of President Patasse in 1997.⁸⁸ Since the end of the Cold War there has been an increase in civil wars and military coups. In the midst of all this, is the question of whether a connection lies between foreign trained African militaries and internal deadly conflict.

The US congress also expressed discomfort when attempting to approve a \$20 million budget in 1997 for the training of the forces. They were under the impression that the US training and equipment would be used for offensive purposes.⁸⁹ There is no mechanism that prevents states from deploying ACRI battalions for offense ends. Unless the act is proven to be illegal, the ACRI

⁸⁷ Liebenow, Gus J. Liberia : The Quest for Democracy. Indiana Press: Bloomington, Indiana, 1987

⁸⁸“Central African Republic-Angel on a Pinhead”, *Africa Confidential*, vol. 37 no. 10, 10 May 1996 and also, “Central African Republic-The French Leave” vol 38 no.20, 10 October 1997

⁸⁹ *US News and World Report*, “A Mission for Africa: The West Make it a Do-it-Yourself Project” 29 September 1997, p.35

states would not be acting unlawfully if they were to deploy units for offensive measures.⁹⁰ Many feel however that if the US Congress were to be made aware of ACRI states using their battalions for offensive measures, then in all likelihood they would eliminate the program.

Another issue that has raised criticism from individual African leaders, is the issue of the “qualifying criteria”, meaning the selection process of states that get to participate in the program. Many of the African states will be disqualified from participating in the program because of the type of governments they maintain. The US Congress, in 1998 decided that,

“...none of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such a unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice.”⁹¹

They further added that it is of vital importance that the states receiving funding for training and equipment, have military establishments that understand the supremacy of a *democratic civilian*

⁹⁰ Levitt, 1998:104

⁹¹ United States House of Representatives, 105th Congress, 1st Session, Report 105-401, “*Limitation on Assistance to Security Forces, Sec, 570, Making appropriation for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998 and for other purposes*”.

government.⁹² The criteria of having a democratic government without a history of gross human rights violations, appears exclusionary to those African governments that feel that they do not have to conform to Western notions of governance and to those African leaders who rely on the bullet rather than the ballot to remain in power!⁹³ Some African states go so far as to argue that military regimes may not necessarily be oppressive and that if the citizenry have no problems with it then why should the West? For example, Ghana's Jerry Rawlings was fairly stable and although short lived, the regime of Samuel Doe in Liberia.

Whether or not the ACRI battalion should be composed of Africans, should not deride the fact that non-African countries should, and must play a meaningful role at all levels of its proposed organization. The creation of an all-African force runs the risk of racializing the very nature of peace support operations. Accordingly, peace support missions are international endeavors, endorsed by the UN and the spirit and maintenance of this tradition needs to be maintained, for both practical (skills allocation) and political (avoiding marginalization from international attention and support) reasons. According to Williams, "...the UN principle of delegating as much responsibility of peace support missions to regional bodies is not tantamount to stating that only countries in that region should commit personnel to such operations... This could lead to... a scenario of only African forces performing peace support operations in Africa and Europeans

⁹² United States Congressional Record House, "African Crisis Response Initiative", 12 November 1997

⁹³ Levitt, 1998:102

troops operating in Europe [etc]...”⁹⁴

The hope for a compromise may not be forthcoming, as the State Department relies on the approval of Congress for a mandate and it is Congress’ interest that will be met first and not the African interest, even if that means discriminating against those states that do not realize the ‘supremacy of democratic civilian governments’. Whether or not the future bodes success for this initiative is yet unclear.

One can argue the fact that efforts would be better devoted to making the UN system work, rather than attempting to create potential capacity for an alternative system in Africa. What is evident, is that African countries need to coordinate their efforts and provide a united front about African peacekeeping and peace building initiatives. The Central Body of the OAU Mechanism feels that Africa must itself, be responsible for defining the parameters that govern any initiatives, in particular when deciding on the form of foreign assistance that is most appropriate and on the manner in which it is provided.⁹⁵

5.4. Collective Security: The Role of the OAU and other Regional and Sub-Regional Organizations (UN, SADC, ECOWAS/ECOMOG)

Regionalism is concerned with a particular scale of geographical area best fitted to the

⁹⁴ Williams, Rocky, “Don’t Hold the African Crisis Response Force Hostage to Unrealistic Demands”, *ISS Occasional Paper* no. 20, April 1997

⁹⁵ Leba, Wawa Ossay., “Conflict Management in Africa”, *The Courier*, no.168 March-April 1998 p.78

performance of tasks judged crucial for the welfare of individuals or for the advantage of governments.⁹⁶ Basically, regionalism implies co-operation among states in geographically proximate areas, for the pursuit of mutual goals in one or more issues. According to Nhara, the most successful examples of regionalism, are states that are already partners to sound political process which devolve collective decisions to structures that supplement rather than supplant national institutions. In other words, "...while regionalism may lead to the creation of new political organization over time, regionalism and state strength do not stand in opposition to each other, and states remain the essential building blocks from which such arrangement are constructed".⁹⁷

Regionalism in the African context, according to Nhara, must acknowledge the fact that security co-operation in its various forms is still very much in its preliminary phase.⁹⁸ Consequently, the aim of any regional collective mechanism needs to be based on looser structures of co-operation, which can stabilize relations, prevent the spill-over of conflicts and secure emerging common values by laying the foundation for emerging security regimes.⁹⁹ Conflict management should be seen as a system, with a range of activities in conflict prevention, peacemaking, peace-building and peace-keeping. Although states should remain the focal agents of security in their domestic

⁹⁶ Taylor, Paul. International Organizations in the Modern World. Printer Publishing: New York, 1993 p.7

⁹⁷ Nhara, William G., "Conflict Management and Peace Operations: The Role of the Organization of African Unity and Sub-Regional Organizations", *ISS Monograph Series*, no.21, February 1998

⁹⁸ *ibid*

⁹⁹ *ibid*

domains, they should also be in a position to leave certain functions to the sub-regional institutions when they encounter difficulty. Although African states may appear prepared to assume to responsibility for peacekeeping in Africa, it should not erode the fact that the UN has collective responsibility for global security. According to Cedric de Coning, the OAU should not be forced to accept sole responsibility for peacekeeping in Africa, while the UN protects the rest of the world.¹⁰⁰

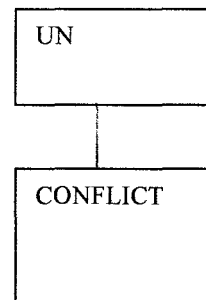
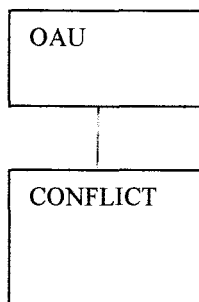
To illuminate the nature of the interrelationship between the UN, the OAU and African sub-regional organization, Figure 4 expands on Nhara's suggestion will be used. As demonstrated in the diagram, the unsuccessful examples of intervention have been when either the OAU or the UN have been directly involved in the conflict without having consulted either party. To ensure a more successful outcome, the OAU and the UN should work in conjunction with regional organizations when intervening in conflict. This can happen one of two ways: Firstly with the OAU as the primary organ that provides preventive diplomacy and provides mandate to sub-regional organizations when efforts to bring about peace are thwarted. It is the responsibility of the sub-regions then and not the OAU to act as peacekeeper. Lastly, the OAU³ can utilize the resources (fiscal and technical expertise) of the UN, to facilitate an African inter-governmental intervention.

¹⁰⁰ Cedric de Coning, "The Role of the OAU in Conflict Management in Africa", *ISS Monograph Series*, no.10, 1997

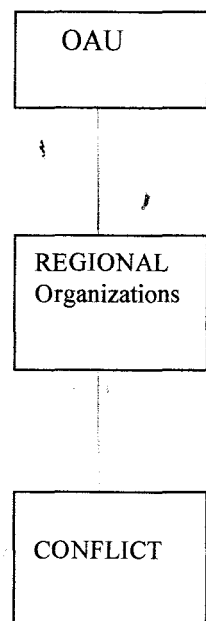
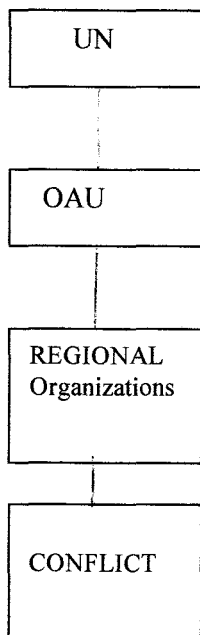
Figure 4

ROLE OF THE OAU AND THE INTERNATIONAL AND REGIONAL ORGANIZATIONS.

A. Unsuccessful Relationships



B. Successful Relationships: A Model



There are five main regions in Africa, North, East, South, West, and the central Africa. In those regions there is at least one sub-regional organization. In North Africa, there is Maghreb Union, in East Africa there is the Inter-Governmental Development Authority (IGAD) in the South there is South African Development Community (SADC) and in West Africa, there is the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States, in Central Africa (ECCAS).

Most of the focus of these sub-regional organizations is on economic development, however ECOWAS, using its security instrument (ECOMOG), has been relatively effective in conflict situations in the region. SADC is currently working on strengthening its Conflict Management Division. Apart from these two organizations, the rest of the sub-regional groupings still rely on the OAU and the UN in addressing situations of crisis. It is evident therefore, that there is an urgent need to strengthen those organizations which do not have a background in conflict resolution, so that they may have a meaningful partnership with the UN and the OAU in the fostering of peace and security on the African continent.¹⁰¹

5.4.1. Sub-Regional Involvement in Conflict Resolution and Its Implications for the OAU

There is an advantage in sub-regional organizations intervening in conflict situations, because of the proximity and familiarity with the neighbor's issues. However this familiarity can also be a disadvantage, because of suspicions that may arise as a result of competing national interest. In other words, "...close proximity sometimes generates tension and reduces the spirit of impartiality between neighbors- to the extent that they sometimes become part of the problem, rather than

¹⁰¹ *ibid*:39

part of the solution.”¹⁰² A suggestion might lie in mixed soldiers, meaning that part of the composition of the soldiers should come from other regions, to create that principle of distant impartiality.

Economic Community Of West African States (ECOWAS)

ECOWAS has been in the spotlight for much of the late 1990's for their intervention in Sierra Leone and Liberia. Liberia was experiencing turmoil as Charles Taylor was threatening the government of Samuel Doe. The mission in Liberia began in 1990, where negotiations among the various warring factions were under the control of the ECOWAS chairmen. Ghana's president was instrumental in the agreement of 1995, calling for the encampment and demobilization of fighters, the establishment of a council of state to govern Liberia during its transitional phase.¹⁰³

The original mandate was for the OAU to be involved, but it was perceived as being irrelevant because of its rigid stance of 'non-interference' and its somewhat dismal record of peacekeeping. The United States did not intervene in this conflict, because with the end of the Cold War, it saw no immediate threats to national interest.¹⁰⁴ The willingness of the West African states to participate, especially Nigeria who also volunteered to shoulder most of the burden, made an

¹⁰² *ibid*, 40

¹⁰³ Cohen, Herman J., "Conflict Management in Africa", CSIS Africa Notes, no.181, February 1996

¹⁰⁴ Dunn, David E., "Liberia's Responses to Interventionist Efforts", in Magyar, Karl P. and Earl Conteh-Morgan (Eds.) Peacekeeping in Africa: ECOMOG in Liberia. St.Martin's Press: New York, 1998

African-led intervention force possible.¹⁰⁵

Southern African Development Community (SADC)

South Africa, Zimbabwe and Botswana have taken the lead in the region, to ensure stability and democracy within the region. These governments, under the auspices of SADC, have intervened in Lesotho and Mozambique, to safeguard the sanctity of democracy and fight against tyranny. Coincidentally, the government of Angola in 1995, convinced the military regime in Sao Tome and Principe into ending its coup and to hand back power to the legitimate civilian governments.¹⁰⁶

In 1996, SADC established the Organ for Politics, Defense and Security, however there is controversy surrounding this Organ in terms of whether it should operate under the general umbrella of SADC or as an autonomous structure.¹⁰⁷ Some analysts doubt the future significance of this Organ, claiming that SADC's primary focus has always rested on economic affairs. Others cite the deep divisions within SADC in terms of their willingness to intervene militarily in regional conflicts. However, the significant military potential of SADC members and the political standing of South Africa on the continent makes SADC potentially very significant.

¹⁰⁵ *ibid*

¹⁰⁶ *ibid*

¹⁰⁷ *Op cit.*,

The biggest advantage of a sub-regional approach to conflict management is familiarity, because theoretically this should make them the first port of call in situations of internal conflicts. The disadvantage, however, lies in the fact that it is the close proximity that sometimes generates tensions and reduces the instances of impartiality between neighbors. Nevertheless, the sub-regional approach is still possible, provided that mixed teams of peacekeepers are in place. Strengthening of the relations between sub-regional organizations and the OAU is crucial, because it will provide the potential for sub-regional organization to maintain peace and to solidify the role of the OAU as mediator.

5.5. Conclusion

Although there seems to be a progression towards solidifying the relationship between sub-regional groups and the OAU, these efforts have achieved only limited success due to numerous financial, operational and institutional constraints. ECOWAS has also made progress in fielding an effective force, but the success of ECOMOG is not as easy to determine, as there exists confusion as to who controls it. SADC also has the potential to become an effective regional conflict manager. Reflecting on the need for stronger security co-ordination in 1996, SADC established the Organ for Politics, Defense and Security (OPDS). However, the Organ is still not operational as controversy centers around whether the organ should fall under the umbrella of the SADC chairperson, or if it should remain autonomous. Also, the divisions among states of SADC threaten to undo the progress that SADC has made. Yet, SADC is comprised of states with significant military potential, and the political stature of South Africa on the continent, makes SADC potentially very significant.

Despite protestations to the contrary, efforts by the US, France and the United Kingdom are motivated by a recognition that African security is not a priority concern and there exists a desire not to get directly involved in African conflicts. Western capacity-building initiatives for the most part focus on providing training and instruction. The provision of peacekeeping equipment, which would seem more appropriate, is the least developed element of these Western initiatives. Moreover, the Western dominated Security Council will continue to disengage from Africa, notwithstanding its obligations to maintain general peace and security. While it is true that Western initiatives are flawed, there are some productive characteristics contained within. The general attitude of the West towards Africa is unlikely to change in the near future, therefore Africans need to improve existing initiatives promoted by the West for the benefit of Africans.

There also needs to be a re-examination of the relationship between the OAU and the UN. According to Nhara, the relationship should be akin to a pyramid. The UN would be at the top of the pyramid and the sub-regional and organizations and civil society at the bottom, with the OAU at the center, positioned as a regional entity for conflict management. The OAU should take a greater role in conflict situations in Africa and by establishing its Mechanism with all its different initiatives, it appears to be heading in the right direction. Again, the OAU is comprised of member states that are characterized by some of the poorest nations in the world and represents weak states. Therefore it has logistical and financial constraints that hinder its progression in becoming a regional force able to exercise sanction power over oppressive regimes. The OAU Charter also does not allow for much movement into the affairs of member states. In solidifying the OAU

position as the lead actor, in Africa it needs to work closely with sub-regional organizations as well as the UN.

The UN and the OAU should form a partnership with effective communication and the sharing of communication to allow for expedient and decisive action. Africans are unanimous in their feeling that the UN must maintain a strong presence in the continent. Although the UN reactions in Somalia and Rwanda have been slow and the withdrawals quicker, the Secretary general believes that relations between the two organizations should be strengthened. The UN Secretary was quoted as saying that he would explore the possibility of building up a stockpile of military equipment from leftover UN missions to be used by African contingents.

As much as the OAU is doing its best to address the issue of conflicts in Africa, one should not lose sight of the fact that internal conflicts by nature are multi-layered and highly complex with a vast number of proximate causes. Therefore it is a bewildering task for any international organization to undertake to try and resolve them. However the key for the OAU is to take a stronger stance against bad leaders in Africa, amend some Articles in the OAU Charter to give it more leverage in intervention and disciplinary powers, developing an effective early warning system, continuing with the process of preventive diplomacy efforts and election-monitoring. As has been mentioned before, conflict resolution is a complex task that deals not only with ending conflict, but ensuring that institutional structures are established to allow for maintenance of democracy. In the words of Salim Ahmed Salim, there can be no meaningful development in a sea of conflict.

This chapter has discussed several initiatives aimed at strengthening the capacity of the OAU to resolve conflict. Whether the OAU adopts the foreign initiatives, like ACRI for example; or continues to develop its relationship with the UN and sub-regional organizations; one thing is evident, that the OAU of the 1990's is evolving. It is attempting to become more effective and relevant. Without this effort at change, the organization would be faced with a very bleak future, if any.

CHAPTER 6

CONCLUSION

6.1. Introduction

The 1960's and 1970's marked the Pan-Africanist liberation revolution in Africa, which allowed for the strengthening of the OAU membership. There was a newfound hope for the opportunity of economic development for the newly independent African territories. The OAU as an organization would be the vehicle through which African aspirations could be realized. With the individual powers of the African states limited in world politics, the OAU would serve as a platform for the voice of Africa in the international arena. Akindele re-iterates this point when he remarks that the organization, because of its vast collective membership has more status and influence unlike a state acting alone and can therefore provide, "...numerous opportunities for multilateral interaction not only among African states...but also...Africa's collective interaction [globally]...".¹ Above all, the organization was foreseen to be the instrument for unity, peace and political and socio-economic independence.

However, during the 1980's and 1990's the prevalence of political instability, lack of economic development brought about, to some degree, by a competitive international economy, impacted negatively on the hopes for peace and stability in Africa.² The OAU came under immense criticism

¹Akindele, R.A., "Reflections on the Pre-occupation and conduct of African Diplomacy", *Journal of Modern African Studies*, vol.14, no.4, 1976

²Ibok, Bassey S., "The Dynamics of Conflicts in Africa: Evaluating OAU's Past and

from the international community and Africans themselves. Since its inception, the organization has come under attack for not promoting Pan-African political unity, not putting into concrete action commitments on regional economic integration and higher commodity prices, having allowed the violation of human rights to proceed with impunity. These criticisms while valid, were somewhat presumptuous for these expectations fell beyond the capabilities of any conceivable international organization at the time. Recently, the organization has come under attack for its failure to prevent or resolve the violent conflicts that have caused vast amounts of human suffering and which have led to penetration by non-African powers.³

Although OAU states have been independent for over 30 years, they are still dependent on foreign powers (who are more concerned with pursuing their national interest), to resolve their problems. This has become a source of growing frustration and anxiety to many Africans and African leaders. Buo asserts that this dependence has served to undermine and contradict African states assertion of sovereignty. Although the OAU has been successful in meeting the objectives of decolonization and independence, it has not fared as well on the peacekeeping front. The OAU is not a command organization, like the Security Council and does not possess a standing peacekeeping force. It lacks the financial, logistical and technical expertise to carry out such missions alone. But most importantly, the Charter of the organization does not provide for the use of military force in settling disputes. As has been mentioned, it relies on political rather than legal

Present Approaches for Conflict Prevention and Resolution and Future Prospects”,
African Journal for Conflict Prevention, Management and Resolution, vol.1 no.1, 1997

³ Foltz, William J., “The Organization of African Unity and the Resolution of Africa’s Conflict”

means.

In examining the structure of the organization, the study also found that the principle of non-interference, and territorial integrity not only prevented the OAU from intervening in internal conflicts, but served as a convenient face saving mechanism for Heads of State weary of supporting secessionist movements for fear that might have a contagion effect in their home countries. 'Inaction', has perhaps been the most definitive criticism of the organization because of the thousands of lives lost due to indecision. The Nigerian civil war was one of the most profound examples of aforementioned situation.

Contrary to popular belief, the OAU cannot stand alone in the face of criticism of 'inefficiency' because in most instances, it is the African member states of the OAU that do not provide the organization with the requisite tools to carry out the delicate and expensive mission of resolving conflicts.

This thesis discussed the nature of conflict, the methods for resolving, managing and preventing conflict, in an attempt to examine the capabilities of the OAU as an instrument for the effective resolution of conflicts in Africa. The organization has in the past used mediation, *ad hoc* commissions and *good offices* as conflict management processes. Although most of the conflicts were inter-state, the organization did meet a measure of success. However, they have not managed as well, with internal conflicts. The implications of this study were to conceptualize a strengthened role for the OAU in an effort to make it more relevant in resolving contemporary

African conflicts.

The role of conflict resolver is not necessarily a new one for the organization. Early examples of OAU initiatives coupled with the change in character of conflict in the 1990's demonstrated a need to determine how best the organization could deal with managing internal conflict. Before any examination of the capability of the organization to resolve conflict can occur, one had to examine the following:

- ◆ defining the nature and types of conflict
- ◆ the means/ tools to manage conflict
- ◆ examining the structure of the organization, to determine whether or not it possessed sufficient diplomatic tools to deal with conflict
- ◆ examining situations where the OAU has intervened and trying to determine the fault areas in order to be able to provide recommendations for a more successful approach

Lastly, the thesis examined the relationship between the OAU, the UN and African sub-regional organizations as a way for the OAU to strengthen the capacity building initiatives and to determine its new role as an instrument of conflict resolution.

6.2 Challenges

The OAU is operating in the context of continental degradation, and international frustration. The African continent is a stage where there is conflict in almost all five of its geographic regions.⁴ It also bears the brunt of a heavy debt burden, economic marginalization, and political instability.

The international system has shifted away from the state centered realist perspective and moved towards a competitive decentralized, economically interdependent world.

There is also an element of apathy among the international community with regard to intervention in Africa. There are several reasons for this: mainly, the lack of success of UN missions in Somalia and Rwanda; the US controlled Security Council which allows Congress to dictate international policy and views the quest for national interest as the primary consideration; the prevalence of film footage of a chronically suffering people have led to what political analysts term "Africa fatigue".

As has been previously mentioned, the OAU, unlike the UN Security Council, is not a command organization and does not possess a standing peacekeeping force. It is not a formal security alliance but rather a forum for the harmonization of policies on matters of regional interest. Its resolutions and decisions are not binding and are merely recommendatory. The administrative secretariat is hampered by inadequate resources and it encompasses only a small budget and staff. The reasons for the inability of the OAU to be more efficient in dealing with conflict are complex and varied. The important points stressed throughout the thesis have to do with:

a) internal constraints-

- the structure of the organization-the lack of a political decision-making body and the lack of a standing peace-keeping force
- the Charter of the organization (ie. Article III)

⁴ Ede, Dan, "The OAU: Another Circus Show?", *African Concord*, vol.8 no.7, 1993

- diverse membership encompassing some of the poorest nations of the world
 - financial and logistical constraints
- b) external constraints-
- change in character of international environment (ie. shift away from state-centered realist perspective to more competitive, decentralized interdependent world)
 - unwillingness of the international community to intervene in Africa
- c) complex nature of conflict-
- multi-dimensional nature of the cause and means to resolve conflict

As has been previously mentioned, conflict is an inevitable consequence of interactions among people in any given society thus conflict impacts not only on the individual, but society and the state. It is important to note that conflicts are complex, not only in determining what causes them, but also in formulating ways to effectively manage, resolve and hopefully prevent them. Indeed conflicts constitute one of the greatest challenges facing the African continent.

There is a prevailing view that what determines the nature and extent of a conflictual situation relies partly, on how the parties involved choose to deal with it. There are varied diplomatic tools that attempt to deal with conflict. Mediation is a form of conflict management that involves an outsider, or a third party. This form of preventive diplomacy, has become one of the most important methods of managing international disputes. The OAU has been active in the use of this

diplomatic tool, which includes the use of the Secretary General's good offices, the use of the Eminent Persons, Special Envoys, Representatives of the Secretary General and direct contacts between the OAU and the governments of the country. In an effort to manage the contagion of conflict on the continent in the 1990's, the OAU developed the Mechanism for the Prevention, Management and Resolution of Conflicts. The OAU has participated in several initiatives that put to use their preventive diplomacy skills.

Yet much needs to be done. It is unfortunate that the development of the Mechanism, while establishing methods that might prevent future conflict, such as the early-warning system, does not address the need for formalized structures to deal with ongoing conflict situations.

6.3. Recommendations: A Way Forward

Although the OAU is operating under severe constraints it has been most successful in providing a diplomatic forum for airing the views of Africa on the international stage, forging an Africa bloc in the UN and other international bodies. It has brought to the fore, more than any other organization, the issues stemming from colonialism, racism and underdevelopment. The OAU has been able to project an African identity, without which, Novicki argues, individual African countries would be of no consequence to the world.⁵

In light of the many criticisms and apparent failures, the OAU does have a role to play in Africa

⁵ Novicki, Margaret A., "Interview: A New Agenda for the OAU", *Africa Report*, vol.37 no.3, 1992

and the international community. To become more relevant, there is an urgent need for the redefinition and refocusing of its purposes and orientations, a re-analysis of its principles and decisions, and a realistic assessment of its capabilities.⁶ Firstly, the Charter needs to be realistically reviewed. The maintenance of the 'non-interference' principle has depicted the OAU as a perpetrator of moral decrepitude and also instrumental in the exacerbation of existing conflictual situations. The OAU Summits bear little substance and have been largely rhetoric, resulting in disillusionment and inability of the organization to take action against any offending members.⁷ Secondly, the decision-making structure of the organization needs to be re-examined,

“...the requirements for a two-thirds majority for all decisions in summit meetings demonstrates a protective preference for inaction and delay over decisive movement, in the absence of general support...executive action,[when it is taken]...is reserved for the Assembly of Heads of State and Government, and then only for those subjects on which they can achieve broad consensus.”⁸

The decisions and resolution of the OAU Summits, should be binding on member states and there should be a penal mechanism that provides for suspension for those members who consistently fail to pay their membership dues.

⁶ Venter, Denis, “An Evaluation of the OAU on the Eve of South Africa’s Accession”, *Africa Insight*, vol.24 no.1, 1994

⁷ Asante, Sam K.B., “The OAU at Twenty: Descent into Immobility”, *West Africa*, 23 May 1983

⁸ Foltz, William J., “The Organization of African Unity and the Resolution of Africa’s Conflicts” in Francis M. Deng and William Zartman (Eds). Conflict Resolution in Africa. The Brookings Institution: Washington DC, 1991

The absence of a political decision making body, makes the OAU an organization without power or direction. However, there are reformists within the organization who are calling for an institutional overhaul and some are even promoting the idea that the OAU Charter should be revised and should include a permanent crisis management body, which Sierra Leone has termed the 'Political Security Council'.⁹ This Council, if formed should meet regularly, especially in response to emergencies and develop among its members a regional deployment force

While stressing the importance of strengthening the OAU, one should not lose sight of the fact that the UN, in its international supremacy, remains challenged and somewhat ineffective in resolving Africa's conflicts. How then, can the OAU encompassing some of the poorer nations of the world, financially and technologically deficient, be expected to carry out unilateral initiatives at resolving all of Africa's conflicts? This study was not so much concerned with providing miracle prescriptions of an envisaged role for the OAU but, suggesting means to which the OAU could be more relevant in contributing to the resolution of Africa's conflicts.

The OAU, realizing that it will never be strong enough financially to acquire the material resources or attract the expertise it needs to execute its responsibilities efficiently, should make use of the UN and its specialized agencies as well as other regional organizations. Noting the failures of the organization in chapter 4, it was found that the success of the OAU lay in its role as mediator. Using this position the OAU can provide the mandate for sub-regional organizations to

⁹ Amuta, Chidi, "What Contemporary Political and Economic Trends Portend for Africa: A Security Council?", *West Africa*, 27 May-2 June 1991

intervene, with the “blessing” of the international community as was suggested in chapter 5.

The OAU should continue to utilize its preventive diplomatic tools and, in conjunction with sub-regional organizational support, be able to effectively intervene in conflicts. Additionally, the role of the OAU in peaceful settlement could be strengthened at two points in the course of a dispute; before it develops into a crisis, and after the crisis has subsided. Since many of the issues of internal conflicts in Africa involve issues of ethnicity, religion, political and economic inequality, the OAU as an *instrument* of conflict resolution should play a more pronounced role in the promotion of human rights and democracy. The practice of conflict resolution is not necessarily treating the *symptom* (ie. traditional peace-keeping), but the *cause*, by ensuring the existence of institutional structures that promote tolerance, freedom, economic opportunity and the right to live in peace.

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Appendix

Table 1.

1. Including Eastern and Western Europe, Canada, Australia and New Zealand
2. Including North Africa, Turkey, Israel, Afghanistan and Pakistan
3. Excluding Libya and Egypt, including South Africa

Table 2.

4. MLIC: low intensity conflicts with militarized violence including armed attacks
5. LIC: low intensity conflicts with little or no militarized violence
6. REP: serious violence in which most of the violence is a consequence of state repression
7. MCM: Mean Conflict Magnitude