

**The OAU and African Conflicts:  
Past Successes, Present Paralysis  
and Future Perspectives**

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by

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## **ABOUT THE AUTHOR**

Dr. Sam Amoo is currently a Research Fellow at the Institute for Conflict Analysis and Resolution, where he is working on a major study of the Organisation of African Unity, its past record and future capacity for conflict resolution. He was recently awarded his Ph.D. at the School of Advanced International Studies of the Johns Hopkins University.

The author pursued two other distinguished careers prior to his moving over to academic life. Beginning in the post-independence Ghanaian army, he entered the Ghanaian diplomatic service in 1971 and was posted initially as Counsellor to the Ghanaian embassy in Addis Ababa. Two of his other major postings were to the Ghanaian embassy in Lagos, firstly as Counsellor and Head of Chancery and then as acting Head of Mission. In between those postings he was deputy Head of Mission to his country's embassy in Cairo. As can be seen, his diplomatic career has given him ample background in, and insight into the complexities of African regional politics and much direct experience of the practical difficulties of conflict resolution in Africa.

Dr. Amoo received his original degree in Sociology from the University of Ghana and then returned to academia to earn an MA in International Economics and African Studies at Johns Hopkins before proceeding with his doctoral studies. During this time he undertook a number of research projects, among them a draft study of regional mediation by the OAU and a report on the culture and politics of Nigeria. He is in the middle of undertaking a major re-evaluation of the role of the OAU in African internal conflicts, and this present Working Paper is the first result of this endeavour.

## **ABOUT THE WORKING PAPER**

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## FOREWORD

While much recent writing about conflict settlement and resolution at the international level tends to focus on processes of negotiation, mediation and some of the newer, "Track Two" procedures, it is still the case that the primary responsibility for coping with such conflicts remains with the major global and regional political organizations - the United Nations and such bodies as the OAS, ASEAN and the Arab League. It is these intergovernmental bodies that have developed a claim to the role of peacemaker among their members, and some varied capacities for carrying out this role, which they have done with - admittedly - variable success.

Recently, there have been signs of a scholarly revival of interest in the peacemaking and peacekeeping role of regional organizations, perhaps sparked by such events as the changes in the OAS Charter to enable the Secretary General to act with greater freedom in conflict situations; or the attempts of the European Community to ameliorate conflicts in places such as Yugoslavia.

It is probable that, of all the existing regional organizations, the one that has been the greatest disappointment as a peacekeeper and peacemaker to its advocates and supporters is the Organization of African Unity. Over the last twenty years, at least, there have been many studies of the "failure" of the OAU as a continental peacemaker and many lamentations about its inability to advance the cause of peace in Africa. The "failure" has been particularly marked in the 1970's and 1980's, as Africa has been plunged into the increasing series of wars and civil wars that have ravaged the continent and brought misery to many of its inhabitants.

Many explanations of the OAU's incapacity have been advanced, ranging from simple lack of resources to the argument - true of other regional organizations - that it merely represents and reflects the vitiating political divisions among its members. In the present Working Paper, Dr. Sam Amoo, a distinguished Ghanaian scholar and diplomat, turns his attention to this issue, and sets out both to analyze the underlying reasons for the OAU's sad record in dealing with African conflicts; and to suggest changes that might help to make the Organization better able to carry out its difficult and self imposed task of maintaining African unity and peace. Dr. Amoo's analysis is persuasive and his suggestions practical. The Institute hopes that this Working Paper will contribute to debate and action on a set of key issues that must be faced, both in Africa and in other regions of the world.

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## **THE OAU AND AFRICAN CONFLICTS: PAST SUCCESSES, PRESENT PARALYSIS AND FUTURE PERSPECTIVES.**

### **INTRODUCTION**

Contrary to the euphoric hopes of the peoples of Africa, the removal of the imperial yoke did not usher in an era of peace, stability and socio-economic progress. Since 1960, the watermark year of Africa's independence, the African region has been plagued by conflicts and widespread destruction of life, limb and property. By one estimate, 150 million Africans were living in countries in the throes of war during the 1980s. The cost in human life, counting both casualties from combat and starvation brought on by war, exceeded one million during the decade and might have reached two million.<sup>1</sup> The waste in human life would boggle the mind if we were to add the casualties from the 1960s and 1970s when we had the Congo crisis, the Nigerian civil war, Amin's butchery in Uganda, the Ogaden war between Somalia and Ethiopia, and others.

Since its birth in Addis Ababa on May 25, 1963, the Organization of African Unity (OAU) has proclaimed to the world its commitment and competence as the primary agency to intervene in African conflicts. Indeed, a key element of the Charter of the OAU is member-states' commitment to the principle of "peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration."<sup>2</sup> African states have always maintained that conditions of peace and security do constitute the cornerstone upon which African solidarity and cooperation can be built.<sup>3</sup> The founding fathers even created the Commission of Mediation, Conciliation and Arbitration as one of the four principal institutions of the OAU to underscore regional and organizational commitment to peaceful settlement of regional conflicts. Justice Elias, a leading member of the drafting committee of the OAU Charter, has disclosed that "(i)ndeed -- this

Commission in large part supplies the *raison d'etre* of the organization itself."<sup>4</sup> How has the OAU fared with its avowed commitment to manage and resolve regional (i.e., African) conflicts and thereby promote regional peace and stability?

Both academics and policy makers appear to have written off the OAU as an effective instrument of conflict management and the maintenance of peace and stability in the Africa region. "Nothing is about to happen," one author opines, "that will suddenly transform the OAU into a dynamic force for peace within the African continent."<sup>5</sup> The chorus line of the funeral dirge on the OAU extends way back to the organization's formative years in the early 1960s.<sup>6</sup>

The OAU's resilience, in spite of the exaggerated drumbeat of its demise, could be attributable to the fact that Africans continue to find reason to hold on to the OAU, tenuous though this hold may be, as the ultimate lifeline to regional peace and stability. The essence of this ascribed lifeline to peace and stability on the African continent is most succinctly conveyed in Colin Legum's observation that "[i]t is difficult to imagine what might have been the fate of Africa if, at the dawn of emancipation from foreign rule in the early 1960s, its leaders had failed to provide the deeply balkanized and politically divided continent with a political center."<sup>7</sup> The OAU was the institution African leaders used to provide this center. It has been the regional vehicle for the establishment and maintenance of regional order and stability through the creation of a regional political and security community with accepted principles and norms of interstate relations.

Like most international organizations with the constitutional obligation for conflict management, the OAU has had its share of accomplishments and failures. This paper evaluates

the OAU's principles, norms, and practices for the maintenance of regional peace and stability. This evaluation of principles and performance facilitates the diagnosis and analysis of the sources of strength and weakness of the OAU as an agency for the maintenance of regional peace; a diagnosis which in turn provides the basis for prescriptions to enhance organizational efficacy, whether as an instrument of unilateral intervention or as part of a multilateral intervention in conflicts in Africa.

#### THE REGIONAL ORGANIZATION AS A MEDIATOR: CONCEPTUAL PERSPECTIVES.

Social conflict may be defined as a purposeful struggle between collective actors aimed at controlling, neutralizing, deflating or removing opponents in order to gain access to power, status, scarce resources and other values.<sup>8</sup> Conflicts thus result from incompatibility of goals and actions between collective actors.<sup>9</sup> The term "conflict," however, has rightly been described as a rubber concept, stretched and molded for the purposes at hand. It can be too inclusive, and is often used interchangeably with dispute and crisis.<sup>10</sup>

A most useful perspective of conflict is provided by Bloomfield and Leiss' analytical model which presents conflict as a dynamic process consisting of a sequence of phases containing factors that generate pressures toward or away from violence.<sup>11</sup> According to this model, conflict originally arises out of a substantive dispute which may be over issues of self-determination, autonomy, legitimacy or other values. The dispute may initially not be necessarily perceived in military terms by either party. A process of negotiation may be initiated by the parties or a mediator to resolve the issues in dispute. If one or more introduce a military option to resolve the dispute, however, a threshold is crossed to a second phase in which hostilities are

potentially likely or at least reasonably expected. This second phase, starting when dispute comes to be regarded in military terms by one or both parties, is what Bloomfield and Leiss describe as conflict.

Informed by this perspective, this study conceives of "conflict" as a dispute into which the threat of armed confrontation has been introduced. Simply stated, conflict results from efforts to settle disputes between parties by resort to physical coercion (violence) or the threat of physical coercion; it is a purposeful struggle over values into which the element of violence has been introduced. Joseph Nye employs a similar limitation in his discussion of conflict management by regional organizations in which he deals only with conflicts "where the regular armed forces of a country or a community are involved (either on both sides or on one side only) and where weapons of war are used by them with the intent to kill or wound over a period of at least one hour."<sup>12</sup> This position is akin to Burton's concept of conflict as resulting from behavior that is, or has the potential of being destructive of persons, properties and systems.<sup>13</sup>

There is a distinction between conflict management and conflict resolution. 'Resolution' is used to refer to the elimination of the underlying causes of conflict, generally with the agreement of the parties, and the establishment of peaceful relations between hitherto conflicting parties.<sup>14</sup> In the final analysis, conflict resolution lies within the competence of the direct parties in the conflict; they have to consider the stakes in dispute and undertake a cost/benefit analysis as to whether their respective interests would be better served by continuing to wage war or pursuing a pacific settlement of their differences. Conflict management, on the other hand, refers to the creation of a propitious atmosphere toward the eventual resolution of conflict or the diffusion of tension. This is essentially the role of the third party.

The third party's primary role thus constitutes a form of intervention which has been described by Young as "any action taken by an actor that is not a direct party to the crisis, that is designed to reduce or remove one or more of the problems of the bargaining relationship and, therefore, to facilitate the termination of the crisis itself."<sup>15</sup> This is the role of the regional organization: to intervene diplomatically in regional conflicts with the stated purpose of contributing toward their abatement or resolution.

Young's notion of third party intervention assumes impartiality and disinterest as prerequisites for the third party's intermediary role. This assumption of impartiality and neutrality is relative, and may well be impractical. Young himself cautions that neutrality, defined as a "situation in which the effects of the actions of a third party can be said to have no influence toward terminating a crisis more in favor of one side than the other," is virtually impossible to attain by the very fact of intervening.<sup>16</sup> This is because the third party's entrance into a conflict and a negotiation process "feeds determinants into the flow of bargaining interaction which influence the direction and shape of outcome."<sup>17</sup>

The regional organization as a third party invariably has its own values, interests and objectives in the settlement of a conflict, and a notion of the outcome it envisages. Secessionist Biafra's negotiating position in the Nigerian civil war was prejudiced by the OAU's entry into the negotiation process as a mediator, since the latter held the African state's territorial integrity sacrosanct, and was determined to set a clear precedent against secessionist and irredentist movements in Africa. The OAU was thus an "interested" mediator.

There is a broad consensus that the international organization as a mediator is often not able to adopt a posture above the hurly-burly of power politics and conflicts.<sup>18</sup> The

OAU, for example, often finds itself playing different roles in African conflicts including, paradoxically, that of a battlefield. "Structural rivalries are played out in the OAU, their primary battlefield, and they dominate the broader contest for the Organization's soul and purpose between moderates and radicals.... As a flag to be captured, the OAU automatically becomes part of conflict..."<sup>19</sup> It will be recalled that the OAU's intervention in the Chadian and the Western Sahara conflicts almost precipitated the disintegration of the Organization in 1982.<sup>20</sup> This is the price the regional organization has to pay as a mediator because it cannot be insulated from regional political dynamics.

A bargaining situation is conceptually a one-to-one dyadic relationship. The introduction of an interested third party transforms the dyadic interaction into a three-cornered relationship or a triad. The third party, with its own values and interest, becomes one of the negotiators in a multilateral bargaining process.<sup>21</sup> This is the context in which the regional organization should appropriately be viewed as a mediator. For, in addition to any "neutral" functions it may perform as a mediator (*e.g.*, as a communicator, formulator, or a catalyst),<sup>22</sup> the regional organization's role in the triad involves bargaining and manipulating the parties both to gain concessions facilitating pacific settlement and/or safeguarding regional interests.

A common tendency of many critics of the OAU is to treat the latter as a corporate actor or a supranational entity with the powers of a sovereign state. This tendency may have resulted from an understandable desire for a "short hand" conception of a subject for evaluation. It can, however, grant an unwarranted autonomy to the OAU that does not distinguish it from its members. The OAU, like most regional organizations, is little more than governments in coalition or in permanent conclave. As an analytical point of departure, it is

grossly misleading to treat the OAU as a corporate actor. A more useful analytical framework is to conceive of the OAU as a *coalition intermediary* with its peculiar characteristics, advantages and disadvantages.<sup>23</sup> Within the coalition framework we can evaluate regional political dynamics and their impact on the conflict system and the negotiation process, including the distribution of influence potential, the level of intra-coalition cohesion and the degree of communication and consultation among its members.

## ORGANIZATIONAL PRINCIPLES AND CONFLICT MANAGEMENT

The OAU's performance as an agency of regional conflict management is to a considerable extent a function of institutional principles and provisions. The OAU was very much a product of its time, and its principles and provisions reflect the aspirations, concerns and fears of the founding fathers which reflected the regional politics of the time.

The OAU evolved as a compromise solution to the ideological disputes and divisions which dogged African states at the initial stages of systemic relations.<sup>24</sup> From 1959 to 1963, independent Africa was split into two ideological camps. There were the "unionists" which advocated immediate political union of African states, and the "statists" which denounced any precipitate union, preferring, instead, a loose form of association of independent African states, based upon the principle of functional cooperation.

These conflicting political ideas and interests resulted in the formation of an organization whose principles amounted to a compromise between unity and independence. The balance in this compromise was, however, weighted on the side of independence: "None of the states (was) willing to sacrifice the least shred of their sovereignty...."<sup>25</sup> Nor would they

entertain the notion of joining any organization of independent African states that would place the premium on political union supported by a military junta." <sup>26</sup> There is no evidence that almost three decades of sovereign existence and interstate relations within the regional system have changed in any way Africa's perception of the relative values of independence and unity.

The first documentary evidence of African states' insistence on the primacy of independence over unity is provided by the principles of the OAU. <sup>27</sup> The first five of the seven principles are devoted to the sanctity and the preservation of state sovereignty and independence. While no mention is made of political union, the strong emphasis on the inviolability of sovereignty is made transparent in the first three principles which specify sovereign equality, noninterference in respective sovereignties, and independent existence. Even the fourth principle of peaceful settlement of disputes is meant to reinforce the preceding three principles: no state's independent existence or territorial integrity is to be threatened by another member state through the resort to force to resolve disputes among member states. The founding fathers wanted to ensure that any contingency which could constitute a threat to their respective state's sovereign existence was covered. Accordingly, they took the precaution of entrenching the fifth "principle" of unreserved condemnation of hostile clandestine activities and political assassination among member states. <sup>28</sup> Thus, with regard to security concerns, the principles of the OAU are almost exclusively inner-directed. The founding fathers were apparently more apprehensive of regionally generated threats to the security of member states than they were of extra-regional threats.

The OAU is a classical association of states whose rules and practices exist to prevent undesirable interactions occurring among members. It is essentially a collective security

body. It does not exist primarily to act; it exists to prohibit designs and actions by its members that would undermine regional peace and order.<sup>29</sup> It is, therefore, endowed with very modest authority for conflict management; it has no coercive powers whatever. Although the charter imposes on member states the requirement "to observe scrupulously the principles" of the organization, there is no provision for sanctions against deviant states. The OAU is even denied the ultimate sanction of throwing out a recalcitrant member.<sup>30</sup>

African states sought (through Article XIX of the Charter) to delegate the responsibility of conflict management to a special "Commission of Mediation, Conciliation and Arbitration." Although the Commission was never made functional, its protocols<sup>31</sup> are most instructive for two reasons: (1) they indicate the extent to which African states are willing to go in the management of regional conflicts, and the practices and modalities they are disposed to tolerate; and (2) they continue to guide the process of intervention in regional conflicts by principal institutions or subsidiary (ad hoc) bodies of the OAU.

The weak capacity of the OAU as a peacemaker is further demonstrated by the circumscribed authority for conflict management contained in the protocols of mediation. Although member states are obliged by the Charter to submit all disputes to the process of peaceful settlement, jurisdiction of the Commission (and hence the OAU) is optional and not compulsory. Organizational intervention is restricted to disputes between member states, a provision which accords with the principle of noninterference in internal affairs of member states. The OAU cannot even bring the pressure of public opinion to bear on a recalcitrant party since the Commission's report could be published only with the consent of the parties. The Commission may have atrophied, together with any organizational efficacy as a peacemaker,

because of the absence of provisions which would have made recourse to the process of intervention compulsory and inevitable, with specific and institutionalized enforcement measures for non-compliance. There was no tangible provision to link the intent and the act of intervention in regional disputes.

In contrast, this vital link between intention and action is provided for in the conflict management protocols in the basic documents of the Organization of American States (OAS). Article 20 of the OAS Charter stipulates that all disputes "that arise between American States shall be submitted to the peaceful procedures set forth in this Charter...." The OAS is further empowered by Article 7 of the Inter-American Treaty of Reciprocal Assistance (Rio Treaty) to take all necessary measures to re-establish or maintain peace and security between two or more members of the OAS. Article 8 of the Rio Treaty stipulates organizational measures to resolve regional peace. These range from the recall of ambassadors, through the interruption of communications to the use of armed forces.

The disparity between regional commitment and institutional principles for regional conflict management, resulting from member states' consecration of the primacy of independence above all other systemic values, attests to the thesis that the OAU may have commitment and salience but it lacks the capacity to institute appropriate principles and modalities for effective conflict management. This paradox greatly influences the interventionary practices of the OAU.

## ORGANIZATIONAL MODALITIES FOR INTERVENTION

The supreme organ of the Assembly of Heads of State and Government (hereafter referred to as the Assembly) retains the primary responsibility and the ultimate authority to resolve regional disputes and conflicts, especially in view of the fact that the institution to which the Assembly sought to delegate the responsibility for mediation in regional conflicts (the aforementioned Commission) was never made functional. In the absence of the commission of mediation, the Assembly has adopted the practice of intervening in conflicts with ad hoc committees from among its membership, as allowed by Rule 37 of the Assembly's rules of procedure. Since its first use in 1963 to intervene in the Algeria/Morocco dispute, the ad hoc committee has become the primary instrument of conflict management for the OAU.

The establishment of ad hoc mediatory bodies invariably follows and complements two principal types of mediatory roles of the Assembly: formal and catalytic. The Assembly's formal role usually begins at its summits where an aggrieved state, party or an ally would lodge a complaint against a member state and lobby for its inclusion in the summit's agenda.

Once the dispute is included in the summit's agenda, there would be a debate in the plenary (usually *in camera*) which almost always circumvents the merits of the respective positions of the parties, and thereby avoids the need to apportion blame or identify the guilty party. The debate would be concluded with a resolution which would represent the general consensus of the Assembly, and enunciate the principles of legitimate behavior in the particular conflict situation. Such principles provide the framework for the ad hoc committee's more intensive search for a negotiated settlement.

By consistently enunciating and upholding the regional consensus on operating principles in various types of conflicts, the Assembly offers a symbolic yet potent legitimization of particular positions in conflicts which influences both the conflict and negotiation process. At its Khartoum summit in 1978, for example, the Assembly adopted a resolution which described the Western Sahara conflict as a process of decolonization and self-determination.<sup>32</sup> To the chagrin of Morocco, which occupied the territory following a decolonization pact with Spain, this resolution amounted to an endorsement of the position of Algeria and the Polisario, which wanted the territory to be an independent state.<sup>33</sup>

The Assembly's ruling on what is legitimate or otherwise in accordance with organizational principles and regional norms may have three identifiable results with positive impact on regional stability: (1) it narrows the area of uncertainty in disputes which may precipitate conflicts; (2) it may influence, in a predictable and positive manner, the behavior of the parties in the conflict environment; and (3) it helps in clarifying the bargaining setting by delineating the stakes in dispute, by identifying (often by implication) the "aggressor" and the "defender," and by articulating the legitimacy of the status quo or the demand to change it.<sup>34</sup>

A case in point is the Assembly's resolution in 1964,<sup>35</sup> subsequently reiterated whenever circumstances have demanded, affirming the inviolability of African borders as inherited from the colonial powers. Since this resolution forbids secessionism and irredentism, it is almost impossible for parties pursuing such objectives to obtain the requisite moral and material support. African states rarely disregard the Assembly's position on such issues -- at least not openly. The United Nations (UN) almost always endorses Africa's position as articulated by the Assembly, and encourages the resolution of African conflicts on the basis of

the Assembly's position. Foreign powers, especially where their national interests are not seriously threatened, find a convenient alibi in Africa's position to rationalize their noninvolvement.

Over the years, through its resolutions and enunciation of operative principles in conflict situations, the Assembly has succeeded in establishing norms and institutionalizing patterns of behavior for African states for various types of conflict situations. Butterworth argues that states in a regional system might behave more predictably, and with more appreciation of the limits of permissible behavior as a result of previous conflicts. Conflict experience can therefore lead states to shape their future relationship in mutually desirable ways.<sup>36</sup> The Assembly's role in the enunciation of operative principles in different types of conflicts, as well as laying down the limits of permissible behavior in conflict situations, can only facilitate and reinforce the conflict-generated experience which shapes future relationships in ways positive for regional peace and stability.

The Assembly's catalytic role in the management of regional conflicts derives mostly from the nature and process of its summit meetings.<sup>37</sup> The Assembly's regular meetings are ideal for conflict management through summit diplomacy. These meetings furnish opportunities for heads of state (or their representatives) in conflict to meet without loss of face or bargaining position. The Assembly's meetings foster a congenial atmosphere for communication, and legitimize individual members or groups of members as mediators in regional conflicts. The sense of solidarity and the fraternal atmosphere which usually prevail at OAU summits help conflicting parties to justify concessions and rationalize retreats in the spirit of African solidarity and unity.

## ORGANIZATIONAL SALIENCE WITHOUT EFFICACY

The OAU's charter obligations, demonstrated commitment, and its catalytic functions as a mediator combine to give the organization the regional salience, that is, the prominence and uniqueness which make it the natural place toward which African states turn in times of conflict. This salience is reinforced by the OAU's ideal resources<sup>38</sup> for regional mediation deriving from its inclusive membership, the reaction against a common history of exploitation, the egalitarianism which obtains in the organization, the highly valued normative principle of African solidarity, and organizational continuity for mediation in African conflicts.

In spite of its demonstrated commitment and acknowledged salience, the results of the OAU's effort at mediation in regional conflicts have been mixed. In fact, the overwhelming body of informed opinion and scholarship contends that the OAU's interventions in regional conflicts have been largely ineffective.<sup>39</sup> The OAU is, indeed, confronted with a paradox. It has salience and commitment as a mediator, but it has failed to develop appropriate machinery and processes for efficient intervention. It has not been able to devise realistic options to compensate for its understandable weakness in deployable resources required for effective intervention in complex conflicts. Its almost total abdication of mediatory responsibility in internal (domestic) conflicts has condemned it to numerous remonstrations of impotence. The OAU may have the salience and enthusiasm as a mediator, but it has failed to demonstrate competence.

The sources of incompetence are both conceptual and operational. Mediation by plenary resolutions is conceptually a zero-sum process whose outcome would favor the position of one party over the other.<sup>40</sup> Conflicting parties strive to influence the organizational

consensus or the voting majority; the OAU thus becomes both a battleground and a prize in the dispute. This is what happened in the Western Sahara mediation process when the struggle for the mediating body's "allegiance" became so intense that the latter was almost destroyed.

There are more problems of process for the OAU as a mediator. With organizational and regional interests, norms and values to uphold, the OAU becomes a mediator as well as a negotiating party with its own motives and objectives. The resulting three-cornered negotiation process becomes even more problematic when the third party in the triad is a coalition intermediary with the problems of distribution of (and competition for) influence potential, and inefficient level of intra-coalition cohesion, communication and consultation. Members of this coalition invariably have their own separate and often conflicting agendas. Conflict situations and mediatory processes become more complex and intractable when different coalition members, in pursuit of incompatible goals, proffer moral and military support to different parties in conflict. The OAU's mediatory efforts in the Nigerian civil war, Chad and Western Sahara were bedeviled by these problems of a coalition intermediary. Suspicions arise when a member of this coalition displays superior resources to offer leadership and direction; it is perceived by other members (as happened with Nigeria's predominant role in Chad and Liberia) to be exploiting organizational authority to legitimize its own ambitions of regional dominance.

The OAU's primary mediatory organ, the ad hoc committee, is operationally not ideal for intensive and consistent third party intervention. The selection of members (states) of the ad hoc committee intensifies the dynamics of regional politics in the mediation process. In the Western Sahara conflict, the composition of the Committee of Wise Men became a subject

of dispute among the conflicting parties and their allies. At one point, one of the conflicting parties boycotted a meeting of the mediating body "because of the hostile positions of other participants," notably the Presidents of Mali and Tanzania who had "overlooked the most fundamental norms of honorable behavior and impartiality...."<sup>41</sup> This perception of partiality and the infusion of regional politics could have been attenuated if the Assembly had devised a process to functionally separate the roles of the mediator and the legitimizing authority of any outcome of the negotiation process.

The rotating chairmanship and changing membership of ad hoc committees impair continuity in the mediation process. The search for a pacific settlement becomes an ad hoc affair, contingent upon the hectic schedules of overburdened foreign ministers and heads of state. Furthermore, a rotating chairmanship in effect means a rotating secretariat for a specific conflict, since the national secretariat which supports the chairman (also the current chairman of the OAU) during his tenure as chief mediator is not transferable. The institutional memory of an OAU mediation process is consequently weak, allowing conflicting parties to indulge in time-consuming tactics of retesting the boundaries of permissible behavior and tactics, which would have been established with previous mediatory teams.

The OAU Secretary-General is in no position to fill the need for an involved mediator. Neither the OAU Charter nor the Functions and Regulations of the General Secretariat grants the Secretary-General the constitutional prerogative for independent initiative in regional conflicts.<sup>42</sup> The last time a Secretary-General (Edem Kodjo) exercised an initiative in the mediation process of a regional conflict (Western Sahara), he found himself performing a solitary tightrope walk. There was no net to break his fall.

The General Secretariat's role in regional mediation has consequently been largely limited to the provision of support services to other organs, or ad hoc bodies of these organs, engaged in mediatory activities. These support services, however, often demand a high outlay of resources in manpower and finance, areas where the OAU is particularly limited. The OAU has at its disposal a relatively parsimonious budget, a record of tardiness in the payment of members' budgetary contributions, and a small professional and administrative staff. This limitation of resources further impairs organizational competence in conflict management.

#### PERSPECTIVES ON REFORMS FOR EFFICACY

Proposals to enhance OAU's effectiveness in conflict mediation have generally ranged from the romantic to the impractical. Sesay's perspective is typical of these unrealistic proposals: in the same breath, he manages to advocate ethnic self-determination (e.g., secessionism and irredentism) as the panacea for domestic conflicts, while championing a regional federalist system ("unity as a union") as the final solution to African border and territorial disputes. He further argues that the "institution (needed) to contain or solve African disputes" is a standing continental army, lead by Libya or Nigeria as the "primus inter pares" in the region.<sup>43</sup>

Chidi Amuta similarly advocates an "established...order of precedence and political hierarchy among African countries..."<sup>44</sup> with a Cairo-Abuja-Pretoria (CAP) concept developed as the axis of power, diplomacy and economic initiative in Africa. This axis of power would also constitute the OAU Security Council with veto powers. Perhaps the best retort to such African superpower notions is former President of Tunisia, Habib Bourgiba's mature remark that

"the desire for supremacy is the worm in the bud. When one partner wishes to dominate the group, sooner or later that group will fall apart."<sup>45</sup>

The common thread which runs through the suggestions to improve the effectiveness of OAU's mediatory role is the call for a stronger OAU.<sup>46</sup> The impression is given that strengthening the OAU is merely a constitutional matter. What is often overlooked is that the OAU, as it is currently constituted, was the only structure African states could agree upon. Consequently, the talk of constitutional amendment and the creation of a regional security council<sup>47</sup> (on the lines of UN Security Council) has always come to nought.

Indeed, a regional security council would be confronted with the same problems that aborted OAU's Commission of Mediation, Conciliation and Arbitration. African heads of state would be unwilling to surrender their control on the highly political process of conflict mediation and resolution. Any attempt to revive the Commission of Mediation as an African counterpart of the International Court of Justice may also founder. Where their vital interests are perceived to be involved, most states, whether in Africa or elsewhere, would not submit to judicial methods of conflict resolution that would produce legally obligatory decisions. During its brief active life, no state submitted a case to the Commission of Mediation, Conciliation and Arbitration.

Furthermore, the judicial approach is limited by the fact that, given the fundamental nature of major African conflicts (often concerning the existence and structure of the state), a judgment would not constitute a settlement. The World Court's advisory opinion on the Western Sahara conflict was a case in point.<sup>48</sup> The Court's principal recommendation to the UN was to pursue the political process of self-determination for the peoples of the

territory. All parties in the conflict were agreed on the "principle of self-determination," but the core of the conflict revolved on the interpretation, the modalities and the implementation of self-determination. The conflict therefore continued in spite of the World Court's ruling. In any case, the existence of legal and institutional capacities for managing conflicts does not necessarily guarantee their use.

The reality of African regional politics demands that any search for measures to enhance the OAU's competence in mediation should depart from the focus on constitutional reforms and creation of specialized institutions. It should rather be informed by the principle of versatility<sup>49</sup> within the existing structure of the OAU. Versatility in this context includes the notions of dynamism, flexibility and inventiveness. As an example of versatility in conflict management by an international organization, it is worth noting that UN peacekeeping operations were not originally envisaged in the UN Charter as among the measures to preserve world peace; they are a purely expedient creation born of necessity when the enforcement action envisaged in Chapter IV of the UN Charter could not be implemented. Peacekeeping is "in fact in many ways . . . a reversal of the use of military personnel foreseen in the Charter."<sup>50</sup>

The search for solutions should not only focus on the constituted entity, the OAU; it should also be directed at African states and their leaders: their perspectives on regional and domestic conflicts, and what mediatory processes would be culturally and politically acceptable. The OAU is, after all, little more than governments linked in permanent conclave. It has no power and personality beyond the collective will of governments, and no capacity to grow or improve apart from the ability of governments to learn.<sup>51</sup>

## APPOINTMENT OF A SPECIAL OAU MEDIATOR

Organizational efficacy in conflict management could be enhanced if, in addition to the establishment of an ad hoc committee on a particular conflict, a knowledgeable and reputable African would be appointed as a *Special OAU Mediator* for the conflict. The Special Mediator could be an elder statesman or a regionally distinguished personality.

The Assembly of Heads of State and Government or the OAU Council of Ministers would appoint the Special Mediator upon nomination by member-states. The appointment should be in consultation with, and meet the approval of, the parties in conflict. The overall responsibility for the management of the conflict would lie with the ad hoc committee; but the intensive mediation would be the function of the Special Mediator who would regularly brief and consult with the ad hoc committee, and brief the Assembly annually *in camera*.

The Special Mediator would be assisted by a team of one or two senior diplomats of at least Minister Counsellor rank, and a secretary from his foreign ministry to be appointed by his government. Most African countries would consider it an honor to have a distinguished national appointed as an OAU mediator and would willingly bear some cost of the exercise which would be relatively low. The salaries or pensions of the mediation team would continue to be paid by their government in local currency. The per diem allowances of the members of the mediatory team, when they travel out of home base, would be paid by their foreign ministry for prompt reimbursement by the OAU Secretariat, which would also bear the travel expenses and insurance for the team. The secretariat of the team would be located and maintained in the foreign ministry of the Special Mediator.

Negotiations must be held as much as possible at the OAU Secretariat in Addis Ababa. This would enable the Secretariat to directly undertake expenditure responsibility. Any agreement that may result from the mediation process would be ratified by the Assembly. Summit ratification would constitute authority for implementation by the OAU Secretariat and the parties with the oversight of the Special Mediator and his team.

This mode of mediation would constitute a natural development and institutionalization of Africa's traditional and contemporary methods of conflict management which emphasize the use of elders/statesmen as mediators instead of adjudication. While combining individual flexibility with organizational leverage,<sup>52</sup> it would also represent a proud application of the traditional African concept of a family, village or clan elder intervening in a "palaver" not to apportion blame, but to avoid bitter recriminations, sooth jarred sensitivities and seek compromise, giving the disputants the benefit of his wise and perceptive statesmanship, and the stable environment for negotiation derived largely from the respect accorded to him as an elder.

Further, this method of organizational intervention would facilitate continuous, consistent and intensive mediation in regional conflicts. Most importantly, it can insulate the mediation process from the dynamics of regional politics by functionally separating the role of the mediator and the legitimizer of any outcome of the mediation process. It would thus reduce the possibility of the OAU becoming an arena for the conflict or a stake in the dispute. The method would cut costs and make a wider use of the region's high caliber manpower instead of overtaxing the limited staff of the OAU Secretariat.

The Aburi (Ghana) conference in January 1967, between Colonel Odjukwu's Eastern Nigeria and the Federal Government of Nigeria led by General Gowon exemplified the possibilities in the revival of this traditional mode of conflict management. The massacre of Ibos had occurred in Northern Nigeria; bitterness between the parties was at its peak; communications had broken down. The agreement to come to Aburi to seek a negotiated settlement with the mediatory assistance of the Ghanaian Head of State, General Ankrah (with other members of the Ghanaian military regime as a supporting cast), underscored not only the goodwill of the parties but also their high regard for the senior military officer of a very close neighbor (historically and politically).

The Nigerian Military Governors who participated in the conference had known their Ghanaian mediators since their formative years as cadets together in military training schools either in Accra (Ghana) or Sandhurst (Britain). In fact (Capt.) Odjukwu was at one time an instructor at the Ghana Military Academy. The respect for the elder, General Ankrah, and the camaraderie engendered by the presence of "old friends" to both conflicting parties induced a detectable change<sup>53</sup> in the mood of the parties to facilitate fruitful negotiations. Perhaps if the mediatory process at Aburi had been institutionalized, the Nigerian conflict could have taken a less destructive course.

## THE OAU AND INTERNAL CONFLICTS

Internal conflicts should normally be considered forbidden areas of intervention by international organizations. Noninterference in the internal affairs of states is indeed a hallowed principle of the OAU. African leadership, however, appears to have awakened to the

threat to regional security posed by internal conflicts. There is a growing concern in Africa that the "concept of African brotherhood has been greatly undermined by a strict adherence to the universal principal [*sic*] of non-interference in internal affairs of states...which is largely responsible for the... escalation of conflict in Africa." <sup>54</sup>

This sentiment, which has gained more currency among African leaders since the Liberian crisis,<sup>55</sup> is succinctly articulated in the second principle of the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA):

The security, stability, and development of every African country is inseparably linked with those of other African countries. Consequently, instability in one African country reduces the stability of all other African countries.<sup>56</sup>

This new African mood reflects the emerging consensus in the international community that in domestic situations, where there is a breakdown of governance, or massive abuse of human rights or extensive violence to life, outsiders especially concerned may need to intervene to restrain partisan violence, give protection and succor to the threatened, and help build new frameworks for governance. This consensus has culminated in the UN Security Council Resolution 688 of April 5, 1991, which broke new grounds in international law, by approving "the right to interfere on humanitarian grounds" in the hitherto sacrosanct internal affairs of member states.

This laudable sentiment is not enough. The gravity of human misery as a result of internal conflicts places the onus on African leaders to demonstrate the necessary resourcefulness to find an acceptable and tangible means to circumvent the principle of non-interference in internal affairs of member-states, without a contentious attempt at constitutional

amendment. Given the conducive international and regional milieu and mood "to interfere on humanitarian grounds," concerned African leadership can exercise their discretion to initiate, before or during summits, informal discussions on any civil conflict. After the ground has been prepared with effective lobbying, a summit resolution can be adopted without a plenary debate. Such a resolution can express the summit's sympathy with the government and *people* (including "rebels") of country X for the problems and suffering caused by the internal conflict, "while desirous of placing the services of the Assembly at the disposal of the... Government"<sup>57</sup> of country X. The Assembly adopted a similar resolution during the Nigerian civil war. A drowning Samuel Doe could have been offered this lifeline long before Liberia was swallowed by chaos and disintegration.

Without openly alienating the government of country X, such a resolution would represent an open-ended invitation to the government to seek or permit the mediatory assistance of the OAU when the "ripe moment" arrives; that is, when the government realizes that a unilateral solution to the conflict is no longer a feasible proposition.<sup>58</sup> The embattled government could then make use of the subtle entrance of the regional organization to facilitate a redefinition of the national interest that would permit control of the conflict. The OAU resolution could also be a signal to the external patrons of the embattled government to "encourage" the latter (with appropriate carrots and sticks) to come to the negotiating table of the OAU. Concerned and influential regional leaders could, of course, suggest this line of action to the external patrons of the parties in conflict.

## THE FUTURE: MULTILATERAL INTERVENTION IN AFRICAN CONFLICTS.

If the OAU appears increasingly impotent in the face of mounting regional conflicts, it is because the current pattern of conflicts challenges an important tenet of the organization: to defend the status quo of the constituent units as personified by the current heads of government or whoever controls the capital of the African state. The current spate of African conflicts is precipitated by a crisis of political legitimacy in the African state, and the need to manage change and provide transition to stable states with responsible and legitimate governments. The OAU, as a club of heads of state, can easily be mobilized to oppose (especially extra-regional) aggression to club-members and defend the status quo -- even if the member is an Idi Amin. Most constituent units, however, lack the moral standing to intervene in a crisis of political legitimacy since almost all African heads of state are themselves mired in problems of legitimacy and gripped in the throes of transition unleashed by the global dynamic of democratization.

Further, the pattern and level of conflicts in Liberia, the Sudan, Somalia, Mozambique and elsewhere, typically demand a lot of leverage, an extensive outlay of deployable resources and a high level of expertise in complex fields: peace-keeping, monitoring of truces by air, sea and land; organization of constitutional conferences, referenda and elections, and peace servicing<sup>59</sup> targeted to the avoidance or reduction of conflict through socio-economic programs such as technical assistance and quasi-governmental programs. These are areas in which the OAU is particularly weak.

The conditions of widespread crisis of political legitimacy, and the OAU's inability to even conceptualize an appropriate response to a regional conflict as a process of change rather

than as an aggression, are likely to persist for the foreseeable future. The politics and the peoples of the region are undergoing a transitional and more destabilizing period of a second liberation; and the process could perhaps take a decade. Africa's first liberation from European imperialism was effectively aided by the international community through the medium of the U.N. This second liberation from local life-presidents, career heads of state and military messiahs should similarly be treated as the concern and responsibility of the international community.

The improvement of the OAU's conflict management practices, even on the lines suggested above, will hardly constitute an adequate response to the current dynamic of African conflict. The most effective response to current conflicts in Africa would be a multilateral approach coordinated and spearheaded by the UN, with the OAU playing a complementary role as an important but junior partner. The objective in this multilateral initiative is to take advantage of the salience and ideal resources of the OAU as a mediator, while employing extra-regional powers and agencies to supply other mediatory resources such as *leverage*, moral authority, credibility, legitimacy and physical resources. Dealing with the African conflicts as change rather than as aggression requires more complex and ongoing criteria and coordination of roles and order which only the UN can provide.

Multilateral intervention should not mean a proliferation of peacemakers and "lone rangers" undercutting each other.<sup>60</sup> It should be a pacific intervention through what Zartman succinctly articulates as a cooperative security process.<sup>61</sup> A cooperative security process for Africa can be initiated within the UN system. Through regular and informal meetings global powers, in consultation and concert with regional influential actors, can establish the parameters and components of the cooperative security process, an articulated relationship between the UN

















