

**THE INSTITUTIONAL ROLE OF THE ORGANISATION OF AFRICAN UNITY  
(OAU) IN CONFLICT RESOLUTION IN AFRICA**

**By**

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## **SUMMARY**

The main objective of this thesis is to critically investigate and analyse the institutional role of the OAU in conflict resolution in Africa. In order to achieve that goal, among other things, it is argued that the philosophy, ideology and history of the Pan-African Movement influenced and shaped the institutionalisation process of the Pan-African Movement and the eventual establishment of the OAU, the formulation of its goals and objectives, as well as the OAU's potential in the resolution of conflicts on the continent.

It is also argued on the one hand, that the tension between the preservation of sovereignty of the OAU member states, as well as their national interests and the promotion of continental interests on the other hand, directly affected the work of the OAU in conflict situations in Africa. Furthermore, it is emphasised in the thesis that the colonial legacy and the dynamics of the Cold War era did indeed affect the relations between the OAU member states and as a result, impacted on the African regional cooperation and the role of the OAU in conflict resolution processes in Africa.

Another important aspect highlighted in the study was the evolution of the structures of the OAU involved in conflict management and resolution and their effect on the resolution of conflicts on the continent. A critical assessment was made of the various organs, mechanisms and methods adopted by the OAU and an attempt was made to ascertain whether they were suitable for the types of conflicts they were meant to resolve. Indeed, it is argued in the thesis that the principal organs of the OAU either lacked adequate powers to resolve inter-state conflicts, or they were inappropriately structured and thus they could not resolve these conflicts because their structures were not appropriate to intervene in most of these conflicts. Therefore, it can be stated that the mechanisms that were adopted by the OAU mediators to resolve these conflicts were not appropriate for the types of conflicts in which they were involved.

It is important to mention that the conflict resolution mechanisms, which were provided for by the OAU Charter, were mainly aimed at resolving inter-state conflicts, and did not cater for various types of intra-state conflicts. An attempt was made in the study to ascertain to what extent this omission affected the role of the organisation in dealing with intra-state and

other forms of conflicts, which emerged on the continent. Moreover, it is argued that the structural set up of the OAU's conflict resolution organs has produced complex legal and political problems for member states as well as to the parties to the conflicts. That situation in turn produced complex impediments in the operationalisation and the work of these organs in conflict resolution situations in Africa. This was because their functions were not distributed to minimise jurisdictional disputes such as boundary conflicts, hence resulting in the ineffectiveness of the work of the organisation.

The study further analysed the extent to which the role and position of the UN as an international institution affected the role of the OAU in conflict management and resolution in Africa. The thesis also tried to ascertain to what extent the structural weaknesses and inherent challenges regarding the role of the UN in peace making in Africa hampered the work of the OAU in conflict situations where its cooperation with the UN was essential.

Moreover, it is argued that the role and position of other regional organisations on the continent did in fact affect the role of the OAU in conflict management and resolution and that the inherent challenges and legal omissions of some vital provisions in the OAU charter regarding the role of the sub-regional organisations in peace-making in Africa did constrain the work of the OAU in conflict situations where its cooperation with sub-regional organisations was required. It was further argued that, although the American-European initiatives in conflict prevention, management and resolution in Africa was meant to facilitate and enhance the activities of the OAU in conflict situations in Africa, some of these initiatives did affect in different ways the role of the OAU.

Finally, several arguments were presented to explain why the OAU was not able to successfully resolve the Ethiopian-Somali boundary dispute, a conflict seen as a typical inter-state dispute. Indeed, it is argued in the thesis that the Ethiopian-Somali boundary dispute exemplifies the challenges faced by and inherent weaknesses of the various mechanisms the OAU mediators had adopted to deal with conflict situations in Africa.

I declare that **THE INSTITUTIONAL ROLE OF THE ORGANISATION OF AFRICAN UNITY (OAU) IN CONFLICT RESOLUTION IN AFRICA** is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

\_\_\_\_\_  
**SIGNATURE**  
**(JGN YOH)**

\_\_\_\_\_  
**DATE**

## **ACKNOWLEDGMENTS**

This research was a long dream, which dates back to 1993, when I was a graduate student at the American University of Beirut in Lebanon. I was first introduced to conflict studies through a short essay that I wrote on low intensity conflicts, particularly those the United States of America and the Soviet Union instigated in several parts of Africa including the Horn and Southern Africa during the 1970s.

After moving to the Horn of Africa in mid 1990s, I developed interest in conducting a research on comparative analysis of the Sudanese and the Ethiopian-Eritrean wars of liberation. I was also introduced to the Organisation of African Unity (OAU) politics. While in Addis Ababa, Ethiopia, I realised that an introduction to a systematic resolution of conflicts in Africa would require understanding of their origins, investigation of their types and nature, the analysis of the impact and the role of the mediators and the criteria for the choice of mechanisms to be used to resolve them and most importantly, the study of the role of regional, sub-regional and international organisations in conflict resolution on the continent. As I started to study more about the subject, it became clear to me that I will have to acquaint myself with the historical origins of Pan-Africanism, the history and ideology of the Pan-African Movement, hence tracing the origins of the OAU and its institutional role in conflict resolution in Africa. I also had to study some conflicts in Africa, their causes and the dynamics of inter and intra state politics on the continent. I also had to study the dynamics of regional and international politics during and after the Cold War and analyse the impact of post Cold War politics on peace and security in Africa. That was the background of this study.

This research was made possible by cooperation and assistance I received from different people, especially from my colleagues at University of South Africa's Department of Political Sciences and the OAU/ the African Union (AU) staff who gave me access to the library and archives of the organisation and availed to me their valuable time to sit and talk to them about various aspects of the organisation. The period I spent at the OAU headquarters in Addis Ababa coincided with preparations for the transformation of the OAU to AU. I was indeed privileged to discuss with some senior officials in different departments of the organisation

various aspects that were deemed to be important as the organisation was transforming. I was also privileged to attend the inauguration of the AU in Durban, South Africa in July 2002, and took that opportunity to interact with key individuals who were instrumental in the transformation of the OAU to AU. Those interactions had helped me understand some factors and the reasons that led the OAU leaders deciding to transform the organisation.

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In memory of my brothers Bil and Yaat Nyuot Yoh, who, like millions of others in the Sudan, were victims of the longest conflict in Africa.



## **1 Chapter One: Introduction and overview**

“The goals of the OAU as outlined in the Charter are not consistent with one another, nor are the principles in harmony with the declared objectives. The principal organs of the OAU either lacked adequate powers or inappropriately structured. The functions are not distributed as to minimize jurisdictional disputes and the institutions are elitist in structures and orientation.”

K. Mathews 1986

### **1.1 Introduction**

Regional organisations are established to regulate inter-state relations and to manage and resolve inter-state conflicts. In fact, the establishment of regional organisations tends to be influenced by certain specific historical, philosophical and ideological realities of the region in which they are instituted. It is also from these philosophical and ideological origins that the goals and objectives of regional organisations are formulated. In the case of the OAU for example, the philosophical and historical roots of its evolution can be traced back to the Pan-African Movement, which was established in the early 1900s by Pan-Africanists from the United States of America and the Caribbean.

The main objectives of the Pan-African Movement were (1) promotion of the unity of the African people in the diaspora and the mainland and (2) working towards the de-colonisation of African territories, which were still under control of the European powers. It was from the objectives and goals of Pan-Africanism that the leaders of Pan-African Movement had built the foundations of African nationalism, which led to the eventual establishment of the OAU in May 1963 as an expression of their commitment to Pan-Africanism. The OAU was therefore founded to regulate African international relations and deal with inter-state conflicts. Indeed, in article 3 (4) of the OAU Charter, the founders of the organisation affirmed their adherence to “peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration.” In order to achieve that goal, they established the Commission of Mediation, Conciliation and Arbitration, as one of the principal organs of the OAU on 21 July 1964. One of the main functions of the Commission was to attend to and deal with the peaceful settlement of disputes between the OAU member states. The categories of the

disputes identified by the organisation included legal, extra-legal and political conflicts. The Commission was set to use three mechanisms in resolving conflicts between its members; these were mediation, conciliation and arbitration (Articles XII & XIII of the Protocol of the Commission of Mediation, Conciliation and Arbitration, July 1964; the OAU Charter and Rules of Procedure 1992: 9).

Although the OAU leadership had placed considerable confidence on the Commission to deal with inter-state conflicts, it soon became clear to them that the organs of the Commission were inappropriately structured to deal with inter-state conflicts and its legal orientation, discouraged member states to use it as a means of conflict resolution. As a result, OAU member states avoided using the Commission, rendering it dormant, and instead, as discussed in chapter five, they chose to adopt ad hoc commissions to deal with conflicts. Convinced of the need to institute a replacement of the dormant Commission of Mediation, Conciliation and Arbitration, to address the mushrooming ethnic violence, intra-state conflicts and political violence in Africa, the OAU heads of state and government decided to establish the Mechanism for Conflict Prevention, Management and Resolution as a new organ within the organisation, replacing the Commission in June 1993<sup>1</sup>. It was established to deal with conflict matters on the continent and prevent the emergence of conflicts, and ultimately preventing them from degenerating, and therefore avoiding the need to resort to complex and demanding mediation processes and expensive peacekeeping operations (Naldi 1999: 32-33).

The establishment of the OAU Mechanism<sup>2</sup> generated a series of reforms within the structures of the OAU conflict resolution system, a process that culminated in the transformation of the Mechanism to the Peace and Security Council (PSC) in July 2002. Indeed, the decision by the African heads of state and government in Lomé, Togo on 11 July 2000, to transform and restructure the OAU into the AU, was mainly an attempt at reforming and restructuring the organisation's organs, and was aimed at refocusing its priorities, harmonising its principles and objectives to suit the new realities of post-cold war era in the continent. This transformation process of the OAU as a whole, culminated in the establishment of the AU in Lusaka, Zambia, in July 2001. The new organisation was

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<sup>1</sup> Unless otherwise specified, the term "the Commission" refers to the Commission of Mediation, Conciliation and Arbitration.

<sup>2</sup> Unless otherwise specified, the term Mechanism, refers to Mechanism for Conflict Prevention, Management and Resolution.

inaugurated in Durban, South Africa, in July 2002. In Durban the Mechanism was transformed into the PSC. The AU like its predecessor, the OAU, became the new Pan-African organisation, which promotes African economic integration, political unity and peaceful resolution of conflicts in Africa among other things.

It is to be emphasised that one of the characteristics of the OAU Charter was that its principles, particularly those dealing with conflict resolution and inter-state relations issues, were not in harmony with the declared objectives. Indeed, when the OAU was established, heated debates took place between and among Pan-African leaders over whether to hold onto the Pan-African Movement's original principles, goals and objectives or to devise new ones. As a compromise, some of the original Pan-African Movement's objectives and goals were modified, refocused or omitted altogether. The result was that the charter establishing the OAU, which was produced in Addis Ababa in May 1963, contained inconsistent principles and goals and contradictory visions of what the member states intended to achieve. For example, article (3) of the charter had outlined the main principles of the organisation. While the first article had stressed the sovereign equality of all member states, the third principle upheld respect for the sovereignty and territorial integrity of each member state and for its inalienable right to independent existence. The second principle of the organisation urged the member states not to interfere in the internal affairs of states, while the fourth principle had put emphasis on the peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration.

On the other hand, the goals and objectives of the OAU as outlined in the charter were not consistent with one another. For example, Article (2) of the charter emphasised the importance of promoting the unity and solidarity of the African states, while at the same time, it urged member states to defend their sovereignty; their territorial integrity and independence. Meanwhile, the same article had emphasised that member states should work to promote international cooperation, with special regard to the Charter of the United Nations and the Universal Declaration of Human Rights, but at the same time, one of the organisation's principles had called upon all the OAU member states to affirm the policy of non-alignment with regard to all blocs.

Moreover, as discussed in chapter four, the principal organs of the OAU had insufficient power, as can be seen in the limited powers which were vested in the Council of Ministers and the Secretariat to resolve inter-state conflicts, or these organs were inappropriately structured as was the case with the Commission of Mediation, Conciliation and Arbitration, which, though it was empowered to deal with all types of conflicts, could not do so because its structures were not appropriate to intervene in most of these conflicts.

These contradictions and inconsistencies within the OAU charter, among others, as discussed in chapters four, five and nine, had revealed that there were few chances that the OAU could carry out its mediating role smoothly in resolving African conflicts. The types and nature of these challenges could be traced, as discussed in chapter three, to the debates, which took place among Pan-African leaders in the 1950s and 1960s, when they were preparing for the establishment of the OAU. The OAU charter as it turned out, was a compromise, between those Pan-Africanists who were interested in establishing an organisation that would serve as a political super-state (a Union of Africa States), uniting the African states and its peoples, *vis à vis* those who were interested in creating a regional organisation that would regulate inter-state cooperation and solidarity between African states.

## **1.2 Purpose**

This study seeks to investigate the institutional role of the OAU in conflict resolution in Africa. What distinguishes it from previous research and works such as those of Du Bois 1968; El-Ayounty 1975, 1994, Garvey 1967, Legum 1965; Lumumba 1962/63; Mandela 1994; Mazrui 1967; Mboya 1963; Naldi 1999; Nasser 1954; Nnamdi 1970; Nyerere, 1965; Nyerere 1967, 1973; Odinga 1967; Padmore 1972; Senghor 1965; Sithole 1959; and Tourè 1965; is that most of the studies on the OAU for the period between the 1960s and 1990s tended to focus on the organisation's history, its evolution, and its expansion, while a few others concentrated on the efforts directed at African political and economic integration and unity. Very few works however focused on the institutional role that the OAU had played in situations of conflict resolution in Africa and on the development of the structures of organisations, their inherent weaknesses and the nature of conflicts and types of mechanisms and tools that were used in conflict resolution situations in Africa.

There are several reasons therefore, why this study is important and necessary. Firstly, the OAU for over four decades, acted as the main regional body responsible for the resolution of conflicts in Africa. In carrying out that duty, the organisation went through tedious structural reforms and adjustments, with the hope that it would be able to establish suitable tools to overcome some inherent structural and political impediments that had led to its failure to fulfil its duties on many occasions. There is a need therefore, to explain why the OAU, which was well-positioned as the only continental organisation capable of intervening in conflict resolution matters between its members, was not effective to live up to the expectations of its founding members on many occasions. Thus, it is important to analyse critically and ascertain whether that ineffectiveness was caused either by structural inadequacies as a result of inherent contradictions and the mismatch between the principles and objectives of the organisation or it has something to do with the clash of national interests of the member states with the outlined objectives and goals of the organisation. Secondly, the structural set up of the OAU's organs has caused complex legal and political problems for the member states as well as for the other regional and international organisations such as the United Nations (UN) that were interested in participating in the resolution of conflicts on the continent. That situation in turn, produced complex impediments in the operationalisation and the work of these organs in conflict resolution situations in Africa. This was because their functions were not concentrated on minimising jurisdictional disputes such as boundary conflicts, hence resulting in the ineffectiveness of the functioning of the organisation.

Therefore, through analysis of the complexities of the institutional role that the OAU had played in conflict resolution situations in Africa, the thesis will be well placed to contribute to addressing some of the enormous challenges facing the African regional security system.

The first part of this study seeks to contextualise the institutional role that was played by the OAU in conflict resolution situations in Africa within the framework of general theories of conflict resolution. In doing so, it will be possible to understand the nature of conflicts, how conflicts erupt, evolve and are resolved; and which tools or mechanisms should be adopted in particular situations to resolve certain conflicts. The study also seeks to investigate the impact of Pan-Africanism ideology and the principles of the Pan-African Movement on the institutionalisation process of the Movement, the evolution of objectives and goals of African nationalism and its impact on the objectives adopted by the OAU as a pan-African

organisation. It further aims at undertaking a critical analysis of the role played by the colonial legacy and by super powers' interventions in African affairs during the cold war era and to analyse the impact these legacies and interventions had played in African inter-state relations and cooperation and subsequently, their effect on the work of the OAU.

The second part of the study will critically evaluate and analyse the evolution and effectiveness of the various organs and mechanisms of conflict resolution that the OAU had adopted during the period between 1964 and 2002, focusing on their harmony, or lack of it, with the goals and objectives of the OAU and their compatibility, or lack of it, with the existing structures and organs of the organisation. The institutional and legal basis of cooperation between the OAU and the UN, African sub-regional organisations and other external initiatives that aimed at strengthening and consolidating the role of the OAU in conflict resolution matters, is another important aspect that this study will investigate and analyse thoroughly. The impact of the structural, legal and political basis of cooperation between the OAU and these organisations in conflict resolution matters will certainly require further critical evaluation, given that on several occasions, the OAU jointly embarked on some sensitive and critical conflict resolution initiatives with the UN or sub-regional organisations.

Finally, the case study of the Ethiopian-Somali boundary dispute will serve as an example of how, among other functions, the OAU conflict resolution system dealt with inter-state conflicts during the first three decades of its existence. As discussed in chapter nine, the Ethiopian-Somali boundary dispute has shown the typical symptoms of an inter-state conflict. It also had various other important specific features that made it suitable to be a case study for the purposes of this research. In addition to being a boundary dispute, the Ethiopian-Somali conflict involved a territorial claim made by Ethiopia, thereby pitting two neighbouring countries against each other. It has also revealed some contradictions within the OAU charter, such as the need to resolve the conflict between Ethiopia and Somalia without interference in the internal affairs of the two states; it motivated the intervention of super powers in the internal affairs of the OAU member states; during which process Ethiopia and Somalia took sides with each of the two super powers, consequently they violated the non-alignment provision of the OAU charter. The case study has also revealed the ineffectiveness of the use of the legal instruments of the OAU Commission. Moreover, in Somalia's opinion, the conflict was directed at the protection of the rights of the Somali minority in Ethiopia, while to

Ethiopia, the dispute involved the preservation of the territorial integrity of an OAU member state. The conflict, among other things, also represented competition between the promotion of Pan-Africanism ideals versus the supremacy of promoting the objectives and goals of post-colonial African state.

### **1.3 Objectives**

In order to achieve the objectives of investigating the institutional role of the OAU in conflict resolution in Africa, certain critical questions will guide the analysis:

- How did the philosophy, ideology and history of the Pan-African Movement influence and shape the institutionalisation process of the Pan-African Movement and the eventual establishment of the OAU, the formulation of its goals and objectives, as well as the OAU's potential in the conflict resolution process on the continent.
- How was the OAU organisationally equipped to deal with conflicts on the continent and to what extent did the principal organs of the OAU have adequate powers to deal with these conflicts? To what extent did the tension between the preservation of sovereignty of the OAU member states, as well as their national interests, on the one hand and the promotion of continental interests on the other hand, affect the work of the OAU in conflict situations in Africa? To what extent did the colonial legacy and the dynamics of the cold war era affect the relations between the OAU member states and how did that impact on the African regional cooperation and the role of the OAU in conflict resolution processes in Africa?
- How did the structures of the OAU involved in conflict management and resolution evolve and to what effect? To what extent were the various organs, mechanisms and methods adopted by the OAU suitable to the types of conflicts they were meant to resolve? The conflict resolution mechanisms, which were provided for by the OAU Charter, were mainly aimed at resolving inter-state conflicts, and did not cater for various types of intra-state conflicts. How did this omission affect the role of the

organisation in dealing with intra-state and other forms of conflicts that emerged on the continent?

- How did the role and position of the UN as an international institution, affect the role of the OAU in conflict management and resolution? Although the legal and institutional basis of cooperation between the OAU and the UN was defined in their respective charters, the legal links between these two organisations and African sub-regional organisations were not provided for in their charters. To what extent did the structural weaknesses, inherent challenges and legal omissions of some vital provisions in the UN and the OAU charters regarding the role of the UN in peace-making in Africa hamper the work of the OAU in conflict situations where its cooperation with the UN was required?
- How did the role and position of other regional organisations affect the role of the OAU in conflict management and resolution? To what extent did the inherent challenges and legal omissions of some vital provisions in the OAU charter regarding the role of the sub-regional organisations in peace making in Africa, constrain the work of the OAU in conflict situations where its cooperation with sub-regional organisations was required?
- How did American-European involvement in conflict prevention, management and resolution affect the role of the OAU?
- Was the OAU able to resolve the Ethiopian-Somali boundary dispute, which was seen as a typical inter-state conflict successfully? This case study exemplifies the challenges faced by and inherent weaknesses of the various mechanisms the OAU mediators adopted to deal with conflict situations in Africa.
- Are there lessons and recommendations that can be drawn from the challenges that the OAU faced in conflict resolution situations?



#### **1.4 Scope of the study**

This study does not address or deal with the causes of conflicts in Africa in which the OAU was involved. This is because there were different types of conflicts in which the OAU had intervened, most of which had different causes, although the patterns that they assumed were almost identical. In surveying some origins and the types of some conflicts in Africa in chapter two, our aim was to show to what extent the nature and scope of conflicts affects or indeed determines the nature of mechanisms that the mediators can adopt. Various types of conflicts were classified and defined in chapter two, in order to indicate that some conflicts can erupt and develop within the context of their origins, while others can take different shapes and scopes as they escalate.

This study therefore attempts to investigate inherent structural weaknesses, the contradictions that existed within the provisions of the OAU charter, as well as the inconsistency between the nature of the conflicts in Africa and the mechanisms employed by the OAU to resolve them. It also addresses how these contradictions affected or enhanced the OAU's effectiveness in mediation processes, keeping in mind the impact that the philosophical and ideological origins of Pan-African Movement have had on the formulation of objectives and the goals of the OAU as a regional body.

It is therefore important that, for comparative and analytical purposes, the methods or mechanisms that the OAU had used to settle some disputes on the continent will be compared, and lessons learned from these conflicts will be drawn.

#### **1.5 Theoretical, conceptual and methodological framework of the study**

This study will adopt two theoretical frameworks in order to investigate the institutional role that the OAU played in conflict resolution in Africa. These theoretical frameworks will help in the analysis of the structural evolution of the OAU organs and dynamics of the decision-making processes in and the functions of the OAU organs, which were responsible for conflict resolution matters. The theories adopted are the New-Institutionalist theories and the African school of conflict resolution theory.

By using New-Institutionalist theories, it will be possible to investigate the evolution and the structural set-up of the OAU organs and how these structures and regulations, functioned, affected or enhanced the implementation and the achievement of the organisation's policies, objectives, and goals, especially in conflict resolution situations in Africa. On the other hand, it will assist in the assessment of the significance and the impact of the role of individuals' interests or preferences in shaping the policies and the work of the OAU, particularly those who were working in the Secretariat, who were directly, involved in conflict resolution matters. It would also be possible to ascertain whether the 'national' interests of the organisation's member states or those of their bureaucracies, were in harmony or in conflict with the regulations, policies, interests and objectives of the organisation as stipulated in its charter. By adopting the New-Institutionalist theory, it will also be possible to ascertain whether the mechanisms used to achieve these objectives or interests affected or enhanced the work of member states, other sub-regional and international organisations that were partners with the OAU in the field of conflict resolution in Africa.

The New-Institutionalist theories assume that what makes the design of institutions (that is, the shaping of their structures) a vital concern is that the manner in which these institutions are framed or designed may affect the implementation of the policies and the dynamics of collective decision-making concerning the interests of persons and members within or without an organisation. In studying the OAU structures, and in order to understand the role it had played in conflict situations in Africa as a regional organisation, it should be noted that there is a basic choice, which had to be made by each member state and by extension by each official working at the OAU Secretariat. The choice was between pursuing members' (national or personal) interests and making an effort to change the frameworks/structures of the organisation to suit those interests. This theory, which regulates the relationship between institutions and individual interests within an organisation, seems to give personal or national interests precedence over organisations' objectives (Lane 1990: 32-38).

This study will also use the theory of African school of conflict resolution. This school is a synthesis and by product of the writings of those scholars who feel that there is 'something African about conflicts in Africa' which should be emphasised when dealing with conflicts which originated from Africa. The advocates of this school attempt to find some answers to the following questions: how can one understand the nature and types of conflicts in Africa?

Are there conflicts, which could be regarded as purely ‘African conflicts’<sup>3</sup>? What are the roles of customs and culture in these conflicts? Are the natures and the scope that conflicts in Africa assume, different from other conflicts elsewhere? Did the OAU mediators recognise that there were mechanisms for conflict resolution that are only applicable to conflict resolution situations in Africa and what were the effects of these mechanisms if employed? (Ngwane 1996: 81-104; Mazrui 1994: 39-42; Yoh 1996: 6; Ottaway 1999: 202-207)

Within the African school of conflict resolution, there are three trends of thinking, each of which offers methods and mechanisms through which conflicts could be resolved in Africa. The first trend suggests that there are specific mechanisms and methods that are typically African, which, if used properly, could be more effective than the ones used by the OAU or foreign mediators in conflict resolution processes in Africa. Some of the mechanisms often cited by the adherents of this trend, which are regarded to be typically African, are discussed in some details in chapter two of this study. The second trend within the African school of conflict resolution calls for adopting a multi-faceted approach in dealing with conflicts in Africa. They favour the idea of using mechanisms that might be considered African in origin in resolving specific conflict situations, but at the same time making use of the Western<sup>4</sup>-dominated conflict resolution methods. The logic of their argument is that, since these conflicts are caused either by domestic or external interventions or both, the use of ‘African’ and ‘Western’ methods of conflict resolution would serve the purpose (Assefa (1999: 115-119); Anyang Nyong’o 1991: 95-114; Aluko 1987: 1-16; LeMelle 1988: 21-26; Ngwane 1996: 81-104).

The third trend within the African school of conflict resolution, which one is tempted to refer to as the “professional trend” does not support the idea of adopting a distinct approach to resolution of conflicts in Africa. Instead, it prefers to make use of all the mechanisms available as presented by various schools of conflict resolution, including those ones regarded

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<sup>3</sup> Throughout this study, a distinction will be made between ‘African conflicts,’ which supposes that there are distinctive types of conflicts in Africa different in nature from other conflicts elsewhere and ‘conflicts in Africa,’ which suggests that conflicts originating from Africa are similar to any other conflicts in the rest of the world. Emphasis will be on conflicts in Africa, and where the phrase ‘African conflicts’ is used, the context in which it is used will be explained.

<sup>4</sup> By ‘Western methods’ are meant the conflict resolution conventional methods and mechanisms which European and American nation states and organisations such as the UN and the EU are using in conflict resolution situations in different parts of the world. Some of these mechanisms include shuttle diplomacy, sending envoys to consult with the warring parties, mediation, to name only a few.

as African. It argues that conflict by its very nature is a universal phenomenon (Deng and Zartman 1991:1-15; Omara-Otunnu 1995: 223-236; Malan 1999: 3-5; Gromyko 1969: 165-182; Toure 1965: 158-161).

Therefore, as discussed in chapters two and nine, the definitions of conflicts as provided for by the adherents of the African school of conflict resolution are critical in understanding the nature of conflicts in Africa, the choice of appropriate mechanisms to resolve them, and identification of challenges often faced by the mediators in these conflicts. Moreover, the classification of conflicts in Africa, by the advocates of the African school, is also useful for appreciation of the challenges that the institutional and legal cooperation between the OAU and the UN and sub-regional organisations underwent. This was the case particularly in situations where the OAU and these organisations were involved in conflict resolution situations in different regions of Africa.

### **1.5.1 Approach and methodology**

It is important to mention that the survey of the literature published on the OAU between the 1960s and the 1990s have revealed that most of them concentrated mainly on the origins and the development of the organisation. It was also observed that only a modest attempt had been made to investigate the internal dynamics and structural expansion or the impact of these on the work of the organisation, and in particular regarding the continental security issues, such as resolving conflicts between or within states.

There are two categories of literature that this study consulted, namely, the archival (primary) and secondary sources.

### **1.5.2 Archival sources**

The archival material includes the reports of the OAU's commissions, press releases, conference resolutions, memoirs, interviews and other documents concerned with conflict resolution in Africa.

The contents of the archival documents could be divided into four sub-categories:

(1) Press releases and statements, in which the OAU Secretary General and/or the Chairman of the OAU expressed their concerns about specific conflicts on the continent. These press releases vary in content and scope. They cover issues on intra and inter-state conflicts on the continent.

(2) The second category of the archival documents consists of conference and summit resolutions, normally issued after ordinary annual conferences or after extraordinary summits of the Heads of State and Government or the Council of Ministers. The Central Organ, the OAU body that oversaw conflict management and resolution issues on the continent, has issued similar resolutions and statements, since 1999. Most of these resolutions, with the exception of a few cases, were not necessarily binding on the member states or to the warring parties. Similar statements were issued by sub-regional organisations that were mediating with the OAU jointly in conflicts in their regions.

A systematic survey of these documents during this research has revealed that the OAU leaderships have been very willing to employ preventative diplomacy and conflict management methods. They carried out attempts to resolve conflicts by doing the following simultaneously: convening emergency meetings of the Permanent Representatives Committee, dispatching envoys to the areas of conflicts, releasing statements urging the parties to use peaceful methods to settle the conflicts and/or by convening the Heads of State and Government and/or the Council of Ministers' meetings to address and deal with some conflicts specifically. These documents are invaluable to every researcher who is specifically interested in the dynamics and responses of the OAU to conflicts and in conflict resolution processes in Africa.

(3) The archival category of sources also includes memoirs, biographies, diaries and autobiographies of the Pan-African Movement leaders, African nationalist leaders and the founders of the OAU, diplomats and individuals who were either instrumental in resolving or participating in the escalation of some conflicts to which the OAU had delegated them, or others, to mediate. These works are very important from a historical perspective, because they chronicled the evolution of the philosophy of the Pan-African Movement and the events leading to the establishment of the OAU.

(4) A selected group of officials working at or those who had served in the OAU as diplomats accredited to the organisation, and some foreign ministers who served on the OAU's conflict resolution commissions or those who were mandated by the OAU, were interviewed at the OAU headquarters and elsewhere on the continent during the research. These interviews were tape recorded and later transcribed and some of the contents of these interviews informed a part of our analysis in chapters five and nine.

The aim of these interviews was to understand the functions of the OAU organs responsible for conflict resolution in Africa. Specific questions were asked such as in which types of conflicts were the OAU involved? Which types of mechanisms of conflict resolution were effective: the ad hoc committees and commissions or the systematic ones and why? What was the nature and process of the decision making within the OAU's Conflict Management Centre (CMC) and how were the directives and recommendations channelled between for example, the Political Department and the Office of the Secretary General? The coordination and cooperation between the CMC and sub-regional organisations on issues relating to conflict resolution and the vital role of the Permanent Representatives to the organisation in facilitating such cooperation. Other questions raised included: the role of the early warning unit within the organisation and the functions of the 'Situation Room' as a receiving pool of information; how the information collected through the 'Situation Room' monitoring unit was analysed, disseminated and how the decision making process was managed by the Secretariat once the information on a particular conflict was forwarded to the Secretary General. Was the information network in the organisation effective, and how was the information on a particular conflict situation analysed, disseminated and channelled through the OAU system? How did this process affect or enhance the efficiency of the decision-making process within the organisation? What was the mandate of the Field Operation unit, the dynamics of coordination between that unit and sub-regional organisations and the military attachés in African embassies based in Addis Ababa? What were the roles of the Peace Fund and the Panel of the Wise in peace making processes on the continent? In addition, what was the role of the Field Operation Unit in coordinating the OAU peacekeeping missions in Africa?

### **1.5.3 Secondary sources**

The second category of literature that this study has consulted is secondary sources. This material consists mainly of literature that deals with the OAU principles, objectives, and its evolution. It chronicles the history of the organisation, regional politics, and issues pertaining to conflict resolution on the continent. A good quality of material was produced, mainly by Africans and experts in conflict resolution matters in the 1980s, 1990s and the early 2000s dealing with some case studies of conflicts on the continent (Naldi 1999; El-Ayouty 1994).

Some of these works highlighted the effect of external factors that prompted foreign interference in African affairs, especially during the Cold War era and the superpowers' rivalry in Africa. They also dealt with the impact of the end of the Cold War on the African regional politics, and its effects on the organisation's attempts at dealing with some regional conflicts. Some works dealt with particular conflicts in Africa and traced the OAU's repeated attempts to try to resolve them. For example, some works focus on the evolution and the dynamics of the South African conflict, Ethiopia and Eritrean secessionist conflict, the Sudanese civil wars, the Angolan and the Ethiopian-Somali conflicts and the superpowers involvement in these conflicts. Some works in this category also addressed the ideological disagreements among/between the OAU member states over which type of unity Africans should work to promote. Other sources dealt with the organisation's member states economic hardships (debt crises), issues of secession and self-determination, and several other hosts of issues (Wonronoff 1970; Audifferen 1987; El-Ayouty 1994; Naldi 1999).

A survey of this material has also revealed that as early as the 1970s a trend of thinking developed within the continent which suggested that some African leaders had held the opinion all along that there was something wrong with the structures and the methods of conflict resolution of the OAU, which had been adopted by the organisation since the establishment of the Commission of Mediation, Conciliation and Arbitration in July 1964. For example, the OAU Secretariat was urging the OAU heads of state and government to adopt an integral and customised African approach to conflict management and resolution through its annual reports, toward discourage the increasing phase of interference of external actors in conflict resolution processes in Africa. The embodiment of this trend of thinking was the emergence in the 1980s and the 1990s of the African school of conflict resolution, a process

that eventually culminated in the transformation of the OAU to the AU in July 2002 (Wonronoff 1970: 651-656; Mazrui 1994: 39-42; Yoh 1996: 6; Naldi 1999: 1-35; LeMelle 1988: 23-26; Muyangwa and Vogt 2000: 22-23).

### **1.6 The Ethiopian-Somali Boundary Dispute: Case study**

Case studies tend to focus on analysing specific aspects of the cases under study and their relevance to the main body of the research. They highlight various aspects of cases, sometimes using comparative variables, while in some instances they focus on peculiar characteristics of the case studies. In the case of Ethiopian-Somali boundary dispute, the focus will be on the effects that the dispute has had on the overall role of the OAU in its attempts to resolve it. Indeed, it is argued that there were specific characteristics of the dispute, which distinguished it from the other cases. The case study will not however, deal with the merits of the dispute, or pass judgements as to whether the Ethiopians or Somalis were correct in their arguments or not, neither are we interested in whether the OAU should have approached the conflict in a particular manner. Rather, the focus is to ascertain whether the mechanisms that were used by the OAU to resolve the Ethiopian-Somali dispute were effective, and if they were not effective, the reasons should be found. Moreover, the case study intends to ascertain whether the nature and the complexity of the dispute had complicated the task of the OAU or not.

The main reasons for choosing the Ethiopian-Somali boundary dispute as an example of how the OAU had dealt with inter-state and other complex conflict situations in Africa include:

- It serves as an appropriate example which had put to the test the contradictions within the OAU charter for the first time, such as the difficulty to harmonise articles 3 (2) & 3 (4) that called for the non-interference in internal affairs of member states; while at the same time urging member states to use the peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration.
- The dispute was both a territorial claim as well as a boundary dispute between the two countries.



- OAU member states were faced with the dilemma concerning which policies should be applied to resolve boundary disputes: in the case of the Ethiopian-Somali conflict, the dilemma was whether to accept self-determination for the Ogaden Somalis or to respect the territorial integrity of the Ethiopian state?
- The Ethiopian-Somali boundary conflict also revealed the existence of the contradiction between adhering to the goals of Pan-Africanism, which called for the unity of African peoples in the diaspora and the mainland versus the objectives of Pan-Somalism (unity of the Somalis in the Horn of Africa) and Pan-Ethiopianism (imperial expansionism).
- The case study also revealed the difficulty of balancing the OAU member states' collective interests and the interests of individual member states.
- The difficulty to affirm the non-alignment with any of the superpowers, hence avoiding the effects of the intervention of the superpowers in conflicts in Africa and pursuing individual member states' interests by aligning with one of the superpowers against the will and the interests of other members of the OAU.
- The legal nature of the instruments used by the OAU in its attempts at resolving the Ethiopian-Somali boundary dispute revealed the inadequacy of the structures adopted by the OAU in dealing with inter and intra-state conflicts in Africa.

It is with the above-mentioned reasons in mind that the case study of the Ethiopian-Somali boundary dispute was chosen to achieve the following objectives:

- To ascertain whether there did exist some structural problems within the OAU's Commission of Mediation, Conciliation and Arbitration, which might have hindered its mediation efforts in this particular conflict. It is essential to mention that the Ethiopian-Somali conflict was an inter-state conflict, which was supposed to be resolved through arbitration as stipulated in Article 27 (1 & 2) of the Protocol of the Commission of Mediation, Conciliation and Arbitration.

- To stress that some of the early contentious issues, with which the OAU had to deal on the continent, were boundary conflicts between its member states. By using the Ethiopian-Somali boundary dispute as an example, it will be possible to explain why the Commission's conflict resolution mechanisms were not adopted in this case. It will also ascertain whether Article 3 (7) of the OAU charter which obliges member states to respect the sovereignty of its members, and Article 29 (1, a) of the Commission's Protocol, had had a direct impact on the decision not to use the Commission's mechanisms to resolve the conflict.
  
- The case study will identify some informal procedures, mechanisms and methods that were used by the OAU member states during their involvement in the Ethiopian-Somali dispute in 1960s and 1970s.
  
- It will discuss some issues relating to superpower involvement in some conflicts in Africa, specifically in the conflict between Ethiopia and Somalia, where involvement of the United States of America and the Soviet Union was evident. It will also show how the OAU reacted to and dealt with the superpowers' involvement in this particular conflict.
  
- Finally, by using the Ethiopian-Somali dispute, it will be possible to explain why some mechanisms used by the OAU in the 1960s and 1970s were effective and why others were not.

## **1.7 The outline of chapters**

### Chapter One

This chapter serves as an overview of and introduction to the purpose, objectives, theoretical and methodological frameworks of the study. The methodology of the research is carried out through a survey of the primary sources, the analysis of the contents of secondary literature and a survey of questions, which were raised during interviews with certain individuals who were working in the OAU and with those who were associated with its activities in conflict resolution situations in Africa. We also present a brief introduction to a case study that will

identify and discuss the mechanisms that were used by the OAU in the boundary dispute between Ethiopia and Somalia. An introduction to the theoretical frameworks, which this research will adopt, namely the New-Institutionalism theories and the theory of the African school of conflict resolution, and their relevance as well as the importance to the study and the layout of the study will be provided.

## Chapter Two

In this chapter, a theoretical analysis will be provided in order to contextualise the investigation of the institutional role of the OAU in conflict resolution situations in Africa. It will present and analyse the definitions, classifications and theories of conflicts in general, in order to ascertain whether these definitions, classifications and theories were applicable to the conflicts, in which the OAU as a continental organisation was involved. The chapter will also present brief definitions of the schools of conflict resolution, and identify general trends concerning research in the field of conflict resolution and provide examples of some mechanisms that are frequently used in conflict resolution processes.

The assumption in this study is that the manner in which organisations are framed or designed, may affect the implementation of the policies and the dynamics of collective decision-making concerning the interests of persons and members within or without an organisation. This explains the option to introduce and use the New-Institutionalism and African school of conflict resolution theories. The analysis of New Institutional theories will enable us understand the nature of the OAU's structures, the role of the individuals within the organisation, rules, routines and to identify the types of mechanisms the OAU had used in some conflict situations. The African school of conflict resolution theory will discuss the relevance of mechanisms, which were applied by the OAU conflict resolution system to those conflicts in which it was involved.

## Chapter Three

In this chapter, the impact on the OAU of the historical background, philosophical and ideological origins, objectives and goals of Pan-Africanism and the OAU's potential for conflict prevention, management and resolution, as well as African nationalism will be

analysed. How these affected the formulation of the objectives and goals of the OAU, as well as on the thinking of key actors on the mainland, will also be examined.

#### Chapter Four

In this chapter, an analysis will be carried out on how the OAU was equipped organisationally to deal with conflicts on the continent and to what extent the principal organs of the OAU have had adequate powers to deal with these conflicts. The chapter also will try to ascertain to what extent the tension between the preservation of the sovereignty of the OAU member states, as well as their national interests on the one hand and the promotion of continental interests on the other hand, affect the work of the OAU in conflict situations in Africa. Finally, the extent to which the colonial legacy and the dynamics of the Cold War era affected the relations between the OAU member states will be emphasised and how did that impact on African regional cooperation and the role of the OAU in conflict resolution processes in Africa?

#### Chapter Five

In this chapter, an attempt is made to trace and analyse the evolution, structural set up, functions and objectives of the OAU's conflict resolution organs since 1964. This is done by investigating to what extent the various organs, mechanisms and methods adopted by the OAU were suitable for the type of conflicts they were meant to resolve. The conflict resolution mechanisms, which were provided for by the OAU charter, were mainly aimed at resolving inter-state conflicts, and did not cater for various types of intra-state conflicts. How did this omission affect the role of the organisation in dealing with intra-state and other forms of conflicts, which emerged on the continent? The analysis also focuses on the dynamics of decision-making processes within the OAU, how it affected or enhanced the role of the Office of the Secretary General of the organisation in conflict resolution situations on the continent. The analysis also seeks to evaluate the transmission process of information within the organisation as it related to decision-making matters on mediation processes carried out by the OAU and how the information network within the organisation helped or hindered the information flow to and from decision-makers.

Furthermore, the chapter will trace and analyse the origins and structural weaknesses of the Commission of Mediation, Conciliation and Arbitration, why it was not effective in conflict resolution processes, and what were the reasons that led to its transformation to the Mechanism for Conflict Prevention, Management and Resolution in June 1993. In this respect, the analysis seeks to evaluate the functions, operations and the types of the activities that were carried out by the Mechanism's organs such as the Central Organ, the Political Department, the Early Warning Unit, the Field Operations Unit, the Peace Fund and the Panel of the Wise. An evaluation of the roles these units were supposed to play in conflict resolution processes on the continent and how these units coordinated their activities within the OAU structures and with other sub-regional organisations will be carried out.

## Chapter Six

In this chapter, the aim is to trace and analyse the challenges, which affected the institutional and legal cooperation between the OAU and the UN system. It also seeks to analyse the impact of these challenges on the institutional role of the OAU in conflict resolution in Africa, particularly where the UN Security Council and the OAU's Central Organ were involved in joint peacekeeping missions.

## Chapter Seven

In this chapter, the focus will be on an analysis of the challenges of and opportunities for the institutional and legal cooperation between the OAU and African sub-regional organisations. Although the legal and institutional basis of cooperation between the OAU and the UN was defined in their respective charters, the legal links between these two organisations and African sub-regional organisations were not provided for in their charters. To what extent did the inherent challenges and legal omissions of some vital provisions in the OAU charter regarding the role of the sub-regional organisations in peace-making in Africa constrain the work of the OAU in conflict situations where its cooperation with sub-regional organisations was required?

## Chapter Eight

In this chapter, the emphasis will be on how the American-European involvement in conflict prevention, management and resolution in Africa has affected the role of the OAU. The chapter seeks to trace and analyse the origins, objectives and functions of the African Crisis Response Initiative (ACRI), the Reinforcement of African Peace-keeping Capabilities (RECAMP), and the European Union Peace-building and Conflict Prevention Initiative in Africa. These initiatives were aimed at strengthening the OAU's role in conflict resolution and its peacekeeping capacity in Africa and have provided the OAU with the opportunity to open direct institutional contacts with the Americans, French and EU to cooperate with them on issues pertaining to peace making.

## Chapter Nine

The aim of this chapter is to ascertain whether the OAU was successful in resolving the Ethiopian-Somali boundary dispute that was seen as a typical inter-state conflict. This case study exemplifies the challenges faced by and the inherent weaknesses of the various mechanisms the OAU mediators have adopted to deal with conflict situations in Africa. The chapter will thus analyse the complexities and challenges that faced the OAU in its attempts to deal with the Ethiopian- Somali boundary dispute. It also seeks to identify some approaches and methods, which were used by the OAU mediators in the Ethiopian-Somali boundary dispute in the 1960s and 1970s. It will further analyse why some of these approaches and mechanisms seemed to have been effective, while others were not.

## Chapter Ten

This concluding chapter seeks to explain why some mechanisms used by the OAU during the period between the 1960s and 1990s were effective and why others were not during the organisation's attempts to resolve the Ethiopian-Somali boundary dispute.

## **2 Chapter two: Theoretical framework: the nature, concept, classification and theories of conflicts**

“African conflicts have many domestic or regional causes, in particular the problems of racial, ethnic, cultural, and religious cleavages and stratification, combined with gross inequities in the distribution of power, wealth, and other resources that render conformity or acquiescence to the status quo untenable. It is safe to argue that the causes are domestic or regional but that the effects or the operational aspects involving the means, whether in weapons or the financial ability to procure them, are usually external.”

Francis M. Deng and I. William Zartman, 1991

### **2.1. Introduction**

Analysing and evaluating the institutional role of the OAU in conflict situations in Africa entails the necessity of undertaking a thorough study and also trying to understand the philosophical and ideological origins of the organisation and the evolution of its principles, objectives and goals. Furthermore, it is also necessary to understand its structural evolution, to make a study of the nature and the circumstances of the conflicts in which it was involved, and identify the mechanisms the OAU mediators had used in various conflict situations on the continent. Most importantly however, a distinction must be made between conflicts between individuals or groups and inter and intra state conflicts. It is also imperative to highlight the importance of the patterns of conflicts in which the OAU was involved. For example, how did these conflicts erupt and how did various actors that were involved react and act while handling them?

In order to address these issues, it is equally important to identify the theoretical frameworks of conflicts in general and in Africa in particular, by raising the following questions: What is a conflict? How did the field of conflict resolution evolve over time? How have conflicts been perceived and defined by different societies, experts and practitioners? Are theories and definitions of conflicts as defined by practitioners applicable to conflict situations in Africa?

It is important to emphasise that the field of conflict resolution, which is sometimes referred to as ‘peace studies,’ came into being in the 1950s when some political scientists, anthropologists, legal experts and sociologists decided to lay a theoretical basis for its study.

Between the 1960s and 1990s, the field of conflict resolution expanded, and studies focussing on the theoretical framework of conflicts in different societies of the world were introduced into the field. Most of these theories are basically definitions of various principles, forms and descriptions of the patterns that conflicts assume at various stages of their development. That is, these theories describe the nature of conflicts and how they erupt or escalate. They also provide methods that can be used for the resolution of these conflicts. As will be discussed in some detail later on in this chapter, some of the theories and definitions of conflicts are provided in the works of writers and practitioners such as Burton 1990; Burton and Dukes 1990a; Burton and Dukes 1990b; Fisher and Ury 1991; Galtung 1975, 1976, 1980, 1987; Höglund 1972; Mial 1999; Ross 1993; Saaty and Alexander 1989; Scimecca 1991; Smith 1971; and Väyrynen 1991. In these works, the emphasis is on the nature of the conflicts, their scope and their development.

During the 1990s and early 2000s, the emphasis shifted somewhat to studying concepts such as the origins and causes of conflicts, conflict prevention and management, conflict resolution mechanisms, peace building, peace enforcement, post war reconstruction, and peacekeeping. In Africa, some scholars emphasised conflict prevention, management and resolution activities on the continent, and particularly where the role of the OAU, the UN and sub-regional organisations in these conflicts became crucial. For example, the following works have largely described and analysed the shift from concentrating on conflict resolution and the need for identifying mechanisms for this purpose, to a deeper understanding of the nature of conflicts in Africa and how suitable mechanisms tailored to deal with conflicts in Africa, could be devised. As will be discussed later on, some of the works which deal with different aspects of conflicts in Africa during the 1980s, 1990s and the early 2000s, include: Adebayo 1999; Ali and Mathews 1999; Anglin, 1992 and 1997; Assefa 1987; Cilliers and Mills 1995; Cilliers and Hildinf-Norberg 2000; Deng and Zartman 1991; Furley 1995; Ghebdinga 1987; Ghali 1998; Kumar 1989; Malan 1997 and 1998; Mekenkamp 1999; Nathan 1992; Ohlsson and Buzan, 1989; Oliver and May 1998; Omara-Otunnu 1990; Prendergast 1996; Rothschild 1960, 1989, 1994, 1996; Shutz 1995; Smock and Crocker 1995; Solomon and Van Aardt 1998; Spanger and Vale 1997; Uwazie 1999; West 1997; Widsrand 1969; and Zartman 1989, 2000.

Understanding the nature of conflicts in general is a prerequisite for the understanding of how conflicts in Africa occur, how they should be resolved, who should resolve them, and what



tools should be used for that purpose? In line with the focus of this study, which is to investigate and analyse the institutional role of the OAU in conflict resolution in Africa, the following questions are relevant for a better understanding of the nature of conflicts in Africa: are the conflicts in Africa similar in nature and context to those raging elsewhere? What are the approaches and methods that should be adopted to identify the internal and external impediments that might have faced organisations like the OAU in dealing with conflict resolution situations in Africa? Which is more important for the conflict resolution practitioners: understanding the nature of the conflict or finding appropriate mechanisms to resolve it? Which methods of conflict resolution are more effective in dealing with conflicts in Africa: the conventional methods such as those used by the UN organs or the informal methods or ad hoc structures in conflict resolution processes? Why did the OAU conflict resolution system avoid the use of mechanisms provided for in its charter and instead adopted *ad hoc* structures in conflict resolution situations? In addition, how could these methods/roles be made complementary to each other?

The objective of this chapter therefore is to discuss the theoretical frameworks of conflict resolution as a field of study. Emphasis will however be placed on the significance of definitions and classifications of conflicts, and their relevance in understanding the dynamics and unfolding of conflicts in general, with special reference to conflicts in Africa. The chapter will also introduce some theories of conflicts in general in order to help in understanding whether these theories were applicable to the conflicts, in which the OAU, as a continental organisation, was involved. Some schools of conflict resolution will be introduced, and general trends in the research in the field of conflict resolution will be identified, with emphasis on the school of international conflict resolution, the regional school of conflict resolution, and the African school of conflict resolution. Some examples of mechanisms and methods that are frequently used in conflict resolution processes will be provided, and their applicability to conflicts in which the OAU was involved, will be analysed.

The chapter will also focus on the New-Institutionalist and African school of conflict resolution theories by using them for understanding the functions of some OAU organs and for the identification of the types of mechanisms and methods that the OAU used during its interventions in certain conflict situations on the continent. The New-Institutionalist theories in particular will provide help in understanding the functions of the OAU's structures, the role

of the individuals within the organisation, the choice and application of the organisation's charter provisions, particularly in conflict resolution situations. The African school of conflict resolution theory will help with the understanding of why certain mechanisms were applied while others were not used by the OAU conflict resolution system in those conflicts in which it was involved.

## **2.2 The concept of conflict**

In order to find some answers to the above questions, it is important that some conventional definitions of the concept of conflict as provided by practitioners and scholars of the discipline, are provided and analysed to ascertain whether they relate to and/or are applicable to conflict situations in Africa or not.

Consensus exists among scholars of conflict and peace studies that conflicts cannot be resolved unless their root causes, nature, context, and their scope are addressed by those who are called in to resolve them. In most societies, conflicts are mechanisms devised to resolve differences and disputes in each community. Thus, conflicts are supposed to be frameworks for resolving internal differences, as well as means to transforming hidden differences into open tensions (Ross 1993: 6-8). In such cases, finding effective methods to resolve these conflicts tends to become the main concern of most societies. However, scholars and practitioners of conflict resolution do have different interpretations of what conflicts entail. In this section, definitions of the concept of conflict will be provided. Through these definitions an attempt will be made to understand why some conflicts are different from others. Although the focus will be on the inter-state dimension of conflicts, other levels of conflicts will also be highlighted and defined. In addition, it is also necessary to try to deduce from these definitions answers to the following questions: Are conflicts in Africa different from the conflict patterns elsewhere and were the mechanisms employed by the OAU suitable for resolving these conflicts?

According to John Burton (1990: 2), conflicts are "behaviours that have the potential of being destructive of persons, properties and systems." For him, the issues that lead to conflicts are not the ordinary ideas, theories, preferences and interests about which debates and negotiations are conducted as part of normal social life. Rather, they are those whose sources

are deeply rooted in human behaviour. In other words, conflicts are expressed through the manner in which people react to differences and reflect their frustrations concerning each other's behaviour. Burton further links conflict to power, and as such, for him a conflict would be "a situation in which authorities or power is being exercised without the sanction or approval of those over whom it is being exercised" (Burton 1990: 126).<sup>5</sup>

Burton (1986: 99) further contends that:

conflict may not be over material goods and symbols that cannot be shared, but over commonly held or universal goals such as identity, recognition, a sense of control through effective participation, security and such basic needs that we know are a part of the human developmental process.

What Burton seems to be emphasising is that when people's aspirations are frustrated in a given situation by others, irrespective of whether they are close to them or not, whether they involve power or material interests, it becomes difficult to reconcile interests involved in such situations.

On the other hand, James Laue (1987: 17) defines conflict as the: "natural competition between two or more parties about scarce resources, power and prestige. Parties in conflict believe they have incompatible goals, and their aim is to neutralize, gain advantage over, injure or destroy another."

From the above definitions, a conflict may be regarded as differences between and among individuals. These differences are further complicated by the nature of the conflict, mostly over goals, power, values, motives, ideas, and resources. In the African context, conflicts are often related to resources; power struggles, and in some cases the marginalisation of the minority by the majority or *vice versa*, or political manipulation of the less developed groups by the sophisticated elite. In case of intra conflicts, the outcome often tends to be a conflict between the central government and the regions. The demands for equal participation in the government or recognition of a group's interests by the ruling group are some of the causes of most conflicts in Africa, and these seem to fall within the framework of Burton and Laue's

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<sup>5</sup> The implication of this definition is that the relation between people in such situations is guided by power or authorities relations. Power drives and motivates some people to force others to submit to the will of those who possess the ability to exercise it.

definitions of conflict.

Johan Galtung provides another definition of conflict. He states that “an action-system is said to be in conflict if the system has two or more incompatible goal-states.” (Galtung 1978: 434). In this system, the distinction is made between action-systems consisting of individuals and collectivities and another distinction is made between inter- and intra-system conflicts.

Individuals in this system represent human beings and collectivities represents nations. Galtung (1978: 434) defines intra-system conflict as: “a conflict that can be found in the smallest subunits of the system, down to the individual actor, whereas inter-system conflict splits the system in parts, each subsystem standing for its own goal-state.” On the other hand, Galtung (1978: 438) defines the conflict behaviour approach as being “concerned with the behaviour of the persons in this particular situation.”

In the case of Africa, Galtung’s ‘individuals’ in the action-system represent groups that are considered dangerous by the ruling elite, the ‘outlaws,’ those deemed by the government as a threat to its existence. On the other hand, the ‘collectivities’ represents the central governments that are run by elites, whose aim is often to remain in power and would do anything to sustain the status quo. Again, some of the conflicts in which the OAU have been engaged fall within Galtung’s definitions, because most of these conflicts pitted central governments against rebel groups, who either felt alienated or their views were neglected by the government. However, other conflicts, such as the Ethiopian-Somali boundary dispute had other complex root causes, other than the ones alluded to by Galtung and thus do not fit within his definitions of conflict.

Morton Deatson (1991) presents another definition of conflict. According to Deatson, “conflict is a pervasive aspect of existence. It occurs at all levels of social life: the interpersonal, inter-group, inter-organizational and international” (Deatson 1991: 26). According to him, most conflicts are mixed-motive conflicts, in which the parties have both cooperative and competitive interests. In other words, a conflict can be constructive as well as destructive (Deatson 1991: 27).

From this perspective conflict may be defined as a process that originates when one individual

perceives that another party has frustrated, or is about to frustrate, some goal or concern of his or hers. In general, five types of conflicts may be distinguished: intra-personal (within the self), interpersonal (between individuals), intra-group (within a group), inter-group (between groups), and international (between states or nations) (Borisoff and Victor 1989: 1-2).

On the other hand, Dennis Sandole defines conflict as a dynamic phenomenon, a “manifest conflict process (MCP), comprised of phases of initiation, escalation, controlled maintenance, abatement, and termination/resolution” (Sandole 1993: 6). In this context, a conflict is a process that has to go through certain specific stages. Each stage may be independent from or related to the one before it or the one it follows.

At their initial stages, some conflicts in Africa in which the OAU was involved tended to follow Deatson’s and Sandole’s progress system, although as they escalated and reached stalemate stages, they took different forms. While the causes of some conflicts in Africa tend to be rooted in material or political interests, at later stages of their progress, some motives or interests become more important than others do, such as the ethnic group’s survival or preservation of the group’s dignity and prestige. This is often the case particularly in those instances relating to intra and inter-group conflicts.

In an attempt to provide a comprehensive definition for civil strife<sup>6</sup> T. David Mason and Patrick Fett (1996:547) state that “a civil war involves armed conflict between an incumbent government (G) and a rebel organisation (R)”. The goals of the rebellion may be to overthrow the existing government and replace it with a new regime (a revolution), or it may seek to partition the country and create a new sovereign nation state out of some portion of the existing one (a separatist war).

The above definition is perhaps the most appropriate and applicable to almost all conflict situations in Africa, normally referred to as civil wars that had been raging on the continent between the 1970s and 1990s. In conflicts where the warring parties are engaged in a power struggle, the OAU involvement has tended to take a low-key approach. In Article 3 (2), the OAU Charter clearly stated that no member state should interfere in internal affairs of the

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<sup>6</sup> By civil strife, we are referring to armed conflicts, which involve large segments of the population in the same country, irrespective of the origins and the root causes of the conflict.

other. This article has usually made it difficult for the OAU to intervene even in cases where the stalemate has reached unacceptable stages such as the situations in Somalia and Liberia in the early 1990s where the central government institutions in these two countries had collapsed.

From the above definitions of the concepts of conflicts, it is possible to conclude that a conflict by its nature involves interests of some sort. Moreover, for any conflict to occur at least two parties have to be involved, except in the case of intra-personal conflict. The manner, in which each party perceives the other, also seems to determine the level of the differences involved. Furthermore, for any conflict to be resolved it is necessary for the mediators or the parties to the conflict to identify the causes and understand its nature and the interests involved in the situation. All these dynamics and processes are shared by most conflict situations worldwide, although in the case of Africa, scarce resources, power relations and ethnic based interests seem to dominate the nature of conflicts on the continent. In fact, most of the conflicts in which the OAU was involved, seem to have been caused mainly by the power and economic based interests of the parties involved.

### **2.3 Classifications of conflicts**

As has been indicated above, scholars and students of conflict resolution have provided definitions for the concept of 'conflict,' looking at it from different angles and within different contexts as explained in the previous section. Indeed, the general consensus among political scientists, anthropologists, sociologists, social psychologists, and/or legal experts in the field have settled on defining any form of conflict, as a struggle over values, claims to status, power, and scarce resources in which the aims of the opponents are to neutralise, injure, or eliminate their rivals.

There are also conflicts that, although they do not involve clear-cut objectives over which parties are rivalling, also have the same effects as the ones described above. These include terrorism, hijacking, drug trafficking, gangster related crimes, organised crimes, religious violence, urban warfare, and kidnapping. These types of conflicts have a great impact on the socio-political and economic relationships in many societies. However, public media tend not to expose the origins or causes of these conflicts. It is also important to note that the intensity of some of these conflicts may be far more destructive and violent compared to other

conventional types of conflicts such as regional and international wars or civil strife<sup>7</sup> (Sandole 1993: 6-7; Burton 1990: 99-126).

In general, terms, the nature of conflict issues may fall into the following five categories:

- Sovereignty issues (structural factors) involving adversaries with incompatible claims to a specific piece of territory
- Ideology issues (political and cultural factors) focussing on the nature of a political system, basic values, or beliefs
- Security issues (including economic factors) concerning frontiers, borders and territories
- Issues of self-determination and national selfhood in independence conflicts (Kleiboer 1996: 365).

On the other hand, conflicts whether they are caused by humans or not, require mechanisms to resolve them. The use of these methods is determined by the knowledge and the understanding of the nature of the conflicts by the mediators or facilitators who are tasked to resolve the conflict. It is noticeable that in those conflicts that are difficult to resolve, the difficulty is not necessarily attributed to their complexities, rather it is because sometimes the mediators have very little knowledge of the origins and the nature of these conflicts.

The post-structuralist theories prefer to classify conflicts into five levels, namely, biological, physiological, societal, international and global conflicts. Indeed, understanding the causes of each set of conflicts may make it easy for the mediators, facilitators or regional and international organisations' conflict resolution practitioners to deal with conflicts, each within its category and context. Although most of the conflicts with which the OAU have dealt have very little to do with the first category, the biological level, it is noted that the other four categories seemed to have dominated conflict situations that the OAU mediators have encountered (Burton 1990: 120-125).

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<sup>7</sup> One should emphasise that these urban sets of conflict tend to be uncontrollable when they erupt because there is no clear-cut understanding of who the parties to the conflict are, and thus their intensity tends to be high and often assume a chaotic nature.

### **2.3.1 Biological conflicts**

This category of conflicts is concerned with human nature. According to this level of conflict, the assumption is that violent human behaviour is a function of a biologically determined human nature. Understood as such, it lends itself easily to a non-voluntary and spontaneous view of conflict and conflict resolution. The assumption is that conflicts are produced by biologically motivated actions or behaviours of human beings (Sandole 1993: 8).

St. Augustine (1948) on the other hand, argues that negative human behaviour is a function of 'original sin'. The assumption is that man was peaceful and sinless before Adam and Eve disobeyed God's commands. In this sense, a conflict may be considered to be the result of humankind's actions.

Sigmund Freud in turn, viewed human destructiveness as the result of a "dialectical struggle" between two opposing forces from within an individual, namely, one associated with life (Eros) and the other with death (Thanatos). The human reaction to events in Freudian argument is determined by the result of this dialectical struggle within oneself (Meadow and Spohnitz 1995: 33-55).

Furthermore, Hans Morgenthau (1973), the father of the Cold War's 'balance of power politics,' postulates that humans are being driven by their need for power and security in pursuit of interest defined as power, which is survival. Morgenthau believes that power is the determinant factor in human relations, and thus the main drive behind any conflict.

The implication in the above discussion is that an understanding of human motivations through his/her actions can only be achieved if the character of the person in question is related to his/her motives. That is, answering the question why (X) behaves or reacts that way, is related to his/her human nature. It is difficult however, to determine how and why a person behaves the way he/she does, and therefore in such a conflict situation, finding the appropriate conflict resolution mechanism becomes a laborious task.



### **2.3.2 Physiological conflicts**

This category argues that the form of physiological expression of a conflict is determined by the interaction between a physiological mechanism, stimulation of the mechanism and learning (Sandole 1993: 10). Conflict at this level is acquired through interaction with nature and other fellow human beings. Indeed Scott (1958: 62-63) contends that humans have “an internal physiological mechanism which has only to be stimulated to produce fighting.”

In other words, the motivation for aggression is often intensified and reinforced through success, and that the longer the success continues, the stronger the motivation becomes. This argument seems to suggest that the successful party in the conflict will have little interest in resolving the conflict as long as it feels that it is on the winning side, and the opposite tends to be true.

For example, in some conflicts in Africa, such as in Angola in the 1980s and the early 1990s, where one party regarded itself as victorious, solutions took longer to be reached. On the other hand, individuals who feel that they may suffer a symbolical or material loss in a conflict, tend to be accommodating regarding solutions that may help them retain some respect, while potential victors tend to be stubborn to seek peaceful solutions.

### **2.3.3 Societal conflicts**

Conflicts at the societal level tend to have peculiarities that differ from one society to another. The main question that often arises is: why are some communities more prone to conflict or certain forms of it than others? John Burton argues that explanation of social change and of the consequences of resistance to change is centred on the individual's role in society (Ross 1993: 11; Burton 1984: 19). This means that those groups that prefer the *status quo*, as long as it serves their interests, resist changes in society. The losing party would do anything to see that change takes place,<sup>8</sup> and sometimes they act merely for the sake of attaining change.

On the other hand, Robert North and others believed that if the perceptions of anxiety, fear,

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<sup>8</sup> In such situations, the result of the rivalry over whether the change should take place or not, is often motivated and driven by the vested interests in the conflict.

threat, or injury are great enough, even the perception of one's own inferior capability will fail to deter a person or a nation from going to war (Zines, North and Koch 1961). When a given group feels threatened or marginalised, its first option tends to be violence. Thus, violence according to the societal level theoreticians is the result of the passions override reason or when a person or a group becomes desperate to achieve his/her goals.

In terms of economic relations, whether in urban or rural societies or in both, John Burton argues that: "the major sources of potential conflict between capitalism and socialism are the shortcomings within each system that render each insecure, even without external threat" (Burton 1984: 3, 6-7).

These shortcomings may result in ethnic conflicts, racial conflicts, high levels of street violence, high levels of unemployment and growing inequality of income and opportunity. When solutions to these shortcomings are not found, violence becomes an alternative to the *status quo*.

In Africa, as in many societies elsewhere, conflicts over potential threats or fear of the unknown, results in community violence. When some members of a given society feel that others are involved in unjust practices regarding them, they tend not to look into their real power balance; rather they choose to take extreme measures that may sometimes lead to further humiliation. This attitude, which has been prevalent in some African societies over a long period, often leads to extreme anxiety in certain instances, and which resurfaces every time those members of the society feel that they are ready to make their voices heard. Such conflicts, unless carefully handled, tend to re-occur at regular intervals.

#### **2.3.4 International conflicts**

The significant role of a conflict in the international environment at this level can vary, depending on whether the international political systems are unipolar, bipolar or multipolar. For example, the collapse of the bipolar system in 1989-1990 was accompanied by a resurrection in ethnic conflicts and nationalist sentiments in Eastern Europe and in the former Soviet Union republics. While the bipolar international system might have served its political, ideological and economic purposes well during the Cold War era, there is no doubt that it did

have its own inherent and devastating weaknesses. On the other hand, the trend towards the multipolar or multilateral system has also been criticised by some politicians and academics, and they described it as a move in the direction of a ‘unit veto state,’ where many, most, or all states have the capacity to destroy everyone else. The underlying assumption is that some of the powerful states prefer the unipolar system (as practised by the United States of America in Afghanistan and Iraq in 1991 and 2003), which allows them to dictate the trend of world politics (Sandole 1993: 18).

The EU for instance, has been trying since the early 1990s to become a partner of the US in deciding the policies that shape world order. Apparently, the US has not been forthcoming or accommodative in this venture. This has created some tensions in the relationships between the two powers. The launch of the Euro monetary system in January 2002, ‘international terrorism’ and the tensions in the Middle East are some of the conflicts that are likely to dominate Euro-American relations in the 2000s.

What do these categories of conflicts have to do with conflicts in Africa? At the international level, with the super and medium Western powers pre-occupied with the war against what they call international terrorism, Africa will be affected in two ways: blackout from the active world attention to its internal conflicts, and the impact of the ongoing conflict between the West and the terrorist organisations on Africa. The effects of terrorism on Africa had already been felt in Kenya and Tanzania in 1998 and 2003, when terrorists bombed US and Israeli properties in these countries. There is no doubt that the African continent dominated the international focus briefly on its developmental agenda, especially after the formation of the New Partnership for Africa’s Development (NEPAD) and the African Union (AU) in 2002 and 2001. However, the attacks on New York and Washington in September 2001 and the war on Iraq in March 2003 have diverted the international community’s attention from the continent somewhat. It is however, equally important to mention that the ongoing efforts by African leaders to resolve the continental conflicts seem to be paying off and this might and should encourage the international community to re-establish an interest in helping Africa consolidate its security arrangements in the near future.

### **2.3.5 Global conflicts**

Robert North (1990:25) defines conflicts at the global level as those that distinguish “between natural and social environments and allow for the systematic investigation of the ways they interact on the land, in the sea, and in space and for the outcomes.” This category of conflict is often under pressure from different directions, and easily translated into violent conflicts. These pressures include expanding human activities and interests, whether in terms of the growth of human populations who have no alternative means of survival, advancement in technologies, poverty or environmental decline. To avoid further deterioration in what seems to be a dangerous level of conflict; Sandole 1993 (19-20) suggests that there is a need for the re-conceptualisation of global problems in the process of finding a solution, if the planet and human beings are to survive. The destiny of humanity in this category of conflict is intertwined, and what affects one region or continent affects the other continents also. Thus, problems such as population growth or environmental pollution are global problems that affect every member of the world's six and a half billion inhabitants, and hence require a collective approach to resolve them.

### **2.3.6 Conclusion**

Each of the above classifications of conflicts has distinct approaches or methods through which each conflict can be resolved. The causes and the nature of these conflicts also differ. Moreover, because some of these conflicts tend to affect the lives of a large portion of the world's population, whether at national, continental or global levels, the responsibility that the world community should shoulder to resolve these conflicts is equally important and should be collective in nature. It has also been observed that these categories of conflicts represent the interactive nature of human relations and interests, particularly in terms of material and spiritual needs. People resort to conflict for many reasons, but due to scarce resources, power relations, or due to external factors, they have no control over it. Conflicts in Africa, like other conflicts in the world have causes that are motivated by physiological, societal, international or global factors or the interests of the individuals or the societies involved. In order to prevent, manage or resolve these conflicts, there is a need to understand the nature of these conflicts as well as a need to identify and devise effective mechanisms or methods for that purpose.

## 2.4 The nature of conflicts in Africa

Most scholars in the field of conflict resolution agree that conflicts in Africa are reflections of internal weaknesses that are easily exploited by political actors, whether they are domestic or external powers, for their own interests. These internal weaknesses include, among others, the result of the complicated processes of the gradual or sudden decolonisation in almost all the African countries. Indeed, as shall be discussed in chapters three and four, the sudden departure of the colonial powers and the commencement of the Cold War politics, left most African states with unskilled labour forces and weak infrastructures. This situation resulted in the weakness of services in public sectors, a process that further weakened the state as the main service provider to the population (Vines 2000: 1-32; Solomon 1999: 25-28; Manning 1998: 208-212).

It has also been observed that most of the conflicts in Africa, which erupted between the 1970s and 1980s, were triggered by power struggles among various groups, whether based on economic imbalances, ideological, religious or ethnic grounds. In most instances, immediately after the independence, several political coalitions among ethnic groups were formed to govern the newly independent states. The ethnic character of most of these coalitions of emerging political parties had made it easy for some of those political groups to generate competition among them. One of the mechanisms considered by the African leadership at the time, to be suitable to curb the ethnic disintegration of the state system, was the introduction of one-party system<sup>9</sup> (Van Rosse and Hakim 1999: 37-39; Menkhaus and Prendergast 1998: 213-217; Lemarchand, 1999: 195-201).

Some conflicts in Africa also arise because of social or political revolutions regarding the problems of change in the country's leadership. In the 1960s and 1970s for example, a wave of military coups and palace takeovers engulfed many African countries. The ideological orientations of these military coups-whether capitalist, socialist or Marxist-Leninist- were so strong that, contrary to the coup makers expectations, it made it difficult for the competing groups to get together and work out their differences. Because of these coups and revolutions,

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<sup>9</sup> According to some African nationalist leaders who took over the reign of the state from the colonial powers, the one party system was the best system to make it possible for the newly independent states to forge national unity. By creating one super party, they hoped that such a move would bring together all the political groups in the country and thus avoid ethnic plurality in national politics.

some societies were reshaped structurally and ideologically to conform to the new political set ups or the new ideological orientations. In some situations, it was observed that the natural process of transferring power became loose and weak. In essence taking over the leadership of a country by a military officer became a matter of formality as long as he and his colleagues had the support of the former colonial power(s) and the elite in the country. The military coups that ousted the independent leaders of Ghana and Nigeria in the 1960s were examples of that kind of politics during that period (Nathan 1998: 1-14; Mafeje 1971: 253-61; Spear and Keller 1996: 121-138).

On the other hand, inter-state conflicts tend to arise because of territorial disputes. In several African states, as shall be discussed in chapter nine, some ethnic groups, for historical or geographical reasons, have been separated and are thus living as minorities in neighbouring countries. In some instances, these minority groups were able to solicit some sympathy from their relatives on the other side of the border, and were able to find a new urge to seek reunification. This new urge by some Africans ethnic groups to reunite with their relatives across the borders of the neighbouring countries, tends to be an expression of their dissatisfaction with the services delivered by the governments and states of which they are citizens. For example, the people of Ogaden at Somalia and Ethiopia border feel strongly that since they are Somalis, they should be annexed to Somalia. Other conflicts also arise because of disputes over natural resources such as oil and water. These kinds of conflicts tend to take a long time to resolve since they tend to be interest based. Therefore, it is observed that conflicts with cultural and deeply rooted causes in Africa are considered to fall within regional security jurisdiction (Sheth 1990: 27-33; Chime 1969: 65-78; Griggs 1994: 9-12; Martin 1996: 13-15).

Other conflicts arise from the fact that Africa is engulfed by a vast flow of arms, whether by long standing international rivalries and resentments (the Cold War legacy), and other factors that could only be handled best by a regional based organisations (Howe 2000: 22-24; Boutwell 1999: 16-19; Ero 2000: 25-29; Aning, 2000: 30-32; Brooks 2000: 33-35; Cullen 2000: 36-39).

In addition to the above-mentioned factors, some institutional, demographical and ecological factors have contributed to escalating conflicts on the continent. These factors include the

domestic disintegration of the central governments (what some refer to as failed states such as Liberia and Somalia between 1993 and 2000), poverty and deep economic inequalities, population pressures, national and ecological disasters, and the scarcity of vital resources and the huge movements of population (Okoth-Obbo, 1999: 3-4; Chretien 1996: 206-210; Maren 1996: 201-205).

## **2.5 Conventional mechanisms for handling conflicts**

Conflicts whether they are big or small, between friends or enemies, between communities or states require solutions to them. Indeed, in every human society, there are mechanisms that are devised specifically to resolve conflicts. These mechanisms are embodied in each society's civil or political institutions such as social organisations or governments. It is also observed that most conflicts tend to evolve through four phases, namely the eruption, escalation, stalemate and resolution.

Moreover, in the field of conflict resolution there are some conventional<sup>10</sup> mechanisms used more frequently than others worldwide, in attempts to end conflicts, namely conflict prevention, management and resolution. As in other regional organisations, the OAU mediators used one or all of these mechanisms at different times in several conflict situations on the continent. The use of these tools also varies from one conflict situation to another. Another important aspect to emphasise is that for any conflict to take place two or more parties have to be involved; and unless each recognises the legitimacy of the other, the likelihood of finding preventive or proper methods for its resolution may be laborious for the mediators (Vogt 1998: 1-7; Wolfers 1985: 175-196; Chime 1969: 65-78).

For the purpose of this study, notwithstanding the importance of the other conventional methods, three mechanisms that are frequently used in conflict resolution processes worldwide will be introduced. During the first phase, the parties to the conflict or the third parties use preventive measures or early warning systems. During the second stage, attempts are made to

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<sup>10</sup> By 'conventional mechanisms' of conflict resolution we mean those methods, which are regularly used by Western mediators in conflict resolution situations, *vis à vis* those suggested by the African school of conflict resolution as will be discussed below. Some of the Western mechanisms of conflict resolution being marketed in Africa include shuttle diplomacy, power and wealth sharing among, and security arrangements between the parties to the conflict, the installation of a national unity government and post conflict general elections. This approach has been applied in South Africa, Sudan, Somalia, DRC, Burundi and Côte D'Ivoire.

contain the conflict by addressing its causes, and this is the management phase. During the third stage, a conflict is ideally said to be resolved when parties to the conflict agree that the root causes of their conflict have been addressed properly, and that their relationship has been transformed from one of antagonism to a peaceful one.

### **2.5.1 Conflict prevention**

Conflict prevention means preventing disputes from escalating into violent or armed conflicts, to prevent old conflicts from reoccurring and to prevent existing conflicts from spreading. In general, a conflict prevention process has several instruments at the disposal of the parties to the conflict; these include mediation or preventive diplomacy, arbitration, conciliation, fact-finding, inspections, judicial settlement, monitoring, warnings, negotiation, peacekeeping, peacemaking, and peace-building (Nicholson 1991: 57-78).

One of the preventive tools that are often used in several conflicts in various societies, especially in conflict situations in Africa, is mediation. In fact, during the initial stages of most conflicts, mediation seems to be the preferred mechanism for preventive diplomacy over other preventive measures.

Folberg and Taylor (1984: 7) define mediation as being:

the process by which the participants, together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual settlement that will accommodate their needs.

While mediation is often used as a means to create consensus among parties, in some cases mediators find it difficult to accommodate the needs of the parties to the conflict. Moreover, mediation as Folberg and Taylor argue, quite often leads to compromises, and in some instances, it does not isolate the issues in a dispute systematically or consider options for its most effective resolution. In other words, while mediation is supposed to accommodate the two parties' views and reconcile them, the outcome tends to be too compromising to the extent that both parties might feel that the mediators have compromised the parties' principles and objectives over which they fought. In some cases, the parties may feel that the mediator was not neutral, because neutrality would entail that the mediator does not take a position that



would suggest that he/she dictates the terms of the crisis management. However, the mediator in essence, should have a say in the outcome of any conflict he/she is asked to mediate. Otherwise, the mediator's role would not be effective enough to guide, or if need be force the parties to either compromise or reach a reasonable settlement (Folberg and Taylor 1984: 7-9).

The above view on the role of the mediator is supported by Boulle and Rycroft who define mediation as: "a decision-making process in which the parties are assisted by a third person, the mediator who attempts to improve the process of decision-making; and to assist the parties reach an outcome to which each of them can assent" (Boulle and Rycroft 1997: 4).

By adopting the mediation method as a means of conflict prevention, it seems that the warring parties are showing their willingness to alter the decision making process, by accepting third party interference. This process also applies to the international mediation, particularly in conflicts where there are external or international factors that would require international mediating.

On the other hand, according to Marieke Kleiboer, international mediation is "a form of conflict management in which a third party assists two or more contending parties to find a solution without resorting to force" (Kleiboer 1996: 360). The emphasis on finding solutions without using force is the essence of a successful preventive process of any conflict.

The mediation process as an effective means of preventing conflicts is thus defined as:

Non-violent actions by a third party in a political conflict that is, or is in danger of becoming militarised, and whose purpose is to reduce/eliminate conflict behaviour and conflict issues as part of a negotiated conflict management and/or resolution process (Nordquist 1995: 3).

In this context, mediation does not include settlement procedures such as arbitration or negotiations. It rather describes a third party attempt to make the parties reach a formal or informal settlement.

On the question of what powers parties to conflict should invest in the mediators, Nordquist (1995: 4-12) divides mediation into three types:

- Firstly, *power mediation*, where parties turn to a mediator who is willing to use a variety of resources- such as political, diplomatic, economic and military- to make parties reach an agreement. A power mediator can play a double role: in the first place, by pressurising the parties in the process towards an agreement and secondly, by providing support for the implementation and maintenance of what is agreed upon, either in the form of material or political support. (This has been the role played by the US in its mediation efforts in the Sudanese conflict during the period between 2002 and 2005, and Saudi Arabia in Lebanon in 1992).
  
- Secondly, *confidence mediation* means that the mediator's main objective is to support the development and exchange of views and ideas initiated by the parties to the conflict. These may be in terms of the parameters within which the parties choose to operate, in their search for a solution (The best example would be the role played by South Africa government officials during the inter-Congolese dialogue at Sun City and in the Burundi peace talks in Pretoria during 2003 and 2004).
  
- Finally, in *advisory mediation*, initiatives are taken from the early stages of a conflict process, with the aim of reducing tensions and indicating to the parties that there are alternative preventive routes for meeting their interests other than the escalation of hostile behaviour (The efforts by some OAU member states to reduce the tension between Ethiopia and Somalia during the period leading to the eruption of war between them in November 1977 falls within this category of mediation).

Others define preventive intervention or mediation as “constructive actions undertaken to avoid the likely threat, use or diffusion of armed force in a political dispute” (Wallenstein 1998: 11). In these situations, attention is paid to the imminent militarisation or use of violence, particularly when it becomes clear that the threat of spreading of violence is likely to occur.

Moreover, from an international conflict prevention perspective, prevention is an act of doing everything possible to prevent simple tensions from growing into a large-scale war. In fact, as Eliasson and Rydberg (1998: 39) put it, “it is a matter of trying to organize international as

well as national affairs in a way which reduces tension and discord.” Preventive intervention is therefore about providing the peaceful means for dealing with differences and disagreement, by finding sustainable, long-term solutions to conflicts.

From the above discussion, it seems that mediation is one of the preventive tools that is often deemed effective in preventing conflicts from escalating. Some societies use mediation as a confidence building measure, to enable the parties to the conflict to have the chance to negotiate on common grounds where they can bring about a lasting peaceful settlement to their conflict.

Preventive diplomacy also gives the mediators the chance to help parties to work towards sustainable and long term solutions to which the parties may be willing to adhere. This might explain why most of the preventive diplomacy activities that the OAU carried out between May 1963 and July 2002, were all carried out by mediators who were nominated with the consent of the parties to the conflict. In fact, as will be discussed in chapter five, it is noticeable that, among other mechanisms, one of the overused conflict prevention mechanisms that the OAU Secretariat used throughout the continent was mediation through *ad hoc* committees.

### **2.5.2 Conflict management**

Most conflict management<sup>11</sup> practitioners contend that the difficulty that peacemakers often face is not conflict per se, but rather how to handle or manage it. According to Marc Howard Ross, the students of political conflict and conflict management have always placed emphasis on the responses to and consequences of conflicts for the disputants and their communities, and about the root causes and evolution of conflicts, and paid little attention to how disputes end and how alternative action, by disputants might have led to the other outcomes (Ross 1993: 2).

According to Ross, conflict management means: “addressing both the issue about which the parties are contending and the deeper concerns which, if ignored, are likely to resurface in a

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<sup>11</sup> It appears that the term ‘conflict management’ is often used interchangeably with other terms such as ‘conflict control,’ ‘conflict regulation,’ and ‘conflict resolution.’

short time” (Ross 1993: 3).

Thus, conflict management may be considered to be the process of complying with conflict mechanisms that are either built into the social structure of the society or are employed consciously by the members. These mechanisms assist in containing conflict situations that arise between different entities within the society or in limiting the destructive effects of the ensuing conflict behaviour. Conflict management is most effective when it addresses both the disputants’ differences in interests and their divergent and mutually hostile interpretations. Indeed, an exclusive focus on either is considered biased and counterproductive (Ross 1993: 6-8).

On the other hand, according to John Burton, in conflict management, as in the decision making process, there are three components that are significant (Burton 1990: 189):

- Firstly, the degree and quality of participation by the parties to the disputes is important. This involves the bargaining power available, knowledge and negotiating skills, and other attributes of the participants.
- Secondly, there is the degree and the quality of communication between the parties. This includes their perceptions and understanding of the situation; abilities to receive information and to communicate it easily and coherently.
- Thirdly, if a third party is involved, there are the degrees of decision-making power (whose decisions are more effective?), degrees of neutrality (are the mediators neutral?), levels of analytical skills and other attributes of the third parties.

While the three components mentioned above by Burton are important for any successful conflict management exercise, there are also three preconditions for the regulation (management) of antagonistic conflicts. According to Riimo Väyrynen (1991: 9):

- The parties to the dispute must admit that the conflict is real and genuine and cannot be eliminated by simple appeals to social harmony and national unity. The recognition of the fact that there is a conflict to be resolved, places more responsibility

on the conflicting parties to find solutions to the conflict.

- Secondly, the parties must also organise themselves and should recognise each other in order to be able to deal effectively with the conflict. Recognition entails that each party is ready to talk to the other.
- Thirdly, they must also agree on the rules of the game in their joint efforts to regulate or manage the conflict by means of either bargaining or negotiation.

Moreover, recognition of the impact of the attitudes and beliefs of the parties to the conflict on the management process is vital, especially in ethnic based conflicts such as those in Africa.

In fact, Douglas P. Fry and C. Brooks Fry (1997: 10) convincingly contend that: “Human conflict and conflict resolution are cultural phenomena. The ways conflicts are perceived and handled reflect a culturally shared set of attitudes and beliefs.”

It should be emphasised that the mechanisms used for conflict management vary from one society to another. In some societies the emphasis is placed on punishing wrongdoers, while in other cultures, conflict management concerns itself with the task of repairing strained or broken relations. In some societies, formal mechanisms of dealing with conflicts exist such as courts or arbitration boards, whereas other cultures use informal mechanisms, such as mockery, gossip, exclusion, and the use of witchcraft (Rotfeld and Symonides 1998: 39).

From the above discussion, it seems safe to argue that conflict management procedures in general may be measured in two respects:

- Firstly, their success in helping parties possessing incompatible goals to find a solution to their conflict.
- Secondly, if a satisfactory solution is unachievable, conflict management procedures may assist at least in limiting the negative behaviour adopted by the adversaries during their process of negotiation. The aim of such procedures should be to minimise the disruption resulting from the existence of the conflict. Conflict management therefore,

attempts to avoid the escalation of a conflict, and seeks a peaceful settlement for it.

As discussed in chapters five, six, seven, eight and nine, in those conflicts where the OAU were involved, conflict management was used to achieve three goals:

- Firstly, in order to avoid the use of arbitration, due to its legal implications, the OAU Secretariat used ‘*ad hoc* committees’ approach to manage conflicts. Heads of states were asked by the organisation or volunteered to mediate, by making use of their personal ties with the parties to the conflicts in their attempts at dissuading them from escalating the conflicts.
- Secondly, the OAU Secretariat tried to use the management approach to identify the causes of the conflicts, by closely observing the manner in which the parties expressed their views on issues they deemed important to them. Methods such as fact finding missions, peace missions and sending personal envoys of the Secretary General to the parties involved in conflicts, which gave mediation the status of being a tool for both the management and prevention of conflicts, were used to solicit the views of the parties to the conflict.
- Finally, the OAU mediators were serious in their intention to avoid creating the impression that they were intervening in the internal affairs of the parties to conflicts, especially as the first conflicts referred to the OAU, were between states or were inter-state conflicts. The use of conflict management mechanisms was therefore seen as the best approach, since it was suggested that the parties were in full support of the OAU intervention.

### **2.5.3 Conflict resolution**

As can be inferred from the term, ‘conflict resolution’ it refers to the stage during which the causes that triggered the conflict are said to be properly addressed. Thus, Johan Galtung defines the resolution of a conflict as the process where the “action-system no longer has two or more incompatible goal-states” (Galtung 1978: 438). In this context, conflict resolution is the process by means of which, by intent or accident, the end result should lead to a solution.

According to Galtung, conflict resolution<sup>12</sup> is achieved either by complete agreement on one of the conflicting goal-states or some compromise, or the total annihilation of one of the parties to the conflict (in the case of inter-system conflicts) or suppression of one of the parties (in the case of intra-system conflicts) (Galtung 1978: 438).

On the other hand, John Burton (1990) defines conflict resolution as “a means of transformation of relationships in a particular case by the solution of the problems which led to the conflictual behaviour in the first place” (Burton, 1990: 3). He further defines conflict resolution as the “study that transcends separate compartments of knowledge, known as disciplines, and seeks to take a holistic view of human conflictual behaviour, without being politically unrealistic or in any sense superficial” (Burton, 1990: 20).

Moreover, in his endeavour to give a practical meaning to what conflict resolution really means, Burton introduces the phrase “conflict *provention*<sup>13</sup>” which he defines to mean:

deducing from the adequate explanation of the phenomenon of conflict, including its human dimension, not merely the condition that create an environment of conflict and the structural changes required to remove it, but the promotion of the conditions that create cooperative relationship” (Burton 1990: 3).

Conflict resolution and *provention* therefore assume that there are human development needs that must be satisfied and catered for by the organisations, if these institutions are to be stable, and if societies are to be significantly free of conflict (Burton 1990: 23). From the above definition, conflict resolution means dealing effectively with the causes that led to the conflict rather than with overt violence and disruptions that are the manifestations or symptoms of such problems. Some of the causes of deep-rooted conflicts according to Burton include conflicts with authorities, between authorities, among persons and groups within societies, and demands on individuals to make certain adjustments in behaviour that are unacceptable and probably beyond human tolerance and capacities (Burton 1990: 15).

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<sup>12</sup> Galtung lists conflict resolution mechanisms that, in his opinion, are used by different societies in various conflict situations. They include: chance mechanisms, oracles, ordeals, regulated warfare, fights, private duels, judicial duels (‘Zweikampf’, ‘holmgang’), verbal duels, debates, mediation and arbitration, courts and voting (Galtung 1978: 448-451).

<sup>13</sup> The term “provention” was coined by Burton to differentiate it from the term prevention

In the African context, as discussed in the section on the African school of conflict resolution in this chapter, some of the causes of conflicts mentioned by Burton feature visibly in most conflicts on the continent, where the OAU mediators were called upon to intervene or mediate. Most of these conflicts tend to be interest-based, where hidden or open competitions among groups may lead to bitter misunderstandings, because of which, violent reactions by both sides may prove to be inevitable.

According to Morton Deatson (1991), the cooperation and competitive interests of the parties to the conflict vary throughout the course of a conflict, and they determine the nature of the conflict process. They also determine whether the outcomes (resolutions) of the conflict are likely to be constructive or destructive for the conflicting parties (Deatson 1991: 27; Pillar 1983: 240-241).

Riimo Väyrynen (1991) on the other hand, argues that conflict resolution is a natural process in the creation of peace, and a prelude to other important values such as social order and economic development. Conflict is supposed to address the causes of violence and resolve them in an appropriate manner. A conflict resolution process is thus the existence and activation of accepted and shared rules or norms, or the involvement of some third party, which intervenes in the conflict with the intention of removing the basic situation of conflict, or bringing a particular form of conflict behaviour to an end. As discussed in the section on conflict management in this chapter, the third party involvement process is meant to create a major change in the structure of any conflict, especially when bilateral structure or interactions of the parties involved in the conflict become disruptive (Väyrynen 1991: 1).

At the international level, K. J. Holsti (1966) contends that most international conflicts have sources, which are relatively easy to identify, these include: the demand by one political group for territorial rights (land) or resources (oil, mines or waterways) controlled by the other or domestic rebellion (civil war or revolutionary struggle) which attracts outside intervention. These demands may develop into tensions that are more difficult to resolve than those conflicts whose origins lie in expansionist demands and in the incompatibility of recognisable objectives. At the international level, arbitration or a third party intervention, become the means through which conflicts such as territorial disputes are resolved (Holsti 1966: 272-396).



Moreover, since these types of conflicts tend to arise over specific materialistic issues, where legal judgment is required, the use of legal based mechanisms assumes some significance over the other tools of conflict resolution. This has been the case in most boundary disputes between some African countries where the OAU was involved, although the organisation has found it difficult to persuade its member states to accept arbitration as a means of resolving boundary disputes in Africa in many instances.

#### **2.5.4 Conclusion**

The discussion of the above three mechanisms seem to suggest the following regarding the role of individuals or organisations such as the OAU that were/are involved in conflict resolution processes:

- The individuals or organisations should acknowledge the importance of identifying the causes of the conflicts and the points of disagreements between/among the parties to the conflicts.
- They should establish common grounds for negotiations, and find acceptable mediators, who would guide the parties towards reaching a peaceful resolution to their conflicts.
- The conflict prevention, management and resolution methods and other mechanisms such as arbitration or mediation are also capable of identifying the patterns of the conflicts and show why it is important to try to neutralise the impact of preconceptions that the conflicting parties have regarding each other, before sitting down to negotiate.
- Most practitioners in the field of conflict resolution or peace making seem to prefer the use of conflict prevention, management and resolution mechanisms over other more legalistic methods such as arbitration, which parties to conflicts tend to resent.<sup>14</sup>

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<sup>14</sup> As discussed in chapter five, the OAU Secretariat established a Mechanism for Conflict Prevention, Management and Resolution in 1992, giving apparent recognition of the fact that these three conventional mechanisms are acceptable to the organisation's peacemakers. Although some other mechanisms were recognised, the three mechanisms mentioned above were deemed effective enough to resolve conflicts in Africa. Later on in 2002, the Mechanism was changed to Peace and Security Council (PSC).

Furthermore, they regard the three mechanisms mentioned above to be the most effective tools capable of transforming the conflict from the non-negotiable *status quo* positions or mutual suspicion stages to that of the mutual recognition of the two parties of one another.

## **2.6 Schools of conflict resolution**

It is important to emphasise that in this section, the origins and the nature of the schools of conflict resolution will be discussed to indicate whether indeed, some of the conflict resolution mechanisms that the OAU mediators adopted fell within the field of conflict resolution or not. In this chapter, the concept and the classifications of conflict were discussed, and some of the conventional mechanisms that are frequently used by practitioners to resolve conflicts, namely, conflict prevention, management and resolution were surveyed. In this section, the main question to deal with is what are the dominant schools of conflict resolution, how did they evolve and how do these schools view conflict situations in the world?

As stated earlier in this chapter, one of the main aims of the field of conflict resolution is to find solutions to conflicts, or at least to be able to manage them until such time when lasting solutions are arrived at. It also seeks to understand how conflicts originate or erupt and tries to find appropriate mechanisms to resolve them.

There are three main schools of conflict resolution that have developed since the 1950s: the international school, the regional school and what the researcher prefers to call the 'African school' of conflict resolution.

### **2.6.1 International school of conflict resolution**

The international school of conflict resolution deals mainly with preventive diplomacy, peace and international security issues worldwide. It describes the work of organisations such as United Nations' Security Council (particularly as provided for in articles VI, VII & VIII of the UN Charter). Its main focus is on conflicts that are considered to be capable of endangering international or regional peace and works at finding out methods to prevent, manage and resolve them. The methods that the proponents of the international school of conflict

resolution recommend in conflict situations include preventive diplomacy, arbitration, use of Articles VI, VII and VIII of the UN Charter,<sup>15</sup> multi-track diplomacy, humanitarian intervention, peacekeeping, and an international coalition against a country or countries that are considered to be posing a threat to international peace and security. The causes of these conflicts vary from one conflict to other, although border disputes and issues relating to disarmament, natural resources, ideological differences and Weapons of Mass Destruction (WMD) tend to be behind such conflicts. For example, the intervention of the international community in the war in Yugoslavia (1992-1995); Iraq (1991/2003); and Afghanistan (2001) were all fought in the name of international security.

The legal basis of the international school of conflict resolution is international law and international legitimacy as espoused in the UN Charter and other international legal bodies and agreements such as the International Court of Justice (ICJ), the International Criminal Court (ICC) and international treaties and conventions. Some of the extensive research conducted by scholars and practitioners on international conflicts and their applicability to specific conflict situations, include works by Azar and Burton 1986; Bercovitch 1991; Borisoff and Victor 1989; Burton 1990; Crocker 1996; Duner 1983; Holsti 1966; Hopmann 1996; Makinda 1987; Morgenthau, 1973; Ottaway 1982; Pillar 1983; Ross 1993; Rupesinghe 1997; and Väyrynen 1991.

### **2.6.2 Regional school of conflict resolution**

Proponents of the regional school of conflict resolution are concerned with the dynamics and management of regional conflicts. This school aims to devise mechanisms that regional organisations such as the OAU, the organisation of American States (OAS), the League of Arab States, the Association of Southeast Asian Nations (ASEAN), and the European Union (EU), can use to resolve conflicts that are considered to interfere with regional security arrangements. For example, conflicts such as the Palestinian-Israeli conflict (since 1947), the Ethiopian-Eritrean border dispute (1998-2000); tensions between North and South Korea (since 1951); Pakistan and India over Kashmir (since 1948); the island of Bougainville in Papua New Guinea in the Pacific; the Quebec conflict in Canada; and the war between Russia

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<sup>15</sup> In these three articles, the UN Charter elaborates in detail on how inter-state conflicts should be resolved.

and the secessionists rebels in Chechnia, are regarded as regional conflicts because they involved more than two states. Moreover, questions of ethnic diversities, sub-regional nationalism expressions, border disputes, natural resources, ideological disparities, superpowers interventions, and hosts of other causes, tend to dominate the investigations of the school of regional conflict resolution. The supporters of the school also advocate that regional conflicts that are triggered by cultural or geographical root causes should be dealt with and managed by regional organisations. Its proponents further argue that, in order to minimise the time required for handling regional conflicts, and for an effective resolution of regional conflicts, it is important that external involvement from outside the region in such conflicts be avoided. Some of the literature that addressed the issues raised by proponents of this school include works by Anan 1999; Christien 1996; Christoph, 1982; Crocker, 1996; De Coning and Solomon 2000; Duner 1983; El-Ayounty, 1975, 1994; Furley, 1995; Hazlewood, 1967; Khapoya 1976; Kralona, 1988; Lemarchand 1999; Le Monde Moderne 1975; Minter 2000; Naldi 1999; Nicol 1978; Olorunsola, 1972; Ottaway 1999; Parboosing 1998; Pavri 1997; Sheth 1990; Vines 2000; and Young 1998.

### **2.6.3 School of African conflict resolution**

This school is a synthesis and a by-product of writings of the scholars and practitioners who feel that there is ‘something African about the nature of conflicts in Africa’ which should be highlighted and inform the manner in which mediators should deal with conflicts which originated in Africa. It needs to be emphasised that most of the literature produced by the advocates of this school covered and studied different aspects of most of the conflicts in which the OAU was involved. Indeed, during the past two decades, a trend of thinking has emerged among scholars in Africa and Africanists who were/are involved in studying conflict resolution matters suggesting that there is a need to explore the possibility of developing a systematic way of thinking supporting this view.

The advocates of this school attempt to find some answers to the following questions:

- How can one understand the nature of conflicts in Africa?
- Are there conflicts, which could be regarded as purely ‘African conflicts?’
- What are the roles of customs and culture in these conflicts?

- Did the OAU mediators recognise that there were mechanisms for conflict resolution that are only applicable to conflict resolution situations in Africa?
- What could be the effect of these mechanisms if employed? (Ngwane 1996: 81-104; Mazrui 1994: 39-42; Yoh 1996: 6; Ottaway 1999: 202-207).

### **2.6.3.1 The nature and patterns of conflicts in Africa**

In trying to substantiate their arguments, some advocates of this school emphasised the importance of understanding the nature and characteristics of the conflicts, the identification of the causes of conflicts in Africa and the provision of solutions, which they consider essential for the stability of the region.

For example, in discussing the underlying causes of conflicts in Africa, Deng and Zartman (1991:1-15) contend that the most dominant causes include incomplete nation building and differences of identities derived from complex internal actors such as ethnicity, religion, culture and language, economics and the competition for limited resources; state-society relationship and political demands that exceed state capabilities. Even though these may be present in non-African conflicts, they argue further that, attempts to resolve conflicts in Africa tend to focus on approaching these conflicts from the perspectives of the key actors, especially the leaders, whose main concern tends to relate to power struggles, and less to the lives of ordinary citizens. This observation seems to raise other important issues, such as to what extent do the root causes that aggravated the conflict, relate to the objectives of the elites, the fighting forces or the general population? In other words, once a conflict has erupted, to what extent is the conflict sustained by the grievances that triggered it in the first instance? Then there is the cultural component and its contexts and how do they reflect different techniques of conflict resolution?

On the other hand, Assefa (1999: 115-119) argues that conflicts between rebel groups and governments in Africa can be settled at the negotiating table by agreements between leaders. However, once the conflict grows deep and degenerates into people-to-people hostility, the peace process becomes very difficult. Another problem highlighted by Assefa, which he regarded as an obstacle towards achieving durable peace, especially in the Horn of Africa, has been the lack of visionary leadership. Most of the wars in Africa have been started by elites

who influenced and mobilised the population to join.

Omara-Otunnu (1995: 223-236) contends that in some countries in Africa, international considerations and the support of the donor countries or lack of it, tend to be diffused rather than reflect internal policies as they are in each country. Thus, conflicts that arise because of the failure to incorporate the very people who make up the administrative units of the state, shifting their focus to policies that external powers prefer, tend to overshadow and preclude attempts at creating meaningful internal social policies. According to Omara-Otunnu, such external influences cannot be posited simply as being one of class struggle and domination, but perhaps more accurately, as an instrument through which international capital pursues and protects its interests in African countries.

On the other hand, Obasanjo (1991: xiii-xx) observes that there can be no separation of domestic and external sources of conflicts in Africa, because of the dynamic interaction between the two. In his opinion, inter-state conflicts could easily become intra-state, as was the case of the conflicts among the factions in Chad and the linkages with the Libyan-Chadian war in 1980s. Conversely, inter-state conflicts could have decisive effects on a domestic power struggle, as was the case with the Ugandan-Tanzanian war in 1979. In such instances, it becomes imperative to wonder for what the parties to the conflicts in Africa are really fighting. According to Obasanjo, there are three main issues, which spark off conflicts in Africa: First, conflicts over resources, that is an internal struggle over the equal distribution of national resources and collective wealth, or inter-state conflicts over territories that are believed to contain valuable physical or material resources. Second, there are conflicts over the definition of self in terms of struggle for self-determination. Finally, there are conflicts over ideology and competing socio-political systems.

Another issue raised by an advocate of the African school of conflict resolution is the question of regional linkage of most conflicts in Africa. According to Anyang Ngong'o, internal conflicts in Africa tend to be linked to other conflicts. For instance, internally based rebels often build ties with neighbouring countries in order to gain access to safe havens and military resources, thus adding an inter-state element to a conflict that started because of local grievances. In such situations, the use of what he referred to as "regionalised" conflict resolution efforts can open up tactical and strategic choices. The role of the Inter-

Governmental Authority on Development (IGAD) in the resolution of Somali and Sudanese conflicts could be regarded as a regionalised conflict resolution effort (Anyang Nyong'o 1991: 95-114).

At policy-making level, Amode (1999: 271-279) argues that for conflicts in Africa to be resolved, and particularly in West Africa, one ought to accept the fact that there are pertinent policy-oriented questions which should be raised and these include:

- What choices of development strategies do parties in the state power conflicts make?
- Is it socialism, capitalism, centralist social democracy, or elite-oriented wealth accumulation system?
- Another relevant question is what are the divisions and differences over issues of sovereignty in the country?
- In other words, are the parties organised to defend the status quo or they are ready to introduce new changes?
- At regional level, it is equally important for policy makers to know the contemporary dynamics of conflict of each country in Africa, that is, the nature of conflicts.
- Moreover, there is the need to ascertain what the phases of conflict in each country are; and indeed to know the national security strategies of governments in the sub-regions of the continent.
- Then there is the question of which strategies and mechanisms are in place to suppress; manage and prevent the escalation of wars.
- Moreover, it is important that policy makers are aware of the strategies of the opposition groups and should solicit their views on how to resolve the conflict. For example, are these opposition groups advocating reforms or revolution?
- There is also the need to understand the war process, the price that must be paid for the victory and the humanitarian consequences of containing it.
- Then there is the necessity to identify the different peace process policies, which are applied by parties to specific conflict situation.
- Finally, there is the need to identify peace process intervention measure in operation at any moment of the conflict situation.

According to Amode (1999) these issues form the basis of solutions to any conflict situation in Africa. They also raise questions, which quite often form the background to any conflict on the continent and provide some answers to mediators who are tasked to find solutions to conflicts.

### **2.6.3.2 Trends of the school of African conflict resolution**

The African school of conflict resolution developed along a three-dimensional approach in dealing with conflict resolution issues in Africa, each of which offers methods and mechanisms through which conflicts can be resolved in Africa. Although these methods and mechanisms are deemed to be applicable to most conflicts in Africa, it is important to note that, some methods may not be applicable or effective in some instances, thus rendering the implied generalisations by the proponents of the school inaccurate in some instances.

### **2.6.3.3 The first trend**

The first trend suggests that there are specific mechanisms and methods that are typically African, which, if modified and applied properly, could be more effective than the ones used by the OAU or foreign mediators in several conflict processes in Africa. Some of the mechanisms cited by the adherents of this trend, which are regarded to be typically African, although one must caution that their applicability to all African societies is questionable, include:

- *The African 'value of short memory of hatred'*

In some instances, over time some African leaders and communities have displayed a capacity to forgive the wrongs of the past committed against them by their neighbours or distant enemies and choose to move on. That limited memory of animosity towards opponents and enemies, is an important tool of conflict resolution in some parts of Africa. The cases in point are Kwame Nkrumah of Ghana, Jomo Kenyatta of Kenya and Nelson Mandela and their colleagues who were jailed by their opponents for many years; and when they were released, they emerged without serious bitterness (Mazrui 1994: 40).



- *African ecumenical and religious leadership aura.*

Religion plays an important role in the spiritual understanding of African societies of the natural world around them. This is why religious leaders of various sects and denominations have a vital role in conflict resolution in Africa because they possess moral authority, which enables them to communicate with all segments of the society (Mazrui 1994: 41; Malan 1997: 96-101).

- *The use of 'female' in conflict prevention and management missions*

In most African communities, women are invited by elders to act as mediators or facilitators in some delicate and sensitive conflict situations. With time, elderly women assume men's roles, especially in issues relating to governance, community security issues and conflict resolution matters. In most African communal conflicts, women act behind the scenes and use quiet diplomacy to convince the warring parties to use peaceful means. For example, in African cultures, women, elderly men and young people are not considered to be part of the conflict and thus they are exempted from any intentional form of harm because of the conflict (Mazrui 1994: 42; Malan 1997: 28/93).

- *Community courts, customary law's legal systems where the collective wisdom of the society is represented.*

These courts are used as conflict resolution mechanisms and sometimes they also serve as tribunals in the community legal systems. In this legal system, tradition, precedent, and past experiences are deemed indispensable. Legal decisions are deemed binding only if and until the parties to the conflict voluntarily admit that the ruling is just and has thus addressed the causes of the conflict effectively (Rugege 1996: 24-25; Malan 1997: 98; Yoh 1996: 6).

- *Truth telling and reconciliation councils.*

In these forums, confession by wrongdoers is deemed to be the best approach to conflict resolution and a prelude to forgiveness. Parties to the conflict are forced by the community to come forward and confess what they deem to be a mistake, and commit themselves that they will not resort to violence. The wrongdoer is asked to

admit his/her wrongdoing voluntarily and accept the consequences of his/her action. The wronged person is asked to accept the confession and reconcile with the offender in public so that the matter is put to rest permanently (Malan 1997: 93).

- *'Give-a-little', 'take-a-little' approach.*

This is a win-win approach and it is used in most African cultures as an advanced negotiation mechanism. In conflict resolution process, compromise is deemed a part of the reconciliation. While the wrong and the harm have already been committed, the parties are encouraged to give and take during the negotiation to avoid a deadlock. By giving and taking little from each other, each party undertakes to facilitate the negotiation process and help in building confidence to keep the negotiation going on. In this process, the ultimate objective is to keep the parties talking to avoid the collapse of the negotiations, especially when the issues involved concern the neighbouring communities' vital interests such as cross border grazing rights, and land disputes (Rugege 1996: 23; Malan 1997: 17).

- *Remedies, reparations, and compensations for victims.'*

This is one of the most effective preventive mechanisms often used in conflict prevention situations in most parts of Africa. The payment of these compensations is often regarded as a responsibility of the community as a whole and not of the individuals who committed the crime. Thus, the consequences of the punishment of offenders become the responsibility of the entire community. In the end, the offenders take time to think before committing an offence, since the consequences of their actions will involve and harm the whole community (Rugege 1996: 24; Yoh 1996: 6; Malan 1997: 18-30).

- *Reconciliation with and rehabilitation of wrongdoers and conflict protractors through community collective principles of forgiveness and punishment.*

In African cultures, wrongdoers and delinquents in the societies are not jailed or imprisoned; rather there are community-based social mechanisms, which punish the offenders without excluding/excommunicating them from the community. These temporary measures are referred to as 'social sanctions,' which include mockery and taunting, gossip, and temporary avoidance to interact with and the rebuke of offenders

in public forums (Rotfeld and Symonides 1998: 39). Although some of these mechanisms may seem harsh and exclusionary to offenders, the aim of these mechanisms is to rehabilitate the wrongdoers and not to alienate them. For example, in situations where the offender has murdered or killed a person or brought shame to his/her society through unwanted actions, the offender is punished socially. This can either be by being socially alienated for a period of time or being asked to leave the community and migrate to a distant place far away from his community, until such time when the wrong he/she committed is forgiven (Rugege 1996: 24-25; Malan 1997: 24-27).

- *Eminent personalities, wise men commissions and elders' diplomacy.*

Elders and prominent personalities in African communities are regarded as the collective wisdom of the community. They perpetuate the heritage and the oral history of the communities and as such, they have the capacity and the wisdom to deal with conflicts within and beyond their communities. They often act as emissaries, particularly during conflicts between two neighbouring and distant communities (Resolving Conflicts in Africa: Implementing Option 1993: 11-36; Malan 1997: 28-31).

The proponents of this trend of the African school of conflict resolution argue that if the above-mentioned mechanisms and methods were modified, tailored, refocused and utilised properly by the OAU, the conflict resolution system could have been effective in Africa. They also argue that although some external factors do have a tangible impact on conflicts in Africa, most of these conflicts tend to have domestic roots within the continent. Moreover, they emphasise that things seem to become complicated whenever external actors rush in to mediate in these conflicts without the proper pre-knowledge of the cultural root causes of these conflicts ( for more details on this trend of thinking see Assefa 1987; Barongo 1965; Chege 1994; Gakunzi 1997: 1-5; Heraclides 1990; Howe 2000; Mair 1967 and 1988; Malan 1997: 1341; Manning 1998; Mathews 1984 and 1986; Mazrui 1977; Ngwane 1996: 81-104; Ogunsanwo 1974; Resolving Conflicts in Africa: Implementing Option 1993: 11-36; Saxena 1993; Solomon 1999; Tekle 1988; Vogt 1998, 1999 and 2000; and Yoh 1998).

There are two problems with the approach of this trend of African school of conflict

resolution, particularly its assumptions on the nature and the use of some conflict resolution mechanisms, which its advocates considered to be typically African:

- First, the assumption that Africans societies espouse a unified cultural value system is not necessary accurate. There are certain similarities, but mostly there are variations in the manner which different communities and nationalities in Africa express their cultures and value systems.
- Second, certain conflict resolution mechanisms, which are deemed to be effective in some parts of the continent, may not be applicable in other situations on the continent, hence the suggestion that most of the above mechanisms for conflict resolution in Africa are similar, thus may be effective if applied, would need some qualification. However, it is appropriate to suggest that some of the mechanisms that the first trend of the African school of conflict resolution proponents have identified as typically African, if modified and applied correctly, can be useful in some conflict resolution situations on the continent.

#### **2.6.3.4 The second trend**

The second trend within the African school of conflict resolution theory calls for adopting a multi-layer approach in dealing with conflicts in Africa. They favour the idea of using modified mechanisms that might be considered African, but at the same time making use of the Western-dominated conventional conflict resolution methods. The logic of their argument is that, since these conflicts are caused by either domestic or external interventions or both, the use of 'African' and 'Western' methods of conflict resolution would serve the purpose. The combined use of the two approaches, in the opinion of the advocates of this trend of thinking, would help in identifying the paths to take in each conflict situation in Africa (Aluko 1987: 1-16; LeMelle 1988: 21-26; Ngwane 1996: 81-104).

The importance of this way of thinking perhaps lies in that it suggests that there are internal and external causes to conflicts in Africa. They suggest that in conflicts where the causes are external, practitioners should use external or conventional mechanisms to resolve them. On the other hand, those conflicts, which are caused by domestic factors such as ethnic politics,

violent power struggles between politicians, rivalry among political parties or regional related complexities, should use domestic or local-based<sup>16</sup> methods of conflict resolution. It also suggests that in some instances external factors may have a greater impact on domestic conflict due to interest-based misinterpretations of the real causes of the conflict by the mediators whose interests might clash with the mechanisms suggested by the local actors. This trend of thinking therefore argues that the OAU mediators should always have kept in mind that there were/are internal and external factors in conflicts that could only be handled by using either domestic or external methods or both (Ngwane 1996: 81-104; Nathan 1999: 1-32; Muyangwa and Vogt 2000: 22-23).

### **2.6.3.5 The third trend**

The third trend within the African school of conflict resolution, which may be referred to as the “professional trend” does not support the idea of adopting a distinct theory for conflict resolution in Africa. Instead, it prefers to use all the mechanisms available as presented by various schools of conflict resolution. It argues that conflict by its very nature is a universal phenomenon. Any suggestion that conflicts in Africa are different or distinct from other conflict situations or trends in the world, would mean excluding important input from the outside to contribute to resolving some conflicts in Africa (Malan 1999: 3-5; Gromyko 1969: 165-182; Muyangwa and Vogt 2000: 22-23; Rupesinghe 1997: 5-36).

The advocates of this trend also argue that the ‘isolationist’ approach to the resolution of conflicts in Africa will not do justice to those who are trying to find focussed and effective mechanisms to resolving these conflicts. This ‘anti-isolationist’ approach takes an inclusive view, which advocates that all theories of conflict resolution should be made use of in conflict situations in Africa. Contrary to those who claim an exclusive African approach to conflicts in Africa, advocates of this trend argue that it is in the interest of Africans to recognise that conflict resolution is not a stagnant process. It is flexible and adaptive to the circumstances that surround it and should not be categorised as a unique process, with specific methods

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<sup>16</sup> These ‘domestic or local based’ methods need not be confined to those listed above, but could also include those mechanisms that are dictated by the nature of each conflict. By domestic mechanisms, we are referring to those conflict resolution methods, which are considered, to have been domestically devised by indigenous societies such as the ones advocated for by the first trend of African school of conflict resolution. We should also stress that each conflict, as it escalates may produce its own mechanisms for its resolution.

being applied to particular situations (Muyangwa and Vogt 2000: 22-23; Rupesinghe 1997: 5-36).

It is important to mention that during the past three decades a considerable body of literature has developed concerning the African school of conflict resolution theories, some of which are the works by Adda 1976; Amode 1999; Assefa 1987 and 1999; Bozeman 1976; Clapham 1998; Deng & Zartman 1991; Enchill 1976; Geldenhuys and Gutteridge 1983; Gluckman 1956; Gorman 1981; Markakis 1987; McKay 1963; Obasanjo 1991; Ohlson 1994; Omara-Tunnu 1995; Nzuwah 1980; Smock and Bentsi- Spanger and Vale 1995; and the United States Institute of Peace 1993).

#### **2.6.4 Conclusion**

Understanding the dynamics and the circumstances of approaches adopted by each of the three schools mentioned above, seems to determine the outcome of solutions that ought to be worked out in each conflict situation. For example, regional approaches to conflict resolution are effective particularly in handling boundary disputes between states or in dealing with refugee crises. In most cases where the OAU involvement was traceable, the organisation mostly used regional conflict resolution approaches to resolve those conflicts. Regional approaches tend to be concerned with regional cooperation and security issues, and adopt mechanisms that deal with inter-state issues. In conflicts arising from international security concerns, adopting preventive diplomacy and Chapters VI & VII of the UN Charter tend to be effective tools used by organisations such as the UN Security Council and the North Atlantic Treaty Organisation (NATO) in inter-state conflicts.

The African school of conflict resolution cautions that each conflict has its own merits and dynamics and should be treated and handled as such. It also maintains that, while some believe that there exist distinct methods that are African, it is equally important to use other conventional mechanisms such as shuttle diplomacy, sending out envoys to the conflict areas or using peacekeeping forces to maintain peace in those areas where solutions to conflicts are achieved. However, there are some within this school who do not believe in the distinctness of conflicts in Africa, and thus warn against isolationist approaches to conflicts on the continent.

## **2.7 Theories of conflicts**

Although for the purpose of this research, only the New-Institutionalism theories and the theory of the African school of conflict resolution are adopted, in this section some of the dominant theories of conflicts are introduced, namely: structural theories, psychological theories, game theories, dispute level theories, and New-Istitutionalism theories. By introducing these theories of conflicts, the study tried in chapters five, six, seven, eight and nine to ascertain whether these theories were applicable to conflicts in Africa and whether the frameworks suggested by these theories were compatible to the manner in which the OAU dealt with the conflict situations it tried to resolve on the continent.

Furthermore, the following questions were raised:

- Did the OAU mediators apply some of these theoretical frameworks during their mediation processes in some conflicts in Africa?
- Were these theories, if applied by the OAU, compatible with the OAU, principles, structures, objectives and goals?

There is no doubt that the discussion of different concepts, classifications of conflicts and schools of conflict resolution have revealed that conflict resolution as a field of study, has developed its own understanding over the years of why conflicts arise and come to an end. As will be discussed below, unlike the discussion on the classifications of conflicts that dealt with how conflicts erupt, most of the theories of conflicts deal with the nature of conflicts and try to identify the factors that govern the relationship between methods of resolving conflicts and the nature of these conflicts. Some theories address the structures of the societies and organisations and relate them to the role of individuals in conflict situations or the role of culture in them.

### **2.7.1 Structural theories**

Proponents of these theories argue that the stronger the ties of kinship, economy and politics in a society, the lower the chance of severe conflict among the individuals and groups. In other words, they explain the specific ways that societies devise conflict resolution mechanisms (Ross 1993: 10-11). These theories also help decision makers and mediators in conflict situations to understand the role of the state and its institutions as important elements in either preventing conflicts or allowing them to evolve. These structures are interrelated in the form of class and state structures at the domestic level and the interplay of domestic, national or international developments over time.

These theories also help us to understand the dynamics of the relationships between people within a given society or between the state and people who inhabit it. On the other hand, through these theories it becomes possible to determine whether conflicts that arise as the state becomes more autonomous and develop interests of its own, have the potential to develop into severe conflicts or not.

In most African countries, when states develop their own interests separate from peoples' interests, it is likely that a conflict of interests arises. This seems to explain why, regional organisations such as the OAU, whose membership consists of states, often find it difficult to take people's side in conflicts and sometimes prefer to protect states' interests. This is partly because most of these organisations were established to cater for the regulation of the relationships between states, and there existed no structures within these organisations that accommodated people's interests. In conflicts, which involve state structures that do not have mechanisms for dialogue between state and the opposition groups, the likelihood of the differences developing into an open armed struggle becomes a real possibility. For example, in the case of Uganda under the rule of Idi Amin Dada (1970-1979) and under Milton Obote (1979-1982), the Ugandan state employed all its structures to protect itself and ruled out any possibility of addressing issues raised by the opposition groups, and the result was an open civil war in Uganda. In Rwanda the ethnic politics of segregation and the supercilious attitude of one community, resulted in a deadlock between Hutu and Tutsi politicians, as a result of which, one side thought that the best solution to resolve the conflict was to eliminate the other group (Tutsi) altogether in April 1994. When government interests become more important



than those of people, the result is that regional organisations such as the OAU find themselves unable to intervene effectively.

### **2.7.2 Psycho-cultural theories**

These theories are based on the understanding that social actions are ambiguous, and they emphasise the importance of the interpretation of words and deeds in explaining why some disputes unleash intense and violent sequences and why others do not. These theories point to the need for maintaining the disputant's dominant images and metaphors concerning what is at stake or the relationships between the parties (Ross 1993: 10). According to these theories, culture shapes what people consider valuable and worth fighting over, whether it aims at investing particular goods, social roles, official positions, or actions with meaning (Ross 1993: 13). These arguments in general assert that other factors, other than economic exploitation as advocated by the Marxists, are not necessarily guarantees for conflict behaviour.

For example, in some conflict situations in Africa, there are tendencies to believe that the closer the disputants are to one another, the more likely that violent consequences are likely to ensue. This assertion also seems to suggest that in some conflicts in Africa, once they have intensified, the disputants tend to deviate from the original causes that led to the conflict, and other invisible factors may become more important in the conflict, hence further complicating the situation.

The main assumption in psycho-cultural theories is that attention should be paid to the differences between objective and subjective causes to the conflict. Assefa (1999: 115-119) stresses that there are causes that are perceived to persist for a long period of time, this results in bitterness that might translate itself into aggressive behaviour, that is much more violent than those causes that are observable.

This situation might explain why conflicts between ethnic groups that are very close to each other tend to take more bitter and violent turns than those between people from different and distant ethnic backgrounds. The conflicts in Somalia and Rwanda often come to mind since the groups involved share common aspects such as religion, language and culture. Conflict practitioners such as those who worked with the OAU had to identify these specific

psychological and cultural components to make a breakthrough in dealing with such conflicts.

### **2.7.3 Game theories**

These theories imply that choices in the decision making process are interdependent, and that decisions are made, not based on the decision-maker's preferences or abilities, rather on how other participants in the game (conflict) act. According to Thomas R. Dye (1998: 29-31), the important elements in game theories are the strategies that are employed by each party with the intention of achieving maximum gain, after speculating about the opponent's possible moves.

It needs to be stressed that some conflicts in Africa are characterised by the constant shifting of agendas and objectives. Objectives that are deemed to be the main strategic goals of each party tend to shift as conflicts persist. In such situations, mediators often find it difficult to determine whose views should be taken seriously and which issues in the conflict are to be regarded as the real causes of conflict as each group changes its objectives throughout the conflict management period.

Another important lesson that can be learned from game theories is that in conflicts between governments and rebel groups in Africa, a tendency exists among rebel groups' commanders to change their allegiance, loyalty and in most cases sudden changes occur in the leadership hierarchies. For example, in the case of the DRC and Burundi peace processes, it became difficult for the OAU and other mediators to keep track of the negotiations as new rebel leaders demanded changes in agendas previously agreed upon by all the parties and tabled for negotiations.

### **2.7.4 Dispute level theories**

Like game theories, these theories account for the forms conflict take, the dynamics of individual incidents, the strategies used by different parties, and the stages in the evolution of the conflict. However, unlike game theories, these theories emphasise the manner and in which ways particular disputes come about, develop and end (Ross 1993: 11-12).

As discussed in chapter five, prior to the introduction of structural reforms in the OAU conflict management system in June 1993, one of the major issues that the OAU conflict resolution practitioners had not emphasised in their attempts at devising conflict resolution mechanisms and methods, was the assessment of the pattern of conflict formation: its origins, its development and specific tools to resolve it.

Conflict theories are therefore meant to make conflict prevention, management and resolution practitioners understand how conflicts originate and how societies handle them. They emphasise the need for societies' organisations that are responsible for resolving conflicts to handle each conflict situation based on the circumstances surrounding it. These theories also analyse the relationships between state and society, socio-economic relations, the manner in which members of a given society perceive one another, power relations, and how decision-making mechanisms are worked out in societies. Indeed, these theories function as guidelines for those who are interested in understanding why some conflicts are different from others and why distinct mechanisms are needed to resolve some conflicts.

## **2.8 New-Institutionalist theories and the OAU structural system**

It is very important from the onset to point out that for any serious evaluation and analysis of the institutional<sup>17</sup> role of the OAU in conflict resolution situations in Africa to be carried out, one ought to understand:

- How the organisation itself and other hosts of structural functions were set up, pursued and carried out
- How the OAU, as an organisation operated and how its bureaucracy functioned.
- To what extent the roles of individuals in the organisation were vital in handling conflicts.
- How structural changes and other reforms introduced in the 1980s and the 1990s, were implemented by OAU organs and/or departments.

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<sup>17</sup> In this study, the use of the words 'institution' and 'organisation,' will be applied interchangeably, especially where the reference is made specifically to the institutional role of the OAU in conflict resolution and the function of its structures/organs.

Therefore, analysing the institutional role of the OAU in conflict resolution processes in Africa requires that, apart from the four theories discussed above, namely the structural theories, psycho-cultural theories, game theories, and dispute level theories, an emphasis should be placed on the New-Institutionalist theories. Institutionalism is defined as a belief in the usefulness of an established institution. By institution, we mean an organisation or a structure that is established to achieve a socio-economic or political purpose. Institutions are therefore formal or informal rules, procedures, routines, norms and conventions embodied in the organisational structure of the state or political economy.

By adopting New Institutional theories, we aim to understand how institutions in general are run and transformed. The following questions need to be answered in this regard:

- How is the chain of authority organised in an organisation?
- How are individual roles within organisations made compatible with the institution's goals and objectives?
- How can an institution be transformed into a problem solver through a process of organisational or institutional changes/reforms?

New Institutional theories do help in understanding how decision making processes within the OAU, as they related to conflict resolution issues, were applied; and how these decisions enhanced or affected the work of the organisation as a mediator in several African conflicts.

According to Sven Steinmo, institutions are rules. They form the foundation of all human political behaviour. By their very nature, some institutions are formal as in the constitutional values, while others are informal as in cultural norms. On the other hand, the institutionalists are those who think theoretically about institutions and their impact on behaviour and outcomes. In other words, institutions define who is able to participate in a certain structure or the political arena; they shape the various actors, political strategies and influence those actions believe to be both possible and desirable (Steinmo 2001: 1-5).

In general, the New Institutional theories seek to understand the institutional impact on organisations. Mostly, organisations take on ideas and make use of them in such a way that these ideas become useful for the organisations to represent themselves against the

background of the organisational field to which they belong to seek legitimacy. In fact, according to Erlingsdóttir (2003:1-5), one of the fundamental concepts of the institutional perspectives is that individuals are influenced by institutions of which they are a part. Institutions provide patterns for normal actions, and are often taken for granted to such an extent that those actions are sometimes not given sufficient consideration to lead to any meaningful reflections regarding them.

However, the new institutionalism theory is criticised for describing institutionalisation as a 'qualitative state' rather than a process. This description simplified the institutional process unnecessarily by compressing the time dimension of the process. Indeed, the so-called Scandinavian school within the New Institutional theory has expanded the theoretical framework of the school, by viewing both stability and change as an institutional practice (Steinmo 2001: 4-5).

## **2.9 Types of New Institutional Theories**

There are three different analytical approaches, each of which refers to itself as "New Institutionalism." These three schools are the schools of Historical New-Institutionalism, Rational Choice New-Institutionalism (both are political science theories), and Sociological New-Institutionalism. Originally, these theories developed in reaction to the behavioural perspectives that were influential during the 1960s and 1970s, particularly in the United States of America. The New Institutional theories sought to highlight the role institutions play in determining the outcomes of social and political behaviour.

The Historical New Institutionalism, for example, developed as a response to group theory in politics and the structural-functionalism movement in the field of political science. This school of thought argues that conflict among rival groups is often caused by rivalry over scarce resources, which is one of the bases of politics (Hall and Taylor 1996: 5-6). This school further seeks to explain the distinctiveness of national political outcomes and the inequalities that characterise these outcomes. To them, the dynamics of the institutional organisation of the state and economic structures of that system are often in direct conflict. The result of this conflict is that some interests are privileged, while others are demobilised.

Moreover, the Historical New-Institutionalists define institutions as the formal or informal procedures, routines, norms and conventions embodied in the organisational structure of the state or political economy. These structures range from rules for a constitutional order and the standard operating procedures of a government institution bureaucracy to the conventions governing the behaviour of trade unions (Hall and Taylor 1996: 5-6). The Historical New-Institutionalists also associate institutions with organisations and the rules and conventions promulgated by formal organisations. In the context of other schools therefore, the Historical New Institutionalists tend to perceive the relationship between institutions and individual behaviour from a relatively broad perspective. For example, they emphasise the relationship between the power associated with the operation and the development of institutions.

For the advocates of this school of thought, the most important elements of any institutional analysis are to understand how institutions affect the behaviour of individuals. This is because, according to the Historical New-Institutionalists, it is through actions of individuals that institutions have an effect on political outcomes (Hall and Taylor 1996: 5-6).

Furthermore, Historical New-Institutionalists provide two explanations for the relationship between institutions and individuals' behaviour. The first is the so-called 'calculus approach,' which deals with those aspects of human behaviour that are instrumental and based on strategic calculations. In other words, the assumption is that individuals seek to maximise the achievement of a specific set of goals, and in this way, they tend to behave strategically (Hall and Taylor 1996: 7).

On the other hand, the 'culture approach' of the Historical New-Institutionalist stresses the degree to which behaviour is not wholly strategic, but is influenced by an individual worldview. In other words, without denying that human behaviour is rational or purposive, this approach emphasises the extent to which individuals tend to establish routines and familiar pattern of behaviour (culture) to achieve their objectives. From a cultural perspective therefore, institutions provide a moral or cognitive environment for interpretation and action. The individual is regarded as an entity deeply rooted in a world of institutions, composed of symbols and scripts, which act as filters for the interpretation of both the environment and oneself (Hall and Taylor 1996: 8-10).

The second school of New-Institutionalism is the Rational Choice New-Institutionalism. This school arose from the study of American Congressional behaviour. Its original aim was to explain how the rules of Congress affect the behaviour of legislators and why they arise in the first place. Their point of departure was the study of the Congressional Committee system as well as cross-national coalition behaviour, particularly the development of political institutions and the intensity of ethnic conflicts. The essence of the rational choice institutionalists' argument is that the relevant actors tend to have a fixed set of preferences or tastes, and as such behave with the sole aim of maximising the attainment of these goals. In other words, they act and behave strategically using an approach that employs extensive calculations (Hall and Taylor 1996: 9-12). To them, politics is a series of collective actions pertaining to dilemmas and situations when individuals acting to maximise the achievement of their goals, are likely to produce results that are collectively sub-optimal. Put differently, the reason, which prevents the actors from taking a collective superior course of action, is the absence of institutional arrangements, which if available, would guarantee complementary behaviour by others. Therefore, for the rational choice institutionalists, an actor's behaviour is likely to be driven, not necessarily by impersonal historical forces, but rather by strategic and carefully deliberated calculations. These calculations are often influenced by the actor's expectations about how others around him/her are likely to behave or respond (Hall and Taylor 1996: 12-13).

The third school of New Institutionalism is the Sociological New-Institutionalism, which originally arose within the sub-field of organisation theory. The essence of the argument of this school is that all the institutional forms and procedures used by modern organisations were not adopted because they were the most effective for the tasks at hand, but because these institutions are culturally oriented towards specific preferences. These institutions came about because of processes associated with the transmission of cultural practices. Thus, they argue that even the bureaucratic practices, which most institutions/organisations adopt, have to be explained in cultural terms. The sociological new institutionalists therefore attempt to explain why organisations adopt specific sets of institutional forms, procedures and symbols. They do so by showing how these practices are diffused through organisational fields (Hall & Taylor 1996: 13-16). They further contend that individuals, who have been socialised into particular institutional rules, are likely to internalise the norms associated with these rules and in this way, institutions can affect behaviour. In other words, not only can institutions influence the

individuals to the extent of specifying what they should do, but also by specifying what an individual can imagine doing in a given environment.

### **2.10 Dynamics of New Institutional theories**

In contrast with the cultural approach of the Historical New-Institutionalist School and the school of Sociological New-Institutionalism that emphasise the importance and the impact of culture on the functions of institutions and organisation, Douglas C. North (1990: 3) argues that institutions are “the rules of the game in a society, more formally, are the humanly devised constraints that shape human interaction.”

From this perspective, institutions represent structured incentives in human interaction, whether political, social, or economic. That is why, according to North (1990:3) it is important to stress that for a better understanding of historical changes in societies one ought to look at the evolution of their socio-political institutions.

According to the above understanding, institutions are the guides to human interaction. Thus, one may ask, if institutions determine the shape of the human interactions within a given environment, would it mean that in organisations such as the OAU, the rules of the game (decision making processes for example) were instrumental in achieving the failures and the successes of the organisation's involvement in conflict situations on the continent?

On the other hand, March and Olsen (1989:21) argue that “much of the behaviour we observe in political institutions reflects the routine in which people do what they are supposed to do”. Here institutions are considered to be bodies that have a repertoire of procedures and rules from which they can select. By rules March and Olsen mean the routines, procedures, conventions, roles, strategies, organisational forms, beliefs, codes, paradigms, cultures, and knowledge around which political activity is constructed, or that surround, support, elaborate and contradict those roles and routines.

These routines help in the coordination of many simultaneous activities, creating consistency, help avoid conflicts, constrain bargaining within comprehensible terms and enforce agreements within an institution. Thus, routines assist in mitigating the unpredictability



created by open structures, because they regulate the access of participants, problems and solutions to choose opportunities. Moreover, March and Olsen believe that institutions shape individual actions; they are what organises human activity. In their opinion, public institutions constitute a social reality that involves more than simply the acting persons. They further claim that it is difficult to separate the set of interests from the set of organisations. They argue that institutions come before interests in all kinds of positive or negative social interaction (Hall 1989: 24, Lane 1995: 221).

On the other hand, another question, which is related to an individual role in an organisation, is: do institutions act or are they actors? The fact that institutions persist/survive over time and replace members seems to support the trend of thinking that they are not dependent upon particular individuals. For example, universities, regional and international organisations such as the OAU, the UN or churches such as the Roman Catholic Church outlive their students, faculty, officials or members, which pass through their gates (Hall 1996: 33). In the case of the OAU for example, officials enter the organisation, and are confronted from the onset with its social structure and rules. This social interaction process includes the interaction patterns among the organisation's bureaucrats, interaction with the structures of the organisation, their expectations of the organisation, and a set of organisational expectations for their own behaviour.

This line of argument suggests that it does not matter who these officials were or what their interests were since the OAU had established a system of norms and expectations to be followed regardless of who the personnel happened to be. Thus, Hall (1996:33) and others believe that institutions have policies and make announcements, a situation that implies that they are considered to be actors in this sense. Thus, they believe that behaviour in an institution is institutional, rather than individual or interactive. This argument suggests that an institution is the major determinant of individual actions in some situations and an important determinant in others.

Others approach this issue of the individual role in an institution from a power perspective and argue that the "capacity of management to impose its hegemony on the members of the organization means that organizations assume a real existence for the people who are oriented to the organization" (Clegg and Dunkerley 1980: 209-210).

In other words, if each organisation, such as the OAU has the power/authority over individuals working under its authority, then that organisation becomes a real actor. In the case of the OAU, the question is: which interests came first when dealing with conflicts in Africa, the OAU member states' interests or the Secretariat's interests or those of the parties to the conflicts?

This aspect of interests versus institutions is addressed by Jan-Erik Lane, who argues that institutions are as important as individual interests or preferences. This is mainly because, what makes the design of institutions such a vital political concern is that they may affect the outcome in collective decision-making concerning the interests of persons and groups. In Lane's opinion, there is a basic choice between pursuing one's interests within an established framework (organisation) and/or making an effort to change this framework. This approach of understanding the relationship between institutions and interests gives interests precedence over institutions, which is exactly opposite to the position maintained by Hall and North. The latter theory gives importance to the observance of an institution/organisation's rules and regulations over interests (Hall 1989: 24). On the other hand, Lane also argues that if institutions are absent, it becomes difficult for individuals and groups to interact and coordinate their efforts or to solve their conflicts. If on the other hand, interests are not pursued, then how would persons ever behave peacefully or contentiously towards each other, he argues further? (Lane 1995: 226-240).

Again, according to Lane, New-institutionalism suggests that, in order to understand the importance and the functions of organisations, one should look at the physical and demographic structures, historical development, the personal network of structures (decision points in time) (Lane 1990: 32-39). Indeed, in his criticism of the New-institutional approach, Lane argues that there is a problem with the idea that institutions matter in public sector and to strengthen his argument he asks: how do we single out political institutions in the general set of institutions? In response to this question, March and Olsen (1989:21) contend that political institutions, as a political order, are sets of frameworks for conflict resolution and steering. They define the most important governing bodies, how they arise and change and how they interrelate as well as how they relate to individual citizens.

The dilemma that new-institutionalists seem to face is their inability to define or differentiate between various kinds of institutions: political, economic or social. In other words, this dilemma raises another important question: is an institution a set of behaviours or a set of rules or may be both? For Lane (1995:222-225), an institution denotes not only rules but also technologies and culture.

As we have discussed above, New-institutionalist theories are useful for understanding the structural set up, rules, norms, interests and the chain of hierarchy in organisations such as the OAU. They help us understand how decisions are formulated and carried out in organisations.

## **2.11 Conclusion**

In this chapter, emphasis was placed on the institutional role of the OAU in conflict resolution by arguing that the institutional role of OAU in the conflicts can best be investigated through understanding the nature of the conflicts in which it was involved. It was therefore important to provide definitions regarding the concept of a “conflict” as described by scholars and practitioners of conflict resolution. Various definitions of the concept that were provided have revealed that a conflict is a multi-faceted phenomenon that involves complex human relations that are either interest-based or power related. Some conflicts are acquired, others are inherent within societies’ rules and regulations and yet other conflicts are regional, international or global in nature.

Moreover, the survey of the nature of conflicts in Africa, suggested that most conflicts on the continent have similar causes, although there are some differences, depending on the course each takes as it escalates and develops. Similarly, the manner in which these conflicts are handled and the methods employed, tend to determine the long-term impact these conflicts may have on the relationships between the parties to the conflict.

In addition, the manner in which these conflicts are resolved is determined by the effectiveness of the mechanisms used for that purpose. That was why emphasis was placed on the importance of some conventional methods frequently used by various societies to solve conflicts that assume a violent character. We also emphasised that each society employs mechanisms of conflict resolution that are related to its cultural set up. This is in addition to

the knowledge of the hierarchical and structural set up of the organisation responsible for the conflict resolution, particularly as it relates to the decision making process (Ero 2000: 97-120; Khobe 2000: 103-121; Dowyaro 2000: 123-141; Rugege 1996: 23-25).

Then the functions of different schools of conflict resolution were surveyed. The aim was to show that in the same manner that conflicts have different categories, forms and classifications; they are also supposed to be resolved according to the contexts in which they occur. Thus, continental organisations such as the OAU, equipped with appropriate tools, were more suitable to resolve regional conflicts, in the same manner that international organisations such as the UN were the most suitable to tackle international problems.

The chapter was concluded by introducing some conflict theories. However, an emphasis was placed on the significance and relevance of the New-Institutionalist theories to this study. These theories are adopted to make it possible to understand the multi-faceted functioning of organisations such as the OAU. By adopting these theories, as discussed in chapter five, it was possible to show how decision-making processes within the OAU enhanced or affected the work of the organisation in conflict resolution in Africa. The New-Institutionalist theories also help to answer the following questions:

- In decision-making processes, who affect decisions, the individuals who issued them or the regulations and principles that are embodied in the institutions/organisations' structures?
- Whose interests are the most important: the institutions' or its officials' interests?
- How can the two be made compatible?

### **3 Chapter Three: The philosophical, ideological and historical origins of the OAU**

“The Role of African Nationalism is different- or should be different- from the nationalism of the past. We must use African national states as an instrument for the unification of Africa, and not allow enemies to use them as tools for dividing Africa. African nationalism is meaningless, is anachronistic, and is dangerous, if it is not at the same time Pan-Africanism.”

Julius Nyerere, 1965

#### **3.1 Introduction**

In the previous chapter, emphasis was placed on the study of the theoretical framework of conflicts, by focussing on the definitions and classifications of conflicts, how conflicts erupt, what causes them, and which tools should be adopted to resolve them. It was important to do so, for the reason that if the theoretical framework of conflicts is not studied thoroughly, it would be difficult to understand the institutional role that the OAU had played in conflict resolution in Africa during the four decades of its existence. This is because the origins of the historical evolution of the OAU and the sources of its principles and goals are traceable to the historical roots of the Pan-African Movement. Thus, until we understand the historical and philosophical origins of Pan-Africanism, it would be difficult to comprehend the impact the Pan-African Movement has had on the ideology, principles, goals, objectives and the permanent structures that were adopted by the OAU when it was established in May 1963.

The purposes of this chapter therefore, is to analyse the philosophical, ideological, and historical roots of Pan-Africanism, African nationalism and the Pan-African Movement in general and how these impacted on the establishment of the OAU, its organisational

structures, goals and potential for conflict prevention, management and resolution.

Pan Africanism<sup>18</sup> was the philosophical and ideological starting point out of which the establishment of the OAU was developed. It was an ideology that advocated the unity of Africans in the diaspora and on mainland Africa. Pan-Africanism was originally defined by its founders as a political movement based on colour-consciousness among blacks in diaspora. Its members believed that the African continent was/is an ancestral and legitimate homeland of the black people throughout the world (Padmore 1956: 117-136; Thompson 1969:24-39). It was a rallying cry for the Africans in diaspora to unite and fight against discrimination in their host countries as well as a tool to link them with their fellow Africans on the mainland. Moreover, the origins of the OAU were also affected by the unfolding of African nationalism in the 1940s and 50s as practical manifestations of Pan-Africanism. It is equally important to study the opposing trends within African nationalism and the impact of these views on issues pertaining to African unity as the main philosophical and ideological embodiment of Africans' struggle against imperialism and colonialism, which manifested itself in the formation of the OAU.

In this chapter, the discussion will focus on how the Pan-African Movement evolved over the years and how it was influenced by the prevailing philosophical and ideological trends within the US and Europe at that time. The chapter will also discuss the origins of the two main ideological trends within the movement; trace how these ideological trends were gradually institutionalised and how these institutions evolved, enhanced or affected the progress of Pan-African ideology over years. An analysis will be made of whether these philosophical and

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<sup>18</sup> In this study 'Pan-Africanism' refers to the philosophy and ideology of Pan-Africanism; while the 'Pan-African Movement' refers to the political movement which was inspired by Pan-Africanism; and 'Pan-Africanists' refer to the proponents and adherents of Pan-Africanism and members of the Pan-African Movement.

ideological roots, which were by and large rooted in the Western culture, to which the majority of the early Pan-Africanists belonged intellectually, had influenced the institutional structures that the movement had adopted as well as in the manner in which they had evolved. The chapter will further analyse and trace the differences among Pan-Africanists in diaspora on the one hand, and, on the other hand, differences among the African nationalist leaders<sup>19</sup> on the mainland especially with regard to their opinions concerning whether they should adopt an integrationist or a universal<sup>20</sup> approach to African unity. A thorough analysis of the impact of these differences and divisions among African leaders on the mainland and the impact these divisions have had on the establishment of the OAU and on the institutions (organs), which the organisation adopted in May 1963 will be carried out.

### **3.2 Foundations of the Pan-African Movement**

To understand the foundations, the institutional evolution of Pan-Africanism, and therefore, the creation of the OAU, there are some important factors that need to be mentioned:

- Firstly, the founders of the Pan-African Movement in the 1900s stood for unity among Africans in the diaspora as well as with those on the mainland. They were also ready to pioneer the struggle against all forms of discrimination and colonialism. Because they were educated by means of the Western education system, raised and became part of the Western intelligentsia, who espoused Western philosophical and/or ideological

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<sup>19</sup> ‘African nationalists’ refer specifically to African leaders and politicians from the mainland who led the struggle against colonialism in Africa during the period between the 1930s and 1960s.

<sup>20</sup> The ‘Integrationists’ were those who advocated that people of African descent living in diaspora should integrate in the countries they were living, without necessarily giving up their rights to return to the ancestral lands on the mainland Africa. The ‘Universalists’ advocated that any individual of African descent is entitled to go back to the mainland and has the right to citizenship of the country he/she chose to live in, hence securing the unity of African people worldwide.

ideals, such as capitalism and socialism/communism, they were influenced by the socio-economic and political system they were living in. While this was the case with the majority of them, there were others who believed that the system they found themselves in was too discriminatory against them to tolerate, but they were in the minority.

- The historical evolution of Pan-Africanist ideology, and hence of the OAU, was equally influenced by the intellectual and political environment of the time. Going through various sources dealing with African history for example, it is noticed that there were different viewpoints and perceptions on the direction the African political and socio-economic development should take and what shapes it should assume. These different viewpoints, which one can refer to as schools of thought, have informed and influenced and indeed impacted on the ideas of the proponents Pan-Africanism. A survey of some of these sources, such as those dealing with imperialism, colonialism, African nationalism, the struggle against colonialism, amongst others, reveals that Pan-Africanism was not conceived in a vacuum. Rather, it was perceived by its founders to be a problem-solving mechanism, the problem being discrimination against Africans in diaspora in their host countries and the conflict between Africans on the mainland and Western imperialism and colonialism at the time.

Although this study deals specifically with the institutional role of the OAU in conflict resolution in Africa, the literature dealing with the subject has been drawn from and mostly influenced by earlier works on the philosophy and ideology of Pan-Africanism. Therefore, in order to trace the origins of the OAU, its principles, its objectives, and its institutional evolution to a Pan-African regional organisation that advocated, and embodied the concept of



African Unity, it is important to find out which body of literature has influenced its evolution.

Based on the survey of the literature on the origins of Pan-Africanism, and for the purposes of this chapter, three schools of thought<sup>21</sup> can be identified, which may be considered to have influenced and informed the ideological development of the Pan-African Movement and the thinking of its leadership during the first five decades of the twentieth century.

### **3.2.1 Imperialist and colonial school**

A survey of the imperialist and colonial literature, from the perspective of the proponents of the Pan-African Movement, would reveal that the main goals of imperialism and colonialism<sup>22</sup> in Africa were the political and economic domination of the countries and colonies on the continent. Certain Pan-Africanists such as Du Bois, Garvey, Padmore and Nkrumah, had access to what had been written by the imperialist and colonialist administrators and academics who supported the imperialist and colonial policies of that time on Africa. The contents of these works were an eye-opener to them, for it revealed to them the real nature and extent of the exploitation by the imperialists and colonialists to which the African continent and its peoples had been subjected. Of course, they were negatively influenced as a result of this imperialist and colonialist literature, and consequently decided to fight against imperialism and colonialism through the Pan-African Movement.

In general, terms, however, as a field of study, the imperialist and colonialist schools study the

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<sup>21</sup> In an attempt to trace the intellectual origins of Pan-Africanism a survey of various sources and the relevant literature, has revealed that these works can be grouped into three trends of thinking,, namely the Imperialist school, Pan-Africanist school and African nationalist school.

<sup>22</sup> 'Imperialism' refers to the policy of forming and maintaining an empire in seeking to control raw materials and world markets by the conquest of other countries. On the other hand, 'colonialism' refers to the system or policy by means of which a country maintains foreign colonies, in order to exploit them economically.

activities of the imperialist and colonialist powers in Africa, the dynamics that led to the partition of Africa, the events that eventually led to the conquest of the continent, the goals of the imperialists and colonialists and how they were justified and achieved. There is also some literature on what some European imperialists and colonialists perceived to be a 'civilisation mission,' which had aimed at 'uplifting Africans' from what they considered to be ignorance, backwardness, disease and isolation. See for example, works by Bretton 1973; Burke, 1966; Carter 1960; Cartey 1970; Chin 1987; Chipman 1989; Davidson 1984; Eleazu 1970; Emerson 1965; Fage 1988; Foderarao 1976; Harris 1962; Largley 1973; Padmore 1956; Thompson 1969; and Wallerslein 1987.

Other contributions to this school focus on the imperial and colonial ideology and their official policies. They describe the imperial and colonial government structures and the basis of its colonial ethos. For some details on the ideology and policies of imperialism, see for example, works by Collins, 1969 and Robinson, 1967. Moreover, some of the dominant themes of the imperialist school literature focused on European imperial rivalry, namely the rivalry that existed between Britain, France, Italy, Germany, Belgium and Portugal in Africa and elsewhere. Some literature focuses on the colonial administrative systems, dealing with the imperialist powers' understanding of African history, politics, culture and religions. Relevant works are Campbell 1975; Cohen 1959; Davidson 1966, 1994; Duffy 1962; Gifford, 1967; Kirkwood 1965; and McEwan 1978.

The advocates of this school claim that it was through the Pan-Africanist leaders' access to this literature on imperialism and colonialism that they were convinced that fighting against imperialism in Africa would free the continent from external exploitation, and as a result, Africans in diaspora and on the mainland would be united.

### **3.2.2 Pan-Africanist School**

The Pan-Africanist school was developed in the early twentieth century, based on the ideas and literary works of African-American and Caribbean scholars and politicians such as W. E. B. Du Bois and Marcus Garvey. As victims of slavery and discrimination in their host countries, they decided to pioneer the cause of the liberation of Africans as a solution to the problems Africans in the diaspora were experiencing. As discussed below in this chapter, it is important to note that a close survey of the works of this school suggests the existence of two trends of thinking among the African diaspora: the group led by Marcus Garvey believed that the host societies of the descendants of slaves were discriminating against them to the point of humiliation. The solution for Garvey and his supporters was to go back to mainland Africa. They were therefore pro-African in their approach. The second group, which was led by W. E. B. Du Bois, was of the opinion that the solution to the diaspora problem in the Americas and elsewhere in Europe, was through integration of the people of African descent into their host societies. They also believed that through Pan-Africanism, a political solution, which may result in political equality and an end to all forms of discrimination, was achievable.

The quest for a solution to what was regarded by the two groups as a ‘people of colour’s problem’ prompted the first generation of Pan-Africanists to look for mechanisms that would be effective in resolving that conflict. In a broader perspective, towards achieving that goal they adopted the ideology of Pan-Africanism. It called for the unity of African people, a solution to the ills of imperialism and colonialism, both of which facilitated the domination of African affairs and lives by the Europeans. The scope of their liberation struggle was to include those Africans who were still under European colonial rule on mainland Africa. Their

overriding goal, namely the liberation of Africans from European and American domination in the diaspora and on mainland Africa, was to be achieved through a collective approach that would lead to a union of African peoples in the diaspora and on the mainland.

Therefore, for the founders of the Pan-Africanist school, the unity of African peoples, in the diaspora and in the colonies on the mainland, was the most effective tool for freeing the continent from foreign invasion and colonialism and for achieving political equality for the Africans in the diaspora in their host societies in the West. The access to the earlier writings of the Pan-Africanists helped shape the intellectual growth of later proponents of Pan-Africanism ideology, such as Kwame Nkrumah, Padmore and Julius Nyerere. Consequently, this intellectual growth paved the way for others to explore various aspects of their ideology and to understand and appreciate their different views. Some of the major themes of this school dealt with the philosophy of Pan-Africanism as an ideology that espouses African unity; the history of Pan-Africanism, its progress and prospects, its new directions and strategies. Further major themes dealt with the roots of African nationalism; and the relationship between Pan-Africanism, African nationalism and communism; the relationship between Pan-Africanists in the diaspora and those on mainland Africa. Important works on this school include those by Adakunle (1973); Brett (1973); Brezezinski (1963); Chrisman (1974); Calisle (1975); Cox (1964); Du Bois (1968); Esedebe (1982); Garvey (1967); Geiss (1965); Legum (1965); Marable (1999); Mazrui (1967); Ofuatye-Kodjoe (1986); Padmore (1956, 1972); Thompson (1969), Walters (1993); and Welch (1966).

### **3.2.3 African Nationalist School**

The African Nationalist School emerged from the literature and works, which described the role played by the African nationalists in promoting the Pan-Africanism ideology as a tool to fight colonialism in Africa and the promotion of African unity. The majority of African nationalists in the 1940s, such as Kwame Nkrumah, Jomo Kenyatta, and Nnamdi Azikiwe, were educated in American and European universities, and came into contact with Pan-Africanist pioneers such as Du Bois, while living there. They were therefore part of Western intelligentsia through their education and political activism. They were attracted to Pan-Africanism while they were still students; therefore their political worldview was influenced largely by the Western culture and environment. They studied and learned about imperialism through Western literature, and formed their ideas about it while living in the West. They looked at imperialism and colonialism as problems that had to be resolved. It was through their personal and intellectual interaction with Pan-Africanists such as Du Bois and Garvey that African nationalists came to realise that decolonisation and African continental integration or African unity, were the best solutions affordable to Africans in the 1940s and 60s. Because most of these nationalists originally came from the mainland, and were destined to go back, they also stressed the leading role of the African people back home in the struggle against the colonial powers. They emphasised the importance of the recognition of African identity, the unity of African people and urged for the revival of the African glorious past that was embodied in its culture. By emphasising the importance of African identity and culture, the African nationalists were stressing the importance of colour (blackness), as the main element that distinguishes Africans from other races. According to African nationalists, blackness was therefore what united Africans on the mainland with their fellow Africans in the diaspora.

Some of the themes of the writings of African nationalists, which influenced the development and the institutionalisation of Pan-Africanist ideology, include individual leaders' personal experiences in the liberation struggle of Africa; the need for the development of a culturally /colour-conscious African leadership; the debates over African unity, the origins of the OAU; the exploration of some of the OAU ideological contradictions and differences among African nationalists; African cultural sub-nationalisms and questions relating to post-colonial African nationalism. See for example, works by Hans Wilhelm (1989); Kenyatta (1965); King (1973); Lumumba (1962 and 63); Mandela (1994); Mboya (1963); Nasser (1954); Nkrumah (1961, 1963, 1973); Nnamdi (1970); Nyerere (1967, 1973); Odinga (1967); Senghor (1965); Sithole (1959); Timothy (1963); and Tourè (1965).

A sub-branch of the African nationalist school is the so-called "radical pessimistic group". This group has been very much influenced by the communist and socialist ideological understanding of Pan-Africanism. They tended to interpret Pan-Africanism in terms of East-West Cold war politics. Some of its advocates included those who viewed neo-colonialism as a real threat to African independence and unity. For this group, forging political and/or economic unity among African states was the best guarantee for Africa, if it were to rid itself of neo-colonialist and economic domination by the Western world. Although the works below were not necessarily influenced directly by the views of the radical pessimistic sub-branch, some tend to consider some of these views to be in line with the radical group arguments or thinking. See for examples works by Cameron (1961); Cough (1986); Green (1968); John (1969); Mbuyinga (1982); Nkrumah (1973); and Padmore (1972).

### **3.2.4 Conclusion**

As can be observed from the above discussion, it was important to highlight the relevance of these schools and survey them in order to understand the impact these schools have had on the evolution of Pan-Africanism and African nationalism. It is also important to note the subsequent influence that these schools have had on the ideas of Pan-Africanists, who later on chose to adopt African unity as an ideology on which the founding of the OAU was based.

### **3.3 The origins and development of Pan-Africanism**

As discussed earlier in this chapter, it would be difficult to understand the evolution of the OAU as an outcome of Pan-Africanism and the development of African nationalism and the evolution of its principles, objectives and goals, unless its philosophical and ideological origins are traced. In the discussion of the schools that influenced the intellectual development of Pan-Africanism, there is consensus among scholars of Pan-Africanism that it can be defined as a political movement based on colour-consciousness among blacks in the diaspora. For the Pan-Africanists, blackness was the common thread that united Africans worldwide. This concept rested on the hypothesis that the African continent is an ancestral and legitimate home territory of black people throughout the world. This definition was a racial definition, which excluded people who lived in Africa, who were either of mixed race or non-black. According to this definition, one must be black, and hence being an African by virtue of geography was not included (Padmore 1956: 117-136).

As an ideology, Pan-Africanism came into being when blackness was intellectualised, ultimately becoming the pioneering ideology for the struggle of black people to regain their pride as well as their independence from European colonialism and slavery. The pioneers of Pan-Africanism saw the movement itself as a manifestation of fraternal solidarity among

Africans and the peoples of African descent. In the opinion of its founders, Pan-Africanism as a political movement, asserted at the turn of the twentieth century, that Africans, could no longer tolerate being politically dominated or manipulated and marginalised by external powers and that African interests were paramount. This assertion seems to explain why those who were in the diaspora urged Africans in the colonies to work hard to liberate themselves. They worked hard to forge close relationships with African intellectuals, activists and students from the mainland who were living or studying in Europe or America and introduced them to the Pan-African Movement (Thompson 1969:24-39; Heiting 1969: 1).

Pan-Africanism also became a demonstration of race-consciousness in the sense that Africans, as black people, recognised themselves as a race with unique similarities. However, as mentioned above, some of the founders of the Pan-African Movement, such as Du Bois, did not believe that their movement was a racial movement. They argued that the movement was mainly aiming at regenerating and inspiring black people to believe in themselves and help them build up a feeling of confidence in themselves as people, without harbouring ill feelings towards white people (Legum 1965: 33-34).

### **3.3.1 Pan-Africanism**

It is important to mention that the significance of studying the origins of Pan-Africanism, and its relevance to this study, lies in the fact that Pan-Africanism was gradually institutionalised. It became the basis of the policies and the actions pertaining to African nationalism and its leadership, leading eventually to the founding of the OAU in May 1963, as will be discussed below.



Like any ideology-based movement, Pan-Africanism went through different phases of development and institutionalisation. In terms of the institutionalisation of the movement, the early stages were characterised by periodic congresses, which as time passed, culminated in ad hoc secretariats and structures, responsible for organising the conferences and soliciting support and funding. During the six decades of the existence of the Pan-African movement, the convening of congresses was convenient as it brought together various members of the movement to discuss issues pertaining to the political status of African peoples in the mainland and the diaspora. This system of congresses, continued to dominate the activities of Pan-African Movement until 1963, when the OAU was formed, and became a permanent institution, which symbolically embodied the ideals of Pan-Africanism. The ad hoc nature of the Pan-African congresses for the period between 1900 and 1963 was an important feature, which, as discussed in chapter four, became important in the operationalisation of the OAU organs.

- The first African in the diaspora to create a forum where Pan-African Movement ideas were propagated was a Trinidad Lawyer, H. Sylvester Williams. With the help of Bishop Alexander Walters of the African Methodist Episcopal Zion Church, Williams convened the First Pan-African Congress<sup>23</sup> in London from 23-25 July 1900. As a result of that congress, the term “Pan-Africanism” came into use for the first time. Williams’ main objectives were to bring peoples from African descent throughout the world into closer contact with each other. The idea was that people of African descent in Europe, US, Caribbean and elsewhere in the Western hemisphere should come

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<sup>23</sup> There are differences among scholars as to whether the July 1900 Congress, which was convened by Williams was indeed the first of the Congresses which the Pan-African Movement leaders convened before its leadership was taken over by the mainland nationalists in the 1950s. There are those who contend that there were only five congresses, while others believe that the 1900 Congress was indeed the first Pan-African Movement Congress, and therefore the total number of Pan-African Movement’s congresses was six congresses and not five. This study considers July 1900 as the first of these congresses.

together and discuss issues pertaining to their social and political situations in their host countries. The congress was therefore seen as a forum for people of African descent to meet one another.

- To help establish more friendly relations between the whites and the African races. This was necessary because in Williams' opinion, unless the black and white politicians and intellectuals exchanged views on the state of their relations in Europe and North America, it would be difficult to avoid the tensions between them developing along deep racial lines, and more so in the mainland territories which were under European control at that time (Padmore 1956: 117-136; Thompson 1969:24-39):

It was at that congress that Dr. William E. Burghardt Du Bois, an African-American with mixed blood, was introduced to Pan-African ideas. Later on, Du Bois dominated the Pan-African movement and eventually shaped its ideological development for almost half a century, between 1919 and 1945. Du Bois's initial ideas were centred on the theme that if the Africans were to play an important role in the history of the world and politics, that role had to be played through a Pan-Negro movement, "Pan-Negroism" as he called it (Wilson Jr 1963: 30). Du Bois advocated the idea of regenerating black peoples in the lands of their adoption in the West and elsewhere, and in close association with a freed, independent African continent. He was therefore not in favour of the idea of the resettlement of peoples of African descent in Africa, he rather preferred their regeneration in the countries they were living in. He strongly believed that through political action such as Pan-Africanism and through the united actions of people of African descent against injustice and inequality, the existing political inequality and discrimination against the blacks in America and elsewhere in Europe, could be brought to an end (Padmore 1956: 117-136; Thompson 1969:24-39).

While he was in favour of regenerating the Africans in their host societies, he was equally in favour of forging close relationships between the peoples of African descent and the Africans on the mainland. In 1915 for example, he stated that Pan African Movement should forge a working relationship between white and black labour. He spoke of a new worldwide unity based on race. In 1917, he advocated the formation of a “Great Free Central African State.” A year later, he demanded the establishment of a Pan-African state that would include, in addition to German East Africa and the Belgian Congo, Uganda, French Equatorial Africa, German South-West Africa, Angola and Mozambique (Legum 1965: 24-25).

Another person that was to play a major role in articulating the radical version of Pan-African ideas was Marcus Aurelius Garvey. Garvey, an African from Jamaica, in the West Indies, was wealthier and more popular among average African-Americans than some of his contemporaries, including Du Bois. The latter was more of a thinker and an intellectual. Unlike Garvey, Du Bois helped to shape the thinking of both political activists and intellectuals alike, who had access to the literature that influenced the development of the ideas of the Pan-African movement (Langley 1973: 60; Legum 1965: 24-25).

In 1913, Garvey established the first black Pan-African organisation in North America, which he called Universal Negro Improvement Association (UNIA). The motto of his organisation was “One God! One Aim! One Destiny! His organisation called for and articulated the philosophy of “Back to Africa,” in which he urged the black African masses living in the West, to start marching back to mainland Africa. According to Garvey, the future prosperity of the people of African descent was in mainland Africa. In fact, in 1920, UNIA convened an international conference, during which Garvey founded the “Negro Empire” in New York,

which he referred to as the first “Black Parliament.” Subsequently, Garvey became the first President of a “Negro Empire” (Langley 1973: 70; Thompson 1969:44-46).

It is essential to emphasise that UNIA’s ideology was based on what its founder called “Universal African Nationalism”. This form of nationalism was based on five main concepts (Garvey, Jr 1988: 109-130):

- The first concept of an “African Identity” implied that all persons of African descent and origin are essential and integral parts of the same Black African Nation. Garvey believed that the African identity was real, physical and definite. The implication was that in this version of Pan-Africanism, people who were not black, or originally not from a black race, were not part of the Black African Nation.
- The second concept was “African Pride,” which according to Garvey, meant the appreciation and understanding of the achievements of the African peoples in the past; and African self-respect and self-worth in the present. There was no doubt that Garvey, like many of his contemporaries in North America and elsewhere, felt that slavery had robbed them of their pride as human beings. Therefore, UNIA’s mandate was to teach the peoples of African descent about the African peoples’ glorious past, in order to free themselves from the bondage of the heritage of slavery and that they appreciate their self-worth in the present, and regain their self-respect.
- The third concept of the Universal African Nationalism was “African Self-Reliance,” a cause for which Garvey called for an African racial reconstruction process through African organisations under African leadership through specific African programmes.

- The fourth concept was “African Economic Power” in which the UNIA leaders advised African communities on the mainland to take back the control of African wealth and the means of its production, distribution and exchange within their own national boundaries from foreign powers.
- The last concept of Universal African Nationalism was “African Unity,” in both the national and international arenas respectively. This concept was perhaps one of the aspects of Garvey’s version of Pan-Africanism that was adopted by African nationalists in the 1950s, particularly by Kwame Nkrumah. As discussed in chapter four, Nkrumah was a firm believer in the unity of African peoples in the diaspora and on the mainland.

Pan-Africanism was therefore, interpreted by Garvey and his supporters as the coming together for the common good of African people in the diaspora and on the homeland, and it was a very important aspect of UNIA philosophy. The concept of a return to the Motherland by Africans of the diaspora to take part in a nation building and racial reconstruction process was thus the core of UNIA mission.

As will be discussed in the next chapter, the ideas of Williams, Garvey and Du Bois during the First Pan-African Congress were, to inform and later become the basis of the policies and the actions of African nationalism and its leadership, leading eventually to the founding of the OAU in May 1963.

### **3.3.2 Pan African Congresses**

The adoption of congresses as mediums for the gradual institutionalisation of Pan-Africanism, and its transformation into the OAU in 1963, was necessitated, as mentioned earlier in this chapter, by their convenience. Those congresses brought together various members of the movement to discuss issues pertaining to the political status of African peoples on the mainland and the diaspora and to deliberate on issues regarding colonialism and African unity. The congress system also helped the participants to establish ad hoc structures that helped with the organisation of meetings, and follow-ups on issues that had been discussed during previous congresses. As will be discussed below, these ad hoc structures were gradually transformed into sub-regional structures in North America and Europe and eventually culminated in the formation of the first continental organisation, the OAU.

Upon examining the proceedings of the First Pan-African Congress of 1900, two main trends of thinking among the black intellectuals in the diaspora emerged. As pointed out earlier, the group led by Garvey, advocated the return of the black peoples in the diaspora to the mainland. The second group, “Pan-Negroists” led by Du Bois, called for the cooperation between the blacks in the diaspora and the Africans on the mainland, with the aim of freeing themselves from colonialism. While Du Bois’s Pan-Negroism found its support base among intellectuals, Garveyism established a feeling of rapport with poor blacks mostly, particularly in the United States of America. Pan-Negroism was therefore advocating racial equality and integration, while Garveyism was Afro-centric and espoused African nationalism and African pride. The two ideologies however, agreed on the need for the unification of the African people worldwide. Eventually, Pan-Negroism, which later became Pan-Africanism, emerged as an ideology that called for the cooperation and closer contact between the whites and blacks in the

diaspora on the one hand, but also strongly supported unity and the development of racial consciousness among blacks in the homeland (Legum 1965: 26; Padmore 1956: 117-136; Thompson 1969:24-29, 44-46).

The Second Pan-African Congress was held in Paris on 19-21 February 1919. Fifty-seven African representatives, mainly from the diaspora, who were residing in France, attended the Congress. Those Africans, who were supposed to attend the Congress from America and from the colonies, were not granted special visas to attend the Congress. The success of the Congress, the first under Du Bois, was increased by the timely advice of a delegate from Senegal, M. Blaise Diagne, then a spokesperson of the French African territories: He confided in Du Bois and informed him that the French government would see no reason to advertise the Congress openly, and advised him to go ahead with its proceedings quietly (Legum 1965: 28-29).

Among several resolutions, the attendants demanded that the colonial powers protect the natives of the African territories under their control, to abolish slavery, and that (Padmore 1956: 124-125):

the natives of Africa must have the right to participate in the government as fast as their development permits, in conformity with the principle that the Government exists for the natives, and not natives for the Government.

One of the important messages the Congress had sent to the European powers, who were meeting in Paris after the First World War, was to remind them that the Africans in the diaspora were acting as spokespersons for the territories under European colonialists. Some of the main achievements and resolutions of the 1919 Paris Congress included (Padmore 1956:123):

- It brought forward the demand that the colonial powers in Africa recognise the right of the natives to participate in the government.
  
- The Congress demanded that all the African colonial territories be put under a mandate system, under international supervision, to be held in trust for the inhabitants as future self-governing countries.
  
- The Congress also acknowledged the significance and the importance of Africans in the diaspora to meet and discuss issues relating to the plight of their fellow Africans on the mainland and in the diaspora.
  
- Finally, the solidarity that the Congress attendants had shown in Paris was perhaps a strong message that some European decision makers might have received with some bitterness.

The Third Pan-African Congress, again under Du Bois's leadership, was held in London from 27-29 August and the second session in Brussels from 30 August- 2 September 1921. During that Congress, which was attended by 113 delegates, 41 from mainland Africa, 35 from the USA, 24 from Europe and seven from the West Indies, important issues were discussed by the delegates. One of the important themes that emerged from the Congress was "self-government for the backward groups" (Legum 1965: 29).

The delegates also demanded that the colonial powers introduce administrative and political reforms and make these reforms the top priority in the territories under colonialism. For the first time, during the Congress, Du Bois emphasised the need for the establishment of political



institutions in the colonies that were based on inter-racial and democratic contact among whites and blacks, both on the mainland and in the diaspora. Du Bois's emphasis on inter-racial institutions prompted heated debates amongst the participants, because some delegates openly called for the granting of self-governance to black Africans in the colonial territories. The importance of Du Bois's call for the establishment of inter-racial institutions was aiming at the transformation of the existing colonial territories into self-governments that would cater for the needs of all the races inhabiting them, whether black or European. It was however, not a call for the institutionalisation of Pan-African Movement as yet, it merely dealt with the existing colonies in Africa (Largley 1974: 71-84).

Apart from bringing blacks from the mainland and their counterparts from the diaspora together in bigger numbers for the first time, one of the main outcomes of the Congress was that two views emerged during the deliberations. Du Bois and some of his colleagues in the Congress Secretariat were of the opinion that racial equality and political solutions to the discriminatory policies against the blacks in their host countries could be achieved through political action. On the other hand, the majority of delegates from mainland Africa were of the opinion that the only hope for Africans in the diaspora was to move back to mainland Africa, or at least to concentrate on working for the liberation of the African colonies. The aim of the delegates was to make the European powers and the host countries of the African diaspora realise that the destiny of the African peoples, on the mainland and in the diaspora, was interlinked.

The Fourth Pan-African Congress, which also had two separate sessions in Lisbon and London in November 1923, reiterated the need for Africans on the mainland to have a say in their own governments' affairs. Like the Third Congress, it was attended by delegates from the mainland

and from the diaspora. The delegates again, stressed that democratic principles of governance should apply to both blacks and Europeans, whether they were in Europe or in Africa. This was definitely Du Bois's line of argument. He was in favour of the equal treatment of Africans and Europeans in government institutions, whether they were European settlers on mainland Africa or Africans in the diaspora (Legum 1965: 29).

The Congress, especially the London session, had drawn support from prominent British socialists and scholars such as Lord Olivier, Harold Laski and H. G. Wells for the first time. This move by some European politicians and scholars was viewed by Pan-Africanists as a boost for the Pan-African Movement and its leadership, because it was the first time that such token support for their cause was given by European politicians. In Lisbon, an attempt was made by the delegates to encourage Portuguese intellectuals to press their government to introduce some reforms in the Portuguese African colonial territories. In fact, in the Lisbon session, two former Ministers of Colonial affairs, in their respective addresses endorsed the Congress demand that conscript labour laws be abolished in Portuguese Africa, and promised to use whatever influence they had, to achieve that.

The Fourth Pan-African Congress was thus the first free political platform, in which the delegates openly expressed their desire to dismantle the colonial rules that hindered the decolonisation of mainland Africa. The Congress also tried to convince the European public that the Africans in the diaspora were the legitimate representatives of the African people on the mainland for the time being, and until such time that the mainland peoples and their leaders were politically-conscious and ready to lead the struggle directly against colonialism. It needs to be emphasised that until 1923, those representatives from mainland Africa were not ready to challenge or confront the European colonial powers openly regarding matters such as political

consciousness and education. They preferred to use the Pan-African Congresses as forums where they could express their views (Padmore 1956:139-142).

The Fifth Congress was held in New York in 1927. This Congress was originally planned to be held in an African country, preferably in Tunisia, whose location would have made it easier for delegates to travel from and to different parts of the world. However, because of the French authorities' refusal that the Congress be held there, Du Bois moved the venue to New York.

Other factors also distinguished this Congress from the previous ones. Firstly, by 1927, for internal organisational reasons, Garvey's UNIA had almost lost its credibility among African-Americans. For example, his policy of 'back to Africa' lost support from some of its staunch supporters, as they discovered that, although they gave allegiance to Mother Africa, culturally, they were more Western than originally conceived before visiting Africa (Padmore 1956:142-151).

Secondly, the British colonial authorities started to look seriously into some of the demands that the previous Congresses had addressed. These included the demand that Africans be allowed access to policymaking affecting their lives; and that they should become part of the governments of their respective countries.

Another development that emerged at that stage was the attitude of both the United States and the Soviet Union. The former was skeptical about the objectives of Pan-Africanists, but chose not to confront them directly. The Soviet Union regarded Garvey's UNIA and Du Bois's Pan-Africanism ideology as "petit-bourgeois" *Black Nationalism*, which in their opinion, targeted and aimed at blocking the dissemination of the Communist influence among the Africans. The

Soviet Union thus contemplated carrying out one of the following policies: control Pan-Africanists directly or destroy them from within by infiltrating them. While the former option did not work, the Communists managed to infiltrate the Pan-Africanists' ranks, however, their attempts to destroy them from within failed (Legum 1965: 30).

The United States of America on the other hand, found itself in a difficult situation: firstly, most of the people who made up the leadership of the Pan-African Movement were African-Americans who accused the US administrations and the American society of discriminating against them on a racial basis. Secondly, the American constitution called for freedom, liberty and equality for all people, and these principles were therefore in line with the Pan-African Movement ideology, and as a result, the Pan-Africanists were expecting the US government to support them in their struggle against the European colonialist policies on mainland Africa. Finally, some white and black American intellectuals accused the Pan-African Movement leaders of using socialist rhetoric in propagating its cause, and thus most of the American intellectuals of the 1920s and 30s felt little or no inclination to support the Pan-Africanists' cause (Padmore 1956: 142-143).

The Sixth Congress was a landmark event in that it triggered the formal institutionalisation of Pan-Africanism, through the establishment of Pan-African ad hoc committees and trade unions in Europe and on mainland Africa. However, before the convening of the Sixth Pan-African Congress in Manchester in 1945, Pan-Africanism as a movement underwent significant ideological as well as institutional transformation. The start of the Great Depression in America in the 1930s; the effects of World War II on the colonialist administrations in Africa, and the emergence of young dynamic and radical leaders, from both the diaspora and from mainland Africa, had all contributed to reshaping the work and principles, objectives and goals

of Pan-Africanism as a form of emerging African nationalism.

Between the Fifth Congress of 1927 and the convening of the Manchester Congress in 1945, three important institutional developments that brought about far-reaching changes in the course of Pan-Africanism will be discussed in the following paragraphs.

The first development was the birth of the “International African Friends of Abyssinia” (IAFA) in 1934. The impetus for the establishment of the IAFA can be ascribed mainly to Mussolini’s preparations for the invasion of Ethiopia. In 1936, the Ethiopian Emperor, Haile Selassie, made an appeal to the League of Nations for help. Disappointed by the allies’ inability to take any practical action, the Emperor turned to the Africans in the diaspora for support. The IAFA was originally called the “Aborigines’ Rights Protection Society” (ARPS), an organisation hailing from the Gold Coast (today’s Ghana) whose leaders travelled to England to press the British government for more constitutional reforms and specifically to abrogate what they referred to as “certain obnoxious laws”- intolerable laws passed by the governor at that time, Sir Shenton Thomas. The transformation of the ARPS to IAFA was intended to give it the institutional character of a continental organisation that included not only the Ghanaians but all Africans. It was meant to be a Pan-African inclusive organisation whose membership was to be drawn from the Africans from the mainland and in the diaspora (Padmore 1956: 144-145; Thompson 1969: 42-63).

The second organisation that came into being was the “International African Service Bureau” (the IASB), which was in fact, an offspring of the IAFA. It was composed mainly of African intellectuals, mostly from the mainland who had gone to North America and Europe either as political activists or students. It also consisted of peoples of African descent living in the

diaspora. Their ultimate objective was to see the complete liberation of mainland Africa from colonialism. The organisation also aimed at enlightening public opinion in Europe, particularly in Great Britain, about the conditions that prevailed in various colonies, protectorates and mandated territories in Africa and the West Indies. Although a considerable number of these intellectuals held Marxist interpretations of economic and political problems in Africa, and considering also that a good number of them were influenced by American liberal thoughts, by and large they remained impervious to both Soviet Communism and American Capitalism (Padmore 1956: 147; Thompson 1969: 42-63).

The establishment of the IAFA and IASB was therefore the first concrete attempt to bring Pan-Africanists from the diaspora and the mainland Africa together under some sort of institutional framework. Unlike in the case of the Pan-African Movement that had been run by means of ad hoc irregular congresses, the IAFA and IASB were Pan-African organisations that had bylaws, objectives and goals, embodied in concrete organisational structures. As will be discussed below, these two Pan-African organisations were to merge with the Pan-African Movement and convene the Sixth Pan-African Congress.

The period that preceded the convening of the Sixth Pan-African Congress in Manchester had also prompted a third important development within the Pan-African Movement. The close association and cooperation that existed during World War II between Du Bois's Pan-African Movement and the IASB had developed positively in terms of the vigorous revival of the Pan-African Movement in 1945 after almost three decades of dormancy (Padmore, 1956: 148; Legum 1965: 30).

It needs to be emphasised that throughout the war, Africans and the peoples of African

descent, especially the labour movements and trade unions who were in alliance with the nationalist forces in African territories, had worked hard to form a federation that would unite all these organisations (Legum 1965: 29-32).

In 1944, in Manchester, a body was formed under the umbrella of the Pan-African United Front Movement (PUFM). It was christened the “Pan-African Federation” (PF). The objectives outlined by the new federation included “promoting the well-being and unity of the African people and peoples of African descent throughout the world” (Padmore 1956: 149). It was the first time in the history of the Pan-African movement that the idea of the “unity” of African peoples was officially articulated and documented by a Pan-Africanist forum dominated by people from the mainland. Other objectives of the Pan-African Federation dealt with the demand for the self-determination and independence of the African people, to secure equal rights for African people; and the abolition of racial discrimination (Padmore 1956: 149; Thompson 1969: 42-63). As discussed in chapter four, these objectives were similar to the main objectives of the OAU as embodied in its charter.

The Pan-African Federation leadership also embarked on writing pamphlets dealing with particular cases of colonial problems. Its journal *International African Opinion* then edited by C. L. R. James and William Harrison, pioneered the propagation of the Federation’s philosophy and objectives. The period was also crucial for the Pan-African Movement in that its leaders were not only confronting European colonialism, but also Communism’s expansionism and fascism’s racial policies. All of these philosophies and systems were in direct conflict with Pan-Africanism’s programme, which up to that stage had been pioneering the fight for the fundamental rights of black people, at home and in the diaspora. Most important among these rights were freedom and independence from European colonialism. Fortunately, the

Federation's younger leaders had had the chance to study the major Western political theories, philosophies and systems, namely Liberalism, Socialism, Communism, Anarchism, Imperialism and Fascism. They evaluated them, and when and where necessary, adopted only what fitted the purposes of liberation struggle (Padmore 1956: 150-151).

Having secured solid support from about thirteen welfare, students' and political organisations, and with the blessing of Du Bois, the Pan-African Federation leaders convened the Sixth Pan-African Congress in Manchester in October 1945. The Congress was different from the previous one held in New York in 1927 in several respects ((Legum 1965: 30-31; Thompson 1969: 42-63) :

- Firstly, the Sixth Pan-African Congress was dominated by new leaders from the mainland, who became militant in response to the issues tabled for discussion and designated, in theory at least, an important role to the support of the masses for the success of their struggle. This was the first time that the role of the African masses in the liberation struggle was regarded as crucial by the Pan-African Movement leaders.
- Secondly, efforts were made during the Congress to transform Pan-Africanism from an elitist and intellectual movement operating in European and North American capitals into a people-centred forum identifying itself with the unprivileged African masses on the mainland.
- Thirdly, a good number of those who attended the Sixth Congress from mainland Africa were less known in the Pan-African Movement forums before their coming to Manchester in October 1945. The new shift in the political and ideological orientation



of Pan-Africanism has led to the domination of Pan-Africanism by Africans from the mainland for the first time.

- Fourthly, during the Sixth Pan-African Congress, unlike the previous ones, there were few Africans from North America, although the West Indies leaders especially the young among them, George Padmore, Dr. Pete Milliard, and C. L. R. James, were prominent in the Congress. The Congress was held under Co-Chairmanship of Dr. Pete Milliard of British Guiana and Dr. W. E. B. Du Bois. Nigerian and Ghanaian delegates also played active roles in the proceedings of the Congress. From Nigeria came Chief H. O. Davies and Magnus Williams, representing Dr. Namdi Azikiwe, one of the pioneering leaders of the Pan-African Movement in West Africa, who could not make it to the Congress. The Ghana delegation included Dr. Kwame Nkrumah, J. Annan, E. A. Ayikumi; Dr. Kurankyi Taylor; Joe Appiah, and Dr. J. C. de Graft Johnson. Jomo Kenyatta represented Kenya. Marko Hlubi, representing the African National Congress (ANC) and Peter Abrahams, South African novelist and poet, also attended. Sierra Leone was represented by its trade union leader, Wallace Johnson; and Togo sent its poet, Dr. Raphael Armattoe (Legum 1965: 31-32). All those who attended the Sixth Pan-African Congress from the mainland, were to play major roles in their countries during the next two decades.

Although the conditions of the Africans in the diaspora were discussed, almost all the resolutions, which were passed by the Sixth Pan-African Congress, focussed on issues relating to colonialism and the situation that the peoples in the colonies were facing. At the end of the Congress, the delegates passed an important ten-point resolution, most of which directly attacked and questioned the legitimacy of the colonial authorities over the African peoples

(Legum 1965: 31-32; Thompson 1969: 42-63):

- It addressed and asked the colonial governments to reconsider and to look closely into issues relating to economics; land redistribution; the introduction of freedom of expression and of free elections. In addition, it petitioned for the abolition of racial laws and the redrafting and changing of criminal codes; reforms in education and in taxation systems, health and welfare services; the abolition of forced labour and the issue of equal pay.
- The Congress endorsed the demand for self-government for the people of Kenya, Somaliland, Tanganyika, Uganda and Zanzibar. It also strongly condemned whites' minority government policies towards Africans and coloured people in South Africa.

The delegates also issued a separate strongly worded ultimatum in the "Declaration to Colonial Powers" (Padmore 1956: 170) with the following words:

We are not ashamed to have been an age-long patient people. We continue willingly to sacrifice and strive. But we are unwilling to starve any longer while doing the world's drudgery, in order to support by our poverty and ignorance a false aristocracy and a discarded imperialism.

Taking the ten-point resolutions and the statement combined, it would seem that the Pan-African Movement leadership was, in fact offering its warning to the colonial powers that Africans would no longer tolerate colonialism on their continent. The warning in itself suggested that the conclusions arrived at by the Pan-Africanists in their previous

Congresses, have culminated in a two-dimensional integrated long-term programme: decolonisation and working for the unity of Africa.

### **3.3.3 Conclusion**

From historical and practical perspectives, the significance of the resolutions passed at all the Pan-African Congresses up to 1945, and which later on in the early 1960s informed the establishment of the OAU, can be looked at from different perspectives.

- One of the outstanding elements of success of all the Pan-African Congresses was the close cooperation that existed between the Africans in the diaspora and their fellow Africans from the mainland. The central role played by the Africans in the diaspora, despite the differences between Garvey and Du Bois, in awakening the political consciousness of Africans on the mainland, and their insistence on the importance of uniting Africans worldwide, was indeed central to the success of Pan-Africanism in pioneering the African unity agenda after the Second World War.
- Secondly, the Sixth Pan-African Congress in particular, brought home to the European colonial powers a message to the effect that the Pan-African Congresses that were held between 1900 and 1945, succeeded in establishing solid philosophical and ideological bases for the Pan-African Movement in the world scene, especially in Western Europe where most of these Congresses were held.
- Thirdly, over years these Congresses transformed the ideology of Pan-Africanism into a practical African agenda, out of which organisations and structures such as the UNIA,

ARPS, IAFA and IASB were instituted with the aim of carrying out its programs.

- Fourthly, the October 1945 Congress stressed the importance of organising a united front that would unite intellectuals, workers and farmers against colonialism.
- Fifthly, the Sixth Pan-African Congress highlighted and stressed the ability and the right of the African people to self-government. Moreover, the Congress alerted the colonialists through the “Declaration to Colonial Powers” that the African people were determined to be free and that their demand for autonomy and independence was an irreversible process. The Congress warned the colonial powers that “We will fight in every way we can for freedom, democracy and social betterment” (Padmore 1956, 170).
- Sixthly, the Sixth Pan-African Congress brought into its fold a big number of African nationalists and intellectuals from mainland Africa for the first time. It was because of that extensive attendance of these African nationalists and leaders that a decision was taken by the Congress to reallocate the activities of the Pan-African Movement from European and North American capitals to mainland Africa. The political philosophy of the mainland Pan-Africanists was based on the understanding that African unity is a solution for and the proper weapon that could be used against colonialism in Africa. The motto “Africa for Africans” was propagated vigorously.

In their endeavour to find the ways and means of defeating colonialism, the African nationalists understood and attributed the success of the Europeans in colonising the African people to the fact that they divided Africans into weak separate political, economic, and

linguistic entities. The quest for an “African Personality”<sup>24</sup> and the promotion of and working for an African renaissance of morality and culture was regarded by the African nationalists at the Sixth Pan-African Congress as an integral part of African nationalism<sup>25</sup>. On the other hand, the unity of African people, in the diaspora and at home, was seen by the African nationalists as the best approach for the liberation of Africa. Similarly, African nationalism and loyalty to the African mainland was considered by the Pan-Africanists as the best tool to fight against tribalism/ethnicity and the divide and rule policies of European colonialism.

International Communism was also rejected by the majority of African nationalists who attended the October 1945 Congress, although some of them favoured a non-exploiting Socialist economic system. A good number of nationalists were in favour of a “one man one vote” system; and believed in “positive neutralism. Moreover, while some rejected the non-involvement in the superpowers’ politics in the colonies and in the world arena, some nationalists expressed their unwillingness to be neutral on issues that affected African interests.

### **3.4 African Nationalism: Consolidation of Pan-Africanism ideology**

The events that took place during and after the two world wars had a great impact on reshaping the ideological development and political orientation of the Pan-African Movement. From 1945 onward, a new dawn for the Pan-African Movement was born, and new names and leadership team took over from Du Bois, who in October 1945 had been an old man of

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<sup>24</sup> ‘African Personality’ was a phrase coined by Kwame Nkrumah and his colleagues at the Sixth Pan African Congress, a concept which meant restoring the African dignity, which had been destroyed by slavery and colonialism. Like Garvey’s ‘African Pride,’ it calls upon Africans everywhere to appreciate and understand the achievements of the African people in the past; and African self-respect and self-worth in the present

<sup>25</sup> African Nationalism was associated with the political consciousness of African leaders and masses about the ills of colonialism, the common destiny of all African people on the mainland and in the diaspora, and their anti-colonialist stand against European powers on the mainland

seventy-three. The majority of the new leaders came from West Africa and the West Indies. From West Africa, Dr. Nnamdi Azikiwe of Nigeria and Kwame Nkrumah of Ghana emerged as pioneering leaders in the Pan-African Movement. From the West Indies, George Padmore became one of the unchallenged ideologues of the Movement. Indeed, by 1946, African intellectuals and trade union leaders from Western, Eastern, and Southern Africa embraced Pan-Africanism as the ideology of African nationalism. The main two objectives of the new brand of Pan-Africanism were African unity and the liberation of the continent from European colonialism (Legum 1965: 38-39; Tekle 1988: 49-50).

Immediately after the Second World War, an increasing pressure was exerted by Africans in the mainland on colonial powers urging them to grant colonies self-government. Subsequently, the political and ideological objectives of the Pan-African Movement came to be based on the premise that the best solution to the deadlock that existed between colonies and colonisers is to grant African territories political, economic and cultural freedom and relieve them from Western domination. The African nationalists who took over the leadership of Pan-Africanism were therefore determined to liberate the entire continent from all types of foreign domination.

The declaration of the Sixth Pan-African Congress had thus laid down the foundations for collective action and became the transitional programme of the Movement. A new brand of African nationalism was therefore born. The next stage of Pan-Africanism's development from the 1950s onward was geared towards the institutionalisation of the Pan-African Movement in the form of a Pan-African organisation, utilisation of the human and economic resources of the continent and achievement, protection and preservation of freedom of its peoples. Africans from all walks of life, both at home and in the diaspora, were asked to accept and adopt African unity as the best tool for them to get rid of European colonialism

(Mathews 1984: 49-51).

### **3.4.1 The evolution of African Nationalism**

During the period between 1945 and 1958, political activists and nationalist leaders were engaged in forming political parties and establishing liberation movements. Efforts were made by some of them to enlist popular support against colonialism, and where possible, guerrilla and resistance movements were established to wage war against colonial governments in the colonies. In countries like Kenya, liberation struggles had taken the shape of outright guerrilla warfare between the colonial authorities and the Kenyan freedom fighters (the Mau Mau). In Ghana, Malawi and Zambia, the struggle against colonialism took the shape of political pressure and civil rights movements. By late 1950s, the European powers in Africa decided to grant self-rule and independence to the majority of African colonial territories.

It is important at this stage to mention that the developments that accompanied the decolonisation process and the call to adopt African unity as the heart-nerve of African nationalism, have brought about contradictory trends that came into conflict with the basis on which the ideology of Pan-Africanism was originally built. These contradictions were to have a negative impact on the institutionalisation of the Pan-African Movement, as was embodied in the OAU.

Indeed, as African states were emerging in numbers as a result of the decolonisation process in the 1950s and 60s, it was observed that conflicting approaches and policies towards achieving African unity came to dominate the African international political interaction. The greatest shift and the final departure from the traditional philosophical and ideological teachings of

Pan-Africanism that accommodated the dual approach to the decolonisation process as advocated by Gurvey's 'back-to-Africa' and Du Bois's 'Pan-Negroism'. In addition, the idea of incorporating the blacks in the diaspora into the new African mainland politics came into full speed with the independence of Ghana on 6 March 1957. With the independence of Ghana under the leadership of Kwame Nkrumah, Pan-Africanism was officially adopted in April 1958 by African mainland leaders as the vehicle for the liberation of the continent. Nkrumah immediately took the lead and sought to forge closer cooperation among the few independent African states at the time, and hence, albeit unintentionally, gradually began to marginalise the effective role of the Africans in the diaspora in the evolution of post- independence Pan-Africanism (Mathews 1984: 50).

In a move that led to the final transfer of the Pan-African Movement leadership and activities to the mainland, in April 1958 Nkrumah convened, the First Conference of Independent African States in Accra. All the independent African states, except for South Africa, attended the meeting. They were Ghana, Liberia, Egypt, Libya, Tunisia, Sudan, Morocco and Ethiopia. The significance of inviting countries such as Egypt, Tunisia, Morocco, which according to the definition of Pan-Africanism, were non-Africans, lies in that: firstly, although the inhabitants of these countries were considered Arabs, it was the first time that the geographical location of these countries within what is referred to as North Africa, was recognised. Secondly, the solidarity between the Northern and Sub-Saharan Africans against colonialism was acknowledged (Legum 1965: 41).

On the table for discussion was the need to redefine new priorities for the Pan-African Movement. The main agenda was the liberation of Africa from Western colonialism. The Conference committed itself fully to support the independence movements throughout Africa.



The participating independent states also expressed their willingness to work with the African people and territories still under colonial subjection, towards a 'solid solidarity' (Mathews 1984: 51).

Some of the most important aspects of the Accra Conference included:

- The attendants agreed to observe each other's 'political and territorial integrity' and to settle their differences by conciliation and mediation within the 'African community.'
- They called for a common foreign policy for all African states, whose tenants would be fully loyal to the UN Charter and its decisions; respect for fundamental human rights, and the protection of mutual interests and cooperation.

Although the Conference was attended by some Africans from the diaspora, especially African-Americans and Africans from the West Indies, the fact that the conference was convened by African independent states on African mainland soil for the first time was in itself a historical move. This fact seems to have sent the message to the Africans in the diaspora that the new brand of politics of Pan-Africanism would no longer be pioneered by them, but rather by the mainland politicians and intellectuals who have the resources and control over sovereign states (Saxena 1993: 196-97; Yoh 1996: 3):

As a follow-up to the April 1958 resolutions, Nkrumah called for another conference, once again in Ghana, in December of the same year. This time it was the first "All African People's Conference" (AAPC). This conference, which was attended by representatives of liberation movements on the continent, had two main objectives

- To encourage nationalist leaders in their efforts to organise political independent movements in their respective countries, specifically those that were not yet independent
- To put forward strategic plans for a non-violent-oriented revolution on the continent. Some of the leaders of African independent states in the conference were of the opinion that it was important for the liberation movements to use non-violent means through popular and mass mobilisation. In addition, they stressed that the use of violence could be resorted to in cases where a non-violent revolution was not effective (Saxena 1993: 197-98):

The significance of the AAPC meeting is situated in the manner in which African nationalists from different territories responded to Nkrumah's invitation and came together to discuss issues pertaining to the future of their countries, which were still under colonial domination.

It is obvious from the proceedings of the conference that those who attended were willing to learn from their different experiences. For the first time, they discussed questions directly relating to colonialism, ethnicity and indigenous institutions, racism, frontiers and federations. Most importantly, for the first time, they deliberated on the issue of African unity, as a result of which, Pan-Africanism was endorsed by all who attended the conference as the ideology of African nationalism.

Of particular importance for the purposes of this study was the fact that for the first time, the conference attendants expressed the desire to establish a 'Pan-African Commonwealth' of free

African states, a Pan-African organisation that would bring together all the independent African states, whose tenants and objectives will be those of the Pan-African Movement.

In order to consolidate their desire to achieve African unity, and to institutionalise Pan-Africanism on mainland Africa, the attendants of the Accra second conference brought about the following results:

- They decided to establish a ‘permanent secretariat’ in Accra to oversee and to coordinate the efforts directed at the establishment of an African organisation that would carry out the process of integration of the continent on the way towards a united Africa. This was an attempt to institutionalise the Pan-African Movement for the first time on the mainland.
- They endorsed and supported the desire by some delegates for the formation of ‘regional economic groupings’ of states in different parts of the continent. During the conference, disagreement emerged between those states, which were in favour of the establishment of regional economic groupings, and those who favoured the creation of one Pan-African organisation.
- The conferees raised issues relating to legitimacy of national resistance against the colonial powers in Africa;
- The conferees discussed inter-racial cooperation between European settlers and Africans in the colonies and in the independent states.

- Ghana in particular pledged its support to the liberation movements on the continent.

It needs to be emphasised that during the two conferences, which were hosted by Nkrumah, his outspoken views and his insistence on an immediate African political unity, had created some tension among the delegates. Although the delegates accepted, the philosophy and ideology of African unity based on the tenets of Pan-Africanism in principle, they had reservations about the methods and approaches needed to achieve it. For example, in an attempt to make his country's position on the question of African unity clear, the Nigerian Prime Minister, Tafawa Balewa had this to say in July 1959:

Nigeria have no intention of surrendering its sovereignty to any other country soon after independence (but was) willing to join other West African countries in finding solutions to common problems, but would not at this stage consider entering into any proposed West African State.” (Mathews 1984: 51-52; Fasehun 1979: 28-33; Legum 1965, 43):

As will be discussed further on in this chapter, the implications of different views on the character of African unity among leaders of Pan-African Movement on the mainland were to become obstacles during the deliberations that followed the two Accra conferences. Subsequently, the institutionalisation of Pan-Africanism, as started by the African diaspora during the 1930s and 40s, dominated the activities of African nationalists during the period between 1958 and 1963. During this period, several attempts were made at different levels on the continent, to institutionalise Pan-African Movement. In fact, on 1 May 1959, less than a year after the AAPC gathering in Accra, Nkrumah and President Sekou Touré of Guinea announced that their two countries had forged a union, with common citizenship and with a common national flag and anthem. The two West African leaders also extended an invitation to other African states to join them. For the leaders of Ghana and Guinea, their move was the beginning of what they envisaged as an eventual union of Independent African States. On 30

May 1959, four French-Speaking countries, the Ivory Coast, Upper Volta (now Burkina Faso), Dahomey (now Benin) and Niger established the Conseil de l'Etente. The aim of the new organisation was to create close cooperation among its member states regarding economic and social issues (Mathews 1984: 52; Saxena 1993, 198-99).

Moreover, on 19 July 1959, President William Tubman of Liberia called for a meeting with Sekou Toure and Kwame Nkrumah at Sanninquellie, a Liberian village, where they issued the *Sanninquellie Declaration* which formulated some principles for the achievement of the 'Community of Independent African States', which stated, among other issues, that (Legum 1965: 45):

"Each state and federation, which is a member of the Community, shall maintain its own national identity and constitutional structure. The Community is being formed with a view to achieving unity among independent African states. It is not designed to prejudice the present or future international policies, relations and obligations of the states involved".

The *Sanninquellie Declaration* is considered by some Pan-Africanist scholars as the first attempt among Pan-African nationalists to debate about the best approaches through which African unity could be institutionalised and achieved. It was also the first time that the questions on issues relating to the maintenance of national identity and sovereign integrity of states were emphasised. The Ghanaian Foreign Minister, Ako Adjei summarised his country's views on African unity as follows (Legum 1965: 46):

To us in Ghana the concept of African Unity is an article of faith. It is a central objective in our policy. We sincerely believe that the Independent African States can, and may some day, form a real political union- the Union of African States. It does not matter whether you start with an Association of African States or whether with economic or cultural cooperation ... We must start from somewhere, but certainly the Union can be achieved in the end.

It noteworthy that, the subsequent rapid increase in the number of independent African states from 1960 onwards, brought to the fore open differences and rivalry among African leaders. Some of these differences were ideological, pertaining to the interpretations of the principles, objectives, goals and priorities of Pan-Africanism, while the rivalries were caused by personal antagonisms, such as who should lead the Pan-African Movement and thus lead the drive towards achieving African unity. As debates over African unity and how it could be achieved intensified, personal and ideological differences dominated African regional and international politics throughout the 1960s. It also soon became clear that there were differences between the African leaders over the structures, methods and approaches that should be adopted in order to achieve or maintain the emerging Pan-African continental organisation (Mathews 1984: 52; Naldi 1999: 2; Yoh 1996: 3).

### **3.4.2 Differences within the Pan-African Movement in the Mainland**

From the above discussions, it seems that, as a result of debates among African nationalists in the 1950s and early 1960s, two trends of thinking emerged within the Pan-African Movement (Fasehun 1979: 34-35). There were those who preferred political integration at the continental level and those who looked at African unity in terms of economic and cultural cooperation at sub-regional level. The rift between the two blocs became clear, when, between 25 and 30 January 1960, a second All Africa Peoples Conference was held in Tunis, out of which clearly two distinct approaches to the institutionalisation of Pan-Africanism emerged:

- During the Tunis conference, the moderates' ideas centred on a gradualist, functionalist approach to African unity. This group, which called for a gradualist approach to African unity, was dominated by French-speaking countries as well as conservative

states such as Nigeria, Ivory Coast and Ethiopia. It should be emphasised that most of the African French speaking countries were small states, which feared the domination of big states, and therefore preferred regional economic and not political groupings, where they would have significance influence.

- Kwame Nkrumah and Sekou Touré led the second group of African leaders who argued for a political union and called for the creation of a strong United States of Africa. These two schools of African unity were to dominate African politics later on throughout 1960s.
- The Second Conference of the Independent African States (CIAS), held in Addis Ababa in June 1960, witnessed an open ideological and personality clash between the above two blocs for the first time. There were those who advocated the institutionalisation of Pan-Africanism through political union and those who were against it. At that conference, Nigeria came out openly against Nkrumah's political union approach. The conferees however, agreed that Pan-Africanism, and thus African unity, was the only viable solution to African problems, although the groups continued to differ sharply on the methods and means of achieving that envisaged unity (Mathews 1984: 53; Saxena 1993, 200-201).

The Nigerian head of delegation to Addis Ababa conference, Mataima Sule, reiterated his country's position on African unity in the following words

“Pan-Africanism is the only solution to our problems in Africa ... but we must be realistic.

It is for this reason that we would like to point out that at this moment the idea of forming a

Union of African States is premature. .. At the moment, we in Nigeria cannot afford to form union (sic) by government with any African States by surrendering our sovereignty”

(Fasehun 1979: 37).

On the other hand, the question of rivalry over the leadership of West Africa, and about who should lead Pan-Africanism and African nationalism in Africa, developed into an open war of words between Nigeria and Ghana in early 1960. In fact, in an apparent warning to the President of Ghana, the Prime Minister of Nigeria, Balewa told the Nigerian Parliamentarians on 20 August 1960 that

...it will be the greatest threat to peace in Africa if any country sets out to undermine the authority of the properly chosen leaders of another state with a view to imposing political union (Fasehun 1979: 38).

It was during this period of charged political tension on the continent that a group of twelve independent states met in Brazzaville, Congo in December 1961. The leaders who met in Brazzaville were from the Congo (Brazzaville), Cameroon, Central Africa Republic, Chad, Gabon, Mauritania, Upper Volta (now Burkina Faso), Malagasy Republic (now Madagascar), Senegal, Ivory Coast, Niger and Dahomey (now Benin). The twelve leaders formed an organisation that they christened “Union Africaine et Malgache (UAM)” or “The Union of African States and Madagasy.” One of the main objectives of that organisation was the safeguarding of the interests of its members at the levels of regional and international politics. During the Congolese crisis in 1961, the group supported President Joseph Kasavubu against Patrice-Emery Lumumba. On the Mauritanian question, the Brazzaville group supported Mauritania’s application for UN membership against Morocco’s claim that Mauritania was part of Moroccan land (Mathews 1984: 53; Saxena 1993, 205-206).



There was no doubt that the decisions on Congo-Kinshasa and Mauritania were important decisions for the Brazzaville group. By deciding collectively to support one party in these conflicts, the Brazzaville group was in fact showing its willingness to work together on issues affecting their sub-region as well as preserving and serving their own interests.

The formation of the Brazzaville group prompted an immediate reaction from the radical group of African leaders led by Nkrumah. The first country to react was Morocco, which had obviously been angered by the sponsorship of the Mauritanian case at the UN by the Brazzaville group. The Moroccan King convened a conference in Casablanca in January 1961. The meeting was attended, in addition to Morocco, by Ghana, Guinea, Mali, the United Arab Republic (Egypt), Libya and Algeria. By the end of their conference, the members of the group signed an agreement, which they referred to as the “African Charter” containing nine points, which indeed came into effect on 7 January 1961. On forging of a continental unity, hence the institutionalisation of Pan-Africanism, (Mathews (1984: 53-54); Saxena (1993: 206-207); and Legum (1965: 50-52) the group had the following to say:

- The Casablanca group recommended among other things, the creation of an African political, economic and cultural union. This item was specifically referring to continental political union of all African independent states, although it left the door open for those regions, which were interested in forming sub-regional economic or cultural blocs to do so.
- A joint African High Command Committee was to be formed. Its role was to act as a common continental defence organ, which was to be under the command of United

States of Africa.

- On the question of Congo, the group decided to support Patrice Lumumba.

### **3.4.3 The Establishment of the OAU**

As a follow up to the Brazzaville meeting of December 1960, the Ivorian head of state, Houphouët-Boigny, together with President Leopold Sedar Senghor of Senegal and President William Tubman of Liberia jointly called for a larger conference of 19 independent African states in May 1961. The meeting was held in Monrovia, Liberia, and was attended, by Liberia, Nigeria, Somalia, Sierra Leone, Togo, Ethiopia and Libya in addition to the 12 members of the UAM group. The conference was convened to discuss African issues in general and specifically to explore ways to expedite the process of African unity. Although they were invited to attend the Monrovia gathering, the Casablanca bloc members, led by Ghana did not attend that meeting, except with the exception of Libya, which for its own reasons, decided to defect from the Casablanca group to the Brazzaville-Monrovia group. The declaration of the Monrovia meeting specifically urged the conferees to clarify their views on African unity *vis à vis* the Casablanca group's position.

The position of the Brazzaville-Monrovia<sup>26</sup> group was summed up at its conference in Monrovia in May 1961 with the following declaration:

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<sup>26</sup> The Brazzaville group refers to the Congo (Brazzaville), Cameroon, Central Africa Republic, Chad, Gabon, Mauritania, Upper Volta (now Burkina Faso), Malagasy Republic (now Madagascar), Senegal, Ivory Coast, Niger and Dahomey (now Benin), which met in Brazzaville and formed the UAM. The Monrovia group refers to Liberia, Nigeria, Somalia, Sierra Leone, Togo, Ethiopia and Libya, in addition to the 12 members of the UAM. The two groups became known as the Monrovia group in May 1961.

The unity that is aimed to be achieved at the moment is not political integration of sovereign states, but unity of aspirations and of action considered from the point of view of African social solidarity and political identity” (Mathews 1986: 8; Chime 1977: 164).

The heads of government and state in Monrovia also categorically rejected any ‘interference in the domestic affairs’ of African states in their declaration. This was an indication that they had decided to uphold the colonial borders between their states as well as the commitment to uphold the sovereignty of their states. From the time of that meeting, the Brazzaville grouping plus the seven states outside the Casablanca group became known as the “Monrovia Group”. Importantly, the stance that those states took on African unity was influenced by domestic as well as external factors:

- Firstly, most of the Brazzaville group’s members, which formed the UAM, had political, economical and military ties with France. Some of these states had defence agreements with France, and thus, the UAM member states in particular, could not for example; support the Algerian resistance elements that were fighting against the French government in Algeria.
- Secondly, it would have been political suicide for those countries that were anti-Communist to support Patrice Lumumba who was alleged to have been supported by the Socialist countries in his conflict with President Joseph Kasavubu during the Congolese crisis.
- Thirdly, Nigeria was in a similar catch twenty-two situation particularly with regard to its ties with Britain, and would not have supported any move that would hamper its relations with its former master (Fasehun 1979: 40-41; Mathews 1984: 54).

The second meeting of the Monrovia group was convened in Lagos, Nigeria, from 25-30 January 1962. During that conference, the group accepted the principle of mutual cooperation

among African states; however, it remained opposed to the idea of any immediate political unity of the continent or the leadership of any one state. Again, although it was invited, the Casablanca group refused to attend the Lagos meeting (Andifferen 1987: 323-324).

#### **3.4.4 The Ethiopian initiative**

As mentioned above the Ethiopian Emperor Haile Selassie and his Foreign Minister, Ketema Yifru decided to embark into a laborious and challenging reconciliation mission, in order to achieve consensus to convene an all-African states conference. It is important to give a detailed description of the Ethiopian initiative to appreciate and understand the challenges that the final stages of the institutionalisation process of Pan-African Movement had undergone. It is equally important to identify and discuss the predicament in which the mediators who had volunteered to prepare for the establishment of the OAU, found themselves.

It is significant that Ethiopia<sup>27</sup> did attend the second meeting of the Monrovia bloc held in Lagos, Nigeria, in January 1962. As discussed earlier in this chapter, the group accepted the principle of mutual cooperation among African states, although it remained opposed to any idea of immediate political unity or submission to the leadership of any one state at that conference. It was also at that meeting that the Ethiopian Foreign Minister, Yifru, started lobbying the participants in the hope that they would agree to the holding of the next Monrovia group meeting in Addis Ababa. The Ethiopian senior diplomat had importantly been instructed by his government to attempt to reconcile the two groups. After difficult diplomatic maneuvers and personal interaction between the delegates, the Ethiopian minister finally gained the approval of all the Monrovia group member states to attend the proposed

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<sup>27</sup> Ethiopia was a founding member of the Monrovia group.

Addis Ababa summit (“The creation of the OAU” <http://www.oau-creation.com>: Part Two, 3; Mathews 1984: 55).

Having won the Monrovia group’s approval to hold the next meeting in Addis Ababa, the Ethiopian Emperor accepted a suggestion by his minister to join the Monrovia leaders on the last day of their conference. His objective was that Ethiopia should identify itself with the Lagos conference, and should express the Ethiopian government’s appreciation for the conferees’ acceptance of his invitation. However, the Emperor and his minister had another message to deliver to the Lagos conferees. In his address to the conference, Haile Selassie told the audience that the gulf between the Monrovia and Casablanca groups was not as wide, as it seemed. By sounding optimistic about the possibility of reconciliation between the two groups, the Emperor and his foreign minister were hinting to the Monrovia leaders that Ethiopia could play a peacemaking role in the near future. While it seemed as if everybody was taking sides at the time, Ethiopia could announce its neutral stance at the Lagos conference in the person of its Emperor (“The creation of the OAU” <http://www.oau-creation.com>: Part Two, 3-4; Mathews 1984: 56-57).

While the leaders of the Monrovia bloc agreed to hold their next meeting in Addis Ababa as they had promised the Ethiopian Emperor, the Casablanca group on the other hand, had scheduled a conference in Egypt for June 1962. The Ethiopian Foreign Minister was now faced with the task of trying to persuade the Casablanca group to join the Monrovia group at their scheduled meeting in Addis Ababa to be held in May 1963. Before he could take any step towards beginning the mediation process between the two groups, and using his personal cordial relationships with the Guinean leadership, Minister Yifru asked the Emperor to extend an invitation to President Sekou Touré of Guinea for a state visit to Ethiopia. The

minister's argument in support of such a visit was that President Touré was a close and strong ally of both President Kwame Nkrumah as well as President Gamal Abdel Nasser, the two leading members of the Casablanca group. The Emperor indeed extended an invitation to President Touré, who was in Egypt attending his group's conference in Cairo. The Guinean leader accepted the Emperor's invitation and joined him and his foreign minister in Asmara on 28 June 1962 ("The creation of the OAU" <http://www.oau-creation.com>: Part Two, 4-5).

An opportunity was now given to the Ethiopian minister to present his argument to the Guinean leaders. He argued that the existing differences between the Monrovia and Casablanca groups could create a permanent division on the continent; and that unless African leaders put aside their personal and ideological differences, it would be impossible to try to bridge those gaps. After meeting the Emperor, the Guinean leader accepted the Ethiopian proposal that an all-African summit be held in Addis Ababa in May 1963. The two governments also agreed that invitations would be sent out on behalf of the two countries to all the African heads of state and governments, inviting them to attend the summit in an attempt to resolve the differences<sup>28</sup> that existed between the two African blocs ("The Creation of the OAU" <http://www.oau-creation.com> : Part Two, 4-5; Mathews 1984: 56).

Meanwhile, it was decided by the Ethiopian and Guinean leaders that the Ethiopian government, represented by its foreign minister Kemeta Yifru, would lobby the two groups, while the Guinean government representative Diallo Telli would lobby the Casablanca group members. Diallo Telli later became the first Administrative Secretary General of the OAU, as a reward for the Guinean leaders' support of the all African summit in Addis Ababa. After

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<sup>28</sup> The main differences, as discussed earlier, centred on how Pan-Africanism would be institutionised: whether the African states should adopt a political union in which a super regional organisation would be established to function as a super-government for Africa or whether they should adopt a functional approach through sub-regional economic organisations to foster economic cooperation between and among African states.

finishing his consultations with his leadership, and having received the Emperor's letter of invitation, the Ethiopian foreign minister started off his two-week tour of African capitals. His aim was to deliver the Emperor's letter of invitation to their leaders personally. Part of his mission was to try and exchange views on the possibility of preparing an agenda for the summit. The minister had made it a point to receive an answer from each African head of state before leaving each specific country. At some stages during his tour, the Ethiopian foreign minister had to resort to the use of one of the more risky diplomatic tactics. The tactic he applied was to give the impression that he would be refused re-entry into his own country if the leaders did not accept the invitation to attend the conference ("The Creation of the OAU" <http://www.oau-creation.com>: Part Two, 5-6; Kodjo 1984: 1-5).

By the end of his tour, Kemeta Yifru had managed to convince all thirty-two of the independent African countries to attend an African Summit to be held in the Ethiopian capital, Addis Ababa in May 1963. Perhaps one of the most important achievements of the Ethiopian Foreign Minister during his mediation tour was that all the independent African States had agreed that the summit would kick off with a foreign ministers conference. The task of the ministerial conference was to work out various outstanding issues, which included the drafting of a charter for the envisaged pan-African organisation (Saxena 1993: 212).

### **3.4.5 The Addis Ababa Summit**

The final stage of the institutionalisation process of Pan-African Movement was concluded in Addis Ababa in May 1963. In the run-up to the Addis Ababa summit, the radical<sup>29</sup> group, led

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<sup>29</sup> Radicals were also referred to as maximalists; they were the Casablanca group members. The moderates were also called minimalists; they were members of the Monrovia group.

by Kwame Nkrumah and Sekou Touré, stood firm on its African political integration agenda. They felt strongly that this was the only practical approach to secure African independence as well as the liberation of the continent. For Nkrumah and his colleagues, African unity meant unity of the peoples and their destiny. They rejected the notion of solidarity as advocated by the moderates for they interpreted it as meaning mere cooperation and interdependence. In fact, according to the radical group, any organisation or body that would be established in the effort to enhance African unity was expected to be a mass movement. African unity for the radicals, was a political unification of the continent, and by implication, it called for the dissolution of the territorial boundaries<sup>30</sup> inherited from the colonial powers (Mathews 1986: 6-7; Saxena 1993: 213).

On the other hand, the moderates, led by Haile Selassie and Ezikiwe Nnamdi stood for the establishment of a community of interests, embodied in an organisation that would foster and promote cooperation and interdependence among African states, and reduce and resolve conflicts among them. For this group, there was no contradiction between the goal of achieving unity among African states and solidarity among African people on the one hand, and that of preserving the sovereignty and territorial integrity of African states, on the other hand (Mathews 1986: 5-6; Tekle 1988: 50).

As agreed upon by all the heads of state and government, the conference of the African Foreign Ministers opened on 15 May 1963 in Addis Ababa. On the agenda was the proposal to create a charter that could become the building block of the envisaged future Pan-African organisation. The Ethiopian foreign minister was elected by his colleagues as the Chairman of the

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<sup>30</sup> The moderates were against dissolution of the colonial boundaries and therefore were strong supporters of sovereign integrity of states.



conference; and the Ethiopian Permanent Representative to the UN, Dr. Tesfaye Gebre-Ezgy was elected as Provisional Secretary General. The debate among the foreign ministers had revealed from the outset that differences over the institutionalisation of Pan-African Movement as well as over issues relating to African unity continued to be a stumbling block in the way of any progress towards reaching an agreement. These differences were clearly reflected in the member states' diverse views and their interpretations of what the principles, objectives and goals of the envisaged organisation should be. They also differed over the methods that should be used to forge African unity, which would be acceptable to all and which institutions should be involved and which procedures should be adopted in order to achieve the aforesaid African unity ("The Creation of the OAU" <http://www.oau-creation.com> : Part Three 1-2; Nkrumah 1973: 218-222).

The divisions between the two groups had different implications and led to different interpretations as well. Looking at each group's position closely, the interpretations and analyses that each group presented during the Addis Ababa summit with the purpose of justifying its arguments had revealed that the differences between the two groups ran deeper than mere strategies on how to achieve the objectives of African unity, but also had something to do with each state's interests.

For example, among other things, in their arguments the two groups attempted to address the weaknesses of Pan-Africanism as a continental ideology. Each group saw itself as an instrument that could present practical solutions for African problems, the very basis on which Pan-Africanism had been founded as an ideology. The two groups also differed on the mechanisms that were to be used in mobilising the African masses against the colonialists. In other words, the division was between those who favoured the radical transformation of the

continent through institutional integration and those who rather chose gradual reform through inter-state cooperation (Mathews 1986: 6-7; Mathews 1984: 53).

At the Addis Ababa Summit, three draft charters, namely the Ethiopian, Ghanaian and Nigerian drafts, were presented to the meeting of foreign ministers. Insisting on holding onto their opposing positions on African unity as discussed in this chapter, the two groups presented their separate views to the Heads of States summit without any serious attempt to tone down the antagonistic rhetoric that existed prior to the convening of the Addis Ababa summit. The Casablanca group presented the federal<sup>31</sup> approach of Kwame Nkrumah, which sought the immediate creation of a Union Government of African States. The Monrovia group, led by Nigerian leader Azikiwe Nnamdi, called for a gradualist-functionalist approach. While the Ghanaian and Nigerian drafts represented the views of the two antagonistic blocs, the Ethiopian draft charter embodied a compromised version of the views of the two groups (Mathews 1986: 8-9; Saxena 1993: 212-215)

The host, Emperor Haile Selassie, aware of the mounting tension within the Summit, tried to impress his guests, but did not hide his country's purpose for convening the summit, which was to institutionalise Pan-African Movement through the establishment of a Pan-African organisation, when he said the following

Let us, at this Conference, create a single institution to which we will all belong, based on principles to which we all subscribe, confident that in its councils our voices will carry their proper weight, secure in the knowledge that the decisions there will be dictated by all Africans and only by Africans and that they will take full account of all vital African considerations (Emerson and Kilson 1965: 168).

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<sup>31</sup> The Ghanaian federal proposal entailed an African political unity, embodied in a continental organisation, the Union Government of African States, which would act as a super-federal government composed of all African member states. Each of the member states should surrender part of its sovereignty to that body while retaining some domestic powers.

The Casablancon group leader, Kwame Nkrumah, summed up his group's uncompromising stand on African political unity when he argued as follows

African Unity is above all a political Kingdom that can be gained by political means. The social and economic development of Africa will come only within the political Kingdom, not other way around. The United States of America, the Union of Soviet Socialist Republics, were the political decisions of revolutionary peoples before they became mighty realities of social power and material wealth (Chime 1979: 185).

The moderate states emphasised the essentiality of mutual respect for each other within the African states and stressed the equality of all the states irrespective of their size. The view of the moderates was expressed clearly and unequivocally by President Philibert Tsiranana of the Malagasy Republic when he stated

We intend to conserve the total sovereignty of our states ... I should underline that our adhesion means by the same token a rejection of formula of a Federation of African States because federalism presupposes the surrender of a large part of national sovereignty. Similarly, we would reject a confederal formula seeing that the authority we superimpose on the states might impose demands that would be unacceptable for certain of us (Chime 1979: 185).

The tensions among the heads of state and the debates among African foreign ministers, especially between the two leading opposing countries, Ghana and Nigeria were inhibiting factors, which hampered the negotiation process. However, before any consensus was reached on adopting a unified version of the draft charter acceptable to all the parties, the heads of states summit was convened on 22 May. The Ethiopian foreign minister was summoned and asked to reconvene an African Foreign Ministers meeting for the purpose of drafting a charter that could be signed by the heads of state before the end of the Summit ("The Creation of the OAU" <http://www.oau-creation.com> : Part Three, 2-4).

Despite intensive negotiations among the delegates of the two blocs, it became clear to the Ethiopian leaders that the two groups were not able to reach a compromise on their own, and would prefer a third party to bridge the gap. This only became possible when the Ethiopian delegation proposed a draft that compromised the views of the two groups. On 24 May 1963, the Ethiopian foreign minister presented an Ethiopian draft charter, which was approved by the Foreign Ministers, who presented it in turn, to the African Heads of State and Government for their signatures. The compromise that was reached at the Addis Ababa Summit was embodied and indeed reflected very much in the structure that the OAU organs adopted. All the African countries agreed to establish the OAU as a Pan-African organisation that would address, monitor and coordinate issues relating to colonialism, the Cold War politics and conflict resolution issues on the continent. However, most of the African leaders in Addis Ababa were also aware that the agenda of African unity, hence the OAU as its embodiment, was destined to face immediate serious internal and external challenges (Woronoff 1970: 632; Mathews 1986: 2-3; Saxena 1993: 212-214):

- The continent had a large number of states that were deeply divided on both political and ideological lines. For example, some states adopted a socialist ideology, while others chose a capitalist form of governance. The huge number of member states in the envisaged continental organisation brought the realisation that the possibility of addressing problems through consensus among its members, was going to be a difficult task.
- The continent was racially divided, between the Arabs in the north, and the black Africans in the tropics or sub-Saharan Africa. Cultural and linguistic differences between North Africans and Sub-Saharan Africans were therefore, serious challenges to African unity.

- The artificiality of the continent's borders was another factor that made the task of achieving the envisaged African unity difficult. Some nationalities were separated by these borders, making it difficult for them to maintain and uphold their cultural and social ties as one people.
- The continent was divided into British Africa, French Africa, Portuguese Africa, German Africa, Belgian Africa, North-Arab Africa and an Italian Africa. These geo-political divisions, resulted in some African countries looking on their former colonial powers as partners, and did not necessarily embrace African unity as an embodiment of an African identity. It also created an identity crisis among some African elites, who were more comfortable with the Western culture than with their own.
- The majority of African peoples in the 1950s and 1960s were still not politically conscious enough for a greater unity. Indeed, in most instances, Africans of the 1960s did not regard themselves as citizens of a state, but rather as members of ethnic, social or religious groups.

Despite all these challenges however, African leaders were convinced that African unity had a strong appeal for African peoples; and it served as a powerful and symbolic tool in their struggle for independence. Most importantly, there were others within the Pan-African Movement who believed that the ideology of African unity should provide for a framework for the effective cooperation among African peoples, rather than concentrating on the cooperation between states.

### **3.4.6 Conclusion**

As discussed above, the ideology of the Pan-African Movement had had a great impact on African leaders in the diaspora and on the mainland through the debates that preceded the establishment of the OAU. In addition, it needs to be emphasised, that in the early stages of its development, Pan-Africanism was conceptualised as an ideology by its founders, then transformed into ad hoc structures such as congresses, and also used as a conflict resolution mechanism. The two problems, which were identified by the founders of Pan-African Movement to be resolved, were discrimination against African diaspora in their host societies and colonialism in the mainland. To the Pan-Africanists, the Pan-African Movement was therefore a collective framework through which they could meet, discuss and address challenges that were facing them. They needed a mechanism, through which they could confront what they perceived as a threat of domination of Western culture and politics over Africans in the diaspora and on the mainland.

There were also other factors which emerged as Pan-Africanism was evolving, some of which most importantly affected the work and the institutionalisation of Pan-Africanism:

Firstly, from the onset, there two trends of thinking that emerged among the Pan-African Movement leadership corps, mainly the differences between Du Bois and Garvey. These differences resulted in the first division within the Pan-African Movement between the integrationists, led by Du Bois and the Pro-Africans (back to Africa) and the 'Universalists' led by Garvey. However, although they had different interpretations of how to unite all African people worldwide, both factions accepted that unity of some sort was strength. Moreover, the underlying ideological basis of Pan-Africanism was race consciousness. Blackness was the

uniting element of all Africans worldwide. The membership and support base of Pan-Africanism as it evolved was therefore, based on colour, although later on, this definition of Pan-Africanism was altered to include geographical element. In the long run, the colour aspect of Pan-Africanism, did not help the Pan-African Movement leaders to attract or convince others, who were non-Africans, but sympathetic to their cause, to become active members of the movement.

Secondly, there were geographical and intellectual differences within the Pan-African movement. There were the US, Caribbean and continental Europe African intelligentsia, all of whom agreed on the principles of Pan-Africanism, but have slight differences over which mechanisms to use in order to achieve the ultimate goals of the Movement. Moreover, the division within the Pan-African Movement in the 1920s and the elitist approach to African people's unity, especially as employed by Du Bois and his colleagues, did not help in the mobilisation of the African diaspora masses. On the other hand, although Garvey's main support came from the African American average people, a united Pan-African Movement in the Americas, with popular and intellectual impetus would indeed have played a large role in influencing the politics of the time in the US and the Caribbean. These geographical and intellectual debates among the US and Caribbean intelligentsia over the principles of Pan-Africanism had influenced the ideas of Pan-Africanists from the mainland later on, when the Movement activities were transferred to the mainland in the 1950s. These debates were continued on the mainland, and developed into heated debates, and resulted in divisions between those who were in favour of political unity and those who favoured a gradual and minimalist approach to unity.

Thirdly, there were activists, intellectuals and politicians within the Movement, each of whom had a different approach to the institutionalisation of the Movement. The intellectuals, under the leadership of Du Bois, were of the opinion that they should adopt the congress approach, where delegates could meet regularly to discuss African problems, until such time when it became possible to establish a continental organisation with functioning organs and agencies to carry out its work. The other activists and politicians were interested in the advocacy kind of organisations, similar to pressure groups or lobbies, which they could use to pressurise the authorities concerned. Garvey and his group chose to adopt this approach, when he established the UNIA. Thus, the differences over the institutionalisation of Pan-Africanism existed long before the Pan-African Movement was transferred to the mainland.

Fourthly, throughout the period between 1900 and 1945, all the Pan-African Movement's congresses were convened outside mainland Africa as well as outside the countries in Europe or North America where the majority of Africans in the diaspora were located. The participation of and the opportunity to mobilise the African masses to become the support base of the Pan-African Movement was therefore compromised, thus reducing Pan-Africanism as an ideology of the elite. Had the Pan-African Movement's congresses been convened in cities and areas where the African diaspora and/or African mainland peoples were concentrated, the institutional shape of the Pan-African Movement might have been different from the one that emerged in October 1945.

Fifthly, even though all the Pan-African Movement's congresses were held in European and American cities, during the period between 1900 and 1945, the impact of the work and the pronouncements of the Pan-African Movement's leaders were only known to the European and American elites who followed the proceedings of these congresses and by the colonial



governments, who frequently received petitions from the Pan-African Movement leaders. The European and American masses were therefore, not aware of the activities of the Pan-African Movement, nor about its objectives and goals. It seems that the publicity and media coverage of Pan-African Movement's activities were limited, and therefore did not reach the ordinary citizens of the US, France, Portugal and Britain, where some of these congresses were held. Whether they would have reacted positively or not, whether they were mobilised to support the activities of the Pan-African Movement, remains an issue worth speculating about. The bottom line was that the Pan-African Movement leaders seemed to have had little interest in involving the ordinary citizens of Europe in their campaigns and the citizens of these countries seemed to have had little interest in the activities of Pan-African Movement at the time.

In the sixth place, before the participation of some Pan-Africanists in big numbers from the mainland in the Pan-African Movement's activities, the leaders of the Pan-African Movement in the diaspora acted as the voices and representatives of the Africans on the mainland and were instrumental in imposing the de-colonisation agenda on colonial powers on mainland Africa. There were two reasons why the diaspora took that role until approximately the late 1930s: on the one hand, the African political activists on the mainland were not allowed to travel to Europe nor to North America to interact with political activists pioneering resistance against colonialism in these countries. On the other hand, the level of political awareness among African political activists on mainland Africa did not go beyond the borders of their colonies. The majority of them did not have access to information about what was happening elsewhere in the world, nor did they have direct contact with the leaders of Pan-African Movement before the late 1930s.

In the seventh place, the most serious attempt to institutionalise Pan-Africanism occurred during the Second World War in London, where some West African activists and a few Eastern and Southern Africans decided to establish Pan-African anti-colonialism organisations. These organisations were structured in the form of trade unions, with political agenda. Throughout its existence, the Pan-African Movement functioned through ad hoc structures, with the secretariat and the assembly of its members being the main active organs. The responsibility of these organs was to organise congresses and raise funds and keep records of the congresses. The emphasis was therefore, not on the institutional structures of the Movement, but rather on its advocacy aspect. The emphasis on the advocacy of the Movement, had therefore delayed any serious attempt to institutionalise Pan-Africanism until the late 1950s, when the activities of the Pan-African Movement were transferred to the mainland.

Finally, the 1945 Manchester congress decided to transfer the leadership and activities of the Pan-African Movement to mainland Africa. There were some practical and ideological reasons for that decision. Some of the practical reasons included:

- The period between the 1945 and 1960, had witnessed rapid changes on the African political scene. Several countries gained self-rule or independence, some of which were led by Pan-African Movement leaders. This new reality also meant that African leaders from the mainland were ready, as the new custodians of their governments and lands, to host Pan-African Movement activities in their countries. They did not change the policy of convening congresses, which they now referred to as conferences, but tried to take practical steps, as discussed under the section on African nationalism in this chapter, to institutionalise Pan-Africanism in the form of regional and sub-regional blocs, all of which culminated in the establishment of the OAU in May 1963.

- During the 1930s and 40s in the United States of America, Pan-Africanism was transformed into the Civil Rights Movement, which specifically fought for the rights of the coloured people in America. However, some African American leaders such as Du Bois and Malcolm X, continued to appreciate the link between Pan-Africanism as it was later on pioneered on mainland Africa and the Civil Rights Movement in the United States.
- By the 1950s, most of the Pan-African Movement pioneers from the Caribbean, the US and continental Europe had either reached retirement age or were fully engaged in the Civil Rights Movement, and some, who were still active, especially from the West Indies, chose to cooperate closely with Nkrumah and his colleagues. The break in the close cooperation between the Africans in the diaspora, who were the founders of Pan-Africanism, and the new leadership on the mainland, meant that Pan-Africanism had acquired a new identity and had somewhat modified some of its objectives during the debates among the mainland leaders, as has been noted previously in this chapter.

In the ideological realm, Pan-Africanism was perceived by the mainland Pan-Africanists to mean African unity. By African unity, they were referring to two types of unity: firstly the unity of all African people on the mainland and in the diaspora, a colour conscious kind of unity and secondly the unity of African states, a geographical unity of the African countries and colonies. The two approaches to unity were to be preceded by the total liberation of African people from Western colonialism. African unity was therefore, both a means and an end. It was the means to solve the problem of colonialism, and an end to unite all Africans symbolically under one organisation or super-state.

It has also been noted, when discussing the philosophical and ideological origins of the OAU, that most of the debates that took place between and among African leaders between 1958 and 1962 centred on one theme. This theme was the structural set up and the institutional framework that any new Pan-African organisation that would come into being as a result of the debates among Pan-Africanists, should adopt. As discussed earlier in this chapter, before early 1963, the differences between the two African political blocs, the Casablanca and Monrovia groups, had made it most difficult for those African countries interested in bridging the gap, to step in and mediate. However, the easing of tensions in the Congo, the independence of Mauritania, and the speed with which several African states gained independence and self-rule and the efforts of some neutral states, notably Ethiopia, all these factors had helped to create opportunities for the reconciliation process to gain momentum.

Most importantly however, there was some consensus among African leaders for the need to form a Pan-African organisation that they could use as a tool to get rid of colonialism on the continent. It was hoped that through such an organisation, a collective consensus on regional as well as international policies could also be reached. They also hoped that the new organisation would help them shape the role of the African states in the Cold War politics, as well as using it as a tool for conflict management and resolution among and between African states. As discussed in this chapter, despite their underlying differences, this desire among some African leaders, to establish a Pan-African organisation, had helped countries like Ethiopia to intervene at the right time and tried to reconcile the views of the two blocs, urging them to meet and discuss issues of concern to Africa at least (Woronoff 1970: 598; Mathews 1984: 54).

There were therefore two important issues that dominated the African leaders' discussion during the period between 1958 and 1962: the need to establish a Pan-African organisation and a need to agree on its structure, objectives and goals. Some of the differences that dominated the debates among African leaders over the institutionalisation of the Pan-African Movement could be attributed in part to the following factors:

Firstly, there were differences over the sovereignty and retention of the colonial borders. The African leaders who advocated political unity of the continent, led by Nkrumah, argued that the unity they were calling for was a unity of African people, and therefore, in their opinion, retaining colonial borders, would defeat the basis on which the concept of African unity was conceived. The proponents of political unity of the continent were therefore, against the retention of colonial borders, and saw the states they had inherited from the colonial powers as means and not an end in themselves. The other group of leaders, led by Azikiwe, regarded political unity as unrealistic because it assumed wrongly that African people were economically prosperous and politically aware enough to understand the implications and effects of political unity of the new states. They argued that the best approach to African unity was to establish regional or sub-regional organisations, which could foster economic cooperation between the African states, until such time when it became possible to unite the entire continent.

Secondly, throughout the period between 1958 and 1962, when Ghana pioneered the leadership of Pan-Africanism on the mainland, serious cleavages emerged in the interpretation of what Pan-Africanism meant to Africans on the mainland. There was the issue of fighting against colonialism and the question of the institutionalisation of the Movement. Nkrumah and his colleagues in the Casablanca group were pushing for a de-colonisation agenda, and urged the

other independent African states to support the liberation movements in the colonies, to achieve the total liberation of African people. This approach was creating problems for other countries, which had close ties with their former colonial powers. Then there was the issue of who should lead the Pan-African Movement on the mainland. The Casablanca group regarded themselves as the pioneers of the Movement, since most of their leaders, participated in the Manchester Pan African Sixth Congress of October 1945, and saw themselves as the custodians of the Pan-African Movement. The notion of custodianship of the Pan-African Movement by some leaders, who looked at others as newcomers to the Movement, created serious differences between African leaders.

Thirdly, in relation to the above question, was the apparent conflict between the small and the big states. A super continental Pan-African state, as advocated by the Casablanca group, was seen by the majority of the Monrovia group, the majority of who were small states, to be a prelude to domination of small states by the big ones. There was also the issue of Francophones versus Anglophones, the latter in cooperation with the North African states. Linked to the language categorisation was the loyalty to former colonial powers. Some states could not subscribe to African common defence agreements for example, as proposed by the Casablanca group, because they already had bilateral defence pacts with their former colonial powers.

Fourthly, the different interpretations to the objectives and goals of Pan-Africanism by African leaders arose in part, because some leaders had wanted to protect their national and former colonial powers' interests. As a result, a shift took place in the concept of the unity of African peoples worldwide, to the liberation of African territories under colonialism and neo-

colonialism. This was a serious departure from the main objective of Pan-Africanism ideals, among which, the unity of the Africans, where they happened to be, was paramount.

Fifthly, with the inclusion and admission of the North African Arab states to the Pan-African Movement, and therefore they became founding members of the OAU, as shall be shown in chapter four, which was another serious departure from the classical definition of Pan-Africanism, which was based on colour consciousness, and thus excluded non-Africans. This new definition of Pan-Africanism might have alienated few Pan-Africanists, from the diaspora who were still strong believers in the ideals of a colour divide between Africans and non-Africans.

Finally, the adoption of the conference system by the mainland African leaders, as forums where African problems were discussed, was a tradition, which had been inherited from the Pan-African Movement, which used to convene congresses, to resolve or attempt to find solutions to African problems. The adoption of the tradition of convening conferences, was therefore one of the first conflict management and resolution mechanisms, adopted by the African leaders, prior to the establishment of the OAU. As shall be discussed in the next chapter, the OAU had also inherited the conference system, which was incorporated into its structural set up.

## **4 Chapter Four: Structural development of the OAU**

"To us in Ghana the concept of African Unity is an article of faith. It is a central objective in our policy. We sincerely believe that the Independent African States can, and may some day form a real political union- the Union of African States. It does not matter whether you start with an Association of African States or whether with economic or cultural cooperation. We must start from somewhere, but certainly the Union can be achieved in the end."

Ako Adjei, 1965

### **4.1 Introduction**

In the previous chapter, the analysis centred on tracing the impact of the philosophical and ideological origins of Pan-Africanism and its influence on the evolution and the development of the Pan-African Movement. This movement shaped the ideas of political leaders from the mainland who decided to establish the OAU in 1963. Moreover, the debates among the Pan-Africanists, which ensued soon after the movement was transferred to the mainland, have revealed that there were two trends or approaches through which Pan-Africanism became institutionalised and through which African unity could be promoted and achieved by the two main African groupings, namely, the Casablanca and the Monrovia groups. The former group called for political unity that would lead eventually to a federal type of an African super government, similar to that of the Soviet Union and the United States of America. The latter group was in favour of a loose se form of association that would forge an economic and social form of cooperation and solidarity among African countries.

African unity was therefore promoted through a two-track approach, aimed at forging some form of continental unity (Mathews 1986: 3; Mathews 1984, 52):

- A political union of African countries, a process that would entail transferring some sovereignty from national states to a new central authority of which the national states will be pillars. This central federal authority was to be mandated to speak for and represents Africa in matters relating to defence and foreign or international relations.



- African unity would mean creating one representative body (economic bodies or regional organisations) that would coordinate and facilitate the economic development and cooperation between states in the continent.

Reconciling these diverse views however, and attempting to bring them together in one forum (organisation), has proven to be a difficult task for the following reasons (Saxena 1993: 212-213):

- Firstly, because African countries had different views on the process of institutionalisation of Pan-Africanism, a neutral country had to volunteer to carry out the mediation. Such a country had to be ready financially and politically to carry out the mission to a conclusive and preferably successful end.
- Secondly, whoever would decide to take up such a reconciliation mission to achieve a compromise over the institutionalisation of Pan-Africanism, had to have a neutral agenda acceptable to the two competing blocs.
- Thirdly, any compromise on the principles on which the Pan-African Movement was based would definitely result in undermining the basis on which African unity was to be founded in the form of a new organisation. This was because different leaders had different views on how to institutionalise the Pan-African principles and how its objectives and goals could be best achieved.

Based on our previous discussions in chapter three, in this chapter the focus will be on how the OAU was equipped organisationally to deal with conflicts and examine to what extent the principal organs of the organisation had adequate powers to deal with these conflicts. The chapter will also try to ascertain to what extent did the tension between the preservation of the sovereignty of the OAU member states on the one hand, and their national interests and the promotion of continental interests, on the other hand, affect the work of the OAU in conflict situations in Africa. Furthermore, this chapter will investigate to what extent the various organs, mechanisms and methods adopted by the OAU were suitable for the types of conflicts they were meant to resolve. The conflict resolution mechanisms, which were provided for by the OAU Charter, were mainly aimed at resolving inter-state conflicts, and did not cater for

various types of intra-state conflicts. How did this omission affect the role of the organisation in dealing with intra-state and other forms of conflicts, which emerged on the continent? Finally, emphasis will be placed on the extent to which the colonial legacy and the dynamics of the Cold War era affected the relations between the OAU member states and how did that impact on the African regional cooperation and the role of the OAU in conflict resolution processes in Africa?

#### **4.2 The OAU structural set up**

The establishment of the OAU came about to fulfil the Pan-African Movement's dream of uniting African people worldwide. As discussed in the previous chapter, the shift which took place, following the transfer of the activities of Pan-African Movement from the diaspora to mainland Africa in October 1945, has somehow altered some of the principles, objectives and goals of Pan-Africanism. In particular, its focus on the unity of African people in the diaspora and the mainland and its definition of who was an African changed somewhat.

The establishment of the OAU has indeed brought about a new sense of understanding of what Pan-Africanism stood for. This new understanding was expressed in the manner in which the newly independent African states revised Pan-Africanism's political agenda. For example, some of the new challenges included differences among African leaders over what structural form the envisaged Pan-African organisation should take and their vigorous focus on the liberation struggle against the colonial authorities. Similar disagreements arose over whether to retain the colonial borders, or to do away with them, through the adoption of the Union Government of African States.

The divisions within the African leadership on the mainland over the principles of the Pan-African Movement, as represented by the Casablanca and the Monrovia groups, resulted in a compromise, which was embodied by the formation of the OAU. As discussed above, the most serious disagreement during the establishment of the OAU in Addis Ababa in May 1963 was over the reinterpretation of Pan-Africanism principles and objectives. For example, the African leaders on the mainland reinterpreted Pan-Africanism to include a geographical definition of Africa, which allowed non-African states to be admitted as members of the OAU.

Moreover, the establishment of the OAU has institutionalised both the congresses and conference systems which were used by the Pan-African Movement and the newly independent African states, prior to the formation of the OAU as mechanisms to resolve African problems during the Pan-African Movement. It transformed these systems into an organisational set up as was embodied in the OAU. Moreover, the establishment of the OAU has transformed the nature of membership of the Pan-African Movement, which used to be reserved for individual political activists, politicians and intellectuals, to sovereign states. Thus, states became the custodians of the Pan-Africanism ideology.

It is important to emphasise that the Charter that was signed by the African leaders in Addis Ababa on 25 May 1963, had placed special emphasis on the sovereignty of the member states. It also reflected African leaders' views on colonialism, apartheid and racialism, and called for the establishment of a Liberation Committee to be responsible for meeting the various needs of national liberation movements operating at that time in different parts of the continent.

However, it was equally true that the OAU Charter did not meet all the expected demands of the two groups, and was therefore a compromised document. This compromise could be explained as follows (Naldi 1999: 4; Saxena 1993: 215-216):

- Although the OAU founders unanimously endorsed inter-state cooperation in the fields of economics, culture, science, and technology, the majority of them rejected the idea of a confederation that might eventually lead to a continental political union as was advocated by the Casablanca group. Thus, the Monrovia group's views on safeguarding sovereignty and non-interference in the internal affairs of member states of the new organisation were mainly adopted.
- Another observable feature of the OAU Charter was that the principles, according to which it functioned, did not constitute binding legal norms for the member states to adhere to. This was because the member states were not interested in forming an organisation whose principles would rob them of their newly won sovereignty. These principles did however; serve as reaffirmation of the existing rules and a statement of the objectives to be achieved by the OAU member states. The Charter therefore served

as a reference document for long-term objectives and goals that the member states promised to work to achieve.

### **4.3 Principles**

It has to be stressed that the compromise reached by the OAU member states in Addis Ababa in May 1963, has had implications regarding the manner in which the main principles of Pan-African Movement were transformed. For example, the significant shift in focus that took place, from emphasising the need for the unity of African people in the diaspora and on the mainland, to the unity of African states. For instance, Article three of the OAU Charter enumerated the principles of the organisation and urged member states to adhere to them. They included (Umozurike 1979: 197-209; Mwangi 1995):

- The sovereign equality of all member states. All the OAU member states were equal and had absolute sovereignty over their lands and people. Thus by implication, the Charter put the states' interests above their people's interests.
- Non-interference in the internal affairs of member states. The Charter prohibited external interference in internal affairs of the organisation's members. For example, should conflict arise within the recognised borders of the member states, no external involvement was allowed. The state was empowered to take absolute charge of internal politics and affairs of its territory.
- Respect for the sovereignty and territorial integrity of each member and for its inalienable right to independent existence. This principle prohibited member states from tampering with the colonial borders, thus endorsing the existed colonial borders, which divided various ethnic groups across borders of the OAU member states. It was equally an endorsement of the colonial powers' laws, which were inherited by the independent states.
- The peaceful settlement of disputes through negotiation, mediation, conciliation, or arbitration. The fact that OAU member states were prohibited from intervening in internal affairs and were obliged to respect the sovereignty and territorial integrity of

its members meant that, in case of conflict between the OAU member states, the consent of the parties in the conflict was a prerequisite for interference. The peaceful settlement of disputes was to be observed by members, as long as their consent to enter into negotiation, mediation, conciliation or arbitration was a voluntary act.

- Unreserved condemnation, in all its forms, of political assassination as well as subversive activities on the part of neighbouring states or any state. In line with the principle of non-interference in internal affairs of the OAU member states, and in recognition of the vital role of heads of states and government in the work of the organisation, the OAU Charter emphasised the importance of protecting the leaders of its member states from any form of political assassination and from internal/external subversive activities.
  
- Absolute dedication to the emancipation of African territories, which were still under colonialists' control; and affirmation of the policy of non-alignment with regard to all blocs. The principle of emancipation of African territories from colonial powers was to become the main preoccupation of the OAU member states during the period between 1963 and 1980. Although this principle referred implicitly to the freedom of African people from colonialism, the fact that reference was made to African territories and not African people, meant that the OAU Charter was designed to protect the rights and to achieve the objectives of the organisation's member states.

Significantly, the OAU founders, in Article 3 (7) of the Charter, explicitly expressed their unwillingness to compromise their hard-won freedom and sovereignty, and thus showed reluctance to become directly involve in the rivalry between superpowers over spheres of influence during the Cold War. They were therefore, comfortable with the policy of non-alignment with regard to the US and the Soviet Union's rivalry over the spheres of influence elsewhere in the world or on the African continent. In principle, that was the case, in practice however, as shall be discussed below, non-alignment was interpreted differently by OAU member states. In terms of policy making within the organisation, the OAU founders emphasised the need for the member states to work collectively in the decision making process to avoid the possibility of big states dominating the small ones (Kodjo 1984: 6; Naldi 1999: 5; Ghebdinga 1987: 94; Lewis 1963: 147-161).

#### 4.4 Objectives

As has been observed above, the principles on which the Pan-African Movement were based, had undergone a drastic shift when the OAU was formed in May 1963. Equally true was that the objectives of the OAU, also witnessed a shift from those of the Pan-African Movement. For example, Article 2 (1) of the Charter stipulated that the OAU (Naldi 1999: 3-5; Kodjo 1984: 5-6; Ghebdinga 1987: 93-94):

- Shall promote the unity and solidarity of the African states. The ultimate objective of the OAU was therefore, to promote the unity and solidarity, not of African people world wide as the Pan-African Movement's principles had emphasised, but of the OAU member states.
- Coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa. Although the implication of this principle is that the state was in the service of the African people, in practice, it appeared that the OAU Charter favoured member states. This can be deduced from the fact that the achievement of a better life for African people was aligned with the smooth coordination and cooperation between member states, and not on how each member state aspired and worked for the well being of its citizens.
- Defend member states' sovereignty; their territorial integrity and independence; eradicate all forms of colonialism from Africa.
- Promote international cooperation, with special regard to the Charter of the United Nations and the Universal Declaration of Human Rights.

While Article 2 (2) had emphasised social and economic cooperation among member states, it is noticeable that, this article failed to stress the significance of political and military cooperation among the member states explicitly. In the subsequent years, however, some modest work was carried out in these two important fields through bi-lateral and/or multi-

lateral security arrangements between and among the OAU member states (Naldi 1999: 4; Ghebdinga 1987: 94).

Apart from the emphasis on the OAU as a regional organisation whose mandate fell within the premises of Article 52 (1) of the United Nations Charter, the objectives provided for above were mainly a mixture of political wishes, practical goals and legal principles.

According to Article 2 (2) of the Charter, all the above objectives were to be achieved through cooperation and harmonisation of member states' general policies in the following fields: political and diplomatic cooperation; economic cooperation, including transport and communication; educational and cultural cooperation; health, sanitation, and nutritional cooperation; scientific and technical cooperation; and cooperation for defence and security.

#### **4.5 Membership**

Article 4 of the OAU Charter regulated membership<sup>32</sup> of the organisation. Unlike the Pan-African Movement whose membership composed of individuals and organisations, the OAU Charter permitted all independent, sovereign African states, including island states<sup>33</sup> in the proximity of Africa, to be eligible for membership. According to this article, each independent sovereign African state was entitled to membership. For example, Article 28 stated that independent sovereign African states might at any time notify the Administrative Secretary General of its intention to adhere or accede to the OAU Charter. Admission to the organisation was dependent on a simple majority vote of existing member states. The assumption was that every independent sovereign African state would seek membership of the organisation, which implicitly meant that each country had a stake in becoming a member of the OAU. Membership of the OAU was therefore regarded as bestowing regional legitimacy to every member state. Article 32 of the Charter governed the cession of membership, and it stipulated that a member state that wished to renounce its membership had to give a year's notice by means of a written notification to the Secretary General.

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<sup>32</sup> The OAU Charter was signed by thirty-two members (see OAU Charter: May 1963).

<sup>33</sup> It needs to be mentioned that most of these islands' populations had mixed races, another indication that the OAU founders had chosen to redefine the Pan-African Movement's definition of an African, which was restricted to black Africans. The geographical component of the new definition of an African, as mentioned in chapter three, was an important shift from the original ideology of Pan-Africanism.

It has to be pointed out that there was no provision in the OAU Charter regulating the expulsion of member states. Again, the underlying implication for the absence of such an important mechanism was that if the activities of a member state were to prove incompatible with the principles or objectives of the OAU Charter, that member would no longer satisfy the criteria according to which the organisation was established, and thus its membership would be revoked. The Charter did not provide a provision for individuals' membership of the organisation (Naldi 1999: 36-37).

#### **4.6 Organs established by the OAU Charter**

In terms of its structures, Article seven of the OAU Charter<sup>34</sup> created five permanent organs and these were the Assembly of Heads of State and Government; the Council of Ministers; the Secretariat; the Commission of Mediation, Conciliation and Arbitration; and Specialised Committees.

##### **4.6.1 Assembly of heads of state and government**

The OAU's Assembly was the highest decision making body of the organisation. It met once year, although it could convene extraordinary summits upon the request of a member state. The adoption of the summit system was another legacy inherited from the Pan-African Movement congress system. These were the forums where leaders of the Pan-African Movement assembled to discuss issues pertaining to the future of Africans on the mainland and in the diaspora. The Assembly's membership was drawn from the Heads of State and Government, each of whom had one vote. In Article eight of the OAU Charter, the Assembly was empowered to become the supreme organ of the OAU. Some of its main functions included:

- To discuss issues of common concern to Africa, with the view of coordinating and harmonising the general policy of the organisation. In other words, the Assembly was

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<sup>34</sup> It has to be pointed out that when the OAU was transformed into the African Union (AU) in July 2002, the new organisation's Constitutive Act, like its predecessor the OAU Charter, adopted the UN structural system. It achieved this by creating, in addition to the five organs which it inherited from the OAU, an additional five organs, which are identical to those of the UN and the European Union (EU).



empowered to discuss any issue brought to its attention by the member states, Council of Ministers or the Secretariat.

- To interpret and amend the Charter. It was also mandated to review the structure, functions and every aspect and acts of the other organs.

It is important to note that the OAU Assembly resolutions had no binding force on its members, and thus it operated by and through consensus. Should a member state contend that a decision passed by the Assembly was not in its favour, it reserved the right not to implement such a decision. The organisation's decision making process and the implementation of its resolutions therefore depended on the goodwill and the cooperation of the member states. Furthermore, there were no provisions in the Charter, which stipulated the introduction of sanctions to threaten member states if they chose not to cooperate. In fact, none of the organs had any disciplinary power.

The organs were designed in such a way that they did not have the powers to impose cooperation between states or for that matter punish those states that refused to cooperate. Apart from the procedural issues, all members had to agree upon any matter through consensus; all the OAU resolutions required a two-thirds majority for adoption and approval. Moreover, it was difficult to achieve a two-thirds majority decision because of the huge membership of the organisation. Different countries and different regional blocs within the organisation had different interests, and all of them were adamant to achieve those contradictory objectives and interests (Ghebdinga 1987: 95-96; Naldi 1999: 19; Saxena 1993: 216-217).

#### **4.6.2 Council of Ministers**

Articles twelve, thirteen, fourteen and fifteen of the OAU Charter addressed and dealt with the functions and the duties of the Council of Ministers, which consisted of foreign ministers, or other designated ministers, of member states. The Council was responsible for preparing conferences of the Assembly and was entrusted with the authority to implement the decisions of the members of the Assembly. In conformity with Article 2 (2) of the Charter, the Council of Ministers was mandated to coordinate inter-African cooperation, but it could only do that with

instructions from the Assembly. Thus without the approval of the Assembly, the Council could not initiate inter-state cooperation initiatives, which though considered by the Council to be important for the purposes of continental harmony, had to be sanctioned by the Assembly.

The Council was authorised to meet twice a year, and in a special session, requested and approved by the members of the Assembly. A simple majority adopted the Council of Ministers' resolutions. The only function for which the Council seemed to have some authoritative mandate was its responsibility to adopt the organisation's budget, which the Secretary General was responsible for preparing (Naldi 1999: 20-21; Ghebdinga 1987: 95; Saxena 1993: 217).

#### **4.6.3 Secretariat**

The Secretariat was the administrative arm of the OAU. Articles sixteen, seventeen and eighteen of the Charter provided for the establishment of a permanent Administrative<sup>35</sup> Secretariat for the OAU. Article sixteen for example, established the post of an Administrative Secretary General, appointed by the Assembly. The Secretary General's term of office lasted for four years, and was entitled for re-election. The Secretary General was expected to be neutral and not supported or be influenced by any government of member states. While he was invested with certain diplomatic privileges and immunities, the Administrative Secretary General was subordinate to the organisation, especially to the Council of Ministers. Among other functions and duties, the Secretary General was:

- In charge of submitting to the member states, the budget of the organisation and the minutes of the Council Ministers and Specialised Commissions.
- Authorised in consultation with member states, to call for ordinary and extraordinary sessions of the Assembly, and Council of Ministers.

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<sup>35</sup> The OAU founders made it a point to use the term 'administrative' specifically in order to show that the Secretary General's role was purely administrative and had no political role. However, as discussed in chapter five, the OAU Secretary General was vested with political functions in the 1990s, when it became clear that his role was crucial in terms of decision making processes within the organisation. This applied particularly to issues pertaining to conflict resolution where emergency and urgent decisions ought to be taken by the Secretariat without having to wait for the Assembly or Council of Ministers' annual sessions.

- Empowered to draft the provisional agenda of the Assembly and the Council of Ministers' ordinary or extraordinary sessions and to communicate it to member states.
- Responsible for creating or abolishing, subject to the Council's approval, of any administrative or technical office or section which he deemed necessary for the enhancement of the Secretariat's functions and duties.
- Responsible for receiving a written request from any member state for the amendment or revision of the Charter and to notify all the member states;
- Mandated to draft the annual reports on the activities of the organisation; and was also responsible for drafting reports, for submission to the Council of Ministers, on the activities of the Specialised Committees (Naldi 1999: 21-23; Saxena 1993: 218-220).

#### **4.6.4 Commission of Mediation, Conciliation and Arbitration**

Of particular relevance to this study, Article 19 of the OAU Charter established the Commission of Mediation, Conciliation and Arbitration.<sup>36</sup> This Article was later elaborated on by the Protocol of the Commission of Mediation, Conciliation and Arbitration, which was ratified by 33 states in Cairo, Egypt in July 1964. According to the Protocol, it was mandatory for all the OAU members to become parties to the Protocol and no reservations were permissible. The Commission consisted of 21 members, elected by the Assembly from a list of candidates nominated by the member states and prepared by the Administrative Secretary General, of which no two members were to be nationals of the same state. The Commission's term of office was five years, but renewable. The Commission's members could not be

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<sup>36</sup> As discussed in chapter five, as a replacement for the Commission of Mediation, Conciliation and Arbitration, the OAU Assembly of Heads of State and Government, incorporated in July 2001 into the African Union (AU)'s new structures, the Mechanism for Conflict Prevention, Management and Resolution, which was created by the OAU Assembly in its summit in Cairo, Egypt in June 1993. The Mechanism was embodied in the Central Organ, a body composed of the states that are members of the Bureau of the Assembly. The Bureau assumed the overall direction and coordination of the activities of the Mechanism. The Mechanism's main functions and duties included the anticipation and prevention of conflicts, with emphasis on anticipatory and preventive measures. It was also authorised to undertake confidence-building measures in order to resolve conflicts on the continent.

removed from office, except by a two-thirds-majority decision of the total membership of the Assembly.

The Commission's main functions were (Naldi 1999: 24-27; Kodjo 1984: 8; Saxena 1993: 220):

- To hear and settle inter-state disputes by peaceful means. The Commission was not therefore authorised to deal with intra-state conflicts, which, according to the OAU Charter were regarded as internal matters.
- While the Commission had the jurisdiction over inter-state disputes, it could only intervene when mandated by parties to the dispute, and with the consent of the Council of Ministers and the Assembly. In other words, even in the cases of intensive inter-state conflicts, such as border conflicts, which might require urgent intervention, the OAU Charter prohibited member states to intervene without the approval of the two parties to the conflict and the go ahead from the Assembly.

On the issue of common African defence, the OAU Charter stipulated in Article 2(2) (i), that member states should cooperate in areas of defence and security, with the assistance of the Defence Commission. The Defence Commission was supposed to act as an organ of consultation, preparation, and recommendation for collective and/or individual self- defence of the OAU member states against any act or threat to the member states or the organisation. Although the Charter made a provision for the establishment of the Defence Commission and specified its mandates, however due to the reluctance of member states to activate its activities, the Commission did not function as it was required to do so (Naldi 1999: 29).

#### **4.6.5 Specialised Commissions**

The Charter also provided in Article twenty for the establishment of Specialised Commissions by the Assembly. According to Article 21, each Commission was composed of the ministers concerned with the relevant field or other ministers or plenipotentiaries designated by the member states. Article 22 of the Charter empowered the Council of Ministers to approve the regulations governing the performance of the Commissions' functions. In February 1964

however, the Council of Ministers approved the proposal that each Commission should operate as part of the General Secretariat, thus authorised the Secretariat to supervise the Commissions (Naldi 1999: 28-29).

Finally, Article 24 of the Charter stated that the budget of the organisation was to be provided by the contributions and donations from member states. The Charter did not provide for regulations which would govern the irregularities concerning the budget, particularly how to punish those members that did not pay their contributions regularly and the manner in which arrears were to be paid (Naldi 1999: 34).

#### **4.7 Implications of the structures of the OAU**

From the discussions above, it is perhaps plausible to assert that the structural set up of the OAU organs had had all the powers vested in the Assembly of the Heads of state and Government. The Council of Ministers acted as the executive organ of the organisation, whose main duty was to carry out decisions taken by the Assembly members. The Secretariat was established to execute the decisions of both the Assembly and the Council of Ministers, and had no political functions, except on rare occasions when the Secretary General had a strong personality or had indirect support from one or more groups of influential member states.

The concentration of all political and administrative decisions and powers in the Assembly, led to the OAU having to depend on the mercy and the goodwill of the heads of state and government. Consequently, this made it difficult for the member states to reach consensus on major decisions relating to inter-state problems or conflicts where compromises were not needed. Apart from logistical problems relating to communicating urgent matters to the heads of state and government, there was the issue of the vast membership of the OAU. The organisation was the biggest regional body in terms of membership, and concentrated the decision-making body in the Assembly, which met once a year. This meant that important decisions had to wait either for the Assembly meetings, the Council of Ministers' sessions or ad hoc commissions had to be formed in order to attend to matters, which were deemed urgent. As discussed in chapter five, the ad hoc commissions' role had proven to be ineffective in cases where political decisions were urgently required. Moreover, the fact that the Secretariat was not empowered to deal with political matters, meant that even if it had had enough evidence to

suggest that certain conditions ought to be met quickly to resolve a conflict at hand, matters were not that simple. The bureaucratic nature of how such information had to be communicated to the member states was a nightmare and time consuming, which complicated matters somewhat.

Of particular importance and relevance to this study was the existence of the Commission for Mediation, Conciliation and Arbitration. Although the provisions provided for in the Protocol approved by the Assembly in July 1964 were not respected nor implemented, the fact that African leaders felt the need to institute the Commission was in itself an important step. The Commission was not used as it should have been, partly due to the fear of some members to use it as a legal framework for conflict resolution. The Commission's protocol clearly stated that once member states opted to make use of the commission's services, the findings and the rulings of the Commission's mediators or arbitrators were binding. As mentioned in chapter five, in order to avoid the Commission, and the legal process of resolving disputes among them, a good number of member states chose to use informal and ad hoc conflict resolution mechanisms such as 'good offices,' 'ad hoc commissions' or 'commissions of the wise.'

#### **4.7.1 The de-colonisation**

As indicated in chapter three, the establishment of the OAU was inter alia necessitated, by the desire on the part of African leaders to get rid of colonialism on the continent. For the OAU founders therefore, the organisation was to act as a conflict resolution mechanism, which was empowered to deal with African inter-state conflicts as well as regulating its member states' relations with the rest of the world. There was no doubt that most of the organisation's member states were aware that their task was not going to be easy, because in addition to getting rid of colonialism, they had to play it safe within the Cold War era politics. Thus, although the majority of African states were unsuccessful, in most instances, they chose to follow the route of non-alignment with either of the two camps.

The OAU was therefore established amidst three important developments in Africa and in the world, which were taking place simultaneously:

- The continent was undergoing a fierce struggle against European colonialism and where the colonialists had left some countries; there were still the remnants of these colonialists on the continent under what some African nationalists referred to as ‘neo-colonialists regimes.’ Some African leaders saw the struggle against colonialism as an impossible task of fighting against powers that also dominated the international politics. This meant that, even with good intentions, the OAU leaders could not possibly have dealt with their inter-state problems without interference from the colonial powers, which still maintained some political and economic links with some of the OAU member states.
  
- Furthermore, there was the Cold War era, whose dynamics regulated the international politics of the time. The competition over the spheres of influence between 1945 and 1963 was between the capitalist United States of America and the Communist Soviet Union on the one hand, and between them and Socialist China on the other. Amidst these interest-based and ideological conflicts, the OAU, as an African regional organisation, found it problematic to regulate its member states’ relations with the rest of the world. That situation, as will be discussed below, rendered some of the OAU organs somewhat ineffective in addressing some conflicts on the continent where the superpowers were directly involved or implicated.
  
- Finally, as emphasised in chapter three and in this one, the OAU member states had their own problems regarding the identification of methods through which the African unity they were working to forge, could be achieved and sustained and that uncertainty continued, even after the establishment of the OAU, to create rifts within the organisation.

Colonialism can be defined in general terms as a system of social relations based on the political and economic domination of certain peoples by an imperialist power, in a world divided territorially and economically.

One of the most effective consequences of colonialism in Africa was the propensity of the European powers to impose their cultures, languages and civilisations in different degrees upon the people of Africa. This was because the colonial powers traditionally tended to establish a

monopoly with the objective of exploiting the colonies economically through political and military domination (Mathews 1986: 18).

From the African nationalists' perspective, the main objective of the colonial powers in Africa was to divide Africa into several weak states, an act that would ensure their continued dependence on the colonising powers for economic as well as political development.

The OAU founders thus, interpreted this policy to mean that the colonial powers would oppose any attempt by the emerging African states to establish a confederation or work towards unification. The OAU leaders' policy was to reverse the colonial policy by calling and working for the reunification of African peoples and their emerging states. For example, in the opinion of some African nationalists, in order to prevent any move towards unification in any part of Africa under its control, the British colonial authorities introduced the "indirect rule system." This system focussed on isolating ethnic and cultural groups from each other, thus rendering it difficult for different ethnic groups to come together, knowing each other, or forming a unifying relationship cutting across ethnic lines, cultural and religious division. Most African nationalists referred to this divisive system as a "divide and rule system" (Mathews 1986: 18-19; Mair 1967: 34-40).

The African nationalists also argued that the French and Portuguese colonial systems employed different approaches to the approach of British colonialism. In Africa and elsewhere, France and Portugal introduced the "assimilation system." This system was designed to train a small group of Africans, and subsequently, educate and socialise them to think as French or Portuguese men and women, with the aim of cutting them off from the large mass of African peoples. Some OAU founders also contended that, by introducing such an educational system, the French and Portuguese intentionally created deep intellectual and material divisions between the assimilated sector and the majority of citizens who were not educated and thus had no access to the power and wealth of their countries. They further argued that the so-called 'Black Frenchmen' or Portuguese, were bound to remain intellectually attached to France or Portugal even after de-colonisation, and would thus not be enthusiastic to undertake new initiatives which aim at radically restructuring the state system they inherited from the colonial powers. They would therefore continue to support and remain loyal to the colonial state system. Some anti-colonialist leaders went as far as insisting that this state of affairs might



explain why some of the elite that took over power from French and Portuguese colonialists were less inclined to promote the ideology of African unity. This was of course a direct challenge and accusation aimed at some French speaking African states, which were reluctant to support the immediate political union of African states (Mathews 1986: 19).

While almost all the African nationalists agreed that the Belgian colonial policy was based on “Paternalism” and thus believed that humanity falls into two distinct divisions: civilised and uncivilised, they also regarded the Belgian colonialism as the most ‘backward’ form of colonialism that befell Africa. For example, when the Belgians invaded the Congo, they believed that it would be many generations before Congolese were ready to government themselves. According to some Congolese, the Belgians in 1950s thought that the Congolese were satisfied with material conditions they were provided for by the Belgians, they would not thus want to govern themselves. Unlike the French and British however, the Belgians had the disadvantage of having no colonial tradition to prepare the Congolese for an inevitable independence, and thus when the time came for them to leave; they did not leave efficient government structures behind, which the Congolese would have used to sort out their internal differences and conflicts (Mair 1967: 42-43).

Therefore, from African nationalists’ perspective, the rejection of colonialism<sup>37</sup> was a process of liberation, which was the most effective conflict resolution mechanism at their disposal at the time. It was also a rejection of rule by foreigners as embodied in the tenants of the Pan-African Movement. Thus, the de-colonisation process under the OAU supervision, a duty it regarded as the best solution to the colonialism problem, went through two difficult phases (Mair 1988: 54-62):

- Firstly, the anti-colonial and anti-racial phase; this was the stage of struggle against the remaining pockets of European colonial rule in Africa. The anti-colonial phase was carried out differently by the colonial powers. The British and Belgians, in consultation with their subjects, worked out constitutions, which were to be used by the emerging independent states, and justifiably or not assumed that they were suitable for them. The

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<sup>37</sup> For the African leaders colonialism was considered to be a conflict, which ought to be resolved. The establishment of the OAU Liberation Committee was therefore seen to be a means to resolve that colonialism problem. The irony with that approach was that the OAU member states were using a conflict to resolve a conflict.

French territories became independent with the same constitutions that they had had under France. However, within few years after de-colonisation almost all the constitutions worked out by the European colonialist powers before independence were replaced. The OAU member states were therefore ruled between the 1950s and 60s by different constitutions under different regimes, whose political and economic agendas were also almost incompatible.

- Secondly, the struggle against continued domination and exploitation of Africa by colonialist countries- or the anti-neo-colonialist phase.

The OAU, as a regional organisation, had played a major role in the liberation struggle of African territories under European powers. It was perhaps one of the successful roles the organisation had played to realise some of its outlined objectives. Indeed, the OAU member states successfully carried out this role in the de-colonisation process in five forms of assistance to the national liberation movements in Africa. This assistance was provided through OAU Liberation Committee, which was based in Dar es Salam, Tanzania, the “Frontline” states of Southern Africa or through individual members (Mathews 1984: 63-64):

- Firstly, the ideological support was offered by all the OAU member states to the liberation movements. This ideological assistance was embodied in the principle of the right of nations to freedom from colonial oppression.
- Secondly, the diplomatic support included action within the UN, Non-align group of nations, the Commonwealth and through bilateral diplomatic relations between African countries and other nations.
- Thirdly, the material support to the African liberation movements, which had been budgeted for within the OAU general budget, and included provision of arms, food for soldiers, clothing, shelter, education, and books.
- Fourthly, some OAU members, to serve as rear bases for the African freedom fighters from territories still under colonialism, provided military bases for training and operations.

- Finally, the OAU member states allowed the “Frontline” states in Southern Africa to negotiate with the colonialists, and without giving up the military option against them.

#### **4.7.2 Neo-colonialism**

In the mid 1960s, most of the African leaders were convinced that their direct confrontation with the colonialist powers on the continent, which they waged through the liberation struggle, was a just cause worth fighting for. On the other hand, apart from the pressures from the colonies, the British and the French were confronted by other challenges mainly from their Western allies, notably the US, and their adversaries, the Soviet Union and other socialist countries. The British and the French were pressurised to abandon their colonies in Africa and elsewhere, in line with the right of people to exercise their self-determination as stipulated in the UN Charter and in other UN documents. Because of these pressures, the governing elites in Britain and France felt that they had to let the colonies in Africa go.

However, before granting independence to most African countries, the British, French, Portuguese and Belgians elites decided to forge new and more enduring relationships between them and their former colonies, by identifying loyalists in the civil service, political parties and in the army. Seen from this perspective, de-colonisation became a desirable strategic option to the colonial powers, especially those of them who transferred the power to trustworthy elites in the colonies. Some of the radical OAU leaders further argued that indeed when the de-colonisation process went into effect, the new African elites soon found themselves depending for their survival on their former colonial powers and consequently chose to maintain close, though unequal relationships with them. Some OAU founders referred to this new unequal relationship as “Neo-colonialism,” a covert type of colonialism. Subsequently, for the African nationalists of post-independent Africa, neo-colonialism became the new problem for which the OAU member states had to find a solution (Tekle 1988: 49-60).

President Nkrumah of Ghana had this to say about Neo-colonialism (Barongo 1965: 50):

In order to halt foreign influence in the affairs of the developing countries, it is necessary to study, understand, expose and actively combat neo-colonialism in whatever form it might

appear. For the methods of neo-colonialism are subtle and varied. They operate not only in economic field, but also in the political, religious, ideological and cultural spheres.

Indeed, during the 1960s some OAU leaders believed that some colonialists were working hard to frustrate the unity sentiments that the African leaders were entertaining. According to some of them, the former colonialists used several methods to frustrate efforts by African states bring about meaningful economic and/or political unity. Among the methods, which were supposed, to have been used by the colonial powers in the 1960s and 1970s to undermine African unity and economic independence were (Saxena 1993: 340-56; Barongo 1965: 50-56):

- Economic blackmail and punishment, aggression, covert operations, including incitement of armed mutinies, coup d'états, armed incursions and sabotage, mercenary invasions and the creation and/or support of rebel movements operating in some African states.
- The imposition of cooperation agreements upon the newly independent African countries, thus indirectly undermining their national independence. Through economic and military cooperation agreements, African states were bound to respect these bilateral agreements with their former masters, even if they were aware that these agreements would hamper their role in OAU's political and defence policy making.
- The establishment of military bases and the troops' presence; thus undermining the OAU's policy of non-alignment to which most OAU members adhered. Using administrative machinery inherited from the colonial regimes as instruments for implementing their colonial policies. The colonial state machinery, laws and administrative system were established to serve the colonial powers' economic and political interests and thus were not the right instruments to serve and administer the post-independent African people's interests. Maintaining ideological influences in the former colonies and using outdated legislation to curtail development of political reforms.
- Direct intervention in internal affairs of the OAU member states (e.g. the Congo in 1960); organising military coups or plots in almost every OAU member states (e.g.

Ghana 1966); stirring inter-ethnic hatred; state loans and grants, often referred to as assistance to African states. Some nationalists further argued that these loans and grants did not include financial measures that would favour comprehensive economic development that would rid these African countries from dependence on the world market.

One of the implications of the use of the above methods against some OAU member states by the European powers was that even with good intentions; the OAU leaders would not possibly have developed a successful collective policy to regulate their relationship with their former colonial powers. Neither did they develop mechanisms that would have helped them resolve their inter-state conflicts, using the OAU organs as tools for that purpose, let alone dealing with intra-state conflicts.

Indeed, some of the OAU leaders were convinced that foreign interests had generally controlled the major investment opportunities in their countries, and thus made it difficult for the newly independent OAU member states to take control of their national economies. Neo-colonialism also discouraged close cooperation between and among the OAU member states, an essential principle of the OAU charter, as each state was tied to the former colonial power through bilateral economic agreements. Some of the important fields of investment dominated by foreign companies included mining, export-import trade, and commercial plantations. Moreover, most of the multinational corporations operating in Africa tended to undermine and discourage the development of a strong industrial production base that would engage in import-substitution industries and car assembly plants. By so doing, these corporations were saving on transport costs on their part and ensured the perpetuation of the consumer orientation of the domestic African economy. The domination of the African economies by the former colonial powers was therefore considered by the OAU leaders to be a serious problem that ought to be solved through OAU member states taking a unified continental stand against any form of neo-colonialism (Barongo 1965: 57).

Below are some of the economic policies, which the OAU leaders believed the colonial powers have successfully used in order to maintain their grip on the economies of African post-independent states (Saxena 1993: 340-56):

- *Bilateral Aid*: it enabled the developed countries to acquire some sort of advantage with the aid-receiving countries. The African receiving country was forced to use the money it received for buying goods from the donor countries and employ technicians from the donor country.
- *Multilateral Aid*: the former colonialist powers used a number of international organisations such as the International Monetary Fund (IMF), the World Bank, the International Finance Cooperation (IFA) and the International Development Association (IDA) to persuade the African countries to get loans from them.
- *Collective economic Neo-colonialism*: the developed countries used regional organisations such as the European Economic Commission (EEC) and later the European Union (EU) to affect a redistribution of African markets and sources of raw material in favour of their own monopolies. For example, while they avoided dealing directly with the OAU as a multilateral body which grouped the African states together, the European countries encouraged African states to signed bilateral agreements with the EEC/EU, in order to open African countries' markets to the EEC/EU member states.
- *Monopolies and Multinationals*: these monopolies control mining and manufacturing industries, large plantations, finances, foreign and domestic trade in African countries.
- *Multinational Corporations (MNCs)*: these companies own shipping lines, cargo and vessels and tankers; they pay the lowest rates for agricultural products and raw material and charge the highest prices for their industrial manufactured goods exported to Africa.

The above-mentioned policies were regarded as serious issues that the OAU member states could only handle through collective cooperation and action. As a matter of principle, every OAU member state was expected to agree and commit to a regional arrangement by accepting a unified OAU stand against all forms of neo-colonialism, as stipulated in the organisation Charter. However, most member states chose to enter into bilateral agreements with former colonial powers. Moreover, the Western countries which preferred to deal with individual

countries, avoided the OAU as a regional organisation, which advocated the adoption of multi-lateralism as a continental approach to international politics, thus undermining the OAU credibility as a collective voice of Africa (Saxena 1993: 345-49).

One of the OAU founders who was convinced that the above five methods of economic policies of control were used and continue to be used in Africa by the former colonial powers was Tanzanian President Julius Nyerere. To illustrate his point, Nyerere argued that whenever an aid or a loan agreement was signed between an African state and a Western donor, usually nothing was said about the political implications involved. Nevertheless, they were always implicit and each party to the agreement knew it. Barongo (1965:62) mentions that Nyerere went on to say:

We sometimes find that the aid and the loan, or personnel is dependent on other factors, which we have not agreed to. We are told they will be taken away if we make a particular political decision, which the donor does not like.

President Nyerere also stressed that all those loans and aid grants had transformed some African countries into highly indebted nations. He commented that this policy had led to further economic deterioration during the 1960s and 1970s and the burden of paying back those loans affected most economies of African countries.

While African nationalists strongly believed that African unity was the best mechanism for resolving inter-state problems in Africa, the reality regarding the interaction between and among African states and people was contrary to their aspirations for unity. For example, the colonial powers linked each colonial territory with the colonial power in terms of telecommunication, and did nothing to link it with its African neighbours. This system of isolation was also applied to regional and international land transportation systems that were supposed to connect Africa with the outside world, namely roads and railways. By the time de-colonisation was complete, most African independent states found themselves isolated from one another. In practical terms, it meant that it was cheaper for African states to communicate with Europe than with the neighbouring African states (Mathews 1986, 20-21; Yoh 1996: 3/6).

What this situation meant in terms of African unity was that although African leaders could easily travel by means of air transport to visit each other and attend the OAU conferences, the ordinary African people did not have access to each other, because of the lack of adequate communication and transportation systems connecting their countries. Thus, in practical terms, African unity was experienced as such among African leaders, while the rest of the population of the continent did not have access or the chance to interact with one another.

#### **4.8 The OAU and Cold War politics**

One of the main factors that contributed to the difficulties the OAU leaders had to face while trying to forge African unity was superpower rivalry in Africa and the dynamics that accompanied the intensification of Cold War politics. Indeed the Cold War politics and the superpowers' competition in Africa had had a direct influence on the effectiveness of some of the most important organs of the OAU such as the Assembly and the Secretariat. It also had a somewhat negative impact on the effectiveness of some conflict resolution and peace-making mechanisms, such as the Commission for Mediation, Conciliation and Arbitration that the OAU leadership in the 1960s put in place to resolve inter-state conflicts. As emphasised throughout this chapter, it also affected, the manner in which the OAU member states conducted their regional and international relations and politics.

Moreover, when the OAU was established in May 1963, Africa was divided over which approach to take to face the superpowers' competition on the continent (Mayall 1971: 76-89; Yoon 1997: 282 and LeMelle 1988: 23-24):

- Some decided to side with their former colonial masters with the hope that by doing so, they would protect their interests. This was done through bilateral defence agreements and economic cooperation treaties between some African countries and their former colonial powers.
- Other OAU member states chose to side with one of the superpowers, namely, the US, the Soviet Union or China. This choice was attractive to those countries, which were ready to declare their position openly. In some instances, although some countries were known to be allied to one of the superpowers, some of them chose not to declare it



openly. On the other hand, some countries, although they were known to be neutral, chose to pretend to be allied to one of the superpowers, sometimes with the approval of that power, a position which they used as a deterrent mechanism against competing superpowers, each of which would want to lure that country to its side.

- Others decided to adopt a policy, which they regarded as ‘positive neutrality’ or non-alignment. This position was tricky, and in most instances, it was very difficult to prove whether a country was neutral or not.
- Furthermore, the rivalry between the United States and the Soviet Union was complicated by the position of China in world politics at that time. Although China was a Communist country, it chose by the late 1950s to challenge both the US and the Soviet Union in Africa, and decided to deal directly with some African countries and/or liberation movements.

Ironically, in such a delicate situation, the OAU member states found themselves in some instances confronting each other in defence and justification of their positions, instead of facing the superpowers on regional and international political levels.

#### **4.8.1 The United States of America**

One of the difficult situations that the United States of America found itself in during the early days of the Cold War, was how to reconcile its long anti-colonial tradition with its desire to stand in solidarity with its European allies who were colonising Africa. In other words, in accordance with the US Cold War strategic policy of containment, any attempt by the US to support African nationalists who were fighting against France and Britain would have strained the relations within the Western Alliance, and thus would have put the Alliance’s North and East Africa base facilities at risk (Mayall 1971: 76-89).

There was no doubt that the main US strategic concerns during the Cold War were to frustrate any Soviet Union efforts to achieve hegemony in the world politics. This policy meant that whatever the Soviet Union and its allies did in certain regions of the world, determined the strategic importance of those areas to the US. Thus, as discussed in chapter nine, some

countries in Africa were seen by the US as important fields of competition with the Communist Soviet Union- whom the US strategists saw as a threat and an adversarial ideology. Definitely, this stand posed serious challenges to the OAU member states, for it meant, as discussed above, that member states had to decide whether to remain neutral, side with the US or with the Soviet Union (Yoon 1997: 282).

Among other things, the US Cold War foreign policy was geared towards persuading African leaders to accept and adopt Western capitalism as the best form of economic system for the betterment of their economies. This policy was definitely in direct opposition to the two main Pan-African Movement's policy tenants: African unity and non-alignment. To implement its policy in Africa, scholarships and grants were awarded to African students for short-term and longer degree training programmes in the US in order to extend Western capitalism and liberal democratic ideology in the new African states.

It is worth noting that OAU member states were treated by successive American administrations during the 1950s and 1960s as individual countries, hence undermining the role of the OAU as a regional organisation responsible for the shaping of African international relations.

In fact, heads of state and government such as Felix Houphouët-Boigny of Ivory Coast, Jomo Kenyatta of Kenya, Emperor Haile Selassie of Ethiopia and William Tubman of Liberia, who were friendly and close to America, became examples of responsible statesmanship in Africa for successive US administrations. By supporting and cooperating with the so-called African moderate heads of state, the US was perhaps expressing its wariness of the militant demands of some nationalist leaders, particularly radicals such as Kwame Nkrumah, Sekou Touré, Julius Nyerere, and Modiba Keita. They all tended to think that a modified form of socialism was a possible alternative ideology to adopt, although some of them were willing to listen to both the US and the Soviet Union (LeMelle 1988: 23-24).

Viewed from an ideological perspective, some African leaders felt that the US was using contradictory approaches in Africa. While supporting the right of Africans to pursue a policy of self-determination in for the oppressed African people, the US was also siding in practical terms with its allies in the West by not providing material and /or political support to the

African liberation movements. Analysing the contradictory nature of the US Cold War policy in Africa, Ali Mazrui (1977: 172) had this to say

In African continent neither the revolutionary nor the law enforcement traditions of America have been especially active, and as compared with the tumultuous experiments in Latin America and South-East Asia. Partly because of that fact, the most important sins committed by the USA in Africa have so far been the sins of omissions- of indifference and caution, of insensitivity and moral distance.

In defending its expansionist policy in Africa, the US described the Soviet African Cold War policy as “geo-strategic expansionism,” a view that considered the Soviet policy as an integral part of a global strategy directed towards weakening and where possible, undermining the American and Western interests throughout the world. The American argument was based on the assumption that since Africa was economically important to Japanese and Western powers, Africa was presumed to offer the Soviet Union an opportunity to attack its international rivals directly (Nation and Kauppi 1984: 47-48).

#### **4.8.2 The Soviet Union**

The Soviet African policy was described by some American strategists as “defensive opportunism.” This viewpoint assumed that the Soviet African policy was not influenced by an organised special design or any substantial security concerns, and was therefore not strong enough to challenge the Western powers directly (Nation and Kauppi 1984: 47-48).

On the other hand, the Soviet Union was seen to possess important qualities that were regarded as strengths and weaknesses in its contact with Africa (Stevens 1976: 196):

- Firstly, the Soviet Union was a newcomer to Africa. The Soviets did not have colonies in Africa and were thus regarded as newcomers by its competitors, the Americans and their Western allies.
- Secondly, it was a superpower. Like the US, it never established a colonial territory in Africa, and thus its nominal support for African independence during the Cold War, compared to France and Britain for example, was less questionable.

- Thirdly, African nationalists were attracted to the Soviet Union's support to Afro-Asian liberation movements and by its ideology of equality and fraternity for the oppressed people of the world.

Seen from these perspectives, African states had better arguments for giving preference to forging cordial relationships with the Soviets rather than with Americans.

Throughout the Cold War era, the Soviet Union's foreign policy in Africa was carried out through several interrelated methods. Some of the most effective methods used included (Klinghoffer 1968: 197-208; Nation and Kauppi 1984: 43):

- A constant search for stable state-to-state relations. This policy was carried out through the establishment of diplomatic ties with several African states.
- Selective, technical support for African national liberation movements considered sympathetic to the Soviet objectives.
- Encouragement of all sorts of social and cultural contacts with Africa through the Afro-Asian People's Solidarity Organisation, the International Union of Students, World Federation of Trade Union, in addition to the activities of the World Peace Council.

All these efforts were aimed at frustrating any attempt by these countries to have any link with the US and its Western allies.

Moreover, the Soviet foreign policy makers were keen to dispatch advisors and planning specialists on country assignments throughout Africa. Other channels were also employed such as diplomatic representations, bilateral inter-government and inter-party consultations between officials. One of the important steps, which strengthened the Soviet Union-African states cooperation, was the establishment of direct ties between the Presidium of the Supreme Soviet and the OAU's Coordinating Committee for the Liberation of Africa. These contacts had had some positive impact on the process of de-colonisation of the African continent. Indeed, in order to show its support for the OAU activities, the Soviet Peace Fund was used to facilitate

the transfer of funds to the OAU's Special Fund for the support of African liberation movements (Klinghoffer 1968: 197-208; Lopator 1987: 8-18).

On the other hand, Soviet technical advisors in Africa tried to influence African leadership into accepting and adopting the principles of a one-party rule and state control over economic planning and development. Scholarships were availed for training in the Soviet Union and in particular at the Patrice Lumumba University in Moscow. These educational grants were strongly oriented towards ideological indoctrination of Africans (LeMelle 1988: 22).

In fact, some African students who were sent to Russia, and later on returned to their countries and became important personalities, openly complained that living conditions were not satisfactory while they were in Russia. Some even complained that their allowances were inadequate, that their movements and travel within the Soviet Union were restricted and that they were not allowed to form their own students' unions. They also complained that they were exploited for propaganda purposes, including broadcasts and attendance with prepared speeches at festivals and conferences; and that Marxism-Leninism was a compulsory part of the syllabus. These accusations against the Soviet Union by some of those who later became leaders in Africa revealed that ideological expansionism was resisted by most African states, whether the Americans or the Soviets exercised it (Morrison 1964: 20).

Moreover, the intensity of Soviet-American rivalry severely affected the internal individual African country's political balances. Indeed, because of ideological differences, factional politics was introduced in almost all the African states, particularly during the 1960s, thus creating major internal conflicts. For example, whenever factions within an African country had sought an external patron, the two superpowers were ready to step in to support one of the factions in their conflict with the other side. The aim of each faction was to strengthen its position against its rival group within the country. This type of ideological and factional politics was also introduced to the ranks of the liberation movements in Africa. The result was that the superpowers exploited intra-state divisions, thus guaranteeing their sphere of influence (Stevens 1976: 197).

### 4.8.3 People's Republic of China

There is no doubt that the superpowers and colonial powers' rivalry in Africa during the Cold War had had a divisive impact on the relationships among and between the OAU member states, particularly on the OAU's African unity agenda and thus hindering its member states' pursuit to resolve inter-state conflicts.

Chinese interests in Africa emerged soon after the break between China and the Soviet Union on 20 June 1959, when Moscow withdrew its aid to the Chinese nuclear development programme. Less than a year later, in August 1960, all the Soviet technicians who were helping with Chinese economic development were withdrawn, thus leaving China to rely on her own resources. Determined to take revenge on the Soviet Union, China, uninvited, assumed the leadership of the so-called 'Socialist Camp.' Its new strategy was to seek new friends where it has not sought them before.

By adopting this new confrontational policy, China was also trying to do the following (Larkin 1971: 43-45):

- To prove that its assessment of the prospect for revolution was correct, and in the case of Africa, China believed that it would strengthen its political position vis-à-vis the Soviet Union if she had influence over African leaders from whom Moscow sought favour.
- To take steps that would intentionally provoke the United States of America or Soviet Union or both to get involved in African conflicts, a situation that would ease US or Soviet pressure on China's own borders.
- By embarking on a mission to become a third superpower in Africa, China was indeed aiming at competing with the US and the Soviet Union for African resources.
- Finally, by extending its influence to Africa, China would have access to African markets.

The Chinese involvement in Africa was also seen by some scholars within the context of the Sino-American confrontation that ensued after the Korean War in 1951. Soon after the Bandung Conference in Indonesia on 18-27 April 1955, China launched an initiative in Africa to win international recognition, and specifically to break the encirclement the US had been trying to establish. Thus, Bandung marked the watershed in the evolution of the Chinese foreign policy in Africa. Subsequently, the spirit of Bandung, for example, non-alignment, became a prominent theme in Chinese pronouncements. However, as mentioned above, with the Sino-Soviet fallout in the mid 1960s, China's African policy started to be directed against the Soviet Union (Ogunsanwo 1974: 8-9).

The Chinese foreign policy was also designed to counter three Soviet main objectives in Africa. According to Beijing (Yu 1980: 168-185):

- The Soviets had wanted to have access to the rich natural resources of Africa to supply its industries.
- The Soviets had hoped to advance their global strategic interests in Africa *vis-à-vis* those of their rival, the US.
- Most importantly, Moscow had been trying to undermine African unity. The Chinese accused the Soviets that they sowed dissension among African liberation movements by classifying them as “revolutionaries,” “non-revolutionaries,” or even as “counterrevolutionaries.”

Beijing also classified what it called “the Soviet reactionary theory” to fall into two categories: reactionary and the progressive. It is important to stress that, according to the Chinese, the Soviet policy, like the American policy in Africa, was designed to interfere directly with the continent's internal affairs and to set Africans against Africans, hence frustrating their efforts towards achieving African unity. The Chinese were also convinced that the Soviet Union had tried very hard to replace the Western powers as the key imperialist power in Africa (Yu 1980: 168-185).

The Soviets on the other hand, argued that China was doing exactly what it was accusing the Soviets and the Americans of doing in Africa by fanning anti-Soviet sentiments in Africa with the intention of finding a dominant place in the African liberation movements and indeed to impose a new Chinese hegemony on Africa (Yu 1980: 178).

#### **4.8.4 Non-Alignment**

As discussed above, the US-Soviet-Sino rivalry in Africa left most of the African countries with few choices regarding consolidation of regional cooperation and their desire to make African unity a continental multilateral programme. Although almost all the OAU member states were convinced that the US, Soviet Union and China were all looking after their own interests in Africa, some were also aware that the nature of international politics in those days, required some kind of clear understanding of the dynamics of the Cold War politics. One of the approaches that aimed at containing the superpowers' rivalry and Cold War politics, a policy that had gained some support among OAU member states, was Non-Alignment. The policy of non-alignment had two conceptual interpretations: the principle of "positive neutrality" adopted during the Bandung Conference of April 1955 and "non-commitment" of the First Conference of Independent African States in April 1958. At the preliminary meeting on non-alignment in Cairo in early 1961, the participants decided to define a non-aligned country to mean a state, which had to pursue an independent policy based on peaceful co-existence and non-participation in multilateral military alliances such as the North Atlantic Treaty Organisation (NATO) and the Warsaw Pact. A neutral country had to support liberation and independent movements in Africa or elsewhere in territories under colonialism. In addition, a non-align country was not allowed to participate in bilateral military alliances with great powers, nor should it have foreign military<sup>38</sup> bases on its territories, set up with its agreement (Legum 1965: 50-60).

Some of independent states of Africa had favoured non-alignment for various reasons. One of the major fears of the newly independent African states during the Cold War era was the possibility of a massive flow of arms to the continent, should the superpowers become directly involved in the affairs of the emerging states. Moreover, the basic understanding of African

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<sup>38</sup> By foreign military bases were meant the Western countries military bases, which were located in some African countries' territories.



leaders of non-alignment was the assumption that it was possible for a country to be neutral militarily and to be left alone by the two blocs - the Soviets and the Americans, without an alliance. The ultimate aim of the African Non-Alignment was thus to try to keep military bases of the Cold War out of the African continent (Mazrui 1977: 159).

The principle of “continental jurisdiction” which had been so much part of African nationalists’ political thought, was for many of them truly the “African Monroe Doctrine,”<sup>39</sup> a doctrine that implied that American spheres of influence were not opened to any foreign intrusion. This principle, which Grace Ibingira of Uganda once referred to as “African continental exclusiveness,” asserts that Africans should solve certain African problems. It also implied that if the OAU member states were allowed by the superpowers to take care of their countries’ affairs, it would have been possible for the organisation to devise and strengthen mechanisms for conflict prevention, management and resolution in Africa (Mazrui 1977: 161-162).

Furthermore, most of the OAU founders were concerned that arms supplied to one African country by the superpowers might end up being used against another country or against group of people within the country, thus creating inter and intra state wars on the continent. President Julius Nyerere explained this point when he contended that (Mazrui 1977: 164):

In the world as it is today nobody could seriously suggest that an African state can arm itself, or be armed, in order to defend itself against attack by one of the Great Powers of the world. If an African state is armed then, realistically, it can only be armed against another African state.

In practical terms though, and despite the fact that African states were not formally parties to any alliance during the Cold War, a considerable number of them had political, commercial and military links to one or other superpower. It is therefore true that throughout the 1960s, 1970s and 1980s, the two plus one superpowers (US, Soviet Union + China) actively supported whoever their ally was in Africa, destabilised others, and sponsored wars of proxy between some. This situation contributed in several ways to the ineffectiveness of the mechanisms the OAU member states had established and had agreed to help them resolve African conflicts and problems (Naldi 1999: 18).

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<sup>39</sup> The so-called African Monroe Doctrine implied that Africa does not want super powers to interfere in African affairs.

## **4.9 Conclusion**

It is to be emphasised that the ideology of Pan-Africanism and the legacy of the Pan-African Movement have had a strong appeal to and influence on all the African nationalists who espoused it. It was equally true however; that there developed among them, as they debated the establishment of the OAU, ideological differences and different visions among them on how to go about achieving the goals of Pan-Africanism and on how to resolve African problems.

In fact, for the majority of African leaders who met in Addis Ababa in May 1963, African unity was a political agenda in service of their struggle for independence from colonialism. However, it was also a means to take a collective stand on issues relating to the relationship between the colonial powers and their former African subjects. African unity was also considered by some nationalists as a tool to unite ethnic and diverse tribal groups within each country. Indeed, for most of the African nationalists, African unity was a long-term multi-faceted ideological framework, and although the superpowers' rivalry had tried to frustrate this goal, remained the only framework through which African states could effectively cooperate in all aspects of their political and economic activities, as was embodied in the founding principles of the OAU. The OAU was therefore established to act as a medium that would help Africans handle their common problems more meaningfully and achieve results that would otherwise have been unattainable in a divided continent (Mathews 1986: 2-4).

Although the OAU founders unanimously endorsed inter-state cooperation in socio-economic and political fields, it is observed that some of them rejected the idea of confederation that might eventually lead to a united states of Africa in the form of a political union as advocated by the Casablanca group. Thus, the Monrovia group's views on safeguarding sovereignty and non-interference in the internal affairs of member states of the new organisation were largely adopted at the Addis Ababa Summit (Naldi 1999: 4; Saxena 1993: 215-216).

Moreover, in addition to the ideological differences among African leaders, the principles the OAU was set to observe did not constitute binding legal norms on the member states. This was because the member states were not interested in forming an organisation whose principles would rob them of their newly won sovereignty. These principles did however; serve as

reaffirmation of the existing rules and a statement of the objectives to be achieved by the OAU member states (Umozurike 1979: 197-209; Mwagiru 1995).

Therefore, these persistent ideological differences among African leaders seemed to support the argument that the OAU founders did not bother to agree or explain clearly in the OAU Charter what they meant by African unity or what its long term aims should be or how they should be accomplished. In fact, during the Addis Ababa summit, delegates spent more time on debating the name of the organisation they were meeting to establish, than on discussing the implications of the structures they were putting in place, and the appropriateness of these structures regarding the long-term objectives that the envisaged organisation would hope to achieve.

For example, during their debates in Addis Ababa, the Casablanca group argued that the organisation should be called an Organisation “of” African Unity, while the Monrovia group preferred to call it an Organisation “for” African Unity. For those who favoured the former name, their opponents considered their choice a misnomer, because unity was not achieved at the Addis Ababa summit. If the latter name were to be adopted, its opponents regarded such a name as a betrayal of the aspirations of those who had worked hard since the 1900s to solve African problems through political unity.

Indeed, although the views of the founding fathers remained un-compromised on Pan-Africanist major themes, some nationalists argued that the usefulness of the OAU was situated in the ambiguity of its name. Furthermore, others contended that African unity, like Pan-Africanism has always been and will remain an ideology used by the African leaders to rationalise particular actions. Some leaders used it to justify some appeals for conformity to certain principles that would help them govern their societies or achieve some form of collective cohesion within the continent (Mathews 1986: 9-24).

Another aspect, which seemed to have had a great impact on the inability of the OAU to deal with intra and inter problems, was the principle of the sovereign equality of all member states enshrined in the OAU Charter. According to the OAU Charter, all member states were equal and had absolute sovereignty over their lands and people. Thus by implication, the Charter put the states’ interests above their people’s interests. The state became the means and the end for

its own sake. The people, who were supposed to be served by the state, according to the OAU Charter, became subordinate to the well being and preservation of the state and its sub-institutions (Umozurike 1979: 197-209).

On the other hand, the principle of sovereign equality of state meant the acceptance of the artificial borders between states and therefore recognition of the colonial artificial states. The principle of equal sovereignty of states became an obstacle to any attempt to deal with inter-state conflicts on the continent, because without the consent of the member states, the organisation was not allowed to intervene (Naldi 199: 3-5 and Kodjo 1984: 5-6).

Another obstacle in the way of the potential role of the OAU in inter-state conflict resolution matters was the OAU Charter's principle of non-interference in the internal affairs of member states. The Charter prohibited external interference in internal affairs of the organisation's members. For example, should a conflict arise within the recognised borders of member states, no external involvement was allowed. The state was empowered to take absolute charge of its internal politics and the affairs pertaining to its territory.

One of the main weaknesses of the OAU structural set up was that the OAU Assembly resolutions had no binding force on its members, and thus it operated largely through consensus. Unlike the UN Security Council whose resolutions were binding on member states, the OAU Assembly resolutions had no effect on the decision making processes that individuals or a group of states chose to take on a particular issue pertaining to inter-state cooperation or in conflicts between member states. For example, if a member state contends that a decision passed by the Assembly was not in its favour, it reserved the right not to implement it. The organisational decision-making process and the implementation of its resolution therefore depended on the good will and the cooperation of the member states. Furthermore, there were no provisions in the Charter, which stipulated the imposition of sanctions to threaten member states if they chose not to cooperate; and needless to mention that none of the OAU organs had any disciplinary power (Ghebdinga 1987: 95-96; Naldi 1999: 19; and Saxena 1993: 216-217).

Another inherent defect within the OAU structure was the concentration of all political and administrative decisions and powers in the Assembly. All executive and political powers were vested in the Assembly, which reduced the OAU to functioning at the mercy and the goodwill

of the Heads of State and Government. This made it difficult for the member states to reach consensus on major decisions relating to inter-state problems or conflicts where compromises were not needed.

Indeed, apart from logistical problems relating to communicating urgent matters to the heads of state and government, there was the issue of the vast membership of the OAU. The organisation was the biggest regional body in terms of membership, and the decision making body was concentrated in the Assembly, which met once a year. Consequently, this meant that important decisions had to wait for either the Assembly meetings, the Council of Ministers' sessions or ad hoc commissions had to be formed in order to attend to any matter, which was deemed urgent. As discussed in chapter five, the ad hoc commissions' role had proved to be ineffective in cases where political decisions were required.

Moreover, the fact that the Secretariat was not empowered to deal with political matters, meant that, even if the Secretariat had enough evidence to suggest that certain conditions ought to be met quickly to resolve the conflict at hand, in practical terms, it would have required a lengthy process to communicate such information to the member states.

On the other hand, one of the major weaknesses of the Commission of Mediation, Conciliation and Arbitration was that the Commission was restricted to settle inter-state disputes by peaceful means. The Commission was not therefore authorised to deal with intra-state conflicts, which, according to the OAU Charter were regarded as internal matters (Naldi 1999: 24-27; Kodjo 1984: 8; and Saxena 1993: 220).

In fact, while the Commission had the jurisdiction over inter-state disputes; it could only intervene when mandated by parties involved in the dispute, and with the consent of the Council of Ministers and the Assembly. In other words, even in the cases of intensive inter-state conflicts, such as border conflicts, which might require urgent intervention, the OAU Charter prohibited member states to intervene without the approval of the two parties involved in the conflict and the consent of the Assembly.

Another important impediment, with which the OAU member states found it difficult to cope, was external and internal dynamics and the politics of the anti-colonial period. In terms of the

colonial legacy in Africa, former colonial countries handled the de-colonisation process in Africa in different styles. For example, they either worked out constitutions, which were to be used by the emerging independent states or became independent in terms of the same constitutions that they had had under colonial powers. The OAU member states were therefore ruled between the 1950s and 1960s by different constitutions under different regimes, whose political and economic agendas were also almost incompatible. Therefore, the differences in the political and economic systems on the continent had created ideological differences among OAU member states and resulted in uneasy relationships among them.

The existence of ideological and political system differences meant that, although each OAU member state was expected, to choose a regional arrangement by accepting a unified OAU stand against all forms of neo-colonialism as stipulated in the organisation Charter, some member states however, chose to use bilateral agreements with former colonial powers. It is to be emphasised that the OAU as a regional organisation advocated for the adoption of multi-lateralism as a continental approach to international politics. This approach was resisted and in most cases rejected by the superpowers and former colonisers, which preferred to deal with individual African countries, thus undermining the OAU credibility as a collective voice of Africa.

Another problem was that the OAU member states adopted their former colonialists' languages as official languages. Adopting Western powers' languages meant that African states were divided, linguistically into Anglophones, Franco-phones, Luso-phones and Arabic speakers. Some linguistic groups, by virtue of linguistic and historical links, saw their relationships with their former colonisers, more important than their relationship with other countries in the region (Mathews 1986: 18).

Another important principle, which had had some great impact on the manner that the OAU member states reacted to and confronted the Cold war politics and handled the conflicts between them and the superpowers, was non-alignment. Although the OAU Charter encouraged the adoption of the principle of non-alignment by the OAU member states, these countries were not obliged to adhere to it. In other words, the OAU Charter did not necessarily guide OAU member states' foreign policies. In fact, when the OAU was established in May

1963, African states were divided over which approach to take to face the superpowers' competition on the continent.

In such delicate situations, the OAU member states found themselves confronting each other in defence and justification of their positions, instead of facing the superpowers on regional and in international politics (Mayall 1971: 76-89).

The Cold War period also witnessed politics of patronage between the superpowers and the so-called client states on the one hand and between the former colonialists and their former colonies. The picture, which was painted by such relationships, seems to suggest that there were good people and bad people among African leaders. Those African leaders, who were regarded by the West in a favourable light, were looked upon by their colleagues who were not in the good books of the West as betrayers and sellouts. These perceptions among African leaders created uneasy relationships within the OAU as well as among leaders, thus making it difficult for them to agree on issues pertaining to conflict resolution matters on the continent (Yoon 1997: 282 and LeMelle 1988: 23-24).

Moreover, the intensity of Soviet-American rivalry severely affected the internal individual African country's political balances. Indeed, because of ideological differences, factional politics was introduced in almost all the African states, particularly during the 1960s, thus creating major internal conflicts. The aim of each faction was to strengthen its position against its rival group within the country. This ideological and factional politics was also introduced to the ranks of the liberation movements in Africa. The result was that the superpowers exploited intra-state divisions in several OAU member states, thus guaranteeing their sphere of influence and making it difficult for the organisation to resolve conflicts between and within its member states (Stevens 1976: 197).

Had they been afforded the opportunity during the Cold War, the OAU member states would have perhaps have favoured adopting the principle of "African continental exclusiveness," which asserts that certain African problems should be solved by Africans. In other words, had the OAU member states been allowed by the superpowers to take care of their continental affairs, it would have been possible for the organisation to devise effective mechanisms for conflict prevention, management and resolution in Africa (Mazrui 1977: 161-162).

## **5 Chapter Five: Evaluation and analysis of the evolution of the conflict resolution system of the OAU**

“The safety and the survival of the independent countries of Africa are tied to the social, economic, cultural and political unity of Africa. And we see clearly that independent countries of Africa cannot be islands of good fortune in a continent of misery.”

Sékou Touré, 1965

### **5.1 Introduction**

In chapters three and four it was emphasised that in order to understand the institutional role that the OAU undertook in conflict situations in Africa from the mid-1960s onwards, it was important that the historical, ideological and philosophical origins of the Pan-African Movement should be thoroughly studied and analysed. In fact, it was stressed in these chapters that the establishment of the OAU was an evolutionary process, which the Pan-African Movement had to undergo. The formation of the OAU was therefore a culmination of a long process of institutionalisation, in order to structure the principles, objectives and goals of the Pan-African Movement formally.

It was also indicated in chapter three that the philosophical and ideological basis, on which the origins of the OAU were based, especially after the Pan-African Movement was moved to the mainland Africa in the 1950s, had witnessed drastic changes in terms of their new focus on the unity of African states. Drastic changes were also witnessed regarding the de-colonisation of the mainland territories from the European socio-economic and political domination. Some of these changes have had some impact on the reprioritisation of the Movement’s objectives and goals, some of which were discarded, modified or changed altogether.

These changes occurred because of the heated debates, which took place during the late 1950s, and early 1960s among the Pan-African Movement leaders who were trying to establish a Pan-African organisation that would be charged with the responsibility of resolving inter-state conflicts and represent African views on global issues. Moreover, the dynamics and the politics of the Cold War, during which the OAU was born, have also had some influence on the manner



in which the OAU leadership went about instituting the structures of the organisation. That was why the structures and the shape that the OAU took in May 1963, particularly its main organs, namely the Assembly of the Heads of State and government, the Council of Ministers, the Secretariat, Specialised Committees and the Commission of Mediation, Conciliation and Arbitration, reflected the existing international trend. Inter-state organisations were modelled on this trend according to which inter-state relations were regulated and inter-state conflicts were resolved.

It is important to observe that when the Commission for Mediation, Conciliation and Arbitration was transformed into Mechanism for Conflict Prevention, Management and Resolution in June 1993, and later on when the Mechanism was transformed into the Peace and Security Council (PSC) in July 2002 again, the philosophical, ideological and structural justifications and implications of the change from resolving conflicts in Africa through mediation, conciliation and Arbitration and the shift into prevention, management and resolution frameworks to addressing these conflicts in terms of peace and security, were not explained structurally. The justification for the structural and conceptual changes was necessary because, seen from a structural view- point; the PSC was by and large a replicate of the UN Security Council structural set. The latter's mandate is/was to deal with inter-state and international peace issues, whereas the PSC was supposed to deal increasingly with intra-state conflicts on the continent.

As discussed in chapter four, two reasons prompted the need for the OAU to establish the Commission for Mediation, Conciliation and Arbitration within its structures. These reasons were:

- Firstly, because peace and security on the continent had to be maintained, and especially that the independent Africa had witnessed difficult times trying to deal with inter-state conflicts, a situation which impacted on the performances of the OAU member states, not only at the continental level, but also in the individual countries. Indeed, some of these conflicts, such as boundary disputes, were also influenced by external factors, while domestic political or economic pressures caused other conflicts. Moreover, the nature of international politics of the time, in addition to Africans' struggles against the colonial powers, seemed to have convinced some African leaders of the mid-twentieth century to adopt a comprehensive understanding of what security

and conflict resolution entail. Some of these external factors have already been discussed. These conflicts were brought about by domestic, regional and international security arrangements, which affected directly the manner in which African leaders went about conducting politics. This situation was aggravated, amongst other causes, by the dynamics of colonialism, the Cold War hegemonic politics, and the direct or indirect intervention of neo-colonialists in African political and economic management.

- Secondly, at the continental level, the OAU member states decided to make the peaceful settlement of conflicts between and among its members, one of their top priorities. This decision implied the recognition by the leaders of the organisation of the existence of internal and external threats to the unity they were trying to establish. It also suggested that they had feared that some internal conflicts within member states could easily escalate because of external interference. These internal conflicts were most likely to intensify due to the lack of proper management methods and could thus easily spill over into the neighbouring countries.

In this chapter, an attempt is made to trace and analyse the evolution, structural set up, functions and objectives of the OAU's conflict resolution organs since 1964. This is done by investigating to what extent the various organs, mechanisms and methods adopted by the OAU were suitable for the type of conflicts they were meant to resolve. The conflict resolution mechanisms, which were provided for by the OAU Charter, were mainly aimed at resolving inter-state conflicts, and did not cater for various types of intra-state conflicts. How did this omission affect the role of the organisation in dealing with intra-state and other forms of conflicts, which emerged on the continents? The analysis also focuses on the dynamics of decision-making processes within the OAU, how it affected or enhanced the role of the Office of the Secretary General of the organisation in conflict resolution situations on the continent. The analysis also seeks to evaluate the transmission process of information within the organisation as it related to decision-making matters on mediation processes carried out by the OAU and how the information network within the organisation helped or hindered the information flow to and from decision-makers.

In this chapter an analysis of the institutionalisation, operational limitations, opportunities and legal implications of the Commission's work and how its mandate, was meant to function,

whether through mediation, conciliation or arbitration, will be carried out thoroughly. The functions of ad hoc committees, as informal tools for conflict management and resolution used by the OAU member states during the period between 1963 and the late 1980s will be discussed and analysed. Special emphasis will be placed on the nature, scope and the capacity of these committees, and the impact they have had on the evolution of the OAU's systematic conflict resolution regime. The chapter will further identify the advantages and disadvantages of the ad hoc committee system as a means of conflict resolution in Africa.

Another important aspect, which will be discussed in some detail, is the evolution of the administrative and political roles of the OAU Secretariat. The role of the OAU Secretary General in conflict resolution matters will be analysed, by tracing the evolution of its role from an administrative function to a political one.

As part of the process of empowering the OAU Secretariat, and by implication, the role of the Secretary General of the organisation in conflict resolution on the continent, the OAU Secretariat recommended the establishment of a Mechanism for Conflict Prevention, Management and Resolution in 1990. In this section, the discussion and analyses will focus on the objectives, functions and the duties of the Mechanism. An analysis of the link between the establishment of the Mechanism and the enhancement of the role of the OAU Secretary General will be carried out. Another aspect, which will be discussed, is the functions of the Conflict Management Centre (CMC), its structures and objectives. In this chapter, the institutional links between the CMC, the OAU Central Organ and the Mechanism, the dynamics of the Central Organ's decision-making process, in conflict resolution matters on the continent, as well as the implications of this process in the overall work of the Mechanism and the OAU as a whole, will be analysed.

In the second part of the chapter, the discussion will focus on the units of the Mechanism, namely the Early Warning System Unit, the Field Operation Unit, the African Standby Force, the Peace Fund, the Panel of the Wise and the Peace and Security Council, which replaced the Mechanism in July 2002. An analysis of the objectives, functions, duties, advantages and disadvantages of each unit or organ in relation to conflict resolution matters on the continent will be carried out.

In the last part of the chapter some conclusions will be drawn, and where possible, recommendations will be provided, drawn from the discussions and analyses on the evolution of the OAU conflict resolution regime and the subsequent AU conflict resolution instruments as they developed after July 2002.

## **5.2 The Commission of Mediation, Conciliation and Arbitration**

### **5.2.1. Establishment of the Commission**

It is important to stress that it was the OAU member states' concern for safeguarding the security<sup>40</sup> of the member states, which persuaded them to establish the Commission of Mediation, Conciliation and Arbitration in Cairo on 21 July 1964 as an important organ of the OAU. Although the establishment of the Commission was timely and necessary, for various legal, technical and political reasons, the structure, scope and procedures of the Commission were designed in a way, which made it difficult to function as efficiently as was envisaged.

As mentioned in chapter four, the Commission of Mediation, Conciliation, and Arbitration was established by Article 19 of the OAU Charter with the sole aim of becoming the main instrument for peace making between African states. Convinced that the Commission was an important mechanism for the maintenance of peace and security on the continent, the OAU founders took further measures to strengthen it.

Towards that goal, the Commission's duties and functions were defined in a separate Protocol, which was signed by 33 member states in Cairo on 21 July 1964, thereby instituted the Commission as an integral part of the OAU Charter. The Commission was initially mandated to handle legal and political issues that were considered essential for strengthening inter-state states' relations and to deal with other issues that were deemed threatening to regional security. In fact, some argue that there were great expectations among member states that the Commission could deal with boundary disputes specifically, or that it would at least be responsible for the interpretation of the organisation's treaties and conventions (Woronoff

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<sup>40</sup> Prior to the establishment of the Commission, conflicts in Africa were locally fought by nationalities or tribes over graze lands and over rivers. Other conflicts were fought against the colonial powers. These conflicts took different shapes and trends, depending on the local political and economic structures.

1970: 176-78).

Moreover, the Commission was conceived by some member states as the first Pan-African legal body. The mistrust by some African leaders of the system of international law has already increased; because in their opinion it was used mainly to expand European colonialism through a system of trusteeship. Consequently, some member states had hoped that the Commission would develop and evolve into an African version of international law (Naldi 1999: 27)

A number of questions that arose regarding the functions and the objectives of the Commission will be noted next: Was the legal nature of the Commission and its structures fitting within the OAU political mandate? To what extent was the Commission under strict supervision of the Secretariat? To what extent did the uneasy relationship between the OAU member states affect or enhance the work of the Commission?

### **5.2.2 Objectives and duties of the Commission**

As mentioned in the previous chapter, the Commission consisted of 21 members. Articles 6 and 7 of the Protocol placed the Commission under a Bureau consisting of a President and two Vice Presidents, who acted as full time members. The other eighteen members were called upon when necessary. Like other officials of the OAU, the Commission's members were covered by the Convention on Privileges and Immunities when engaged in business of the Commission. Although the Protocol did not originally envisage recruiting legally trained professionals, with the exception of members of the tribunal, most of those elected at the Accra Assembly in October 1965, were jurists. Several ambassadors and parliamentarians were also appointed.

By not emphasising the legal qualifications of some members of the Commission, the OAU founders were perhaps hoping that it might be possible to leave room for a 'village elder' type of judge, thus allowing for the adherence to either customary African law or the OAU principles. It must be stressed that although the Commission was mandated to deal with legal issues, some member states made it clear that they were not interested in encouraging the domination of the legal aspects of the Commission's work in its activities. Perhaps one of the reasons for this behaviour was that the majority of the African leaders of the time were not

interested in creating a conflict resolution commission that would have an elaborate legal framework that might entail instituting punishment and sanctions against those members who did not adhere to the regulations of the Commission. They were rather interested in a commission that would act as a facilitating political tool for conflict resolution. This might also explain why the Commission was not empowered to interpret the Charter of the OAU, and thus was denied playing any legal advisory role for the organisation; neither was it allowed to give its opinions on legal matters (Woronoff 1970: 176-181).

The main duty of the Commission was to attend to and deal with the peaceful settlement of disputes between OAU member states, which were inter-state conflicts. The categories of the disputes identified by the organisation included legal disputes that required arbitration, extra-legal disputes that were outside the realm of the legal authority of the Commission and political matters between OAU member states. Furthermore (Naldi 1999: 27-29; Woronoff 1970: 653):

- The Commission was authorised to use three mechanisms in resolving conflicts; namely mediation, conciliation and arbitration. One of the important aspects of the Commission's assignment was that mediation and conciliation were non adjudicatory and tended to be informal procedures.
- In the case of mediation the involvement of a third party was seen to be essential, whether in the form of advice or advancing proposals to the disputing parties. That was why in support of the informal nature of the mediator's role in the OAU, Article 21 (1) of the Protocol restricted the mediator's role to reconciling the views and claims of the parties. By implication, this restriction had entailed that parties to the disputes were not obliged to accept the mediator's recommendations if they felt that these proposals did not match their interests. In order to avoid any misunderstanding of what conciliation means, Article 24 (1) of the Protocol, for example defined conciliation to mean the objective evaluation and clarification of the issues involved in any dispute between member states. Thus, the emphasis was on the importance of neutrality as a criterion for selecting the OAU mediators in brokering any settlement between states.
- The process by means of which disputes were brought before the Commission was detailed in Article 22 of the Protocol. The procedure starts when a petition for

conciliation giving the background of the dispute, is submitted to the OAU Commission's board of conciliation, appointed by the President of the Commission and the parties to the dispute, which consisted of five members. Article 25 of the Protocol stipulated that the parties to the dispute were entitled to choose one member of the board, the other three members were chosen by the President of the Commission. The petition must be submitted to the board by one of the parties to the dispute, with the full knowledge of the other party. The President of the Commission, upon receipt of the consent of the parties to the dispute, appoints two mediators from the Commission. Should the other party reject the procedure of conciliation; the case is then referred to the OAU's Council of Ministers, which had the authority to look into the dynamics of the dispute and recommend to the heads of state and government or the Assembly.

It is essential to point out that in the conciliation process; the good-will of the two parties to the conflict was a very essential element. The parties were represented by agents and sometimes assisted by counsellors and experts. In the conciliation process, fact-finding and hearing proceedings were also allowed. It should be mentioned that the work of the Commission in the conciliation process had very little to do with the OAU Secretariat. In fact, during the conciliation process, the goodwill of the parties to the dispute, and the role of the President of the Commission and his deputies were far more important than the role of the OAU Secretariat when conflicts were referred to the organisation. Thus, the Commission operated independently, had its own procedures, regulations and rules and had very little to do with the Secretariat of the organisation. The President of the Commission was the chief administrator of the Commission and supervised its activities (Woronoff 1970: 654).

On the other hand, the use of arbitration by the Commission as a mechanism in conflict resolution was regarded to be a judicial method for dispute settlement. Again, in the arbitration process, the composition of the tribunal, which was appointed for the purposes of arbitration, had to be determined and accepted by the parties to the dispute for any decision delivered on the dispute to be binding on the parties involved. Submission of a dispute for arbitration was dependent on the prior consent and agreement of the two parties. In fact, Articles 27 and 29 of the Protocol regarded arbitration a compulsory method of dispute settlement. In the case of the arbitration option, an arbitration tribunal was appointed. Each party to the dispute was entitled to select one member of the tribunal and the President of the Commission chose the third

member. None of the arbitrators could be nationals of the parties to the conflict; nor should two arbitrators be from the same country.

Moreover, the parties to the conflict had to undertake that they would accept the decision of the tribunal as legally binding. Again, the role of the OAU Secretariat was minimal in the arbitration process, and even the role of the Commissioners was restricted. The tribunal was the only body responsible for the conflict resolution and because its resolutions were binding, hardly any OAU member states submitted any disputes to it (Woronoff 1970: 176-182/655-656).

In the absence of any reference to the applicable law, Article 30 of the Protocol stipulated that the tribunal had to decide on any dispute according to treaties concluded between the parties, international law, the OAU Charter or the UN Charter. Recalling the significance of the role of institutions and individuals in organisations as discussed in chapter two under New-Institutionalism theories, the difficulty that the OAU member states and the Secretariat officials encountered in interpreting Article 30 perhaps lies in that it presupposes the hierarchical necessity of the systematic consultation of legal sources by the tribunal. In so doing, each party may decide to apply one source of law over another, and in most cases, preference would have been given to the treaties concluded between the parties. It might also imply that the OAU Charter may not necessarily be used by the member states as the applicable law, and thus alienating its role and that of the Commission as the main continental conflict resolution mechanism until 1993, when some structural reforms were introduced to the organisation's conflict resolution system. The Protocol, moreover, did not indicate whether the parties to a dispute could choose an alternative legal route to settle their conflicts if they failed to agree over the jurisdiction of the Commission, especially in cases of border conflicts, by submitting their dispute to the International Court of Justice (ICJ), for example (Naldi 1999: 24-26).

It is important to mention that Article 18 of the Protocol had empowered the Commission to investigate and make some preliminary inquiries into disputes submitted to it, if the parties to the conflict extended their full cooperation throughout the investigation. Thus, according to Article 12 of the Protocol, the Commission had jurisdiction over inter-state disputes, provided that it was empowered jointly by the parties concerned, by a party to the conflict, by the Assembly or by the Council of Ministers. In practical terms, this implies that the Commission



was not empowered to deal with those disputes that involved individuals, internal or intra disputes within states, international organisations such as United Nations, or corporate bodies such as oil companies or other multinational corporations (Woronoff 1970: 652-653).

Moreover, the Protocol did not state explicitly whether a dispute between a member state and a non-member state could be referred to the Commission or not. These exceptions had affected the operation of the Commission throughout its existence in many ways. This was partly because the Protocol placed emphasis on the consent of the parties to the dispute; but also because the Charter did not empower the Secretariat sufficiently to become part of the decision making process and in choosing the mechanisms that were to be used in resolving disputes among member states. The Secretariat at the time represented the operational arm of the OAU whose moral authority symbolised the continental consensus. Thus, had the OAU Secretariat been empowered to administer the operation of the Commission, it might have had the opportunity to enact some of the articles that were binding to member states to adhere to the solutions proposed by the Charter or the Protocol (Woronoff 1970: 176-182).

It is important to note that one of the sanctions, which were availed to the Council of Ministers against the parties to a dispute, was political pressure. It was assumed that pressure on the parties to a dispute by the Council of Ministers would have some political impact on the dynamics of the resolution of the dispute. However in practical terms, the Council had very little impact on how the parties to the dispute conducted themselves during the mediation, conciliation or arbitration processes. In effect therefore, there were no solid and effective sanctions against the parties or for that matter there was a lack of compulsory jurisdiction of the Commission over them. This was partly because in July 1964, when the Protocol was drafted and approved, African states were still protective of their newly won sovereignty, and thus few expected these countries to accept such an extensive obligation. Article 15 of the Protocol for example, demanded that member states refrain from any act or omission that might aggravate a situation, which has been referred to the Commission. The goodwill of the parties to cooperate with the mediators was thus taken for granted by the OAU leadership. In practical terms though, this goodwill did not seem to have been forthcoming, especially when it was badly needed (Naldi 1999: 28-29).

It should be emphasised that the OAU Protocol of the Commission of Mediation, Conciliation

and Arbitration was technically in force, and thus nominally binding upon all the organisation's member states. However, there was no member, throughout the existence of the Commission between 1964 and 1993, who felt it necessary to invoke its provisions, nor had any member state voluntarily presented to the Commission a dispute for resolution. Even in rare cases where the Commission interfered unilaterally, it had to convince the parties to submit their cases for arbitration or mediation. Throughout the existence of the Commission, the member states preferred the use of informal methods of conflict resolution such as sending envoys; forming committees of elders and in most cases, individual leaders took initiatives to mediate between member states. In fact, up to June 1993 when the Protocol was replaced by a new Mechanism of Conflict Prevention, Management and Resolution, its functions were carried out by several ad hoc arrangements, which dealt with disputes among states (Naldi 1999: 28-29).

The reluctance of the OAU member states to resort to the organisation's Commission severely weakened its effectiveness in conflict resolution. This reluctance was attributed to several factors (El-Ayouty 1994: 186-189):

- Firstly, from a New-Institutionalist theories' perspective, the mandate of the Commission, its functions and duties were interpreted differently by member states. Some member states did not feel obliged to give a uniform interpretation to the functions of the Commission, as long as their own interpretation suited their interests. The consent of the parties to a dispute was also regarded as more important and was considered a prerequisite to the OAU pronouncements on disputes between member states. The principle of consent was thus an obstacle that contributed to weakening the organisation's role in conflict resolution through the Commission.
- Secondly, the legal nature of the Commission seemed to have dissuaded member states from submitting disputes to the Commission; member states preferred using ad hoc bodies that had no legal and/or binding rulings to resolve conflicts. Most of the OAU leaders were comfortable using political mechanisms, such as informal direct contact with parties to a dispute, rather than legal mechanisms such as arbitration.
- Thirdly, there was the sensitivity of the arbitration process as it touched on matters of national sovereignty. This was because addressing inter-states disputes through legal

methods entailed forcing member states to accept the Commission's tribunal judgments.

- Fourthly, the OAU Charter limited the extent of the organisation's Secretariat involvement in the mediation process between member states. This limitation had weakened any attempt by the Secretariat to dissuade the member states from withdrawing from its mediation processes. The role the OAU mediator had to play in any dispute was therefore determined by the flexibility and the goodwill of the disputing parties
- Fifthly, the restrictions imposed on the Secretariat of the organisation not to interfere in the work of the Commission, had minimised the Secretariat's role in conflict resolution situations; and therefore prevented the Secretariat from playing a constructive engagement role in the conflict resolution processes. Not only was the Commission inactive, the Secretariat was also too handicapped to deal with conflicts, and remained dormant until 1993, when it was empowered to take up some initiatives and intervene in some conflicts.
- Finally, the relationships between the OAU member states were governed by article 3 (2) of the Charter, which prohibited interference in the internal affairs of the member states. The article prohibited the OAU from intervening in the internal disputes of its member states; thus making it difficult for the organisation to deal with intra-state conflicts. Over time, the article became the main obstacle to all subsequent attempts that were made by the OAU reformers to create more effective conflict resolution mechanisms, which could strengthen the role of the OAU in discharging its duties pertaining to regulating inter-African relations and resolving conflicts between its members (Elias 1965: 343).

### **5.3 Ad hoc committees and commissions<sup>41</sup>**

It is important to emphasise that the ad hoc committee system devised by the OAU leadership

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<sup>41</sup> There was no systematic procedure by means of which, ad hoc commissions were established. Each ad hoc committee was established to deal with a specific dispute and once the conflict was resolved or the commission failed to carry out its mandate for whatever reason, the commission dissolved itself.

played an important role in conflict resolution matters during the first three decades of the existence of the OAU. This was the case notwithstanding the fact that this system was not initially envisaged to play any significant role in conflict resolution situations on the continent, thus it was not instituted as part of the conflict resolution system within the OAU. The first ad hoc commission to be appointed by the OAU was in 1963 in the wake of the Algerian-Moroccan boundary conflict. The creation of that commission led to the emergence of the use of ad hoc commissions as a norm within the OAU.

Some of the reasons which led to the adoption of the ad hoc committee/commission system within the OAU were:

- The strong attachment of some African states to the principle of sovereignty
- The predominant role of the heads of state and government in foreign relations.

The ad hoc nature of these peace-making efforts was certainly informed by the flexibility and informality of the pattern of conflict resolution approaches adopted by the organisation. Unlike formal procedures such as arbitration, ad hoc committees allowed the OAU mediators the flexibility they needed and gave them informal capacities, which in some instances enhanced their capabilities in peace making.

It was a fact that the ad hoc committees/ commissions had managed to resolve some conflicts during the first five years of the existence of the organisation. However, there was always the danger that when the committee had to deal with next conflict, the OAU could find it difficult to achieve the same success, which in the past has enabled it to secure a cease fire, for example.

### **5.3.1 Advantages of the ad hoc committees/commissions**

It is important to note that the adoption of the ad hoc committee system by the OAU Assembly and Secretariat, as a means of resolving conflicts, came about as a result of the opportunities which this system availed to the heads of state and government in their endeavour to resolve conflicts on the continent. This was in direct contrast with the OAU Commission, which had often bypassed the Assembly authority. The following points are important (Resolving Conflicts in Africa 1992: 11-20):

- As discussed in chapter two, under the section on African methods of conflict resolution, some argued that the practice of involving the heads of state and government was in accordance with Africa's pre-colonial methods of dispute settlement. Elders, who are regarded as wise and commanding respect and confidence of their respective societies are encouraged to intervene in resolving conflicts.
  
- The ad hoc commissions or committees had afforded the OAU the opportunity and scope for intervening in conflicts, basing its action on the principles already adopted in its Charter, thus according the organisation the legitimacy it required. Significantly, although some ad hoc mechanisms such as fact-finding missions were mentioned in the Protocol of the Commission, the ad hoc committee system as defined above, as a means of conflict resolution, was not specifically provided for in the protocol of the Commission of Mediation, Conciliation and Arbitration.
  
- The ad hoc committees, unlike the OAU Assembly or the Council of Ministers, could convene as many times as its membership required for solving a problem. The Assembly or the Council of Ministers, for logistical reasons, would find it difficult to meet regularly as would ad hoc commissions in deal with conflict resolution processes.
  
- The ad hoc commissions were established for specific functions. The only exception was in July 1977, when an ad hoc committee was established on Inter-African States' Disputes. The first case, with which that committee had to deal, was the Tanzanian-Ugandan conflict in 1979. Although the committee attempted to mediate between the two countries, once Idi Amin's government had been overthrown in April 1979, the committee in that particular dispute became redundant when the new government, backed by Tanzania assumed power in Kampala.
  
- The nature and scope of ad hoc committees or commissions varied and differed. Unlike the OAU Commission, which had often bypassed the Assembly authority according to the nature of the dispute or the conflict they were formed to handle, most of the ad hoc committees tended to be non-permanent, and some of them consisted of 'good offices' committees. For example, the eight-man good offices committee for the Somalia-

Ethiopia conflict established in May 1973 was commissioned to normalise the relations between the two countries. The committee dissolved when its mandate was deemed complete, although it had not achieved all the objectives it had been set out to accomplish.

- Another type of ad hoc committee/commission often used by the OAU was a fact-finding committee. This approach was used in trying to resolve the Rwandan-Burundi conflict in the 1960s and during the rift in the Angolan liberation movement in late 1960s.
- Another type of ad hoc commission was the ‘Five Wise Men Committee,’ which was formed in 1978 to deal with Western Sahara dispute.

### **5.3.2 Weaknesses of the ad hoc committees/ commissions**

While the OAU’s ad hoc committee/commission approach to conflict resolution had certain strengths, it also had certain inherent weaknesses, which undermined its role in conflict resolution processes in Africa (Resolving Conflicts in Africa 1992: 11-20):

- OAU ad hoc committees tended to focus on fact-finding missions rather than on resolving disputes between parties. In other words, once the ad hoc committee had collected facts about the conflict, the process began to slow down, and parties to the dispute started to show a disinterest in pursuing the mediation process.
- Ad hoc committees tended to recommend some measures such as a cease-fire, but did not attempt to suggest specific action oriented measures for the resolution of inter-state disputes.

Some committees, such as the one established in 1967 on mercenaries in Congo and the Standing Committee on Chad, during its civil war in early 1980s, used a judicial enquiry approach. However, it needs to be stressed that most of the OAU ad hoc commissions avoided arbitration and adjudication, which as a judicial process, entailed the enforcement of the decisions passed by the committees.

On the other hand (Resolving Conflicts in Africa 1992: 14-20):

- Most of the conflicts, which were referred to ad hoc committees by the OAU, tended to be border and territorial disputes such as the Algerian-Moroccan conflict in 1963. Others focussed on inter-state relations such as Tanzanian-Ugandan conflict in 1979.
- During the Nigerian Biafran war between 1967 and 1970, the OAU established an ad hoc Consultative Mission, which did not have powers to engage the parties seriously in conflict resolution matters. Neither did the committee have the power to enforce the cooperation of the parties to the conflict. Some of the OAU member states eventually recognised Biafra as an independent state, while others sided with the Nigerian Federal Government, hence weakening the work of the Mission. The problem resolved itself when the Nigerian Federal Government defeated the Biafrans.
- Most of the OAU ad hoc committees were established to contain conflicts and prevent them from escalating or spreading. All the committees could do, was to listen to the parties to the conflicts and appeal to them to respect the OAU principles.
- By and large, the committees relied on the political will of the parties to implement the decisions of the committees and the agreements they had committed themselves to. The committees did not have mechanisms to enforce the compliance of the parties regarding their solutions or recommendations.
- The rotating leadership system and continual changes in the membership of ad hoc committees, impaired continuity in the mediation process. The national Secretariat that supported the ad hoc committee chairperson, who was usually the current chairperson of the OAU, was not transferable and the tenure of the OAU Chairman was only one year. In other words, once the term of office of the OAU Chairman expired, the work of the committees was deemed to be over. Attempts, which were carried out to revive the work of the committee under the new chairperson, entailed the introduction of new procedures and reshuffling of the committee's membership. The result was that the institutional memory of the OAU regarding mediation processes was frequently weakened.

## **5.4 The OAU Secretariat's policy and decision making processes in conflict resolution issues**

### **5.4.1 The office of the Secretary General of the OAU**

In chapter four, it was mentioned that Articles 16, 17 and 18 of the OAU Charter provided for the establishment of a permanent Administrative Secretariat for the OAU. Article 16 for example, established the post of an Administrative Secretary General, appointed by the Assembly. The Secretary General's term of office lasted for four years, and he was entitled to be re-elected. The Secretary General was expected to be neutral, impartial and had to be independent from any government of the member states. While he was invested with certain diplomatic privileges and immunities, the Charter stressed that the Administrative Secretary General was subordinate to the organisation, especially to the Council of Ministers.

Undoubtedly, some scholars tend to treat the OAU as a corporate actor or a supranational entity with the powers of sovereign states, and thus expected the role of the Secretary General of the OAU to be treated as such as well. However, in practical terms, the OAU, and hence its successor the AU was an inter-governmental organisation, on whose will its role depended. The success of the Secretary General of the OAU in his assignments was therefore determined by how much power the member states were willing to delegate to him. In other words, the OAU was a regional inter-governmental body with very specific characteristics, advantages and disadvantages (Amoo 1993: 241).

The OAU Secretariat was one of the key organs of the organisation, and the Office of the Secretary General acted as the administrative hub of the organisation. The Secretariat personnel were employed on a permanent basis. They were entitled to all the benefits with which employees of international organisations are privileged, as is the case with the personnel of the United Nations.

The Office of the Secretary General of the OAU, in addition to the Secretary General, was composed of five Assistant Secretary Generals, each representing the five regions of the continent, namely: West Africa, East Africa, North Africa, Central Africa and Southern Africa.



The Assistants' duties, *inter alia*, included (Restructuring the OAU General Secretariat 1998: 5-6):

- Assisting the Secretary General in high level and sensitive policymaking processes.
- Following up matters with heads of state and government.
- Taking part, when mandated by the Assembly or Council of Ministers, in conflict resolution efforts.
- Linking up the Secretariat with the five regions of Africa.
- Creating awareness of the organisation's activities among the civil societies and the people of the continent.

One of the key positions in the Secretariat was that of Director General. Not only was he the Chief Manager and operating officer of the organisation, he also supervised and coordinated inter-departmental affairs. In addition, he participated in the policy meetings of the OAU Cabinet, which consisted of the Secretary General's office personnel. The Director General played a crucial role in the strategic planning and programming of the organisation policies. On the other hand, the Cabinet provided technical services to the Secretary General. It coordinated the Secretary General's schedules and carried out daily clerical services, routing and following up on official correspondence. The Cabinet also ensured that the Secretary General was briefed daily on all activities and situations that required his attention and prepared briefs and speeches (Restructuring the OAU General Secretariat 1998: 5).

As discussed in the previous chapter, according to Articles 16, 17 and 18 of the OAU Charter, the work of the Secretariat was to implement the decisions made by the Council of Ministers on every issue, upon which the organisation was mandated to act. Indeed, the OAU Charter's drafters made it a point to specify the administrative functions of the Secretariat. For example, Article 16, among other things, calls for an Administrative Secretary General. In other words, the Secretariat cannot supervise the implementation of the Council of Ministers decisions concerning political matters.

The OAU Secretariat was therefore not authorised by the Charter to make nor carry out decisions on its own authority. Its function was limited to providing the information, studies and recommendations upon which the decisions of the appropriate OAU organs were based, in addition of course, to administering and implementing such decisions (Markakis 1966: 135-53).

It has to be mentioned that the early OAU Secretaries General, had tried to empower the Secretariat, and by implication, the Office of the Secretary General, by introducing some structural reforms within the scope and the mandate of OAU's Secretariat. It was difficult at first to identify into which of the Secretariat departments such reforms could be introduced, especially as the nature of such reforms would entail expanding the Secretariat's role into political matters. As shall be discussed below, one of the areas that demanded the organisation's leadership attention was the rapid escalation of inter and intra state conflicts in Africa, particularly during the period between the 1970s and 1990s (Resolving Conflicts in Africa 1992: 9-10).

Although the role of the Secretary General gradually evolved during the 1960s and mid 1970s from purely administrative functions to include some political duties, it was during the 1990s that the Office of the Secretary General started to acquire a political status. Indeed, throughout the period between 1963 and 1993, the holders of the office of Secretary General of the OAU have taken their own initiatives to reform the organisation. However, these initiatives were ad hoc in nature, mainly because there was no provision in the Charter, nor were there structures within the organisation, which legally supported these initiatives.

In an endeavour to empower the Secretariat through structural reform, in 1992 the Secretary General of the OAU submitted a proposal to the OAU Assembly, proposing the establishment of a mechanism for conflict prevention, management and resolution within the organisation.

According to the proposal (Resolving Conflicts in Africa 1992: 9-10):

- The Secretary General was expected to take initiatives in situations of emerging or actual conflicts and subsequently inform the Bureau of the OAU Assembly Summit of

the results of his/her efforts. In other words, unlike in the tradition of the ad hoc committees as discussed above, the proposed process of management of conflicts would be the work of the office of the Secretary General. He/she was to research and monitor situations in advance with the objective of obtaining and analysing information, thus the need for the establishment of an early warning system within the organisation to prevent conflicts.

- The Secretary General should be empowered and backed by the Secretariat, to respond speedily to either prevent or resolve any conflict situation that arises on the continent. The Secretary General was expected to play the facilitating role of a neutral party in the management of the conflicts within the OAU member states. This was a departure from the traditional view of the OAU Charter that prohibited members from intervening in intra-state conflicts.
- Member states had to be allowed to lend the necessary support to the initiatives of the Secretary General, in the event of internal conflicts.
- In terms of internal conflicts, the OAU Secretariat proposed that the Secretary General should be given a free hand to take initiatives on his/her own and to use good offices to engage with the parties to the conflicts. He/she was to deploy appropriate measures in cases where conflicts have reached advanced stages.
- The importance of peace making and peacekeeping were emphasised, both of which, according to the proposal were to be located in the office of the Secretary General.

### **5.5 Mechanism for conflict prevention, management and resolution**

The OAU member states' decision not to use the services of the Commission for Mediation, Conciliation and Arbitration by adopting ad hoc bodies for settling conflicts among African states instead, had created a lot of structural problems for the OAU conflict resolution framework and in particular had affected the operation of the Commission. Without doubt, during its early days of existence, the OAU Secretariat was badly in need of an instrument that would make its interventions in disputes preventive and proactive.

As hinted earlier on in this chapter, the Commission had not fulfilled its role as effectively as envisaged. It was the inability and ineffectiveness of the Commission to deal with the conflicts on the continent that prompted the OAU leaders to reconsider strengthening the Commission or replacing it altogether. The first attempt to establish a new pan-African mechanism for conflict prevention, management and resolution was proposed in July 1990. On that date, the OAU General Assembly of the heads of state and government adopted a declaration dealing with aspects of what they perceived to be fundamental changes that were taking place in the world. In paragraph 11 of the Declaration of the Assembly of the Heads of State and Government of the OAU on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World, the OAU leadership acknowledged the importance of resolving the range of conflicts that afflicted the continent after the end of the Cold War (Declaration of the Assembly of Heads of State and Government, 1993: 3-13; Protocol relating to the Mechanism for conflict prevention, Management and Resolution 2001: 1-18).

Although the OAU member states did not mention their disappointment with the performances of the previous conflict resolution mechanisms explicitly, by implication, they admitted that the Commission for Mediation, Conciliation and Arbitration had proven ineffective and thus a new instrument was needed to prevent, manage and resolve conflicts in Africa. The shift was therefore from resolving conflicts through mediation, conciliation and arbitration, to adopting preventive, management and resolution approaches.

It is important to point out that, for the purposes of this study, there were philosophical as well as practical reasons why the OAU leaders, during the first three decades of the life of the organisation, had difficulties in reforming and transforming the OAU conflict resolution system. Part of the difficulty lies in the fact that when the OAU leaders were keen to transform the organisation's conflict resolution system, the transformation process was not geared towards addressing the inherent structural weaknesses within the OAU's system, which were discussed in chapter four.

Instead, the focus of the reforms tended to be on the political inefficiencies of these structures. For example, the decision to establish the Commission of Mediation, Conciliation and Arbitration in July 1964 was a sincere attempt to institutionalise the organisation's work on

conflict resolution situations on the continent. However, as will be discussed below, when it became clear that the new institution had had inherent institutional inefficiencies, the OAU leaders did not bother to reform, transform or even dissolve the Commission. Had they done so, it would have enabled them to develop a new efficient structural framework for conflict resolution. On the contrary, they decided to use ad hoc structures such as the committees of the wise and consultative committees, and thus rendered the Commission redundant for almost thirty years.

Similarly, when the Commission was transformed into a Mechanism for Conflict Prevention, Management and Resolution in June 1993, the philosophical and ideological implications of the leaders' mind shift were not articulated in such a way that the reasons for the new shift could be reflected in the new structures. The shift was from the framework of conflict resolution through mediation, conciliation and arbitration to resolving conflicts through prevention, management and resolution mechanisms. By implication, it would seem that the reasons attributed to these methodological and conceptual changes in the conflict resolution regime of the OAU were attributed directly to the ineffectiveness of the Commission and its legal character. However, the OAU leadership did not clarify, why it chose to move away from legally oriented mechanisms of conflict resolution to politically oriented mechanisms such as the new Mechanism, for example.

Meanwhile, on 9-11 July 1990 at the Assembly summit in Addis Ababa, the OAU leaders committed themselves to solving African conflicts. It is to be mentioned that the Kampala's African Leadership Forum, which was held on 19-22 May 1991 echoed the same message that the OAU leaders called for in July 1990, which aimed at devising a new understanding of what security means to the continent. For example, the leaders who met in Kampala agreed that there was a need to build a new African security framework, which should include foremost a redefinition of security that went beyond military considerations. This new definition, they argued, should include economics, social and political dimensions of individual, family, and community, local and national life. What these thoughts and recommendations represented was a mind shift among some OAU member states on the need for the introduction of some changes in the structures of the organisation. However, that mental shift fell short of investigating the substance and the ideological implications of these changes for the strategic objectives and goals of the OAU as discussed in chapters three and four.

To consolidate that move, the Secretary General of the OAU submitted a report on a 'Proposal for an OAU Mechanism for Conflict Prevention, Management and Resolution' to the 28th Assembly meeting in Dakar, Senegal on 29 June-1 July 1992. One of the main items in the Secretary General's recommendations was the creation within the OAU of an African Security Council. The essence of the suggestion was that the Bureau of the Assembly would assume the responsibility of dealing with intra and inter-state conflicts, at diplomatic and political levels; and that the OAU member states select standby contingents for an African peace keeping force from their armed forces.

Some of these recommendations were considered by some member states to be extreme and radical compared to the conservative views that called for an easy and slow approach to changes. Nevertheless, the idea of establishing a mechanism for conflict prevention, management and resolution within the OAU was accepted in principle by the Dakar Summit (Naldi 1999: 32-33; Resolving conflicts in Africa: Proposal for Action 1992: 19-22).

Unlike in the 1960s when the OAU leaders were interested in resolving conflicts through mediation, conciliation and arbitration, they became interested in preventing, managing and resolving conflicts in the 1990s. Moreover, unlike the situation in the 1960s, 1970s and 1980s, the Secretariat of the OAU was becoming the centre of the conflict resolution process on the continent, the new mechanism was to become part of the Secretariat's structure as shall be discussed below in the 1990s (Resolving Conflicts in Africa: Proposal for Action 1992: 7-10).

#### **5.5.1 The aims and duties of the Mechanism**

By early 1993, it became clear to some African leaders that finding an effective mechanism to prevent conflicts on the continent was an important undertaking. On 28-30 June 1993, the African heads of state and government met in Cairo, Egypt and endorsed the Secretary General's 1992 proposal, which called for the establishment of the Mechanism for Conflict Prevention, Management and Resolution. The Mechanism was expected to anticipate and prevent conflicts. Unlike the Commission of the 1960s, the new Mechanism was expected to be prompt and decisive in action. Therefore, it was expected to prevent the emergence of conflicts, and ultimately preventing them from degenerating, and thus avoiding the need to resort to

complex and demanding mediation processes and expensive peace-keeping operations. It needs to be emphasised that some of the conflict management tools that the OAU leaders were not ready to resort to in the new conflict mechanism framework, included arbitration. Again, a choice which explains why they tended to prefer adopting political and ad hoc arrangements that did not require legal or huge financial commitments (Declaration of the Assembly of Heads of State and Government, June 1993, 6-8; Protocol relating to the Mechanism for conflict prevention, Management and Resolution 2001: 3-4).

Among others, the significance of the establishment of the Mechanism lies in that, in principle, it also allowed the OAU to move away from the use of ad hoc arrangements to systematic methods of conflict resolution. Moreover and most importantly, it also empowered the Secretary General of the organisation to employ political engagements in preventing, managing and resolving conflicts in addition to playing administrative roles. The new shift, at least in theory, in avoiding informal conflict resolution mechanisms and to use more systematic and institutionalised methods instead, meant that the organisation chose to do away, at least partially, with the consensus approaches in favour of more pragmatic methods.

While the use of the new institutionalised approaches were important, it became clear to those who were responsible for conflict resolution matters within the OAU's Secretariat that the consent and the goodwill of member states was still crucial. This field was new to them compared to the old ways the organisation used to deal with conflicts between the 1960s and the 1980s. This recognition raised the issue of the lack of a trained workforce in conflict resolution within the organisation as well as on the continent at large (Resolving Conflicts in Africa: Implementation options ca 1993: 3-20). Moreover, the huge size of the OAU membership also posed organisational problems as well as financial commitment limitations. Regulating relationships between and among over fifty member states and trying to accommodate their diverse interests was an immense task for the OAU Secretariat and the Assembly in particular.

Then of course, the question of sovereignty came to the fore, as some member states, while acknowledging the importance of reforming and restructuring the organisation, especially its Secretariat to deal more effectively with conflicts, some OAU member states started to complain about the new powers that the Mechanism were acquiring, which were to be

embodied in the Secretariat. Traditionally, as discussed in chapter four, the real power of the OAU was vested in the Assembly, and since the OAU secretariat was regarded as the administrative arm of the Assembly, any move to empower the Secretariat was interpreted by some member states to mean empowering the OAU's bureaucracy. This hesitation of some member states to delegate to the Mechanism real and effective political powers had had some effects on the scope and effective intervention of the OAU in some conflict situations on the continent (Protocol relating to the Mechanism for conflict prevention, Management and Resolution 2001: 1-2).

Since its establishment in June 1993, the OAU Mechanism tried to utilise and make use of the available wide range of preventive and management methods in conflict situations where it was involved. (Declaration of the Assembly of Heads and State and Government 1993: 9; Protocol relating to the Mechanism for conflict prevention, Management and Resolution 2001: 3-8):

- Firstly, it used a direct mediation approach, in which the OAU played the role of mediator between the conflicting parties. Unlike in the case of the Commission in the 1960s and 1970s, the OAU's new Mechanism was empowered to intervene in both intra and inter-state conflicts, and most significantly, even if it was not invited to mediate by the parties to the conflict. The nature and the scope of the intervention were determined by the nature and the dynamics of the conflict. For example, the Secretariat could intervene by recommending that the Assembly dispatch a peacekeeping mission urgently to the country or area of the dispute. The empowerment to intervene in conflicts was a major improvement and achievement for the OAU Secretariat.
- Secondly, the Mechanism was empowered to use other methods such as issuing warnings, soft sanctions such as political pressure, the regular issuance of statements and the endorsement of sanctions to exert pressure on the parties to the conflict.
- Finally, the Secretary General of the OAU was empowered through the Mechanism to send special envoys, special representatives, and deploy fact-finding missions and observers to the conflict areas. There is no doubt that these new methods, introduced by the Mechanism to deal with conflicts on the continent, have extended the overall reform package significantly within the organisation which led to further constructive



discussions on a more elaborate role for the OAU in conflict resolution matters in Africa during the late 1990s and early 2000s.

It has to be stressed that what was lacking in the past OAU conflict management arrangements, whether in the Commission or the ad hoc committees was an early warning mechanism. It was essential to acquire the capacity to know beforehand about problems and interpret the events early to build a solid base on which to lay the foundation for an OAU quality response (Adelman 1998: 53).

### **5.5.2 Conflict Management Centre, CMC<sup>42</sup>**

As discussed earlier in this chapter, the establishment of the Mechanism for Conflict Prevention, Management and Resolution was, prompted by the need to prevent conflicts on the continent and to enhance the effectiveness of conflict resolution processes within the OAU system. The OAU leadership was convinced that for conflicts to be defused, an effective early warning system and an efficient military oriented field operation unit within the Mechanism should be put in place. It was also envisaged that such arrangements had to be continental in coverage and operation.

The establishment of the OAU's Mechanism, its other branches such as the Early Warning System and the Field Operation units were necessarily linked to the creation of the OAU Conflict Management Centre (CMC) which was instituted in March 1992 to act as an operational system of the Mechanism. As has already been mentioned in this chapter, the establishment of the OAU conflict prevention, management and resolution regimes, were, based *inter alia*, on the spirit of the 1990 Declaration of the OAU heads of state and governments, on the fundamental changes that were taking place in the world, because of the end of the Cold War. In that Declaration, African leaders, for the first time since the establishment of the OAU in May 1963, formulated and indeed approved the continent's collective response to those challenges, important among them being the need to do something effective about the scourge of conflicts in Africa. Thus, they committed themselves to take

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<sup>42</sup> The Conflict Management Centre (CMC) was established in March 1992, with the understanding that it would operationalise the activities of the Mechanism for Conflict Prevention, Management and Resolution, which was officially inaugurated in July 1992. This was why the objectives of the Mechanism were discussed before discussing the CMC and other units of the Mechanisms.

appropriate action to promote peace and stability on the continent (Early Warning in conflict prevention, October 1996: 1-2; Muyangwa and Vogt 2000: 26-28).

The CMC was established as an operational medium of the Mechanism, *inter alia*, to institutionalise a conflict resolution system within the OAU and also to liaise with the Bureau of the Summit, military advisory Committee and the Defence Commission, all of which were part of the OAU Mechanism structure. However, the main functions of the CMC were:

- The development of policy options and to coordinate activities that would support the prevention, management and resolution of African inter and intra-state conflicts.
- To collect, collate and disseminate information on a daily, weekly and monthly basis, particularly information relating to current and potential conflicts on the continent. Most of this information was to be collected from the five regions of the continent on issues relating to current conflicts and potential security flash-points and the dissemination of that information as appropriate within the CMC, OAU and other sub-regional organisations.
- The initiation of effective decision making on and the presentation of policy options and recommended courses of action for the Central Organ.
- To increase outreach capacity to raise awareness of and support for the OAU's role and activities in conflict management within the organisation, the region and more widely, efficient and effective mobilisation and management of the CMC resources.
- The establishment of institutional links with international and sub-regional organisations, which have proven by the early 1990s to be enjoying some comparative advantage in undertaking certain initiatives, exchange relevant and valuable information and obtaining it timely.
- To undertake or commission an analysis and long-term research into the root causes of conflicts and to highlight their implications for conflict prevention and peace building initiatives.

- The analysis of information and the preparation of reports and policy options.
- To liaise, support and also manage political, civilian and military observer and monitoring missions as well as coordinating regional training policies to support peacekeeping operations (Enhancing peace and security in Africa, October 1999: 13-14; Interview with Col. Jaotody Jean de Matha, Senior Military Officer, CMC, Addis Ababa, 6 March 2002, tape one):

The CMC was composed of three units, which all fell under the Political Department, the operational branch of the Secretary General's Office. The role of these units was to coordinate activities that were aimed at preventing, managing and resolving conflicts, under supervision of the Secretariat. The Political Department was headed by a Director who oversaw the work of the Field Operation Unit, the Early Warning System Unit, Peace Fund Unit and other units. Consultants each heading a desk were also recruited under the Directorate for specific functions relating to peace making. However, like other active programmes of the OAU Secretariat, the CMC continued to face a shortage of human resources due to financial constraints. It was largely dependent on secondment and loans of academic, diplomatic and military expertise from member states; externally funded staff or fixed-term contracts and externally funded short-term consultants. Of the required 49 staff of the CMC, which became known in July 2003 as Conflict Management Directorate (CMD), 23 were funded from January 2001 onwards from the OAU/AU<sup>43</sup> regular budget; the remaining 26 were sponsored for short-term contracts from extra-budgetary contributions (Enhancing peace and security in Africa, October 1999).

### **5.5.3 The Central Organ**

The Mechanism for Conflict Prevention, Management and Resolution, officially transformed

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<sup>43</sup> Throughout this chapter, and where applicable, the terms OAU/AU will be used, especially for the period between 2001 and early 2002. During that period, the OAU Charter, the Protocol relating to the Mechanism for conflict Prevention, Management and Resolution, 2001; the Protocol relating to the establishment of Peace and Security Council, 2002 and the AU Constitutive Act, 2000 were operating simultaneously.

into the Peace and Security Council (PSC) in July 2002,<sup>44</sup> consisted of a Central Organ, made up of member states of the Bureau of the Assembly. The OAU Central Organ was elected and consisted of sixteen members, elected annually on the basis of equitable sub-regional representation. It met at the head of state, ministerial and ambassadorial levels; however, the decision-making power was vested in the ambassadors (Muyangwa and Vogt 2000: 28).

Unlike in the case of the Commission of Mediation, Conciliation and Arbitration where the Secretary General was not directly involved in the activities of the Commission, the Secretary General of the OAU (which became known in July 2002 as a Chairperson of the AU Commission<sup>45</sup>) under the Mechanism became the chief executive of the Central Organ. The Secretary General of the OAU was empowered to deploy efforts and to take appropriate initiatives to prevent, manage and resolve conflicts upon the directives from the Central Organ and the parties to the conflict. Moreover, the Central Organ accesses the information provided by the Early Warning System Unit through the OAU Secretary General. The Central Organ may pass this information to the OAU summit of the heads of state and government through the Council of Ministers (Early Warning in Conflict Prevention, October 1996: 2-4).

The new functions of the Mechanism were therefore seen as revolutionary in that they called for rethinking the rigid adherence of African states to the principles of sovereignty and non-interference. These principles were responsible for the ineffectiveness of the Commission work in many instances, as discussed in chapter four.

In order to make the decision making process of the Central Organ more effective, the two main concerns that the OAU leadership had to look into, included the dynamics of regional representation and the enhancement of the decision making process within the Central Organ. The first concern has to do with the equitable sub-regional representation of the Central Organ's membership. The difficulty with this formula lies in that membership does not take into account the realities and dynamics of power and influence on the continent (Muyangwa and Vogt 2000: 28):

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<sup>44</sup> It is also important to note that the PSC was officially operationalised in July 2002, hence prior to that date, the PSC protocol served as a reference document for both the OAU and AU. Because reference will be made to these protocols throughout the chapter for the period before July 2002, the use of the terms OAU/AU will become essential.

<sup>45</sup> Unless otherwise specified, the term 'the AU Commission,' refers to the Commission of the African Union, which replaced the OAU Secretariat.

- Firstly, for some critical conflict resolution and peacemaking processes to be successful, there is a need to involve some regional powers, such as Egypt, Nigeria and South Africa, whose material and moral power is often needed in such situations. The current formula of the representation of the Central Organ, which is in place, makes it possible that in a given year, none of the key African countries will be represented on the Central Organ.
  
- Secondly, the Central Organ's highest decision-making body is at the level of the heads of state. While this arrangement was proper for the purposes of enhancement of the effectiveness of the decisions resulting from the heads of state summits, it became clear shortly after the Central Organ was established that many of the heads of state simply did not have the time to be in Addis Ababa with the frequency required by the Mechanism's work. Therefore, in order to improve the decision-making process in the Mechanism, the decision making process had to be vested in the Permanent Representatives to the OAU at ambassadorial level; thus increasing the effectiveness of the Central Organ. The need was for the heads of state and the government and their foreign ministers to continue to support and empower their permanent representatives to the organisation so that the decisions that were taken in Addis Ababa at the ambassadorial level were not contradicted by decisions from representatives' home countries. They also had to make sure that the permanent representatives were not over empowered to become obstacles to the work of the Mechanism.

The implications of these two concerns are that it is important to pay close attention to internal institutional as well as external factors, particularly those pertaining to decision-making within the organisation's structures. While the role of the regional hegemons such as Nigeria and South Africa was important, the decision-making process within the structures of the organisation were equally vital for the success of the implementation of the organisation's decisions and policies as they related to conflict resolution matters.

#### **5.5.4 The OAU Early Warning System (EWS) Unit**

As mentioned earlier in this chapter, in June 1993 the heads of state and government became

convinced that there was an urgent need to make some arrangements for speedy access to information that the OAU system should receive and manage through the Mechanism for Conflict Prevention, Management and Resolution. By opting to establish systematic information arrangements, the CMC leadership was trying to highlight the importance of the speedy exchange of information in conflict situations, with the aim of enhancing the effectiveness of the Mechanism. In September 2000, therefore, the OAU Assembly decided to establish within the Mechanism an Early Warning System (EWS) Unit to provide information on potential conflicts and/or actual conflict situations on the continent (Early Warning in conflict prevention, October 1996: 2-4; Muyangwa and Vogt 2000: 26-27).

However, before proceeding to discuss the objectives and the duties of the OAU's Early Warning System Unit, the question that needs to be answered is what does an early warning entails as a conflict management tool?

Early warning is defined as "The communication of information on a crisis area, analysis of that information, and development of practical, timely, strategic response options to the crisis" (Adelman 1998: 52).

It should also be stressed that the early warning is not concerned with a direct threat to the gatherer or analyst of the information on those contemplating a response. It is concerned with the prevention, mitigation or management of the conflicts that cause emergency situations and instability within and between states. There is certainly a link between the collection and analysis of the information and the anticipated response. The general assumption in the early warning system is that an improved capacity to know about and correctly interpret events early will improve the quality of the response.

According to some scholars in the field, an early warning is a first step towards conflict prevention. It is some kind of smoke-alarm system based on independent fact-finding and the identification of a crisis. It consists of situation monitoring and communicating an alert. For others, the importance of early warning lies in that it makes it possible for the information to be shared by a number of policy makers. The significance of the information also lies in the adequate capacity to analyse it. Moreover, for information gathering to be authentic, it should go through three phases; the information collection, its analysis and communication of the

analysis. The three phases compliment each other and none is useful without the other. Sometimes different people can handle the three stages, although in the case of the last two stages, a person or team can handle them (Rupesinghe, 1994: 88-97; Muyangwa and Vogt 2000: 26)

As emphasised above, the objective of the new OAU Early Warning System Unit was to create a continental information system that would be responsible for the collection, analysis and communication of relevant information, estimates and conclusions to policy-makers within the OAU to enable them to make strategic choices. Initially, the Early Warning System Unit was supposed to be the embodiment and manifestation of what the Mechanism was created for, namely providing a framework for the anticipation and prevention of conflicts in Africa. Again, the logic of that approach, according to the OAU leaders, was that by preventing conflicts, it would save the OAU from resorting to more resource-demanding peace-keeping operations, which the organisation would find difficult to finance and sustain (Muyangwa and Vogt 2000: 26-28; Early Warning in conflict prevention, October 1996: 3-4).

In general terms, the new OAU conflict resolution regime was meant to be different in structure, scope and objectives from the Commission for Mediation, Conciliation and Arbitration. The main objectives of the Early Warning System Unit for example, included:

- Anticipating conflicts before their actual occurrence.
- Providing discernible warning signals about emerging conflicts; and simulating on the basis of simple early-warning parameters and/or identifiable indicators of the occurrence of and approach to conflict resolution.
- The EWS was tasked to find some answers to the following questions: what kind of early warning information should be gathered? In other words, is a specific classified type of information needed for such a task? What are the precise aims of establishing a data bank? For example, to whom should this information be directed and how long would it take to do so? Who is supposed to gather this information? Should the OAU's CMC be the sole gatherer or should there be other sources outside the OAU? How will this information be transmitted to the OAU? Were there specific channels to be used

for the transmission process of this information? How can it be ensured that the OAU data bank will be able to retrieve the information from other data banks? How will meaningful analysis of the available information be ensured? Who will have access to the information and analysis? In addition, how will this information and analysis translate into concrete actions? (Early Warning in conflict prevention, October 1996: 4-5; Muyangwa and Vogt 2000: 26-27)

These questions and others formed the basis on which the OAU Early Warning System Unit was established. It needs to be emphasised that few of the abovementioned questions were entertained by the OAU leaders or the Secretariat officials in the 1960s when they established the Commission for Mediation, Conciliation and Arbitration. Even if they did, at least they did not ask them formally as the OAU Secretariat did when they established the Mechanism in the 1990s.

Indeed, from the views solicited through interviews with those concerned and having surveyed the literature relating to the work of the EWS, one got the impression that one of the essential elements in establishing the EWS was information gathering. This process was deemed by the OAU leaders to be essential in terms of building scenarios, which the OAU conceived necessary for the understanding of the root causes of the existing and potential conflicts. Understanding the root causes of conflict was very important in order to avoid the possible eruption of conflicts within and between the OAU Member States. In the process of gathering the EWS information, it is assumed that no party or parties gathering the information should be presumed to be adversaries, as in the case of intelligence analysts. Although it was difficult to determine at times, who the adversary was, the assumption was that the OAU early warning information ensures preparedness to facilitate the implementation of the OAU's regional policy options and strategic choices in the context of the regional collective security (Interview with Adwoa Coleman, Addis Ababa, CMC, Situation Room, 22 March 2002).

In other words, the information is not gathered for intelligence purposes against a particular member state nor for the benefit of a particular member. In the case of intelligence information gathering for example, the focus and the objectives tend to be domestic oriented, whereas, in the case of the OAU information gathering process, each member state was assumed to be a beneficiary. This system was therefore planned to assist the OAU decision-making organs to



take well-informed decisions on issues relating to peace and security in Africa (Interview with Adwoa Coleman, Addis Ababa, CMC, Situation Room, 22 March 2002; Early Warning in conflict prevention, October 1996: 5-6).

It should be noted that instituting a data bank goes beyond the mere act of gathering of information from a variety of sources. The ultimate objective of this exercise should be the development of a network and building a data bank system for anticipating conflicts. Moreover, the idea of establishing EWS within the OAU Mechanism was based on the understanding that since the OAU did not have the capacity to collect early warning information by itself, a continental network of specialists in various state-run organisations would be important contact or focal points for an OAU early warning system. The envisaged ultimate objective was to establish information-gathering centres at national, regional and continental levels to include academic institutions, human rights groups, local Non-Governmental Organizations (NGOs) and civil society organisations.

Gathering information certainly requires technical expertise regarding the data collection and analysis of the information, and therefore it was deemed imperative to identify individuals who served in key positions at various levels to assist in the data collection. There was also a need to identify key parameters, development indicators, programming, seminar symposia and conferences for the purposes of collecting information for the OAU decision makers (Muyangwa and Vogt 2000: 26-28; Interview with Adwoa Coleman, Addis Ababa, CMC, Situation Room, 22 March 2002; Early Warning in Conflict Prevention, October 1996: 7-8).

On the other hand, Article 8 (2) (a, b) of the ‘Draft Protocol<sup>46</sup> Relating to the Mechanism of Conflict Prevention, Management and Resolution of the African Union’ of July 2001, outlines in some detail, the proposed composition and the functions of the enhanced and empowered OAU Early Warning System Unit. It would include observation and monitoring through a centre to be known as “The Situation Room,” located at the Conflict Management Directorate of the then OAU. As outlined earlier, the objectives among others of the EWS include:

- Collecting and analysing the data on the basis of an appropriate early warning

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<sup>46</sup> This draft protocol was later approved by the OAU Assembly to become the Protocol Relating to the Establishment of the Peace and Security of the African Union in July 2002.

indicators' module.

- It consists of observation and monitoring units of the Regional Mechanisms for the conflict prevention, management and resolution to be linked directly through appropriate means of communications to the Situation Room at the OAU headquarters. These Regional Mechanisms were supposed to collect and process data at their level and transmit it to the Situation Room in Addis Ababa, Ethiopia.
- Article 8 (4) of the Draft Protocol stressed that the EWS should develop an early warning module based on clearly well-defined and accepted political, economic, social, military and humanitarian indicators. Their functions would be geared towards analysing developments within the continent and to recommend the best course of action to the OAU decision makers (Interview with Adwoa Coleman, Addis Ababa, CMC, Situation Room, 22 March 2002).
- It authorises the Secretary General of the OAU (Chairperson of the AU Commission) to use the information gathered through the Early Warning System timely to advise the proposed Peace and Security Council (PSC) on potential conflicts and threats to peace and security in Africa (Protocol relating to the establishment of Peace and Security Council 2002, 13-14).
- It regulates cooperation and collaboration between the OAU Secretariat/AU Commission and the UN, its agencies, other relevant international organisations, research centres, academic institutions and NGOs, to facilitate the effective functioning of the Early Warning System. It is important to emphasise that the Draft Protocol implicitly called for the institutional co-operation of the OAU/AU Commission with organisations and not with individuals.

#### **5.5.5 Field Operation Unit (FOU)**

The establishment of the Filed Operation Unit was meant to provide a structural framework for the military component of the conflict resolution system within the organisation. It was the first time that the OAU leaders had paid attention to the military role of the organisation in peace

keeping and peace monitoring operations on the continent, a role that had always been reserved for the UN up to that time. The main tasks and mandates of the Field Operation Unit include:

- Co-ordinating the OAU/AU observer and monitoring missions on the continent.
- Maintaining contact with and co-ordinating activities between the UN peacekeepers<sup>47</sup> and African sub-regional organisations.

The Unit was/is managed by two officers: one in charge of logistics and the other of operations. Once the OAU Central Organ decided to deploy an observation/operation mission to the area of conflict, the Operation Unit sends a list to the OAU Secretary General consisting of the countries, which can participate, in the operation. Up to December 2004, the senior officials of OAU's Field Operation Unit included the head of the unit and two military colonels from Madagascar and Ghana; in addition to three Ethiopian non-commissioned officers (NCOs) responsible for radio communication, auto mechanic cars and a storekeeper. The equipment at the OAU military depot, which was/is adjacent to the organisation's headquarters, was under control of the Field Operation Unit. These include equipment for communication, mobility, patrol vehicles and ambulances. Since the OAU did not have an airplane of its own, it used chartered planes during its operations (Interview with Col. Jaotody Jean de Matha, Senior Military Officer, CMC, Addis Ababa, 6 March 2002, tape one).

#### **5.5.6 African Standby Force (ASF)<sup>48</sup>**

On July 2001, the OAU leadership called for the establishment of an African Standby Force (ASF) through a Draft Protocol on Mechanism for Conflict Prevention, Management and Resolution, in Article 9 (1), in order to enhance the performances of the Central Organ and the OAU Secretariat in conflict situations on the continent. It was proposed that the Force should be composed of standby multi-disciplinary contingents, with civilian and military components in their countries of origin and should be ready for rapid deployment if requested and given

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<sup>47</sup> The dynamics of institutional cooperation between the OAU conflict resolution system and the UN peacekeeping system will be discussed in chapter six.

<sup>48</sup> It is important to stress that the existing structure of the African Standby Force was developed after the OAU was replaced by the AU in July 2002, and thus most of the discussions, unless otherwise stated, will refer to the AU.

appropriate notice.

The strength and types of these contingents, their degree of readiness and general location were envisaged to be in accordance with the established OAU Peace Support Standard Operating Procedures and Concepts (SOPS) subject, of course, to regular revision and review. It has to be emphasised that the PSC Protocol of July 2002 in Article 13 (2), which formally established the ASF, also authorises each Member State to be responsible for the establishment of standby contingents for participation in peace support missions decided by the Peace and Security Council (Draft Protocol relating to the Mechanism for conflict Prevention, Management and Resolution 2001: 14-18; Protocol relating to the establishment of Peace and Security Council 2002: 12-14; Muyangwa and Vogt 2000: 28-29).

Most importantly, according to Article 13 (3) (a) of the PSC Protocol,<sup>49</sup> the mandate of the ASF includes:

- Intervention in a Member State in the event of grave circumstances or upon the request of a Member State in accordance with Article 4 (h) and (j) of the AU Constitutive Act.
- As discussed in chapter six, the ASF, is mandated, where necessary, to cooperate with the UN and its agencies, other relevant international organisations and regional organisations, as well as with national authorities and NGOs.

On the other hand, Article 13 (6) of the PSC Protocol authorises the Chairperson of the AU Commission to appoint the top two positions of the Standby Force, namely the Special Representative and Force Commander for each operation undertaken by the force. The Special Representative reports to the Chairperson of the Commission of the AU through appropriate channels. Furthermore, contingent commanders of the Pan-African Standby Force are required to report to the Force Commander of the operation, who in turn reports to the Special

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<sup>49</sup> What distinguishes the PSC from the OAU conflict resolution mechanisms, especially the Commission for Mediation, Conciliation and Arbitration is that the PSC protocol clearly authorises the Peace and Security Council to intervene in a member state even if it was not invited by that member. In fact, Article 13 of the PSC Protocol was revolutionary in that it broke the psychological apprehension that the member states had of the intervention of the OAU in what they used to call their internal affairs.

Representative. In other words, the military components of the operation are required to report to the Special Representative (Protocol relating to the establishment of Peace and Security Council 2002: 12-14; Muyangwa and Vogt 2000: 28-29; De Coning 2004: 20-26).

The insistence of the OAU/AU leaders to concentrate the authority of the Standby Force operations in the hands of the Secretary General of the OAU/Chairperson of the Commission of the AU and his Special Representative seems to suggest that the OAU/AU leadership was/is keen to keep the chain of missions command under political and preferably civilian control. Moreover, the structure of the Standby Force, and the chain of command that runs it, is flexible enough to make the decision-making process adapt solutions to any possible emergency problems that may occur (Draft Protocol relating to the Mechanism for conflict Prevention, Management and Resolution 2001: 14-18; Protocol relating to the establishment of Peace and Security Council 2002: 12-14; Muyangwa and Vogt 2000: 28-29).

Another recent and significant innovation introduced to the OAU/AU conflict resolution regimes, and for military purposes, is the decision of the OAU/AU leaders to establish a Military Staff Committee, whose main role was/is to advise the PSC on issues relating to military and security requirements for the promotion and maintenance of peace and security in Africa. Therefore, according to Article 13 (par. 7, 8, 9, 10 & 11) of PSC's Protocol, the Military Staff Committee consists of Senior Military Officers of the Members of the PSC. The Committee may meet at the level of the Chief of Defence of the Members of PSC, who were required to submit recommendations to the Secretary General of the OAU/the Chairperson of the Commission of the AU on how to enhance Africa's security and stability. Other member States that are not represented on the Military Staff Committee may be invited by the Committee to participate in its deliberations when it is/was required for the efficient discharge of the Committee's responsibilities.

Moreover, it is/was the responsibility of the OAU Secretariat/AU Commission to provide the appropriate guidelines for the training of the civilian and military personnel of the national standby contingents. This was a very important responsibility in terms of acquainting the force with both operational and tactical levels, with an emphasis on training in the International Humanitarian Law and the Human Rights Law. Another important element, which was to help

enhance the efficiency of the work of the ASF, was the role of the member states. The PSC Protocol in Article 13 (17) (a, b) demanded that each troop contributing member state should release the standby contingents with the necessary equipment for the operations envisaged under Article 9 (2) of the Protocol. The implication was that member states were asked to commit themselves to make all forms of assistance and support available to the OAU and later on to the AU, that the organisation might need in peacekeeping missions (De Coning 2004: 20-26).

On the other hand, Article 15 of the PSC Protocol stresses the need to equip the African Standby Force to enable it to undertake humanitarian activities in their mission areas. The humanitarian role of the African Standby peacekeeping forces as provided for in the PSC Protocol was a new shift in the understanding of peacekeeping dynamics within the OAU conflict management system. In the previous OAU conflict resolution systems, the emphasis was on addressing issues pertaining to the peaceful settlement of conflicts, and little attention was paid to the humanitarian activities in the areas where conflicts were raging or on the post conflict situations ((Draft Protocol relating to the Mechanism for conflict Prevention, Management and Resolution 2001, 14-18; Protocol relating to the establishment of Peace and Security Council 2002: 12-14; Muyangwa and Vogt 2000: 28-29).

In May 2004, in an endeavour to implement the provisions of Article 13 of the AU Constitutive Act, the African Chiefs of Staff agreed on the modalities for the ASF. The ASF provides for five sub-regional standby arrangements, each up to brigade size, 3 000-4 000 troops, which it is hoped, will provide the AU with a combined standby capacity of 15 000 to 20 000 troops. In fact, according to the Policy Framework for the Establishment of an African Standby Force and Military Staff Committee (Part I), between 300 and 500 military observers are trained and ready to deploy on 14 days' notice. Similarly, a police standby capacity of at least 240 officers and two company strength police units are trained to enable the AU to staff two complex peace operations. This is in addition to a centrally managed roster of civilian specialists in mission administration, human rights, humanitarian, governance, and Disarmament, Demobilisation, and Reintegration (DDR) (Policy Framework for the Establishment of an African Standby Force and Military Staff Committee (Part I): May 2003; De Coning 2004: 20-26).

It is important to emphasise that the AU's ASF existing structure proposal was designed and developed on the basis of six possible mission scenarios:

- Military advice to a political mission
- An AU observer mission co-deployed with a UN peacekeeping mission
- A stand-alone AU observer mission
- A traditional peacekeeping or preventative deployment mission
- Complex multi-dimensional peace operations
- Peace enforcement or intervention missions (De Coning 2004: 20-26)

The ASF policy framework recommends a two-phased implementation process: the first phase is geared towards developing the capacity to manage scenarios one to three by mid 2005, while the second phase is focussed on developing the capability to manage the remaining three scenarios by 2010 (De Coning 2004: 20-26).

Again what is significant about the new PSC structural set up and its objectives compared to the structures and objectives of both the OAU Commission in the 1960s and the Mechanism in the 1990s is that it has given the Chairperson of the AU Commission more political interventional and supervision authority in conflict management affairs within the AU system. This was necessary for two reasons:

- Unlike the Secretary General of the OAU, the Chairperson of the Commission of the AU is tasked to supervise directly, and when necessary, take urgent decisions regarding ASF deployment issues on behalf of the AU Assembly.
- Secondly, the AU Commission is the operational arm of the AU Central Organ, whose authority is vested in the Permanent Representatives to the organisation. This close cooperation between the Central Organ and the Chairperson of the Commission of the AU was perhaps meant to downsize and reduce bureaucratic frustrations that the OAU Secretariat had experienced when it had previously dealt with conflict matters.

### **5.5.7 Peace Fund**

The establishment of the Peace Fund, like the other two units, EWS and the Field Operation Unit, was another important step taken by the OAU at that time and later developed by the AU leadership to enhance the conflict resolution system within the organisation. The OAU Peace Fund was established according to the Decision AHG/Dec. 1 (XXXVII), adopted by the 37th Ordinary Session of the OAU's Assembly of Heads of State and Government, held in Lusaka, Zambia from 9 to 11 July 2001. That decision, as mentioned in the first part of this chapter, had replaced the Cairo Declaration of 30 June 1993, through which the OAU Assembly established the Mechanism for Conflict Prevention, Management and Resolution.

Article 14 of the OAU Draft Mechanism Protocol of July 2001, called for the establishment of a Peace Fund, whose objective was to finance peace initiatives that the OAU were anticipating to carry out throughout the continent. Realising that one of the organisation's main weaknesses in dealing with conflicts was financial constraints, the Assembly later on decided that a Peace Fund unit should be integrated within the AU's Peace and Security Council. The Peace Fund consists of financial appropriations, totalling about six per cent of the regular budget of the organisation, including arrears of contributions, voluntary contributions from member states and from other sources within Africa. Moreover, the OAU can receive donations and contributions from individuals as well as through appropriate fund raising activities, pending the approval of the Central Organ (Draft Protocol relating to the Mechanism for conflict Prevention, Management and Resolution 2001, 17; Protocol relating to the establishment of Peace and Security Council 2002, 21-22; Muyangwa and Vogt 2000: 24-26; Resolving conflicts in Africa: Implementation Options ca. 1993: 54-56).

Furthermore, the AU adopted in its first Ordinary Session of the Assembly on 9 July 2002 in Durban, South Africa, a Protocol relating to the establishment of the Peace and Security Council. That Protocol also authorised the Chairperson of the Commission of the AU to raise and accept voluntary contributions from sources outside Africa. However, the AU Constitutive Act emphasises that accepting these contributions should conform to the objectives and principles of the African Union. The AU leaders were cognisant of the fact that accepting external contributions to the Peace Fund entailed the possibility of creating technical, ethical and power related conflicts and also sovereignty problems for the members of the organisation.



This explains why AU leaders have stressed that these contributions should not be accepted unconditionally, because some of these donations tend to be made sporadically and/or for specific aspects of the Peace and Security Council. The implication being that accepting these funds without conditions may create undue international influence on the organisation's conflict resolution agenda and the impact this would have on the overall effectiveness of the AU's conflict resolution processes. Such a possibility may indeed prove damaging to the sovereign integrity and reputation of the organisation (Draft Protocol relating to the Mechanism for conflict Prevention, Management and Resolution 2001, 17; Protocol relating to the establishment of Peace and Security Council 2002: 21-22; Muyangwa and Vogt 2000: 24-26; Resolving conflicts in Africa: Implementation Options ca. 1993: 54-56).

Moreover, Article 21 of the Peace and Security Council Protocol also calls for the establishment within the Peace Fund, of a 'Revolving Trust Fund.' The appropriate amount of the Revolving Trust Fund is determined and approved by the relevant policy organs of the AU upon the recommendation of the PSC. The Revolving Trust Fund is meant to serve the emergency needs of the PSC. The decision to create the Revolving Trust Fund was prompted by the fact that appropriation of some funds from the main Peace Fund budget might entail lengthy bureaucratic processes. That was why the Protocol also stipulated that the states contributing contingents for peace keeping purposes may be invited by the Chairperson of the AU Commission to bear the cost of their participation during the first three months. The AU would refund the expenses incurred by the contributing states concerned within a maximum period of six months and then the organisation would proceed to finance the operation as soon as the emergency stages had passed (Protocol relating to the establishment of Peace and Security Council 2002: 21-22; Muyangwa and Vogt 2000: 24-26; Resolving conflicts in Africa: Implementation Options ca. 1993: 54-56).

By all standards, the establishment of the Peace Fund was an important move by the OAU and the AU leaders because they recognised that the constant financial constraints, which the organisation had experienced during the peace-keeping operations was a real impediment which they needed to deal with. Relying on the financial capability of an individual country to finance its troops in peacekeeping operations on the continent had proven to be ineffective. Moreover, by instituting a Peace Fund, the OAU and AU leaders had made it easy for the

donors to direct their financial donations to an organ with which they could cooperate easily with. It also maximises accountability and enhances efficiency in financial management, hence reducing bureaucratic processes in financing peacekeeping operations. Moreover, by asking the contributing countries to peacekeeping operations to bear the expenses of operations during the first three months, entails that the organisation's role in the peacekeeping process is guaranteed to proceed uninterrupted by whatever obstacles that might have something to do with the funding of the missions.

#### **5.5.8 Panel of the Wise**

It was emphasised in our discussions of the functions of the ad hoc committees and commissions in this chapter that the OAU in the 1960s adopted the committee of the wise method, as part of its peace making process. The significance of the committee system and of that approach, in the opinion of the OAU leaders, was that these committees of wise men, whose members were also heads of states and governments, have had the capacity to contain conflicts, and convince the parties to conflicts to adhere to peaceful methods for the resolution of conflicts. As discussed earlier, these were men of immense power, who had both the capacity and capability to impose some conditions on the parties to the conflicts. Moreover, the adoption of the committee of the wise approach was mainly because the OAU leadership was eager to avoid the legal settlement of conflicts, and they were also aware that some African countries tended to resist legal processes for the settlement of conflicts. This explained why, as discussed earlier in the first part of this chapter, most of the African leaders had avoided using the Commission for Mediation, Conciliation and Arbitration as a tool for conflict resolution.

However, from an institutionalist theory perspective, it was also true that these wise men were politicians and political leaders who had their own vested interests, a situation which did not necessarily entail their complete neutrality in the conflicts in which they were mediating. Because of ulterior motives, they were eager to become involved personally in the peace making processes, with the hope that should their efforts succeed in resolving these conflicts; the credit would go to them and not necessarily to the OAU as an institution. Thus, a conflict of interests existed between the wise men committees and the OAU as an institution.

It was with this background in mind that the OAU heads of state and government decided to

establish a Panel of the Wise within the OAU's Mechanism for Conflict Prevention, Management and Resolution in 2001. The Panel's main function, according to Article 7(1) of the Draft Protocol of the Mechanism of July 2001 and Article 11 (1) of the Peace and Security Council Protocol of July 2002, was to support and complement the efforts of the Mechanism/PSC. In addition, its task was also to support and complement those efforts of the Secretary General of the OAU/the Chairperson of the Commission of the AU, particularly in the areas of conflict prevention and resolution. If one takes the regional division of the continent into consideration, the Panel consists of five African persons. They were selected from various segments of African societies who were deemed to have made outstanding contributions to the cause of peace, security and development on the continent (Draft Protocol relating to the Mechanism for conflict Prevention, Management and Resolution 2001: 15-16; Protocol relating to the establishment of Peace and Security Council 2002: 13; Resolving conflicts in Africa: Implementation Options ca. 1993: 19-22).

Article 11 (2) of the PSC Protocol reserves the appointment of the Panel to the AU Assembly; however, in consultation with the member states, the responsibility for the selection of the Panel members was vested in the Chairperson of the Commission of the AU. Moreover, the Panel whose term of office is fixed to three years; acts as the advisory body to the Mechanism/PSC and the Secretary General of the OAU/the Chairperson of the Commission of the AU. The Panel's advisory role was focussed on advising on all issues relating to the promotion and maintenance of peace and security and stability on the continent. Under the OAU/AU system, the Panel could also be mandated by the PSC, the Secretary General of the OAU or the Chairperson of the Commission of the AU to complement the efforts of the Mechanism/PSC for the prevention of conflicts or pronounce its own views on issues relating to conflict situations on the continent, where that role was/is deemed essential (Draft Protocol relating to the Mechanism for conflict Prevention, Management and Resolution 2001: 15-16; Protocol relating to the establishment of Peace and Security Council 2002: 13; Resolving conflicts in Africa: Implementation Options ca. 1993: 19-22).

Under the AU system, Article 11 (5 & 6) of the PSC Protocol states that the Panel of the Wise shall report to the PSC and the PSC shall in turn, channel these reports to the Assembly of the Heads of the State and Government. The meetings of the Panel are not fixed; however, these meetings should take place in the headquarters of the AU in Addis Ababa, Ethiopia. In

consultation with the Chairperson of the AU Commission, the Panel may also hold such meetings at other places other than the AU headquarters. The PSC Protocol, in Article 11 (8), authorises the Chairperson of the Commission of the AU to fix allowances for the members of the Panel of the Wise, in accordance with the Financial Rules and Regulations of the AU (Draft Protocol relating to the Mechanism for conflict Prevention, Management and Resolution 2001: 15-16; Protocol relating to the establishment of Peace and Security Council 2002: 13; Resolving conflicts in Africa: Implementation Options ca. 1993: 19-22).

In terms of the objectives and operational dynamics, the differences between the OAU ad hoc committees of the wise of the 1960s-1990s and the Panel of the Wise in the 2000s include:

- The OAU ad hoc committees of the wise were composed of heads of state and government whose political interests were diverse and in some instances these interests had some impact on their mandates regarding conflict matters on the continent. Each head of state was eager to advance his country's interests, and at times when these interests became threatened by his efforts to bring peace between the two parties to a dispute, it was easy for that head of state to withdraw from the mediation mission in order to protect his country's interest.
- The Panel of the Wise on the other hand, is composed of five individuals who are deemed, to be worthy of the respect of the parties to the disputes and the OAU Secretariat/AU Commission according to certain accepted standards. In other words, they were/are assumed to have the respect of the African leadership as well that of the African public.
- The advisory role of the Panel of the Wise to the AU Commission gives the panelists the power to not only give their opinions on conflicts, but they also have the right to pronounce the Panel's views on conflict prevention and management issues even if these views differ from the AU mainstream policies on a particular conflict situation.
- The Panel of the Wise's mandate also resurrects the advisory role indirectly that the African indigenous leadership used to play in conflict resolution matters. The Panel is thus an additional bonus to the AU Commission's role in conflict resolution situations

where ‘quiet diplomacy’ and informal approaches are required.

- The panelists are not direct employees of the AU, although they are assigned allowances, and their contact person in the organisation is the Chairperson of the Commission of the AU. This loose kind of relationship between the panelists and the AU keep them safe from the bureaucratic relationships that might hinder their work had they been permanently based at the AU headquarters.

## **5.6 Conclusion**

Trying to enhance the performances of the OAU conflict management and resolution mechanisms had never been an easy task for those responsible for its development. The decision to establish the Commission of Mediation, Conciliation and Arbitration in July 1964 was a preventive measure, specifically against potential disputes over borders between member states. The decision was also a compromise among the OAU member states, which were empowered by the Protocol to have the final say regarding the method that should be used in conflict resolution processes.

The main weakness of the Commission was that the role of the OAU mediators was limited to mediation or facilitation of the process of conciliation. Mediators did not have the power to impose any agenda to which they had not consented, on the parties to the dispute. In fact, the involvement of the OAU Secretariat was limited by the Commission’s Protocol in the conflict resolution process. The Commission was therefore at the mercy and dependent on the goodwill of the parties to the conflict. Moreover, the Commission had the jurisdiction over inter-state disputes; it did not have the mandate to handle intra-state disputes or those conflicts between individuals or international bodies. Thus, because of the ineffectiveness of the use of the Commission methods, member states preferred to use informal mechanisms such as sending envoys, committees of the wise or ministerial committees to mediate between parties to disputes throughout its existence.

Moreover, the decision to establish the Commission of Mediation, Conciliation and Arbitration was a sincere attempt to institutionalise the OAU’s work on conflict resolution situations on the continent. However, as discussed earlier in this chapter, although it became clear that the OAU

Commission had had inherent institutional and ideological deficiencies, the OAU leaders did not bother to reform, transform or even dissolve the Commission so that they could develop a new efficient structure. Instead, they resorted to the use of ad hoc structures such as the committees of the wise and consultative committees, and thereby rendering the Commission redundant for almost thirty years.

Apart from the inherent institutional and ideological inefficiencies, there were certainly several factors and challenges that had led to the ineffectiveness and the weakening of the OAU's Commission of Mediation, Conciliation and Arbitration. Consequently, that led to member states avoiding making use of the Commission as a medium for conflict resolution on the continent (El-Ayouty 1994: 186-189):

- The mandate of the Commission, its objectives, its functions and duties were interpreted differently by member states. Some member states chose to interpret the objectives and functions of the Commission to suit their interests, when it was convenient to do so. Hence this made it difficult for member states to develop a uniform interpretation of the mandate of the Commission in conflict resolution situations on the continent.
- The mandatory consent of the parties to a dispute was another factor that was regarded by member states to be more important than the OAU pronouncements on conflict resolution matters. For example, the organisation's mediators were not permitted to carry out any form of mediation without the consent of the parties to the conflict. The principle of consent of member states therefore, became an obstacle that contributed in the weakening of the Commission's activities in conflict resolution situations.
- Another factor, which had weakened the Commission's work, was that the legal nature of the Commission dissuaded member states from submitting disputes to the Commission. This was because most member states preferred using ad hoc bodies that had no legal and/or binding rulings to conflicts. In fact, most of the OAU leaders were comfortable using political methods, such as informal direct contact with parties to disputes, rather than legal mechanisms such as arbitration.

- Another factor was that the sensitivity of the arbitration process had touched on issues relating to the national sovereignty of the OAU member states. In other words, addressing inter-states disputes through legal methods had entailed forcing member states to accept tribunal judgments, which most of them were not ready to accept. They were therefore committed to the principle of territorial integrity and sovereign equality of states, and thus any move, which might have compelled member states to surrender some of their sovereign authority to the OAU Commission, was resisted vehemently.
- The OAU Charter had also imposed restrictions on the Secretariat's interference in the work of the Commission. These restrictions had minimised the Secretariat's role in conflict resolution, and therefore, deprived the Secretariat from playing a constructive engagement role in conflict resolution processes. The OAU Commission was autonomous in its operation and hence deterred the Secretariat, the executive organ of the organisation, from having any influence over its activities.
- The reluctance of member states to make use of the Commission in conflict resolution was also reinforced by the OAU's policy of non-interference in the internal affairs of member states. Indeed, the relationships between the OAU member states were governed by article 3 (2) of the Charter, which prohibited interference in the internal affairs of the member states. The article prohibits the OAU from intervening in internal disputes of its member states; thus making it difficult for the organisation to deal with intra-state conflicts (Elias 1965: 343).

As discussed earlier in this chapter, the failure of the Commission to deal effectively with conflicts on the continent and the reluctance of the member states to make use of it, had led most OAU member states to resort to other informal means of conflict resolution. Consequently, it can be contended that there was no harmony between the pronounced objectives and goals of the organisation and the existed structures, which were supposed to carry out the organisation's duties.

It is important to mention that the adoption of the ad hoc committee system by the OAU Assembly and the Secretariat as a means of resolving conflicts, suggested that the existing structure could not carry out the work. This state of affairs can also be ascribed to the

conception that the ad hoc committee system provided opportunities to the heads of state and governments in their endeavour to resolve conflicts on the continent. Some of the advantages of the ad hoc commissions, which were said to have played a role in conflict resolution processes during the first three decades of the OAU existence, included:

- The practice of involving the heads of state and government in ad hoc committees was perceived to be in accordance with Africa's pre-colonial methods of dispute settlement according to which elders, who were regarded as wise and commanding respect and confidence of their respective societies, intervened to resolve conflicts. The assumption was that since most heads of states command respect and had the collegial advantage of being able to approach their counterparts easily; it was possible for them to mediate in conflicts. The custom was thus to select elderly political leaders to mediate in conflicts.
- The ad hoc commissions or committees had also afforded the OAU leaders the opportunity and scope for intervening in conflicts. Heads of state and governments could intervene through mediation process in a conflict, justifying their involvement by citing the principles already adopted by the OAU Charter.
- Another advantage of the ad hoc committees, unlike the OAU Assembly or the Council of Ministers, was that the committees had the ability to convene as many times as was required to resolve a dispute. For logistical reasons, in the case of the Assembly or the Council of Ministers, it was often difficult for the heads of state and government or the ministers to meet regularly as ad hoc commissions do, when they were engaged in a conflict resolution process.
- Essentially, the ad hoc commissions were established for specific functions with a limited period. Moreover, the nature and scope of ad hoc committees or commissions varied and differed depending on the dispute or the conflict they were formed to deal with and therefore, most of the ad hoc committees tended to be non-permanent. However, this flexibility in the scope and time frame of ad hoc committees can be both an advantage and a disadvantage, depending on the nature of the conflict, the membership of the committee and the cooperation solicited from the parties to the dispute (Resolving Conflicts in Africa 1992: 11-20)



As indicated above, the Ad hoc committee/commission approach to conflict resolution has had positive aspects that facilitated the work of the OAU member states in conflict resolution during the first three decades of the organisation's existence. At the same time, there were also some inherent weaknesses, which undermined the role of member states in some vital conflict resolution processes in Africa, such as the Biafra war and the Ugandan-Tanzanian conflict (Resolving Conflicts in Africa 1992: 11-20):

- The OAU ad hoc committees tended to focus on fact-finding rather than on tracing or addressing the root causes of the disputes between parties. In other words, once the ad hoc committee members had gathered facts about a conflict, the process began to slow down, and parties to the disputes started to show a disinterest in pursuing the mediation process. The fact that there was no sanction regime to force the parties to the disputes to pursue the mediation process to its concluding stages meant that the OAU mediators had no leverage over the parties.
- Due to limitations placed on the mediators by the nature and the dynamics of the conflicts in which they were asked or volunteered to mediate, ad hoc committees tended to recommend incomplete measures such as a cease fire, and found it difficult to suggest specific and enforceable action- oriented measures for the resolution of the disputes. Some of these measures were supposed to be followed by practical steps on the ground. However, because the OAU mediators did not have military or judicial powers to enforce these measures, the parties could easily choose to violate or not to implement the recommendations of the ad hoc committees.
- Most of the OAU ad hoc commissions avoided arbitration and adjudication, which entailed the enforcement of the decisions passed by the committees as judicial processes. Aware that the parties to the conflicts would not accept the adoption of arbitration or adjudication as tools of resolving inter-state conflicts, the OAU mediators were faced with adopting one of two following policies: forcing the member states to adhere to the OAU Commission's principles, which they had no intention of respecting; or continuing to use informal methods, which had no effect on the member states.

- Most of the conflicts, which were submitted to ad hoc committees by the OAU, tended to be border and territorial disputes. Border conflicts have the tendency to make parties to the disputes take up a positional approach to conflict resolution. Like in most inter-state conflicts, each party tends to stick to its position, leaving limited scope for the mediators to narrow the gap between the two parties.
- Some ad hoc committees such as consultative missions did not have powers to engage the parties in conflict resolution matters. In most instances, these committees did not have the power to enforce the cooperation of the parties to the conflict, and that was why they ended up being dissolved without accomplishing their missions.
- Some of the OAU ad hoc committees were established to prevent and contain conflicts from escalating or spreading. They had a limited mandate and all they could do was to listen to the parties to the conflicts and appeal to them to respect the OAU principles. For the most part, the committees relied on the consent and political will of the parties to implement the decisions of the committees and agreements they had committed themselves to.
- Another disadvantage of the ad hoc committees was that the rotating leadership and changing of membership of ad hoc committees impaired continuity in the mediation processes. The national Secretariat that supported the ad hoc committee Chairman, who was usually the current Chairman of the OAU, was not transferable and the tenure of the OAU was only for one year. In other words, once the term of office of the OAU Chairman expired, the work of the committees was deemed over. Attempts to revive the work of the committee under the new Chairman entailed the introduction of new procedures and reshuffling of the committee's membership. The result was that the institutional memory of the OAU regarding mediation processes in the conflicts was frequently weakened.

As discussed earlier in this chapter, the adoption of the Commission and the ad hoc committees' methods of conflict resolution by the OAU member states was an implicit recognition by the founding members of the organisation that there was something inherently wrong with the methods that they were using to resolve conflicts. It also meant that the

existing structures were not in harmony with the kind of conflicts the organisation was involved in. Most importantly, as time passed, it became apparent that there was a mismatch between these mechanisms and the nature and the scope of the conflicts with which the OAU member states had been dealing during the 1960s, 1970s and 1980s. In fact, the shift in the 1990s from mediation, conciliation and arbitration of conflicts, to prevention, management and resolution meant that the OAU leaders in the 1990s and 2000s have opted to redefine conflict resolution in its comprehensive perspectives. The establishment of the Mechanism for Conflict Prevention, Management and Resolution within the OAU Secretariat in June 1993 had allowed the OAU leaders, for the first time, in thirty years to move away from the use of ad hoc conflict resolution frameworks to what they hoped to be systematic conflict resolution methods. By adopting preventative and management approaches to conflict resolution, it also meant that the OAU leaders were determined to move away from certain forms of conflict resolution mechanisms, of which they had always been wary, and that had judicial connotations, such as arbitration and adjudication.

When the Commission was transformed into the Mechanism for Conflict Prevention, Management and Resolution in June 1993 it embodied a shift from the philosophy of conflict resolution through mediation, conciliation and arbitration. The philosophical and ideological implications of the leaders' mind shift to conflict resolution through mediation, conciliation and arbitration were not articulated in such a way that the reasons for the new shift could be reflected in the new structures.

Since its establishment in June 1993, the OAU Mechanism attempted to utilise and make use of a wide range of preventative mechanisms in conflict situations where it was involved. According to the OAU member states, some of the factors, which distinguish the Mechanism from the OAU Commission and the ad hoc committees' approaches to conflict resolution, included:

- In contrast with the Commission in the 1960s and 1970s, the OAU's Mechanism was empowered to intervene in both intra and inter-state conflicts, and most significantly, even if it was not invited to intervene by the parties to the conflict. The nature and the scope of the intervention were determined by the nature and the dynamics of the conflict. There is no doubt that the fact that the Mechanism was allowed to intervene in

internal disputes within states, was a major improvement and an achievement for the OAU Secretariat.

- The OAU Mechanism was also empowered to use other methods such as soft sanctions, political pressure, and regular issuance of statements and endorsement of sanctions. Being the chief executive of the organisation, the Secretary General of the OAU was therefore empowered through the Mechanism to send special envoys, special representatives, deploy fact-finding missions and observers to the conflict areas, without necessarily seeking approval from the Assembly or the Council of the Ministers. There is no doubt that these new powers, introduced by the Mechanism to deal with conflicts on the continent, have extended the overall reform package significantly within the organisation which led to further constructive discussions on a more elaborate role for the OAU in conflict resolution matters in Africa towards the end of the 1990s and early 2000s.

Finally, and most importantly, the new conflict resolution framework also empowered the Secretary General of the organisation to play an administrative as well as a political role in conflict management process on the continent. The Secretary General became the focal point between the organisation and the parties to the conflict on the continent. (Declaration of the Assembly of Heads and State and Government 1993: 9; Protocol relating to the Mechanism for conflict prevention, Management and Resolution 2001: 3-8):

The transformation of the Commission to the Mechanism was indeed a major step because it led to the redefinition by the OAU member states of the comprehensive meaning of conflict resolution. The new role of the OAU Secretary General and the Secretariat, by necessity prompted the African leaders to rethink the rigid adherence of African states to the principles of sovereignty and non-interference in internal affairs of member states. The emphasis of the new conflict resolution regimes was to be geared towards conflict prevention. This was deemed so important by member states, because, it had failed to make effective use of the Commission, and the ad hoc commissions. By adopting the traditional peacekeeping arrangements, as tools for resolving conflicts, it meant a new approach was needed if the conflict resolution system within the transformed organisation was to be effective. As such, the OAU Secretary General was empowered through CMC units:

- To gather information on conflicts on the continent in order to inform the OAU leadership. That was why it was important that an early warning unit had to be established within the CMC to help the organisation's leaders understand the root causes of conflicts it was involved in. The problem was how the CMC operatives, whether in the Political Department or in the Secretary General's office made use of the information, considering the bureaucratic nature of the Secretary General's office.
  
- For the first time, the OAU Secretary General was empowered to bring to the attention of the Mechanism any matter that may threaten peace, security and stability in Africa. The Mechanism, like its successor the PSC, was also empowered to intervene in a member state even if it was not invited by the member state, especially in respect of grave circumstances such as genocide or crime against humanity. The impediment that might make it difficult to implement this important policy was securing the cooperation of other member states and financing of such an intervention. It has been observed that one of the delicate situations in conflict prevention and management in Africa prior to the establishment of the Mechanism and the PSC was that once a conflict erupted, the issue at stake becomes what form of intervention should be employed. In such situations, intervention whether in the form of inquiry, fact-finding, mediation or peacekeeping tended to come rather late. In most instances, by the time the intervention was still under consideration, the dispute had already intensified, bitterness had developed into unacceptable stages, and both sides to the conflict had already militarised the conflict. Indeed, in most conflicts in Africa, the process from early warning to conflict transformation, tended to demand different methods of intervention. In such situations, the main focus tended to be on the reduction of the duration of the conflict, which is conflict management, rather than on addressing the contradiction between conflict escalation and intervention.

An important reform, which was also introduced into the OAU and later on AU conflict management system, was the establishment of the Pan-African Standby Force. The Pan-African Standby Force was empowered to:

- Intervene in a Member State in the event of grave circumstances or upon the request of

a Member State in accordance with Article 2 (i) & (j) of the Draft Protocol of the Mechanism. This is a departure from the traditional OAU leadership view which prohibited member states from intervening in internal affairs, let alone establishing a standby force in which all member states are obliged to contribute.

- The ASF, where necessary, is mandated to cooperate with the UN and its agencies, other relevant international organisations and regional organisations, as well as with national authorities and Non-governmental Organisations (NGOs).
- The Secretary General of the OAU had the authority to appoint the top two positions of the Standby Force, namely the Special Representative and Force Commander for each operation undertaken by the force. The Special Representative, reported to the Secretary General of the OAU/AU Chairperson of the Commission through appropriate channels. Furthermore, contingent commanders of the ASF are requested by the Draft Protocol to report to the Force Commander of the operation, who in turn reports to the Special Representative. In other words, the military components of the operation are required to report to the Special Representative.
- The insistence of the OAU leaders to concentrate the authority of the Standby Force operations in the hands of the Secretary General of the OAU and his Special Representative suggests that the OAU leadership was keen to keep the chain of mission commands under political and preferably civilian control. Moreover, the structure of the ASF, and the chain of the command that runs it, is flexible enough to make the decision-making process accommodate urgent solutions to any possible urgent problems that may occur
- Another significant innovation introduced to the OAU conflict resolution regimes, specifically for military purposes, was the Military Staff Committee whose main role is to advise the OAU Mechanism on issues relating to military and security requirements for the promotion and maintenance of peace and security in Africa.

- The OAU Secretariat was also empowered to provide the appropriate guidelines for the training of the civilian and military personnel of the national standby contingents. This is a very important responsibility in terms of acquainting the force with both operational and tactical levels, with emphasis on training in International Humanitarian Law and Human Rights Law.
- Another important element, which was devised to help enhance the efficiency of the work of the ASF, was the commitment, participation and the enhancement of the role of the member states in the ASF. The implication being that member states are asked to commit themselves to make available all forms of assistance and support that the organisation might need in peacekeeping missions to the OAU and later on to the AU (De Coning 2004: 20-26).
- The previous OAU conflict resolution mechanisms have always emphasised the settlement of conflicts, and paid little attention to the post conflict situations or the humanitarian aspects of the conflicts. The new emphasis on the promotion of peace making, peace building and post war reconstruction, suggests that the OAU leadership had adopted a better understanding of peace and security priorities on the continent. The challenge is for the OAU successor to empower its human resources and build their capacities in peace making, peace building and post war reconstruction activities, to make the PSC an effective mechanism indeed for conflict prevention, management and resolution.
- Furthermore, what was lacking in the past OAU conflict resolution system was an early warning mechanism. The ability to build the capacity to know beforehand and interpret the events early in order to build up a solid base on which a quality response is to be achieved. The Mechanism was able to fill in the gap by introducing the EWS in its system, which previous mechanisms such as the Commission were not able to fill. However, the challenge remains how to put in place complementary early warning systems at regional levels, which can serve as watchdogs for the Mechanism's successor, the PSC (Adelman 1998: 53).
- Moreover, Article 2 (f) of the Mechanism's Draft Protocol introduced another new

function for the OAU conflict resolution regime, and that is to promote and encourage democratic transformation and good governance and to protect fundamental human rights and freedom in Africa. While there are different interpretations as to what these concepts mean, the new approach of the OAU to the conflict resolution system seems to recognise the comprehensiveness of definition of conflict prevention, management and resolution. The new orientation became a people-centred rather than what used to be state centred orientation during the early years of the OAU. The emphasis on human rights and good governance also entails that the member states have accepted the principle of accountability in their attempt to meet the African people's needs. The challenge is how to make these principles part of the new conflict resolution philosophy on the continent.

- Another important introduction to the OAU peace-making process is that the election to the Mechanism and later on the PSC membership was/is based on the willingness and the ability of the member state to participate in the management of crisis on the continent. Contending members must be committed to meet their financial obligations to the organisation. Most importantly, they must respect constitutional governance and institute sanctions whenever an unconstitutional change of government takes place in a member state. The problem with this system lies in that those member states that were elected to the OAU's Mechanism Central Organ or the AU's PSC were those that have the capacity to pay, and hence have the influence to run the affairs of the organisation. This situation raises the question of which countries have more influence than others within the organisation, and may create problems between poor/small and rich/big states.
- Related to the above factor is the fact that the establishment of the Peace Fund was another step towards enhancing the work of both the Mechanism and PSC. It presupposed that the OAU and later on the AU leadership have finally recognised the importance of having access to funds through which peace making can be carried out. Moreover, by creating the Peace Fund, a new kind of relationship was established between the donors and the OAU/AU. Through the Peace Fund, the donor countries or organisations will/would no longer have difficulties in dealing with the organisation since issues relating to the accountability and efficiency of fund management can be



managed easily through the Peace Fund unit.

- Another important reform introduced to the OAU/AU conflict resolution system is/was the establishment of the Panel of the Wise. What distinguishes the Panel of the Wise from similar previous structures, such as *ad hoc* commissions, is that the latter are composed of members of heads of state and therefore had stakes in some of the conflicts in which they were asked to mediate. The Panel of the Wise, although it is paid an allowance by the OAU on the other hand, is composed of individuals, who, were deemed independent and command the respect of both the organisation and the general public of the continent. The challenge for their work however, lies in that the Secretary General of the OAU and later on the Chairperson of the AU Commission, who is/was their contact person within the organisation, may or may not take their advice, if he/she feels that such advice may contradict his recommendations to the Central Organ on a particular conflict.

## **6 Chapter Six: Institutional and legal cooperation between the OAU and the United Nations' peace and security system**

“We must find an African solution to our problems, and this can only be found in African unity”

Kwame Nkrumah May 1963

### **6.1 Introduction**

In chapter five it was argued that the structural evolution of the OAU's conflict resolution mechanisms have revealed that there were some inherent structural inefficiencies within the organisation that had prompted its leaders to adopt *ad hoc* structures in their efforts to resolve some conflicts that the existing structures of the organisation could not handle. For example, the Commission of Mediation, Conciliation and Arbitration was the first instrument adopted to deal with conflict resolution of disputes between states. One of its inherent weaknesses was that the instrument could not intervene in any conflict, without the consent of the parties to the conflict, thus rendering it redundant despite the fact that all the OAU member states were signatories to the protocol that established the Commission. The decision to avoid the use of the Commission in conflict resolution by the member states, and their choice instead to use *ad hoc* instruments suggests that the structural set up of the organisation was ineffective in dealing with inter-state and legal based conflicts.

Moreover, the OAU Charter, as discussed in chapter four, contained some contradictory principles and objectives. For example, the Charter advocated the necessity for the member states to cooperate in pursuing peaceful means of resolving conflicts among themselves. However, the protocol dealing with conflict resolution processes within the organisation, which was part of the Charter, called for respect for the territorial integrity of the member states, non-interference in internal affairs of member states; respect for the sovereignty of the members. Furthermore, the protocol stated that unless parties to the conflict consented to any form of intervention, the organisation could not intervene.

Therefore, given the inherent structural inefficiencies within the OAU mentioned above, it is important to ask whether the legal and institutional basis of the cooperation between the OAU

and the UN system was affected by the OAU's structural set up. One of the areas where the institutional cooperation, and sometimes competition between the OAU and the United Nations (UN) were visible was in the field of conflict management and resolution. Firstly, the two organisations had established structures that were responsible for conflict management and resolution. As discussed in chapter five, in the case of the OAU the organs that were instituted within the OAU to deal with conflict matters on the continent were the Commission of Mediation, Conciliation and Arbitration that was later succeeded by other organs namely the Mechanism for Conflict Prevention, Management and Resolution and Peace and Security Council. On the other hand, the main UN bodies responsible for the world peace and security were the Security Council and the Department of Peacekeeping.

For the purpose of this study, the significance of studying the institutional cooperation between the OAU and the UN in conflict resolution matters in Africa lies in the need to understand the linkage, functions and impact of the structures and instruments that these organisations have adopted and the types of the conflicts in which they were involved. Secondly, to what extent did this institutional and legal cooperation between the two organisations regarding conflicts in Africa, was successful in achieving the Pan-African objectives and goals as were embodied in the OAU Charter?

The institutional cooperation between the two organisations was largely driven by two important aspects. Firstly, the recognition by the OAU member states that the UN, as stipulated in its charter in Article (1), was the main international organisation that was responsible for world peace and security. Secondly, recognition of the OAU member states that they need the UN political and material support and capability to help them manage and resolve some of their disputes. On the other hand, apart from the provisions contained in the UN and the OAU charters, the institutional basis of cooperation between the two organisations was that the legal basis and some of the objectives for which the two organisations were founded, were generally similar. Indeed, the structural set up of the OAU was largely similar to that of the UN system. In some instances, this structural similarity has had an impact on the choice of mechanisms that the UN and the OAU have adopted in dealing with some conflicts in Africa, as well as on the shape and the nature of their institutional cooperation. For example, the UN Security Council was tasked to deal with inter-state conflicts; similarly, the OAU was empowered by its charter to deal with conflicts between its members. The two organisations were therefore, prohibited to

intervene in the internal affairs of their members and were thus not permitted to deal with intra-state conflicts.

With the increase in intra-state conflicts in Africa and elsewhere during the 1980s and 1990s, the two organisations were confronted by moral and legal dilemmas of either staying aloof, while factions within member states were killing each other, or intervening to stop the fights, thus violating the provisions of their own charters, as shall be discussed below. There were also other aspects to the institutional cooperation between the UN and the OAU that had shaped the nature of the cooperation between the two organisations. These were the role of the OAU as a continental organisation in the UN system and the role of the UN in conflict situations in Africa.

From a historical perspective, one of the first steps that the OAU member states took when they joined the UN was to campaign for the UN Charter to be amended to remedy the absence of any specific representation of Africa in all major agencies and subsidiary bodies of the UN. In December 1963 for example, Articles 23, 27, and 61 of the United Nations Charter were amended to increase the membership of the Security Council from 11 to 15 and that of the Economic and Social Council from 18 to 27. Since then, the OAU maintained a number of bilingual staff headed by an Executive Secretary at its Bureau in New York. The Bureau managed and coordinated the activities, which aimed at strengthening the cooperation of African states at the UN and to ensure the implementation of the UN resolutions adopted by the OAU. Moreover, and thanks to African state initiatives, sequential rotation, regardless of the size of the member states, has been the principle for selecting countries to sit on the UN committees and other positions. In 1972, another Bureau was established in Geneva to ensure that the resolutions of the OAU on decolonisation and on the then Apartheid regime in South Africa were implemented and if possible adopted in the resolutions of the UN specialised agencies. Furthermore, the OAU maintained close cooperation with the Addis Ababa based UN Economic Commission for Africa (UNECA), the body that was established in 1958 to provide the African states with the expertise needed to advise them on economic issues (Ali 1987: 1-2).

On the other hand, the UN involvement in the peacekeeping and peace-making in Africa has been very slow, but in most cases crucial and in some instances controversial. Since 1960,

when the UN intervened for the first time in a peacekeeping initiative in the Congo, the organisation has undertaken (19) peacekeeping operations in Africa to date, in cooperation and collaboration with the OAU and later with its successor, the AU.

In this chapter, emphasis will be placed on how the role and position of the UN affected the role of the OAU in conflict management and resolution in Africa. The chapter will also analyse to what extent, the structural weaknesses, inherent challenges and legal omissions of some vital provisions in the OAU charter regarding the role of the UN in peace-making in Africa, hampered the work of the OAU in conflict situations where its cooperation with the UN was required.

It will also analyse the role of the OAU in the UN system and analyse the impact that instruments such as the OAU Mechanism and the UN Security Council, which were used by the two organisations to regulate their relations, have had on the achievement of the objectives and the goals of the OAU. The chapter also deals with the types and nature of conflicts in Africa, and how that affected or enhanced the choice of the mechanisms and methods that were used by the two organisations in conflict resolution situations in Africa. Finally, an analysis of the post Cold War trends and politics of institutional cooperation between the two organisations, particularly in peacekeeping and peace building operations on the continent will be provided. The challenges that faced the institutional cooperation between the two organisations will be analysed. Moreover, an assessment of how the institutional cooperation between the two organisations, affected the institutional reforms that were introduced into the OAU conflict resolution organs during the 1990s positively or negatively, will be carried out. The last part of the chapter will then draw some conclusions emanating from the discussions of the institutional and legal cooperation between the OAU and the UN.

## **6.2 Legal basis of institutional cooperation between the OAU and the UN**

The institutional and legal cooperation between the OAU and the UN system was based on the provisions of the UN Charter and was compatible with the UN global responsibilities towards maintaining world peace. The UN Charter in Article (1) states that the organisation's main objectives are to:

maintain international peace and security and to that end: take effective collective measures for the prevention and removal of threats to the peace and for suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to breach of the peace.

The collective measures referred to above, imply that the UN member states should be collectively committed to conform to the principles of justice and international law and that it is in each member state's national interest to maintain and preserve world peace. The institutional and legal framework, through which such commitment could be accorded to the UN by member states, was provided for in Article 24 of the UN Charter, which reads:

In order to ensure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of international peace and security and agree that in carrying out its duties under this responsibility, the Security Council acts on their behalf.

The UN Security Council has therefore, become the operative organ within the UN system responsible for issuance and implementation of the organisation's resolutions that are specifically dealing with peace and international conflicts, which it deems threatening to world peace. While each UN member state was required by Article 24 to confer on the Security Council the responsibility to act on their behalf, the question of who should provide the logistical support needed by the Security Council, whenever it was called upon to act, had to be specified clearly by the UN Charter.

That was why Article 43 of the UN Charter requires all members to make available armed forces and facilities; including the right of passage to the Security Council, for the purpose of the maintenance of peace and security. For example, Article 45 of the Charter sets up air force contingents for combined international action. These duties are deemed to be collective, obligatory and mandatory for all members of the UN (Chee 1991/92: 30-40).

There was also a question of how the UN Security Council's decisions and resolutions can be made effective and decisive. To that effect, the UN Charter in Article 41 authorises the UN, unlike the OAU Charter, to enforce sanctions such as demonstrations, blockades and other acts on its members that might violate its regulations. The significance of these sanctions lies in that all the UN member states are obliged to implement them, once the Council to that effect

passes a resolution. Unlike the OAU resolutions therefore, the UN resolutions that are passed within Chapters VI, VII and VIII are binding to all members. Indeed, the UN applied some of these sanctions during the 1990s on Iraq, Libya, Sudan and União Nacional Pela Independência Total de Angola (UNITA).

While acknowledging the central role of the UN Security Council in maintaining international peace, the UN Charter, in Article 52, allows member states to establish regional organisations to deal with issues of peace and security in their regions. Indeed, Article 53 (1) of the UN Charter permits regional organisations, of which the OAU became one in May 1963, to take enforcement action, even if there was no prior armed attack conditional on the consent of the UN Security Council. On the other hand, Article 54 requires that, should a regional organisation take such an action, the UN Security Council “shall be kept informed of activities undertaken or in contemplation under regional arrangements or by regional organizations for the maintenance of international peace and security.”

The problem with Article 54 lies in that, while the OAU was legally and technically permitted to take action against any of its members, which might have posed a threat to the regional peace, the regional support for such action might not be forthcoming. Hence, even if the UN has sanctioned the intervention, the OAU member states may not have the political will to support the action. Secondly, the interpretation and the justifications upon which any intervention by a regional organisation are based, may contradict the legal basis on which the UN system would sanction such an intervention. In other words, the nature of conflicts between African member states or within member states may dictate that the OAU take a particular stand, which may contradict the UN Charter or indeed some provisions of the OAU Charter such as those dealing with territorial integrity and non-interference in the internal affairs of member states.

The UN Charter in chapter VI, articles 33 to 38, provides procedures by means of which disputes between member states should be handled. In these articles, the UN Charter urges member states to seek a solution to the dispute through negotiation, enquiry, conciliation, arbitration, judicial settlement, resort to regional agencies arrangements, or other peaceful means of their own choices. In fact, Chapter VI, Article 34 authorises the UN to investigate

any dispute, or any situation, which, in its opinion may lead to an international crisis or give rise to a dispute.

It needs to be mentioned that some of the provisions of Chapter VI were hard and difficult to implement, especially during the Cold War era. Member states, which were ideologically allied to either the US or the Soviet Union of the time, did not generally abide by the peaceful formula of conflict resolution provided for by Chapter VI of the UN Charter. As discussed in chapter five, the OAU member states, for example, were sensitive to arbitration or the judicial settlement of conflicts between the organisation's member states, most of whom preferred ad hoc systems to deal with their disputes. These difficulties made the implementation of the provisions of Chapter VI, rather difficult, particularly the application of those mechanisms that required legal settlement of conflicts. Most of the UN and the OAU member states preferred to resort to either regional arrangements or other peaceful means of their own choices.

Chapter VII, Articles 39 to 51, again describes the actions the UN Security Council may take, should it feel that there exists a threat to the peace, breach of the peace, or act of aggression. It also reserves, based on Articles 41 and 42, the right to make recommendations, or decide what measures it should take. Article 42 for example, specifically states that:

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations (UN Charter, Chapter VII, Article 42).

The actions described in Chapter VII tend to favour the use of force as a last resort and have a deterrent effect on the parties involved in the conflict. On the other hand, the implementations of the UN decisions or resolutions that are based on Chapter VII, by regional organisations, tend to trigger two legal and institutional cooperation problems between the UN and regional organisations.

Firstly, the OAU Charter for example, did not provide for the use of force against member states, rather it encouraged member states to adopt, mediation, conciliation, and arbitration as had been the case in the 1960s, 1970s and 1980s, or adopt preventive measures, as had been the



case since the 1990s, through which conflicts between member states could be managed and resolved.

Secondly, both the UN and the OAU charters did not provide for intervention in intra-state conflicts and both stood against interference in internal affairs of their member states. Hence, in cases where the UN requires member states to intervene or use force to resolve an internal conflict in an African state, the best that the two organisations could do, upon obtaining the permission of the countries involved, was to send peacekeeping forces to the areas of the conflict.

Closely related to the institutional cooperation problems mentioned above, the UN Charter in Chapter VIII, Article 52 (3) encourages the UN member states to develop regional arrangements to deal with local disputes in their regions. Article 53 (2) emphasises however, that these regional arrangements should be put into action only after consulting with the Security Council, with the exception of measures against any enemy states, a reference specifically to any state, which was an enemy of any signatory to the Charter during the Second World War. What this Article implies is that the UN Security Council must sanction all the measures that involve military intervention by regional organisations.

It is clear from the discussion of the legal and institutional basis upon which the UN cooperation with regional organisations was based, that the UN Security Council was empowered to regulate and manage that cooperation. In the case of the OAU, its charter has specific references to the nature of the legal and institutional cooperation between it and the UN system. In the OAU Charter's Preamble for example, it referred to the UN as the base of its principles by stating that: "Persuaded that the Charter of the United Nations and the Universal Declaration of Human Rights, the principles of which we reaffirm our adherence, provide a solid foundation for peaceful and positive cooperation among African states."

The OAU adherence to the United Nations principles on peace and security thus entails that the organisation was ready to adopt peaceful means of resolving disputes among its members, as stated in the UN Charter. This might explain why, when the OAU was established in May 1963, it adopted the Commission of Mediation, Conciliation and Arbitration as one of its main organs responsible for disputes resolution among its members. It also meant that the OAU

recognised the UN Charter as a legal base on which its members should regulate their cooperation positively among themselves. Ironically though, by adopting the UN conflict resolution framework, the OAU leaders found themselves in a serious structural dilemma: the UN legal system does not cater for internal conflicts, whereas most of the conflicts in Africa that the OAU dealt with from as early as the 1970s were intra-state conflicts, which required different methods and mechanisms with which to handle them.

Article 2 (e) of the OAU Charter, required the organisation to promote international cooperation, again, having due regard for the Charter of the United Nations and the Universal Declaration of Human Rights. Later on, the AU's Constitutive Act, which replaced the OAU Charter and came into effect in July 2002, reaffirmed in Article 3 (e) that the AU shall work to: "Encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights."

The institutional relationship between the OAU and the UN as stipulated in their respective charters was therefore expected to be legally binding and one of complementarity as embodied in Article VIII of the UN Charter, which, as mentioned above, emphasises the importance of maintaining international peace and security.

The complementarity element in the relationship between the OAU and the UN system is well articulated in Article 11 (1) of the OAU Protocol of the Mechanism for Conflict Prevention, Management and Resolution, which stresses that:

In fulfilment of its mandate in the maintenance and promotion of peace, security, and stability in Africa, the Mechanism shall cooperate and work closely with the United Nations Security Council, which has the primary responsibility for the maintenance of international peace and security. The Mechanism shall also cooperate and work closely with other relevant UN Agencies for the promotion of peace, security and stability in Africa.

Another important aspect that paved the way for the strengthening of the OAU-UN cooperation, which also urged for more systematic coordination, was articulated in Article 9 (14) of the Mechanism protocol, which stated that, the OAU Secretariat:

“Shall, in consultation with the United Nations Secretariat, coordinate external initiatives in support of the Pan-African standby Force capacity-building in training, logistics, equipment, communications and funding.”

The fact that OAU member states were ready to consult with the UN Secretariat to support the Pan-African standby forces, as discussed in chapter five, has two immediate implications. Firstly, it suggested that the OAU leadership had confidence in the UN system, and would not mind coordinating activities of their regional security forces with the UN system. Secondly, it also meant that the OAU did not have the material and logistical capacity to train, arm and deploy the African Standby Forces in conflict areas on the continent without the UN support.

It is important to mention that during the 1950s and 1960s, the idea of establishing a Pan-African force was aimed at protecting African states from potential external threats from the European former colonial powers. By calling for the UN to support such a force, in 2001, it could mean that the mind set and the OAU member states' perception and definition of the concepts of security and international cooperation has shifted, if not indeed drastically changed.

It is to be mentioned that Article 17 (1, 2, 3, 4) of AU's PSC Protocol, which was adopted in July 2002, like Article 11 (1) of the OAU Mechanism Protocol, emphasises the importance of co-operation between the PSC and UN Security Council in the promotion and maintenance of peace, security and stability in Africa. To consolidate the cooperation between the two organisations, the PSC was specifically authorised to ask the United Nations or its relevant agencies to provide financial, logistical and military support for the African Union's activities in the promotion of peace and security on the continent. Article 17 (3) of the PSC protocol further states that the Peace and Security Council and the Chairperson of the Commission of the African Union must maintain close and continued interaction with the UN Security Council, its African members, as well as the Secretary-General. The protocol also emphasises that this co-ordination process shall include periodic meetings and regular consultations on questions of peace and security in Africa.

### **6.3 Institutional cooperation between the OAU and the UN**

As mentioned earlier in this chapter, there were two aspects, which informed the legal and institutional basis of cooperation between the OAU and the UN system. Firstly, the UN as the main international body responsible for peace and security in the world has a role to play in maintaining peace and security in Africa. Secondly, the OAU member states, also as members of the UN, have a vital role to play in influencing the work of the UN as the main body responsible for regulating inter-governmental relations and cooperation between and among states.

The first challenge that the UN had to face in Africa, a couple of years prior to the establishment of the OAU, was the Congo Kinshasa crisis after the departure of Belgium in 1960. The security situation in the Congo at that time was complicated by several events, which took place simultaneously (Ali 1987: 2-4; Jonah 1994: 4-5; Andemicael 1994: 119-138):

- The mutiny of the Force Publique, the main security organ in the country;
- The general collapse of law and order in the country;
- The attempts by the mineral rich Katanga province, then under Moise Tshambe to secede
- The intervention of the Belgium authorities challenging the authority of the Prime Minister Patrice Lumumba government.

All these combined events, culminated in a major crisis between the United States of America and the Soviet Union on the one hand; and between and among African countries on the other, with the UN in the middle. Immediately after the assassination of Prime Minister Lumumba in 1961, following his arrest by the Belgians, the UN Security Council, after difficult negotiations and consultations among its members, voted to move into the Congo with the hope of avoiding the danger of confrontation between the two superpowers. On 18 September 1961 during a peace mission to the Congo, the UN Secretary General Dag Hammarskjold and 15 others died in a plane crash. Three years later the Congo crisis culminated in a joint military operation

carried out by Belgium, the United States and Great Britain known as the “Stanleyville drop,” which took place on 24 November 1964. The objective of the operation was to attempt to rescue about 1,500 European hostages held by Christopher Obenye’s government (Ali 1987: 1-10).

In an attempt to reduce the tension, the UN convened a Security Council meeting to debate the situation in the Congo from 9 to 30 December 1964, a debate which resulted in further division within the Security Council. Twenty-two African countries described the Stanleyville operation as being a deliberate violation of the OAU authority, an intervention in African affairs, and thus a threat to the peace and security of the African continent. On the other hand, the OAU Council of Ministers held a meeting in New York from 16 to 20 December 1964. Although the delegates could not agree on the legitimacy of Tshombe’s government, they requested him to cooperate with the OAU Commission on the Congo regarding national reconciliation. Similar attempts, by the OAU bloc at the UN, were recorded on South Africa (August 1963/1977); Namibia (May 1967); Guinea Bissau (November 1973); Rhodesia (currently Zimbabwe) (November 1973); and Angola (March 1976); in all cases, important resolutions were passed (Ali 1987: 2-4; Jonah 1994: 4-5; Andemicael 1994: 119-138).

#### **6.4 The types of conflicts in which the OAU and the UN were involved in Africa**

It is important to mention that, apart from the role of the UN in conflicts in Africa, one of the early achievements of the OAU cooperation with the UN system was when its members succeeded in persuading the UN General Assembly to adopt its scale of values in terms of African priorities, for example their preference for decolonisation. Other African priorities also included moral and material support for African liberation movements, and the prohibition of intervention in the internal affairs of small states. As the role of the UN Security Council in peace and security issues of the world expanded, the OAU was encouraged by the Security Council to seek African solutions to both inter and intra-state conflicts on the continent.

Thus, it has been observed that during the past four decades, the institutional cooperation between the OAU and the UN has witnessed several drastic and constructive changes (Andemicael 1994: 121-122):

- The first decade (1963-1973) was a successful period for the OAU and the UN in their joint efforts for decolonisation, institution building and the establishment of norms for non-intervention and the peaceful settlement of disputes in Africa. This period had also witnessed what could be regarded as constructive engagement by the OAU member states in regional and international issues, through its African bloc based at the UN headquarters. This constructive engagement was visible in the positions taken in cooperation with the Non-Alignment Movement bloc at the UN, to which almost all the OAU members belonged, on questions of Palestine, the then Apartheid regime, nuclear non-proliferation and other issues relating to the UN reforms and world peace and security.
  
- The second decade (1973-1983) witnessed the transformation of the liberation politics, especially in Southern Africa, where Cold War dynamics obviously complicated matters. By the end of the 1970s, the continent witnessed civil wars and ideological struggles. Liberation politics, which were focused on decolonialisation politics, were thus transformed into internal political disputes, which were now focused on ethnic and ideological politics and some attempts at trying to find suitable methods for nation building processes were made. During this period and due to legal constraints relating to national sovereignty, both the OAU and the UN were handicapped to offer effective diplomatic assistance for national reconciliation within OAU member states, which were engulfed in internal strifes. It is important to mention that the OAU Charter prohibited member states from interfering in the internal affairs of other states. Similarly, the UN Charter urges member states to respect the territorial integrity and sovereignty of its members. These provisions protected the sovereignty and territorial integrity of member states, hence made it difficult for the two organisations to carry out their duties, where interventions were necessary. In such situations, interventions were equated by member states with infringement of their national independence.
  
- During the third decade (1983-1993) Africa was devastated not only by civil wars in Angola, Chad, Ethiopia, Mozambique, and Sudan, but also by drought and famine, coupled with acute economic stagnation and debt crises. During this period, the OAU-UN institutional cooperation witnessed its highest stages of intimate interaction. It is noteworthy to mention that although some OAU member states have developed the

attitude of 'try the OAU first,' during its early years, its cooperation with the UN system during this decade has been geared towards joint action for mutual assistance, the coordination of activities and the division of labour, and mutual influence in policy-making and programming process. It was during this period perhaps that the essence of the UN Security Council mandate, which is to maintain international peace and security, was clearly recognised by most of the OAU member states.

During the fourth decade (1993-2003), the conflicts took different shapes and by and large transformed the traditional OAU-UN system of institutional cooperation on inter-state conflicts into more comprehensive approaches to peace making and peace building, not only in Africa, but throughout the world. These conflicts can be grouped into three categories (Andemicael 1994: 122-128):

#### ***Conflicts related to the decolonisation process***

These conflicts included the cases of Angola, Namibia, Mozambique, and Western Sahara. They were largely multi-dimensional, and included, *inter alia*, delayed decolonisation, ideological and ethnic rivalries and foreign intervention. Most of these cases gave maximum scope to the political and diplomatic roles of the UN and the OAU to act as pressure groups for vigorous action by the international community.

In the case of Angola and Mozambique for example, the OAU and the UN were not able to facilitate national reconciliation, because both gave support to the recognised governments, and therefore they were bound by the principles of national sovereignty and/or territorial integrity of these countries. All they were able to do was to condemn the Resistência Nacional Moçambicana (RENAMO) and the then South Africa Apartheid regime's support for the UNITA, and its policy to destabilise the Front Line States. The Angolan and Mozambique governments continued to pressurise the OAU and the UN to dissuade those countries that were supporting their respective rebel movements to respect the sovereign integrity of the two countries and apply sanctions, as provided for in the charter of the UN against those states that supported RENAMO and UNITA.

In the case of Namibia, the OAU and the UN systems opposed South Africa's defiance to adhere to and implement the UN resolutions on Namibia and both supported the South West Africa People's Organisation (SWAPO); thus leaving little room for diplomatic initiatives for the two organisations. It was also the case that some UN Security Council member states, such as the US and Great Britain did not support the position of the UN General Assembly against South Africa government's position regarding the decolonisation of Namibia and the US in particular was at that time fighting proxy wars in Angola, Mozambique and Namibia with the Soviet Union and its satellite states in the region. It was only when the cooperation of the Soviet Union was guaranteed that the UN acted as a forum for contacts between a group of concerned Western governments and South Africa over Namibia. When signals of resolution of the interrelated problems of Angola and Namibia became available, the UN shifted its role and policy of pressure through support of SWAPO to one of implementation of the UN based agreed plan for Namibian independence. On the other hand, the role of the OAU in the Namibian crises was geared towards supporting the process and maintaining solidarity with SWAPO. In the case of Namibia, the two organisations resorted to advocacy and pressure to complete the process of decolonisation and to contain possible postcolonial conflict in the country (Andemicael 1994: 122-123).

### ***Inter-state conflicts***

These conflicts included for example, the Chad-Libyan border dispute, the Rwanda-Ugandan conflict, and the Senegal-Mauritania dispute. In these conflicts, the UN did not intervene; it was left to the OAU to handle them diplomatically. The role of the UN was restricted to providing logistical and political support to the OAU peacekeeping forces, in the case of Chad-Libyan dispute. In most instances, these conflicts were caused by and were escalated because of the complex mix of territorial disputes and external involvement in civil wars. In fact, some of the complications came about as a result of some OAU member states taking sides in some of these conflicts, hence affecting the neutral role that the OAU as a continental organisation was expected to play in resolving these conflicts.



### ***Internal conflicts affecting neighbouring countries***

The nature of these conflicts tended to pose great challenges to both the OAU and UN. It is observed that during the Cold War era, wars in Africa were fought between states; however, by the mid 1980s, the nature of these conflicts had changed dramatically. Thus, although the causes of most conflicts in Africa that emerged in the 1980s and 1990s differed slightly in general, as mentioned in chapter two, they had common causes. The most intractable among them have been the civil wars in Burundi, Democratic Republic of Congo (DRC), Ethiopia, Liberia, Sierra Leone, Somalia, Sudan, and Rwanda. Almost all of them involved intensive ethnic differences, the massive outflow of refugees, internal population displacements, and formidable humanitarian emergencies. The intervention of the OAU and the UN in such conflicts was often impeded by the question of territorial integrity of the state where the conflict was raging, the uncertainty, lack of accurate information about the parties to the conflict and constant shift of the objectives, the nature and the leaderships of the parties to the conflict. As a result, it was difficult for the OAU and the UN to intervene timely and efficiently. This situation seems to explain why, as will be discussed in chapter seven, the OAU and the UN were willing to mandate sub-regional organisations such as the Economic Commission of West African States (ECOWAS) during the 1990s to deal with intra-state conflicts in their regions, with the two organisations only playing a logistical supporting role, where appropriate (Andemicael 1994: 122-123).

### **6.5 Structural obstacles and challenges to the UN interventions in conflicts in Africa**

It is important to emphasise that the 1980s witnessed a number of economic crises and most importantly the rise in the eruption of civil wars in many African countries. In 1984-85 for example, a catastrophic famine affected over twenty countries on the continent, as a result of which emerged a desperate need for emergency humanitarian assistance from the international community. This demand for external assistance necessitated the institutional cooperation between the OAU and the UN systems. In response to African state requests for finances, the UN established the Office of Emergency Operations in Africa and fund-raised over \$4 billion US dollars for relief purposes. In regions like the Horn of Africa where the United Nations established the UN Special Emergency Program for the Horn of Africa, the UN had introduced new mechanisms to its system such as negotiations for food corridors with the parties to the

conflicts, cross border routes, airdrops and other special arrangements with government and rebel authorities. These arrangements were tested, with considerable success in Somalia and in Southern Sudan, where rebels and government/freelance warlords were convinced to cooperate regarding food delivery arrangements in their respective areas of control (Ali 1987: 2-4; Jonah 1994: 4-5; Andemicael 1994: 119-138).

Moreover, because of intensive civil wars across Africa and the famine, the number of African refugees reached 6 million by mid 1992, with the figure of the internally displaced population rose to over 12 million. The UN, through the United Nations High Commissioner for Refugees (UNHCR) exerted extensive efforts to provide legal protection to refugees and to organise the resettlement and rehabilitation for those who opted to use those means. On the other hand, the OAU, through its Commission of Fifteen on refugees, has provided important assistance and cooperation, especially cementing solidarity among its members to observe the requirements of existing refugees in their countries. As for the displaced persons, the OAU and the UN were tied down to act by legal instruments to facilitate access to the millions uprooted in the conflicts areas, although they managed to convince states to allow some UN humanitarian agencies and non-governmental organisations to deliver necessary humanitarian needs to the displaced. One of the important steps that the UN General Assembly took was when it created an Office of Emergency Relief Coordinator in December 1991, which assumed responsibility for all the emergency work of the UN. It manages a budget of the \$50 million US dollars of central Emergency Revolving Fund (Nicol 1978:365-95; Ali 1987: 2-4; Jonah 1994: 4-5; Andemicael 1994: 119-138).

The shift of the focus of OAU and the UN from dealing with inter-state conflicts to more protracted and complex internal conflicts in the 1990s in Africa and elsewhere meant that the two organisations had to introduce different types of conflict resolution mechanisms in their structures to accommodate the new realities. It was because of these new realities and the changes in the nature of the conflicts in Africa, as discussed above, that the OAU Declaration of June 1993 declared among other things that it was important to involve the UN in the work of the OAU Mechanism for Conflict Prevention, Management and Resolution. The Declaration among other things stated that:

However, in the event that conflicts degenerate to the extent of requiring collective international intervention and policing, the assistance or where appropriate the services of the UN will be sought under general terms of its Charter. In this instance, our respective countries will examine ways and modalities through which they can make practical material contribution to such a United Nations undertaking and participate effectively in peace-keeping operations in Africa.

In most of the conflicts mentioned above, and because the dynamics of these conflicts did not fall within their legal mandate, the OAU and the UN tried to employ diplomatic pressures, supported external initiatives, or sub-regional efforts. The role of the two organisations was therefore complementary to other initiatives and they were active among many actors in the diplomacy of peace making in the continent. The depth of the OAU and UN involvement during the 1990s thus, tended to depend very much upon the nature of the conflict, their relative ability to assist, and the willingness of the government side in a conflict, in cases of civil wars, to accept third party help. Moreover, until the Somali crisis of 1991-1992, most of the efforts at peace making in civil wars in Africa had taken place outside the OAU and UN framework. In most cases, as discussed in chapter five, those efforts were carried out by statesmen, individuals or groups, ad hoc committees and commissions, sub-regional organisations, relevant intergovernmental agencies, and by the superpowers (Andemicael 1994: 123).

One of the main obstacles that confronted the OAU and the UN in Africa during the 1990s was how to intervene effectively in African humanitarian emergencies caused by internal disputes, without infringing the domestic jurisdiction of states. The two organisations, as mentioned above, did not have the legal leeway to intervene as their respective charters prohibited them from intervening in the internal affairs of member states. This was the case, until a solution for this dilemma was provided by the former UN Secretary General Boutros Ghali, when he suggested that what was needed was a redefinition of the concept of ‘state sovereignty’ to accommodate the new realities in the world. In addition to the rights of the states, Ghali added a new dimension of ‘responsibility of states,’ in which he argued (UN Press Release SG/SM/4691, 31 January 1992):

“Violation of state sovereignty is, and will remain, an offence against the global order. But, its misuse also may undermine human rights and jeopardize a peaceful global life”

It needs to be mentioned that the structural changes that were introduced to the OAU system from 1993 onwards, and which culminated in its transformation from the OAU into the AU in July 2002, seem to have been informed by this UN new definition of the concept of state sovereignty, especially the idea of state responsibility, a concept which was later on developed into the concept of “responsibility to protect”. This concept of state responsibility had allowed both the OAU and the UN, and later on the AU to approach conflict resolution for internal or intra-state conflicts in more realistic and practical ways.

The AU Constitutive Act for example, in Article 7, and unlike the role given to OAU Secretary General by its charter in conflict management, empowers the Chairperson of the AU Commission to engage in preventative diplomacy and may even ask the Assembly for intervention in member states, a role granted to the UN Secretary General, who is empowered by Article 9 of the UN Charter to initiate diplomatic efforts in the field of conflict resolution (AU Constitutive Act, 2002, Article 7).

Moreover, the United Nations has undertaken some specific actions as a follow up to Kofi Anan’s recommendations contained in his 1998 report to the Security Council. In a report entitled “The Causes of Conflict and Promotion of Durable Peace and Sustainable Development in Africa,” the UN Secretary General recommended specific actions, which, among others, included (Mulikita 2002: 33):

- Adoption of Security Council resolutions to strengthen the enforcement and monitoring of regional arms embargoes, to improve security for African refugees and increase aid to countries hosting refugees and to expand security cooperation with the OAU and sub-regional organisations. This recommendation was an indication that the existed measures as provided for by the UN Charter were ineffective and lacked enforcement.
- Appointment of special representatives and envoys to assist African mediation efforts in Sierra Leone, the DRC, the Horn of Africa and the Great Lakes Region. The involvement of the UN, as suggested by the Secretary General through special representatives, had two important implications. Firstly, the UN system does not encourage member states or the UN for that matter to intervene in internal affairs of other members. By appointing special representatives, the Secretary General was

hoping that the presence of these representatives on the ground would allow room for constructive engagement between the UN and the parties to the conflicts, thus allowing the UN to play a political role, rather than limiting its role to peacekeeping operations. Secondly, through the UN special representatives, the UN was hoping to coordinate its peace efforts with the OAU or sub-regional organisations, and hence ease the coordination challenges that the UN often faced when dealing with conflicts in Africa.

- An increase in the number of African countries participating in peacekeeping standby arrangements, in terms of which member states maintain personnel and material in readiness for deployment. As discussed in chapter five and in some detail in chapter eight, the need for the African standby forces was perceived by the OAU and UN to be an important aspect of the institutional cooperation between the two organisations. Under this programme, the OAU member states were to supply armed and security forces for peacekeeping operations on the continent, while the UN would provide the financial and logistical required for operations.

## **6.6 Impediments to institutional cooperation between the OAU and the UN in peacekeeping operations on the continent**

During the 1980s and 1990s, the UN system received fierce criticism from a broad base of its members and other actors in the field of international relations regarding its activity in the field of conflict resolution, particularly in peacekeeping operations in Africa. In consistency with Boutros Ghali's efforts to reform the entire UN system during his term through what he called the 'New Agenda' for the UN, these criticisms prompted Ghali's successor, Kofi Anan to appoint a UN Peace Operations Panel in 2000. The Panel published a report in which it suggested reforms to the UN peacekeeping operations. The *Brahimi Report*, called after the Algerian diplomat, Lakhdar Brahimi who chaired the Panel, specifically mentioned the following main principles for peacekeeping that must remain unchanged (Brahimi Report 2000):

- Consent of the local parties.

The report acknowledged that in the 1990s it became difficult to obtain the consent of the parties willingly, as most conflicts occurred within international borders of states;

- Impartiality and the use of force only in self-defence.  
It is however, important to point out the impracticality of this principle in cases of internal conflicts where there is more than one party to the conflict, and has proven to be a serious impediment to the principle of use of force in self defence; and
- While calling for renewed commitment of the member states to support the UN financially and politically, the report stated that there are tasks, which the UN peacekeeping forces should not be asked to undertake, and there are many places they should not go. This was an indication that the UN should leave some tasks to regional bodies such as the OAU or sub-regional organisations to tackle.

During the Cold War era, the theory of ‘comparative advantage’<sup>50</sup> in conflict resolution process was easily understood and exploited by all the parties to conflicts and external facilitators or mediators. In those days, the role of the UN was understood to be concerned with military operations and deployment of political missions, while regional organisations concentrated on preventive political and diplomatic measures. However, as a result of the demise of the Cold War or ‘the long peace’ system, three consensuses emerged among African practitioners, who were involved in conflict resolution matters and who managed the OAU institutional cooperation with UN in peacekeeping and peace making in Africa (Nicol 1978:365-95; Ali 1987: 2-4; Jonah 1994: 4-5; Andemicael 1994: 119-138; Vogt 1999: 3-4):

1) The dominant consensus among African technocrats and practitioners in peace making was that the OAU lacked efficient and effective institutional structures, managerial capacity and resources to manage peacekeeping operations properly on the continent. As such, this group contended that the task of peacekeeping should be left to the UN regime, since it has the comparative advantage in this field. It also argued that the role of the OAU should be limited to the preparation of African forces for the UN operations and to support UN efforts at peacekeeping. Therefore, the emphasis was to modify the UN-OAU mandates during the operations to include multi-dimensional peace operations.

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<sup>50</sup> Comparative advantage refers to division of the roles based on advantages and disadvantages that an organisation has over other actors. In the case of the UN and the OAU, comparative advantage was measured in terms of familiarity with and the knowledge of the nature of conflicts, political influence, resources availability, geographical proximity to the countries and people involved in the conflicts.

2) The second consensus among African practitioners in peace making on the continent assumed that the experience of the Somali operation in 1991/92 had reduced the political will of many European countries and the US to deploy their ground forces in peace operations in Africa, especially under UN command. The advocates of this consensus therefore recommended that the OAU should supply the forces, leaving logistics, technical, transport and other facilities to the Western European states and the US.

3) The third consensus contends that in the recent years it has been observed that even when African states were prepared and willing to provide forces for deployment in UN operations in Africa, the UN Security Council tends to be reluctant to authorise such missions. This might mean that some Security Council members are not willing to commit resources to African operations that may continue for longer periods. The adherents of this consensus thus call for the strengthening and regionalisation of the OAU peacekeeping operations' funding system, through its "Peace Fund" to carry out those operations that the UN seems to be reluctant to support and therefore creates self-reliance mechanisms during the dire times of need.

### **6.7 The politics of the institutional cooperation between the OAU and the UN in conflicts in Africa**

Scholars and students of regional and international organisations have always believed that regional organisations such as the OAU can act as a local voice and an alternative to the UN. They also contend that these organisations also allow multilateral voices when the Security Council is troubled by the permanent members' rivalry. Moreover, actions by the UN Security Council still carry the character of universalism, and its actions and claims can be political, which may worry member states for their future as precedents. Thus, in times of need, regionalism can provide an alternative, although it is difficult to imagine at this stage that it can replace unilateral actions by the UN Security Council's permanent five members. Indeed, regional action, if used properly may enhance and sustain political attention to particular crises. In general, regional action compartmentalises the precedent, thus legitimising the argument that it is based on regional customary law or political understanding. Moreover, regional structures tend to build confidence, thus avoiding the unnecessary triggers of provocation. Neighbouring states' opportunities for counsel and behind the scenes conversations serve as a form of shuttle

diplomacy and avoid debate on preconditions in most instances. This is because advice from an outside power may be mistaken for condescension or revived neo-colonialism, especially in Africa (Wedgwood 1996: 275-285).

There are also weaknesses to regional approaches to conflict resolution. Unlike the UN Security Council, regional structures such as OAU find it difficult sometimes to impose disciplinary measures successfully, be they economic sanctions, blockade or siege against its members. However, in some other occasions, regional or sub-regional grouping may provide voices to win broader adherence, as the OAU did in building sanctions against South Africa in the 1970s. In some instances however, a regional organisation may find it difficult to stop trade with a rebellious member, which may cite domestic constitutional constraints, hence making it difficult for some regional organisations to allow mandatory sanctions or embargoes. Within the region, making decisions by consensus has also proven to be ineffective. Another weakness of regional organisations is the rejection of intervening in domestic conflicts, and their insistence, as discussed earlier in this chapter, on holding onto the protective shield of sovereignty. Then there is the issue of resource constraints, which limits the role of regional organisations to intervene in conflict resolution situations on the continent. The financial limitations of regional organisations, coupled with limited political will, was a real impediment to regional bodies such as the OAU to play vital roles in peace making and peacekeeping operations in Africa. On the other hand, the nature of regional and sub-regional organisations' responses may reflect the desire to share the burden with the United Nations and the international community and can indeed strengthen the support necessary for political action in the peace making process. However, the most important aspects in this process are money, attention, and political will, three of which will always determine the effectiveness of the role of regional structures in peace making in Africa (Wedgwood 1996: 275-285).

It is also argued by some scholars that for the UN operations in Africa to be effective, the UN should (Smith 2000: 41-44):

- Firstly, improve military capabilities appropriate to the task.
- Secondly, the UN should try to take early and decisive actions. Some UN agencies are accused of taking too much time before acting, even in cases of emergencies.



- Thirdly, improve the balance between civil and military control. Most of the UN operations in Africa, prior to the reforms introduced into its peace keeping system during the early 2000s, tended to concentrate on military aspects of the operations, and paid little attention to the civilian component of the peacekeeping.
- Fourthly, establish more effective public information capacities. Most of the UN operations in Africa take place in remote areas where the infrastructure of communication and information exchange between the parties involved are almost non-existent.
- In the fifth place, make better use of the civilian police; especially where there is a lack of law and order.
- Finally, the UN should create greater clarity about the mission goals, mandates, rules of engagements, and standard operating procedures.

There were many problems that the OAU and the UN encountered, wherever their joint interventions were deemed to be decisive on the outcome of certain conflicts on the continent. For example, during their joint operations in the continent, the OAU and the UN decision and policy makers were expected to recognise the significance of the following factors for the resolution of some conflicts in which the two organisations were called upon to intervene (Betts 1996: 333-341):

- Firstly, the UN and the OAU were expected to recognise that to make peace in a country engulfed by a civil war implies deciding on who should rule the country once the conflict is resolved. If they choose to intervene and make peace, they should do so while keeping in mind the question of who should rule after they have left the area or the country in which they intervened.
- Secondly, they were expected to avoid half-solutions and were expected to act decisively by either lending their military weight to one side or forcing both sides involved in the conflict to compromise. In both cases however, the two organisations

were expected to avoid what the natural instincts of successful politicians and bureaucrats tell them is the best approach. This is because half-solutions only work in domestic politics. In war situations, where there are no clear channels of communication between the warring parties, clear-cut outcomes are desirable.

- Thirdly, the intervening parties, in this case the OAU and UN were expected not to confuse balance of power with peace. One of the measures, which an intervention takes, whether international or regional is preventing both sides of the conflict from gaining a military advantage. In this way, the intervention force will have supported the military stalemate, lengthened the war and cause more loss of life.
  
- Finally, the UN and the OAU were anticipated to make humanitarian intervention militarily rational. More often than not, the confusion about what is at issue can make such undertakings intensify conflict rather than resolve it

The debates, which have been taking place within the UN system since the early 1990s about the viability of regionalism as the best option for conflict resolution, had gained momentum by the early 2000s. Indeed, some consensus has been reached, emphasising that regional organisations would in normal circumstances be better able to provide the necessary focus to the security crisis in their regions than. For example, the OAU and some African sub-regional organisations, have improved the timing and the extent of their interventions in internal crises since the mid 1990s. However, the OAU remained dependent upon the willingness and ability of regional hegemonies. This formula, as discussed in chapter seven, was tested in Liberia and Sierra Leone in West Africa; Lesotho in Southern Africa; Sudan in East Africa; and in the DRC and Burundi in Central Africa. The indisputable fact is that most sub-regional organisations are dependent upon their ability to mobilise a coalition of the willing and able (Vogt 1999: 1-7).

In peacemaking and peacekeeping processes in Africa, regional/sub-regional organisations on the continent have also levelled some criticism at the UN involvement in African conflicts. Some of these criticisms include

- Firstly, it is argued that the UN's involvement in conflicts in Africa always come too late, thus forcing African sub-regional bodies to carry a burden for which they are

neither adequately equipped nor ready to undertake. This argument seems to suggest that the UN rarely accords African conflicts urgency and the necessary attention that it extends to other regions.

- Secondly, Africans claim that in the course of their intervention in African conflicts, the UN personnel often exhibit a flamboyant lifestyle and attitudes that are often inappropriate regarding the prevailing socio-economic realities of the conflict in which they are intervening.
- Thirdly, the UN, once in a conflict area, is accused of not encouraging local initiatives, especially with regard to encouraging local activities geared towards conflict resolution or supporting initiatives for a post-conflict environment.
- Fourthly, African regional/sub-regional organisations are of the opinion that the UN agencies involved in conflict resolution in Africa are often handicapped by bureaucratic restrictions that often delay decision making within the UN offices in Geneva or New York. It is also argued that the UN official clearances coming from the appropriate offices are slow and time consuming.
- In the fifth place, African regional/sub-regional organisations complain that they are often frustrated by the UN agencies' infighting over coordination and on who should have the final word on specific operational issues. They argue that such situations often characterise the relationships among UN agencies operating in the region.
- Finally, African organisations' operatives seem to be irritated by the UN agencies, which tend to refuse to respect instructions given to them by the OAU or sub-regional organisations on the continent. On the other hand, the UN agencies allege that while they might be willing to respect the local knowledge of the regional organisations, they have no obligation to carry out instructions given by them, particularly when these instructions run contrary to the directives issued from Geneva or New York (Alao 2000: 18-19).

While African regional/sub-regional bodies might have some genuine concerns over the UN agencies' reluctance to address some of the issues they consider vital for closer institutional cooperation, the UN system also has its own criticisms against African regional and sub-regional initiatives in conflict management and resolution situations in Africa (Olonisakin 2000: 83-96; Alao 2000: 18-19):

- Firstly, the UN agencies are of the opinion that most of the crises in which they have been invited to participate often reach the crisis stage, mainly because African regional organisations such as the OAU have been ineffective in containing or managing them.
- Secondly, the UN system argues that African sub-regional organisations in particular tend to be corrupted and sometimes aggravate crises in order to maximise material gains from the crisis.
- Finally, the UN officials are convinced that there are inherent problems within African regional conflict resolution strategies that make the resolutions of conflicts difficult. Some of these inherent problems have to do with the structural set up of these organisations, while others have much to do with leadership and management capability.

It is important to emphasise that the post Cold War institutional cooperation between the United Nations and African regional/sub-regional organisations in conflict resolution situations has entailed three different approaches

- Firstly, intervention in conflicts where the involvement of both organisations is limited to diplomatic actions. In such situations, there were few problems, since both the UN and OAU or sub-regional organisations provided the necessary diplomatic initiative to keep the conflict from escalating. This was the case in the DRC and Burundi in the 1990s.
- Secondly, intervention where the UN or African regional/sub-regional organisation entails physical involvement, while the UN mainly helps with diplomatic activities. In this situation, one organisation intervenes. However, matters become complicated

because of disagreements over the extent of assistance coming from the UN, which is often accused by African regional/sub-regional organisations of not providing enough financial and logistical support. This was the case before the UN physically intervened in Liberia in late 1990s.

- Finally, where the two organisations (the UN and regional bodies) became physically involved, the situation becomes more complicated. Here the division of responsibility becomes a source of disagreement. Moreover, by their nature, the UN and African regional/sub-regional organisations have different political orientations towards the root causes of conflicts (Alao 2000: 18; Olonisakin 2000: 83-96).

## **6.8 Conclusion**

From the discussions and observations made in this chapter, it became clear that the institutional and the legal basis, upon which the cooperation between the OAU and the UN were based, have provided opportunities for mutual benefit for the two organisations. However, they also posed challenges that required close attention and prompted actions to bring about drastic changes and reforms in the agencies and organs responsible for conflict resolution and peace making in the OAU and the UN:

- Firstly, even though the OAU and the UN organs responsible for peace making were similar and were geared towards achieving almost identical objectives and goals, the types of the conflicts and the mechanisms they used to deal with these conflicts were in many aspects different. It has to be mentioned that the OAU and the UN charters empowered the two organisations to deal with inter-state conflicts only. However, in the case of the OAU, the types of the conflicts on the continent, most of which were internal disputes, were so complex that it was difficult for its existed structures to address internal conflicts using the inter-state conflict resolution mechanisms. That explains why the OAU had attempted to reform its conflict resolution organs several times, with the hope that it could fill in the gaps and find appropriate mechanisms to deal with intra-state conflicts for which its charter did not cater. For example, the main OAU conflict resolution organs were transformed from the Commission of Mediation, Conciliation and Arbitration to the Mechanism for Conflict Prevention, Management

and Resolution and later on to Peace and Security Council, a process that culminated in the transformation of the OAU to the AU in July 2002. The lack of appropriate legal and acceptable mechanisms that could be used to address intra-state conflicts on the continent also seems to explain why the UN involvement in internal conflicts in Africa tended to be in the form of a supportive role to regional organisations like the OAU, and avoided taking up leading roles.

- Secondly, although the UN Charter have provided for clear procedures that could be followed by regional organisations dealing with conflicts in their regions, the compliance with and the conformity of the regional organisations' member states with these procedures have proven ineffective over time. This lack of compliance can be attributed, among other factors, to the paradox of the need to intervene to resolve conflicts and the desire of the member states to respect the sovereign and territorial integrity of the UN and regional organisations' member states. The OAU and the UN charters have clearly prohibited member states from intervening in the internal affairs of member states. Indeed, even in the case of inter-state conflicts, where the two organisations were authorised to intervene, the dynamics of such an intervention were themselves quite often complicated by the paradox of territorial integrity and sovereign independence of member states. The desire to hold onto the sanctity of sovereignty by member states was by and large the greatest impediment to all the attempts by the OAU and UN member states to implement most of the resolutions passed by the two organisations in relation to conflict resolution in Africa and elsewhere (Alao 2000: 18; Olonisakin 2000: 83-96).
  
- Thirdly, the increase in the eruption and escalation of intra-state conflicts among the OAU member states have also raised the question of respect and protection of human rights, the responsibility of states to protect their populations against all kinds of threats, and the morality of whether a state can justify a war against its own citizens or not. Another aspect related to the responsibility of the state was the support that certain member states of the OAU and the UN have accorded to some rebel groups or movements, within their international borders or particularly those rebel movements who control huge lands in their own countries, where natural resources are located. In some instances, the OAU/UN member states may take sides in conflicts, either under

the pretext of protecting refugees or in the case of the OAU member states, because the security of some neighbouring countries would be compromised if it did not take action against one of the parties or both of them. In such situations, joint efforts by the OAU and the UN to intervene may prove to be counterproductive since their intervention might be seen or interpreted by the parties as interference in their internal affairs.

- Fourthly, the legal and judicial nature of the UN procedures for conflict resolution have prompted the OAU member states to avoid using the UN conflict resolution processes as described in chapters VI, VII and VIII of the UN Charter and chose instead to seek logistical support from the world body. The OAU member states, fearing long complex legal processes, often decided to adopt ad hoc approaches in conflict situations in order to avoid legal settlement to conflicts. The OAU member states were also not ready to accept procedures that might lead to the punishment of states that did not comply with the UN resolutions, to avoid creating a precedent that may be used against them in the long run. That was why several African countries, which were involved in inter-state conflict situations avoided UN intervention and rather preferred OAU mediation, and made certain that the procedures that the OAU followed in the mediation process did not include judicial settlements or arbitration. That was certainly the case in the border conflicts between Chad and Libya, Ethiopia and Somalia, and Rwanda and the Congo.
  
- In the fifth place, the frameworks of the OAU and the UN peacekeeping operations in conflict areas on the continent did not provide for a comprehensive approach to post conflict situations where peace building, peace enforcement and the post conflict reconciliation of various groups within the country were vital for the sustainability of the peace agreements reached by the parties to the conflicts. Most of these operations lacked measures that could enhance the sustainability of peace in post conflict areas, coupled with the absence of a civilian component in peacekeeping. The latter could become a catalyst for smooth cooperation between the peace keepers and the local populations on the one hand, and between the OAU/UN peace keepers and the parties to the conflict on the other. Indeed, most of the UN operations in Africa since 1960 have fallen under the category of the classical peacekeeping forces, whose main task was to keep the warring parties apart. The UN forces were not authorised, for example to deal with other aspects of peacekeeping such as post conflict reconciliation of the

local communities, thus their role tended to take on the rigid conformity associated with the militaristic culture of peacekeeping. There were no attempts for example, to make the peacekeepers in conflict areas, agents for peace building and they hardly intermingled with the local population ((Nicol 1978:365-95; Ali 1987: 2-4; Jonah 1994: 4-5; Andemicael 1994: 119-138)

- In the sixth place, there is the question of legitimacy of the two bodies and also of coordination between the OAU and the UN agencies responsible for peacekeeping or peacemaking, in addition to the logistical and legal issues relating to the joint operations. Related to the issue of coordination, is the question of legitimacy. For example, the UN regards itself as the sole international body responsible for the world peace, and has the mandate to authorise regional bodies such as the OAU to take actions or intervene on its behalf in conflict areas. The UN in this case, controls the legal frameworks of inter-state conflict resolution in the world and has the discretion to decide whether a regional organisation acted within that framework or not. One of the implications of this absolute authority of the UN lies in the fact that the UN can only support a regional organisation morally and financially to intervene in a conflict area, if that regional organisation has promised to act or has indeed acted within the UN framework and with the UN's consent. The question then is, what if a regional organisation has acted outside the UN framework, and as a result, its action has triggered an atmosphere that threatens the world peace. Would the UN punish that region as a body or in terms of individual countries?

Another aspect of coordination and legitimacy is related to whether the OAU as a regional organisation, has the legitimacy to authorise sub-regional organisations such as the Southern African Development Community (SADC) and ECOWAS to take up responsibilities in peacekeeping and peacemaking or not. What would happen if each sub-regional organisation decides to intervene in a conflict without permission from the OAU, what sanctions could the OAU apply against such an organisation? It is important to mention that the UN Charter does not delegate powers directly to sub regional organisations, and thus there is no legal basis, in terms of international law, that would permit sub-regional organisations to act on behalf or independently from the OAU and UN. In terms of the OAU Charter, there were provisions for the delegation of



powers to and cooperation with sub-regional organisations in conflict resolution situations. However, all African sub-regional organisations' charters do recognise the leading role of the OAU and the UN as guardians for regional and international peace (Jonah 1994: 4-5; Andemicael 1994: 119-138).

A further important issue was identifying appropriate mechanisms acceptable to the parties to the conflict, as well as to the OAU and the UN systems through which the conflicts could be resolved. Then there was the issue of managing regional politics, regional alliances, ethnic alliances and divisions among the parties to the conflicts, which enhanced and sometimes affected the resolution of conflicts in many ways. There was also the need for the OAU and the UN to be sensitive to these factors to facilitate regional cooperation for the implementation of the OAU and the UN resolutions on conflicts on the continent.

- In the seventh place, another important issue that the OAU and the UN had to face was how to force the parties to the conflicts to implement the UN Security Council and OAU resolutions on conflicts on the continent. The question of identifying an enforcement agency within the continent to carry out and enforce these resolutions was a difficult issue with which that the two organisations had to grapple. The management of the conflict of interests among and with the enforcement agencies such the OAU, sub regional organisations and the UN was another impediment with which all these three agencies had to deal.
  
- In the eighth place, prior to the mid 1990s, the OAU and the UN did not have efficient and effective operational early warning systems through which they could monitor, prevent and manage conflicts in Africa and elsewhere. The two organisations' involvement in Africa tended to occur after conflicts were already full-blown and raging fiercely, hence leaving little room for diplomacy and peaceful intervention. In addition, they had to contend with various problems such as the lack of appropriate channels of communication, lack of proper early warning systems, and inefficient means to gather, transmit and disseminate information from the conflict areas to the OAU and the UN agencies responsible for conflict management and resolution. All these factors exacerbated the difficulties that the two organisations had to face in their attempts to resolve conflicts in Africa.

- Finally, institutional competition existed between the bureaucracies of the OAU and the UN during joint operations. The competition focused largely on who should be in command of the logistical and military aspects of the operations. This institutional competition has had a negative effect on the efficiency of the operations carried out by the two organisations. The competition has also tended to overshadow the priorities of the two organisations and shifted the focus from managing delicate operations and the complexities on the ground to petty logistical and technical aspects (Ali 1987: 2-4; Andemicael 1994: 119-138).

## **7 Chapter Seven: Dynamics of institutional and legal cooperation between the OAU and African sub-regional organisations<sup>51</sup>**

“More than three decades after African countries gained their independence; there is a growing recognition among Africans themselves that the continent must look beyond its colonial past for causes of current conflicts. Today more than ever Africa must look at itself.”

Kofi Anan, 1998

### **7.1 Introduction**

There is no doubt that the legacy of Pan-African solidarity, unity and common destiny as was enshrined in the Pan-African Movement principles, which were later on institutionalised in the form of the OAU, were instrumental in the formation of what became known as African sub-regional organisations in Africa. The establishment of sub-regional organisations in Africa came about as a result of long running debates among Pan-Africanists, on whether the path to achieve African unity was through continental political unity as espoused by the Casablanca group or through the establishment of sub-regional entities that could act as pillars for the future integration of the continent as the Monrovia group preferred. These debates, as discussed in chapter three culminated in a compromise, which was embodied in the formation of the OAU. Subsequently, small states were given the green light to proceed, with the formation of sub-regional organisations for the realisation of their sub-regions’ economic integration as they preferred. However, as intra-state conflicts began to rage across the continent from the mid 1970s onwards, the original objectives and goals of African sub-regional organisations were shifted to work for peace and security of their sub-regions. These shifted goals and objectives served to accelerate the plans for regional economic integration.

It is with that background in mind that at the time that the important series of structural reforms were being introduced within the OAU conflict resolution system, beginning in the 1980s similar reforms were taking place elsewhere in Africa. These reforms were simultaneously introduced into the structures of some African sub -regional organisations as well as within the UN peacekeeping system, both of which were partners with the OAU in peacemaking and

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<sup>51</sup> In this study, regional organisations refer to organisations such as the OAU/AU and the League of Arab States, while sub-regional organisations refer to organisations such as SADC, IGAD and ECOWAS.

peacekeeping in Africa. Furthermore, as discussed in chapter eight, these institutional reforms within the OAU conflict resolution system have also influenced the US and some European countries directly to initiate some initiatives that were aimed at facilitating and enhancing the OAU's conflict resolution capacity in keeping with its new role in conflict prevention, management and resolution in Africa.

As discussed in chapter five, the restructuring process of the OAU's conflict resolution apparatuses in the 1990s had revealed that there was a need for a new comprehensive understanding of the types and dynamics of conflicts on the continent. It also became apparent that a constructive coordination and engagement initiative was necessary between the OAU and sub-regional organisations in conflict situations in Africa. A general assessment of the role of some sub-regional organisations between the 1980s and 1990s in conflict situations in Africa had also revealed for example, that in some instances, these organisations have had an advantage over the OAU when dealing with sub-regional conflicts. Some of these advantages include;

- Their proximity to conflict areas.
  - Their ability to respond and act more rapidly.
  - Their knowledge of local conflict situations, and personal relationships with key players in the sub-regions.
  - They share cultures and historical experiences with other countries in sub-regions.
  - They also have the political will and knowledge of the potential repercussions of these conflicts on their national security, whether manifested in terms of refugee influx to the neighbouring countries, arms robbery, or lawlessness at the borders
- (Muyangwa and Vogt 2000: 18):

While it is true that proximity and neighbourhood may enhance sub-regional organisations' role in managing conflicts in Africa, it is equally true that this factor, in addition to potential vested national economic interests, can also complicate the role of these countries in conflict

resolution situations. Some countries may indeed make the resolution of conflicts rather difficult to achieve if economic or political interests motivate their involvement. The case in point was the situation in the Democratic Republic of Congo (DRC) in the 1990s where five neighbouring countries were supporting two sides of the conflict: with Angola, Namibia and Zimbabwe supporting the DRC government while Rwanda and Uganda supported the rebels. A similar situation existed in the 1990s in the Sudan where some members of the Inter-Governmental Authority on Development (IGAD), the main mediator in the conflict, supported different parties to the conflict (De Coning 1997: 1-8).

Another important factor, which should be highlighted, regarding the role of sub-regional organisations in conflict situations in Africa is that most of the sub-regional organisations in Africa were originally established as economic sub-regional alliances, a fact that tends to render it difficult, structurally and politically, to transform some of them into effective conflict resolution mechanisms or into political structures. Although this transformation process was achieved in some instances as was the case with the IGAD, the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC), the process took much longer to achieve in other organisations such as the East African Community (EAC), the Economic Community of Central African States (ECCAS), and the Arab Maghreb Union (AMU). The difficulty with transforming some sub-regional organisations into political structures, seems to explain why, prior to the establishment of the new Mechanism for Conflict Prevention, Management and Resolution within the OAU in June 1993, sub-regional conflict management efforts had been of an *ad hoc* nature, and in most cases the OAU tended to play a mere supportive role. Some of the examples would include the role, which ECOWAS had played in Liberia and Sierra Leone in the 1990s and the SADC intervention in Lesotho in September 1998 (Mulikita 1998: 1-10; De Coning 1997: 1-8).

The restructuring process of sub-regional organisations mentioned above and the impact that the process has had on their involvement in conflicts, has inevitably had some impact on the role of the OAU in conflict resolution situations on the continent, and this fact may therefore raise some pertinent questions: has the transformation of the OAU's conflict resolution mechanisms from *ad hoc* methods to more systematic structures been instrumental in encouraging some sub-regional organisations to strengthen the mechanisms for their intervention in preventing conflicts in sub-regions and in Africa or was it the other way

around? To what extent have the new patterns; the scope and the nature of intra-state conflicts in Africa affected the structural transformation of the OAU and sub-regional organisations and for that matter, as discussed in chapter six, the UN peace and security apparatuses?

One of the major factors, which encouraged some of these sub-regional organisations to establish peace and security mechanisms, was the capacity limitation which the OAU had witnessed in 1990s as conflict resolution responsibilities began to overwhelm its management capabilities. The OAU conflict resolution organs did not have sufficient expertise in conflict management and resolution, because as discussed in chapter five, most of the conflict resolution activities were executed by means of *ad hoc* structures, under supervision of heads of state and government. Moreover, the organisation's conflict resolution structures were understaffed and lacked resources. For example, in the 1990s, while it was still working out the reform package within the organisation's conflict resolution structures, the OAU leadership tried to answer certain legal and political questions: should sub-regional organisations only inform the OAU in the event of them taking an action, or should they indeed seek permission to do so from the OAU and what procedures should they follow? Should sub-regional organisations' conflict mechanisms be supplementary or complementary to the role of the OAU? To what extent did the OAU early warning mechanism coordinate its activities with sub-regional organisations early warning systems that were in place? As shall be indicated below, some of these questions were answered through subsequent protocols, which established the Mechanism of Conflict Prevention, Management and Resolution and the PSC.

The main objective of this chapter therefore is to discuss and analyse the institutional and legal cooperation and relationship between the OAU and sub-regional African organisations in conflict management and resolution in Africa. It is important to emphasise that there was no reference in the UN and the OAU charters to the role of sub-regional organisations regarding the achievement and maintenance of peace, security and conflict resolution. That is why this important omission has raised questions surrounding the legitimacy of the role that sub-regional organisations can play in conflict resolution situations in their sub-regions, without authorisation from the OAU or UN. It is also important that the legal ambiguity that surrounded the role of sub-regional organisations *vis à vis* the UN Charter be analysed and the structures that coordinated the activities that the OAU and sub-regional organisations were involved in, is discussed.

It also needs to be mentioned that the OAU, like most sub-regional organisations in Africa, was a state centred organisation, whose main interest was to protect member states' interests. Hence the need to discuss the advantages that sub-regional organisations might have had over the OAU when dealing with intra-state conflicts, where people's interests rather than states' interests were affected. To what extent was the escalation of intra-state conflicts instrumental in enhancing or affecting the role of sub-regional organisations in conflict resolution on the continent? Some focus will be placed on the activities of some sub-regional organisations and these activities will subsequently be analysed to determine to what extent they were successful or unsuccessful in their interventions and operations in conflict situations on the continent. Analysis of lessons that can be learnt from sub-regional organisation's experiences in terms of institutional coordination and cooperation with the OAU organs responsible for conflict management and resolution on the continent will be made. Finally, some conclusions will be drawn from the discussions and analysis in this chapter.

## **7.2. The establishment and role of African sub-regional organisations in conflict resolution**

Some argue that the establishment of the OAU's Mechanism for Conflict Prevention, Management and Resolution in June 1993, and later on the instituting of the AU's Peace and Security Council (PSC) in July 2002, has had a great impact on the speed with which some African sub-regional organisations introduced reforms into their conflict resolution apparatuses during the 1990s. The creation of the OAU Central Organ in 1993 for example, is said to have encouraged some sub-regional organisations to establish structures that were empowered to deal directly with conflict matters in their sub-regions. In June 1996, SADC established the Organ on Politics, Defence and Security to address political and security matters in the Southern African region specifically. In December 1999, the ECOWAS leadership agreed to establish a sub-regional security mechanism dealing with conflict management, resolution, peacekeeping and security in Western African region. In 1998, the IGAD restructured its Secretariat to include a Division for Peace, Security and Humanitarian Affairs. On the other hand, others have also argued that it was the experience that some sub-regional organisations have gained during their interventions in conflict situations in their sub-regions during the early 1990s, which prompted the OAU to speed up the reforms in its conflict resolution apparatuses. It should be stressed that most of these sub-regional mechanisms for peace and conflict

resolution acknowledged in their charters the importance of coordinating their activities and encouraged institutional cooperation with the OAU conflict resolution structures, although the OAU Charter did not refer to any of them (Alao 2000: 1-25).

The main sensitive legal issue relating to the relationship and institutional cooperation between the OAU and sub-regional organisations was about who should authorise sub-regional organisations to intervene in conflicts in their sub-regional conflicts. A close investigation of conflict situations, in which some sub-regional organisations had intervened during the 1990s seem to suggest that there were no binding procedures that governed the actions of some of them, either in the event of them taking unilateral intervention actions or when they obtained permission from the OAU. For example, the SADC gave its informal approval<sup>52</sup> of the intervention of the South African forces in Lesotho in September 1998 without necessarily following the required formal procedures to obtain permission from the OAU (Muyangwa and Vogt, 2000: 18-21; Olonisakin 2000: 92-96).

The central question that the OAU leaders had to face regarding African regional coordination policies was therefore, whether sub-regional conflict resolution mechanisms of organisations should be supplementary or complementary to the existing conflict resolution mechanisms of the organisation. It must be emphasised that the OAU Charter did not stipulate a specific role that the sub-regional organisation could play in conflict resolution on the continent. The only reference made to cooperation between the OAU and external bodies, was the reference in the OAU Charter, Article II (1-e) which stated that the goal of the OAU was to promote international cooperation, with due regard for the Charter of the United Nations and the Universal Declaration of Human Rights. Apparently, the OAU leaders took cognisance of this important omission, and decided to mention the need for coordination between the OAU and sub-regional organisations through the Cairo Declaration of June 1993, which established the Mechanism for Conflict Prevention, Management and Resolution. The Declaration stated in paragraph 24 that the OAU:

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<sup>52</sup> Informal approval refers to situations where sub-regional organisations or states did not obtain a formal resolution or a statement from the OAU granting a sub-regional organisation or a state or group of states the right to intervene in a conflict in a sub-region.



Shall closely coordinate its activities with African regional and sub-regional organizations and shall cooperate as appropriate with neighbouring countries with respect to conflicts, which may arise in different sub-regions of the Continent.

While the Cairo Declaration referred to close coordination with sub-regional organisations, it did not specify the nature of that coordination or cooperation and was silent on how this cooperation would be managed. Although the legal basis for institutional coordination of activities between the OAU and sub-regional organisations was established by the Cairo Declaration, the modalities for management of that coordination were only introduced after the OAU was transformed into the AU in July 2002 through the PSC protocol that regulated the relationship between the AU and the Regional Economics Communities (RECs).

### **7.3 Institutional and legal cooperation and coordination between the OAU and sub-regional organisations**

There is consensus among scholars of peace studies that the nature of global conflicts has changed, especially since the early 1990s, and that this change has been manifested, among other things, in the increase in the number of intra and inter-state conflicts, particularly in Africa. The nature of these intra and inter-state conflicts has also revealed the following:

- An increase in the tensions between sub-national groups because of the collapse of the old framework patterns that regulated the relationships among many ethnic groups. The nation state has become the object of conflict over which various nationalities and political groups fight in order to capture it.
- An increase in disputes over resources, not only between groups within countries, but also between multinational corporations, which often enjoy undeclared backing of their countries of origin;
- The absence of participatory structures and the lack of accommodating political structures. Various political groups find themselves engaged in fierce power struggles, because they feel that they are alienated and excluded from participating in the political and economic activities of their country.

- The lack or failure of government security systems to protect the citizens of the state, and/or the failure to guarantee the recognition and tolerance regarding religious and cultural differences among communities or nationalities of the people living within a country (Alao 2000: 1-2).

It should be stressed that the main feature of the OAU mandate was that it overemphasised the importance of the 'state,' which made the organisation intervene and address conflicts between, rather than within states. The OAU Charter, Article II (1) (a, b) clearly stated that the objectives of the OAU were to promote the unity and solidarity of the African states and to defend their sovereignty, their territorial integrity and independence. In pursuit of the purposes mentioned above, the OAU Charter, in Article III (2 & 4), obliged the member states to adhere to non-interference in the internal affairs of states and to adopt peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration between states. The fact that the OAU Charter was silent on the modalities of dealing with internal conflicts meant that the main objective of the organisation was to solve conflicts that affected the interests of states. Moreover, the provision which prohibits states from intervening in the internal affairs of states, meant that even in cases where the majority or a part of the population of member states were affected by the conflicts, an intervention by the OAU, would still represent violation of the organisation's charter. The main beneficiaries of the OAU objectives and goals were therefore the member states, and little if any attention was paid to the repercussions for the citizens of the OAU member states that could result from the lack of intervention.

One of the immediate implications of the emphasis by the OAU charter on promoting the interests of the state was manifested in the silence of the charter on the role that the sub-regional organisations could play in conflict resolutions on the continent. Sub-regional organisations, as mentioned above, had the advantage of proximity as well as the advantage of close cultural ties between populations of the neighbouring countries. In inter or intra-state conflicts where neighbouring countries were involved, sub-regional organisations were affected more than the OAU by the intensity of conflicts, either within their borders or at sub-regional levels. In the case of the OAU, a conflict for example between or within two neighbouring countries in East Africa, say Kenya and Uganda, may not have had a direct effect on the lives of ordinary citizens of Benin in West Africa, which was a member of the OAU. This was in contrast with effect on the citizens of Kenya and Uganda or for that matter Tanzania and

Ethiopia, which may have had to put up with the refugee influx and other repercussions. The appropriate organisation, that might have been called upon to intervene in this case would have been the IGAD.

The institutional cooperation between African sub-regional organisations and the OAU has therefore undergone some positive changes, especially during the 1990s. As discussed in chapter five, as the OAU conflict resolution system underwent major reforms, similar reforms, as discussed in chapter six, were at the same time introduced in the UN peacekeeping policies, a combination, which encouraged African sub-regional organisations to develop some coordination frameworks between them and the OAU and the UN respectively.

One of the widely disseminated assumptions in African states is that because sub-regional organisations are close to conflicts and are more familiar with the local politics and conditions, they have a comparative advantage to play a leading role in resolving such conflicts. While this assumption may sound plausible in some instances as mentioned above, it is equally true that in some conflicts where parties are powerful, with independent resources for waging war, with limited international or regional support, and with the ability to manage their international public relations; these factors can have a limited impact on their positions. Indeed, most sub-regional organisations have to have members that should play leading roles, and which should provide the initial force for deployment in any sub-regional peacekeeping action.

For example, this role was played by Nigeria and Ghana as members of ECOWAS in Liberia in October 1992. The significance of this hegemonic role of some states arises from the fact that, in Africa, most of the states have small armies, and each state tends to put great emphasis on internal security concerns. Some states for example, are concerned with the business of protecting the government or the ruling party and keeping it in power. The commitment of the contributing countries is therefore an essential element in ensuring the success of the peacekeeping operations in the sub-regions of the continent. The hegemonic countries often take on the burden of financing these operations, as was the case of Nigeria in Liberia and Sierra Leone in the 1990s. Moreover, it is when states are directly affected by the impact of the crisis in their neighbourhood that they are willing to invest resources, and thus become willing to exert the required power and influence to execute the operations successfully (Olonisakin 2000: 92-96; Vogt 2000: 1-7).

All African states, apart from Morocco that suspended its membership in 1985, belonged to the OAU, which since the Cairo Declaration of June 1993, may be regarded as a regional collective security arrangement under Chapter VIII of the UN Charter. On the other hand, as the world body responsible for peace and security, the UN is expected to be at the top of the pyramid and the bottom of that pyramid should be the sub-regional organisations. Between the apexes, the OAU was expected to provide the critical linkage. As mentioned earlier in this chapter, sub-regional organisations are coalitions, and due to familiarity with each other's conflicts and problems, and because of their national interests in maintaining regional and sub-regional stability, are better motivated to employ force when necessary. In the ideal situations, the role of the UN and other Security Council members should aim at providing diplomatic support to peacekeeping operations, and when required, aid and financial support (Malan 1999:4-5).

Another point to highlight is that where individual national armies have had the capacity and the will to intervene in the African states, it has been in pursuit of the real or perceived narrow national interests of the intervening state. This happens partly because intervention in African conflicts tends to be a risky business, and most states would think twice before they choose to intervene. This state of affairs in African states, where countries are exposed and vulnerable to challenges from within, may require that:

the OAU and African sub-regional organizations need to be clearer on moral and political principles which should inform the relationships between and within states in the region. These organizations should uphold minimum standards, the violation of which, should be sanctioned equally across the board, and not only when the culprit is a relatively less powerful member of the organization (Malan 1999: 7):

Indeed, one of the observations that stand out in the UN Secretary General's Report of 1998 on the Causes of Conflicts in Africa was the indication that the UN can deal directly with sub-regional organisations in Africa without necessarily coordinating its activities with the OAU. In his report, the Secretary General, stated among other things that:

Cooperation between the United Nations and sub-regional organizations such as Economic Community of West African States (ECOWAS), the Southern African Development Community and Inter-Governmental Authority on Development, which are working actively to address issues of peace and security in their regions, is also being strengthened (Report of the Secretary General on the Causes of conflicts in Africa, 1998, par 20).

It seems that the kind of the relationship between the UN and sub-regional organisations that the Secretary General was suggesting will not be hierarchal as the OAU peace pyramid theory suggested. Rather, and as it emerges, it will provide for direct linkages between the UN and sub-regional organisations.<sup>53</sup> The new UN position on the role of sub-regional organisations in conflict situations in Africa was shaped by the role played in the early 1990s by ECOWAS in West Africa. The ECOWAS' leading role in peace making and later in peacekeeping operations in West Africa has convinced many in the UN leadership corps that sub-regional organisations in Africa do have vital roles to play in both peace making and peacekeeping operations in their regions of influence. While the UN Secretary General was convinced that some sub-regional organisations could play important roles in conflict resolution matters on the continent, they acknowledged however, that the OAU had a leading role to play in ensuring such cooperation and support to the relevant sub-regional organisations.

Furthermore, as discussed above, the consensus within the OAU system had been to use sub-regional organisations as a possible first line of reaction where the OAU was unable to act. To reach that goal and as a starting point for this type of capacity, and as discussed in some detail in chapter five, the African Chiefs of Staff have recommended a brigade size contribution from each of the five African sub-regions. The role of what became known as the African Standby Force was to enhance the capacity of intervention of armed forces in sub-regions, to intervene when an intervention becomes necessary for sub-regional organisations in conflicts in their sub-regions.

Another issue often pointed out regarding the establishment of the African regional security system, is that some states do enjoy or in some instances are burdened by the overlapping of membership in a number of inter-governmental bodies and look forward to playing some role in security maintenance and conflict management. For example, should countries like the Sudan lend priority to its contribution to the UN, LAS, AU or IGAD? (Malan 1999: 8-12).

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<sup>53</sup> As mentioned in chapter six, the UN Charter does not provide for legal basis on which sub-regional organisations can intervene in conflict situations, whether in Africa or elsewhere. The UN Secretary General's report was therefore, the first step by the international body in an attempt to legitimise sub-regional organisation's role in conflict situations on the continent.

#### **7.4 Examples of African-sub-regional organisations and their role in conflict resolution on the continent**

As discussed in the first part of this chapter, the institutional and the legal basis of cooperation between the OAU and sub-regional organisations in Africa had had legal as well as political aspects that required clarification. These clarifications culminated in the Cairo Declaration in June 1993 and the protocol of PSC of July 2002, a year after the OAU was transformed into the AU. These gradual changes therefore had influenced the role played by sub-regional organisations during the 1990s, when the OAU was still the main regional body responsible for conflict resolution matters on the continent. In this section, some examples of sub-regional organisations that had played major roles in conflict situations in their sub-regions will be provided, and discuss how the OAU cooperated and coordinated its activities with these organisations.

Among other organisations, there are three sub-regional organisations operating in Africa, whose activities are important, whether independently, or in collaboration with the OAU in conflict resolution processes in Africa. These are the Economic Community of West African States (ECOWAS), The Southern African Development Community (SADC), and the Inter-Governmental Authority on Development (IGAD).

There are other sub-regional organisations, whose focus is mainly on economic cooperation among sub-regions, and unlike the three mentioned above, have not yet established (or they are in the process of establishing) structures that deal with conflict resolution issues in their sub-regions. These sub-regional economic blocs include the Arab Maghreb Union (AMU), East African Community (EAC), Economic Community of Central African States (ECCAS), and the Community of Sahel and Saharan States (CIN-SAD). Moreover, there are other important regional economic treaties, programmes and frameworks of which the OAU member states were also members: African Economic Community (AEC), Common Market for Eastern and Southern Africa (COMESA), and New Partnership for Africa's Development (NEPAD) (Alao 2000: 2-4; Malan 1999: 2-4).

It is important to emphasise that the ECOWAS, SADC and IGAD were originally created for economic and development programmes in their sub-regions, and it was only later that security

concerns of the member states had forced them to incorporate security arrangements in their developmental programmes. In the following section, the evolution of these African sub-regional organisations, their objectives; their roles in sub-regional conflict prevention, management and resolution will be discussed; the development of their conflict resolution structures; and the impact of these changes in their institutional cooperation with the OAU and UN systems in conflict resolution issues will be analysed.

#### **7.4.1 The Economic Community of West African States (ECOWAS)**

ECOWAS was one of the African sub-regional organisations with whom the OAU seemed to have had no hesitation to cooperate in conflict resolution situations in that region. The organisation, consisting of sixteen member states,<sup>54</sup> was established on 28 May 1975. The main objective of the organisation was to work for the integration of West Africa's economic potential at the sub-region's level. In April 1976, having realised the importance of security maintenance in West Africa, the ECOWAS members signed a non-aggression protocol, which obligated member states to refrain from committing, encouraging or condoning acts of subversion, hostility or aggressions against other members of the organisation. In pursuit of the goal of securing the sub-region, the ECOWAS leaders signed another protocol on mutual assistance on defence, in 1978, which emphasised that an act of aggression against any ECOWAS member was an aggression against the entire Community. Some of the conflicts that the ECOWAS leaders deemed worthy of the attention of the Community, included aggression from non member states; conflicts between member states and internal conflicts within a member state (Patel 2000: 3-6; Alao 2000: 3-5).

It is worth mentioning that during the early stages of development of the ECOWAS, the majority of its members believed that the security threat facing West Africa was mostly external. Consequently, they were reluctant to attach too much importance to the prevention of internal security threats and the escalation of internal conflicts through changes in the system of governance and accountability. This lack of readiness to intervene in internal conflicts,

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<sup>54</sup> The current members of ECOWAS are Benin, Burkina Fasso, Cape Verde, Cote d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania (which announced during December 1999 summit that it would withdraw from the ECOWAS as a result of its disagreement with some of the decisions taken at the summit), Niger, Nigeria, Senegal, Sierra Leone, and Togo.

although clearly authorised by the non-aggression protocol, seems to explain why, when civil wars broke out in Liberia, Sierra Leone and Guinea in the 1990s, the sub-regional leaders decided to seek the help of the OAU (Alao 2000: 3-4).

Indeed, the ECOWAS involvement in the Liberian conflict on 24 August 1990 had faced some political and legal problems:

- The division within the organisation between those who were against military intervention and those who saw the need to dispatch a peacekeeping force caused the political problems. The Nigerian President at the time, General Ibrahim Babangida, who was a good friend of the late Liberian President Samuel Doe, supported the latter view. Other community members such as Cote d'Ivoire, regarded Nigerian intervention as a prelude to domination of the sub-region by Nigeria and for that matter by big states. Nigerian military involvement in Liberia was thus viewed with suspicion and resisted by other Community members
  
- The legal problem centred on the jurisdiction under which the Economic Community of the West African Monitoring Group (ECOMOG) was intervening in the Liberian conflict. The question was who should authorise the intervention: the ECOWAS, OAU or UN. As discussed in chapter five and in this chapter, the OAU did not have concrete policies through which it could manage its relationship and institutional cooperation with sub-regional organisations before June 1993. Moreover, before 1996, most of the African sub-regional organisations did not establish within their structures organs that were designated to deal with conflict resolution matters in sub-regions. On the other hand, as mentioned in chapter six, the UN Charter did not provide for a mandatory role for sub-regional organisations whether in inter or intra-state conflicts. The ECOMOG faced this combination of factors when it was preparing to intervene in the Liberian conflict. Eventually, notwithstanding the legal impasse, informal consultations with the OAU and UN Secretariats, the ECOMOG interventions, under the umbrella of the ECOWAS in Liberia and later in Sierra Leone were sanctioned by the UN and the OAU. Thus, a legal precedent was created for institutional cooperation between African sub-regional organisations and the OAU and the UN (Ero 2000: 97-120):



There were also some serious logistical obstacles, especially the lack of organisational or practical experience among the contributing countries to ECOMOG in peacekeeping. It needs to be stressed that the conflict in Liberia was caused by an internal crisis between factions and ethnic groups, whose diverse interests were constantly changing and hence making it difficult for the intervening countries to deal with them. Unlike inter-state conflicts, where governments are held responsible for their actions, internal conflicts tend to have more than one actor, thus making it difficult for external actors to understand the dynamics and the real root causes of the conflict and this further complicates the intervention process.

In the case of the Liberian conflict, the intervention operations were not well coordinated, which resulted in human suffering on a huge scale, coupled with the lack of guaranteed funding of the operations. The ECOWAS intervention<sup>55</sup> in Liberia was based on diplomatic and military operations, with the military operations initiated as a means rather than an end. Another obstacle that ECOWAS had to face in managing the Liberian crisis, and due to the internal nature of the conflict, was that as agreements were arranged between factions involved in the conflict, the numbers of these factions were continuously increasing, until they reached seven by the time the final agreement had been signed. The proliferation of factions therefore, made the peace efforts between the parties to the conflicts difficult, and hence added to the confusion of the ECOWAS mediators (Ero 2000: 97-120; Alao 2000: 9-11; Khobe 2000: 103-141).

The Sierra Leone conflict also had almost the same root causes and the ECOWAS involvement went through a similar sequence of stages although with slight differences in detail. In these two cases, ECOWAS had to face divergence of opinion among its members regarding conflict management methods to be used and whether the organisation should indeed not hand over the peacekeeping operations to the OAU and the UN. This was mainly because of the lack of financial resources to fund the complex role which it was about to assume. Then there was also the weakness of the structures and inability of some states to address their respective security problems and/or contribute meaningfully to conflict management in the neighbouring countries (Khobe 2000: 103-141).

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<sup>55</sup> The countries, which intervened in Liberia under the flag of ECOWAS military mission, were Nigeria, Ghana, Guinea, Sierra Leone and The Gambia.

It was perhaps the ECOWAS involvement in the West African conflict resolution processes in the 1990s, and the experience gained from them, which prompted its leadership to decide to institutionalise a peacemaking mechanism system within the organisation to manage and resolve conflicts in the sub-region. To that effect, after studying the coordinating aspects with the OAU conflict resolution mechanisms, the ECOWAS heads of state mandated their ministers to create a conflict management strategy for West Africa. In December 1999, the ECOWAS Council of Ministers submitted a draft protocol to the organisation's heads of state, who adopted the Protocol for the Establishment of a Mechanism for Conflict Prevention, Management, Resolution, Peace and Security. The protocol has the following organs: the Summit of Heads of State; the Mediation and Security Council (composed of Ministers of Defence); the Council of Elders (composed of eminent personalities from the sub-region); and the Peacekeeping Intervention Force (which in practical terms was/is the ECOMOG). The Security and Mediation Council that has ten members and is elected for a two-year term, was launched in the Liberian capital, Monrovia in May 2000.

Among other things, the ECOMOG was empowered by the protocol to intervene in situations such as external attacks, internal crises in a member state, humanitarian disasters and human rights abuses; a coup against the elected government and any other situation deemed fit by the Mediation and Security Council. At the time of its ratification, the scope of the protocol included landmines, child soldiers, small arms and trans-border issues such as drug trafficking, extradition, corruption and money laundering. The funding for the Mediation and Security Council activities is obtained from ECOWAS's annual budget and a general community levy that is supposed to be imposed on all goods coming into the member states (Alao 2000: 12.-13; Khobe 2000: 103-141).

#### **7.4.2 The Southern African Development Community (SADC)**

The SADC was established in April 1980 in response to the economic domination of Southern Africa by the then Apartheid South Africa. It was originally called the Southern African Development Co-ordination Conference, the SADCC (became the SADC in 1995), established by the governments of the nine Southern African countries of Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia and Zimbabwe. Another sub-regional

organisation, which shared the SADC's goals, was the Front Line States (FLS), whose membership included Tanzania, Angola, Mozambique, Botswana and Zambia.

One of the main objectives of the FLS was to liberate the remaining territories under the minority European regimes in Southern Africa. Unlike the SADCC however, FLS membership was more exclusive and was restricted to those countries that were believed to be ideologically committed to the military option to liberate Southern Africa, or those states with the military power to contribute to the struggle. By 1980, Zimbabwe had gained its independence and a decade later, in 1990, Namibia followed suit, hence both the FLS and SADCC membership was strengthened. By 1994, when the Apartheid regime had collapsed and the South Africans had resolved their political problems, and that country became a respectable member of the international community, the future of FLS had required some review (Kodjo 1984: 72-83; Patel 2000: 3-6; Alao 2000: 13-14).

In July 1994, it was suggested by the Southern African leaders that the FLS be dissolved and become some kind of political and security wing of the SADCC. In March 1995, it was recommended that the FLS should cease to exist altogether, and that an Association of Southern African States (ASAS) be established under chapter 7, Article 21-(3, g) of the SADC treaty, which, amongst other things, changed the name of the SADCC to the Southern African Development Community (SADC). The initial idea was for the ASAS to function independently of the SADC Secretariat, and report directly to the SADC Heads of States and Government. A number of behind the scene discussions took place between the FLS and SADC members, and in January 1996, the SADC Ministers of Foreign Affairs, Defence and Security recommended to their Heads of State and Government, the creation of a SADC Organ for Politics, Defence and Security (Patel 2000: 3-6). The idea was that the new structure, which was to replace the ASAS, would allow more flexibility and timely response at the highest level to sensitive and potentially explosive situations in the sub-region. The driving power behind this suggestion was South Africa (Malan 1998: 13-14).

In June 1996, the SADC Heads of State approved and formed the SADC's Security wing, the Organ on Politics, Defence and Security. Among other important developmental objectives, and like the OAU Mechanism, the SADC Organ was mandated to:

- Undertake conflict prevention, management and resolution activities in Southern Africa by mediating in inter and intra-state disputes and conflicts.
- Pre-empt conflicts through an early warning system and use diplomacy and peacekeeping to achieve sustainable peace in the sub-region.

The period between 1994 and 1997 was a difficult time for those countries<sup>56</sup> in the SADC that had wanted to establish effective security arrangements in central and southern Africa. The frustrations of these countries were perhaps enhanced by what one would prefer to call the ‘Zimbabwe-South Africa love-hate relationship’. The underlying reasons behind this strained relationship between the two neighbouring countries are attributed to Zimbabwe claiming to be a ‘senior’ in the armed struggle, and that:

- Some in Zimbabwe believed that their own war was more conclusive and their independence was won because of their efforts and not through international security shifts.
- Zimbabwe, and to some extent Namibia, were said to feel unhappy about the international goodwill and sympathy towards South Africa, a position they had previously enjoyed.
- Some argue that some countries in Southern and Central Africa find it difficult to understand why South Africa, the economic giant of the sub-region, could easily conclude economic agreements with the European Union and the United States of America, and not with its fellow southern and central African states.

Another important source of conflict between Zimbabwe and South Africa, which almost paralysed the work of SADC in conflict resolution situations, was the dispute over the institutional framework of the Organ on Politics, Defence and Security. The South African government argued that the Organ fell under the SADC in accordance with Article 10 (1, 2 & 6) of the SADC Charter, which clearly states that SADC is the supreme policy making

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<sup>56</sup> The current members of the SADC are Angola, Botswana, DRC, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

institution in the sub-region. On the other extreme, Zimbabwe argued that the Organ was separate from SADC and should operate as such, since it was based on the FLS principles. The Zimbabwean position was based on the understanding that the SADC proper was largely dependent on donor funding, and therefore, Zimbabwe did not believe that the political and security issues of the sub-region should be dealt with by a donor-funded organisation (Alao 2000: 13).

One of the crises, which reflected clearly the problems with which the SADC leadership had been confronted in its attempts to create effective security arrangements, was the Congolese crisis. The internal war, which started as an attempt to overthrow a corrupt and dictatorial regime of the late Mobutu Sese Seko, had attracted a series of other sub-regional disputes by December 2002. Most importantly, those countries that had decided in favour of military intervention in the DRC civil war were not authorised by either the OAU or the SADC or IGAD to do so. Each of them had decided to intervene in order to protect the interests of its Congolese allies or its own economic or security interests and concerns. Of the conflicts interlocked in the DRC crisis were: the Congolese government versus various rebel groups; the Rwandan government versus the DRC government; the Rwandan government versus the Rwandan rebels; and the Ugandan government versus the Sudan supported insurgents. Other conflicts involved the Ugandan government versus the DRC government; the Ugandan and Rwandan governments versus the Zimbabwean and Angolan governments; Rwandan-backed Congolese rebels versus Ugandan backed Congolese rebels; and the Uganda government versus the Rwandan government. Further conflicts involved the Burundian government versus Burundi rebels; the Angolan government versus UNITA and anyone who supported UNITA; Mai Mai elements versus the Rwandan government and the Rally for Congolese Democracy (RCD); and the Sudanese government versus the Ugandan government (Wedgewood 1996: 278-280; Alao 2000: 14-15).

The DRC crises have revealed the dangers of infighting and the internal security tensions within and between SADC states *vis à vis* commitment to collective decision making process within Southern Africa. These relations and tensions reflected the need to harmonise inter-African sub-regional cooperation on security matters and conflict resolution issues on the continent in general. It also reflected the lack of respect for regional or sub-regional

arrangements, and division of labour, which existed between the OAU and sub-regional organisations in conflict resolution situations.

From the discussion above, it seems that SADC was not prepared for the post Apartheid diplomatic realities of Southern Africa. The unilateral intervention of some members in the DRC seems to have deprived the SADC as a sub-regional instrument of the opportunity to intervene as a neutral party in the DRC. It also seems that the SADC was divided into two factions, namely those who favour collective diplomatic efforts and those who are inclined to bypass the UN, the OAU (or its successor the AU) and the SADC, and who are in favour of resorting unilaterally to military means to settle disputes in the sub-region.

#### **7.4.3 The Inter-Governmental Authority on Development (IGAD)**

Inter-Governmental Authority on Development, IGAD, is regarded as one of the first sub-regional organisations in Africa to develop a conflict resolution regime. This process was necessitated by the rapid escalation of ethnic and power related conflicts in the East and in the Horn of Africa during the 1980s and 1990s. The IGAD was established in 1986 as the Inter-Governmental Authority on Development and Drought (IGADD), and was transformed into the IGAD on 21 March 1996. The organisation was originally established to coordinate measures to combat the effect of drought and desertification in the Horn of Africa and East Africa<sup>57</sup>. The main objectives of IGAD were conflict prevention, management, resolution and humanitarian affairs; infrastructure development (transport and communications) and food security and environment protection.

In order to make conflict resolution and management an institutional part of the organisation, the IGAD heads of state and government signed in January 2002 a Protocol on the Establishment of a Conflict Early Warning and Response Mechanism (CEWARN) in the Sudanese capital, Khartoum. The main objective of CEWARN was to prevent and respond to conflicts and gather, disseminate, and transmit information from conflict areas to the IGAD Secretariat and vice versa. The protocol also allowed for the cooperation of IGAD early

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<sup>57</sup> The member states of IGAD are Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda.

warning systems with other regional or sub-regional organisations that have similar responsibilities to maintain peace in their respective sub-regions.

Some of the main conflicts in East Africa that the IGAD leaders took a keen interest in resolving were the Somali and the Sudanese conflicts. It was the conviction of the IGAD leaders for example, that the Sudanese conflict was a regional rather than a national crisis. To legitimise its intervention, and unlike the SADC member states' intervention in the DRC, the IGAD received the green light from the OAU and the sub-region's leaders in September 1993 to initiate a mediating intervention in the Sudanese conflict. The first meeting under the IGAD, which brought the Sudanese warring parties to the negotiating table, the Government of Sudan and the Sudan People's Liberation Movement (SPLM), took place in November 1993, and in March, May, July and September 1994; and in January and May 1995 ( Nantulya 2003: 8-14; Yoh 2002).

The diversity of the positions of the Sudanese parties to the conflict, and unsuccessful attempts by the mediators to make any breakthrough, prompted the IGAD Secretariat in January 1995 to call on the OAU, the UN and the international community to cooperate with the IGAD to find a suitable solution to the conflict in the Sudan. By mid 1995, a group of Western countries, known as 'the IGAD Partners,' persuaded the organisation to recommit its interest in the Sudanese conflict. Among other things, the IGAD Partners advocated for a longer cessation of hostilities, joint surveillance patrols assisted by international monitors and a new round of talks (Nantulya 2003: 8-14).

The new rounds of talks were eventually re-launched in May 1998, after the IGAD Partners had agreed to fund the IGAD's Sudanese Peace Process Secretariat, which was based in the Kenyan capital, Nairobi. Prominent members of the IGAD Partners were the United States of America, United Kingdom, Norway, Italy and Canada. Although the Sudanese government was initially suspicious of what it considered a Western intervention into the Sudanese affairs, it went along with the IGAD initiative. The IGAD Mediating Committee had two sections: a committee of the Heads of States and Government consisting of Kenya, the chair of the Committee, Eritrea, Ethiopia, and Uganda, and the second committee was a standing committee composing of their foreign ministers. Because the IGAD's peace process relied heavily on the personal involvement of the foreign ministers of member states, mediation

efforts had been sporadic and difficult in the early stages of IGAD involvement, mainly because almost all the members of the IGAD have been divided on the Sudanese conflict and over other sub-regional conflicts. For example, Ethiopia, Eritrea and Uganda, supported the Sudan People's Liberation Army (SPLA) with US funding until 1997. In the late 1990s, Ethiopian relations with Djibouti and Eritrea deteriorated, as did the relationships between Djibouti and Eritrea. At the same time, Somalia was embroiled in an internal conflict that transformed it into a source of another conflict between Eritrea and Ethiopia on the one hand, and between Eritrea, Ethiopia, Djibouti and various factions in Somalia, on the other hand. Throughout the IGAD mediation in the Sudanese conflict, all these interrelated conflicts had posed a formidable threat of destroying the IGAD efforts (Alao 2000: 14-16).

With the IGAD Partner's insistence that the role of the mediation be given entirely to IGAD's Sudanese Peace Process Secretariat, the Sudanese warring parties were able to launch a series of peace talks in the Kenyan town of Machakos in May 2002, which culminated in the signing of the famous Machakos Protocol on 20 July 2002. That protocol was followed later on, during the period between November 2002 and December 2004, by a series of memorandums of understanding and protocols on various issues such as security arrangements, wealth and also power sharing between Southern Sudan and the rest of the country.

In July 2002, the main breakthrough was achieved in the two main contentious areas: religion and state and self-determination for the people of Southern Sudan. Moreover, there were other factors, which contributed in the IGAD mediators making a break-through in the Sudanese peace process and these included

- With the support of the OAU, the IGAD mediators were more successful than others at redefining the conflict, among other factors, as one that is rooted in a clash of national identities. The IGAD member's proximity to the area of the conflict also empowered them to understand the underlying causes and effects of the conflict on the people of Sudan and on the sub-region as a whole.
- The pressure from the international community, especially the United States of America and the donor nations of the humanitarian assistance for Sudanese refugees and the internally displaced persons.



- The financial support that IGAD has been receiving from the IGAD Partners.
- The willingness of the two parties, the Sudan Government and the SPLM to go along with the IGAD peace initiative (Nantulya 2003: 10; Alao 2000: 16-17):

All these factors combined, resulted in the signing of a Comprehensive Peace Agreement (CPA) between the government of Sudan and the SPLM/A in Nairobi, Kenya on 9 January 2005, thus bringing to an end a 50 year old conflict in the Sudan.

## **7.5 Conclusion**

In discussing the institutional and the legal basis of cooperation between the OAU and sub-regional organisations in conflict resolution situations in Africa, it has been noted that some of the factors that affected, and in some instances enhanced that cooperation were inherently structural and political within the OAU system. On the other hand, others had a lot to do with internal weaknesses within the structures of sub-regional organisations. There were also other factors related to regional security arrangements that were influenced by external factors beyond the OAU and sub-regional organisations. There were, however some factors that enhanced the impact of sub-regional organisations on the OAU's ability to resolve conflicts on the continent:

- At the time when the OAU had not yet devised systematic mechanisms for the resolution of intra-state conflicts, some sub-regional organisations, such as the ECOWAS have already acquired practical experience in dealing with internal conflicts in West Africa, both at diplomatic and military levels. In fact, the rapid reforms which some sub-regional organisations have introduced, through their interventions and the management of internal conflicts, in their conflict resolution mechanisms, had prompted the OAU Secretariat to recommend to the heads of state and government, some drastic reforms to its conflict resolution structures in 1992. The changes recommended by the OAU Secretariat were conceptually and practically drastic in that the organisation had to conform with and adapt to the new realities. Whereas the 1960s, 1970s and 1980s were dominated by inter-state conflicts, with the OAU as the main

active regional body, the 1990s have witnessed the intensity of internal conflicts as well as an increase in the number of active sub-regional organisations. The shift from mediation, conciliation and arbitration as mediums for conflict resolution processes on the continent to prevention, management and resolution in the 1990s, were important conceptual changes that made institutional cooperation between the OAU and sub-regional organisations inevitable and unavoidable.

- There was the question of legitimacy in the relationship between the OAU and sub-regional organisations. It is important to mention that the legal basis upon which the role of the OAU in conflict resolution situations on the continent was based was through Article 52 (3) of the UN Charter, which authorises regional organisations to deal with disputes and conflicts in their regions. In the case of the sub-regional organisations, neither the OAU Charter nor the UN Charter explicitly mentions any role for them. In fact, sub-regional organisations did not have the legitimacy to deal with conflicts in terms of their mandate and actions under international law. This lack of legal mandate by the OAU and UN charters prompted some sub-regional organisations to impose themselves on their sub-regions. They did this either by intervening successfully in conflicts in their sub-regions or through hegemonic politics, where some countries had more political or military influence over others. In the process, they imposed their actions and will, not only on smaller countries in the region, but also on some activities and policies of the OAU. That legal impasse prompted the OAU to recognise the role of sub-regional organisations, and as mentioned earlier in this chapter, the Cairo Declaration of June 1993, called for the institutional cooperation between the OAU and sub-regional organisations in conflict resolution situations on the continent. In this way, legitimacy was accorded to the role of sub-regional organisations in their sub-regions.
  
- Another aspect that affected the activities of the OAU in conflict resolution situations in sub-regions and thereby affecting its institutional cooperation with some sub-regional organisations was inter-state differences in sub-regions. These differences affected the cooperation between sub-regions' members as well as among members of the OAU. These tensions had also made it, in some instances, difficult for the OAU to secure smooth cooperation with sub-regional organisations. In fact, even when an intervention

by a sub-regional organisation in a conflict was sanctioned by the OAU, the conflict of interests of the intervening states, become obstacles to the resolution of the conflict.

- Prior to 1996, one of the factors that were crucial in the institutionalisation of the institutional cooperation between the OAU and sub-regional organisations was the lack of functioning and efficient early warning systems and focal points in sub-regions and within the OAU headquarters. Prior to the establishment of an early warning system within the OAU, the communication between the OAU and sub-regional organisations on conflict resolution matters was conducted through permanent representatives of member states at the OAU headquarters and through ministries of foreign affairs of member states. The type of information on conflict situations that the OAU received from sub-regional organisations through these channels, apart from logistics of urgency and timing, lacked compatibility, competence and credibility, hence making decisions based upon such information inefficient.

There were also other structural, material, political, legal and logistical challenges that informed and therefore affected the institutional cooperation and coordination between the OAU and some sub-regional organisations in conflict resolution matters in Africa. They were:

- *Structural problems:* As mentioned earlier in this chapter, most of African sub-regional organisations were originally established as sub-regional economic communities, oriented towards economic cooperation and integration. Some had to redirect and transform their focus to security matters in the 1990s in order to accommodate conflict resolution issues when this role became part of the African regional priority. It was therefore imperative that the OAU and later on the ECOWAS, SADC and IGAD had to establish structures that were specifically geared towards conflict resolution.
- *Financial impediments:* Due to financial constraints, it is a known fact that sub-regional organisations, which were involved in conflict resolution processes, could not mount a standard traditional peacekeeping operation without help from the UN or the OAU. This was mainly because only few of them had the resources required to carry out operations needed in peacemaking or peacekeeping in some parts of Africa. This lack of resources meant that African regional and sub-regional organisations preferred to

respond to conflicts where there was a lead country, with both human and material resources to take the initiative in such operations. For example, during the Liberian crisis, Nigeria spent \$8 billion US dollars throughout its presence in Liberia.

- *Political divisions among sub-region states:* Another challenge relating to the OAU and sub-regional organisations' institutional cooperation in peacemaking was that some countries chose to take sides in conflicts, thus creating political divisions in the sub-region. The reluctance of some countries to take part in and/or show willingness to resolve crises in their neighbourhoods, also tended to impact on the peacekeeping missions in a sub-region. For example, during the Liberian and Sierra Leone crises, the old Anglophone and Francophone rivalries resurfaced. Ivory Coast for example, a Francophone country, was against the Nigerian and Ghanaian intervention; it preferred the intervention of Senegal and Mali. In the SADC region, particularly in the DRC conflict, the South African-Zimbabwe restraint relations also had a great impact on the SADC decision-making process on the conflict resolution process in that country. In the two examples mentioned above, the role of the OAU was sidelined by political divisions within these sub-regions.
  
- *Sub-regional hegemons:* It has been observed that, in general terms, small states tend to resist the 'big brothers' and better economically endowed countries; for fear that they may seek to dominate their region. This seems to explain why some of these small African countries, out of fear of hegemony, preferred to deal with the OAU conflict resolution initiatives, than with the initiatives of sub-regional powers. Again, the role of Nigeria in West Africa in the 1990s and South Africa in the Southern region during the same period and in the early 2000s seem to have shown that these hegemons can and do make a difference. Where they have been willing and able to initiate actions and participate in sub-regional conflict resolution efforts, especially where no external power outside the region is willing to intervene. They may prevent the collapse and complete destruction, human suffering and chaos in the countries where such intervention is a necessity. It is also true that these regional hegemons may themselves be obstacles to the conflict resolution process if they are regarded as too partial or indeed as having too many vested interests in the conflict or are too extreme in their approach to the conflict.

- *The question of legitimacy:* As mentioned above, the issue of legitimacy arises where regional or sub-regional organisations are perceived to be acting without the authorisation from the main regional and international bodies responsible for maintaining peace and security, as was the case of the OAU and the UN. This issue becomes very important especially where the envisaged intervention requires the use of force.
  
- *Operations issues:* operational problems of joint intervention between the OAU/UN and sub-regional organisations tended to emanate from political control in the area of operation. Lack of coordination often led to divisions in command, especially where a separate provision of logistical support by individual contributing states existed, and thus as rivalry over the command intensifies, the operation begins to lose its central control. Secondly, orders coming from the contributing sub-regional states tend to be issued specifically to their contingents' field commanders, and in most instances, these orders tend to contradict the operational order from the mission area. This was more or less the case in the UN/US operations in Somalia in 1992 and in the OAU operations in Rwanda in 1994 (Olonisakin 2000: 91-96; Alao 2000: 16-17).

## **8 Chapter Eight: the institutional and legal cooperation between the OAU and the American-European bilateral and multilateral conflict prevention and resolution initiatives in Africa**

“The simple truth that we must confront today, is that the world does not owe us a living and we must remain in the forefront of efforts to act and act speedily, to prevent conflicts from getting out of control”

Salim Ahmed Salim, 1993

### **8.1 Introduction**

The historical and ideological basis, upon which the OAU and African sub-regional organisations were formed, can be traced to the principles of Pan-Africanism, which aimed at the unity of the African peoples in the diaspora and the mainland and the quest to devise effective and efficient tools for the resolution of African problems. This could certainly not be said of the origins of initiatives from outside the continent that were aimed at enhancing and strengthening conflict resolution instruments in Africa. In fact, one of the areas, where the basis of institutional cooperation between regional or international organisations may prove to be difficult, is when and where there are no structural frameworks through which such institutional cooperation could be regulated or linked to the existing regional instruments. Indeed, the institutional relationship between the OAU and the UN system or between it and the sub-regional organisations was coordinated and managed through appropriate institutional and legal based structures and regulations. However, the same system was not available with regard to the relationship between the OAU and the initiatives that were taken by the US and some European countries to enhance conflict prevention and resolution efforts on the continent. This was because these initiatives were *ad hoc* in nature and lacked well-established legal frameworks by means of which their policies and activities could be coordinated with and linked to the OAU and the UN organs responsible for conflict prevention and resolution on the continent.

Another important factor that needs to be highlighted is that the OAU activities not only had to be harmonised with the UN and sub-regional conflict resolution frameworks legally and institutionally as discussed in chapters six and seven, but also the organisation had to devise

legal and institutional frameworks to incorporate the American and European bilateral and multilateral conflict resolution initiatives into its system. Notwithstanding the historical links with Africa and the suspicions of African leaders regarding some European countries that had taken those initiatives, a further challenge was whether it was possible to devise an arrangement where the countries involved in conflict resolution initiatives in Africa could share responsibilities among themselves, rather than compete against each other. For example, in order to maximise their participation in peacekeeping initiatives in Africa, the question was what were the possibilities of creating a shared effort in which France was to be responsible for the equipment and its delivery, the US for the training of troops and Britain for continued officer training?

It is important to mention that the US and some Western countries, namely France, Britain and Germany took some initiatives in the early 1990s, most of which aimed at training African standby units, which could be deployed in the time of need in peacekeeping operations on the continent. They also helped the OAU Mechanism by funding certain specific programmes, which dealt with conflict prevention and peace-building processes. It was hoped that these initiatives might pave the way for the strengthening of the OAU peacekeeping capacity in Africa. Notable among these initiatives were the African Crisis Response Initiative (ACRI), the Reinforcement of African Peace-keeping Capabilities (RECAMP), and the European Union Peace-building and Conflict Prevention Initiative in Africa. The significance of these initiatives was that they, for the first time, emphasised the importance of assisting African states, through capacity building of their peacekeeping capacities, to try to offer assistance regarding the pressing aspects of conflict prevention and resolution in Africa. These initiatives also provided the OAU with the opportunity to institute direct institutional contacts and cooperation with the EU, a process which culminated in the establishment of the Joint Coordination Committee (JCC) of the Peace Facility for Africa on 18 January 2005 by the OAU's successor, the AU and the EU.

In this chapter, the discussion will focus on how the American-European involvement in conflict prevention, management and resolution affected the role of the OAU. It will further focus on the objectives of each initiative, its dynamics, institutional links with the OAU's structures and the impact they have had on the operations of the OAU and the UN in peacemaking on the continent. In the first part of this chapter the origins, objectives, and

support and challenges that the ACRI's founders have received and encountered in promoting the initiative among the OAU's leaders will be discussed and analysed. The impact of the problems of the harmonisation of the ACRI framework with the OAU system and policies and how these problems were addressed will be analysed. After that, the legal and political implications of the co-existence of parallel structures, such as those of the UN, the OAU and the ACRI in peacekeeping operations on the continent will be discussed.

In the second half of the chapter, emphasis will be placed on the discussion of the French initiative, which was embodied in the RECAMP. The dynamics of operationalisation of the initiative, the role of the French government, the OAU and the participating countries in the RECAMP will be analysed. The historical, political and legal challenges that confronted the initiative, particularly those related to colonial legacy, and the institutional linkage of the RECAMP initiative to the OAU and the UN peacekeeping operations on the continent, will be discussed and analysed.

In the last part of the chapter, the origins and the politics of the European Union's initiative on the enhancement of the OAU's role in conflict prevention and resolution in Africa will be discussed. The focus will be on the debates among European countries and within the EU Commission on which policy was to be adopted on conflict prevention and resolution in Africa. The nature of differences among the EU member states on how to carry out the initiative and how they reached the compromise and overcame their differences to come up with one initiative, will be discussed thoroughly. The legal framework, upon which the institutional cooperation between the OAU and the EU's initiative was based, will be analysed.

Finally, some conclusions will be drawn from the discussions resulting from the analysis in the chapter.

## **8.2 African Crisis Response Initiative (ACRI)**

The African Crisis Response Initiative (ACRI) was an American initiative, which was initiated through the adoption of the African Conflict Resolution Act in 1994, whose objective was to institutionalise the US policy on conflict resolution in Africa to be embodied in an African conflict resolution capacity initiative. President Bill Clinton of the USA established the ACRI



in 1997. It was meant to facilitate the creation and training of an African force that could intervene in the crisis at very short notice. Architects of this programme such as Ambassador Aubrey Hooks were interested in making the ACRI an effective force, with rapidly deployable peacekeeping units to perform the UN's Chapter VI peacekeeping and humanitarian relief operations in Africa. The initial plan involved the ACRI providing equipment and training for 10 to 12 thousand African soldiers. These soldiers were to be organised in companies and battalions, commanded by brigade staff and supported by their own logistic units (Hooks 2000: 1-5; Dressel 2000: 9-22; Muyangwa and Vogt 2000: 22-23).

### **8.2.1 Objectives and challenges for the ACRI**<sup>58</sup>

Before the ACRI was transformed into a new programme called the African Contingency Operations Training and Assistance in July 2003,<sup>59</sup> which instructs military trainers and equips African national militaries to conduct peace support operations and humanitarian relief, the main objectives of ACRI, among other things, included:

- Supporting the OAU and UN peacekeeping operations in Africa, the programme initiators were hoping that, once established, the ACRI would strengthen the efforts of an advanced regional and sub-regional security system in Africa. Although the ACRI initiative was directed towards building individual country's military capacity to participate in peacekeeping on the continent, the ACRI founders assumed that regional organisations such as the OAU and sub-regional organisations such as the ECOWAS and SADC would be the direct beneficiaries from the output of the initiative.

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<sup>58</sup> The African countries that participated in the ACRI training programme were Ghana, Ethiopia, Malawi, Mali, Senegal and Uganda. They were the first countries to be selected initially, and later on Benin signed a memorandum of understanding with the US in July 1998. Tunisia was originally chosen to receive ACRI training as well, but it expected more than the US was willing or able to provide, and no agreement was concluded ultimately. Senegal and Uganda were the first to receive Phase one training (beginning in July 1997), followed by Malawi (September 1997), Mali (February 1998) and Ghana (April 1998). Ethiopia was scheduled to receive Phase one training, in mid of 1998, but this was put on hold due to the outbreak of hostilities between Ethiopia and Eritrea in May 1998. Phase two training has already commenced in Malawi, Mali, Senegal and Uganda.

<sup>59</sup> The programme's goal is to increase the capabilities of African militaries in areas such as human rights, interaction with civil society, international law, military staff skills, and small unit operations. This programme is funded by the Department of State peacekeeping operations account.

- Training and equipping a force of 10 to 12 infantry battalions and four to six special companies—a total of 10,000 to 12,000 men and women—that would be able to operate together during contingencies.
- The African states were to receive training and equipment to carry out their international obligations in keeping world peace, with the hope that the Western donor states would offer financial support to Africa through funding, thus the ACRI project would succeed in promoting stability, democratic governance and respect for human rights in Africa. In collaboration with other Western states, the US government would achieve these objectives by training and improving-military relations in selected African states.

As part of the ACRI initiative, the US Department of Defence decided to establish the African Centre for Strategic Studies (ACSS) in September 1997 in Washington DC. The Centre brings different African political actors from military and civilian sectors together to discuss the future of the civilian and military affairs on the continent. It has become the meeting place for high-ranking African military officials as well as African scholars and practitioners interested in peace and security studies on the continent (Hooks 2000: 1-5; Dressel 2000: 9-22; Muyangwa and Vogt 2000: 22-23).

### **8.2.2 The problems concerning the implementation of the ACRI programme**

Some of the problems and challenges that have been identified regarding the implementation of the ACRI programme in Africa, include

- Firstly, the issue of an institutional link between the ACRI and the OAU, other African sub-regional or UN structures without creating parallel structures to the existing standby agreements as stated by the UN Charter in Chapter VII, Article 43. This was the most difficult aspect of the ACRI's activity, which required serious attention from the OAU and the UN administrators. The ACRI was an initiative or rather an *ad hoc* programme and not an organisation nor an independent permanent structure within the US system. Because it was a programme, the legal framework that would link it to the OAU, the UN or sub-regional organisations was not clearly worked out. The

assumption was that the US government's main objective was to build up the peacekeeping capacity in Africa through the training of standby forces in some countries, and that such an initiative was an expression of goodwill and thus the beneficiaries would be Africans, and therefore, none of the actors on the African continent would object to it. With that assumption in mind, the ACRI founders did not therefore bother to raise issues relating to institutional cooperation and coordination challenges between the ACRI and the OAU or any other organisations that were responsible for peacekeeping on the continent.

- Secondly, quite often the reality of conflicts in Africa does not necessarily fall within the framework of the UN Chapter VI, especially in intra-state conflicts. Most of these conflicts, which tend to have something to do with ethnicity, power struggles among elites, the proliferation of small arms or state weaknesses, tend to accelerate and assume structures that do not leave room for consensual peacekeeping operations where the opponents have agreed on a cease-fire and external intervention. In such situations, the intervention of the ACRI's trained soldiers in countries that might have had some political or ideological differences with the countries of origin of the soldiers may aggravate new conflicts rather than resolving the existing ones.
  
- Thirdly, there was the possibility of diverting the training and equipment received by the African countries and using it for other military operations either within the country, counter-insurgency, or against another country. It is argued that most African countries are involved in internal conflicts and some are engaged in conflicts with their neighbours, either because of border disputes or because of conflicts relating to political and ideological differences between leaders. Therefore, the possibility exists that some of the trained soldiers may be used to fight other countries or be used to overthrow regimes in neighbouring countries (Mburu 2000; Hooks 2000: 1-5; Dressel 2000: 12-22; Muyangwa and Vogt 2000: 22-23):

It is essential to emphasise that although some sub-regional organisations such as the ECOWAS and the SADC have already played effective roles in peacekeeping operations on the continent as discussed in chapter seven, yet the ACRI architects were not clear on how to link their initiative to these sub-regional political bodies to take the legal and political responsibility

for future peacekeeping operations. The issue of linking the ACRI to the existing structures on the continent becomes delicate when attempts are made to integrate the dominant regional hegemons in Africa such as Nigeria and South Africa into the existing Western peacekeeping initiatives such as the ACRI. To guarantee their success, the structures of initiatives such as the ACRI, ought to be opened to integrate these hegemonic countries, while at the same time not be too flexible so that they are not exploited by these regional powers to build up the capacities of their armies to use them against smaller countries.

### **8.2.3 Solutions to the implementation of the ACRI programme**

What are the solutions to the above obstacles and challenges to ACRI implementation? It is argued that any enlargement in the scope of the UN Chapter VII will be resisted by participating African countries in the peacekeeping operations since that would imply the use of force against a state in the region without her agreement if the intervention fulfils the requirements of Article 42 of the UN Charter. This process would of course, entail readjusting ACRI's training and equipment to Chapter VII operations. If that happens, it means by implication that the US government, the initiator of the ACRI, and as the world's main superpower, will have to deliver lethal weapons to states that participate in the ACRI programme.

As discussed above, such a situation would make it possible for the participating African countries to abuse the programme. The intervention of Ugandan forces in the DRC in 1999 for example, with ACRI trained troops raised some questions among American programme coordinators as well as within the OAU, as to whether countries such as Senegal would not use ACRI trained troops against their own military opposition organisation. Some argued that the solution to this dilemma would be to stock the weapons, which are provided to the troops participating in ACRI training, in special centres in the region which are under the control of a regional or an international organisation. This would mean that once the weapons are used in a peacekeeping operation, they would be returned after the completion of the mission until the next operation (Mburu 2000; Hooks 2000: 1-5; Dressel 2000: 12-22; Muyangwa and Vogt 2000: 22-23).

The question then would be, was the OAU ready to allow for a strong or even permanent American or European engagement in certain parts of Africa? An answer to this question was embodied in the OAU member states' Ministers of Defence and Chiefs of Staff proposal to create a Pan-African Standby Force, whose mandate and operations, as discussed in chapter five, would be monitored by the OAU, while sub-regional organisations would be responsible for the training and maintenance of these forces. Although there was no tangible evidence to suggest the rejection of the US initiative by African heads of state and government, the fact that the OAU and later on the AU member states chose to take up the responsibility of the training and maintenance of the African Standby Force is a significant move. This decision seems to suggest that African leaders were not ready to allow the Americans or the European countries to take over the responsibility of training African forces for peacekeeping purposes.

Another solution to the problem regarding the implementation of the ACRI programme in Africa is that for the UN to prevent the existence of parallel structures in its peacekeeping system, it has to identify a regional or sub-regional body that has the political will to conduct effective peacekeeping operations in the region (the African Crisis Response Initiative (ACRI): A Peacekeeping Alliance in Africa ca. 2000: 1-3; Mburu 2000; Hooks 2000: 1-5; Dressel 2000: 9-22; Muyangwa and Vogt 2000: 22-23).

### **8.3 Reinforcement des capacités Africaines de maintien de la paix, (RECAMP)**

Like the American initiative discussed above, the French peacekeeping initiative in Africa, which was announced in Biarritz in 1994, was aimed at the creation of a rapid intervention force, the "Reinforcement of African Peacekeeping Capabilities" or RECAMP. The proposed force was to be deployed in emergency crisis situations on the continent. The initiative was further boosted and strengthened when a joint US, French and British or 'P 3 Initiative' was launched in May 1997. The joint initiative was meant to avoid any redundancies or contradictions in the three countries' actions in support of the African peace and security systems. The French RECAMP programme was officially presented to the OAU leaders during the French-African summit at the Louvre in 1998. The French plan was to train and deliver equipment to selected countries for Chapter VI peacekeeping operations. Like the American ACRI programme, the French initiative was aiming at developing standby force units that could be called upon to participate in the UN and OAU authorised operations. The

French government had also undertaken to provide the required material and logistical support for the envisaged RECAMP battalion (Dressel 2000: 8-10; Muyangwa and Vogt 2000: 22-23; <http://www.degenese.gouv.fr/ema/actualites/recampgb.htm>).

### **8.3.1 Dynamics and challenges of the RECAMP programme**

The RECAMP programme was based on four principles: Firstly, *multilateral participation*: the nature of the participation in peacekeeping operations was to be multinational, where more than one country that had benefited/was benefiting from the RECAMP training would be called upon to participate. Secondly, *openness to all African countries*: the training programme would benefit all countries that had shown a willingness to become part of the RECAMP programme. Thirdly, *transparency of contributions*: the nature of contributions to the force would be transparent. Finally, the principle of a *standby basis* meant that the forces were of a non-permanent nature (Dressel 2000: 8-10).

On the other hand, the RECAMP initiative had three operational stages: initial training, advance training and equipment, all given at individual and collective levels. At the individual level, the training was provided at three schools, all based in France, which offered three specific courses: the Compiègne School, where the staff training was carried out at the Staff College, while support and administration training was provided in Tours at Logistics Academy. The operational training for the peacekeepers was provided in Montpellier at an infantry Academy, also in Paris. The collective training was carried out by operational training detachments (DIO) or by technical training detachments (DIT). French forces stationed in Africa mainly provided the equipment for the course. The RECAMP advanced training was organised in two-year cycles. The advanced training, under the auspices of the UN Department of Peacekeeping Operations and in conjunction with the OAU's Mechanism, took place in different African sub-regions. For example, ECOWAS (1996-1998) involved four contributor countries and four donors, ECCAS (1998-2000), involved eight contributor countries and eight donors; IGAD and the SADC (2000-2002), involved sixteen countries (Dressel 2000: 8-10; <http://www.degenese.gouv.fr/ema/actualites/recampgb.htm>).

This type of training exercise provides pre-trained units with additional training enabling them to work in multi-national operations. Moreover, these cycles are also aimed at training sub-regional forces in peacekeeping through three phases:

- Political-military seminars which focused on a crisis situation and how to deal with it
- The second phase was a staff exercise simulating the details at the theatre command level of military decisions to put a peacekeeping operation into effect;
- Field exercise with troops to test on real scale methods of action developed in the preceding phase (Dressel 2000: 8-10; Muyangwa and Vogt 2000: 22-23).

Instructors of RECAMP training for peacekeepers were however trained to follow a specific course organised by the UN's Department of Peace Keeping Operations. The RECAMP battalion was structured in accordance with United Nations battalion criteria. It was composed of 608 soldiers and 109 vehicles. It included the Headquarters and Headquarters company (154 soldiers); three peacekeeping companies (3x123 soldiers); plus one humanitarian transport company (85 soldiers); command assets (signals), individual equipment (combat dress and individual weapons) and vehicles (Dressel 2000: 8-10; Muyangwa and Vogt 2000: 22-23; <http://www.degense.gouv.fr/ema/actualites/recampgb.htm>).

The French military personnel involved in the RECAMP programme were convinced that this project had some advantages over the ACRI and other peacekeeping initiatives in Africa comparatively speaking:

- Firstly, a RECAMP battalion, stationed in Senegal was already equipped and could start working within 48 hours.
- Secondly, the programme was seen as a continuous training programme and as a mutual learning effort for France, which as a former colonial power in Africa, just, like Britain. Therefore, France was familiar with the 'African complexities' and 'African partners' unlike other Western countries, that did not have colonial experience on the continent. The multi-national RECAMP battalion has already been responsible for what its

founders considered a great success when it was detached to Guinea Bissau in 1999.

- Moreover, RECAMP was said to be complementary to the existing OAU and UN capacity building efforts and that the two organisations were institutionally cooperating with and involved in the training programmes carried out through RECAMP (Dressel 2000: 8-10).

One of the reservations that some French officials were not shied to point out concerning their peacekeeping initiative in Africa, was that they were torn between the official view, which encourages cooperation with the US and the implicit orders to maintain French influence in Africa (Dressel 2000: 8-10; Muyangwa and Vogt 2000: 22-23; <http://www.degen.se.gov.fr/ema/actualites/recampgb.htm>).

Apart from challenges regarding the legal and institutional coordination and cooperation between the ACRI and RECAMP with the existed regional systems in Africa, there was a degree of competition among western donors for new forms of military involvement in Africa. Some African military experts for example, considered the RECAMP to be a reaction to the American ACRI initiative. On the other hand, the Americans were perceived, especially by the African Francophone military personnel, to have come to the continent with preconceived ideas of how the training should be designed. This was observable in Senegal where Senegalese soldiers changed their allegiance within the ACRI training blocks. There seemed to have been poor communication and a lack of more informal relationships between the Senegalese and the Americans, whereas the French treated Senegalese with special consideration, probably as a result of the historical links between the Senegalese and the French (Dressel 2000: 8-10; Muyangwa and Vogt 2000: 22-23; <http://www.degen.se.gov.fr/ema/actualites/recampgb.htm>).

There are other challenges regarding the ACRI and RECAMP, which African security analysts were worried about. Unless the OAU leaders are ready to discuss these challenges with the Americans and the French, these issues would hamper the envisaged institutional cooperation between the AU's Peace and Security Council and the ACRI/RECAMP management teams (Muyangwa and Vogt 2000: 22-23; <http://www.degen.se.gov.fr/ema/actualites/recampgb.htm>):

- Firstly, the competition between the US and France is often expressed in the manner in



which each country tries to impress the African contributing countries. For example, it has been observed that the Americans try to impress African countries by exhibiting their technological and financial superiority, whereas France refers to its historical informal networks with some African countries.

- Secondly, the RECAMP, like the ACRI presented good opportunities for every foreign donor to get access to military circles in several African countries. It has also been observed that every Western country considers it an opportunity to have direct relations with an African nation's army.
- Thirdly, in some countries such as Senegal, the officer corps has become increasingly divided due to different training and education backgrounds. Some American and French educated officer circles have established their own networks. This is due to the fact that France and the US compete within the Senegalese army for key positions and to gain influence in the officer circles of the Senegalese army. The training initiatives were thus considered by some African military corps to be excellent means for the Western military powers to establish contacts, identify key figures within the army; and recruit them into their military intelligence and to advertise their military products.
- Finally, the contacts between the US and French officers with African armies was regarded by the OAU and sub-regional organisation's security networks as a breach of African continental and sub-regional security arrangements. These contacts tended to expose and compromise the continent's security through its top military echelons to Western military and intelligence networks.

### **8.3.2 Opportunities and challenges for the ACRI and French initiatives in Africa**

One of the middle ground solutions to the competition among the Western countries in Africa's peace making initiatives is a division of labour among Western donors. Assuming that each participant can put its national interest aside, it is possible to imagine that a shared effort could be attained where France would be responsible for the equipment and its logistical delivery, the US for the training of troops and Britain for continued officer training. Such cooperation would definitely enhance the quality of training and help reduce the costs as well as boost the

confidence of African participating countries in the initiatives (Dressel 2000: 12-22; Muyangwa and Vogt 2000: 22-23).

Then there was the question of how the structural framework for the deployment of the peacekeeping forces should be linked to the responsible political bodies such as the UN, the OAU and sub-regional organisations in Africa, The latter point is very critical in terms of linking ACRI and RECAMP training initiatives to the existing African political and organisational structures:

- Firstly, it was directly connected to the role that sub-regional hegemons within Africa could play and also their engagement in future peacekeeping operations within regional security regimes. Sub-regional organisations, by the nature of their mandate are the *de facto* custodians of the security and well-being of sub-regions. That means any initiative that does not consider this reality, may find itself isolated and/or confronted, especially by the regional powers.
- Secondly, there was the risk and the possibility of creating complex regional parallel structures to the OAU regional peace and security arrangements and the UN standby system, and if and when that happened, it would become necessary to define the linkage between the P3 initiative and the existing conflict management and resolution structures in Africa.
- Thirdly, some Western peacekeeping initiatives, such as ACRI were conceptualised in terms of consensual peacekeeping operations developed specifically for inter-state conflicts. In Africa, most of the conflicts, as discussed in chapters five, six and seven are intra-state conflicts with very complex dynamics in which the consensus principle is hard to apply. This is partly because in most peacekeeping operations on the continent, before the late 1990s, very few cases witnessed an agreement between the opponents for a cease-fire, which should naturally lead to the invitation of international community for intervention. In such situations, programmes such as the ACRI and RECAMP ought to be modified in terms of the UN Chapter VII and not Chapter VI operations.

- Finally, it seems that these Western initiatives in Africa were motivated by recognition of the fact that African security is not a direct priority concern to them for the time being, thus these Western countries decided to avoid direct intervention in African conflicts. As discussed in chapter six, most Western countries have avoided contributing troops to peacekeeping operations in Africa, and thus came up with the ACRI and RECAMP initiatives so that they can train troops from African countries to carry out the peacekeeping mandate (Dressel 2000: 12-22; Muyangwa and Vogt 2000: 22-23; <http://www.degense.gouv.fr/ema/actualites/recampgb.htm>).(Dressel 2000: 12-22)

#### **8.4 The European Union conflict prevention and peace-building initiative in Africa**

It is important to mention that the initiative of working out a European Union (EU) policy for preventing conflict in Africa was prompted by several interconnected events, some of which have already been alluded to in discussions of initiatives such as the ACRI and RECAMP. In 1994, Germany as the EU Chair came up with a plan to strengthen the political relations between the EU and the OAU conflict mechanism. The contacts between the OAU and EU culminated in the EU-OAU dialogue meeting in December 1994. In that meeting, the two organisations agreed on the theme of their cooperation, which, unlike the focus of the ACRI and RECAMP on peacekeeping, was to focus on conflict prevention and resolution in Africa. Moreover:

- They agreed on the need for the EU to support the OAU Mechanism for Conflict Prevention, Management and Resolution financially. It was also proposed that the two organisations would meet at least twice a year at the Director’s level in Brussels and Addis Ababa.
- In the same month that the EU-OAU officials were meeting in Addis Ababa, France and Britain presented proposals to the EU for an initiative on what they referred to as “Preventive Diplomacy and Peace-keeping in Africa.” The Western European Union (WEU) discussed these proposals at a later stage. In their joint non-paper, France and Britain suggested that the EU/WEU should support an OAU based early warning system; the enhancing of African capacities to engage in preventative diplomacy

missions, including closer cooperation between the OAU and the UN; and enhancing the African peace-keeping capabilities through training, and equipment provisions. (Council Common Position of 2 June 1997: 1-6; Conflicts in Africa: Communication from the Commission 1995/97: 1-18; Marsden 1997: 1-6; Landgraf 2001: 1-11; Pinheiro 1999: 1-5; Muyangwa and Vogt 2000: 22-23):

#### **8.4.1 Searching for an EU policy on conflict prevention and resolution in Africa**

The Franco-British initiative and the EU-OAU dialogue eventually prompted extensive debates within the EU and between its officials and their counterparts at the OAU. They focused on issues relating to the general approach, the scope, the focus and the means of implementing the envisaged EU policy in relation to preventing conflicts in Africa. Several questions and concerns were also raised. Some of these questions included:

- Whether the EU should adopt the ad hoc parallel actions of individual countries or whether it should opt for its own initiative with well-defined objectives and principles.
- Should the EU direct its support to the OAU or also to all the African sub-regional organisations?
- What should the competence between the UN, OAU and African sub-regional organisations be in the field of peacekeeping and who should pay what amount and for how long?
- Should there be an EU block grant or support for specific projects and undertakings on conflict prevention and resolution in Africa? (Council Common Position of 2 June 1997: 1-6; Conflicts in Africa: Communication from the Commission 1995/97: 1-18; Dressel 2000: 11; Marsden 1997: 1-6; Landgraf 2001: 1-11; Pinheiro 1999: 1-5)

By the late 1995, the discussions among the EU fifteen members revealed that there were two approaches to the EU initiative in Africa:

- Some members preferred that the EU role should be limited to providing financial

support and the establishment of a coordination structure for the national activities of EU member states; and thus this EU group saw the necessity of focusing on supporting African initiatives through the OAU.

- The second group of the EU member states stressed that the EU should adopt a joint activities approach, and thus adopt its own comprehensive initiative, with emphasis on development assistance. It also contended that the EU should emphasise the prevention of conflicts in Africa.

In December 1995, these debates among EU member states culminated in consensus within the EU, as a result of which the Union adopted the “Council Conclusions on Preventive Diplomacy, Conflict Resolution, and Peacekeeping in Africa.” The document, which was released on 4 December 1995, largely reflected on the exclusive approach, with emphasis on the strong support of African initiatives in the field of early warning, preventative diplomacy and peacekeeping. Moreover, the Conclusions referred to the role of development assistance and support for democratisation processes on African continent (Conflicts in Africa: Communication from the Commission 1995/97: 1-18; Marsden 1997: 1-6; Landgraf 2001: 1-11).

On the other hand, the EU Council’s Conclusions had also paved the way to the European Commission to come up with a comprehensive EU initiative, suggesting a general approach, rather than an exclusive one, in dealing with conflicts in Africa. Towards that end, the Council sent a Communication to the Council of the European Union on 6 March 1996 on “The European Union and the Issue of Conflicts in Africa: Peace-building, Conflict Prevention and Beyond.” The Communication addressed the following issues among others:

- The EU Council acknowledged that African countries, with the assistance of the OAU’s Mechanism and sub-regional organisations, are primarily responsible for conflict prevention, management and resolution in Africa, and the Union should assist Africans actively in capacity building.
- Secondly, the EU should focus on the prevention of violent conflicts and on peace building.

- Thirdly, the root-causes of conflicts in Africa should be addressed with the coherent combination of all available policy tools and conflicts have to be dealt with holistically.
- Fourthly, policy options, policy-making mechanisms and scenarios should aim at reducing the gap between analysis, early warnings and action in conflicts in Africa.
- Finally, the Council emphasised that there was a need for an effective international coordination on conflict situations in Africa, particularly through enhanced information exchange mechanisms (Council Common Position of 2 June 1997: 1-6; Conflicts in Africa: Communication from the Commission 1995/97: 1-18).

#### **8.4.2 The EU policy on conflicts prevention and resolution in Africa**

By the end of 1995, another important step was taken by the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD)<sup>60</sup> by creating a special Task Force to work on best practices for development cooperation in support of conflict prevention. The Task Force was also expected to elaborate on the best ways for development cooperation and relief during and after conflicts in Africa. The Task force was able to produce guidelines, which were adopted by the DAC on 5 May 1997 as “Policy Guidelines on Conflict, Peace and Development Cooperation.” In the meantime, the debates within the EU continued and by the summer of 1997, three important documents were produced all of which formed the basis of the EU policy on conflict prevention and resolution in Africa:

- The first document entitled ‘The Common Position on Conflict Prevention and Resolution in Africa,’ was issued on 2 June 1997, in which the Union reaffirms the principles of ‘African ownership’ in dealing with conflicts. It confirmed that conflict prevention and resolution constitute priorities for the European Union. The document also affirms that the EU should develop a proactive, comprehensive and integrated approach that will also serve as a common framework for the actions of individual

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<sup>60</sup> The OECD groups together 30 member countries sharing a commitment to democratic government and the market economy.

member states.

- The second document, “the Council Conclusions on Conflict Prevention and Resolution in Africa,” also issued on 2 June 1997, states that an effective policy of conflict prevention and resolution requires a coherent mix of political, economic, developmental, social and environmental instruments, including, when necessary, military options.
- Finally, in the section on “Peace-building, Conflict Prevention and Resolution, in the Council Resolution on ‘Coherence’” issued on 5 June 1997, the Council clearly recognises that development assistance has an important potential for contributing to the prevention of violent conflicts in Africa. (Council Common Position of 2 June 1997: 1-6; Conflicts in Africa: Communication from the Commission 1995/97: 1-18):

It has become clear from the above discussions that the EU policy makers on conflicts in Africa, while they were willing to support the OAU and sub-regional organisations in dealing with conflicts on the continent, they also had their own views on how they wanted to extend that support to Africa:

- Firstly, while the prevention and resolution of conflicts in Africa was considered the responsibility of the Africans themselves, the EU responsibility was identified as enhancing African capacities for peace building, conflict prevention, management and resolution. The EU also pledged to support civil society organisations, enhance capacities of African sub-regional organisations as well as establishing early warning platforms, mediation training, or reconciliation committees.
- Secondly, the EU also undertook to support specific activities such as promoting and monitoring international standards and codes of conduct in Africa in fields such as democratisation, human rights, rule of law, good governance, military expenditure and arms transfer. It also undertook to support the management of shared regional scarce natural resources such as water and land; gathering and analysing information relating to potential and actual conflict situations (early warning); observer, and negotiation or mediation missions. Furthermore, it undertook to support good offices and statements

with regard to potential or actual conflict situations (preventative diplomacy); and the preventative deployment of peacekeeping troops (Council Common Position of 2 June 1997: 1-6; Conflicts in Africa: Communication from the Commission 1995/97: 1-18).

It is understandable though; that there were some areas of support that the EU considered conflict prevention or peace-building projects, on which the African governments and the OAU have had a different perspective. For example, democratisation, good governance or regional integration were considered during the discussions with the OAU officials by the EU to be peace-building measures, as long as they were designed and implemented in ways that would enhance the chances of addressing the root causes of violent conflicts in a targeted manner. The OAU on the other hand, held the opinion that these issues fall within each individual country's realm of responsibility and advised the EU not to base its support for conflict prevention and resolution in Africa on the state of democracy or the human rights records of the OAU member states.

The OAU however, did acknowledge that some of these factors, such as the violation of human rights and the lack of good governance were contributory factors and in some instances, the main causes of conflicts in Africa. The OAU leaders, through the OAU Secretariat, were of the opinion that if the EU supported the OAU's conflict resolution efforts on the continent and enhanced the capabilities of sub-regional organisations through institutional support, the OAU and sub-regional organisations would force their member states to introduce governance reform regimes in their political systems. They preferred the former approach to emphasising the state of democratisation, human rights violation and good governance.

Finally, there was the question whether all the steps taken by the EU Council were indeed supportive and consistent with the framework of the institutional EU-OAU cooperation efforts, since the EU-OAU dialogue had been launched in December 1995. In response to the OAU request, the Council of the EU allocated (European Currency Unit) ECU 860.000 to finance the enhancement of the communication capacities of the OAU headquarters, regional and national offices as well as the OAU peace missions in October 1997. There were however, some technical and legal difficulties that the EU and OAU faced during their dialogue; these included:



- The OAU was interested in discussing economic issues as part of its multilateral approach towards the European Union. The OAU as a continental organisation saw its role as that of the representative of the continent, and as such, it expected the EU to recognise its role in that light. The OAU as a continental organisation preferred a multilateral approach in its dealings with the EU, since one of its main mandates was to regulate the regional and international relations of its member states with the rest of the world. The EU on the other hand, while it acknowledged the continental responsibilities of the OAU, preferred to deal with the OAU on a bilateral level, and avoided treating the OAU as the legitimate representative of the African member states in the international arena.
  
- Another challenge was that in order to make the EU-OAU dialogue take permanent shape and a more formal structural form, it was necessary that an expert forum be established so that regular dialogue meetings could be prepared and a mechanism for more regular information exchange could be put in place (Marsden 1997: 1-6; Landgraf 2001: 1-11).

Another area of concern for both the EU and OAU was the role of sub-regional organisations in conflict resolution matters in Africa. The EU, within the framework of dialogue with the Southern African Development Community (SADC) on conflict prevention, for example, was concerned about the lack of an agreement among the SADC member states regarding the role of SADC's Organ for Politics, Defence and Security, which was established in June 1996. As discussed in chapter seven, the disagreement among the SADC's members regarding the establishment and clear mandate for the secretariat of Organ for Politics, Defence and Security, was delaying the EU-SADC dialogue. The EU Commission's policy makers were convinced that the establishment of such a secretariat would facilitate the preparation, continuity and the operational follow-up of meetings with the SADC organ.

As for the Economic Community of West African States (ECOWAS), the EU Commission have noted the progress made by the ECOWAS in conflict prevention and resolution in the region; although some smaller member states have been questioning the decision-making procedures and the Nigerian dominant role in the peacekeeping operations in Liberia and Sierra Leone. As for the east African based Inter-Governmental Authority on Development (IGAD), the EU

Council has already extended its cooperation with the IGAD to the political realm. As discussed in chapter seven, the IGAD has established a Division for Peace, Security and Humanitarian Affairs within its Secretariat, thus creating a framework through which institutional cooperation with the EU competent body on conflict resolution matters in the Horn and East Africa could be coordinated. It is important to stress that the emphasis of the EU decision makers on conflict prevention and resolution matters in Africa was on finding ways and means to fill in the gaps between the early warning systems and early actions. Furthermore, they wanted to create what they referred to as a 'culture of prevention' within the African conflict mechanisms if possible (Council Common Position of 2 June 1997: 1-6; Conflicts in Africa: Communication from the Commission 1995/97: 1-18; Dressel 2000: 11; Marsden 1997: 1-6; Landgraf 2001: 1-11; Pinheiro 1999: 1-5; Muyangwa and Vogt 2000: 22-23).

Some of the positive steps that the EU Commission have taken since 1997 in order to implement some of the measures raised during the EU-OAU dialogue, thereby enhancing the OAU capacity in conflict resolution situations on the continent, include:

- Firstly, it has been agreed upon by the two parties to enhance the availability of relevant information and analysis within the EU and the establishment of focal points for conflict prevention in the respective ministries of its member states and the Commission.
- Secondly, the EU Commission, on the initiative of the EU Parliament, has established a Conflict Prevention Network (CPN) in 1997. The CPN is composed of a network of academic institutions, NGOs and independent experts. The Commission also established training seminars for its officials on peace building and conflict prevention in Africa.
- Thirdly, the EU Commission has produced a handbook designed for use by EU desk officers, in which a list of indicators of root-causes of violent conflicts in Africa is provided. The list also contains carefully categorised measures of peace building and conflict prevention, as well as concrete guidance on how to implement these measures (Council Common Position of 2 June 1997: 1-6; Conflicts in Africa: Communication

from the Commission 1995/97: 1-18; Dressel 2000: 11; Marsden 1997: 1-6; Landgraf 2001: 1-11).

- Finally, the EU set up a 250 million Euro Peace Facility in May 2004, following the request of the AU Heads of State and Government in Maputo, Mozambique in July 2003. Since then, the Facility has been contributing to the financing of the African Union Mission in Sudan (AMIS), the Central African Economic and Monetary Community (CEMAC) peace support in the Central African Republic and to an initial capacity-building programme for the AU Peace and Security Commission. The first meeting of the Joint Coordination Committee (JCC) of the Peace Facility for Africa, provided for by the Facility, was held in Addis Ababa on 18 January 2005, to review the implementation of the Peace Facility. The meeting was co-chaired by the African Commission and the European Commission. Representatives of Nigeria, Mozambique, the Netherlands and UK, as members of the AU and EU Troikas,<sup>61</sup> the EU Council Secretariat, as well as representatives from the ECOWAS, ECCAS, IGAD and COMESA, also attended the meeting. While the participants expressed their satisfaction with the progress made in the operations of the Peace Facility, they discussed ways to improve and increase the institutional cooperation between the AU and the EU in the implementation of the Peace Facility (Communiqué: First Meeting of the Joint Coordination Committee (JCC) of the Peace Facility for Africa, Addis Ababa, 18 January 2005).

## 8.5 Conclusion

There is no doubt that some of the initiatives, which had been initiated by the US and EU member states, were in many ways complementary to the OAU efforts to strengthen its peace-making and peace building missions in Africa. Aware of the sensitivity of the OAU member states regarding the principles of sovereignty and non-interference in internal affairs, as was enshrined in the OAU Charter, the US and the EU member states chose to support the OAU and sub-regional organisations financially and politically instead of intervening directly in conflict situations on the continent. It was also an option that excused these countries from

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<sup>61</sup> The EU Troika refers to the current presidency of the EU, the previous and the next presidents of the EU Commission.

contributing soldiers in peacekeeping missions and operations in Africa. However, although these Western initiatives were mostly supportive of the OAU and sub-regional organisations' peace efforts on the continent, there were some issues, which in the opinion of the OAU policy makers needed a certain measure of clarification and focus.

For example, the dilemma regarding the implementation of the ACRI programme in peace making in Africa, came about because there was a need for the scope of ACRI's activities to be adjusted to the UN Chapter VII, especially Article 42, otherwise it would lose its effectiveness in peace making in Africa. On the other hand, if the ACRI scope of actions was to be adjusted, it would entail the strengthening of the United States intervention in Africa, politically and militarily. In both cases, the crucial question would be, were the OAU member states ready to allow for a strong or even permanent American or European engagement in some parts of Africa. The solution to such a dilemma was for the UN to identify regional instruments, with which it was comfortable and in which it had confidence to cooperate regarding peace making in Africa. In Africa, the OAU and sub-regional organisations such as the ECOWAS had the legitimacy and the political will to play such a role. Had the UN chosen to strengthen these organisations, the likelihood was that initiatives such as the ACRI and the RECAMP would have no choice, but to conform to these arrangements, rather than take unilateral actions that could derail the collective policy approach, upon which the UN and regional bodies had agreed.

Another issue regarding the ACRI and RECAMP initiatives' roles in conflict prevention and management in Africa, was how to link these initiatives to the existing African political and peace and security structures, namely the OAU and sub-regional mechanisms dealing with conflicts on the continent. Secondly, these initiatives did not have a legal basis nor did they have permanent structures through which they could intervene in conflict situations in Africa independently without support from organisations on the continent and that was why they had to work within the OAU and the UN conflict resolution frameworks. The obvious problem with ad hoc initiatives such as the ACRI and the RECAMP lies in the possibility of the creation of complex and parallel structures alongside the OAU and the UN peace keeping and standby forces system. In addition, when this happens, it becomes imperative that the linkage between the EU-US-French initiatives to the existing African regional and sub-regional structures for

conflict management and resolution should be defined clearly in order to avoid the duplication and multiplicity of roles (Aloa 2000: 18; Wedgwood 1996:275-280).

The EU decision to support the OAU and other African peace-making structures was informed by three important considerations. These represented a new shift in the EU member states' understanding of African political realities:

- Firstly, while the prevention and resolution of conflicts in Africa was recognised to be the responsibility of the African states, the EU undertook to enhance African capacity building in conflict prevention, management and resolution, specifically of African sub-regional organisations as well as establishing early warning platforms, mediation, training and reconciliation committees. In practical terms, this meant that the EU member states have decided not to commit any troops to peacekeeping operations in Africa beside financial and logistical support.
- Secondly, one of the new factors in the EU-OAU institutional cooperation was that the EU agreed to adopt a collective approach in its support of conflict prevention and resolution efforts in Africa. It also chose to define conflict as a multi-faceted phenomenon, whose causes included, among others, a lack of democracy, the violation of human rights, a lack of rule of law and a lack of good governance. Further causes included the overspending in military and arms transfer; disputes over scarce natural resources such as water and land; the lack of capacity in gathering and analysing information relating to potential and actual conflict situations (early warning).
- The most contentious area in which there were differences between the OAU and EU policy makers was that there were some areas of support that the EU considered to be conflict prevention or peace-building programmes, on which African governments and the OAU had different perspectives. For example, values such as democratisation, good governance, human rights and regional integration were considered by the EU to be peace-building measures, as long as their improvement would enhance the chances of addressing the root causes of violent conflicts in a targeted manner. The OAU wanted these areas to fall within the African regional political and security realms. Any suggestion by the EU to force the OAU member states to adhere to these values, or

connecting the EU support for conflict prevention and resolution efforts in Africa, was tantamount to interference in the internal affairs, territorial integrity and sovereign independence of the African states (Council Common Position of 2 June 1997: 1-6; Conflicts in Africa: Communication from the Commission 1995/97: 1-18).

## **9 Chapter Nine: Ethiopian-Somali boundary dispute in 1960s and 1970s**

“Ethiopia has always existed in history for centuries as an independent state and as a nation, for more than 3,000 years. This is a fact. Second fact: the historical frontiers of Ethiopia stretched from the Red Sea to the Indian Ocean, including all the territory between them. Third fact: there is no record in history of either a Somali state or a Somali nation. That too is a fact. I apologize for stating it.”

Ethiopian Prime Minister (May 1963)

### **9.1 Introduction**

In chapter one, under the section on the Ethiopia-Somali boundary dispute, among other factors, we presented several reasons why the Ethiopian-Somali boundary dispute would serve as an example of how the OAU have dealt with various inter-state and other complicated conflict situations in Africa. Firstly, it was argued that it serves as an appropriate example of putting to the test, for the first time, the contradictions within the OAU Charter, such as the difficulty that had faced the OAU member states to harmonise articles 3 (2) & 3 (4) that called for the non-interference in internal affairs of member states. At the same time, it urged member states to achieve the peaceful settlement of disputes by means of negotiations, mediation, conciliation or arbitration. Secondly, there were several characteristics of the dispute, which were typical of inter-state conflicts in which the OAU mediators were involved. These characteristics included: (1) the Ethiopian-Somali boundary dispute was both a territorial claim as well as a boundary dispute between the two countries and (2) the OAU member states had to deal with a complex dilemma concerning the types of policies they should apply to resolve the Ethiopian-Somali boundary dispute: to accept self-determination for the Ogaden Somalis or to respect the territorial integrity of the Ethiopian state. Thirdly, the boundary dispute had also presented a second dilemma to the OAU member states: either to stick to the goals of Pan-Africanism, which called for the unity of African peoples in the diaspora and the mainland, or to hold onto the objectives of Pan-Somalism (the unity of the Somalis in the Horn of Africa) and Pan-Ethiopianism (imperial expansionism). Fourthly, the case study had also revealed the difficulty of balancing the OAU member states' national interests and the collective continental interests. Fifthly, the dispute had revealed the difficulty of affirming the non-alignment with any of the superpowers, hence avoiding effects of intervention of the superpowers in conflicts

in Africa and the desire to pursue individual member states' interests by siding with one of the superpowers against the will and the interests of other members of the OAU. Finally, the legal nature of instruments used by the OAU in its attempts at resolving the Ethiopian-Somali boundary dispute had indeed revealed the inadequacy of the structures adopted by the OAU in dealing with inter and intra-state conflicts in Africa.

In this chapter, an attempt will be made to ascertain whether the OAU was successful at resolving the Ethiopian-Somali boundary dispute that was seen as a typical inter-state conflict. The chapter will further try to prove that this case study exemplifies the challenges faced by and the inherent weaknesses of the various mechanisms the OAU mediators had adopted to deal with conflict situations in Africa. The chapter will also analyse the OAU's general position on the boundaries in Africa, with specific reference to its charter. It will investigate various aspects and the impact that the Ethiopian-Somali boundary dispute had had on the legacy of Pan-Africanism, African unity and nationalism and on the OAU's inter-state conflict resolution mechanisms and on the role of the OAU in dealing with the effects of the colonial boundaries on the continent. The chapter will also present the Pan-African Movement's ideals and compare them with the colonial authorities' attempts to legitimise their presence in different parts of Somalia. It will also identify the contradictions within the principles of the OAU.

On the other hand, the chapter will trace and analyse the historical and geographical complexities and the politics of demarcation of the boundaries between Ethiopia and Italian Somaliland and between Ethiopia and British and French Somalilands. A discussion on how these complexities were further complicated by a lack of clarity in some crucial provisions in various treaties signed between Ethiopia and these three colonial powers will also be carried out.

In this chapter, analyses of the OAU's position on the boundaries in Africa, with specific reference to its charter will be provided. Most importantly however, it will analyse the impact that this dispute has had in shaping the OAU leadership's approaches to boundary conflicts on the continent.



The chapter will then discuss the impact of the Cold War era and the role played by the two main superpowers at that time, the United States of America (USA) and the Soviet Union in the Ethiopian-Somali boundary dispute over the Ogaden and analyse how their intervention affected the role the OAU had tried to play in resolving the dispute.

In the second part of the chapter, the focus will be on discussing the types of the approaches and methods that the OAU mediators had used in their attempts to resolve the Ethiopian-Somali boundary conflict and will analyse their effectiveness.

It will attempt to ascertain whether a mismatch existed between the mechanisms used by the OAU and the nature of the Ethiopian-Somali boundary dispute. The chapter will further discuss why the OAU mediators in this particular dispute opted to use ad hoc approaches to conflict instead of applying the approaches provided for in the OAU Commission. It will analyse why the legal approaches to conflicts were avoided intentionally by the OAU member states.

The chapter will also discuss some specific characteristics of the Ethiopian-Somali boundary dispute, and analyse how these characteristics affected the role of the OAU in its attempts to resolve that dispute. It will further analyse the lessons learned from the Ethiopian-Somali dispute and show their relevance to and impact on the institutional role of the OAU in conflict resolution in Africa.

Finally, some conclusions based on the discussions and analyses in this chapter will be provided.

## **9.2 Characteristics of boundary disputes**

There is consensus among scholars that Africa is one of the few continents that has a high concentration of states whose boundaries are drawn with little attention to certain elements of geography, such as the rights of national entities or ethnic groups, the convenience of economic activity or lines of communication that often have some impact on lives of the peoples at the borders. The Somalis for example, were divided between Somalia, Ethiopia, Djibouti and Kenya (Chime 1969: 65-78).

In general, boundary conflicts can be classified into boundary disputes between states; territorial claims by neighbouring countries and minority problems and secessionist tendencies within states. In fact, most of the boundary conflicts in Africa are about border lines; the territorial disputes are about territories, while minority problems are about people. As was discussed in chapter two in the section on the nature of conflicts in Africa, some of the immediate problems which the OAU conflict resolution system and other international and sub-regional organisations' mediators had to face when dealing with the question of boundaries in Africa were whether they should focus on the challenges of drawing lines between states or on the challenges of legal and political interpretations of boundaries demarcation by the parties to the disputes. Other challenges include whether they should concentrate on the questions of minorities and their right to exercise self-determination. From the OAU founders' perspective, boundary disputes on the continent had affected the objectives and the goals of Pan-Africanism, meaning the unity of the African peoples. This was because boundaries in Africa were demarcated by the colonial powers, with little regard to the history of a particular territory and its peoples (Widstrand 1969:168-69).

In essence, the Pan-African Movement's ideology was to get rid of the European institutions of oppression and exploitation in Africa, the first of which were the oppressive colonial state agencies. The irony was that the OAU founders accepted the existing boundaries, not because they were happy with them, but because they wanted to keep their newly inherited states intact. Keeping the colonial state intact, meant that any attempt to reconsider the boundaries' demarcations would create new inter-state conflicts and would therefore hamper inter-state cooperation among the OAU members (Chime 1969: 65-66).

One of the OAU founders who summed this dilemma up clearly, was President Philibert Tsiranana of Madagascar, who reminded his colleagues that

It is no longer possible nor desirable, to modify the boundaries of the nations, on the pretext of racial, religious and linguistic criteria... Should we take (these) criteria for setting our boundaries, a few states in Africa would be blotted from the map (Chime 1969: 67).

Indeed, what the Madagascar head of state was implying was that according to the spirit of Article 3 (3) of the OAU Charter, member states should affirm the respect for the sovereignty

and territorial integrity of each state, and for its inalienable right to independent existence. This article was definitely in direct contradiction with the philosophical and ideological origins of Pan-Africanism, and the beliefs of the OAU founders, who consistently regarded the African boundaries as obstacles in the way to the unity of the African people, which had to be removed at the first opportunity (Chime 1969: 68-78).

Another important aspect regarding the politics connected with boundaries, which should be considered carefully within the African context, is the perception of boundaries in postcolonial Africa. Although African peoples were not responsible for the demarcation of the existing boundaries between their countries, it is noticeable that once they inherited the colonial boundaries, their conception of the newly acquired boundaries became rigid. For example, one of the most common perceptions among some OAU member states was that boundaries were immobile. Holding on to such a perception has always been a recipe for conflicts between several African states. It is true that boundaries are not easily redrawn and states tend to drag their feet when situations arise to redraw their boundaries with their neighbours, irrespective of the causes that might warranted such changes. From a symbolic perspective however, boundaries may appear to have changed temporarily, to overlap, with other boundaries and may even be influenced and impacted upon by factors such as refugee flows, global capital, super-state organisations such as International Monetary Fund (IMF), communications networks, pollutions, resources such as wildlife and human cultures. Some boundaries may also shift and undergo symbolic meaning changes such as the renaming of a border post, or the development of new federal systems (Griggs 1994: 9-12).

Another factor, relating to the boundary disputes, which the OAU founders paid very little attention to was the issue of nationality and citizenship. In general, the concept of nationality can be viewed from either a legal or an administrative perspective. Nationality is a theoretical quality ascribed by a particular legal system to a specific individual or group of individuals. Moreover, nationality is a European concept, which in terms of the Western definition of nation state-where the notion of closed borders is acceptable-is one of the most important attributes of a legal personality, as far as the individual in the Western world is concerned (Widstrand 1969: 168-170).

On the other hand, the concept of “nationality” tends to operate on a psychological level, and in the case of Africa, the sense of national communities in the nation-state is not as strong as in Europe or North America, and therefore the concept of nationality in the sense of belonging to a nation may not be relevant in some instances in Africa. This is because in Africa, identification is defined along other lines, such as in terms of the cultural nationality, belonging to a community, traditional (historical) nations, sub-state nations, or ethnic groupings. The issue of having a nationality or being a citizen of a particular country is not often important to individuals in Africa, except perhaps in cases of restrictions on labour movement or trade migrations. However, the concepts of “nationality” and “citizens” are important to governments, who can easily use them as useful tools for controlling or achieving some specific goals (Widstrand 1969: 169-70).

### **9.3 The origins and the background of the Ethiopian-Somali boundary dispute**

The historical background to the Ethiopian-Somali boundary conflict dates back to the colonial era in Africa. The boundary problem arose when in 1960; the Italian (northern) and the British (southern) Somali protectorates were united into one state, Somalia (Wolde Mariam 1964: 189-219; Chime 1969: 71). The new state leadership, which considered itself the guardian of Somali nationalism, immediately questioned the legitimacy of the treaties that governed the status of its boundary with Ethiopia. In fact, as shall be discussed below, the boundary dispute between the two countries has been open to challenge mainly because, despite several agreements and treaties signed between Ethiopia and the Italian and British Somalilands, it has not been delimited on the ground. After Somalia achieved independence, the issues of delimitation concerning their boundary with Ethiopia were blurred amidst the nationalistic and geopolitical objectives of establishing Greater Somalia (Sheth 1990: 25-33). For example, Article VI of the Somalia 1960 Constitution called for the promotion of the union of various Somali inhabited territories through legal and peaceful means, in contrast to the Somali leadership’s policy of encouraging some sort of solidarity among African and Islamic peoples in the region at the same time (Chime 1969: 71-74; Makinda 1987: 172-176).

### 9.3.1 Geographical, ethnic and historical links between Ethiopia and Somalia

From a geographical perspective, Somalia is Ethiopia's natural outlet into the Indian Ocean and the Gulf of Aden, in the same way that Ethiopia is the natural hinterland of Somalia. From the south, the Wabi Shebelle and the Ghenale Rivers flow into the highlands of Ethiopia and that is why the location of the two rivers has always been vital to the two countries. The two rivers originate in Ethiopia, flowing in a south-easterly direction and then turning southwards, approximately at the existing boundary of the two countries. These rivers form the only permanent source of water for the whole of Somalia. In the north, the Franco-Ethiopian railway and the three centres of Jijiga, Harar and Dire Dawa are close to the Ethiopian coast. Therefore, the two rivers and the questions of grazing land are of vital interest to Somalia, thus making the two countries economically and politically inseparable and destined to cooperate (Wolde Mariam 1964: 189-190).

On the other hand, Somalia has an awkward shape, which resembles that of a reverse "L". The Ogaden region, which has always been a disputed territory between the two countries, forms a wedge between the two Somalilands formerly under British and Italian colonial rule. This shape makes the communication between the northern and Southern regions of Somalia very difficult and expensive. The inhabitants of the former British Somaliland are mostly Isak and Darod peoples, while the former Italian Somaliland is inhabited by the Hawiye and Sab<sup>62</sup> nationalities. The separate colonial administrations of these two regions definitely encouraged the ethnic differences (Wolde Mariam 1964: 192).

Historians differed over the historical origins of the Somalian people and some believed that the Somalis originally occupied the Gulf of Aden coastal area east of Zeila. The Somalis referred to the region south of the Somali territory as Haud, 'the south,' which they considered to be their Southern frontier. It was mainly the Gallas (Oromos) peoples, who had pushed the original Bantu populations southward, who inhabited this region, which comprised parts of British Somaliland, Ogaden and all of the former Italian Somaliland. From the coastal region,

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<sup>62</sup> Sab are said to be the remnants of Galla populations, which were gradually somalised.

the Somalis pushed forcefully in all directions,<sup>63</sup> apparently due to the pressures of a large population and a lack of water and grazing land,

One of the Axumite inscriptions describes this situation as follows:

...the peoples of the Land of Incense were subject to the King of Axum...the dominions of the king who set up his throne at Adulis in the 1<sup>st</sup> century A.D. extended from Axum in the north to Somaliland in the south and from the Nubian frontier on the east bank of the Nile to Himyar on the east of the Red Sea (Budge 1928: 252).

It needs to be emphasised that the Somalis do not deny the close historical links between them and the Ethiopians, nor do they deny that these ties are much deeper and stronger than a mere political and historical relationship. They seem, however to be uncomfortable, when the Ethiopians over emphasise these ties. The Somalis belong to the same general ethnic group, eastern Hamites or Kushites, as the Ethiopians. As for the claim of the Arab origin, although there is no conclusive stand on it, most scholars believe that it is a recent fruit of Islamism ((Wolde Mariam 1964: 192-196).

### **9.3.2 The advent of the European powers and the origins of boundary disputes in the Horn of Africa**

It is important to stress that during the nineteenth century European powers started to occupy the coasts along the Gulf of Aden. At that time, no state around Ethiopia<sup>64</sup> was powerful enough to secure a boundary determination with Ethiopia. In fact, until then the territories under direct or indirect Ethiopian rule varied depending on the strength or weakness of the Emperor on the throne at the time. Therefore, when the Europeans arrived in the Horn of Africa, the borders in that region were not demarcated, and Ethiopia was the only existing state. The British Government of India was the first European administration to sign a series of treaties with the Sultans along the African coast of the Gulf of Aden and the Gulf of Tadjura in 1840. Two decades later, between 1862 and 1885, France became active around the Gulf of

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<sup>63</sup> In fact, as far as the Somalis were concerned, since there was no state of Somalia before 1960, whatever problems exist between Ethiopia and Somalia must be blamed on the colonial powers, British and Italy. This was because prior to the advent of the colonial powers, the Somalis and the Ethiopians did not face any problem relating to border demarcation. Meanwhile, the Ethiopian tradition held the belief that what is now Somalia was part of ancient Ethiopia.

<sup>64</sup> Ethiopia was not colonised by an external power, except for the brief period of the Italian occupation in 1936.

Tajura concluding treaties with the Danakil Chiefs, the Sultans of Tajura and Crobad, and finally with the Chiefs of the Issa Somalis, who agreed to hand their territory over to France in March 1885. Between 1888 and 1897, the French, made it a point to sign treaties with Britain and Ethiopia to determine the boundaries of its newly acquired territory. In the interim, between 1885 and 1907, the British, concluded agreements with all the neighbouring powers to define their territory. In 1889, the Italians concluded an agreement with the Sultan of Mijertein, who agreed to place his territory under the protection of the government of Italy (Wolde Mariam 1964: 196-198).

### **9.3.3 The Wuchale Treaty between Ethiopia and Italy, May 1889**

In May 1889, Ethiopia and Italy signed the Wuchale Treaty, in which the Amharic text states that Emperor Menelik 'may use' the Italian Government as an intermediary between Ethiopia and other powers, while the Italian text says "consents to use' Italy. Under the 1889 Treaty, Italy claimed Ethiopia as her Protectorate, and thus Britain accepted the claim as a basis for her two treaties with Italy in 1891 and 1894, which defined their sphere of influence in the region. The Ethiopian government did not recognise either of the two agreements, arguing that neither Britain nor Italy had any right to conclude these agreements without the knowledge and the consent of the Ethiopian government. After the Italian defeat by the Ethiopians at the battle of Adwa in 1896, the Wuchale Treaty was abrogated. Immediately after that, the boundary between Ethiopia and the Italian Eritrea was determined by agreement (Wolde Mariam 1964: 198).

### **9.3.4 Ethiopia-British Treaty, March 1897**

In early 1897, Ethiopia conducted negotiations with both Britain and France concerning the Somaliland borders, and, signed an agreement with French Somaliland (that became known later on as Djibouti) in March 1897. In May 1897, Ethiopia and Britain signed an agreement regarding the boundary of British Somaliland. One of the problems with the Ethiopian-British agreement was that the British Somaliland boundary delimitation started from the Gulf of Tajura and end in the Gulf of Aden. It would therefore appear that, according to the strict letter of the agreement, Britain recognised that Ethiopian territory extended to the sea on both sides of British Somaliland. However, this assertion was precluded on the one side by the existence

of French Somaliland, which included the Gulf of Tadjura, and of course, whose borders had been delimited by the Franco-British agreement of 1888 and the Ethio-French agreement of March 1897 (Wolde Mariam 1964: 198-200).

### **9.3.5 Ethiopian-Italian Agreement, September 1897**

The boundary between Ethiopia and what was to become Italian Somaliland was discussed by Emperor Menelik and the Italian envoy Nerazzini in June 1897. After lengthy discussions, Emperor Menelik drew a line on a map of Habescht (*spezial Karte von Afrika, Sektion Abessinien 6*), affixed his seal to it and handed it to Nerazzini, who took it back to Italy. On 3 September 1897, the Italian government informed Menelik of their acceptance of his proposed line, and Menelik cabled back expressing his satisfaction with their agreement. The 1897 agreement became the root of the conflict between Ethiopia and Somalia. Unfortunately, the map with Menelik's seal is either lost or the Italians are unwilling to produce it. A closer investigation of the agreement checked against the map, would reveal that the Italian government officials' views, especially Nerazzini's statements about the Ethio-Italian agreement of 1897, were confusing and in some instances, contradictory. For example, he stated that concerning the boundary on the side of the Indian Ocean:

I obtained a delimitation that gave us, starting from the intersection of our frontier with that of the English in the country of the Somalis, a zone of absolute possession, parallel to the coast and of about 180 miles in depth reaching the Cataracts of Von der Decken on the river Juba (Wolde Mariam 1964: 200):

It has to be emphasised that throughout the boundary dispute, the Ethiopians and the Somalis were left with the difficult task of reconstructing Menelik's line based on the official declarations such as the quotation from Nerazzini cited above and publications of the Italian Government.

### **9.3.6 The Tripartite Agreement between Britain, France and Italy, December 1906**

The Tripartite Agreement of 13 December 1906, through which Britain, France and Italy defined and recognised their respective interests in Ethiopia, offered Italy an incentive to push its boundary further north. The agreement had referred to Italian interests in Ethiopia to include



Eritrea and Somaliland, including the Benadir, and the hinterland of her possessions and the territorial connection between them and to the west of Addis Ababa. In 1907, the Ethio-British agreement brought the boundary with Kenya along the Dawa to Dolo. That move, prompted the Italian government to push their line to Dolo (Wolde Mariam 1964: 202-203).

### **9.3.7 The Ethiopian-Italian Agreement, May 1908**

In 1908, on Menelik's initiative, a new round of negotiations regarding the boundary with the Italian government was begun. The negotiations focussed on working out an agreement on a line that would start from Dolo and, following the 4<sup>0</sup> N latitude line would reach the Wabi Shebelle. From there the line would comply with the 1897 cartographic agreement and reach the line drawn by the Italo-British agreement of May 5, 1894. King Menelik agreed to negotiate an agreement with the Italians on this basis. An agreement between Ethiopia and Italy was concluded on 16 May 1908, in which the Italian government agreed to pay three million Italian lire to the Ethiopian Government for the approximately 50,000 square kilometers of territory it had acquired. Although the agreement seemed to have settled the boundary problem between the two countries, the wording of the agreement was such that it assured the continued existence of the boundary problem. For example, Article (I) of the 1908 agreement states:

The line of frontier between the Italian possessions of Somalia and the provinces of the Ethiopian Empire starts at Dolo, at the confluence of the Dawa and the Ganale, proceeds eastwards by the sources of the Maidaba and continues as far as the Ubi Schebeli, following the territorial boundaries between the tribe of Rahanuin, which remains dependent on Italy, and all the tribes to its north, which remains dependent of Abyssinia. (Wolde Mariam 1964: 203):

This article, which was meant to delimit the boundary line of about 250 kilometers long concretely, contains only one specific and definite point, the confluence of the Dawa and the Ghenale. From this point on, the boundary has no definite point. This is because the sources of the streams and rivers and territorial boundaries of nomadic tribes were both variables and most importantly, the agreement was not accompanied by a map. Article IV of the same treaty states that the boundary was to proceed north-eastward from Wabi Shebelle, following the line accepted by the Italian government in 1897, which is Menelik's line. The Article goes on to say:

“All the territory belonging to the tribes towards the coast shall remain dependent on Italy; all the territory of Ogaden, and all that of the tribes towards the Ogaden, shall remain dependent on Abyssinia” (Wolde Mariam 1964: 206):

The assumption, when reading the contents of this Article is that the undefined tribal boundaries coincide with Menelik’s line. In fact, had the agreement demarcating the line in accordance with the provisions of Articles I and V been finalised of the agreement, the problem would have been revealed earlier.

### **9.3.8 The dynamics of the Ethiopian-Italian boundary dispute during and after the Second World War**

The ambiguity of the 1908 agreement came into the open in 1931, when the Italian authorities, without consulting the Ethiopian government, placed a boundary marker indicating the tri-junction point between Ethiopia, British and Italian Somaliland, at a point approximately 180 miles from the coast. The Ethiopian reacted by registering strong protest with the British and Italian governments protesting the Italian unilateral demarcation of the frontier line. The Italian chose not to do anything about it. In November 1934, the Ethio-British Boundary Commission encountered Italian troops at Walwal, in Ogaden. The Commission members withdrew from the area, leaving behind the escort. On 5 December a clash broke out and 130 Ethiopians were killed and a large number were wounded, against 30 dead and about 100 wounded on the side of the Italians. The Italian government demanded an apology and compensation; the Ethiopian government refused the request and instead took the case to the League of Nations. The League postponed the discussions over the boundary in favour of direct negotiations between Ethiopia and Italy. The result was a deadlock. Then the British and France came up with a proposal in which Italy was offered the whole of Ogaden and of Tigre, in return for a narrow desert corridor<sup>65</sup> to the Red Sea for Ethiopia. The Ethiopian Government rejected the proposal. The Italian army invasion of Ogaden two years later resulted in the boundary of Somalia with Ethiopia pushed further inland so that the whole of Ogaden, the middle Valleys of Wabi Shebelle, and Ghenale fell under Italian-Somaliland (Wolde Mariam 1964: 206-207).

During the Second World War, in 1941, the whole of the Somalia region of the former Italian East Africa came under British administration. This occupation was finalised on 19 December

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<sup>65</sup> Ethiopia was desperate to have access to sea

1944, when the Ethio-British agreement was signed, in which the Ethiopian government agreed to place the Reserved Area, a smaller strip of land adjacent to British Somaliland and Ogaden temporarily under British administration. It was during this time when the British Somaliland, former Italian Somaliland, and the Ethiopian region of Ogaden were under British rule, that the idea of Greater Somalia was conceived.

In fact, in 1946 it was Ernest Bevin, the British Foreign Secretary at that time, who proposed that, if the Ethiopian government agreed, the three Somali territories should be lumped together as trust territories. He defended his proposal by stating that “All I want to do in this case is to give those poor nomads a chance to live. I do not want anything else.” (Wolde Mariam 1964: 208).

Of course, Bevin was proposing that Britain should become the administering power of Greater Somalia. His interest was that Ethiopia should support his suggestion as a reward for Britain’s role in restoring the independence of Ethiopia and of putting the Emperor back on his throne after several years of sanctuary in Britain following the invasion of Ethiopia by Italy in 1936. The Ethiopian view, as Emperor Haile Selassie stated at the United Nations’ General Assembly in 1949, with reference to Eritrea and Ogaden, was that): “Time and again, it has been clearly demonstrated that these provinces formed an integral part of Ethiopia, but were torn away from her by force of aggression.” (Wolde Mariam 1964: 209).

Despite the Ethiopian government objection, and resistance from the Somalis populations, and under the pretext that the Somalis will be well off under the Italian government, in November 1949, the UN voted overwhelmingly to return Somalia to Italy for a period of ten years. Having realised that the European powers had decided to support the Italian demand and recalling the Walwal incident, Ethiopia insisted that the boundary dispute had to be resolved before the establishment of any trusteeship for that territory. The Ethiopia request was ignored, and hence the UN left the boundary problem, which had led to armed invasion in 1935, unsettled. In practical terms however, by accepting the UN trusteeship over Ogaden, Ethiopia had renounced its claim over the territory. However, before handing over the authority to Italy, Britain proposed in March 1950 a provisional boundary line between Ethiopia and Somalia, which it hoped, would be convenient from an administrative point of view for both parties. The British regarded the line as provisional only, and would not compromise the final

settlement of the border problem (the Sixth Session of the U.N. Trusteeship Council, 1950; Official Records (Geneva, 1951), annex II, vol. 1, 112-113).

In a resolution in 1950, the UN General Assembly laid down the general principles for solving the Ethio-Somalian boundary dispute. The process was set to start with bilateral negotiations between the governments of Ethiopia and Italy, to be followed by mediation and arbitration if the two countries could not reach an agreement. The Ethiopian position remained the same, and that was based on the 1908 agreement and the Ethiopian interpretation of it. The Italian government maintained its original position, which was based on the unilateral claim of the 180-mile limit. The negotiations continued, until 1957, when the UN General Assembly decided that a final solution must be reached by means of arbitration. The General Assembly decision on arbitration, prompted the UN Trusteeship Council to point out that some groups of the Somaliland population were of the opinion that it would be impossible to settle the boundary problem by any means before the termination of the trusteeship.

Despite that recommendation, the General Assembly urged the two countries to proceed to arbitration. After Ethiopia and Italy had failed to agree on an arbitrator, the General Assembly invited the King of Norway, to nominate an arbitrator, and he named Trygve Lie, who convened a conference in July 1959, which was attended by the two countries. The Ethiopian position was that the arbitration tribunal must be restricted to settling the disagreement between the two countries regarding their interpretations of the 1908 agreement. Italy on the other hand, maintained that the arbitrators must be given the wider powers of decision not only on the previous agreements between Ethiopia and Italy, but also on the terms of reference as well as international deeds and instruments concluded by each of the two parties with third countries. The arbitrator, Trygve Lie formulated a draft proposal compromise, which recognised that the Ethiopia-Somalia boundary has been established by the agreement of 1908. Unfortunately, the amendments of the two delegations became irreconcilable; hence, the conference reached a deadlock (Wolde Mariam 1964: 210-211; the Fourteenth Session of the UN General Assembly, 1959; Official Records, Agenda item 40).

### **9.3.9 The Ethiopian-Somali boundary dispute after Somalia independence**

In 1960, Somalia received its independence, and hence inherited the boundary dispute from Italy and the Greater Somalia idea from Britain. The union of the Italian and British Somalilands was further complicated by the disputes over the boundary between Ethiopia and former British Somalia. The government of Somalia officially abrogated the 1897 Ethiopian-British agreement. The Ethiopian government reacted by terminating the grazing rights of former British Somaliland people inside Ethiopian territory. Meanwhile, in defence of its position and in reference to the Somalis in Ogaden under the Ethiopian government, the Somalia government contended that:

There is no desire for aggrandisement. No territorial ambition. But the Government of a free Somali State has a special duty towards its countrymen across the borders, who have a common cultural heritage and origin, and who live, against their will, under a system of Government which is not their choosing (The Somali Peninsula: 1962: ix).

By questioning the delimitation of its boundary with Ethiopia, the Somali leaders were challenging the 1897 Anglo-Abyssinian Treaty and 1908 Italian-Ethiopian agreement directly. The basis of their argument was that these treaties have violated protection treaties signed between colonial powers and the Somali local leaders. Thus, in their view, the post-independent Somali government was right in arguing that since these treaties were concluded without consulting the local people and as Ethiopia has been ‘unlawfully’ exercising sovereignty over the Somali people of Ogaden on the other side of the border, these people should be granted the right to self-determination. Furthermore, they also had the right to decide for themselves whether they wanted to join Somalia or remain part of Ethiopia (Wolde Mariam 1964: 189-219; Chime 1969: 71).

Although the UN General Assembly recognised the 1908 Italian-Ethiopian agreement, the common boundaries between Somalia and Ethiopia have not been officially delimited. As discussed above, some of the reasons cited for the two countries not carrying out the delimitation included the vagueness and the lack of clarity of some articles contained in the agreements and the lack of reliable cartographic criteria provided for by the agreements (Chime 1969: 72-74).

The Ethiopian-Somali boundary dispute was brought before the OAU leaders for the first time in July 1964. During that conference, President Aden Abdullah Osman of Somalia urged the OAU leaders to recommend that the boundary between his country and Ethiopia be readjusted, because he claimed that the existing boundaries divided the Somalis along the length of the existing borders with Ethiopia and Kenya. At the OAU conference, a verbal barrage of words ensued between a Somali delegate and the Ethiopian Prime Minister at that time, who stated that the OAU's position should be supportive of the status quo regarding the colonial borders based on its Charter (Chime 1969: 71). The case was later on tabled at the OAU conferences such as the one held in 1967 in Kinshasa, Zaire<sup>66</sup>. On all these occasions, the two countries had failed to agree on the type of conflict resolution mechanisms suggested by the OAU leaders, including arbitration and bilateral negotiations. During its summit in Addis Ababa in May 1973, the organisation formed a 'Good Offices Commission' composed of eight African countries in an attempt to mediate between the two countries. Like in previous attempts, the Committee also failed to find an acceptable solution to the boundary dispute between the two countries.

In November 1977 and in early 1978, the conflict developed into an open war, for the second time, between Ethiopia and Somalia. One of the repercussions of that border dispute was that it prompted an increased superpower penetration of the Horn of Africa, a move that complicated the situation further. In fact, the involvement of the superpowers (the USA and the Soviet Union) in the Ethiopian-Somali dispute paralysed the OAU efforts to help the two countries use diplomatic means to resolve the conflict. The OAU member states had to resort to using their good offices behind the scenes to mediate, without revealing their true feelings to the superpowers that they were unhappy with their involvement (Saxena 1993: 235-236; Chime 1969: 73-74; Jonah 1994: 1-13).

#### **9.4 Position of the OAU on the boundaries in Africa**

The Ethiopian-Somalia boundary dispute should be understood within the context of the OAU Charter, particularly with reference to Article 3 (3), which, as mentioned earlier, stipulated that the sovereignty and territorial integrity of each member state be respected. What this article called for was the prohibition of any action that might undermine the sovereignty and territorial

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<sup>66</sup> Zaire was renamed Democratic Republic of Congo (DRC) in 1997.

integrity of member states of the OAU. On the other hand, the UN Charter is mainly concerned with the threat or use of force against its member, an action that might threaten international or regional security.

Article 3 (3) thus gives implied recognition to the principle of *Uti Possidetis*, that is securing respect for the territorial boundaries at the moment when independence is achieved. This principle sought to avoid disputes among successor states by preserving the status quo upon independence. It was first used in South America in early nineteenth century because of the independence of former Spanish colonies (Naldi 1999: 11-12).

The Somali government's argument in favour of granting the Ogaden people in Ethiopia and the Somalis in Kenya the right to self-determination, a right that was preserved for people under colonial rule resulted in two contradictory tendencies in Africa during the 1960s:

- The consolidation of African states within existing boundaries inherited from the colonial power; and
- Uniting those states for realising the wider unity of the African peoples.

It was thus the case that the African heads of state and government who met and founded the OAU in Addis Ababa in May 1963, had to choose whether to adopt the principle of *Uti Possidetis*, thus endorsing a legacy of colonial era or ignore the question entirely and therefore increase the risk of border disputes.

One of the explanations given at the time for the compromise reached, on maintaining the existing colonial borders, by the OAU founders in May 1963, was attributed to the influence of the Pan-African ideology as discussed in chapters 3 and 4. It was also attributed to the anxiety that any approval of the principle of non-interference into internal affairs and respect for the territorial integrity of states should not be interpreted as an endorsement of colonialism. Somalia in particular, already had a border dispute with Ethiopia when the African leaders met in Addis for the first time, and therefore reserved its position. The Somalis thus forwarded the logical argument that the OAU Charter did not have a retroactive effect and did not apply to the

existing disputes. They argued that the status quo as adopted by the OAU Charter was applicable only to the future disputes (Naldi 1999: 13-14).

As shall be discussed below, the compromise to maintain the colonial borders which was reached by African states in May 1963 was not necessarily accepted by all the member states, some of whom felt that it was necessary to emphasise the principle of *uti possidetis* explicitly. That was why in July 1964 the OAU adopted the Resolution on Intangibility, according to which the member states reaffirmed the validity of Article 3 (3) and pledged themselves to respect the borders existing upon their achievement of national independence (Naldi 1999: 14).

Indeed, two approaches were adopted by the OAU founders to address problems relating to boundary conflicts:

- Firstly, as alluded to in chapter four, some argued that redrawing the existing political boundaries should not be seen as an attempt at expansion but an effort to satisfy the natural urge of the people to achieve the basic ethnic unity and regrouping of the communities which had been separated by the colonialists' policy of domination and exploitation (Sheth 1990: 25-33)

According to Nkrumah:

Pan-Africanism means nothing unless it transcends the artificial barriers and boundaries imposed by colonialism. In the new Africa we must be prepared to scrap outright the frontiers which were drawn to suit the convenience of colonial powers without any regard whatsoever to ethnic or social groupings or to economic needs of people (Welch Jr 1966: 13)

Thus, this viewpoint further stressed the need to restore ethnic, cultural and economic ties destroyed by the colonial powers by removing artificial colonial borders. To restore cultural ties between people separated by borders would require asking the affected people, through the exercise of the right to self-determination whether they would like to join their kith on the other side of the border or remain where they were. The assumption was that since the people affected were anxious to join their kith on the other side of the border, in the case of the Somalis in Ogaden, they would choose to join Somalia, hence resolve the issue of ethnic separation. As for the long term solution to the boundary problems inherited from



the colonial legacy in Africa, as discussed in chapter three, the first option adherents within the OAU were in favour of the union of African states into a super state structure, where all the African states would belong; hence do away with the colonial borders.

- The above position, which was supported by Ghana under Nkrumah, alarmed other OAU member states, especially Ethiopia and Kenya who argued, among other states, that adopting the principle of self-determination to delimit the Ethiopian-Somalia border, would pose a threat to the territorial integrity of the Ethiopian state, besides violating treaty designating Somalia as a successor state. The two countries also supported the UN International Law Commission, which concluded that the principle of self-determination contained in the UN Charter was an independent principle, which could not be presented as an application of a rule in the context of treaties. For example, Vienna Convention on the Law of Treaties adopted on 22 May 1969, in Article 62 stipulates that a fundamental change of circumstances might not be invoked as a ground for terminating or withdrawing from a treaty if it established a boundary. In other words, since Somalia inherited the territories that consisted of the Italian and the British Somalilands, and although as a new entity, it was not signatory to the treaties that established the boundaries between Ethiopia and Somalia, Somalia is obliged to respect those treaties as a successor state and the OAU should force Somalia to respect the status quo. This represents the second approach.

### **9.5 Dynamics of the Cold War politics during the Ethiopia-Somalia boundary conflict**

The rivalry between the US and the Soviet Union during the Cold War, especially in the Horn of Africa has complicated and on several occasions, undermined the role that the OAU could play in resolving inter-state conflicts between its members. The US-Soviet Union rivalry in the Horn of Africa, and their subsequent involvement in the Ethiopian-Somalia conflict, can best be understood if the interests involved, and how the two powers at that time weight the geopolitical importance of the two countries, are discussed.

The relationship between Siad Barre and the Soviet Union can be traced back to 15 October 1969 when Barre waged a military coup, which toppled the elected government of President Abdirashid Ali Shermarke and his Prime Minister, Mohamed Ibrahim Egal. Barre installed a

socialist government in Mogadishu and Moscow therefore became an ally to Somalia. The new socialist government in Mogadishu did not accept the existing borders, until 1977, when Barre tried to capture the Somali-inhabited Ogaden from Ethiopia forcefully. Having realised that Ethiopia was a safer option for its long-term strategic goals; Moscow switched its support to Ethiopia and supplied large-scale military assistance to Mengistu Haile Mariam's Marxist regime. As a result, Barre expelled all the Soviet and Cuban military advisors (LeMelle 1988: 21-26; Kantz 1995:182-186).

Following the Soviet Union's loss of access to the rights to Somalia's military facilities in November 1977, the Soviet military presence in the Horn's coast of the Indian Ocean was minimalised. For strategic reasons, Somalia's facilities were very important to the Soviets, precisely because they were the only military facilities the Soviet Union had in the Horn of Africa (LeMelle 1988: 21-26; Makinda 1987: 173-177).

Although Ethiopia replaced Somalia as the Soviet ally in the Horn, Addis Ababa could not offer the type of facilities that Somalia had provided. For example, the Ethiopian Red Sea ports of Assab and Massawa at that time were not as conveniently situated as the Somali ports of Berbera and Mogadishu. Moreover, before the independence of Eritrea in May 1993, the Ethiopian ports facilities, were in an area that was subject to internal rebellion, whereas the Somali ports, prior to the collapse of Barre regime in 1991, were secure (LeMelle 1988: 21-26; Makinda 1987: 176-78).

Seen from Ethiopian Marxist regime perspective, which came into power in 1975, having overthrown Emperor Haile Selassie's government, the Russian presence in Ethiopia has transformed a country racked by external invasions, internal dissension and provincial secession into a country that has preserved the sanctity of its borders, particularly with Somalia and Sudan. Moreover, it has maintained the stability of its ruling military junta (the Dergue<sup>67</sup>) and kept its empire intact. In other words, according to the Ethiopian government at that time, by intervening in the 1977-78 Ogaden war, the Soviet Union had played a politically stabilising role in Ethiopia.

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<sup>67</sup> Dergue was the committee that ruled Ethiopia after Emperor Haile Selassie was deposed in 1975. It was established as the Provisional Military Administrative Council (PMAC).

What were the Soviet Union's objectives in the Horn of Africa? As discussed in chapter four, among other things, one of the primary objectives of the Soviets in the Horn and the Red Sea region has been to secure and maintain naval and air facilities in order to protect its presence in the Indian Ocean region more effectively. Indeed, by 1981, there were 2,400 Soviet military advisors in Ethiopia. The Soviet policy in the Horn of Africa during and after the Ethiopian-Somali boundary conflict centred around three main issues:

- The desire to acquire influence in Ethiopia to counter the American influence in the region;
- The interest to forge a network of relations between Ethiopia, Libya and People's Democratic Republic of Yemen. At that time, these countries were regarded as progressive and also as the socialist allies of the Soviet Union in the Middle East and in the Horn of Africa ; and
- The determination to challenge the American and Western presence in the Red Sea and Persian Gulf region (Makinda 1987: 180-190).

It is to be mentioned that during Emperor Haile Selassie's rule, the USA was initially only interested in Ethiopia's potential as communications centre, and not in its strategic potential. It was only in the late 1970s that the US started to show an interest in the Horn's strategic location. Unlike Haile Selassie, who had the freedom to play USA against the Soviet Union, a situation that allowed Ethiopia to use its meagre assets, the Dergue regime had insisted that Ethiopia had become a revolutionary country belonging fully to the socialist camp. Similarly, Somalia seemed to have embraced the socialist cause by the mid of 1970s, and had been looking at the Soviet Union not only as a supplier of weapons, but also as an ally and a political role model. Unlike Mengistu Haile Mariam however, Siad Barre turned to the USA in 1977, while maintaining his public commitment to socialism.

The US policy towards Ethiopia was affected by three major concerns (LeMelle 1988: 21-26; Ottaway 1982: 155-164):

- Maintaining access to Kagnew Station in Eritrea, which it used as a military base to

further its strategic goals in the Horn;

- Opposing the Soviet presence in the Horn and the Red Sea; and
  
- The desire to develop a coherent policy towards Africa.

It is important to point out that one of the reasons why the US and the Soviet Union did not support the alteration of the colonial borders and hence objected to the break up of African states during the Cold War, was the opposition of the OAU to the idea. Indeed the nature of the super powers' solidarity with the OAU, if there existed such a relationship, was because both of them feared that if they supported secession in one case, most, if not all the OAU members would express their disapproval by moving towards alliance with either superpower. While the dynamics of the Cold War era led the two powers to defend the legacy of the empires' borders in Africa, in the post Cold War period there were no strong bases outside Africa that they wanted to uphold.

As discussed in chapter four, the intervention of the superpowers in Africa has therefore made it difficult for the OAU member states to prevent disputes from escalating into wars, as was the case with the Ethiopian-Somalia war. This was because, apart from economic and military ties of some OAU member states with one or both superpowers, the OAU member states had diverse national interests they wanted to preserve. Thus, taking a unified continental position against the intervention of the superpowers on the continent may jeopardise the achievement and the maintenance of interests of the individual countries with the superpowers (LeMelle 1988: 21-26; Katz 1995: 182-186).

A revisit of the OAU objectives, in relation to the discussion about the role of the superpowers in Africa during the 1970s, reveals that, as a result of the US and Soviet intervention in African politics, the OAU member states were faced with newer sets of dilemmas, than the ones they had anticipated in May 1963 when they established the OAU. It is essential to recall that, as discussed in chapter four, the first objective of the OAU member states, according to Article 2 (1) of the OAU Charter, was to promote the unity and solidarity of the African states. The unity and solidarity that the OAU member states called for seemed not to be concerned with the unity of African people world wide as the Pan-African Movement's principles had emphasised,

rather with the OAU member states. The contradiction lies in the promise to preserve the colonial borders as they stood before independence and the desire among some of the OAU member states to unite the African people. The extent, to which the member states would support African unity, seemed to have been determined by the extent to which OAU member states' interests would be served by the solidarity and the unity of its members, and not necessarily by the benefits that the unity would accrue to the population of these states. As discussed in chapter four, the states were the main beneficiaries of the African unity and not the people. Therefore, whether the inherited boundaries had divided people of the same origins across two borders or not, and as long as the territorial integrity of member states were preserve, there was no problem.

The second objective of the OAU was to coordinate and intensify its member states' cooperation and efforts to achieve a better life for the peoples of Africa. Although the implication in this objective was that the state was in the service of the African people, the reality was that the achievement of a better life for African people was less important than the smooth coordination and cooperation between member states. No reference was made to any role for the people of Africa, was a further indication that the OAU Charter favoured the promotion of the OAU's member states' interests and not the people ((Naldi 199: 3-5).

The third objective was to defend member states' sovereignty; their territorial integrity and independence; eradicate all forms of colonialism from Africa. Although this objective prohibited the OAU member states from intervening in the internal affairs of member states, the contradiction lies in that member states such as Ethiopia and Somalia were free to choose which country, whether from within the region or beyond, could intervene in its support against another member state, hence violating the principle of non-interference (Kodjo 1984: 5-6).

The fourth objective of the OAU was to promote international cooperation, with special regard to the Charter of the United Nations and the Universal Declaration of Human Rights. While this objective, as discussed in chapter six in relation to institutional cooperation between the OAU and the UN system, was geared towards achieving international cooperation on issues relating to world peace and harmonisation of relations between and among states, the practical application for achieving this objective was in direct conflict with the Cold War politics. For example, the US and the Soviet Union, the two superpowers responsible for promoting and

maintaining world peace, were coercing the OAU member states to take sides in their war of influence in Africa. The competition between the two superpowers, plus China therefore had created tensions between and among the OAU member states, rather than contributing to harmonising those relationships (Naldi 199: 3-5).

### **9.6 Approaches, mechanisms and methods used by the OAU in the Ethiopian-Somali boundary dispute**

As mentioned in this chapter, the Somali government's main point of view centred on the importance of exercising the right to self-determination by the Somali population living within Ethiopian borders and in Northern Kenya. The Somali government stand on self-determination was based on the assumption that if the Somalis in the Ogaden region in Ethiopia and in the Kenyan Northern Frontier were given the right to vote whether they would like to join Somalia or remain in their countries of residence, they would choose to be incorporated into Somalia state. The weakness of that argument lies in that the Somali government did not consider the 'territorial' claims by both Ethiopia and Kenya seriously. In fact, the territorial claims of Ogaden and the Northern Frontier were behind the Ethiopian-Kenyan stand against self-determination for the Somalis people residing in these regions. These countries were interested in the two territories and not in the people inhabiting them. In other words, the essence of the Ethiopian position on the boundary dispute with Somalia was that adopting the principle of self-determination in delimiting the Ethiopian-Somalia boundary, would pose a threat to the territorial integrity of the Ethiopian state, besides violating the Vienna Convention on the Law of Treaties of May 1969, designating Somalia as a successor state. The Ethiopian government further contended that the principle of self-determination did not apply to territories within an independent state, and was moreover against the principles of the OAU Charter (Widstrand 1969: 168-182; Chime 1969: 65-78).

It needs to be emphasised that the manner in which the OAU reacted to the Ethiopian-Somalia boundary conflict, because of the intensity of the conflict in 1977-78 and the attitude of its member states towards the issues involved, had largely shaped the OAU's subsequent approach to resolving the dispute. In this particular dispute, some of the OAU member states felt that adopting a hard stance on the merit of the dispute could lead to the destruction of invaluable African solidarity. Thus, members of the organisation were divided over whether they should

reconsider redrawing the boundary between Ethiopia and Somalia or stick to the provisions of the OAU charter, which adopted the status quo of the borders as they were inherited from the colonial powers. This attitude had resulted in a lukewarm approach by the OAU to the conflict between Ethiopia and Somalia (Sheth 1990: 25-33).

In fact, on two occasions, in 1964 and in 1965, the OAU leadership shied away from discussing the boundary dispute between Ethiopia and Somalia because it would have been too divisive, and because member states took diverse stands on the approach that should be used to deal with the problem. Secondly, the OAU did not succeed in 1977/78 in persuading Ethiopia to allow the OAU Committee to supervise the cease-fire between Ethiopia and Somalia, even though a considerable number of its member states were in favour of this suggestion. This was because, by allowing the OAU to supervise the cease-fire, the Ethiopian government feared that such a move would legitimise the OAU's future role in dealing with the dispute that may encouraged the organisation to impose a continental solution to the dispute. Thirdly, as discussed in chapter five, it seems that bilateral discussions and the good offices of some heads of state and government have proven more successful in the case of Ethiopia and Somalia, as was the case in other conflicts, than the OAU direct mediation involvement (Chime 1969: 65-78).

In the case of the Ethiopia-Somali boundary conflict, one of the dilemmas, in which the OAU leadership found itself, as mentioned earlier in this chapter, was their understanding of the political and legal status of colonial boundaries. What they needed was to perceive boundaries more as communication lines through which resources and people move rather than rigid separating lines. Of course, from the legal and political perspectives such a statement may be problematic. This is because, although it is preferable to allow people to move across boundaries freely, states are bound by domestic and international laws to exercise some authority within their territories to provide safety, security and services to their population. On the other hand, as discussed in chapter five, by adopting an inflexible approach, that is non-interference in internal conflicts of member states, or border conflicts, the OAU charter has rendered the organisation ineffective in mediating the boundary dispute between Ethiopia and Somalia. The outcome of that dilemma was that the settlement of boundary disputes between member states was either carried out through the OAU's ad hoc frameworks, which were not effective or the application of the UN's sanction regime and the verdict of the International

Court of Justice arbitration, which most OAU member did not like to make use of (Mathews 1986: 1-27; Chime 1996: 82-90).

The OAU mediation role in the Ethiopian-Somalia boundary dispute, especially its use of the ad hoc committee system, rather than using systematic approaches as detailed in its Protocol of Commission on Mediation, Conciliation and Arbitration, has a number of shortcomings that are worth mentioning:

- Firstly, adopting the ad hoc committee system, as discussed in chapter five, raises the question of institutional memory. Ad hoc committees do not last long beyond the terms of their mandate. In practical terms it means that attempting to resolve conflicts through ad hoc committees, thus outside the OAU's established institutional framework such as the Commission, contributed to the organisation losing its legitimacy and authority over conflicts that fall within its jurisdiction. It also meant that the institutions which were established to deal with conflicts became redundant and of no use, since most parties to conflicts preferred to use ad hoc arrangements, that do not have binding or legal obligations attached to them.
- Secondly, ad hoc committee systems undermine the use of the carrot-stick sanctions approach. If the OAU had employed the latter method effectively in the case of the Ethiopian-Somalia boundary dispute, it would have obliged the OAU members to accept the solutions proposed by the organisation. The OAU conflict resolution framework, as embodied in the Commission, provided for the adoption of mechanisms such as arbitration, in which parties to the conflict were obliged to accept the verdict of the arbitrators. By preferring the ad hoc committee system, the OAU member states were avoiding the legalistic character of arbitration and opted for arrangements which did not have binding consequences for the parties to the conflict, hence undermining the authority of the organisation as a mediator. The UN General Assembly had tried to adopt arbitration in the boundary dispute between Ethiopia and Italy, they both refused to adhere to it.
- Thirdly, as discussed in chapter two under the section on the nature of conflicts in Africa, most of the OAU member states, particularly those that had internal conflicts,



lacked internal peace or were involved in some forms of conflicts with their neighbours, thus found it difficult to mediate in conflicts outside their borders. Other countries were indirectly involved, either because they were sympathetic to some opposition groups in their neighbouring countries or were affected by the conflict, for example by hosting a huge number of refugees, and were therefore not regarded as neutral enough to become involved in the mediation process (Mathews 1986: 1-27).

## **9.7 Characteristics of the Ethiopian-Somalia boundary dispute that affected the role of the OAU**

### **9.7.1 Nationalism, statehood and assimilation**

The nature of the Ethiopian-Somali dispute has revealed to the OAU mediators that unless one understood the dynamics of Pan-Ethiopianism and Pan-Somalianism and the nature of state ideology, which informed the two nationalisms, it would be difficult to solve the problem. Pan-Africanism called for the unity of all the African people. In the case of Ethiopia, the official state ideology in relation to the Somalis in Ogaden has been that of assimilation. By assimilation was meant the mastery of one of the two elitist languages Amharic and Tigrinya, and at least a nominal introduction into the Orthodox Church. Emperor Haile Selassie for instance, had hoped that the Somalis could become good Ethiopians; although he might have suspected that their commitment to Islam would make them far more difficult objects of an assimilationist policy than their Oromo neighbours were (Lewis 1963: 147-161).

Pan-Somalianism on the other hand was based on the ideology of Greater Somalia. It embraced the ideology that Somali speaking people in Somalia, Ethiopia, and Kenya and in French Somaliland (now Djibouti), shared a common language, and a historical, ethnic and cultural heritage. In order to create a viable, homogenous nation state, the Somali founding fathers saw in the Pan-Somalianism a credible ideology that would bind the Somalis together, and help them establish a strong and cohesive nation state. Dividing Somalis, as they were into four separate countries, was seen by Pan-Somalist ideologues as a recipe for instability in the Horn.

These competing and opposing ideological trends, Pan-Ethiopianism and Pan-Somalianism, had posed a major impediment to the OAU mediators' efforts to resolve the boundary dispute.

As has been mentioned earlier in this chapter, there were two approaches that the OAU mediators had proposed to deal with the Ethiopian-Somali boundary dispute: There were those who preferred to use the provisions of the OAU charter, which respected the territorial integrity of the member states and thus preferred the status quo and there were those who espoused Pan-Africanism ideals, and called for the readjustment of the borders, so that those ethnic groups, such as the Somalis who were divided across borders could be reunited. The dilemma was that by adopting the provisions of the charter, it would have appeared that the OAU mediators supported the Pan-Ethiopianism ideology, which implied accepting the Ethiopian assimilation and expansionist policies. On the other hand, if they decided in favour of readjustment of the borders of the two countries, the OAU member states would have chosen to support the Pan-Somalism, which called for the creation of Greater Somalia ((Lewis 1963: 147-161).

### **9.7.2 European versus African colonialism**

On the other hand, the Somalis made it clear to the OAU mediators that the boundary dispute between them and Ethiopia was not an issue of changing colonial borders, thus violating one of the OAU's main principles of territorial integrity. It was rather as discussed in chapter four, a matter of completing the process of de-colonisation. The Somalis argued further that when the various boundary agreements and treaties were negotiated and agreed upon during the era of European colonialism, it was done either by the European powers among themselves or between them and Ethiopia. Somalis were not involved in all these treaties. Now that the Europeans were gone, the parties to these agreements that were available to renegotiate the completion of the de-colonisation process with the Somali national government were Ethiopia and Kenya. Ethiopia and Kenya, like the former European rulers of the Somalilands were regarded by the Somalis as the remaining colonial powers with which the Somali's leaders were now ready to negotiate the final demarcation of their boundaries with an independent Somalia. For the Somali leaders therefore, the fact that the Ethiopian and Kenyan colonialism was African, rather than European, did not change the fact that it was still colonialism. Of course, it was very difficult for the OAU leaders to equate the Ethiopian and Kenyan occupation of some parts of Somalia with the European colonialism and that was an important cause of disagreement between the Somalis leaders and the OAU member states.

### 9.7.3 Structural weaknesses of states

Another important aspect of the dispute, which the OAU leaders might have noticed, was that the conflict between Ethiopia and Somalia was a deeply seated structural weakness within the system of these two states, which were highly centralised. The peripheral groups struggled to remain loosely federated with the central group, while the central governments were adamant to maintain absolute control of the peripheral groups. In Somalia, the state structure was deeply rooted in the clan system, where loyalty to a clan, was paramount to loyalty to state institutions, and thus the central government's efforts to establish strong government institutions were met with resistance by the clan system. The cultural sense of belonging to the 'Somalia nation' was therefore much stronger than to the Somalia state. The Somali nationhood was embodied in the people of Somalia, whereas the 'state,' as embodied in the government in Mogadishu was seen by the clan leaders as a central authority, established by the urban Somalis, who were intent on controlling the lives of the Somalis and were determined to do away with their long time clan based system. There was therefore conflict between the indigenous Somali authorities and the Western based colonial inherited nation state in Mogadishu. The boundary conflict was thus a reflection of the existence of relatively stable and discernible decentralised political units, as conceived in the clan system, firmly rooted in an indigenous concept of statehood versus the centralised government system in Mogadishu. In the case of Ethiopia, the political institutions that formed the pillars of the Ethiopian nation were also firmly rooted in an indigenous concept of statehood, the Ethiopian Empire, but the existence of centralised imperial system aroused conflicts at its peripheries through the empire's attempts to incorporate further people and territory. In Ethiopia, the central government was determined throughout its history of existence to maintain its control over those territories and people that it had already incorporated, such as the Somali Ogaden. However, as later events during the 1990s have shown, the scenario above provides explanation for the escalation of regional violence that led to the overthrow in the first half of 1991 of the government of Haile-Mariam in Ethiopia and to the collapse - at least in the case of Somalia, of the entire structures of the statehood itself. In each case, the state was overthrown by the a coalition of prephery political organisations and elements of the central governmen, which, according to the scenario outlined above, should have been expected to sustain it. The Somali state collapsed as a result of intra and inter-clan conflict among Somalis, who at least

until 1977-78, believed in the ideology of uniting Somalis as a nation. The Haile-Mariam regime was overthrown by a coalition of the regions of the country that had been historically part of the greater Abyssinian Empire. In the case of the Horn of Africa therefore, the nation state had been embodied in an indigenous culture and tradition, and had raised expectations, which the governments of the 1960s were unable to realise. The causes of the Ethiopian-Somali conflict therefore, can be traced to the ideal of nation building (Clapham 1995: 74-75).

#### **9.7.4 Lack of binding rules of international law**

Another aspect, which became clear to the OAU mediators in the Ethiopian-Somali border conflict, was that there were relatively few binding rules from international law that one can cite or apply confidently in a given situation. For example, some of them came to realise that, the Ethiopian-Somali boundary problem was unique. The history of the Ethiopian-Somali boundary dispute has revealed that there were other important technical issues such as finding out where boundaries really were. For instance, there were difficulties with the physical demarcation of the Ethiopian-Somali boundary, both as a legal exercise and as a survey, and also regarding the physical preservation of the demarcated boundary on the ground. The OAU mediators also realised that the Ethiopian-Somali boundary dispute was not only a case of boundary demarcation, but was also a case of territorial claims by Ethiopia. The fact that in 1908 the Ethiopian government was ready to receive three million Italian lire for about 50,000 square kilometers of territory it had acquired from the Italian government seemed to indicate that Ethiopia was more interested in the land, rather than in the welfare of population of Ogaden (Widstrand 1969: 1968).

The Ethiopian-Somali dispute also brought to the fore the question of the differences between boundaries in terms of their functions and the issue of their relevance in some instances. In Europe, boundaries are legally and politically relevant at all times and they embody the state sovereignty and its territorial integrity and are governed by the provisions of the international law. In Africa, the OAU leaders seemed to have realised that boundaries in the African context can in some situations, be irrelevant in terms of the performance of governmental functions, particularly regarding those boundaries where people of the same ethnic descent were divided across borders. For example, the restriction of the movement of people across some borders did not mean that the boundaries could not still function in other aspects. On the other hand, the

Somalis in Ogaden were moving freely across the border, although in legal terms they were/are treated differently on both sides of the border (Widstrand 1969: 169).

#### **9.7.5 The problem of colonial boundary disputes**

Another important aspect of the Ethiopian-Somali dispute, which posed a dilemma to the OAU mediators, was the contradictions in the OAU Charter regarding the methods of resolution of colonial boundary conflicts. In Article 2 of the OAU Charter, one senses that the organisation had a strong bias towards state territorial integrity. That article called for the promotion of the unity and solidarity of African states; and to defend their sovereignty, their territorial integrity and independence. The OAU Charter had therefore upheld the principle of *uti possidetis*, which requires states to respect the territorial boundaries existing at the time when independence was achieved. On the other hand, in Article 3 of the OAU Charter, member states affirmed and declared their adherence to the sovereign equality and non-interference in the internal affairs of states. The essence of these articles, made it difficult for the organisation to convince Ethiopia and Somalia to find a solution within the OAU legal system. Some OAU leaders were certainly convinced that African unity should mean a union of African states, thus the need to transfer some sovereignty from national units to a new central authority of which the national units would be part. Ironically though, five out of the seven main principles of the OAU, were clearly in defence of the sovereign rights of member states and the protection of their heads of state and government. Moreover, the Ethiopian-Somali conflict had also revealed to the OAU leaders that there was the issue of where the interference (intervention), whether direct mediation or through good offices, begins and ends. This question may explain why various agreements, cease-fires and truces were signed between the two countries, but were constantly violated (Malan 1997: 31-34; Mathews 1986: 3-4).

#### **9.7.6 The problem of nomadism**

The contradiction referred to above, manifested itself in the unwillingness of some OAU member states to accept the idea of granting self-determination to the Somali population residing in the Ethiopian region of the Ogaden, arguing that it would set a precedent for raising such a demand for the Somalis in Kenya and Djibouti. Some OAU member states which were supportive of the Ethiopian government position argued that the Somalis on both sides of the

border lived a nomadic life. True, the Somalis are a homogenous society and Somalia would indeed have been an ideal candidate for a stable nation state. The problem was that, like others, who lead nomadic lifestyle, the Somalis were not in favour of a centralised system. Thus, some argue, the granting of the right to self-determination to the Ogaden Somalis and to the Somalis in Northern Kenya would mean the self-determination of nomads and not settled people. On the other hand, the nomadic self-determination of the Somali people, some OAU member states argued, would not serve any purpose other than that of the establishment of Greater Somalia, an outcome that the Ethiopian government was not ready to accept. The other side of the contradiction was represented by the view of the other OAU member states who argued that there was an important need to restore the ethnic, cultural and economic links destroyed by the colonial powers by removing artificial borders through the principle of self-determination. They further argued that a union of African states could solve the boundary problems inherited from the colonial powers (Sheth 1986: 3-4).

#### **9.7.7 Lessons from the Ethiopian-Somali boundary dispute**

There were also other important lessons that the OAU mediators, through their involvement in different capacities in the management of the conflict, had learned from the Ethiopian-Somalia boundary dispute. For example, the OAU mediators have realised that the similarities of interests, problems and loyalties that one found in the Horn of Africa, would logically make it more likely that attempts at regional conflict settlement were more forthcoming and more effective. Although the OAU mediators had faced serious challenges in their attempts at approaching the Ethiopian-Somali boundary dispute from regional perspective, the opportunities of handling boundary conflicts through regional mechanisms can be explained in four ways:

- Firstly, as discussed in chapter seven in connection with the role of sub-regional organisations in conflict resolution situations on the continent, regional interests and loyalties in addition to the common desire to achieve local peace, make neighbouring countries the most likely to offer assistance for attempts to settle boundary disputes.
- Secondly, neighbouring countries tend to be more interested in achieving a settlement than in aiming to achieve a particular outcome to a conflict. In other words,

neighbouring countries tend to believe that they have some stakes in a particular outcome of the conflict, and therefore the unpredictability of the outcome make them seek comprehensive solutions rather than wait for the outcomes.

- Thirdly, as mentioned in chapter two in relation to the nature of conflicts in Africa, within a particular region, in this case in the Horn of Africa, specific methods may be applied to conflict resolution, which may not be applicable in other circumstances. Although the OAU did not use specific methods other than mechanisms such as good offices and mediation in the Ethiopian-Somali boundary dispute, the organisation was successful in the short run at making use of some of these tools.
- Fourthly, the values and interests shared within a region can be utilised easily to assist in the settlement of conflicts. For example, regional symbols such as African unity, pan-Africanism and a common destiny, that is Somali and the Ethiopians, although they speak different languages and profess different religions, they shared common ethnic and historical roots (Meyers 1974: 345-373)

It should also be emphasised that the involvement of the superpowers in the Horn of Africa, in pursuit of their own interests, have indeed undermined the actual and potential leading role that the OAU was aiming to play as a continental organisation in the international politics of the time.

Firstly, as discussed in chapter four in relation to the impact that the superpowers' competition had had on the role of the OAU in conflict resolution matters, the Cold war politics had made it difficult for the OAU to convince member states to come up with a collective and unified foreign policy. This lack of a unified stand against the encroachment of the superpowers in Africa might explain why, from a Ethiopian Marxist regime perspective for example, the Russian presence in Ethiopia was seen to have transformed a country racked by the external invasion by Somalia, internal dissension by the Amharas and the Oromos and provincial secession in Eritrea, into a country which has preserved the sanctity of its borders. In other words, according to the Ethiopian government of the time, by intervening in the 1977-78 Ogaden war, the Soviet Union had played a politically stabilising role.

Secondly, one of the reasons why the United States and the Soviet Union did not support the break up of African states during the Cold war was, amongst other things, the opposition of the OAU member states to the idea. Moreover, both of them feared that if they supported secession in one country, most, if not all the OAU members would express their disapproval by moving towards an alliance with either superpower. Thus, supporting secessionist tendencies would result in insecurity and political instability on the continent. Despite this open policy however, in reality the two superpowers covertly supported one group against another in order to further their own strategic, political and economic interests (Kantz 1995: 182-186).

Thirdly, the insistence of the two powers to influence the countries in the region seemed to suggest that the security of the region was handed over to those powers, without the consent of the continental organisation, in this case the OAU, which was supposed to have the responsibility for maintaining regional and continental peace. Through their intervention in the Ethiopian-Somali boundary dispute, the superpowers undermined the role of the OAU as the continental organisation responsible for the peace and security of its member states. The Soviet Union and the United States for example, established military bases in the Horn of Africa, without paying any attention to the regional security system stipulated in the OAU Charter. As discussed above, the repercussions of the superpowers' involvement were felt by all the countries neighbouring Ethiopia and Somalia, as reflected in their efforts to solve the boundary conflict between the two countries. Ironically, the Ethiopians and the Somalis were more interested in acquiring armaments from the Soviets and Americans than listening to the OAU member states' concerns about regional security breaches by the two superpowers as a result of their intervention in the dispute (Makinda 1987: 180-190; Ottaway 1982: 155-164).

## **9.8 Conclusion**

In discussion of the role of the OAU in the Ethiopian-Somali boundary dispute, several important questions were raised; the historical evolution of the dispute was analysed, and the impact that the conflict had had on the institutional role of the OAU in inter-state conflicts was discussed. Some of the issues raised were related to the inherent structural limitations within the OAU structural set up, particularly, the contradictions within the OAU Charter. Other issues discussed in the chapter related to the historical and geopolitical dynamics of the Cold War era and how these factors had affected the role of the OAU in handling the boundary dispute



between the two countries. Of significance to this study however, was the fact the Ethiopian-Somali boundary dispute was instrumental in shaping the approaches and the methods that the OAU's conflict resolution system had to adopt in dealing with inter-state conflicts. Indeed, the boundary dispute between Ethiopia and Somalia was the first case through which the institutional role of the OAU in inter-state conflicts was tested. Some of the challenges, which have had a greater impact on the institutional role of the OAU in dealing with the boundary dispute between Ethiopia and Somalia included:

- The boundaries which were drawn by the European powers in Africa were drawn to meet the geopolitical and strategic interests of the colonial powers, hence had very little to do with the interests and the well-being of the local population of these territories. In the case of Somalia, when the Somali leaders took over power, they soon realised that the boundaries they had inherited from Britain and Italy were neither politically nor economically beneficial for the needs of their people, thus the decision to readjust them. That was the argument the Somalis presented to the OAU summit in July 1964, stressing that the existing boundaries between their country and Ethiopia and Kenya, were not established to benefit the people of the Somalia, and therefore keeping these boundaries, would harm the Somalis' national interests.
- Another observation, which derived from the discussion about the Ethiopian-Somali boundary dispute, was that the ideological and the philosophical basis, on which the foundation of the colonial state in Somalia was established, was not informed or influenced either by the local realities or by the needs of the local population. That was why when the colonial powers left Somalia, the first thing the Somalis did was to question the legitimacy of the colonial state and its laws. By questioning the legitimacy of the boundaries between Somalia and Ethiopia, the Somalis were by implication, questioning the ideological and political basis upon which the concepts of boundary and citizenship were perceived by the Somalis vis à vis the European conception of these concepts. The Somalis, like some other OAU member states, who called for the readjustment of the boundary between Ethiopia and Somalia, could not for example, understand why the same ethnic group could be separated through a geographical line or a boundary. On the other hand, for German, Italian or French people who live in Switzerland, the fact that these people were separated from their countries of origin

through a boundary would not be a strange thing to them.

- Another dilemma that the OAU member states had to face was that the objectives of the colonial states were in contrast to or in conflict with the Pan-African ideology, which advocated the unity of the African people. The colonial state in Africa had put the sovereignty of the nation states paramount to any other objective that the nation state was supposed to protect or achieve. In the case of the Ethiopian-Somali boundary dispute, the state's territorial integrity was paramount to the well-being of the Somali families who were separated from one another through the boundary that separated the territories they were living in. Thus, according to the OAU Charter, the Somalis in Ogaden had to accept the fact that they were citizens of Ethiopia, irrespective of their ethnic and cultural affiliation to Somalia. The sovereignty of Somalian and Ethiopian states was therefore in conflict with the philosophy and ideology of the Pan-African Movement, which called for the unity of the African people and not their division through artificial boundaries.
- The boundaries, which were inherited from the colonial states in Africa, had a great impact on inter-state relations on the continent and had had serious implications for the application of Article 3 of the OAU Charter, which affirmed respect for the principle of non-interference in the internal affairs of member states. Instead of cooperating among themselves over issues, which might have some impact on the welfare of their neighbours, the OAU member states were prohibited by the organisation's charter to interfere in internal conflicts, which their members deemed to fall within the realm of their legal authority. For example, countries such as Kenya and Ethiopia regarded the resistance of the people of Ogaden and Northern Kenya against Ethiopia and Kenya sovereignty over them as an internal conflict, whereas to Somalia, these were people resisting the occupation of their land by foreign colonial powers. For the OAU member states, such arguments were regarded to be equal to revoking the essence of the organisation's principle of sovereignty and the territorial integrity of its member states.
- Another important observation worth emphasising, regarding the Ethiopian-Somali boundary dispute, is that the OAU member states were divided over the boundary politics in general. Some member states believed that the existing boundaries were

established with disregard to the cultural nationality, the ethnic roots and the geographic proximity of the people of the land and therefore, such boundaries should not be respected rather they should be removed. They believed that keeping these artificial boundaries intact would create more problems and constrain relations between countries and might lead to internal civil strife. On the other hand, other OAU member states argued that tampering with the existing boundaries might lead to further fragmentations and multiplication of the existing states. They argued further that readjusting the boundaries might aggravate minority problems in various member states, and might trigger more claims for self-determination by people who felt that they were mistreated in their countries of residence, hence creating more inter-state conflicts on the continent.

- It should also be emphasised that the Ethiopian-Somali boundary conflict was also about territorial claims. The Ethiopians, while acknowledging that the inhabitants of Ogaden were/are Somalis, they seemed to have had more interest in the land the Ogaden people occupied than in the people. This stance has made it difficult for the OAU mediators to address the conflict as a boundary dispute. The Ethiopians had refused to redraw the boundary, because they knew that the Somalis were interested in both the people and the land, and would not give up the land, even if the people of the Ogaden chose to become part of Somalia through a referendum.
- The Ethiopian-Somalia boundary dispute was also about minority rights as well as a secessionist issue. The Ogaden people were and still are in favour of exercising the right to self-determination, which would allow them to join Somalia or remain part of Ethiopia. The Somalis in Ogaden also saw the Ethiopian government as a colonial power that should be either forced out of their territory through redrawing the boundary between Ethiopia and Somalia or through joint armed resistance by the Somali government and the Ogaden people. For the Ethiopians however, self-determination for the Somalis in Ogaden would create problems to the Ethiopian government with other nationalities, such as Benshengol, Afar or the Nuer, who live on both sides of the border between Ethiopia, Djibouti, Eritrea and Sudan. That was why the Ethiopians have urged the OAU mediators to respect the boundaries, which had been inherited from the colonialists during their conflict with Somalia.

- Because the Somalis saw themselves as one people and since they did not recognise the boundaries between themselves and Ethiopia and Kenya respectively, they saw the conflicts between them and these countries as a violation of the rights of the Somali people to live freely in their own lands. The Somali position has created a dilemma for the OAU mediators who, while they acknowledged the legitimacy of international boundaries which were inherited from the European colonial powers, on the other hand, some of them saw the 1977/78 Ethiopian-Somali boundary dispute as a conflict fought by the Somalis in their own territories, against Ethiopian occupation authorities.
  
- It has also been noticed that the role played by the superpowers in the Horn of Africa during the Cold War era has complicated the role that the OAU would have played in dealing with the Ethiopian-Somali boundary conflict. This was because, apart from economic and military ties that some of the OAU member states had with superpowers, as were the case with Ethiopia and Somalia, the OAU member states had diverse national interests they wanted to preserve. Thus taking a unified continental position against the intervention of the superpowers on the continent would have jeopardised the achievement and the maintenance of interests of the individual countries with the superpowers
  
- The legal nature of the settlement of the boundary conflicts was another impediment to the resolution of the Ethiopian-Somali boundary conflict. As discussed in this chapter, the Ethiopians were not ready to subject the boundary dispute to arbitration throughout the boundary conflict with the Italian Somaliland during the nineteenth and mid twentieth centuries. Moreover, as discussed in chapter five, one of the reasons why the OAU Commission of Mediation, Conciliation and Arbitration was sidelined by the OAU mediators was that member states were not interested in conflict resolution mechanisms that would compel parties to the conflict to adhere to legal and binding verdicts. And that seem to explain why the OAU mediators adopted the ad hoc committee approach in the Ethiopian-Somali boundary dispute.

## 10 Chapter Ten: Conclusions and recommendations

The main objectives of this study were to undertake a critical investigation, evaluation and analysis of the institutional role of the Organisation of African Unity (OAU) in conflict resolution in Africa. In order to achieve these objectives the following questions have guided our investigation and analysis:

- How did the philosophy, ideology and history of the Pan-African Movement influence and shape the institutionalisation process of the Pan-African Movement and the eventual establishment of the OAU, the formulation of its goals and objectives, as well as its potential in the conflict resolution on the continent?
- How equipped was the OAU as an organisation to deal with conflicts on the continent and to what extent did the principal organs of the OAU have adequate powers to deal with these conflicts? To what extent did the tension between the preservation of sovereignty of the OAU member states, as well as their national interests on the one hand and the promotion of continental interests on the other hand, affect the work of the OAU in conflict situations in Africa? To what extent did the colonial legacy and the dynamics of the Cold War era affect the relations between the OAU member states and how did that impact on the African regional cooperation and the role of the OAU in conflict resolution processes in Africa?
- How did the structures of the OAU involved in conflict management and resolution evolve and to what effect? To what extent were the various organs, mechanisms and methods adopted by the OAU suitable to the types of conflicts they were meant to resolve? The conflict resolution mechanisms, which were provided for by the OAU Charter, were mainly aimed at resolving inter-state conflicts, and did not cater for various types of intra-state conflicts. How did this omission affect the role of the organisation in dealing with intra-state and other forms of conflicts which emerged on the continent?
- How did the role and position of the United Nations (UN) as an international institution affect the role of the OAU in conflict management and resolution? Although the legal

and institutional basis of cooperation between the OAU and the UN was defined in their respective charters, the legal links between these two organisations and African sub-regional organisations were not provided for in their charters. To what extent did the structural weaknesses, inherent challenges and legal omissions of some vital provisions in the OAU charter regarding the role of the UN in peace-making in Africa hamper the work of the OAU in conflict situations where its cooperation with the UN was required?

- How did the role and position of other regional institutions affect the role of the OAU in conflict management and resolution? To what extent did the inherent challenges and legal omissions of some vital provisions in the OAU charter regarding the role of the sub-regional organisations in peace-making in Africa constrain the work of the OAU in conflict situations where its cooperation with sub-regional organisations was required?
- How did American-European involvement in conflict prevention, management and resolution affect the role of the OAU?
- Was the OAU successful in resolving the Ethiopian-Somali boundary dispute seen as a typical inter-state conflict? This case study exemplifies the challenges faced by and inherent weaknesses of the various mechanisms the OAU mediators had adopted to deal with conflict situations in Africa.
- Are there lessons that can be learnt from and recommendations made regarding the challenges that the OAU faced in conflict resolution situations?

### **10.1 Types and nature of conflicts in Africa**

When discussing the institutional role of the OAU in conflict resolution in Africa, it is very important to emphasise that the nature and types of conflicts in Africa affected the involvement of the OAU in conflict resolution situations on the continent. In chapter two, it was stressed that Africans, like other people in the world, enter into conflict for many reasons, of which the most important are scarce resources, power relations and external factors over which they have no control. Moreover, conflicts in Africa, like other conflicts in the world have causes that are

motivated by physiological, societal, international or global factors and the interests of individuals or societies involved (Menkhaus and Prendergast 1998: 213-217).

Indeed, in the analysis of the types of conflicts in Africa, it was noted in chapter two that, in conflicts where the warring parties were engaged in power struggles, the OAU involvement had tended to take a mediation approach. This was because the OAU Charter clearly stated in Article 3 (2) that no member state should interfere in the internal affairs of the other. The aim of that article was to protect the sovereign independence of the OAU member states. That article had also made it difficult in general for the OAU to intervene even in cases where the stalemate had reached unacceptable stages such as the situations in Somalia and Liberia in the early 1990s, where the central government institutions in these two countries had collapsed. On the other hand, while some conflicts in Africa tended to be motivated by material or political interests, it was also true that at later stages of their progress, some motives or objectives that fuelled these conflicts became more important than others, such as the survival of ethnic groups or the preservation of the groups' dignity and prestige. This is often the case with internal conflicts.

On the other hand, inter-state conflicts between African countries tend to arise because of territorial disputes. In several African states, some ethnic groups, for historical or geographical reasons, have been separated from each other and are thus living as minorities in neighbouring countries. In some instances, these minority groups were supported by their kinsmen living on the other side of the border; and were thus able to find renewed motivation for seeking unification. This new drive by some Africans ethnic groups to reunite with their kinsmen across the borders of the neighbouring countries is often a reflection of their dissatisfaction with the services delivered by the governments of the countries in which they are citizens. For example, as discussed in chapter nine, the people of Ogaden at the Somalia and Ethiopia borders feel strongly that since they are Somalis, they should be incorporated into Somalia. That is why it seems that conflicts with cultural and deeply rooted causes in Africa are considered to fall within the jurisdiction of regional security, because they involve more than one state, hence making it difficult for the OAU to intervene as a neutral mediator (Sheth 1990:27-22, Griggs 1994:9-12)

## **10.2 Structural evolution of Pan-Africanism**

As discussed in chapter three, the ideology of the Pan-African Movement had a great impact on the debates that preceded the establishment of the OAU among Pan-African leaders in the diaspora and on the mainland. The two problems which were identified by the founders of the Pan-African Movement for which some solutions should be found were discrimination against Africans in the diaspora in their host societies and colonialism on the mainland. To the Pan-Africanists, Pan-African Movement was therefore a collective forum through which they could meet, discuss and address the challenges that were facing them. They needed a mechanism by means of which they could confront what they perceived to be a threat; namely the political and cultural domination of Africans in the diaspora and on the mainland by the European powers.

There were also other factors, as discussed in chapter three, which emerged as Pan-African Movement was evolving, some of which had a profound affect on the work and the institutionalisation of Pan-Africanism and its eventual evolution into the OAU:

Firstly, from the outset, two trends of thinking emerged in the Pan-African Movement leadership, mainly the differences between Du Bois and Garvey. These differences resulted in the first division within the Pan-African Movement between the integrationists, led by Du Bois and the Pro-Africans (back to Africa) led by Garvey. However, although the two Pan-African leaders had different interpretations of how the unity of African people world-wide could be achieved, Du Bois and Garvey agreed that unity of some sort was strength. Moreover, the underlying ideological basis of Pan-Africanism was race consciousness. Blackness was the uniting element of all Africans world-wide. The membership and support base of Pan-African Movement as it evolved was therefore based on colour; however, this definition of Pan-Africanism was subsequently altered to include a geographical element as discussed in chapter four.

Secondly, there were also geographical and intellectual differences within the Pan-African Movement. There were the United States (US), Caribbean and continental Europe African intelligentsia, all of whom agreed on the principles of Pan-Africanism, but had slight



differences over which mechanisms to use in order to achieve the ultimate goals of the Movement. Moreover, the division within the Pan-African Movement in the 1920s and the elitist approach to African people's unity, especially as advocated by Du Bois and his colleagues, did not promote the mobilisation of the African diaspora masses. In fact, although Garvey's main support base came from the average African American people, a united Pan-African Movement in the Americas, if it had received popular support together with the appropriate intellectual impetus, would indeed have exerted considerable influence on the politics of the time in the US and Caribbean. These intellectual debates on the principles of Pan-Africanism, among the US and Caribbean intelligentsia had later on influenced the ideas of Pan-Africanists from the mainland, when the Movement activities were transferred to the mainland in the 1950s. These debates, were continued on the mainland, and became rather heated; which resulted in the divisions between those who were in favour of political unity and those who were in favour of a gradual and minimalist approach to unity.

Thirdly, there were activists, intellectuals and politicians within the Movement, each of whom had different preception of the institutionalisation of the Movement. The intellectuals, under the leadership of Du Bois, were of the opinion that they should adopt the congress approach, where delegates met regularly to discuss African problems, until such time when it became possible to establish a universal Pan-African organisation with functioning organs and agencies to carry out its work. These activists and politicians were interested in the advocacy kind of organisations, similar to pressure groups or lobbies, which they could use to pressurise the authorities concerned. On the other hand, Garvey and his group were in favour of the establishment of a universal Pan-African organisation that would implement the objectives of the Pan-African Movement, and that was why Garvey established the Universal Negro Improvement Association (UNIA). Thus, the differences over the institutionalisation of Pan-Africanism existed long before the Pan-African Movement was transferred to the mainland.

Fourthly, throughout the period between 1900 and 1945, all the Pan-African Movement's congresses were convened outside mainland Africa as well as outside the countries in Europe or North America where the majority of Africans in the diaspora were located. The participation of and the opportunity to mobilise the African masses to become the support base of the Pan-African Movement was therefore compromised, thus reducing Pan-Africanism to a Movement of the elite. Had the Pan-African Movement's congresses been convened in cities

and areas where the African diaspora and/or African mainland peoples were concentrated, the institutional shape that the Pan-African Movement took, might have been different from that which emerged in October 1945.

Fifthly, although all the Pan-African Movement's congresses were held in European and American cities, during the period between 1900 and 1945, the impact of the work and pronouncements of the Pan-African Movement's leader were only known to the European and American elites who followed the proceedings of these congresses and by the colonial governments, who frequently received petitions from the Pan-African Movement leaders. The European and American masses were therefore not aware of the activities of Pan-Africanism, nor of its objectives and goals. It seems that the publicity and media coverage of the Pan-African Movement's activities were limited, and therefore did not reach the ordinary citizens of France, Portugal and Britain, where some of these congresses were held. Whether the masses in these countries would have reacted positively or not, and whether they would have been mobilised to support the activities of the Pan-African Movement, remains worth speculating about. The bottom line was that the Pan-African Movement leaders seemed to have had little interest in involving the ordinary citizens of Europe in their campaigns and the citizens of these countries seemed to have had little interest in the activities of Pan-African Movement at the time.

In the sixth place, before the participation of large numbers of Pan-Africanists from the mainland in the Pan-African Movement's activities, the leaders of the Pan-African Movement in the diaspora acted as the voices and representatives of the Africans on the mainland and were instrumental in imposing the decolonisation agenda on colonial powers on the mainland Africa. There were two reasons why the diaspora followed that route: the African political activists on the mainland, were not allowed to travel to Europe or to North America until approximately the late 1930s to pioneer a political activism campaign against colonialism in these countries. Secondly, the level of political awareness among African political activists on the mainland Africa did not go beyond the borders of their colonies. The majority of them did not have access to information about what was happening elsewhere in the world neither did they have direct contact with the leaders of Pan-African Movement before the late 1930s.

In the seventh place, the most serious attempt to institutionalise Pan-Africanism occurred during the Second World War in London, where some West African activists and a few Eastern and Southern Africans decided to establish Pan-African anti-colonialism organisations. These organisations were structured in the form of trade unions, with political agendas. Throughout its existence, the Pan-African Movement took the shape of an ad hoc structure, with an ad hoc secretariat and an ad hoc assembly of its members, as the main active organs. The responsibility of these organs was to organise congresses and raise funds and keep records of the congresses. The emphasis was therefore not on the institutionalisation of the Movement, but rather on the advocacy aspect of it. The emphasis on the advocacy of the Movement, had therefore delayed any serious attempt to institutionalise the Pan-African Movement until the late 1950s, when the activities of the Pan-African Movement were transferred to the mainland.

Finally, the 1945 Manchester Congress decided to transfer the leadership and activities of the Pan-African Movement to mainland Africa. There were some practical and ideological reasons for that decision, all of which impacted on the shape which the OAU took later on. Some of the practical reasons included:

- The period between 1945 and 1960, had witnessed rapid changes on the African political scene. Several countries had gained self-rule or independence, some of which were led by the Pan-African Movement's leaders. This new reality also meant that African leaders from the mainland were ready, as the new custodians of their governments and lands, to host Pan-African Movement activities in their countries. They did not change the policy of convening congresses, which they now referred to as conferences, but tried to take practical steps, as discussed in the section on African nationalism in chapter three, to institutionalise the Pan-African Movement in the form of regional and sub-regional organisations, all of which culminated in the establishment of the OAU in May 1963.
- In the US during the 1930s and 1940s, Pan-Africanism, was transformed into the Civil Rights Movement, which specifically fought for the rights of the coloured people in America. Despite the Pan-African Movement's new focus on the advocacy of civil rights in the US, some African American leaders such as Du Bois, Martin Luther King

Jr and Malcolm X, continued to appreciate the link between Pan-Africanism as it was subsequently pioneered on mainland Africa and the Civil Rights Movement in the US.

- By the 1950s, most of the Pan-African Movement pioneers from the Caribbean, the US and continental Europe had either reached retirement age or fully engaged in the Civil Rights Movement, and some, who were still active, especially from the West Indies, chose to cooperate closely with Nkrumah and his colleagues. The break in the close cooperation that had existed between the Africans in the diaspora, who were the founders of Pan-Africanism, and the new leadership on the mainland, meant that Pan-Africanism had acquired a new identity and new objectives, as is evident in the debates among the mainland leaders in the 1950s and early 1960s.

Ideologically, Pan-Africanism was perceived by the mainland Pan-Africanists to mean African unity. By African unity, they were referring to the unity of African people, on the mainland and in the diaspora, a colour conscious kind of unity. However, it was also a unity of the African states, a geographical unity of African peoples who inhabited the states that were part of the African countries and colonies. That unity has to be preceded by the total liberation of African people from European colonialism. African unity was therefore both a means and an end. It was a means to solve the problem of colonialism, and an end to unite all Africans symbolically under one organisation or a super-state.

It was also pointed out, when discussing the philosophical and ideological origins of the OAU in chapter three, that most of the debates that took place between and among African leaders between 1958 and 1962 centred on one theme: the structural set up and the institutional framework that the new Pan-African organisation should adopt. Most importantly however, there was some consensus among African leaders for the need to form a Pan-African organisation that they could use as a forum to discuss issues and a tool to get rid of colonialism on the continent. It was hoped that through such an organisation, a collective consensus on regional as well as international policies could also be achieved. They also hoped that the new organisation would help them shape the role of African states in Cold War politics, as well as using it as a tool for conflict management and resolution among and between African states (Woronoff 1970: 598; Mathews 1984: 54).

There were therefore, important issues which dominated the African leaders' discussion during the period between 1958 and 1962: the need to establish a Pan-African organisation and to agree on its structure, objectives and goals. Some of the differences which dominated the debates among African leaders over the institutionalisation of the Pan-African Movement can be attributed in part to the following factors:

Firstly, there were differences over the definition of sovereignty and the retention of the colonial borders. The African leaders who advocated the political unity of the continent, led by Kwame Nkrumah, argued that the unity they were calling for was a unity of African people, and therefore, in their opinion, retaining colonial borders, would defeat the basis on which the concept of African unity was conceived. The proponents of political unity of the continent were therefore against the retention of colonial borders. The other group of leaders, led by Azikiwe, regarded political unity as unrealistic because it wrongly assumed that the African people were economically prosperous and politically conscious enough to understand the implications and effects of the political unity of the new states. They argued that the best approach to African unity was to establish regional or sub-regional organisations, which could foster economic and cultural cooperation between African states, until such time when it became possible to unite the entire continent.

Secondly, as discussed in chapter three, throughout the period between 1958 and 1962, when Ghana pioneered the leadership of the Pan-African Movement on the mainland, serious cleavages emerged in the interpretation of what Pan-Africanism meant to Africans on the mainland. There was the issue of fighting against colonialism and the question of the institutionalisation of the Movement. Nkrumah and his colleagues in the Casablanca group pressed for a decolonisation agenda, and urged the other independent African states to support the liberation movements in the colonies to achieve the total liberation of African people. This approach has created problems for other countries, whose ties with their former colonial powers were close. Then there was the issue of who should lead the Pan-African Movement on the mainland. The Casablanca group regarded themselves as the pioneers, since most of their leaders, had participated in the Manchester Pan African Sixth Congress of October 1945, and saw themselves as the custodians of the Pan-African Movement. The notion of custodianship of the Pan-African Movement by some leaders, who considered some members as newcomers to the Movement, created serious differences between African leaders.

Thirdly, related to the question of the Pan-African Movement's leadership, which also affected the institutionalisation of the Movement, was the apparent conflict between the small and the big states. A supercontinental Pan-African state, as advocated by the Casablanca group, was seen by the majority of the Monrovia group, which was largely composed of small states, to be a prelude to the domination of small states by the big ones. There was also the issue regarding the uneasy relationship between Francophones and Anglophones, the latter in cooperation with the North African states. Linked to the language categorisation was the loyalty to former colonial powers. For example, some states could not subscribe to the African common defence agreements, as proposed by the Casablancon group, because they already had bilateral defence pacts with their former colonial powers.

Fourthly, as discussed in chapter three, the inclusion and admission of the North African Arab states such as Algeria and Egypt to the Pan-African Movement, which led in effect to their becoming founding members of the OAU, was another serious departure from the classical definition of Pan-Africanism, which was based on colour consciousness, and thus excluded non-Africans. This new definition of Pan-Africanism however, might have alienated a few Pan-Africanists, from the diaspora who were still strong believers in the ideals of the colour divide between Africans and non-Africans.

Finally, the adoption of the conference system by the mainland African leaders, as forums where African problems were discussed, was a tradition that had been inherited from the Pan-African Movement, which used to convene congresses to resolve or attempt to find solutions to African problems. The adoption of the tradition of convening conferences, as discussed in chapter three, was therefore one of the first conflict management and resolution mechanisms, adopted by the African leaders, prior to the institutionalisation of Pan-Africanism in the form of the OAU.

Indeed, despite the challenges which the founders of the OAU knew were bound to face them, they were convinced that African unity had a strong appeal for African people; and it served as a powerful and symbolic tool in their struggle for independence. Most importantly, there were others within the Pan-African Movement who believed that the ideology of African unity, which they had agreed to should imbue the underlying philosophy of OAU, would provide the

necessary framework for effective cooperation among African peoples, rather than concentrating on the cooperation between states *per se*.

### **10.3 Structural evolution of the OAU**

As discussed in chapter four, in addition to the ideological differences among African leaders, the principles the OAU adopted, did not constitute binding legal norms on the member states. This was because the member states were not willing to form an organisation whose principles would rob them of their newly won sovereignty.

The other principle which seemed to have had added to the inability of the OAU to deal with intra and inter-state problems was the principle of the sovereign equality of all member states as enshrined in the OAU Charter. All the OAU member states were equal and had absolute sovereignty over their lands and people. Thus by implication, the charter placed the states' interests above their people's interests. The actions of member states were therefore devised to serve their own purposes. The people, who were supposed to be served by the state, according to the OAU Charter, became subordinate to the well-being and preservation of the state and its institutions.

On the other hand, as discussed in chapters four and nine, the principle of the sovereign equality of state meant the acceptance of the borders between states and therefore, recognition of the colonial artificial boundaries. The principle of the equal sovereignty of states became an obstacle to any attempt to deal with inter-state conflicts on the continent, because without the consent of the member states, the organisation was not allowed to intervene.

Another obstacle that stood in the way of the OAU performing an effective role in inter-state conflict resolution matters was the OAU Charter's principle of non-interference in the internal affairs of member states. The Charter prohibited external interference in the internal affairs of the organisation's members. For example, should a conflict arise within the recognised borders of the member states, no external involvement was allowed. In effect, therefore, the state was empowered by the OAU Charter to take absolute charge of the internal politics and the affairs of its territory.

One of the main weaknesses of the OAU structural set up, which was discussed in chapters four and five, was that the OAU Assembly resolutions had no binding force on its members, and thus it operated mainly through consensus. Unlike in the case of the UN Security Council whose resolutions were binding on member states, the OAU Assembly resolutions had no effect on the decision making processes that individuals or a group of states undertook on a particular issue in connection with inter-state cooperation or in conflicts between member states. For example, if a member state contended that a decision passed by the OAU Assembly was unfair, it reserved the right not to implement such a decision. The organisational decision making processes and the implementation of its resolution therefore depended on the goodwill and the cooperation of the member states. Furthermore, there were no provisions in the Charter that stipulated that sanctions should be imposed on member states as disciplinary measures if those states were unwilling to cooperate. In fact, none of the OAU organs had any disciplinary power over any member states.

Another inherent defect within the OAU structures was the concentration of all political and administrative decisions and powers in the Assembly. The decision to concentrate all the powers in the Assembly placed the OAU in the unfavourable position of being subjected to the mercy and the goodwill of the heads of state and government. Consequently, this state of affairs made it difficult for the member states to reach consensus on major decisions relating to inter-state problems or conflicts where compromising was not an option.

Indeed, as discussed in chapter five, apart from the logistical problems relating to communicating urgent matters to the heads of the state and government, there was the issue of the vast membership of the OAU. The organisation was the biggest regional body in terms of its membership, and locating the decision making body in the Assembly, which met once a year, meant that important decisions had to wait for either the Assembly meetings, the Council of Ministers' sessions or ad hoc commissions had to be formed in order to attend to any matter that was deemed urgent.

Moreover, the fact that the Secretariat was not empowered to deal with political matters, meant that even if the Secretariat had enough evidence to suggest that certain conditions ought to be met quickly to resolve a conflict at hand, the bureaucratic nature of how such information had



to be communicated to the member states, was both a logistical nightmare and time consuming as well.

On the other hand, as discussed in chapter five, one of the major weaknesses of the Commission of Mediation, Conciliation and Arbitration was that the Commission was restricted to settle inter-state disputes by peaceful means. The Commission was not therefore authorised to deal with intra-state conflicts that were regarded by the OAU Charter as internal matters.

In fact, while the Commission had the jurisdiction over inter-state disputes; it could only intervene when mandated by parties to the dispute, and then with the consent of the Council of Ministers and the Assembly. In other words, even in the cases of intensive inter-state conflicts, such as border conflicts that required urgent intervention, the OAU Charter prohibited member states from intervening without the approval of the two parties to the conflict and the consent of the Assembly.

Another important obstacle with which the OAU member states found it difficult to cope was the external and internal dynamics of the colonial legacy in Africa. For example, the British and Belgians, in consultation with their subjects, worked out constitutions that were to be implemented by the emerging independent states that they assumed were suitable for them. The French territories became independent under the same constitutions that they had had under French jurisdiction. Consequently, the different political and economic systems on the continent had created ideological differences among OAU member states and had resulted in uneasy relationships among them.

In chapters four and five, it was observed that the existence of the ideological and political differences in the systems meant that each OAU member state was expected, according to the organisation Charter, to adhere to a common regional arrangement by accepting a unified OAU stand against all forms of neo-colonialism. However, in contrast with what was expected of them, most member states decided to enter into bilateral agreements with former colonial powers. It is important to emphasise that the OAU as a regional organisation, advocated in its Charter the adoption of multi-lateralism as a continental approach to international politics. This approach was resisted and in most cases rejected by the superpowers and former colonisers,

who preferred to deal with individual African countries, thus undermining the credibility of the OAU as the collective voice of Africa.

As discussed in chapter four, the OAU member states adopted their former colonialists' languages as their official languages. Adopting the Western powers' languages meant that African states were divided, linguistically into Anglophones, Francophones, Lusophones and Arabic speakers. Some linguistic groups, by virtue of their linguistic and historical ties, regarded their relationships with their former colonisers, more important than their relationship with other countries in the region. The result was that those African states that used one of the European languages as an official language in their countries were closer to one another than they were to other countries that used a different European language. These linguistic differences also helped to increase tensions among OAU member states and also led to political divisions between the big and small countries, with the former preferring sub-regional cooperation arrangements, above cooperation on a continental scale, which they felt would only serve to advantage the big states.

Another important principle, that had a great impact on the manner that the OAU member states reacted to and confronted the Cold War politics and handled the conflicts between them and the superpowers, was the principle of non-align. Although the OAU Charter encouraged the adoption of the principle of non-alignment by the OAU member states, these countries were not obliged to adhere to it. In other words, OAU member states' foreign policies were not necessarily guided by the OAU Charter.

The Cold War era also witnessed the politics of patronage between the superpowers and the so-called client states on the one hand and between the former colonialists and their former colonies on the other hand. The picture which was painted by such relationships seems to suggest that there were the good and the bad guys among African leaders. As mentioned in chapter four, those African leaders, who were regarded by the West as good leaders were looked upon by their colleagues who were not in favour with the West, as betrayers and sell outs. These perceptions among African leaders had created uneasy relationships within the OAU as well as among leaders, thus making it difficult for them to agree on issues pertaining to conflict resolution matters on the continent.

Moreover, the intensity of Soviet-American rivalry severely affected the political balance in the internal affairs in individual African countries. Indeed, as a result of ideological differences, factional politics were introduced in almost all the African states, particularly during the 1960s, thus creating major internal tensions. For example, whenever factions within an African country sought an external patron, the two superpowers would step in readily in support of each side of the faction against the other. The aim of each faction was to strengthen its position against its rival group within the country. For example, if one faction of a liberation movement was supported by China, its rival was supported by either the Soviets or the Americans. The result was that the superpowers exploited intra-state divisions in several OAU member states, thus guaranteeing their sphere of influence and making it difficult for the organisation to resolve conflicts between and within its member states (Stevens 1976: 197).

Had they been afforded the opportunity during the Cold War, the OAU member states would perhaps have favoured the adoption of the principle of “African continental exclusiveness,” which asserts that certain African problems should be solved by Africans. In other words, had the OAU member states been allowed by the superpowers to take care of their countries’ affairs, it would have been possible for the organisation to devise and strengthen mechanisms for conflict prevention, management and resolution in Africa (Mazrui 1977: 161-162).

#### **10.4 Evolution of structural reforms within the OAU conflict resolution mechanisms**

The decision to establish the Commission of Mediation, Conciliation and Arbitration in July 1964 was a preventive measure, aimed at preventing potential disputes over borders between member states specifically. The decision was also a compromise among the OAU member states that were empowered by the Protocol to have the final say in the type of method that would be used in conflict resolution processes.

The main weakness of the Commission was that the role of the OAU mediators was limited to mediation or facilitation of the process of conciliation. Mediators did not have the power to impose any agenda on the parties to the dispute to which they had not consented. In fact, the involvement of the OAU Secretariat was limited by the Commission’s Protocol in conflict resolution processes. The Commission was therefore at the mercy and depended on the goodwill of the parties to the conflict. Moreover, the Commission had jurisdiction over inter-

state disputes; it did not have a mandate to handle intra state disputes or conflicts between individuals or international bodies. Thus, because of the ineffectiveness of the use of the Commission methods, throughout its existence member states preferred to use informal mechanisms such as sending envoys, committees of the wise or ministerial committees to mediate between the parties to disputes.

In other words, the decision to establish the Commission was an earnest attempt to institutionalise the OAU's work on conflict resolution situations on the continent. However, as discussed in chapter five, although it became clear that the OAU Commission had had inherent institutional and ideological inefficiencies, the OAU leaders did not take any action to reform, transform or even dissolve the Commission so that they could come up with a new and efficient structure. Instead, they resorted to using ad hoc structures such the committees of the wise and consultative committees, thereby rendering the Commission redundant for almost thirty years.

Apart from the inherent institutional and ideological inadequacies, there were certainly several factors and challenges that had led to the ineffectiveness and the weakening of the OAU's Commission, and as a result, member states avoided making use of the Commission as a medium for conflict resolution on the continent. Some of the factors that had led to the weakening of the Commission were:

- The mandate of the Commission, its functions and duties were interpreted differently by different member states. Some member states chose to interpret the functions of the Commission to suit their interests, when it was convenient to do so, hence made it difficult for member states to develop a uniform interpretation of the mandate of the Commission in conflict resolution situations on the continent.
- The consent of the parties to a dispute was another factor that was regarded by member states to be more important than the OAU pronouncements on conflict resolution matters. For example, the organisation's mediators were not permitted to carry out any form of mediation without the consent of the parties to the conflict. Therefore, the principle regarding the consent of member states became an obstacle that had contributed in the weakening of the Commission's role in conflict resolution situations.

- Another factor that had weakened the Commission's work was that the legal nature of the Commission dissuaded member states from submitting disputes to the Commission. This was because most OAU member states preferred using ad hoc bodies that had no legal and/or binding rulings with regard to conflicts. In fact, most of the OAU leaders were comfortable using political methods, such as informal direct contacts with parties to the disputes, rather than legal mechanisms such as arbitration.
  
- Another factor was that the sensitivity of the arbitration process had touched on issues relating to the national sovereignty of the OAU member states. In other words, addressing inter-states disputes through legal methods had entailed forcing member states to accept the tribunal judgments, which most of them were not ready to accept. They were committed to the principle of territorial integrity and the sovereign equality of states, and thus any move which might have compelled member states to surrender some of their sovereign authority to the OAU Commission was resisted vehemently.
  
- The OAU Charter had also imposed restrictions on the Secretariat's interference in the work of the Commission. These restrictions had minimised the Secretariat's role in conflict resolution, and therefore deprived the Secretariat from playing a constructive engagement role in conflict resolution processes. The OAU Commission was autonomous in its operations and this precluded the Secretariat, the executive body of the organisation from having any influence over its activities.
  
- The reluctance of member states to make use of the Commission in conflict resolution was also reinforced by the OAU's policy of non-interference in the internal affairs of member states. Indeed, the relationships between the OAU member states were governed by article 3 (2) of the Charter which prohibited interference in the internal affairs of the member states. The article prohibits the OAU from intervening in the internal disputes of its member states; thus making it difficult for the organisation to deal with intra-state conflicts (El-Ayouty 1994: 186-189; Elias 1965: 343).

As discussed in chapter five, the failure of the Commission to deal effectively with conflicts on the continent and the reluctance of the member states to make use of it, had led most OAU

member states to resort to other informal means of conflict resolution. It needs to be mentioned that the adoption of the ad hoc committee system by the OAU Assembly and the Secretariat as a means to resolve conflicts, can be attributed to the conception that the system offered the heads of state and government a flexible method for resolving conflicts on the continent. Some of the advantages cited of using the ad hoc commissions in conflict resolution processes during the first three decades of the existence of the OAU included:

- The practice of involving the heads of state and government in ad hoc committees was perceived to be in accordance with Africa's pre-colonial methods of dispute settlement whereby elders, who were regarded as wise and who commanded the respect and confidence of their respective societies, intervened to resolve conflicts. The assumption was that since most heads of states commanded respect and had the collegial advantage that they could easily approach their counterparts, it was possible for them to mediate in conflicts. The custom was thus to select elderly statesmen to mediate in conflicts.
- Another advantage of the ad hoc committees, unlike the OAU Assembly or the Council of Ministers, was that the committees had the ability to convene as many times as their membership and circumstances required to resolve a dispute. For logistical reasons, in the case of the Assembly or the Council of Ministers, it was often difficult for the heads of state and government or the ministers to meet as regularly as ad hoc commissions did, when they were engaged in a conflict resolution process.
- By and large, the ad hoc commissions were established for specific functions with a limited time frame. Moreover, the nature and scope of ad hoc committees or commissions varied and differed depending on the dispute or the conflict with which they were formed to deal and therefore most of the ad hoc committees tended to be non-permanent. However, this flexibility in the scope and time-frames of ad hoc committees can be either an advantage or a disadvantage, depending on the type of the conflict, the membership of the committee and the cooperation solicited from the parties to the dispute (Resolving Conflicts in Africa 1992: 11-20)

As indicated above, the ad hoc committee/commission approach to conflict resolution did have certain strengths and helped to facilitate the work of the OAU member states in conflict

resolution during the first three decades of the organisation's existence. At the same time, there were also weaknesses, which undermined the roles of member states in some vital conflict resolution processes in Africa, such as the Biafran war and the Ugandan-Tanzanian conflict:

- The OAU ad hoc committees tended to focus on fact finding rather than on investigating or addressing the root causes of the disputes between parties. In other words, once facts about a conflict had been gathered by the ad hoc committee members, the process began to slow down, and parties to the disputes became disinterested in pursuing the mediation process. The fact that there was no sanction regime to force the parties to the disputes to pursue the mediation process to its concluding stages meant that the OAU mediators had no leverage over the parties.
- Due to the limitations imposed on the mediators by the nature and the dynamics of the conflicts they were asked or in which they volunteered to mediate, ad hoc committees tended to recommend inadequate measures such as a ceasefire, and had difficulty in suggesting specific and enforceable action oriented measures for the resolution of the disputes. Some of these measures were supposed to be followed up with practical steps on the ground. However, because the OAU mediators did not have military or judicial powers to enforce these measures, the parties could easily choose to violate or not to implement the recommendations of the ad hoc committees.
- Most of the OAU ad hoc commissions avoided arbitration and adjudication, which as judicial processes entailed the enforcement of the decisions passed by the committees. As they were aware that the parties to the conflicts would not accept the adoption of arbitration or adjudication as tools of resolving inter-state conflicts, the OAU mediators were faced with adopting either of the following two policies: The first policy was that of forcing the member states to adhere to the OAU Commission's principles, which they had no intention of respecting or secondly, they could continue to use informal methods, which had no effect on the member states.
- Most of the conflicts, which were submitted to ad hoc committees by the OAU, tended to be boundary and territorial disputes. Boundary conflicts have the tendency to make parties to the disputes take up a positional approach to conflict resolution. As in most

inter-state conflicts, each party tends to stick to its position, leaving limited scope for the mediators to narrow the gap between the two parties.

- Another disadvantage of the ad hoc committees was that the rotating chairmanship of the OAU and the changing membership of ad hoc committees impaired continuity in the mediation processes. The national Secretariat that supported the ad hoc committee Chairman, who was usually the current Chairman of the OAU, was not transferable and the tenure of the OAU was only for one year. In other words, once the term of office of the OAU Chairman expired, the work of the committees was deemed over. Attempts to revive the work of the committee under the new Chairman entailed the introduction of new procedures and the reshuffling of the committee's membership. The result was that the institutional memory of the OAU in mediation processes in the conflicts was frequently weakened (Resolving Conflicts in Africa 1992: 11-20).

As discussed in chapter five, the adoption of the Commission and the ad hoc committees' methods of conflict resolution by the OAU member states were implicit admissions by the founding members of the organisation that there was something inherently wrong with the methods they were using to resolve conflicts. Most importantly, by the 1970s, it became apparent that there was a mismatch between these mechanisms and the type and the scope of the conflicts with which the OAU member states were dealing. In fact, the shift in the 1990s from the mediation, conciliation and arbitration of conflicts, to prevention, management and resolution meant that the OAU leaders in the 1990s and early 2000s had decided to redefine conflict resolution from a different perspective. The establishment of a Mechanism for Conflict Prevention, Management and Resolution within the OAU Secretariat in June 1993 had allowed the OAU leaders, for the first time, in thirty years to move away from the use of ad hoc conflict resolution frameworks to what they hoped to be systematic conflict resolution methods. By adopting the concepts of preventive and management approaches to conflict resolution, it also meant that the OAU leaders were determined to move away from certain forms of conflict resolution mechanisms that they have always been wary of and which have judicial connotations, such as arbitration and adjudication.

However, it is important to stress that when the Commission was transformed into the Mechanism for Conflict Prevention, Management and Resolution in June 1993, the principles,



philosophical and ideological implications of the leaders' mind shift from the philosophy of conflict resolution through mediation, conciliation and arbitration to resolving conflicts through prevention, management and resolution mechanisms were not articulated in such a way that the reasons for the new shift could be reflected in the new structures. For example, it would have been imperative to explain why the shift from mediation, conciliation and arbitration to prevention, management and resolution was necessary and come up with a structure that would address the inherent weaknesses identified in the Commission accordingly.

Since its establishment in June 1993, the OAU Mechanism attempted to utilise and make use of a wide range of preventive mechanisms in the conflict situations in which it was involved. According to the AOU member states, some of the factors which distinguish the Mechanism from the OAU Commission and the ad hoc committees' approaches to conflict resolution included:

- The Mechanism had used a direct mediation approach, in which the OAU played the role of mediator between the parties to the conflicts. Unlike the case of the Commission in the 1960s and 1970s, the OAU's Mechanism was empowered to intervene in both intra and inter state conflicts, and most significantly, even if it was not invited to step in by the parties to the conflict. The nature and the scope of the intervention were determined by the type and the dynamics of the conflict. There is no doubt that the fact that the Mechanism was allowed to intervene in internal disputes within states, was a major improvement and an achievement for the OAU Secretariat.
  
- The OAU Mechanism was also empowered to use other methods such as soft sanctions, political pressure, and the regular issuance of statements and the endorsement of sanctions. Being the chief executive of the organisation, the Secretary General of the OAU was therefore empowered through the Mechanism to send special envoys, special representatives and to deploy fact-finding missions and observers to the conflict areas, without necessarily first seeking approval from the Assembly or the Council of the Ministers. There is no doubt that these new powers, introduced by the Mechanism to deal with conflicts on the continent, have extended the overall reform capabilities within the organisation significantly which has led to further constructive discussions on a more elaborate role for the OAU in conflict resolution matters in Africa towards

the end of the 1990s and the early 2000s.

- Finally, and most importantly, the new conflict resolution framework also empowered the Secretary General of the organisation to play administrative as well as political roles in conflict resolution processes on the continent. The Secretary General became the focal point between the organisation and the parties to the conflicts on the continent (Declaration of the Assembly of Heads and State and Government 1993: 9; Protocol relating to the Mechanism for conflict prevention, Management and Resolution 2001: 3-8).

### **10.5 Institutional evolution of the OAU and the UN structures of cooperation**

The reforms that were introduced into the OAU conflict resolution organs in order to remedy the structural weaknesses and the existing contradictions within its outlined principles, objectives and goals have also had some impact on its institutional and legal cooperation with other regional and international organisations such as the UN, that deal with conflict resolution matters. In fact, from the discussions and observations made in chapter six, it became clear that the institutional cooperation and the legal basis, upon which the cooperation between the OAU and the UN were based, provided the two organisations with opportunities for mutual benefits to be achieved. At the same time, a number of obstacles and challenges were also encountered that required close attention and subsequently prompted actions for some changes and reforms in the agencies and organs responsible for conflict resolution and peace-making in the OAU and the UN. These challenges included:

- Firstly, even though the OAU and the UN organs responsible for peace-making were structurally similar and were geared towards achieving almost identical objectives and goals, the type of the conflicts and the mechanisms employed to deal with these conflicts, differed in many aspects. It is true that the OAU and the UN charters empowered the two organisations to deal with inter state conflicts only; however, in the case of the OAU, the type of the conflicts on the continent, most of which were internal disputes, were so complex that it was difficult for its existing structures to address internal conflicts using the inter-state conflict resolution mechanisms. That explains why the OAU had attempted to reform its conflict resolution organs several times, with

the hope that it could fill the gaps and find appropriate mechanisms to deal with intra-state conflicts for which its charter did not cater. The lack of an appropriate legal framework and suitable mechanisms that could be used to address intra-state conflicts on the continent may also serve to explain why the UN involvement in internal conflicts in Africa tended to take on a supportive role to the efforts of regional organisations like the OAU, and why it avoided assuming leading roles.

- Secondly, although the UN Charter has made provision for clear procedures that can be followed by regional organisations dealing with conflicts in their regions, the lack of compliance and conforming of the regional organisations' member states with these procedures have proven to undermine the role of the UN in conflict resolution processes over time. This lack of compliance can be attributed, among other factors, to the paradox of the need to intervene to resolve conflicts and the desire of the member states to respect the sovereign integrity of the UN and the regional organisations' member states. The OAU and the UN charters have clearly prohibited member states from intervening in the internal affairs of member states. Indeed, even in the case of inter-state conflicts, where the two organisations were authorised to intervene, the dynamics of such an intervention was quite often complicated by the paradox regarding the territorial integrity and the sovereign independence of member states. The desire to hold onto the sanctuary of sovereignty by member states was undoubtedly the greatest stumbling block that prevented the member states from implementing most of the resolutions passed by the OAU and UN in relation to conflict resolution in Africa and elsewhere despite all the attempts of the two organisations.
- Thirdly, the increase in the eruption and escalation of intra-state conflicts in the OAU member states also raised the question of respect and the protection of human rights, the responsibility of states to protect their populations against all kinds of threats, and the morality of whether a state could justify a war against its own citizens or not.
- Another aspect related to the responsibility of the state was the support that some member states of the OAU and the UN accorded to some rebel groups or movements, within their international borders or particularly those rebel movements who controlled huge lands in their own countries, where natural resources were located. In some

instances, the OAU/UN member states took sides in conflicts, either on the pretext of protecting refugees or in the case of the OAU member states, because the security of some neighbouring countries would be compromised if it did not take action against one of the parties or both of them. In such situations, joint efforts by the OAU and the UN to intervene could prove to be counter productive since their intervention might be seen or interpreted by the parties as interference in their internal affairs.

- Fourthly, the legal and judicial nature of the UN procedures for conflict resolution have prompted the OAU member states to avoid using the UN conflict resolution processes as described in chapters VI, VII and VIII of the UN Charter and instead they chose to seek logistical support from the world body. As discussed in chapter five, the OAU member states, fearing complex legal processes often decided to adopt ad hoc approaches in conflict situations in order to avoid the legal settlement of conflicts. In addition, the OAU member states were not ready to accept procedures that might lead to the punishment of states that did not comply with the UN resolutions, as they did not want to create a precedent that might be used against them in the long run.
- In the fifth place, the frameworks of the OAU and the UN peacekeeping operations in conflict areas on the continent did not provide for a comprehensive approach to post conflict situations where peace building, peace enforcement and post conflict reconciliation of various groups within the country were vital for the sustainability of the peace agreements reached by the parties to the conflicts. Most of these operations lacked measures that could ensure the sustainability of peace in post conflict areas, coupled with the absence of a civilian component in peacekeeping that could become a catalyst for the smooth cooperation between the peace keepers and the local populations on the one hand, and between the OAU/UN peace keepers and the parties to the conflict, on the other.
- In the sixth place, the question of legitimacy and coordination between the OAU and the UN agencies responsible for peacekeeping or peace-making, in addition to logistical and legal issues relating to the joint operations posed another challenge for the two organisations. Related to the issue of coordination was the question of legitimacy. For example, the UN regards itself as the sole international body responsible for world

peace, and has a mandate to authorise regional bodies such as the OAU to take actions or intervene on its behalf in conflict areas. The UN in this case, controls the legal frameworks of inter-state conflict resolution in the world and has the discretion to decide whether a regional organisation acted within that framework or not.

One of the implications of this absolute authority of the UN lies in that the UN can only support a regional organisation morally and financially to intervene in a conflict area, if that regional organisation promises to act or indeed acted within the UN framework and with UN consent. The question then was, what if a regional organisation has acted outside the UN framework, and as a result, its action has triggered an atmosphere that threatened the world peace? Would the UN punish that regional organisation as a body or in terms of individual countries? Another aspect concerning coordination and legitimacy was related to whether the OAU as a regional organisation, had the legitimacy to authorise sub-regional organisations such as the Southern African Development Community (SADC) and ECOWAS to assume peacekeeping and peace-making responsibilities or not. What would happen if each sub-regional organisation decided to intervene in a conflict without permission from the OAU, what sanctions could the OAU apply against such an organisation?

- In the seventh place, another important issue that the OAU and the UN had to face was how to force the parties to the conflicts to implement the UN Security Council and the OAU resolutions on conflicts on the continent? The question of identifying enforcement agencies within the continent to carry out and enforce these resolutions was a difficult issue with which the two organisations had to grapple. The management of the conflict of interests among and with the enforcement agencies such the OAU, sub regional organisations and the UN was another impediment with which all these agencies had to deal. Another issue was identifying appropriate mechanisms acceptable to the parties to the conflict as well as to the OAU and the UN systems through which the conflicts could be resolved. Then there was the issue of managing the regional politics, regional alliances, ethnic alliances and divisions among the parties to the conflicts, which in many ways enhanced and sometimes affected the resolution of conflicts.

- In the eighth place, prior to the mid 1990s, the OAU and the UN did not have efficient and effective operational early warning systems through which they could monitor, prevent and manage conflicts in Africa and elsewhere. The two organisations' involvement in Africa tended to occur after conflicts had already become full blown and were raging fiercely, hence leaving little room for diplomacy and peaceful intervention. The lack of appropriate channels of communication, lack of proper early warning systems, and inefficient means to gather, transmit and disseminate information from the conflict areas to the OAU and the UN agencies responsible for conflict management and resolution were all factors that had contributed to the difficulties that the two organisations had undergone in their attempts to resolve conflicts in Africa.
  
- Finally, institutional competition existed between the bureaucracies of the OAU and the UN during joint operations. The competition focussed by and large on who should be in command of the logistical and military aspects of the operations. This institutional competition had led to negative repercussions regarding the efficiency of the operations carried out by the two organisations. The competition also tended to overshadow the priorities of the two organisations and shifted the focus from managing delicate operations and the complexities on the ground to petty logistical and technical aspects.

#### **10.6 Advantages and disadvantages of the role of sub-regional organisations in conflict resolution situations in Africa**

The development and transformation of institutional cooperation between the OAU and the UN also had an impact on the evolution and the progress made in the institutional and the legal cooperation between the OAU and sub-regional organisations in conflict resolution situations in Africa. In chapter seven, it was noted that some of the factors that either had a negative affect on or enhanced that cooperation, were inherently structural and political within the OAU system, while others had a lot to do with internal weaknesses within the structures of sub-regional organisations. There were also other factors related to regional security arrangements that were influenced by external factors outside the OAU and sub-regional organisations. Some factors that enhanced and/or negatively affected the impact of sub-regional organisations on the OAU's ability to resolve conflicts on the continent were:

- At the time when the OAU had not yet devised systematic mechanisms for the resolution of intra-state conflicts, some sub-regional organisations, such as the ECOWAS had already acquired practical experience by the early 1990s in dealing with internal conflicts in West Africa, both at diplomatic and military levels. In fact, the rapid reforms which some sub-regional organisations have introduced, through their interventions and the management of internal conflicts through their conflict resolution mechanisms, prompted the OAU Secretariat to recommend some drastic changes and reforms to its conflict resolution structures, to the heads of state and government as early as 1992. Drastic conceptual and practical reforms were recommended by the OAU Secretariat regarding the fact that the organisation had to conform with and adapt to the new realities.
  
- There was the question of legitimacy in the relationship between the OAU and sub-regional organisations. It is important to mention that the legal basis, upon which the role of the OAU in conflict resolution situations on the continent was based, was founded in Article 52 (3) of the UN Charter, which authorises regional organisations to deal with disputes and conflicts in their regions. In the case of the sub-regional organisations, neither the OAU Charter nor the UN Charter mentions any role for them explicitly. In fact, sub-regional organisations did not have any legitimacy in terms of their mandate and actions under international law to deal with conflicts. This lack of a legal mandate by the OAU and UN charters prompted some sub-regional organisations to impose themselves on their sub-regions, either by intervening successfully in conflicts in their sub-regions or through hegemonic politics, where some countries had more political or military influence over others. Hence, they imposed their deeds and will, not only on smaller countries in the region, but also on some activities and policies of the OAU. That legal impasse has prompted the OAU to recognise the role of sub-regional organisations, and as mentioned in chapter seven, the Cairo Declaration of June 1993, called for the institutional cooperation between the OAU and sub-regional organisations in conflict resolution situations on the continent, hence according legitimacy to the role of sub-regional organisations in their sub-regions.
  
- Another aspect that affected the activities of the OAU in conflict resolution situations in the sub-regions and ultimately affected its institutional cooperation with some sub-

regional organisations was the inter-state tensions in the sub-regions. These tensions affected the cooperation between the sub-regions' members as well as among members of the OAU. These tensions had also made it difficult for the OAU in some instances, to secure smooth cooperation with sub-regional organisations. In fact, even when an intervention by a sub-regional organisation in a conflict was sanctioned by the OAU, the conflict of interests of the intervening states, become obstacles to the resolution of the conflict.

- Prior to 1996, one of the factors that were crucial in the implementation of the institutional cooperation between the OAU and sub-regional organisations was the lack of functioning and efficient early warning systems and focal points in sub-regions and within the OAU headquarters. The communication between the OAU and sub-regional organisations on conflict resolution matters was conducted through permanent representatives of member states at the OAU headquarters and through the ministries of foreign affairs of member states. The type of information on conflict situations that the OAU received from sub-regional organisations through the channels mentioned above, apart from the challenges regarding the logistics of urgency and timing, lacked compatibility, competence and credibility, hence making decisions based upon such information inefficient.

There were also other structural, material, political, legal and logistical factors that informed and hence affected the institutional cooperation and coordination between the OAU and some sub-regional organisations in conflict resolution matters in Africa (Olonisakin 2000: 91-96; Alao 2000: 16-17):

- As discussed in chapter seven, most of the African sub-regional organisations were originally established as sub-regional economic communities, oriented more towards economic cooperation and integration. Some had to redirect their focus and transform and restructure themselves in terms of security management in the 1990s in order to accommodate conflict resolution issues when this role became part of the African regional priority in the 1990s. It was therefore imperative that the OAU and later on the ECOWAS, the SADC and the IGAD had to establish structures that were specifically geared towards conflict resolution.



- It is a known fact that sub-regional organisations, which were involved in conflict resolution processes, could not institute a standard traditional peacekeeping operation without help from the UN or the OAU due to financial constraints. This was mainly because only a few of them had the resources required to carry out operations needed in peace-making or peacekeeping in some parts of Africa. This lack of resources entailed that African regional and sub-regional organisations preferred to respond to conflicts where there was a leading country, with both the human and material resources to take the initiative in such operations. For example, during the Liberian crisis, Nigeria spent \$8 billion US dollars throughout its presence in Liberia.
  
- Another challenge relating to the OAU and sub-regional organisations' institutional cooperation in peace-making was that some countries chose to take sides in conflicts, thus creating political divisions in the sub-region. The reluctance of some countries to take part in and/or show a willingness to resolve crises in their neighbourhood, also tended to impact on the peace making and peacekeeping missions in a sub-region.
  
- It was discussed in chapter seven that, in general, small states tend to resist the 'big brothers' and economically better endowed countries, out of fear that they may seek to dominate their region. This seems to explain why some of these small African countries, out of fear of hegemony, preferred to deal with the OAU conflict resolution mechanisms, than with sub-regional powers' initiatives. Again, the respective roles of Nigeria in West Africa in the 1990s and South Africa in the Southern region during the same period and in the early 2000s, seem to have shown that where these hegemons have been willing and able to initiate and participate in sub-regional conflict resolution efforts, especially where no external power outside the region is willing to intervene, they may make a difference.
  
- The issue of legitimacy arises where regional or sub-regional organisations are perceived to be acting without the authorisation of the main regional body such as the OAU and international bodies such as the UN, which were responsible for maintaining peace and security. This issue becomes very important especially where the envisaged intervention requires both resources and the use of force.

- The operational problems regarding the joint intervention of the OAU/UN and sub-regional organisations tended to emanate from political control in the area of operation. The lack of coordination often led to divisions in command, especially where the separate provision of logistical support by individual contributing states existed, and thus as the rivalry over the command intensified, the operation began to lose its central control.

### **10.7 Institutional cooperation between the OAU and the European and American peace initiatives**

There is no doubt that some of the initiatives, which were undertaken by the US and EU member states, were complementary projects in many ways to the OAU, the UN and African sub-regional organisations' efforts to strengthen the peace-making and peace building processes in Africa. As they were aware of the OAU's pan-African principles, goals and objectives and the sensitivity of its member states to the principles of sovereignty and non-interference in internal affairs, as enshrined in the OAU Charter, the US and the EU member states decided to support the OAU and sub-regional organisations financially and politically instead of intervening directly in conflict situations on the continent. It was also an option that excused these countries from contributing soldiers to peacekeeping missions and operations in Africa. However, although these Western initiatives were predominantly supportive of the OAU and the sub-regional organisations' peace efforts on the continent, there were some issues pertaining to institutional cooperation, which in the opinion of the OAU policy makers needed more clarification and focus than others.

Firstly, the dilemma regarding the implementation of the ACRI programme in peace-making in Africa arose because there was a need for the scope of the ACRI's activities to be adjusted to the UN Chapter VII, especially Article 42; otherwise it would lose its effectiveness in peace-making in Africa. On the other hand, if the ACRI scope of action was to be adjusted, it would entail the strengthening of US intervention in Africa in terms of politics and its military force. In both cases, the burning question was, were the OAU member states ready to allow for a strong or even permanent American or European engagement in some parts of Africa?

Another issue regarding the ACRI and RECAMP initiatives' roles in conflict prevention and resolution in Africa was how to link these initiatives to the existing African political, peace and security institutional frameworks, namely the OAU and sub-regional mechanisms dealing with conflicts on the continent.

Secondly, these initiatives did not have a legal basis nor did they have permanent structures through which they could intervene independently in conflict situations in Africa without support from organisations on the continent. That was why they had to work within the frameworks of the OAU and the UN conflict resolution frameworks. The obvious problem with ad hoc initiatives such as the ACRI and RECAMP lies in the possibility of creation of complex and parallel structures alongside the OAU and the UN peacekeeping and standby forces system. And if and when this happens, it becomes imperative that the linkage between the EU/US/French initiatives to the existing African regional and sub-regional structures for conflict management and resolution should be defined clearly in order to avoid the multiplicity of roles (Aloa 2000: 18; Wedgwood 1996:275-280; Smith 2000: 41-44).

As discussed in chapter eight, the EU decision to support the OAU and other African peace-making structures was informed by two important considerations:

- Firstly, while the prevention and resolution of conflicts in Africa was recognised to be the responsibility of the Africans themselves, the EU undertook to enhance the African capacity building in conflict prevention, management and resolution, specifically of African sub-regional organisations as well as establishing early warning platforms, mediation training, or reconciliation committees. In practical terms, this meant that the EU member states had decided not to commit any troops to peacekeeping operations in Africa; and that no other support would be given beside financial and logistical support.
- Secondly, one of the main factors regarding the EU-OAU institutional cooperation was that the EU agreed to adopt a collective approach in its support of conflict prevention and resolution efforts in Africa. It also decided to define conflict as a multi-faceted phenomenon, whose causes included, among others, a lack of democracy, the violation of human rights, a lack of rule of law, a lack of good governance, overspending on military and arms transfer; disputes over scarce natural resources such as water and

land; a lack of capacity in gathering and analysing information related to potential and actual conflict situations, i.e early warning systems. (Conflicts in Africa: Communication from the Commission 1995/97: 1-18; Council Common Position of 2 June 1997: 1-6 ;).

The most contentious area in which there were differences of opinion between the OAU and EU policy makers, was that there were some areas of support that the EU considered to be conflict prevention or peace-building projects, on which the African governments and the OAU did not agree. For example, values such as democratisation, good governance, human rights and regional integration were considered by the EU to be peace-building measures, as long as their improvement could enhance the chances of addressing the root causes of violent conflicts in a targeted manner. In the opinion of the OAU, these areas fell within the African regional political and security realm. Any suggestion by the EU to force the OAU member states to adhere to these values, or connecting the EU support for conflict prevention and resolution efforts in Africa to these values, was tantamount to interference in their internal affairs, their territorial integrity and the sovereign independence of African states.

### **10.8 Problems of resolving inter-state conflicts: The case of the Ethiopian-Somali boundary dispute**

In the discussion of the institutional role of the OAU in the Ethiopian-Somali boundary dispute, several important questions were raised and the historical evolution of the dispute was analysed. The impact that the conflict had had on the institutional role of the OAU in inter-state conflicts was also discussed. Other important issues discussed had to do with the inherent structural limitations within the OAU structural set up, particularly the contradictions within the OAU Charter. Other issues discussed in chapter nine related to the historical and geopolitical dynamics of the Cold War era and how these factors had affected the role of the OAU in handling the boundary dispute between the two countries. Of particular significance to this study however, was the fact the Ethiopian-Somali boundary dispute was instrumental in shaping the approaches and the methods that the OAU's conflict resolution system had to adopt in dealing with inter-state conflicts on the continent. Indeed, the boundary dispute between Ethiopia and Somalia was the first case in which the institutional role of the OAU in inter-state conflicts was tested. Some of the factors, which have had an impact on and later, informed the

institutional involvement of the OAU in dealing with the boundary dispute between Ethiopia and Somalia included:

- The boundaries drawn by the European powers in Africa were drawn to meet the geopolitical and strategic and economic interests of the colonial powers, hence had very little to do with the interests and the well being of the local population of these territories. In the case of Somalia, when the Somali leaders took over the power in 1960, they soon realised that the boundaries they had inherited from the British and Italy were neither politically nor economically beneficial to the needs of their people, thus a decision was taken to readjust them. That was exactly the argument the Somalis presented to the OAU summit in May 1963, stressing that the existing boundaries between their country and Ethiopia and Kenya, were not established to benefit the people of the Somalia, and therefore keeping these boundaries would harm the Somalis.
- The ideological and philosophical basis, on which the foundation of the colonial state in Somalia had been established, was not informed nor influenced by the local realities or by the interests of the local population. For that reason, when the colonial powers left Somalia, the first thing the Somalis did was to question the legitimacy of the colonial state and its laws. By questioning the legitimacy of the boundaries between Somalia and Ethiopia, the Somalis were by implication, highlighting the differences between the conceptions of the Somalis and the Europeans regarding the ideological and political basis upon which the concepts of boundary and citizenship had been built. The Somalis, like some other OAU member states, who called for the readjustment of the boundary between Ethiopia and Somalia, could not for example, understand why a single ethnic group should be separated by a geographical line or a boundary.
- Another dilemma that the OAU member states had to face was that the objectives of the colonial states were inconsistent with or even in conflict with the Pan-African ideology that advocated the unity of the African people. The colonial state in Africa had ranked the sovereignty of the nation states as paramount to any other objective that the nation state was supposed to protect or achieve. Moreover, the OAU Charter had endorsed the existing colonial boundaries, making it difficult for member states to alter them. In the case of the Ethiopian-Somali boundary dispute, the state's territorial integrity was

paramount to the well being of the Somali families who were separated from one another by the boundary which separated the territories in which they were living. Thus, according to the OAU Charter, the Somalis in Ogaden had to accept the fact that they were citizens of Ethiopia, irrespective of their ethnic and cultural affiliation to Somalia. The sovereignty of the Somali and Ethiopian states that was enshrined in the OAU Charter was therefore in conflict with the philosophy and ideology of the Pan-African Movement which called for the unity of the African people and not their division through artificial boundaries.

- The boundaries that had been inherited from the colonial states in Africa had a great impact on the nature of inter-state relations on the continent and had had serious implications for the application of Article 3 (2) of the OAU Charter, which affirmed respect for the principle of non-interference in the internal affairs of member states. Instead of practising mutual cooperation with each other regarding issues that might have some impact on the welfare of their neighbours, the OAU member states were prohibited by the organisations' charter to interfere in internal conflicts, which their members deemed to fall within their jurisdiction. For example, countries such as Kenya and Ethiopia regarded the resistance of the people of Ogaden and Northern Kenya against the Ethiopian and Kenyan authorities as an internal conflict, whereas to Somalia, these people were resisting the occupation of their land by foreign colonial powers. However, for the OAU member states, such arguments were regarded tantamount to denying and renouncing the essence of the organisation's principle of sovereignty and the territorial integrity of the OAU's member states.
- Another important observation worth emphasising regarding the Ethiopian-Somali boundary dispute is that the OAU member states were divided over the political ramifications of the boundary politics in general. Some member states believed that the establishment of the existing boundaries revealed a complete disregard for the cultural nationality, ethnic ties and the geographical proximity of the people of the land and therefore such boundaries did not deserve to be respected, instead, they should rather be removed. They believed that keeping these artificial boundaries intact would create more problems and strained relations between countries and could moreover, be the cause of internal civil strife. Conversely, some OAU member states argued that

tampering with the existing boundaries could lead to further fragmentation and multiplication of the existing states. Furthermore, they argued that readjusting the boundaries might aggravate minority problems in the various member states, and might even trigger more claims for self-determination by people who felt that they were mistreated in their countries of residence, thereby creating more inter-state conflicts on the continent.

- As eluded to in chapter nine, for some OAU member states, the Ethiopian-Somali boundary conflict was also about territorial claims. The Ethiopians, while acknowledging that the inhabitants of Ogaden were/are Somalis, they seemed to be more interested in the land the Ogaden people were occupying than in the people themselves. This stance made it difficult for the OAU mediators to address the conflict as a boundary problem. The Ethiopians had refused to redraw the boundary, because they knew that the Somalis were interested in both the people and the land, and would not give up the land, even if the people of Ogaden chose to become part of Somalia through a referendum.
- The Ethiopian-Somalia boundary was also regarded by some OAU member states to be about minority rights as well as a secessionist issue. The Ogaden people were and are still in favour of exercising the right to self-determination, which would allow them to join Somalia or remain part of Ethiopia. The Somalis in Ogaden saw the Ethiopian government as a colonial power that should either be forced out of their territory by redrawing the boundary between Ethiopia and Somalia or through joint armed resistance by the Somali government and the Ogaden people. For the Ethiopians however, self-determination for the Somalis in Ogaden would create problems for the Ethiopian government with other nationalities, such as the Benshengol, the Anywaa and the Nuer, who live on both sides of the border between Ethiopia and Sudan. For that reason, during their conflict with Somalia, the Ethiopians have urged the OAU mediators to respect the boundaries which they inherited from the colonialists
- Because the Somalis saw themselves as one people and since they did not recognise the boundaries between them and Ethiopia and Kenya respectively, they saw the conflicts between them and these countries as the violation of the rights of the Somali people to

live freely in their own land. This Somali position has created a dilemma for the OAU mediators. On the one hand, while they did acknowledge the legitimacy of the international boundaries inherited from the European colonial powers, on the other hand, some of them regarded the 1977/1978 Ethiopian-Somali boundary dispute to be a conflict fought by the Somalis in their own territories, against Ethiopian occupation authorities.

- In chapter nine, it was also noted that the role played by the superpowers in the Horn of Africa during the Cold War era, has complicated the role that the OAU has been able to play in dealing with the Ethiopian-Somali conflict. This was because, apart from the economic and military ties that some of the OAU member states had with the superpowers, as were the case with Ethiopia and Somalia, the OAU member states had diverse national interests they wanted to protect. Thus, taking a unified continental position against the intervention of the superpowers on the continent would have jeopardised the achievement and maintenance of the interests of the individual countries with the superpowers.
- The legal nature of the settlement of the boundary conflicts was another impediment to the resolution of the Ethiopian-Somali boundary conflict. As discussed in chapter nine, throughout the boundary conflict with the Italian Somaliland during the nineteenth and twentieth centuries the Ethiopians were not ready to subject the boundary dispute to arbitration. Moreover, as discussed in chapter five, one of the reasons why the OAU Commission of Mediation, Conciliation and Arbitration was sidelined by the OAU mediators was that member states were not interested in conflict resolution mechanisms that would compel parties to the conflict to adhere to legal and binding verdicts. And that explains why the OAU mediators adopted the ad hoc committee approach in the Ethiopian-Somali boundary dispute.

### **10.9 The transformation of the OAU to AU and the impact of that process on the institutional role of the AU in conflict resolution in Africa**

Having looked into all the issues pertaining to the institutional role of the OAU in conflict resolution, it is important to look at the AU structures to see whether some of the structural



inefficiencies and impediments that had hampered the work of the OAU in conflict resolution have been addressed or not.

As discussed in chapter five, the transformation of the Mechanism for Conflict Prevention, the Management and Resolution to Peace and Security Council (PSC) was meant to lead to the redefinition of the concepts of peace and security on the continent by the OAU member states. The OAU was transformed to the African Union (AU) in July 2002, and the Mechanism for Conflict Prevention, Management and Resolution became the PSC, and the OAU Secretariat became the Commission of the AU. The new role of the PSC, by necessity, prompted the African leaders to rethink the rigid adherence of African states to the principles of sovereignty and non-interference in the internal affairs of member states. The focus of the new conflict resolution regimes was to be on conflict prevention. This was deemed so important by member states, as they had failed to make effective use of the Commission, the ad hoc commissions, the Mechanism and had adopted traditional peacekeeping arrangements as tools for resolving conflicts. All this meant a new approach was needed if the conflict resolution system within the transformed organisation was to be effective. Unlike the case with the OAU Secretariat, the Chairperson of the Commission of the AU was empowered by the AU's Constitutive Act, through the new CMC units in the following ways:

- What had been lacking in the past OAU conflict resolution system had been an early warning system (EWS). The ability to develop the capacity to know beforehand and interpret the events early in order to build up a solid base on which a quality response was to be achieved. By introducing the EWS into its system, the PSC was able to fill the gap that previous mechanisms were not able to fill. However, the challenge remains to put complementary early warning systems in place at sub-regional levels, which can serve as watchdogs for the PSC (Adelman 1998: 53).
- For the first time, the Chairperson of the AU Commission was empowered by Article 10 of the PSC Protocol to bring to the attention of the PSC any matter that might threaten the peace, security and stability in Africa. The PSC was also empowered to intervene in a member state even if it was not invited by the member states, especially in the case of grave circumstances such as genocide or crimes against humanity.

An important reform which was also introduced into the AU conflict resolution system was the establishment of Pan-African Standby Force. According to Article 13 (3) (a) of the PSC Protocol the Pan-African Standby Force was empowered to:

- Intervene in a member state in the event of grave circumstances or upon the request of a member state in accordance with Article 4 (h) and (j) of the AU Constitutive Act. This is a departure from the traditional OAU leadership view which prohibited member states from intervening in the internal affair of member states, let alone establishing a standby force to which all member states are obliged to contribute.
- Where necessary, the African Standby Force is mandated to cooperate with the UN and its agencies, other relevant international organisations and sub-regional organisations, as well as with national authorities and non-governmental Organisations (NGOs).
- The Chairperson of the AU Commission had the authority to appoint the top two positions of the ASF, namely the Special Representative and Force Commander for each operation undertaken by the Force. The Special Representative reported to the AU Chairperson of the Commission through the appropriate channels.
- Another significant innovation introduced into the AU conflict resolution regime specifically for military purposes, was the Military Staff Committee, whose main role is to advise the PSC on issues regarding the military and security requirements for the promotion and maintenance of peace and security in Africa.
- The AU Commission was also empowered to provide appropriate guidelines for the training of the civilian and military personnel of the national standby contingents. This is a very important responsibility in terms of acquainting the force with both operational and tactical levels, with specific emphasis on training in International Humanitarian Law and Human Rights Law.
- Another important element that was devised to help enhance the efficiency of the work of the AU's ASF was the commitment, participation and the enhancement of the role of the member states in the ASF. The PSC Protocol in Article 13 (17) (a, b) stipulates that

each troop contributing member state should release the standby contingents with the necessary equipment for the operations envisaged under Article 9 (2) of the Protocol.

- The previous OAU conflict resolution mechanisms have always emphasised the settlement of conflicts, and paid little attention to the post conflict situations or the humanitarian aspects of the conflicts. This new emphasis on the promotion of peace-making, peace building and post war reconstruction, suggests that the AU leadership have developed a better understanding of the peace and security priorities on the continent.
- Moreover, Article 3 of the PSC protocol introduces another new function for the AU conflict resolution regime, and that is to promote and encourage democratic transformation and good governance and to protect fundamental human rights and freedom in Africa. While there are different interpretations of what these concepts mean, the AU's new approach to the conflict resolution system seems to recognise the comprehensiveness of the definition of conflict prevention, management, resolution, peace and security. The new orientation can be described as a people-centred orientation in contrast with what used to be state-centred orientation during the OAU era.
- Another important introduction to the AU peace-making process is that the election to the PSC membership is based on the willingness and the ability of the member state to participate in the management of crises on the continent. Contending members must be committed to meet their financial obligations to the organisation and most importantly, must respect constitutional governance and institute sanctions whenever an unconstitutional change of government takes place in a member state.
- Related to the above factor is the establishment of the Peace Fund that was another step towards enhancing the work of PSC. It presupposed that the AU leadership had finally recognised the importance of making funds available by means of which peace-making could be carried out. Moreover, by creating a Peace Fund, a new kind of relationship was established between the donors and the AU. By means of the Peace Fund, the donor countries or organisations would no longer have difficulty in dealing with the

organisation, since issues related to the accountability and efficiency of fund management could easily be managed by the Peace Fund unit.

- Another important reform introduced by the AU conflict resolution system is the establishment of the Panel of the Wise. What distinguishes the Panel of the Wise from the OAU Committees of the wise, such as ad hoc commissions, is that the members of the latter are the heads of state. Therefore, they had vested sovereign interests in some of the conflicts in which they were asked to mediate. The Panel of the Wise on the other hand, consists of individuals, who, are deemed independent and command the respect of both the organisation and the general public of the continent although they are paid allowances by the AU. The challenge for their work however, lies in that the Chairperson of the AU Commission, who is their contact person within the organisation, may or may not take their advice, if he/she feels that such advice may contradict his/her recommendations to the Central Organ on a particular conflict.

There is no doubt that with the establishment of the PSC in July 2002, a new kind of legal based relationship between the AU, the successor of the OAU and the sub-regional mechanisms came into being. Article 16 (1) of PSC Protocol considers the sub-regional mechanisms to be part of the overall security pillar of the African Union. Thus, the AU in Article 16 (1) (b) authorises the PSC and the Chairperson of the AU Commission to work towards harmonising and co-ordinating the activities of sub-regional mechanisms in the field of peace, security and stability in Africa. For the first time, the PSC Protocol sets the condition that the activities of sub-regional mechanisms must be consistent with the objectives and principles of the African Union's Constitutive Act. Article 16 (2) of the Protocol, specifically states that, in consultation with the PSC, sub-regional mechanisms may promote initiatives aiming at anticipating and preventing conflicts or where conflicts have already erupted. The same article stresses that these bodies may carry out peace-making and peace building functions.

Article 16 (3) calls upon the PSC, through the Chairperson of the AU Commission, to keep sub-regional mechanisms fully and continuously informed of its activities. This exchange of information is supposed to be a two way process. This might explain why, in Article 16 (8), the

AU Commission is authorised to establish liaison offices for sub-regional mechanisms and where possible, these mechanisms should also establish liaison offices for the Commission.

Another important element of co-ordination between the AU and sub-regional mechanisms is found in Article 16 (4) where the Chairperson of the AU Commission is authorised to convene periodic meetings, at least once a year, with the Chief Executives and/or the officials in charge of peace and security within sub-regional mechanisms. The cooperation between the PSC and the sub-regional mechanisms is governed by a Memorandum of Understanding on Co-operation, which the PSC and sub-regional mechanisms consented to (Alao 2000: 1-25; De Coning 1997: 1-8).

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## 11.2 Interviews

3. Interview with Leonardo Santos Simoa, Foreign Minister of Republic of Mozambique, Pretoria, South Africa, 23 February 2001.
3. Interview with Welile Nhlapo, Deputy Director General, Department of Foreign Affairs, Pretoria, South Africa, 12 April 2001.
3. Interview with Reolf Meyer. Former National Party Cabinet Minister and its Chief Negotiator with the ANC, Pretoria, May 2001.
3. Interview with Ambassador Corentin Ki Doulaye. Acting Head of the Conflict Management Centre. Addis Ababa: Organisation of African Unity, 6 March 2002.
3. Interview with Col. Joatody Jean de Matha. Senior Military Officer, Conflict Management centre. Addis Ababa: Organisation of African Unity, 6 March 2002.
3. Interview with Mrs. Rebecca Nabweteme. Personnel Officer, Recruitment and Contracts. Addis Ababa: Organisation of African Unity, 21 March 2002.
3. Interview with Ambassador Sam Ibok, Director, Political Department. Addis Ababa: Organisation of African Unity, 22 March 2002.
3. Interview with Adwoa Coleman, Head, Early Warning Unit. Addis Ababa: Organisation of African Unity, 22 March 2002.
3. Interview with Ben Kioko, Legal Counselor. Addis Ababa: Organisation of African Unity, 23 March 2002.
3. Interview with Dr. D. T Orjiako. Chief of Information. Addis Ababa: Organisation of African Unity, 23 March 2002.

### 11.3 Web Links

Africa, Caribbean and Pacific Group of States- <http://www.acpsec.org/>  
African Commission on Human and People's Rights - [www.achpr.org](http://www.achpr.org)  
African Unification Front-<http://www.africanfront.com/oau.php>  
African Union (AU) - [www.africa-union.org](http://www.africa-union.org)  
Arab Maghreb Union (AMU) - [www.eia.doe.gov/cabs/maghreb.html](http://www.eia.doe.gov/cabs/maghreb.html)  
Association of Southeast Asian Nations (ASEAN)- [www.aseansec.org](http://www.aseansec.org)  
Common Market for East and Southern Africa (COMESA)- [www.comesa.int/](http://www.comesa.int/)  
[www.defense.gouv.fr/](http://www.defense.gouv.fr/)  
East African Community (EAC)- [www.eacq.org](http://www.eacq.org)  
Economic Community of West African States (ECOWAS):- [www.ecowas.int](http://www.ecowas.int)  
Inter-governmental Authority on Development (IGAD)- <http://www.igad.org/>  
New Partnership for Africa's Development (NEPAD) - [www.nepad.org](http://www.nepad.org)  
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The Creation of the OAU. 2004. <http://www.oau-creation.com> : Part Two.  
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United Nations Economic Commission for Europe (UNECE) - <http://www.unece.org>  
United Nations Development Program (UNDP)- [www.undp.org](http://www.undp.org)  
United Nations High Commission for Refugee (UNHCR)- [www.unhcr.ch](http://www.unhcr.ch)  
World Bank- [www.worldbank.org](http://www.worldbank.org)



## 12. Appendices

### 12.1 The Charter of the Organisation of African Unity (OAU)

**WE**, the Heads of African States and Governments assembled in the City of Addis Ababa, Ethiopia,

**CONVINCED** that it is the inalienable right of all people to control their own destiny,

**CONSCIOUS** of the fact that freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples,

**CONSCIOUS** of our responsibility to harness the natural and human resources of our continent for the total advancement of our peoples in all spheres of human endeavour,

**INSPIRED** by a common determination to promote understanding among our peoples and cooperation among our states in response to the aspirations of our peoples for brother-hood and solidarity, in a larger unity transcending ethnic and national differences,

**CONVINCED** that, in order to translate this determination into a dynamic force in the cause of human progress, conditions for peace and security must be established and maintained,

**DETERMINED** to safeguard and consolidate the hard-won independence as well as the sovereignty and territorial integrity of our states, and to fight against neocolonialism in all its forms,

**DEDICATED** to the general progress of Africa,

**PERSUADED** that the Charter of the United Nations and the Universal Declaration of Human Rights, to the Principles of which we reaffirm our adherence, provide a solid foundation for peaceful and positive cooperation among States,

**DESIROUS** that all African States should henceforth unite so that the welfare and wellbeing of their peoples can be assured,

**RESOLVED** to reinforce the links between our states by establishing and strengthening common institutions,

**HAVE AGREED TO THE PRESENT CHARTER:**

#### **ESTABLISHMENT**

##### *Article I*

1. The High Contracting Parties do by the present Charter establish an Organization to be known as the ORGANIZATION OF AFRICAN UNITY.
2. The Organization shall include the Continental African States, Madagascar and other Islands surrounding Africa.

## **PURPOSES**

### *Article II*

1. The Organization shall have the following purposes:
  - (a) To promote the unity and solidarity of the African States;
  - (b) To coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa;
  - (c) To defend their sovereignty, their territorial integrity and independence;
  - (d) To eradicate all forms of colonialism from Africa; and
  - (e) To promote international cooperation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.
  
2. To these ends, the Member States shall coordinate and harmonize their general policies, especially in the following fields:
  - (a) Political and diplomatic cooperation;
  - (b) Economic cooperation, including transport and communications;
  - (c) Educational and cultural cooperation;
  - (d) Health, sanitation and nutritional cooperation;
  - (e) Scientific and technical cooperation; and
  - (f) Cooperation for defence and security.

## **PRINCIPLES**

### *Article III*

The Member States, in pursuit of the purposes stated in Article II solemnly affirm and declare their adherence to the following principles:

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 settlement of disputes by negotiation, mediation, conciliation or arbitration.
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 States.
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 blocs.

## **MEMBERSHIP**

### *Article IV*

Each independent sovereign African State shall be entitled to become a Member of the Organization.

## **RIGHTS AND DUTIES OF MEMBER STATES**

### *Article V*

All Member States shall enjoy equal rights and have equal duties.

### *Article VI*

The Member States pledge themselves to observe scrupulously the principles enumerated in Article III of the present Charter.

## **INSTITUTIONS**

### *Article VII*

The Organization shall accomplish its purposes through the following principal institutions:

1. The Assembly of Heads of State and Government.
2. The Council of Ministers.
3. The General Secretariat.
4. The Commission of Mediation, Conciliation and Arbitration.

## **THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENT**

### *Article VIII*

The Assembly of Heads of State and Government shall be the supreme organ of the Organization. It shall, subject to the provisions of this Charter, discuss matters of common concern to Africa with a view to coordinating and harmonizing the general policy of the Organization. It may in addition review the structure, functions and acts of all the organs and any specialized agencies which may be created in accordance with the present Charter.

### *Article IX*

The Assembly shall be composed of the Heads of State and Government or their duly accredited representatives and it shall meet at least once a year. At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extraordinary session.

### *Article X*

1. Each Member State shall have one vote.
2. All resolutions shall be determined by a two-thirds majority of the Members of the Organization.
3. Questions of procedure shall require a simple majority. Whether or not a question is one of procedure shall be determined by a simple majority of all Member States of the Organization.
4. Two-thirds of the total membership of the Organization shall form a quorum at any meeting of the Assembly.

*Article XI*

The Assembly shall have the power to determine its own rules of procedure.

**THE COUNCIL OF MINISTERS**

*Article XII*

1. The Council of Ministers shall consist of Foreign Ministers or other Ministers as are designated by the Governments of Member States.
2. The Council of Ministers shall meet at least twice a year. When requested by any Member State and approved by two-thirds of all Member States, it shall meet in extraordinary session.

*Article XIII*

1. The Council of Ministers shall be responsible to the Assembly of Heads of State and Government. It shall be entrusted with the responsibility of preparing conferences of the Assembly.
2. It shall take cognisance of any matter referred to it by the Assembly. It shall be entrusted with the implementation of the decision of the Assembly of Heads of State and Government. It shall coordinate inter-African cooperation in accordance with the instructions of the Assembly conformity with Article II (2) of the present Charter.

*Article XIV*

1. Each Member State shall have one vote.
2. All resolutions shall be determined by a simple majority of the members of the Council of Ministers.
3. Two-thirds of the total membership of the Council of Ministers shall form a quorum for any meeting of the Council.

*Article XV*

The Council shall have the power to determine its own rules of procedure.

**GENERAL SECRETARIAT**

*Article XVI*

There shall be a Secretary-General of the Organization, who shall be appointed by the Assembly of Heads of State and Government. The Secretary-General shall direct the affairs of the Secretariat.

*Article XVII*

There shall be one or more Assistant Secretaries-General of the Organization, who shall be appointed by the Assembly of Heads of State and Government.

### *Article XVIII*

The functions and conditions of service of the Secretary-General, of the Assistant Secretaries-General and other employees of the Secretariat shall be governed by the provisions of this Charter and the regulations approved by the Assembly of Heads of State and Government.

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.
2. Each member of the Organization undertakes to respect the exclusive character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

## **COMMISSION OF MEDIATION, CONCILIATION AND ARBITRATION**

### *Article XIX*

Member States pledge to settle all disputes among themselves by peaceful means and, to this end decide to establish 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. Said Protocol shall be regarded as forming an integral part of the present Charter.

## **SPECIALIZED COMMISSION**

### *Article XX*

The Assembly shall establish such Specialized Commissions as it may deem necessary, including the following:

1. Economic and Social Commission.
2. Educational, Scientific, Cultural and Health Commission.
3. Defence Commission.

### *Article XXI*

Each Specialized Commission referred to in Article XX shall be composed of the Ministers concerned or other Ministers or Plenipotentiaries designated by the Governments of the Member States.

### *Article XXII*

The functions of the Specialized Commissions shall be carried out in accordance with the provisions of the present Charter and of the regulations approved by the Council of Ministers.

## **THE BUDGET**

### *Article XXIII*

The budget of the Organization prepared by the Secretary-General shall be approved by the Council of Ministers. The budget shall be provided by contribution from Member States in accordance with the scale of assessment of the United Nations; provided, however, that no Member State shall be assessed an amount exceeding twenty percent of the yearly regular budget of the Organization. The Member States agree to pay their respective contributions regularly.

## **SIGNATURE AND RATIFICATION OF CHARTER**

### *Article XXIV*

1. This Charter shall be open for signature to all independent sovereign African States and shall be ratified by the signatory States in accordance with their respective constitutional processes.
2. The original instrument, done, if possible in African languages, in English and French, all texts being equally authentic, shall be deposited with the Government of Ethiopia which shall transmit certified copies thereof to all independent sovereign African States.
3. Instruments of ratification shall be deposited with the Government of Ethiopia, which shall notify all signatories of each such deposit.

## **ENTRY INTO FORCE**

### *Article XXV*

This Charter shall enter into force immediately upon receipt by the Government of Ethiopia of the instruments of ratification from two-thirds of the signatory States.

## **REGISTRATION OF CHARTER**

### *Article XXVI*

This Charter shall, after due ratification, be registered with the Secretariat of the United Nations through the Government of Ethiopia in conformity with Article 102 of the Charter of the United Nations.

## **INTERPRETATION OF THE CHARTER**

### *Article XXVII*

Any question which may arise concerning the interpretation of this Charter shall be decided by a vote of two-thirds of the Assembly of Heads of State and Government of the Organization.

## **ADHESION AND ACCESSION**

### *Article XXVIII*

1. Any independent sovereign African State may at any time notify the Secretary-General of its intention to adhere or accede to this Charter.
2. The Secretary-General shall, on receipt of such notification, communicate a copy of it to all the Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Secretary-General, who shall, upon receipt of the required number of votes, communicate the decision to the State concerned.

## **MISCELLANEOUS**

### *Article XXIX*

The working languages of the Organization and all its institutions shall be, if possible African languages, English and French, Arabic and Portuguese.

### *Article XXX*

The Secretary-General may accept, on behalf of the Organization, gifts, bequests and other donations made to the Organization, provided that this is approved by the Council of Ministers.

### *Article XXXI*

The Council of Ministers shall decide on the privileges and immunities to be accorded to the personnel of the Secretariat in the respective territories of the Member States.

## **CESSATION OF MEMBERSHIP**

### *Article XXXI*

Any State which desires to renounce its membership shall forward a written notification to the Secretary-General. At the end of one year from the date of such notification, if not withdrawn, the Charter shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Organization.

## **AMENDMENT OF THE CHARTER**

### *Article XXXII*

This Charter may be amended or revised if any Member State makes a written request to the Secretary-General to that effect; provided, however, that the proposed amendment is not submitted to the Assembly for consideration until all the Member States have been duly notified of it and a period of one year has elapsed. Such an amendment shall not be effective unless approved by at least two thirds of all the Member States.

IN FAITH WHEREOF, We, the Heads of African States and Governments have signed this Charter.

Done in the City of Addis Ababa, Ethiopia,  
25th day of May, 1963



## **12. 2 Constitutive Act of the African Union (AU)**

**We, Heads of State and Government of the Member States of the Organization of African Unity (OAU):**

- 1. The President of the People's Democratic Republic of Algeria**
- 2. The President of the Republic of Angola**
- 3. The President of the Republic of Benin**
- 4. The President of the Republic of Botswana**
- 5. The President of Burkina Faso**
- 6. The President of the Republic of Burundi**
- 7. The President of the Republic of Cameroon**
- 8. The President of the Republic of Cape Verde**
- 9. The President of the Central African Republic**
- 10. The President of the Republic of Chad**
- 11. The President of the Islamic Federal Republic of the Comoros**
- 12. The President of the Republic of the Congo**
- 13. The President of the Republic of Côte d'Ivoire**
- 14. The President of the Democratic Republic of Congo**
- 15. The President of the Republic of Djibouti**
- 16. The President of the Arab Republic of Egypt**
- 17. The President of the State of Eritrea**
- 18. The Prime Minister of the Federal Democratic Republic of Ethiopia**
- 19. The President of the Republic of Equatorial Guinea**
- 20. The President of the Gabonese Republic**
- 21. The President of the Republic of The Gambia**
- 22. The President of the Republic of Ghana**
- 23. The President of the Republic of Guinea**
- 24. The President of the Republic of Guinea Bissau**
- 25. The President of the Republic of Kenya**
- 26. The Prime Minister of Lesotho**
- 27. The President of the Republic of Liberia**
- 28. The Leader of the 1st of September Revolution of the Great Socialist People's Libyan Arab Jamahiriya**
- 29. The President of the Republic of Madagascar**
- 30. The President of the Republic of Malawi**
- 31. The President of the Republic of Mali**
- 32. The President of the Islamic Republic of Mauritania**
- 33. The Prime Minister of the Republic of Mauritius**
- 34. The President of the Republic of Mozambique**
- 35. The President of the Republic of Namibia**
- 36. The President of the Republic of Niger**
- 37. The President of the Federal Republic of Nigeria**
- 38. The President of the Republic of Rwanda**
- 39. The President of the Sahrawi Arab Democratic Republic**
- 40. The President of the Republic of Sao Tome and Principe**
- 41. The President of the Republic of Senegal**
- 42. The President of the Republic of Seychelles**
- 43. The President of the Republic of Sierra Leone**

44. The President of the **Republic of Somalia**
45. The President of the **Republic of South Africa**
46. The President of the **Republic of Sudan**
47. The King of **Swaziland**
48. The President of the **United Republic of Tanzania**
49. The President of the **Togolese Republic**
50. The President of the **Republic of Tunisia**
51. The President of the **Republic of Uganda**
52. The President of the **Republic of Zambia**
53. The President of the **Republic of Zimbabwe**

**INSPIRED** by the noble ideals which guided the founding fathers of our Continental Organization and generations of Pan-Africanists in their determination to promote unity, solidarity, cohesion and cooperation among the peoples of Africa and African States;

**CONSIDERING** the principles and objectives stated in the Charter of the Organization of African Unity and the Treaty establishing the African Economic Community;

**RECALLING** the heroic struggles waged by our peoples and our countries for political independence, human dignity and economic emancipation;

**CONSIDERING** that since its inception, the Organization of African Unity has played a determining and invaluable role in the liberation of the continent, the affirmation of a common identity and the process of attainment of the unity of our continent and has provided a unique framework for our collective action in Africa and in our relations with the rest of the world.

**DETERMINED** to take up the multifaceted challenges that confront our continent and peoples in the light of the social, economic and political changes taking place in the world;

**CONVINCED** of the need to accelerate the process of implementing the Treaty establishing the African Economic Community in order to promote the socio-economic development of Africa and to face more effectively the challenges posed by globalization;

**GUIDED** by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion among our peoples;

**CONSCIOUS** of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda;

**DETERMINED** to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and to ensure good governance and the rule of law;

**FURTHER DETERMINED** to take all necessary measures to strengthen our common institutions and provide them with the necessary powers and resources to enable them discharge their respective mandates effectively;

**RECALLING** the Declaration which we adopted at the Fourth Extraordinary Session of our Assembly in Sirte, the Great Socialist People's Libyan Arab Jamahiriya, on 9.9. 99, in which we decided to establish an African Union, in conformity with the ultimate objectives of the Charter of our Continental Organization and the Treaty establishing the African Economic Community;

**HAVE AGREED AS FOLLOWS:**

*Article 1*

## **DEFINITIONS**

In this Constitutive Act:

**"Act"** means the present Constitutive Act;

**"AEC"** means the African Economic Community;

**"Assembly"** means the Assembly of Heads of State and Government of the Union;

**"Charter"** means the Charter of the OAU;

**"Commission"** means the Secretariat of the Union;

**"Committee"** means a Specialized Technical Committee of the Union;

**"Council"** means the Economic, Social and Cultural Council of the Union;

**"Court "** means the Court of Justice of the Union;

**"Executive Council"** means the Executive Council of Ministers of the Union;

**"Member State"** means a Member State of the Union;

**"OAU"** means the Organization of African Unity;

**"Parliament"** means the Pan-African Parliament of the Union;

**"Union"** means the African Union established by the present Constitutive Act.

*Article 2*

## **ESTABLISHMENT**

The African Union is hereby established in accordance with the provisions of this Act.

*Article 3*

## **OBJECTIVES**

The objectives of the Union shall be to:

- (a) achieve greater unity and solidarity between the African countries and the peoples of Africa;
- (b) defend the sovereignty, territorial integrity and independence of its Member States;
- (c) accelerate the political and socio-economic integration of the continent;
- (d) promote and defend African common positions on issues of interest to the continent and its peoples;
- (e) encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
- (f) promote peace, security, and stability on the continent;
- (g) promote democratic principles and institutions, popular participation and good governance;
- (h) promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;

- (i) establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations;
- (j) promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;
- (k) promote co-operation in all fields of human activity to raise the living standards of African peoples;
- (l) coordinate and harmonize the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;
- (m) advance the development of the continent by promoting research in all fields, in particular in science and technology;
- (n) work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent.

*Article 4*

**PRINCIPLES**

The Union shall function in accordance with the following principles:

- (a) sovereign equality and interdependence among Member States of the Union;
- (b) respect of borders existing on achievement of independence;
- (c) participation of the African peoples in the activities of the Union;
- (d) establishment of a common defence policy for the African Continent;
- (e) peaceful resolution of conflicts among Member States of the Union through such appropriate means as may be decided upon by the Assembly;
- (f) prohibition of the use of force or threat to use force among Member States of the Union;
- (g) non-interference by any Member State in the internal affairs of another;
- (h) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity;
- (i) peaceful co-existence of Member States and their right to live in peace and security;
- (j) the right of Member States to request intervention from the Union in order to restore peace and security;
- (k) promotion of self-reliance within the framework of the Union;
- (l) promotion of gender equality;
- (m) respect for democratic principles, human rights, the rule of law and good governance;
- (n) promotion of social justice to ensure balanced economic development;
- (o) respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities;
- (p) condemnation and rejection of unconstitutional changes of governments.

*Article 5*

**ORGANS OF THE UNION**

**1. THE ORGANS OF THE UNION SHALL BE:**

- (a) *The Assembly of the Union;*
- (b) *The Executive Council;*
- (c) *The Pan-African Parliament;*
- (d) *The Court of Justice;*

- (e) The Commission;*
- (f) The Permanent Representatives Committee;*
- (g) The Specialized Technical Committees;*
- (h) The Economic, Social and Cultural Council;*
- (i) The Financial Institutions;*

## **2. OTHER ORGANS THAT THE ASSEMBLY MAY DECIDE TO ESTABLISH.**

### *Article 6*

#### **THE ASSEMBLY**

- 1.** The Assembly shall be composed of Heads of States and Government or their duly accredited representatives.
- 2.** The Assembly shall be the supreme organ of the Union.
- 3.** The Assembly shall meet at least once a year in ordinary session. At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extraordinary session.
- 4.** The Office of the Chairman of the Assembly shall be held for a period of one year by a Head of State or Government elected after consultations among the Member States.

### *Article 7*

#### **DECISIONS OF THE ASSEMBLY**

- 1.** The Assembly shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States of the Union. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.
- 2.** Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Assembly.

### *Article 8*

#### **RULES OF PROCEDURE OF THE ASSEMBLY**

The Assembly shall adopt its own Rules of Procedure.

### *Article 9*

#### **POWERS AND FUNCTIONS OF THE ASSEMBLY**

##### **1. THE FUNCTIONS OF THE ASSEMBLY SHALL BE TO:**

- (a)** determine the common policies of the Union;
- (b)** receive, consider and take decisions on reports and recommendations from the other organs of the Union;
- (c)** consider requests for Membership of the Union;

- (d) establish any organ of the Union;
- (e) monitor the implementation of policies and decisions of the Union as well ensure compliance by all Member States;
- (f) adopt the budget of the Union;
- (g) give directives to the Executive Council on the management of conflicts, war and other emergency situations and the restoration of peace;
- (h) appoint and terminate the appointment of the judges of the Court of Justice;
- (i) appoint the Chairman of the Commission and his or her deputy or deputies and Commissioners of the Commission and determine their functions and terms of office.

2. The Assembly may delegate any of its powers and functions to any organ of the Union.

#### *Article 10*

### **THE EXECUTIVE COUNCIL**

1. The Executive Council shall be composed of the Ministers of Foreign Affairs or such other Ministers or Authorities as are designated by the Governments of Member States.
2. The Executive Council shall meet at least twice a year in ordinary session. It shall also meet in an extra-ordinary session at the request of any Member State and upon approval by two-thirds of all Member States.

#### *Article 11*

### **DECISIONS OF THE EXECUTIVE COUNCIL**

1. The Executive Council shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.
2. Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Executive Council.

#### *Article 12*

### **RULES OF PROCEDURE OF THE EXECUTIVE COUNCIL**

The Executive Council shall adopt its own Rules of Procedure.

#### *Article 13*

### **FUNCTIONS OF THE EXECUTIVE COUNCIL**

1. The Executive Council shall coordinate and take decisions on policies in areas of common interest to the Member States, including the following:
  - (a) foreign trade;
  - (b) energy, industry and mineral resources;
  - (c) food, agricultural and animal resources, livestock production and forestry;
  - (d) water resources and irrigation;
  - (e) environmental protection, humanitarian action and disaster response and relief;
  - (f) transport and communications;

- (g) insurance;
- (h) education, culture, health and human resources development;
- (i) science and technology;
- (j) nationality, residency and immigration matters;
- (k) social security, including the formulation of mother and child care policies, as well as policies relating to the disabled and the handicapped;
- (l) establishment of a system of African awards, medals and prizes.

2. The Executive Council shall be responsible to the Assembly. It shall consider issues referred to it and monitor the implementation of policies formulated by the Assembly.

3. The Executive Council may delegate any of its powers and functions mentioned in paragraph 1 of this Article to the Specialized Technical Committees established under Article 14 of this Act.

#### *Article 14*

### **THE SPECIALIZED TECHNICAL COMMITTEES**

#### **ESTABLISHMENT AND COMPOSITION**

1. There is hereby established the following Specialized Technical Committees, which shall be responsible to the Executive Council:

- (a) The Committee on Rural Economy and Agricultural Matters;
- (b) The Committee on Monetary and Financial Affairs;
- (c) The Committee on Trade, Customs and Immigration Matters;
- (d) The Committee on Industry, Science and Technology, Energy, Natural Resources and Environment;
- (e) The Committee on Transport, Communications and Tourism;
- (f) The Committee on Health, Labour and Social Affairs; and
- (g) The Committee on Education, Culture and Human Resources.

2. The Assembly shall, whenever it deems appropriate, restructure the existing Committees or establish other Committees.

3. The Specialized Technical Committees shall be composed of Ministers or senior officials responsible for sectors falling within their respective areas of competence.

#### *Article 15*

### **FUNCTIONS OF THE SPECIALIZED TECHNICAL COMMITTEES**

Each Committee shall within its field of competence:

- (a) prepare projects and programmes of the Union and submit it to the Executive Council;
- (b) ensure the supervision, follow-up and the evaluation of the implementation of decisions taken by the organs of the Union;
- (c) ensure the coordination and harmonization of projects and programmes of the Union;
- (d) submit to the Executive Council either on its own initiative or at the request of the

Executive Council, reports and recommendations on the implementation of the provisions of this Act; and  
(e) carry out any other functions assigned to it for the purpose of ensuring the implementation of the provisions of this Act.

*Article 16*

**MEETINGS**

Subject to any directives given by the Executive Council, each Committee shall meet as often as necessary and shall prepare its Rules of Procedure and submit them to the Executive Council for approval.

*Article 17*

**THE PAN-AFRICAN PARLIAMENT**

1. In order to ensure the full participation of African peoples in the development and economic integration of the continent, a Pan-African Parliament shall be established.
2. The composition, powers, functions and organization of the Pan-African Parliament shall be defined in a protocol relating thereto.

*Article 18*

**THE COURT OF JUSTICE**

1. A Court of Justice of the Union shall be established;
2. The statute, composition and functions of the Court of Justice shall be defined in a protocol relating thereto.

*Article 19*

**THE FINANCIAL INSTITUTIONS**

The Union shall have the following financial institutions whose rules and regulations shall be defined in protocols relating thereto:

- (a) The African Central Bank;
- (b) The African Monetary Fund;
- (c) The African Investment Bank.

*Article 20*

**THE COMMISSION**

1. There shall be established a Commission of the Union, which shall be the Secretariat of the Union.
2. The Commission shall be composed of the Chairman, his or her deputy or deputies and the Commissioners. They shall be assisted by the necessary staff for the smooth functioning of the Commission.



3. The structure, functions and regulations of the Commission shall be determined by the Assembly.

*Article 21*

**THE PERMANENT REPRESENTATIVES COMMITTEE**

1. There shall be established a Permanent Representatives Committee. It shall be composed of Permanent Representatives to the Union and other Plenipotentiaries of Member States.

2. The Permanent Representatives Committee shall be charged with the responsibility of preparing the work of the Executive Council and acting on the Executive Council's instructions. It may set up such sub-committees or working groups as it may deem necessary.

*Article 22*

**THE ECONOMIC, SOCIAL AND CULTURAL COUNCIL**

1. The Economic, Social and Cultural Council shall be an advisory organ composed of different social and professional groups of the Member States of the Union.

2. The functions, powers, composition and organization of the Economic, Social and Cultural Council shall be determined by the Assembly.

*Article 23*

**IMPOSITION OF SANCTIONS**

1. The Assembly shall determine the appropriate sanctions to be imposed on any Member State that defaults in the payment of its contributions to the budget of the Union in the following manner: denial of the right to speak at meetings, to vote, to present candidates for any position or post within the Union or to benefit from any activity or commitments, therefrom;

2. Furthermore, any Member State that fails to comply with the decisions and policies of the Union may be subjected to other sanctions, such as the denial of transport and communications links with other Member States, and other measures of a political and economic nature to be determined by the Assembly.

*Article 24*

**THE HEADQUARTERS OF THE UNION**

1. The Headquarters of the Union shall be in Addis Ababa in the Federal Democratic Republic of Ethiopia.

2. There may be established such other offices of the Union as the Assembly may, on the recommendation of the Executive Council, determine.

*Article 25*

**WORKING LANGUAGES**

The working languages of the Union and all its institutions shall be, if possible, African languages, Arabic, English, French and Portuguese.

*Article 26*

**INTERPRETATION**

The Court shall be seized with matters of interpretation arising from the application or implementation of this Act. Pending its establishment, such matters shall be submitted to the Assembly of the Union, which shall decide by a two-thirds majority.

*Article 27*

**SIGNATURE, RATIFICATION AND ACCESSION**

1. This Act shall be open to signature, ratification and accession by the Member States of the OAU in accordance with their respective constitutional procedures.
2. The instruments of ratification shall be deposited with the Secretary-General of the OAU.
3. Any Member State of the OAU acceding to this Act after its entry into force shall deposit the instrument of accession with the Chairman of the Commission.

*Article 28*

**ENTRY INTO FORCE**

This Act shall enter into force thirty (30) days after the deposit of the instruments of ratification by two-thirds of the Member States of the OAU.

*Article 29*

**ADMISSION TO MEMBERSHIP**

1. Any African State may, at any time after the entry into force of this Act, notify the Chairman of the Commission of its intention to accede to this Act and to be admitted as a member of the Union.
2. The Chairman of the Commission shall, upon receipt of such notification, transmit copies thereof to all Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Chairman of the Commission who shall, upon receipt of the required number of votes, communicate the decision to the State concerned.

*Article 30*

**SUSPENSION**

Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union.

*Article 31*

**CESSATION OF MEMBERSHIP**

1. Any State which desires to renounce its membership shall forward a written notification to the Chairman of the Commission, who shall inform Member States thereof. At the end of one

year from the date of such notification, if not withdrawn, the Act shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Union.

2. During the period of one year referred to in paragraph 1 of this Article, any Member State wishing to withdraw from the Union shall comply with the provisions of this Act and shall be bound to discharge its obligations under this Act up to the date of its withdrawal.

#### *Article 32*

### **AMENDMENT AND REVISION**

1. Any Member State may submit proposals for the amendment or revision of this Act.
2. Proposals for amendment or revision shall be submitted to the Chairman of the Commission who shall transmit same to Member States within thirty (30) days of receipt thereof.
3. The Assembly, upon the advice of the Executive Council, shall examine these proposals within a period of one year following notification of Member States, in accordance with the provisions of paragraph 2 of this Article;
4. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority and submitted for ratification by all Member States in accordance with their respective constitutional procedures. They shall enter into force thirty (30) days after the deposit of the instruments of ratification with the Chairman of the Commission by a two-thirds majority of the Member States.

#### *Article 33*

### **TRANSITIONAL ARRANGEMENTS AND FINAL PROVISIONS**

1. This Act shall replace the Charter of the Organization of African Unity. However, the Charter shall remain operative for a transitional period of one year or such further period as may be determined by the Assembly, following the entry into force of the Act, for the purpose of enabling the OAU/AEC to undertake the necessary measures regarding the devolution of its assets and liabilities to the Union and all matters relating thereto.
2. The provisions of this Act shall take precedence over and supersede any inconsistent or contrary provisions of the Treaty establishing the African Economic Community.
3. Upon the entry into force of this Act, all necessary measures shall be undertaken to implement its provisions and to ensure the establishment of the organs provided for under the Act in accordance with any directives or decisions which may be adopted in this regard by the Parties thereto within the transitional period stipulated above.
4. Pending the establishment of the Commission, the OAU General Secretariat shall be the interim Secretariat of the Union.
5. This Act, drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all four (4) being equally authentic, shall be deposited with the Secretary-General of the OAU and, after its entry into force, with the Chairman of the Commission who shall transmit a certified true copy of the Act to the Government of each signatory State. The

Secretary-General of the OAU and the Chairman of the Commission shall notify all signatory States of the dates of the deposit of the instruments of ratification or accession and shall upon entry into force of this Act register the same with the Secretariat of the United Nations.

IN WITNESS WHEREOF, WE have adopted this Act.

Done at Lome, Togo, this 11th day of July, 2000.

**CONSTITUTIVE ACT OF THE AFRICAN UNION  
ADOPTED BY THE THIRTY-SIXTH ORDINARY SESSION OF THE ASSEMBLY OF  
HEADS OF STATE AND GOVERNMENT  
11 JULY, 2000 - LOME, TOGO**

1. People's Democratic Republic of Algeria
2. Republic of Angola
3. Republic of Benin
4. Republic of Botswana
5. Burkina Faso
6. Republic of Burundi
7. Republic of Cameroon
8. Republic of Cape Verde
9. Central African Republic
10. Republic of Chad
11. Islamic Federal Republic of the Comoros
12. Republic of the Congo
13. Republic of Côte d'Ivoire
14. Democratic Republic of Congo
15. Republic of Djibouti
16. Arab Republic of Egypt
17. State of Eritrea
18. Federal Democratic Republic of Ethiopia
19. Republic of Equatorial Guinea
20. Republic of Gabon
21. Republic of The Gambia
22. Republic of Ghana
23. Republic of Guinea
24. Republic of Guinea Bissau
25. Republic of Kenya
26. Kingdom of Lesotho
27. Republic of Liberia
28. Great Socialist People's Libyan Arab Jamahiriya
29. Republic of Madagascar
30. Republic of Malawi
31. Republic of Mali
32. Islamic Republic of Mauritania
33. Republic of Mauritius
34. Republic of Mozambique
35. Republic of Namibia
36. Republic of Niger

37. Federal Republic of Nigeria
38. Republic of Rwanda
39. Sahrawi Arab Democratic Republic
40. Republic of Sao Tome and Principe
41. Republic of Senegal
42. Republic of Seychelles
43. Republic of Sierra Leone
44. Republic of Somalia
45. Republic of South Africa
46. Republic of Sudan
47. Kingdom of Swaziland
48. United Republic of Tanzania
49. Republic of Togo
50. Republic of Tunisia
51. Republic of Uganda
52. Republic of Zambia
53. Republic of Zimbabwe

### 12.3 List of Chairmen of the Organisation of African Unity (OAU)-May 1963-July 2002

Name	Beginning of Term	End of Term	Country
Haile Selassie	25 May 1963	17 July 1964	Ethiopia
Gamal Abdel Nasser	17 July 1964	21 October 1965	Egypt
Kwame Nkrumah	21 October 1965	24 February 1966	Ghana
Joseph Arthur Ankrah	24 February 1966	5 November 1966	Ghana
Haile Selassie	5 November 1966	11 September 1967	Ethiopia
Joseph-Désiré Mobutu	11 September 1967	13 September 1968	Congo (Kinshasa)
Houari Boumedienne	13 September 1968	6 September 1969	Algeria
Ahmadou Ahidjo	6 September 1969	1 September 1970	Cameroon
Kenneth Kaunda	1 September 1970	21 June 1971	Zambia
Moktar Ould Daddah	21 June 1971	12 June 1972	Mauritania
Hassan II	12 June 1972	27 May 1973	Morocco
Yakubu Gowon	27 May 1973	12 June 1974	Nigeria
Muhammad Siad Barre	12 June 1974	28 July 1975	Somalia
Idi Amin	28 July 1975	2 July 1976	Uganda
Seewoosagur Ramgoolam	2 July 1976	2 July 1977	Mauritius
Omar Bongo	2 July 1977	18 July 1978	Gabon
Gaafar Nimeiry	18 July 1978	12 July 1979	Sudan
William R. Tolbert, Jr.	12 July 1979	12 April 1980	Liberia
Léopold Sédar Senghor (acting)	28 April 1980	1 July 1980	Senegal
Siaka Stevens	1 July 1980	24 June 1981	Sierra Leone
Daniel arap Moi	24 June 1981	6 June 1983	Kenya
Mengistu Haile Mariam	6 June 1983	12 November 1984	Ethiopia
Julius Nyerere	12 November 1984	18 July 1985	Tanzania
Abdou Diouf	18 July 1985	28 July 1986	Senegal
Denis Sassou-Nguesso	28 July 1986	27 July 1987	Congo (Brazzaville)
Kenneth Kaunda	27 July 1987	25 May 1988	Zambia
Moussa Traoré	25 May 1988	24 July 1989	Mali
Hosni Mubarak	24 July 1989	9 July 1990	Egypt
Yoweri Museveni	9 July 1990	3 June 1991	Uganda
Ibrahim Babangida	3 June 1991	29 June 1992	Nigeria
Abdou Diouf	29 June 1992	28 June 1993	Senegal
Hosni Mubarak	28 June 1993	13 June 1994	Egypt
Zine El Abidine Ben Ali	13 June 1994	26 June 1995	Tunisia
Meles Zenawi	26 June 1995	8 July 1996	Ethiopia

Paul Biya	8 July 1996	2 June 1997	Cameroon
Robert Mugabe	2 June 1997	8 June 1998	Zimbabwe
Blaise Compaoré	8 June 1998	12 July 1999	Burkina Faso
Abdelaziz Bouteflika	12 July 1999	10 July 2000	Algeria
Gnassingbé Eyadéma	10 July 2000	9 July 2001	Togo
Frederick Chiluba	9 July 2001	2 January 2002	Zambia
Levy Mwanawasa	2 January 2002	9 July 2002	Zambia

**Source:** IRAQ MUSEUM INTERNATIONAL OPEN ENCYCLOPEDIA:  
[http://www.baghdadmuseum.org/ref/index.php?title=Organization\\_of\\_African\\_Unity](http://www.baghdadmuseum.org/ref/index.php?title=Organization_of_African_Unity)

#### 12.4 The List of the Secretaries-General of the OAU<sup>68</sup> (May 1963-July 2002)

Name	Beginning of Term	End of Term	Country
Kifle Wodajo (acting)	25 May 1963	21 July 1964	Ethiopia
Diallo Telli	21 July 1964	15 June 1972	Guinea
Nzo Ekangaki	15 June 1972	16 June 1974	Cameroon
William Eteki	16 June 1974	21 July 1978	Cameroon
Edem Kodjo	21 July 1978	12 June 1983	Togo
Peter Onu (acting)	12 June 1983	20 July 1985	Nigeria
Ide Oumarou	20 July 1985	19 September 1989	Niger
Salim Ahmed Salim	19 September 1989	17 September 2001	Tanzania
Amara Essy	17 September 2001	9 July 2002	Côte d'Ivoire

**Source:** IRAQ MUSEUM INTERNATIONAL OPEN ENCYCLOPEDIA:  
[http://www.baghdadmuseum.org/ref/index.php?title=Organization\\_of\\_African\\_Unity](http://www.baghdadmuseum.org/ref/index.php?title=Organization_of_African_Unity)

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<sup>68</sup> It is to be noted that the majority of the OAU Secretary Generals were predominately from West Africa. This phenomenon could be explained in two ways: The majority of the countries that gained independence in early 1960s were from that region. Secondly, the early senior officials who run the daily affairs of the OAU were seconded from West African countries.



## 12.5 The List of the OAU Assistant Secretaries General (May 1963-July 2002)

1. S. Chale	1963	Tanzania
2. Yollah Iyalla	1964-1965	Nigeria
3. Mahmmed Sahnoun	1964-1973	Algeria
4. J. D. Buliro	1964-1973	Kenya
5. Gratien Pognon	1970-1972	Benin
6. Gérard Kamanda Wa Kamanda	1972-1978	Zaire
7. Arthur Alphas Osanya-Nynyque	1973-1978	Kenya
8. Chimuka Augustine Namakab	1973-1978	Zambia
9. Djoudi Nouredine	1974-1983	Algeria
10. Paul Orono Etiang	1978-1987	Uganda
11. Sylvestre Nsanzimana	1978-1991	Rwanda
12. Donat Murego	1978	Rwanda
13. Allouane Mohammed Lamine	1983-1987	Algeria
14. Brownson N. Dede	1986-1995	Nigeria
15. Haggag Ahmed	1987-1999	Egypt
16. Yilma Tadesse	1987-1991	Ethiopia
17. Machivenyika Tobias Maputanga	1987-1995	Zimbabwe
18. Pascal Gayama	1991-1999	Republic of Congo
19. Abdulahi Said Osman	1991-1995	Somalia
20. Anatole Gomitirbu Tiendrébéogo	1995-1999	Burkina Faso
21. Danial Antonio	1995-2002	Mozambique
22. Vijay S. Makhan	1995-2002	Mauritius
23. Lawrence Agubuzu	1999-2002	Nigeria

24. Moahmat Habib Doutoum	1999-2002	Tchad
25. Said Djinnit	1999-2002	Algeria

## 12.6 The List of the OAU Summits (May 1963-July 2002)

### The list includes ordinary and Extraordinary Summits:

10. Addis Ababa (Ethiopia): 22-25 May 1963.
10. Cairo (Egypt): 17-21 July 1964.
10. Accra (Ghana): 21-26 October 1965.
10. Addis Ababa (Ethiopia): 5-9 November 1966.
11. Kinshasa (Democratic Republic of the Congo, formerly Zaire): 11-14 September 1967.
11. Algiers (Algeria) : 13-16 September 1968.
11. Addis Ababa (Ethiopia): 6-10 September 1969.
11. Addis Ababa (Ethiopia): 1-3 September 1970.
11. Addis Ababa (Ethiopia): 21-23 June 1971.
11. Rabat (Morocco): 12-15 June 1972.
11. Addis Ababa (Ethiopia): 27-28 May 1973.
11. Kampala (Uganda): 28 Jul. - 1 August 1975.
11. Port Louis (Mauritius) : 2-6 July 1976.
11. Libreville (Gabon): 2-5 July 1977.
11. Khartoum (Sudan): 18-22 July 1978.
11. Monrovia (Liberia): 17-20 July 1979.
11. Freetown (Sierra Leone): 1-4 July 1980.
11. Nairobi (Kenya): 24-27 June 1981.
11. Addis Ababa (Ethiopia): 6-12 June 1983.
11. Addis Ababa (Ethiopia): 12-15 Nov. 1984.
11. Addis Ababa (Ethiopia): 18-20 July 1985.
11. Addis Ababa (Ethiopia): 28-30 July 1986.
11. Addis Ababa (Ethiopia): 27-29 July 1987.
11. Addis Ababa (Ethiopia), Extraordinary Summit: October 1987.
11. Addis Ababa (Ethiopia): 25-28 May 1988.
11. Addis Ababa (Ethiopia): 24-26 July 1989.
11. Addis Ababa (Ethiopia): 9-11 July 1990.
11. Abuja (Nigeria): 3-5 July 1991.
11. Dakar (Senegal): 29 June - 1 Jul. 1992.
11. Cairo (Egypt): 28-30 June 1993.
11. Tunis (Tunisia): 13-15 June 1994.
11. Addis Ababa (Ethiopia): 26-28 June 1995.
11. Yaoundé (Cameroon): 8-10 June 1996.
11. Harare (Zimbabwe): 2-4 June 1997.
11. Ouagadougou (Burkina Faso): 8-10 June 1998.
11. Algiers (Algeria): 12-14 July 1999.
11. Sirte (Libya), Extraordinary Summit: 6-9 September 1999.
11. Lomé (Togo): 10-12 July 2000.
11. Lusaka (Zambia): 9-11 July 2001
11. Durban (South Africa) 7-9 July 2002<sup>69</sup>.

**Source:** Archives of the OAU Secretariat, Addis Ababa, Ethiopia

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<sup>69</sup> It was the last summit of OAU.

