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THESIS

**THE FUTURE OF CONFLICT RESOLUTION IN AFRICA
AND
THE ROLE OF THE ORGANIZATION OF AFRICAN
UNITY (OAU)**

by

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June, 1998

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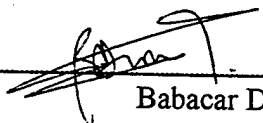
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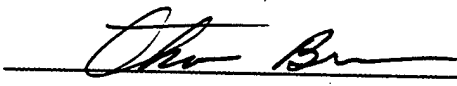
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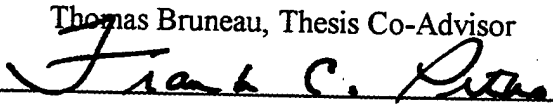
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ABSTRACT

This thesis examines the future of conflict resolution in Africa and the role of the Organization of African Unity (OAU) in the process, based on the 1993 OAU's "Mechanism" (MCPMR). It argues that, in Africa, historical evidence suggests a continuing pattern of internal conflicts aggravated by destabilization attempts. It also seeks to demonstrate that for various reasons, the OAU has been weak in this type of conflict. This opens two options. One, making the OAU irrelevant, is to maintain the present track and end up between an evil and a lesser evil scenarios.

The first is the intervention by a regional power, using a sub-regional organization. Here the risk is to see the regional power, in the absence of a watchdog, use the organization for its own agenda, as in the Nigerian interventions in Liberia and Sierra Leone, with the Economic Community of West African States (ECOWAS). The other scenario is the intervention by a country or group of countries for purely selfish reasons to change another country's political leadership, as in the Angolan interventions in Zaire and Congo.

The second option, less likely without substantial reforms, is for the OAU to use the support available from the international community to establish itself as a forum, an organizer, a legitimizer and a watchdog.

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EXECUTIVE SUMMARY

This thesis examines the future of conflict resolution in Africa, and the role of the OAU in the process. It argues that historical evidence suggests a continuing pattern of internal conflicts within African states. It also seeks to demonstrate that, for legal, material, and political reasons, the OAU achievement has been weak in dealing with such cases, and might continue to be so. One main reason is that the OAU's 1993 "Mechanism of Conflict Prevention, Management, and Resolution", necessary because of the selective withdrawal of foreign powers and the numerous conflicts in the continent, is not sufficient to tackle the problems because of its basic flaws.

The conflicts, in Africa, are usually encouraged and exploited by outside countries who, rightly or wrongly, see them as opportunities to settle old scores, to foster their national interests, or both (e.g. Rwanda and Angola in the Zaire conflict). Ultimately many of these conflicts spread to neighboring countries potentially generating a chain of crises. Considering the reluctance of foreign powers controlling the Security Council to intervene militarily in African countries, the OAU is at a crossroads.

One option is to remain on its present track. In my view, this will marginalize the organization and encourage its irrelevancy. It is also the best way to ensure that the future of conflict resolution in Africa is a gloomy one: an interplay between a remake of the Rwanda-Burundi-Zaire and Congo scenarios (the greater evil) and a replay of the Liberia scenario, without necessarily the happy ending it seems to have taken (the lesser evil). The Nigerian intervention was a promising experience, but as will be shown later, the presence of a watchdog or a balancer would have reduced its controversial aspects.

The other option is to use the supportive elements of the international environment to set up a division of labor scheme with the UN and sub-regional organizations. The UN would

back it with the diplomatic and economic leverage necessary to shape the behavior of its members, while the sub-regional organizations will bring their better understanding of the issues and their willingness to act. Hence, the OAU would be a forum to discuss issues, an organizer of the answer to crises, a legitimizer of any intervention, and a watchdog ensuring the respect of the mandate upon which member states had agreed. This supposes an organization able to assess potential conflicts, decide legally and transparently the action to be taken, and implement it.

This, of course, means the need to reform the mechanism so it addresses the issue of the interference principle, and compensates for the unwillingness of foreign powers to intervene, with or without the UN. It means also the necessity to go further than the limit to preventive diplomacy or small peacekeeping or observer forces, and be able to perform an aggravated peacekeeping.

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I would like to dedicate this work, first, to my Comrades in Arms and friends from Senegal, with a pious thought for those who lost their lives during Peacekeeping Operations; then to my Parents, my wife and children, and to those who have guided my steps in the world of academia: Mr. Abdourahmane Sow who guided my first steps at school; Drs. Gary Lane (Texas) without whom I would not have started this adventure; Dr. Danny Harrison (AUM) whose help made it possible; Dr. Gueye (UCAD) and Dr. Peter Schraeder (Loyola University) who made the adventure easier.

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I. INTRODUCTION

In his introduction to *Order and Disorder after the Cold War*, Brad Roberts wondered which - order or disorder - would prevail in the international order following the Cold War. One answer to that question, in *The End of History*, suggested a more peaceful world, except for those still mired "in history", including much of the Third World (Fukuyama:1992). Another answer, in *The Clash of Civilizations*, predicted an increasing, intractable and general disorder because conflicts would oppose the main civilizations (Huntington:1993). A metaphoric explanation using the two concepts of "time-arrow" and "time-cycle", has been provided by Robert Jervis (1991:39-73). Time-cycle refers to the future as a cycle, and suggests that freed from the constraints of the Cold War, the world would return to earlier patterns of conflicts. Time-arrow suggests that although the future may not be known from today's knowledge, the mistakes made in the past will be avoided. According to Jervis, the time-arrow is at work in the US and Western Europe; the time-cycle prevails in Africa, Asia and Latin America; Eastern Europe and Russia remain in the time-cycle,

but this could be offset depending on the success of their cooperation with the first group.

The conflicts in the Balkans, the former Soviet Empire, and Africa seem to confirm his view, raising the issue of conflict resolution in those places. This thesis intends to examine conflict resolution in the particular case of Africa and discuss the likelihood of its successful implementation.

A. BACKGROUND

The idea of enhancing African capabilities in conflict resolution is not new. It was advocated during the 1960 Congo crisis by Cameroon, raised again in the 1972 Organization of African Unity (OAU) meeting in Rabat, and by French President Valery Giscard d'Estaing at the 1978 French-African Summit. In 1981, a *Force Interafricaine* (Inter-African Force) was further advocated by the then French President Mitterand, with the goal of creating a rapid reaction force able to intervene in the Francophone countries during crises similar to the 1977 Shaba case. The US, finally, endorsed the scheme with the more continental "African Crisis Response Initiative".

The strong stand expressed about sovereignty in "Agenda for Peace" suggested that the UN would, throughout the world, strongly exercise conflict resolution as in its Charter. To Boutros-Ghali, the respect of the state's

sovereignty remained crucial. Yet, it was the task of states' leaders to understand that "the time of absolute sovereignty had passed, and that its theory was never matched by reality". Hence, they had to find a balance between the needs for good governance and the requirements of an ever more interdependent world (Boutros-Ghali, 1992:9). With the proactive policy implied in "Agenda for Peace", the issue of a conflict resolution mechanism in Africa seemed irrelevant.

Then with the problems associated with the Cambodia, Bosnia, and Somalia operations, a wave of criticism dawned on the UN and its Secretary General.¹ The UN was criticized for its size and cost, while Boutros Ghali was portrayed as a man bidding for power and attempting to hijack US foreign policy. The 1994 election giving the Republicans control of both the US Senate and House of Representatives strengthened this trend. This was a clear signal of a challenge to Boutros Ghali's vision of a UN proactive role in conflict resolution, and the decision to use US hegemony to substantially reduce it.

Considering recent history, the US influence in the world in general and the UN in particular, African leaders

¹ See Jesse Helms, "Saving the UN", *Foreign Affairs* Sept./Oct. 1996, pp. 2-5.

recognized that intervention by the UN or the US would be selective, and when it does occur, nothing guarantees that it would be congruent with what they wanted.

However, the US, France and Britain showed also their willingness to help set up a conflict resolution scheme. The different individual projects were finally fused in a coordinating scheme called the "3Ps" (Three Powers) and espousing the lines of the African Crisis Response Force (ACRF), that is the training, equipment, and financing of earmarked battalions from voluntarily contributing countries in Africa. The US also expressed its willingness to help the OAU and any sub-regional organization's peacekeeping activity. This new approach meant a switch back to emphasis on an African solution to conflicts in the region.

The uncertainty of the post-Cold War period had already led Africans to gradually take steps toward taking charge of their regional conflicts. First, in 1990, they issued the "Declaration of the Heads of States and Government of the OAU on the Political, Social and Economic Situation in Africa, and the Fundamental Changes taking place in the World". Then, the "Kampala Document"² issued in 1991, as a logical follow up to the "Declaration" seemed to confirm the

² Text of the Kampala Document for the Proposed Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), Kampala, Uganda, 22 May 1991", Southern Africa Record, pp. 11-24.

awareness of the connection between the economic crisis, the democratic wave, and the marginalization of Africa. In his opening speech, Professor Adebayo Adedeji clearly pointed out that "there is no dichotomy between security and stability, on the one hand, and cooperation and development, on the other" (CSSDA:1991). Considering the internal character of most conflicts, this was an acknowledgment that the state system, so far a source of problems could, with good governance and respect of democratic principles, also be a solution to African conflicts.

The last scheme, the "Mechanism for Conflict Prevention, Management and Resolution" (MCPMR) was discussed at the Dakar Summit of 1992, and adopted at the 1993 OAU summit in Cairo. Yet, if one remembers the importance of the economic challenge in the 1980s and the fate of the "Lagos Plan of Action" of 1980, the African Alternative Framework of 1984, and the "Economic Recovery Plan" of 1986, one wonders if the challenge is not too big for the OAU, as it seems to be for the UN. The question then becomes how well is the Mechanism likely to perform, and what are the implications of its success or failure?

To be successful, it must not only set principles, but also the conditions and means of intervention. In favor of the "Mechanism" is the commitment of the international

community to help, and against it is the complexity of the new conflicts, the leaders' unwillingness to change the norms on "sovereignty", the lack of means and expertise, and the rivalries between states. Indeed, the institutional side seems, as in the "Concert of Europe", too weak relatively to the club aspect.³

B. AFRICAN CONFLICTS

If one puts aside the conflicts against racist and colonial regimes, African conflicts are between or within African states. The interstate conflicts are more manageable; they oppose relatively more organized and geographically limited states. As long as there is a government, it has duties to perform in order to continue existing. Hence, it can be more or less pressured and acted upon. Besides, the intensity of interstate conflicts is such that very few states can sustain them. Hence, without external support, these conflicts tend to be short in duration, and quick to stalemate.⁴

³ To many scholars, the OAU is a club rather than an institution. Their argument is built on the importance of personal relations between leaders, and the importance of informal practices in its functioning.

⁴ Yet, destabilization attempts through existing (or created) rebellion movements may replace them. Here, destabilization is defined as any action by a foreign country to create or support groups whose objective is to overthrow a government by force. This can be done through training, equipping, or offering a sanctuary to insurgent groups.

The second type of conflict is intrastate, which really makes the MCPMR necessary. In these cases, who to pressure, where is the front-line, who are the combatants, etc., are difficult questions to answer, and the military aspect is more difficult to work out. The problem with internal conflicts is their complexity and the risks of spillover into neighboring countries. While many authors attribute them to ethnic groups, tribes and religion, these are only vehicles. In reality, these conflicts are over the old and more primary question of who will have the power to govern and over what territory.

Before independence, foreign powers had put tribal, ethnic, racial and religious sources of conflict at the service of their own interests and conflicts through a patron-client system. At independence, they left the control of both the state and its resources to the ethnic, religious or racial group that seemed the most willing to safeguard their interest. The government, strongly backed by the covert or overt force of its patron, imposed this system. On the other hand, when the incumbent was unfavorable to their interest, whether ideological, strategic or economic, the patrons created resistance forces or helped the existing ones take advantage of the weakness of the state and destabilize it.

Most often, this was decisive in answering the question of "to whom the state would belong" while simultaneously nurturing sources of conflicts through exclusion, frustrations, etc. In so doing, and as early as independence, the patrons contributed to deepening the dividing line between the communal groups composing the new states as well as raising the level of violence (Copson:1984).

The artificiality of the borders, which were drawn without any consideration of population interest, created two additional sources for conflict. One was the irredentism of some populations who, repressed in one country, would turn their eyes towards their brethren in another country for help. The second was that states would, for symbolic as well as economic reasons, raise the question of the borders. In such circumstances, a conflict could occur at any time.

Another aggravating factor is pointed to by Williams when he writes that "under extreme scarcity, informal economies, including the diversion of resources from the public arena and official collusion, develop; such parallel systems tend to cohere around ethnic and regional social networks"(1994:72). Indeed, since power means privileged access to the state's resources, the formation of groups along kinship lines allows politicians to solve two

problems: the building of the coalition necessary to win this access to resources; and the duty to provide families and allies with resources. In so doing, these politicians make their part of the pie relatively bigger because they no longer have to share it with anybody. The problem though is that the pie sharing is done along an ascriptive status, and hence raises frustrations.

These conflicts are also tricky for at least two reasons: the energy with which the "internal affairs" principles is clung to and defended by leaders; and their tendency to refuse mediation because it would be equivalent to legitimizing the claims of opposing parties.

With the end of the Cold War, the post-colonial "order without justice" lost its main pillar: the overt and covert might of the patrons. This has raised in many places the "tallyho" signaling the opening of the "hunting season", confirming that "the discontinuance of a sin is always the commencement of a struggle" (Trollope:1860). In other words, each time patrons stop their support of dictators, the status quo is inevitably challenged, and often by force. Even when the balance of forces is not favorable, making it impossible to take advantage of the situation, the contagion and diffusion effect would, at least, lead to demands by populations for more justice, and equality.

Some challengers have conducted the struggle along constitutional lines, while others moved directly to force. The constitutional challenges were mostly in Francophone countries, and generated democratic transitions. In some places the outcome was a regime change: smooth in Benin, bloody in Mali, bumpy in Congo Brazzaville, Central African Republic and Niger. Other outcomes were a political stalemate as in Togo, a collapsed state as in Zaire; power laundering as in Cameroon, an authoritarian reaction as in Burkina Faso, and bloodshed in Burundi.

Where force was used, the outcome was a collapsed state in Somalia where the challengers could not agree on the division of the pie, a bloody civil war in Liberia and Rwanda, never-ending guerrilla warfare in Sudan. In some countries where the process did not end to the satisfaction of all parties (Congo, Zaire, CAR, Rwanda, Niger, etc.) the conflict reemerged and sometimes spread to neighboring countries. In some others, as in Burundi, it took the form of a preemptive attack by those who benefited from the previous status quo, the Tutsis, against the Hutus to reverse the constitutional changes. Some of these conflicts were ultimately regionalized along three of Deng's models (Deng et al.:1996, 146): through spillover effect (Rwanda, Burundi, Zaire), domestic politics pursued outside the state

border (Liberia and Sierra Leone with the Nigerian intervention), in an attempt to change a neighbors' governmental leadership (Angola and Rwanda in Congo-Kinshasa, and the former again in Congo-Kinshasa). The fourth model, status rivalries among states, is currently unfolding between Angola, Nigeria, and possibly South Africa.

C. RELEVANCE OF THE STUDY

Clearly, Africa has a desperate need for stability, without which the continent will be unable to carry out its development project. So far, African conflicts have drained resources, frightened away investments, led to the tremendous loss of lives, and invited a form of neo-colonialism in which powerful international groups market their security support against the establishment of company enclaves.

These factors hamper the political and economic development of Africa, sabotage the aspiration of its people, and prevent African nations from playing a role on the world stage, other than that of "humanitarian assistee".

D. THESIS, METHODOLOGY, AND SCOPE

The thesis intends to examine the future of conflict resolution in Africa, and the role of the OAU in the

process. It argues that historical evidence suggests a continuing pattern of internal conflicts within African states. It also will seek to demonstrate that, for legal, material, and political reasons, the OAU achievement has been weak in dealing with such cases, and might continue to be so. One main reason is that a formal "Mechanism" is necessary but not sufficient to tackle the problems.

These conflicts are usually encouraged and exploited by outside countries who, rightly or wrongly, see them as opportunities to settle old scores, to foster their national interests, or both (e.g., Rwanda and Angola in the Zaire conflict). Ultimately many of these conflicts spread to neighboring countries potentially generating a chain of crises. Considering the reluctance of foreign powers controlling the Security Council to intervene militarily in African countries, the OAU is at a crossroads.

One option is to remain on its present track. In my view, this will marginalize the organization and encourage its irrelevancy. It is also the best way to ensure that the future of conflict resolution in Africa is a gloomy one, that is, an interplay between a remake of the Rwanda-Burundi-Zaire and Congo scenarios (the greater evil) and a replay of the Liberia scenario, without necessarily the happy ending it seems to have taken (the lesser evil). The

Nigerian intervention was a promising experience, but as will be shown later, the presence of a watchdog or a balancer would have reduced its controversial aspects.

The other option is to use the supportive elements of the international environment to set up a division of labor scheme with the UN and sub-regional organizations. The UN would back it with the diplomatic and economic leverage necessary to shape the behavior of its members,⁵ while the sub-regional organizations will bring their better understanding of the issues and their willingness to act. Hence, the OAU would be a forum to discuss issues, an organizer of the answer to crises, a legitimizer of any intervention, and a watchdog ensuring the respect of the mandate upon which member states had agreed. This supposes an organization able to assess potential conflicts, decide legally and transparently the action to be taken, and implement it.

After a discussion about the nature of conflict in Africa, this thesis will discuss the record of the OAU as a conflict manager during the Cold War (Chapter II), and immediately following the Cold War (Chapter III). Chapter IV

⁵ The state's behavior seems explainable in terms of a cost-benefit analysis done by the Head of state. Hence, raising the cost of some behaviors while rewarding some others can alter this calculation. The Security Council members who have shown their willingness to help would ideally play this role, until the institutionalization of the OAU.

will address the current mechanism in place to resolve conflicts. Finally, the thesis will look into the prospects for conflict resolution in Africa, by analyzing the actor (the OAU), the security environment, and the instrument (the MCPMR), then make a conclusion (Chapter V).

The thesis will use historical analysis, and the secondary literature on conflict resolution in general, and Africa in particular. The period chosen for the historical survey goes from the creation of the OAU (1963) onwards, and concerns the main conflicts that affected the continent.

II. THE OAU AND CONFLICT RESOLUTION: 1963-1989

African conflicts after the creation of the OAU fell roughly into three types: against the colonial and racist regimes; interstate, involving borders or pieces of territory; and intrastate, aimed either at escaping from the control of the central power or at seizing it. Within each of these latter conflicts, destabilization attempts play a strong role and are often the factor protracting the conflict or tipping the balance in favor of one of the parties.

In fact, they reflect the feuds between Heads of state and Government. This contradicts Zartman (in Ayouti 1984:39) when he writes that

Africa is filled with Pandora boxes, making reciprocity a powerful motivator for collective state action. States realize that if they call into question boundaries, interfere in their neighbors' internal affairs, engage in assassination and subversion, seek to borrow power from external states, and support secessionist movements, they are equally vulnerable to such actions against themselves.

The discrepancy is due to Zartman's overlooking the freedom enjoyed by the leader to ignore such factors when he wants to, and the awareness that some threats can be offset through alliance formation or patronage. Ada Bozeman

(1976:40) hints about the power of leaders to chose when she notes that

African presidents have broader discretionary powers, and therefore greater options for changing or reversing course than heads of states in other culture regions. So during their tenure they personify the state.

So while formally paying lip service to the pan-African ideals, to territorial integrity, and sovereignty, the leader has more important drivers. The first is the feuds between groups, based on the existing lines of cleavages like ideology, preference or interest. The second is the importance of neighboring regimes since the lack of power projection capabilities, means that most big troubles would come from the neighbors. From this, the leader makes a cost-benefit analysis taking into account the balance of forces, the help expected from the group to which he belongs, and the preference of his patron. Then decisions would be made based on the chances to get away with it, because of a plausible deniability, a favorable balance of forces, or most importantly, the support of his external patron. The interest of the patron is even more powerful in that it can lead to actions that do not seem to be in the interest of the state or meet the leader's preference.

Peter Schraeder illustrates this critical aspect when he writes that

The most important outcome of the rise to power of the first generation of African presidents is that these leaders would often be more responsive to the foreign policy concerns of their external patrons than to the popular demands of their own people. (1996:133)

For instance, the Burundi regime of Pierre Ngendandunwe supported the secession in Congo-Kinshasa, despite the OAU charter, while using the same charter to keep OAU members out of its "internal affairs". The Prime Minister did not fear to do so, because of his association with radicals: Ghana, Congo Brazzaville, Algeria, etc.

In retrospect, three events seem to be critical junctures in conflict resolution in Africa: the UN intervention in the first Congolese civil war (1960); the intervention of Cuban troops in Angola (1975); and the end of the Cold War (1989). The creation of the OAU's Mechanism for Conflict Prevention, Management and Resolution" in 1993 is another event in the still unfolding structuration of conflict resolution in the continent, and will be discussed in Chapter IV.

The UN intervention in Congo (Zaire), immediately following independence in 1960, was at first supported by the African leadership, as the only alternative to anarchy

and Cold War interventions. The invasion of Congo by opponents of the regime, and the presence among them of numerous white mercenaries from Rhodesia and South Africa, stirred strong reactions from the OAU members, and led to a request for UN intervention. However, the circumstances in which Prime-Minister Lumumba was arrested and subsequently murdered as UN troops stood idly by, and the missions for which these troops would be used, raised the issue of who was serving whom.

The lessons drawn, by the African leadership, from the intervention were that an intervention by the Security Council would seldom take African concerns and desires into consideration. Furthermore, African states were relegated, at best, to secondary roles in peace-making/keeping. Also, bringing issues before the Security Council introduced Cold War rivalries into Africa. Tanganyika illustrates the lessons taken from the Congo intervention. After the 1964 mutinies, President Nyerere dismissed his military and started building a new one. Ghana then proposed a peacekeeping force to him. President Nyerere rejected the idea, and instead decided he wanted a loan of troops from African countries that he would pick, and would pay all their expenses; in return he wanted to have direct command authority over these troops. The whole idea was that the

presence of autonomous military forces in any country was perceived as dangerous for its integrity and independence. Thus after the Congo intervention, no African state wanted to have even partially autonomous forces on its soil (Woronoff 1970:59,464).

This is why, after the creation of the OAU in 1963, the members committed themselves to the "try the OAU first" principle, which, except in the conflict against "colonial and racist regimes", was applied until the mid-70s, thanks to the benevolent attitude of the Security Council's members and the consensus of the OAU members. This was further confirmed when, in the Morocco-Algeria and the Somalia-Ethiopia conflicts, both in 1963, the parties were encouraged by some permanent members and the UN Secretary General to follow the principle (Andemicael 1976:94). However, the "try the OAU" principle did not impede informal contact with the Secretary General, probably because this was more congruent with the practices within the OAU.

The introduction of Cuban troops into Angola in 1975 marked the end of the consensus about the "OAU first" principle and its corollary, the deference of the superpowers and the UN to indigenous solutions. The trend was confirmed when Cuban troops arrived in Ethiopia, in 1978. This interrupted what Andemicael called the "rising

autonomy". As Cuba was seen as a Soviet proxy, African conflicts were increasingly perceived and dealt with as extensions of Cold War rivalries rather than their own merits. Indeed insurgent movements were encouraged or even created with the help of the US or the Soviets, and even from their clients (e.g., South Africa). Destabilization and counter-destabilization became the name of the game.

In these circumstances, African states were often like pawns on a global chessboard. The Cuban interventions, for good or for evil, escalated African conflicts because they supplied the military capabilities that the Africans lacked. In Angola, the progressive introduction of sophisticated weapons ultimately raised the cost of operations for South Africa, the other player in Angola and Southwest Africa/Namibia, and to create an incentive for negotiation. However, the effect in Ethiopia was mixed. On the one hand, it preserved Ethiopian territorial integrity against the Somali irredentism, but, on the other, it helped maintain Mengistu, a dictator, and retarded for some years his ousting.

This post 1975 predominance of foreign powers in the resolution of African conflict would continue, as will be shown later, until the end of the Cold War. But the need to legitimize the solutions agreed upon by the superpowers and

ensure their acceptance by the different parties would, sometimes, get the OAU back into the peacekeeping process, as in Rhodesia or Namibia.

A. THE OAU BETWEEN 1963 AND 1975

With some exceptions, this was a period in which Africans predominated in the search for solutions to their conflicts. Among the main driving forces were the need to stay away from Cold War politics, the vision of some charismatic leaders, and the rivalries between radicals and moderates.

1. Conflicts against Colonial and Racist Regimes

The OAU charter expresses the member states' dedication to the eradication of all forms of colonialism in Article II(d) and to the total emancipation of the African territories still dependent in Article III (6). Thus, one of the first OAU moves was to establish a "Decolonization Committee" to implement these commitments against Portugal as a colonial regime, Rhodesia an illegal regime, and South Africa for both. The process was conducted, first, along diplomatic lines, followed by a shift toward a more militant support to liberation movements, though without closing the door to negotiation.

The OAU diplomatic process aimed at compelling the three regimes - Portugal, Rhodesia and South Africa - by

diplomatically weakening and isolating them through condemnations, followed by the coercive application of Article 41 and 42, or ultimately Chapter VII of the UN Charter (Peace enforcement). Under this OAU strategy, South Africa was expelled from organizations like the World Health Organization, and together with Portugal, was no longer invited to meetings of the UN Food and Agriculture Organization. The UN Economic and Social Council decided that Angola, Mozambique and South-West Africa would be directly represented at the UN Economic Commission for Africa. The General Assembly also recognized the legitimacy of the struggle of the native people of the South West African Territories, and of the people of the Portuguese colonies to obtain the rights proclaimed in the UN Charter, the declaration of Human Rights, and the Declaration of the Granting of Independence to the Colonized Countries and People (1965). Hence, it supported not only sanctions, but also the provision of moral and material support to the insurgents.

The OAU also got the General Assembly to recommend universal economic sanctions against South Africa, under Chapter VII, and a termination of the South African mandate on Namibia, after the 1964 report of the Odendaal Commission of October 1966, for the creation of homelands in Namibia.

Rhodesia was a self-governing colony of Britain with a population 95% African. On this ground, the UN opposed its 1965 "unilateral declaration of independence" (UDI) under a white settler government. Britain was charged with taking the necessary actions to grant it independence according to majority rule, and quell the rebellion, while the OAU was asked to assist Britain in conformity with Chapter VIII. In addition, economic sanctions were decided in 1966. After the Lusaka Manifesto on Southern Africa, adopted by the OAU in 1969 and then by the UN, was rejected by South Africa and Portugal, the UN General Assembly made a recommendation to apply to the two countries the sanctions already applied to Rhodesia.

Yet, the OAU strategy ultimately foundered against the lack of support by both the Security Council members and the main trading partners of South Africa. Unable to put up a military force against Portuguese, South African or Rhodesian troops, the OAU shifted towards more militant support of freedom fighters,⁶ with the Frontline states (neighboring countries) as its executive agents. The General

⁶ The main movements were: the South West African People's Organization (SWAPO) in Namibia, the Popular Movement for the Liberation of Angola (MPLA), the National Front for the Liberation of Angola (FNLA), and the Mozambican National Resistance (RENAMO), the African Party for the Independence of Guinea Bissau and Cape Verde (PAIGCV), the Zimbabwe African National Union (ZANU), and the Zimbabwe African Popular Union (ZAPU).

Assembly also shifted to direct calls upon member states to apply sanctions.

To achieve greater effectiveness, the OAU advocated a united front by the freedom movements. The policy fell short though, because "the OAU missed the implications of the existence of each movement in terms of power in the future state as well as, in the supporting nations, in terms of what type of neighboring state they will have" (Woronoff 1970:315). Indeed, for the freedom fighters the outcome would answer the questions of "who will rule" and for the neighbors, "what type of regime will we have at our borders", the two questions critical in African conflicts.

In turn, Portugal, South Africa and Rhodesia coordinated their policies more closely and became harsher in their sentencing of the guerrilla leaders. The April 1974 coup in Lisbon led to an immediate decolonization movement in Portugal. In January 1975, the FNLA, MPLA and UNITA signed, at the Alvor (Portugal) meeting, the transitional agreements leading to the election of a Constituent Assembly. The independence of the Portuguese colonies (Guinea Bissau, Mozambique, Angola, and Cabo Verde) allowed the OAU to concentrate its efforts against Rhodesia and South Africa.

Between late 1970 and 1975, several initiatives taken in the Rhodesian case had failed: the first, under the British umbrella, in which Ian Smith accepted majority rule after 50 years was rejected by the liberation movements; and the second, under a South African and Zambian umbrella in 1975 (Victoria Falls Bridge meeting) failed in the absence of sufficient pressures after talks began (Rothchild, in Crocker et al., 1996:475-486).

In Namibia, the Security Council's decision on the mandate and the recognition of SWAPO as the only representative of the Namibian people changed nothing. Its implementation foundered on the opposition of South Africa and the unwillingness of the Security Council to take coercive actions. The OAU learned that the lack of a military force was a liability when dealing with many of these problems.

2. Interstate Conflicts

In interstate conflicts the OAU was mostly confronted with territorial/border problems and irredentism. Most of the border problems boil down to an opposition between historical and effective possession. The OAU position, firmly established in July 1964, was the recognition of boundaries as they were at the time of independence. This

position was the critical factor in resolving this type of conflict.

The Morocco-Algeria border conflict had its root cause in the way the French delineated the border. It erupted in October 1963, as a consequence of the change in regime in Algiers and the repudiation by the new leaders of the secret agreement between Ferhat Abbas and King Hassan II. Modibo Keita (Mali) and Haile Selassie (Ethiopia) initiated the OAU mediation, following two weeks of combat and a military stalemate. The military balance led to a stalemate, which facilitated the agreement, reached, on February 1964, for a withdrawal of forces, the setting of a demilitarized zone and a no man's land along the border. At every political change in Algiers, the tension would rise, but each time the OAU was able to avoid open conflict.

The Somalia-Ethiopia conflict had its root cause in the division of the Somalis between four countries (Somalia itself, Djibouti, Kenya and Ethiopia) due to the arbitrary delimitation of the borders by colonial powers. The desire by the people to unite with Somalia, opposed by Ethiopia and Kenya, led to the creation of a National Liberation Front (NLF) which soon clashed with the Ethiopian troops. Faced with an unfavorable military balance and the Kenyan and Ethiopian will to go to war, Somalia suggested the

deployment of peacekeepers along the border to avoid the risk of war.

This move betrayed the search for a way to back down from the promises made to the NLF without losing face. This opportunity was lost, however, because the potential cost and absence of troops scared the OAU away from the proposition. The availability of troops might have prevented the fighting from breaking out again soon after the truce was achieved. The imaginative solution of a joint commission, adopted later, appeared to be a compromise allowing the Somali President to save face. Its problem though is that it left the peace dependent on the goodwill of the parties, not the OAU.⁷

Several lessons can be learned from these conflicts. Political commitments aimed at the consolidation of power at home can make a conflict resolution scheme very difficult and the solution temporary, while an unfavorable balance of power can deter the initiation of conflicts, thus being a conflict resolution scheme by itself. Finally, the availability of peacekeeping forces allowed a way out; yet,

⁷ Zartman attributes the dynamic of peace in the region, starting in mid-1967 to the newly elected Prime Minister Mohamed Ibrahim Egal, not intimately connected with the earlier governments (1985:100). Andemicael attributes it to a different interpretation of the Grand Somalia stance (1976:56).

they require means without which conflict resolution efforts are doomed.

3. Intrastate Conflicts

Civil wars in Africa usually occur as a result of a party, group, tribe or faction seeking to seize power, either through a military coup or an insurgent movement. Most of these were made possible by the training, equipment, and sanctuary offered by other states, whether African or extra-African.

While interstate conflicts are usually related to the question of the territorial limits to the power to govern, intrastate conflicts are, in addition, related to the question of who will govern. Hence, intrastate conflicts lead both to conflicts over the control of the state and to secession conflicts.

a) *To seize power*

Conflicts over the control of the state are important for the neighboring countries because they determine the regime they will have at their borders. This establishes a relationship between the intrastate and interstate conflict, the risk for the first to turn into the second by a spillover effect. Burundi and Rwanda illustrate this potential as well as the tragic consequence of the "non-interference rule".

Rwanda and Burundi are both countries originally dominated by the Tutsi minority (17%), but within a power sharing scheme and the possibility to move from the Tutsi to the Hutu group.⁸ The colonial power (Belgium) induced a significant differentiation between the two groups, and gave the upper hand to the Tutsis. Since then, the two groups have been fighting for political power, and Rwanda fell to the Hutus in the early 1960s. Hence, until 1993, Burundi has been under the political control of a Tutsi regime while Rwanda was under a Hutu regime, each using its control of the military to coerce the members of the other group.

Indeed, in 1963, the Tutsi minority rebelled against the Hutu-dominated Rwandese government. The OAU faced with a request to assist, only six months after its creation and already burdened by the Algeria-Morocco conflict was in no position to play a significant role (Andemicael 1976:63). This led the UN Secretary General to be involved until in 1964, when the OAU was able to establish a ten-member commission to make recommendations, and organize regular visits in the two countries. The repression, following the 1965 attempt by the Hutu majority in Burundi to topple the Tutsi monarchy, led Rwanda to open

⁸ See René Lemarchand, *Burundi: Ethnic Conflict and Genocide* (New York: Cambridge University Press, 1996).

its borders to Hutu refugees. Yet, the OAU kept silent, considering that it remained an internal matter, as long as it did not lead to an interstate crisis or to a request for intervention.

After the Tutsi insurgency of 1966 in Rwanda, the authorities complained to the OAU, alleging it was a destabilization attempt by Burundi. Then, the OAU, based on the Joint Agreement on Mutual Security, Trade and Cultural Affairs between the Congo (Zaire) and the two countries, tasked Mobutu to mediate. But when in 1972 Hutus rebelled in Burundi, they were massacred without a word by the OAU, despite the international concern which led the UN Secretary General to mobilize a massive humanitarian aid. As usual, the excuse was that it was an internal affair.

b) *secession*

In the Congo rebellion of 1964, the OAU decided to act, despite the internal affair aspect. The first explanation is in the sanctity attached to borders (Pandora box aspect). The second is in the presence of white mercenaries from Rhodesia and South Africa, and its unifying aspect, given the situation in Southern Africa. And the facilitating condition was that President Kasavubu ultimately accepted the involvement. However, this could not remove the personal biases, the different agendas

within the organization, and the recurrent problem of implementation schemes. Hence, the project was doomed from the beginning. The rebels were being trained, financed, and equipped by the Chinese in Brazzaville, while Burundi provided the staging area. When the Chinese left, following problems with Burundi, Algiers and Cairo provided equipment, Arab instructors and guerrilla specialists, while Sudan became the sanctuary.

Personal bias, and, consequently, different agendas also plagued the OAU. The Prime Minister of Congo (Kinshasa), Tshombe, was the leader of the July 1960 Katangese secession. Hence,

To many African leaders, he was the embodiment of neo-colonialism and European exploitation of Africa, his race notwithstanding. [They disliked him for] the way he maintained himself in power (white mercenaries and European military assistance), his ideological conservatism, his personal record of duplicity (Grundy, 1971:38)

Hence, while the moderates wanted to help within the framework of the Charter, the radicals' call for a political solution had an ulterior motive: give the rebels a respite (Woronoff:365-366). At the same time they wanted to put all the parties on the same footing.

The problem of implementation was recurrent in the OAU for at least two reasons. The eagerness to reach a

compromise often led it to overlook the technical aspects of, and the means necessary for, implementation. Moreover, the vagueness necessary to get the compromise that would allow it to conceal failures turned the resolutions into an empty shell.

The Nigerian secession of May 1967 reproduced the same problems highlighted so far. In the first place, the OAU was asked by the Federal Military Government (FMG) not to place the problem on its agenda. Hence, the OAU followed two of its rules: express its condemnation of any secession scheme, and formally refrain from interference, which left the members to respond on their own. Once the decision was reached to send a Consultative Commission, using the window of opportunity opened by the stalemate, the trip had to be delayed for several reasons. The objective was not clear and was interpreted differently: the rebels considered it to be a mediation, while the FMG worried about the risk for it to legitimize the rebels' claims.

By the time the Commission traveled to Lagos, on 23 November 1967, only four of the six Heads of state could make the trip, and it was too late; the FMG had already gained the military initiative, and was less willing to compromise. In the meantime, on 13 April 1968, the harshness of the fighting and the starvation of the

civilians had raised international concerns. Tanzania recognized Biafra, followed by Gabon, Cote d'Ivoire, and Zambia. The diplomatic evolution and the elusiveness of victory induced the Nigerian President Gowon towards more flexibility.

Consequently, at the Niamey meeting (15-19 July 1968), the OAU was able to call for "a permanent settlement of the conflict", and schedule the organization of a relief mission as well as talks between parties. The technical details for the relief mission were never set. The talks stalemated at the second round, and the OAU inter-rivalries at the Algiers Summit, in September, prevented any serious talk. To the Tanzanian vice-president, Algiers was one clear example in history where eminent leaders decided to evade the real issue by playing the ostrich game (Woronoff 1970:427). The window of opportunity was lost. The decisiveness of the ongoing battles prevented Ojukwu from leaving his troops to attend any meeting, and the solution was left to force.

The support expressed by individual members to the warring parties raised doubt about the neutrality of the OAU, and the lack of means and expertise limited the ability to find a scheme acceptable to both parties. This shows the necessity for the OAU to have a set of commonly

agreed principles to institutionalize, and hence to take the heat out of its interventions.

In sum, the OAU achieved fair success in the conflict against racist and colonial regimes and in interstate conflicts, but ranged from irrelevant to being an adjunct in most of the intrastate conflict. These conflicts could either be escalated by destabilization attempts or turn into intrastate conflicts.

4. Destabilization

The destabilization attempts are basically a result of feuds between Heads of State and Government with each other. The attempts reflected particularly the divisions among member states between the radicals (Casablanca group) and the moderates (Brazzaville and later Monrovia group)⁹, a

⁹ The names come from places where the Group first met (1960-61 period). The position held in general within the different groups led to the dichotomy moderates-radicals. The members of the Brazzaville Group were Cameroon, Central African Republic, Chad, Congo (Brazzaville), Benin, Gabon, Ivory Coast, Niger, Mauritania, Madagascar, Senegal, and Burkina Faso. Their first meeting took place in December 15-19 in Brazzaville, to look into a possibility of mediation between France and Algeria. The Casablanca Group members, partisan of a tough position towards France and the West, were Algeria, Ghana, Guinea, Libya, Mali, Morocco and Egypt. Their meeting at Casablanca, on January 3-7, 1961 was to set a counter-bloc and reactivate the anti-colonial struggle. The Monrovia meeting aimed at reconciling the two groups. Guinea and Mali accepted to attend, but pressured by Nkrumah, they abstained. Then the Casablanca group asked to postpone the meeting. When the meeting was reconvened, Ghana, Guinea, Mali, Morocco, Egypt and the Sudan didn't attend. Some Anglophone moderates Ethiopia, Liberia, Somalia, Togo, Libya (who left the Casablanca Group), and Tunisia (as an observer) joined the Brazzaville group. With the passage of time and some internal problems, the groups will wither away. Yet, in many issues, the old ties remain salient.

result of the early 1960s. While the former favored a political union patterned along the federal model of the US, the later, strongly "statist", rejected the idea, and instead called for a loose organization of African states (Schraeder:1996). This division determined who would side with whom.

Ghana and Guinea supported insurgents in Cameroon, and subversion in Liberia; Sekou Toure directed verbal wars against Senghor of Senegal, and Houphouet Boigny of Cote d'Ivoire; Egypt plotted against Bourguiba of Tunisia; and Mauritania accused Mali and Morocco of organizing terrorism in its country. Ghana, very militant, was the archetype of the first group. It was alleged to be involved in the assassination of the Togolese President, Olympio, and the attempt against President Diori of Niger, on 13 April 1965.

In addition, Cote d'Ivoire presented proofs of Ghana's interference in its internal affairs, at a Francophone meeting held in Nouakchott (12 February 1965). As a result the Francophones threatened to and finally did boycott the OAU meeting in Ghana, despite the interventions by the Presidents of Liberia and of Nigeria as well as last ditch efforts by Nkrumah.

Following the coup that toppled Nkrumah, the regimes in Guinea and in Ghana diverged. In March 1966, Guinea

reportedly threatened to invade Ghana and help the people topple the regime; thus, in October, Ghana detained the Guinean delegation whose airplane had made an unscheduled landing in Accra. They refused to release them before Guinea released the members of the Ghanaian embassy in Conakry. The Emperor of Ethiopia, and the Presidents of Mali, Liberia, Tanzania, and Egypt successfully mediated the case. In 1966, Cote d'Ivoire detained some Guinean diplomats in retaliation for the arrest by Guinea of some of its citizens. Due to the diplomatic immunity of the Guineans detained in Cote d'Ivoire, the UN decided to deal with the issue. Before it did, an OAU-designated mediator solved the problem.

Ghana was not the only country meddling in internal conflicts. The historical record shows clearly Algeria, Egypt, Libya, Burundi, Congo-Brazzaville and Sudan have also armed, equipped, trained, or given a safe haven to rebel groups from other member states.¹⁰ Yet, there was always an influential Head of state who could use the Summits to set a reconciliation meeting. Hands would be shaken, and peace proclaimed until the next divisive issue.

¹⁰ Generally, due to this personal and ideological enmity, the reaction was overt actions to help if the regime in trouble was a group member, and otherwise covert actions to help the insurgents. Radicals usually added some diplomatic frictions and a "verbal war".

The most notable characteristic of these events is the absence of restraint on the part of leaders, explained by the absence of institutional rules of behavior. This can be related both to the type of regime they lead and to the organization's lack of binding rules.¹¹

In conclusion, the diplomatic means of the OAU, supported by moral claims, led to a strong support from third world countries against Portugal, Rhodesia and South Africa, and to success in organizations where numbers counted. However they proved to be insufficient before the Cold War logic. The interest of Portugal to the NATO alliance, the importance of the Azores to the US, and the importance attached to the geographical situation of South Africa were strong enough to hinder the critical support of the West to the OAU.

In the Western alliance, neither the critical military and economic means necessary to compel the OAU's target, nor the binding resolutions of the Security Council could be obtained, and thus, the OAU objectives could not be reached.

¹¹ Some might argue that these conflicts also demonstrated an emerging division along linguistic lines, but this is not supported by the facts. Neither the support given to insurgent groups, nor the line of cleavage between radicals and moderates, were along this line. The fact is that historical reasons made it easier for Francophones to meet and, based on their interest, set a coalition to balance against destabilization attempts.

In interstate conflict, the OAU was weakened by the absence of means to physically separate the warring parties, the lack expertise to devise creative solutions, and leverage to pressure the parties. Domestic politics and their impact were out of the OAU's reach. Yet, the OAU was able to keep low the level of violence, thanks to the personality of mediators, the military weakness of many states, and the opportunity of reconciliation given by summits.

Intrastate conflicts proved intractable to resolutions other than force. Impeded by the non-interference rule and the sanctity attached to borders, the OAU seemed often helpless. In addition, it was unable to restrain its members' behavior and could not prevent their destabilization attempts. Hence, at the end of 1974 the OAU looked neither credible nor institutionalized.

B. THE OAU BETWEEN 1975 AND 1989

The period is characterized by the contrast between the high level of violence in Southern Africa in 1975, and its relative abatement by 1989; a very low level of interstate conflicts; and the rise of internal conflicts. During the period, there was still a conflict in South Africa, Rhodesia, Namibia, Ethiopia, and Chad; new ones in Angola (1975), Western Sahara (1976), Mozambique (1979), Uganda

(1980), Somalia (1982), Sudan (1983), Liberia (1989), and Rwanda (1990); border conflicts between Mali and Burkina Faso, and Uganda and Tanzania (1978-1980); and some clashes between Senegal and Mauritania on the one hand, and Guinea Bissau, on the other hand (1989). The majority of these conflicts were internal and protracted by external involvement, while the others were low level interstate conflicts. In addition, Portugal gone, the conflicts against racist and illegal regimes were limited to Rhodesia and South Africa.

1. Against Racist and Colonial Regimes

The introduction of Cuban troops in Angola had a major impact: it brought into the region what was missing the most -- a military force that could raise the cost of battle for South Africa, and get the attention of the Security Council. The violence of the fighting in Angola, following the arrival of Cuban troops, raised concerns about its diffusion in Rhodesia, where the white government lacked the capabilities available to South Africa.

According to Rothchild, Kissinger was determined to prevent a repeat of the Angolan crisis, where the Soviets and Cubans had intervened in the confrontation; he also sought to show that disputes in deeply divided societies could be managed through negotiations (in Crocker et al.,

1996:477). Actually, a direct confrontation between Cubans and the white regime in Rhodesia could have meant utter defeat and further strengthened Soviet presence in the region,¹² allowing more support to other insurgent movements in the region. A negotiation before collapse was in the best interest of the whites and their western allies. The consequence was a new peace process in Rhodesia, thus indirectly in Mozambique, and in Namibia. The dynamism of the process, not only brought back the OAU as a player, but also together with the end of the Cold War, helped resolve the South African case.

On 19 September 1976, having secured the support of the OAU and of South Africa, Kissinger met with Ian Smith in Pretoria. Then, faced with US and South African threats sugar-coated with US financial incentives, Smith accepted the principle of majority rule. The Geneva meeting organized to implement the plan foundered on power-sharing arrangements. Yet, a momentum was gained. Another US-British initiative failed because of the same problems, but also because South Africa had reversed its position and was urging Smith into resisting the settlement.

¹² Kissinger presented Smith with bleak intelligence reports regarding his military situation. Feeling vulnerable, and without the prospect of a Western rescue, in the event of a collapse, Smith "surrendered". (See Rothchild in Crocker et al., 1996:475-76).

The following British initiative, the Lancaster House Agreement, was backed financially and politically by the US, and legitimized by the OAU. It led to the signature of a peace agreement between the Patriotic Front (a loose coalition between ZANU and ZAPU, endorsed by the OAU) and the white minority, and to the February 1980 general elections.

In the meantime, following the Portuguese collapse, SWAPO began raiding Namibia from bases in newly independent Angola. South Africa replied, in 1978, with a counter-insurgency program including land clearing, a border security fence and resettlement of local populations, and ground and air attacks in Angola. SWAPO lost between 10,000 and 12,000 people but, thanks to the Cuban help, was able to persist (Copson 1994:59). The same year, the Western Five (US, Britain, France, Germany, Canada), with the support of the Frontline states presented their peace package. The organization of the elections caused the collapse of the Namibia Peace conference held in Geneva, in January 1980, for the implementation of the plan.

Yet, the rising cost of the war to South Africa (\$1.25 billion in 1982), and the new relations between the superpowers led to the Angola government acceptance of a linkage between the Cuban-South African withdrawal leading

to the independence of Namibia (in 1987), and to a US and Soviet backed plan for its implementation (in 1988). Following its signature, the United Nations Transitional Advisory Group (UNTA) arrived, in April 1989, to manage the transition phase and ease the South African withdrawal. The general elections were won by SWAPO.

The same dynamic worked in South Africa. The rising cost of the war facilitated by the Cuban air superiority, the anti-apartheid law passed in 1986 by the US Congress, the sanctions-related denial of some goods, technology and services, and its corollary of rising unemployment, led to the necessary concession for change. The process was crowned by the liberation of Nelson Mandela, in 1990; it was followed by the negotiations that would dismantle the apartheid system in South Africa and lead to the General elections won by Nelson Mandela and the ANC.

2. Interstate Conflicts

Somalia brought the Ogaden issue before the OAU in 1973, but Ethiopia rejected it from the OAU agenda. Somalia soon realized that it had only African Arab support and that OAU diplomacy was an unpromising means of pursuing the conflict (Zartman 1985:92). Hence, when the OAU created a commission to investigate the issue, both Somalia and Ethiopia opposed it. When the OAU went ahead, Somali

officials walked out when the OAU refused to recognize the Western Somali Liberation Front (WSLF) as a principal party to the conflict. The Ethiopians called for an extraordinary meeting but never got the quorum for fear in the OAU that Somalia would leave the organization and carry the Muslim members with it (Zartman 1985:103). The Congo-Brazzaville and Madagascar tried to mediate, but their combined efforts failed. Hence the major role in the issue was left to the US and the Soviets, while the OAU remained only a channel for direct contacts.

From 1976, Siad Barre was involved in the reorganization and training of the WSLF. Furthermore Somali troops fought more and more at the side of the guerrilla and within Ethiopian territory, until the 1978 introduction of 11,000 Cuban and 1,000 Soviet troops. The Ethiopians started nurturing opposition movements to the Somali government, the Eastern Somali Liberation Front (ESLF) and the Democratic Front for Somali Salvation (DFSS). The Ethiopian-Cuban counterattack, using the DFSS as a screen brought the war into Somalia for over two years.

The US has tried many schemes to manage the conflict. They first tried to restrain the Somalis through arms sales. Then in early 1978, they tried to advocate the solution the OAU had set earlier: Somali return to the border in exchange

for Ogaden autonomy, with international aid to the Somalis living in Ethiopia. They also tried to extract an Ethiopian commitment not to cross the Somali border, which the Soviets and Ethiopians promised to keep. A deal cut with the Soviets in early February stipulated that the Somali troops would be allowed to withdraw from Ethiopian territory without being attacked and the US promised not to arm Somalia, as long as the promise was kept.

Another conflict opposed Burkina Faso to Mali, in the night of 24-25 December 1985. It is a perfect example of a successful conflict resolution process. The two countries belonged to the Agreement on Non-Aggression and Defense (ANAD), a sub-regional organization;¹³ the OAU did not need to worry. The ANAD members managed to achieve a cease-fire including the conditions for troop withdrawal, a demilitarized zone, and the implementation by observers from member states, that was signed on December 29. In addition, the case was put before the International Court of Justice.

Meanwhile, prisoners were exchanged, the issue of the civilians held and the equipment seized resolved. One month later, the observers were withdrawn. One year later the Court's decision closed the matter. The speed at which the

¹³ The members are Burkina Faso, Cote d'Ivoire, Mali, Mauritania, Niger, Senegal, and Togo.

organization operated is a proof for the need of changes in the cumbersome procedures of the OAU through an enhancement of the Secretary General's role.

This conflict resolution went smoothly because the response was immediate, and probably because of its purely interstate aspect. Indeed, between Mauritania and Senegal in 1989, the ANAD was less efficient because the conflict had an intrastate dimension for Mauritania (the racial problem in Mauritania).

The next conflict, the invasion of Uganda by Tanzania in 1979, following an earlier partial invasion of the former (1978), was met with silence by the OAU, due to the attitudes of member states toward Idi Amin. At the OAU Summit of 1979, only Nigerian President Obasanjo and Sudan President Nimeiri condemned the act as "a dangerous precedent of unimaginable consequence (Deng et al., 1996:160). In this case also, formal principles were replaced by individual members' feelings: Idi Amin was an embarrassment to OAU leaders. The fact confirms the largely personal aspect of the OAU's decision making process already noted in the Congo crisis of 1964, a corollary of the OAU's "club" aspect.

3. Intrastate Conflict

Most of the conflicts in the period were internal in substance, but with heavy external involvement. In many of these conflicts, the OAU was marginal. As already shown, it deadlocked in the interstate aspect of the Ethiopian conflict. The internal aspect of the conflict prevented any OAU involvement, and was protracted by the US-Soviet involvement in the Horn of Africa, until the coalition between the different opponents and the change in Soviet policy (after the withdrawal from Afghanistan) brought it to an end. The civil war in Angola was mainly played between UNITA and the MPLA, respectively sponsored by South Africa, the Chinese and the US, and by the Soviets and-Cubans. The other involvements were by some Heads of state, mostly neighbors, on an ad hoc basis. For instance, Mobutu tried to mediate between UNITA and the Angolan government in Gbadolite (1989). Daniel Arap Moi of Kenya tried to mediate in Uganda (1985-86), as did Mugabe of Zimbabwe and Banda of Malawi in the Mozambique civil war.

When the OAU did intervene, as in Chad in 1979, it fell short due to the absence of follow up, or simply failed for the usual reasons. In these instances, Chad is typical of the problems the OAU will face in the future. In 1979, with the fall of the Central Government, eleven different rebel

forces claimed legitimacy and demanded a role in the formation of a new government. The real power, however, was divided between Hissene Habré's *Forces Armées du Nord* (FAN), Goukouni Oueddei's *Forces Armées Populaires* (FAP), and Kamougué's *Forces Armées Tchadiennes* (FAT).

Chad borders six countries, including Libya, Sudan and Nigeria. Three powers had an interest in the Chadian conflict: France as a former colonial ruler, Libya to legitimize its occupation of the Aouzou strip, and Sudan as a rival of Libya. A fourth power, Nigeria, emerged after the 1973 oil shock. Its objectives were threefold: supplant France, secure its northern flank, and demonstrate its role as a natural leader in this area (Pittman in Ayouti 1984:303).

Chad was on the OAU agenda in 1977 and 1978, but Nigeria rather than the OAU was the main mediator. The first Nigerian intervention foundered on its will and capability to neutralize the rebels, and the behavior of its own military in their interaction with the population. Then it withdrew and took several diplomatic initiatives. Kano I¹⁴ failed also because some of the main actors were not invited or did not attend. Kano II failed because of the

intransigence of Habré and Oueddei. To coerce them, the Nigerian authorities arrested them, and released them only when their supporters threatened to attack the Nigerian troops still in Chad (Pittman in Ayouti 1984:305).

The following initiative, Lagos I, was later endorsed by the OAU, which even suggested a new one: Lagos II. The OAU members became concerned mostly because of the direct intervention of Libyan troops already occupying the Aouzou strip. The sense of urgency that led to the intervention was the announcement by Libyan President Muamar Qaddafi, in January 1981 of the voluntary merging of Libya and Chad. This outcry was against the non-interference rule of the OAU, but the personal opinion of leaders about Qaddafi was more important.

The OAU would intervene directly in 1980, called upon by President Goukouni Oueddei, to replace the Libyan troops. Ironically, aside from the financial problems, they ran into the same problems for which they had criticized the UN. Congo-Brazzaville, Benin and Guinea were supposed to compose the force. The last two never deployed, due to financial problems. Congo-Brazzaville sent 600 troops, but soon withdrew them because of the absence of funding, and only

¹⁴ Kano I and II, as well as Lagos I and II are meetings between the Chadian factions. There were named after the Nigerian cities where they took place, in 1979.

Zaire (Congo-Kinshasa), Senegal and Nigeria sent troops in 1981. The mandate was not clear and led to a misunderstanding between Goukouni and the OAU. Goukouni thought the troops would help him restore governmental control while the OAU wanted just to separate the forces, to ease the implementation of the plan.

Moreover, for practical reasons as well as preference (Goukouni's intransigence and ties with Libya), the OAU had decided not to intervene if Hissene Habre attacked. The case worsened when Oueddei realized that the OAU Peace Plan included Habre as an equal partner, which led him to declare "I am betrayed", after the meeting (Pittman 1994:316-17). Another factor was the OAU concerns about the cost of the scheme (\$163 million per year), hence the schedule was tight: cease-fire for 28 February 1982, negotiations by 15 March, then presidential elections in May or June, and withdrawal of troops on June 30. The plan had not even been implemented, and many troops were not yet there. However, in early May, the Nigerians started withdrawing.

On 8 June, Habre attacked, and the OAU troops remained aloof. Goukouni retreated north and, backed by Libya, prepared a new assault. Based on military accords, France sent troops to help Habre. After an agreement with Libya, they left in 1984, but had to come back in 1986, when

Goukouni attacked again, this time with Libya occupying Faya-Largeau.

In 1987, with US material help and the French covering his back, Habre attacked and forced the Libyans and their protégé to retreat, capturing many Libyans in the process. They all accepted an OAU mediation and the tension eased. Yet, Habre quickly installed a terror regime. Arrests and torture multiplied; in this process, rumors of the project of coup by the Zaghawas spread. Colonel Idriss Deby, mastermind of the 1987 operations, and a Zaghawa himself, felt threatened and fled. With Sudanese and allegedly Libyan support, he attacked in 1990. This time, France refused to be compromised and its troops looked the other way.

4. Destabilization

In many of the conflicts, the role of destabilization across borders continues to be central and is clearly documented: South Africa in the Southern region, Libya and Sudan in Chad, etc.

The invasion of Zaire in 1977 and 1978 took place in an environment of multiple, inter-linked conflicts: one among Angolan political movements; one among Zairian political movements; the interstate conflict between Angola and Zaire, whereby each intervened in the other's affairs by proxy, through their respective support for each other's opposition; and the Cold War conflict in which Zaire's patrons (France, the US and Belgium) competed with Angola's (Soviets and Cuba) for influence in the region (Deng et al. 1996:150-51)

Sometimes, as in Mozambique, external powers have even created conflicts where there were none. The war in Mozambique is a consequence of its support to the freedom fighters of Rhodesia. The white minority of Rhodesia retaliated by organizing and supporting, together with wealthy Portuguese whose businesses had been confiscated, an internal resistance to the regime in 1976. This resistance movement took the name of RENAMO (National Resistance Movement). When the black majority gained its independence in 1980 under the name of Zimbabwe, RENAMO moved its equipment and troops to South Africa.

From there, it continued raids into Mozambique. The death of President Machel in an airplane crash coincided with large offensives. These were stopped, thanks to the support of Zimbabwe. By the late 1980s, the movement was operating throughout Mozambique, threatening the main transportation links. The political reforms following the abandonment of Marxism-Leninism by the ruling FRELIMO, Western help, and military assistance from Zimbabwe helped stabilize the situation in the early 1990s.

In conclusion, the OAU played a notable role in the great powers conflict resolution schemes induced by the Cuban presence in Southern Africa. South Africa proved the toughest adversary, because of its military capability and

the lack of international support. When this support came, De Klerk, playing a role one can compare to Sadat or Begin, induced a dynamism that led to a fair solution.

Interstate conflicts were very limited. When the great powers were involved, like between Ethiopia and Somalia, the OAU had to wait on the sidelines until invited, usually during the peace process. In other instances, like between Mali and Burkina, a sub-regional organization was in charge. All in all, when necessary, the OAU played a role complementary to outside powers' against the racial and colonial regimes. In direct interstate conflicts, it was not really tested. However in interstate conflicts by proxy, as between Algeria and Morocco in the Western Sahara conflict, between Chad and Libya, or between Somalia and Ethiopia, the OAU was always on the brink of implosion.

In intrastate conflicts and in destabilization attempts, the OAU was weak for the same reasons noted between 1963 and 1975, showing a persistent trend in its weaknesses as well as in its strengths. With the selective withdrawal of western powers, the cycle has now ended. The notable event of the post-Cold war period has not been the strengthening of the OAU, but rather the rise of sub-regional organizations. If one assumes that "a need creates

a function", then this definitely betrays the failure of the Organization.

In any case, the Africans are again in charge. What they do will confirm or reject the time-cycle curse.

III. THE POST-COLD WAR: 1990-1997

The period from 1990 to 1997 is characterized by the cohabitation of contrasting trends. On the one hand, long time conflicts were resolved, on the other hand, new ones emerged, while some old ones seemed immune to any treatment. The collapse of many democratic transitions was a bad omen, but optimism still prevailed until Somalia in 1993. In this instance, the Somali conflict seems to have been the turning point. Today the case seems clearly bent towards the negative driving force of time-cycle, at least as far as African conflicts are concerned.

A. TOWARDS AN ERA OF TIME-ARROW

1. Domination of Time-arrow Factors

The answer to the question about whether the time-cycle or the time arrow would be at work in Africa during the 1990s seemed pretty obvious. The two superpowers were cooperating in conflict resolution, which enlarged the UN's margin of maneuver, and non-state actors, like the Italian Church organization, the Sant Egidio Order, and the NGOs, had entered the scene of conflict resolution. The last colonial and racist conflicts were resolved by democratic elections in Namibia (1990) and South Africa in 1994,

interstate conflicts seemed under control, and a democratic wave promised to minimize intrastate conflicts.

Optimism about a "new world order" seemed justified by hard facts in the early 1990s. "The US, with that particular mix of generosity, power, and multiple personality that characterize American Foreign policy, [had] jumped into peace enforcement with gusto" (Durch 1996:12). In addition, the US Congress boosted development aid to Africa by 25%, putting it at the \$1 billion level for the first time (Copson 1994:170), and would as a follow up provide funds to bolster peacekeeping in Africa (\$3.5 million in FY 1994, an additional \$5 million in FY1995, and a proposed additional fund of \$10 million).

In the field of conflicts, there were numerous breakthroughs. The Namibia peace process led, on 21 March 1990, to the independence of the country. At the Bamako meeting of 27-28 November 1990, a cease-fire has been signed between the warring parties of Liberia, an interim government was ready to be installed, and a national conference was planned. Meanwhile the ECOWAS Monitoring Group (ECOMOG) forces supported by the US were in place to maintain the peace momentum. The cease-fire was broken in October 1992, when the United Liberation Movements (ULIMO)

took over territory with the help of ECOMOG, followed by Charles Taylor's attack of Monrovia.

In late 1992, ECOWAS invited both the OAU and the UN to become involved in Liberia. Hence, in November 1992, having considered the situation in Liberia a threat to international security, the Security Council threw its weight behind ECOWAS and the Yamoussoukro accords of October 1991. The defeat inflicted on Taylor's forces by the ECOMOG in 1992, the diplomatic efforts, the embargo, and the threat from other warring groups softened Taylor, and led to the Cotonou Agreement. The agreement signed in July 1993 by the warring parties called for a cease-fire, a disarmament of warring groups, the establishment of an interim government, and the organization of elections in early 1994 (Lowenkopf in Zartman 1995:98).

In Western Sahara, the UN was preparing the referendum, the hoped for last act of a fifteen year old conflict, and in September 1991, the peacekeeping mission was in the field. In Angola also, the US-Portuguese-Soviet mediation led, in May 1991, to a peace accord calling for the encampment of guerrilla forces, the formation of a new National Army, and elections in September 1992.

In Ethiopia, another pawn on the Cold War chessboard, the July 1991 Conference of National Reconciliation ended

the conflict and initiated the self-determination of Eritrea which became independent in May 1993. In Mozambique the pressure exerted by President Bush led President Chissano to accept negotiations with RENAMO, and in mid-1992, the Italian Sant Egidio Order started a mediation that ended with the signing of Peace accords in October 1993.

The OAU was also very active. Together with regional leaders, the US, France and Belgium sought to promote peace in Rwanda, as early as October 1990. Summit meetings, intensive consultations, establishment of a demilitarized zone, and military observer's team led, in July 1992, at the Tanzania meeting, to a cease-fire between the Rwandese Patriotic Front (RPF) and the government. Hence, at the request of both the RPF and the Rwandese government, the OAU deployed a peacekeeping force, in July 1992, to monitor the cease-fire. The Neutral Military Observer Group (NMOG) later renamed NMOG1, was made of forty military officers from Mali, Nigeria, Senegal and Zimbabwe, plus five officers from each party. By mid-year, however, the OAU was financially exhausted, and asked the international community to help in the airlift of military contingents from the Congo and Tunisia (Ocaya-Akidi in Quinn 1994:151-183). This led to the deployment of the UN Assistance mission for Rwanda (UNAMIR) in October 1993, and the integration of NMOG into it.

The US, very active in conflict resolution, was also supporting logistically and diplomatically the action of the ECOMOG forces deployed in Liberia. Other sub-regional organizations were also very active on scene; the Inter-Governmental Authority on Drought and Development (IGADD) mediated in Sudan (September 1993), while the Southern Africa Development Community (SADC) was active in Lesotho and Mozambique.

2. The symptoms of Time-cycle

It is true that there was a malaise related to the price tag of conflict resolution (\$2 billion for Cambodia), the emergence of new conflicts, and the existence of old ones that seemed immune from classical treatment; but they were seen as the last convulsions of the "dying beast", something to be quickly resolved. But soon this proved to be an illusion. The price tag issue was ominous to the OAU, for there was no way they could afford any expense near the billion-dollar level, a reason to keep a link with the UN.

The negative driving force of time-cycle, after the time lag necessary to gather some momentum, soon made the situation less promising. The malaise grew progressively with the realization that opposition forces and political

entrepreneurs,¹⁵ freed by the removal of the Cold War checks were again in action, raising the old question of who will govern.

The war in Liberia started with the invasion of the country, in December 1989, by the National Patriotic Front of Liberia (NPFL) led by Charles Taylor. The movement grew speedily, thanks to the "maladministration", corruption, human rights violations and the Krahn ethnic preferences instituted by the regime of Samuel Doe. Furthermore, the members of his ethnic group in the Nimba County, the Gio, were terribly repressed by the regime. In response to the invasion of 1989, further reprisals were carried out against the Gio and the Manos. Meanwhile, the NPFL split as one of the commanders, Prince Johnson created the Independent National Patriotic Front of Liberia (INPFL). The massacre of civilians and the risk of spillover in the whole sub-region led the Economic Community of West African States (ECOWAS) to send a peacekeeping force the ECOWAS Monitoring Group (ECOMOG), led by Nigeria, in August 1990. The OAU simply endorsed a *fait accompli*, and here again while some regional states were helping the ECOMOG, others like Burkina Faso and

¹⁵ Individuals trying to build a constituency, or a coalition, to challenge the status quo. Their particularity is to appeal to the lowest instincts of the people, to be demagogic, and to advocate the use of force in the process.

Cote d'Ivoire supported Taylor for personal reasons and for fear of the Nigeria hegemony.

The Liberia conflict was going from peace agreement to peace agreement, and despite the combined efforts of ECOMOG, the OAU and the UN, no positive outcome was in sight. Sudan was still in turmoil, despite numerous mediation attempts by the OAU and President Carter among others. The intransigence of the Khartoum leaders led the Eritrean President to say that "the stability of the region depends on the regime's defeat. There is no room for diplomacy and no compromise" (Deng et al., 1996:137). Therefore, neighboring states decided to help the Sudan People's Resistance Army (SPLA).

Not far away from there, Somalia was already in chaos in 1991, the state having collapsed after the flight of Siad Barre. In Angola, UNITA had lost the elections, and Savimbi refused the vice-presidency and the other positions given to his party. He denounced the elections and, (since the disarmament process was not yet fully implemented, weapons were still available to UNITA members) fighting broke out again in late October 1992.¹⁶

Despite this malaise, there still was the hope that the time-arrow driving force would ultimately be decisive. To

¹⁶ The lesson was not lost though; it was used in the UN intervention in Mozambique, and has proven helpful, suggesting the possibility to capitalize on the lessons learned.

the Secretary General of the UN, this Hobbesian drift had to be stopped as was being done in Former Yugoslavia and Cambodia, respectively since February and March 1992.

B. SOMALIA: THE TURNING POINT TOWARDS THE TIME CYCLE

The exponential rise of multilateral intervention, in number and in costs, which threatened to exceed the UN's ability to cope, was the first bad omen for the new world order. The Cambodia operation's bill alone was \$2 billion. As a result, the US, very active in conflict resolution in Somalia until then but increasingly preoccupied by the rising costs, watered down the first Security Council resolution so it did not mention peacekeeping (Lyons and Samatar 1995:30).

Thus, following the March 1992 cease-fire, only 50 persons were deployed within the UNOSOM I scheme established in April 1992. But soon, the cease-fire eroded and insecurity rose to the point of causing famine. The images of famine victims were seen worldwide, while UNICEF and the Red Cross lobbied for greater international involvement. Frustrated with his inability to get the UN to take the forceful action he thought justified, Boutros-Ghali publicly complained that "the white rich man's conflict" in Bosnia was more of an interest to the West than the tragedy in Somalia (Lyons and Samatar 1995:32). President Bush

responded by proposing a UN mission to Somalia led by the US (UNITAF) to be deployed in December 1992. UNITAF remained in control until May 1993, when it handed over to the UNOSOM II.

The June 1993 attack on Pakistani troops, and its aftermath, the October 3 image of US servicemen's bodies being dragged through the streets of Mogadishu became a key event. With 18 dead, 84 wounded and one helicopter pilot captured, it was the beginning of the end, as far as the US direct intervention was concerned. Indeed, "US political leaders recoiled when [interventions] produced military casualties [as in Somalia -- the crossing of the Mogadishu line], and the various facets of America's personality fell to fighting among themselves about the utility of peacekeeping, about Washington's fair share of UN costs, and about foreign command of American forces" (Durch 1996:12).

The will to oppose the negative trend seemed critically weakened by the US decision to withdraw from Somalia. The problem had become an issue in US domestic politics, and a liability to the multilateralism of the Clinton administration; the November 1994 Republican victories in the House and Senate accelerated the trend. A rising wave of criticism directed both against Boutros Boutros Ghali's policies and management style, and the cost associated with

the numerous interventions of the UN, created pressures for more selective involvement of the organization.

The OAU held a consultative meeting about Somalia, in cooperation with the UN, the Arab League, and the Organization of Islamic Conference (OIC) in 1993. The same year, from October 23-28, the OAU sent a delegation to Mogadishu, and held discussions about peace in Somalia with the two main warring leaders, Aideed and Mahdi Mohamed, in Addis Ababa in November 1993. This did not change the situation, even though channels of communications were opened. UNOSOM II withdrew in March 1995, leaving Somalia to the warlords.

Somalia sent many signals to political entrepreneurs elsewhere in Africa. It demonstrated that when an operation seems costly, the international community would hesitate. It also proved that if, despite the financial costs, the intervention takes place and threatens to deprive you of a victory, the only thing needed to get them out is to raise the insecurity of intervention troops. Finally, it highlights, as the operations in former Yugoslavia have confirmed, that by studying the ambiguities of the international community's messages, one can find weaknesses that would help counter any unfavorable policies.

Following Somalia, the US became more selective in where to be and for what ends. In a 1994 Clinton administration meeting to look for possible options in Africa, National Security Adviser Anthony Lake remarked that the problem with the policy of engagement in Africa would be the shrinking resources and the honest skepticism about the return on investments in peacekeeping; the other participants added that the policy would likely be dominated by the principle of African solution to African problems (Smock in Smock and Crocker 1995:2). Meanwhile the CIA predicted at the end of 1994 that the following 12 to 18 months would be dominated by ethnic conflicts and civil wars, placing a greater demand on states than at any time since the 1960s (Smock 1995:2).

Yet, the decision to selectively withdraw was maintained for, as Muravchik put it, "just as defeat in Vietnam [wrongly] convinced Americans that we did not understand the waging of war in distant Third World venues, so the debacle in Somalia soured us on getting involved in faraway crises where America's security was not danger" (Muravchik 1996:58).¹⁷

¹⁷ See Joshua Muravchik, "Using Force as a Tourniquet", *New York Time*, 15 December 1996, p. 58.

Ultimately, the Clinton administration chose what Scowcroft and Santer¹⁸ describe as the new unilateralism, an approach to foreign policy holding that the US would play its role in the world but in its way, and according to its agenda and terms. Neither this policy, nor Presidential Directive 25¹⁹ excludes intervention (Daalder in *Durch*:52, 53,57).

France, while initiating a limited intervention in Rwanda and in Central African Republic, refused to intervene in the Congo. Yet, the restraints developing among western powers, together with their readiness to help in logistics and skills indicated a permissive but also potentially helpful world. This might ultimately widen the margin of maneuver available to political entrepreneurs, but also create an important role for the OAU.

The creation of the MCPMR is the last event in the efforts to resolve the conflicts in the continent. The "Mechanism" was established as a framework for the

¹⁸ Brent Scowcroft and Jacques Santer "going it alone and multilateralism aren't leadership", *International Herald Tribune* 4-5 Feb. 1995).

¹⁹ Presidential Directive 25 (PDD 25), defines of "threat to international peace and security as aggression, humanitarian disaster requiring violent action, interruption of democracy, violation of Human Rights with violence. It requires also a clear objective, a strategy to end it, political support and national interest (See in *Durch*, *ibid.*).

resolution of conflicts in Africa. It strongly emphasized preventive diplomacy. As will be shown later, it contains basic flaws suggesting that its main objective was to answer latent concerns about the threat, both from the above (the UN unwilling or unable to help, as well as helping in ways not congruent with local agendas) and from below (sub-regional organizations acting according to their own agenda). The OAU, overrun at the top by foreign mediators, and at the bottom by sub-regional actors, had already been trying to adjust to this ambiguous new environment, first with the "Declaration of the Heads of state and Government on the changes affecting the World" (1990), and then the "Kampala document" (1991). It established its final mechanism (the MCPMR) in 1993.

The MCPMR then is understandable when one reads Somalia as the signal of international "selective" disengagement and its corollary that the international community will be on the sidelines waiting for parties to destroy each other, and then finance a huge humanitarian intervention, as in Rwanda and in Zaire before the rebellion started.

C. TOWARDS THE TIME-CYCLE

The first casualties of the loss of zeal by the Security Council were Burundi and Rwanda. Indeed, in both countries, the Security Council refused to be involved in

the peace-building initiatives. Murachvik sums it sadly when he writes that "paralyzed by doubts both about moral justification and effectiveness, America sat on its hands in 1994 when some half-millions Rwandans, mostly Tutsis, were hacked, bludgeoned and shot to death (*New York Times* 1996:58).

The conflicts that would develop in Sierra-Leone, the Central African Republic, Burundi (again), Zaire and Congo-Brazzaville, were not just complex and deadly, they had the distinction of being orphans, in other words they were evolving in a permissive environment. The OAU's weaknesses - lack of means (financial, logistics, etc.), problems stemming from the Charter's non-interference in the internal affairs of member states, and inability to force members to behave - proved to be tragic liabilities in these conflicts..

1. The Building Blocks for Time-cycle

The conflict in Central African Republic (CAR), in Zaire, and in Congo-Brazzaville were primarily the follow up to the democratic transitions, while the conflict in Sierra Leone owes a lot to the dynamic between internal power politics conflicts and destabilization. While in CAR the problem has remained local, Zaire, Congo-Brazzaville and, to

a certain extent, Sierra Leone, have been less lucky. Intervention by neighboring countries has turned them into full blown civil wars that ended with a change in regime. Some of these conflicts also confirm the spillover potential of internal conflicts.

In CAR, General Kolingba canceled the elections of October 1992, then postponed the new rounds twice. It took much pressure from the US, Germany, the Catholic Church, the World Bank, the IMF, and France, the re-assignment of Colonel Manton, his protector, to France, and two simulated mutinies organized by the French Secret Services before he agreed to organize the elections he would ultimately lose (Faes in *Jeune Afrique* June 1993:12-15). Mutinies have plagued the country ever since. A simple law and order issue, the problem was allowed to rot, leading the country to chronic instability. The Inter-African Mission for the Surveillance of the Bangui Agreements (MISAB) was preventively deployed in late 1997, in CAR to help stabilize the situation. Commanded by a Tunisian, the MISAB was composed of troops from Senegal, Gabon and some other countries. France logistically and financially supported it, while waiting for a UN or international sponsor to finance

an upgrade (Sada:1997).²⁰ The situation has not been significantly affected by these troops mainly because of their small size (less than 100), and it seems that the situation is not likely to change.

In Congo, General Makoko, who kept the military from intervening in the democratic process, was later wrongfully accused of attempting a coup. Frustrated, he remained aloof as private militias divided the capital into regional and ethnic fiefs off-limits to other groups. The problem, after Pascal Lissouba won the elections was also a purely law and order issue. The loser, former President Dennis Sassou Nguesso, kept his armed militia, the Cobras, in his hometown, while the new president created his own, as did the other actor of the drama, Bernard Kolelas. The seeds for the civil war were planted then.

In Zaire, President Mobutu used the rivalries between opposition groups to stall the democratic transition. Treated like a pariah by the international community, particularly the Francophone bloc, he withdrew to Gbadolite, protected by his Presidential Guards and controlling the main financial sources of the state, he let the country slowly drift towards collapse and chaos. The Rwanda conflict

²⁰ Sada, Hugo, "Special France/Afrique: Centrafrique...", in www.rfi.fr/kiosque/Mfi/Politique/Diplomatie/290797-3.html

and the refugee situation in Eastern Zaire, in 1994, led the French to initiate diplomatic efforts to rehabilitate him. Ironically, he was overthrown when the development of the Rwanda and Burundi conflicts reached Zaire.

In Sierra Leone, the Revolutionary United Front, opposed to the Strasser's government was, according to Deng, created in part by Charles Taylor of the NPFL in order to hinder the ability of Captain Valentine Strasser, the president of Sierra Leone, to participate in the ECOMOG intervention against him. Deng further argued that Nigeria and Guinea sent troops to Sierra Leone to bolster Strasser, thereby replicating the conflict between ECOMOG and Taylor in Liberia (Deng et al. 1996: 152-53). Strasser brought in "Executive Outcomes", a South African private paramilitary group, for the protection of the country's riches. He was himself overthrown in a palace coup that quickly led to the election of a civilian government.

2. The Consolidation of Time-cycle

The 1993 Arusha Accords, between the Rwandese warring parties, requested a neutral international force, 37 days after its signature, to facilitate the implementation of the agreement, which was impossible. The Hutus extremists did not want the accord, and neither did the RPF (Tutsis rebels) whose members expected to gain more than they were given.

The death of President Habyarimana in a plane crash, on 6 April 1994, opened the way to the ethnic massacre. The RPF troops based in northern Rwanda moved in, joined by the two battalions already in Kigali, following the peace agreement.

Indeed, when the situation deteriorated with the massacres of civilians, followed by the murder of ten Belgian peacekeepers by Hutus extremists, "the Canadian general in command pleaded for reinforcements, but none was forthcoming because the US had objected to expanding the operation on economic grounds... [Meanwhile], Belgium withdrew its contingent, depriving the UN of its best troops and most of its mobility, proving the UN troops were not field armies". On 21 April 1994, given the choice of strengthening its forces or of withdrawing, the Security Council decided to evacuate all forces, except 270. (Durch 1996:21)

According to Durch, a number of smaller states, most prominently New Zealand, lobbied the Security Council into action. The Council decided, on 17 May 1994, to expand the mandate of what would be UNAMIR II, but, despite New Zealand's insistence, refused either to include "genocide" in the resolution to avoid the mandatory action it would have involved, or to refer to Chapter VII (Durch:378). The US choice shows that the Somalia syndrome was still alive.

The French advocated and obtained a resolution under Chapter VII for the protection of refugees. Together with their ally, Senegal, they established Operation Turquoise, from June 22 to 21 August 1994. This saved the civilians lucky enough to be within the French perimeter, but did not stop the massacre now perpetrated in other areas by the Tutsis. The RPF threatened to attack the French troops, but realizing that they meant business, changed their objective and decided to wait for a better time. France's role remains open to discussion. Yet, the important thing is that France proved that a decisive action with the means and the will necessary could alter the calculations of the actors in a conflict. Another thing is that the RPF leaders, expecting France to leave, concluded that the time factor was on their side. The UN did not capitalize upon the window of opportunity. The US also intervened, starting on 22 July, but only to reinforce relief agencies. In June 1995, pressured by the Tutsi government, the Security Council reduced the mandate of UNAMIR II, while many Hutus found refuge in Zaire, setting up the next phase of the conflict.

The international mood against the Hutus, after the genocide of Tutsis, is understandable. Yet, to avoid setting a double standard there is the need to be cautious. Indeed, Burundi and Rwanda are mirror images of each other and that,

for almost thirty years, while a Tutsi minority (17%) was ruling Burundi and massacring the Hutu majority, a Hutu majority was ruling Rwanda and massacring the Tutsi minority of about the same size. This situation which could have lasted forever has been changed by the situation in Uganda, after the Museveni rebellion movement captured power in 1986. This not to justify any group, but rather to highlight the need to make the sanctions stand as a universal standard. Hence the attention should be kept on both groups, and the Human Rights violations by any side should be documented and dealt with according to the standards set in former Yugoslavia or elsewhere. Museveni's Director of Intelligence was a Tutsi, Paul Kagame, and is today's strong man in Rwanda. Being in a standard military and supported by the Head of state, the Tutsis had a staging point where they could train and get weapons. Once ready, they started the invasion.

Burundi also is a follow up of the Rwanda conflict, and the tension between Hutus and Tutsis. The environment seemed promising after the democratic election of Melchior Ndadaye, of the Hutu majority, and the power-sharing scheme he set for the country. However, tensions rose after his assassination in the October 1993 attempted coup, followed by the deaths of tens of thousands people in ethnic

killings. The international community's pressure led the military in the Crisis Committee, follow up of the coup, to back down and denounce the coup. However, when the restored democratic government requested UN monitors to help restore confidence within the population, the Security Council refused to be involved. The OAU moved to compensate for this Security Council neglect with a plan to send two hundred African observers. As usual, it had to deal with the financial aspect of the problem, but ultimately succeeded in 1993. With the death, on 6 April 1994, of president Cyprien Ntaryamira in the same plane crash as Habyarimana, and the changes going on in Rwanda, the situation was ripe for political destabilization. Yet, there still was enough room for a forceful stand of the international community to deter any destabilizing action. With the situation in Rwanda and the mirror image existing between the two countries, the meaning of the growing tension and the direct threat from the Tutsis extremists as well as the military, was clear to President Ntibantunganya. At the last moment, in July 1996, he found refuge at the German embassy, and after two days of confusion, the military simply designated Major Buyoya, the former military dictator and loser of the preceding elections, president. The OAU campaigned for an embargo and sanctions against the Buyoya regime, but the result was not

conclusive. As in the conflicts against colonial and racist regimes, the lack of support from the international community doomed the scheme. The position of the international community and the US betrays short-mindedness. Perceiving Burundi to be descending into chaos, they saw Buyoya as a political remedy. They have had the same reasoning with Mobutu and many other leaders, and historical evidence shows that the choice came back to haunt them. Unwittingly, they have sent the same type of message that encouraged the military dictators to stall the democratic transitions in Togo, in Niger, etc. The following massacre of Hutus demonstrate the point.

On 7 October 1996, Zairian authorities told the Banyamulenge community (Tutsis settled in the Kivu, Zaire for generations) to leave the country within one week. Rwanda could not receive these populations, who left not only because of persecutions, but also because such an exodus would have created a new set of problems. The insurgents of the Alliance Democratic Front in Northern Uganda also used Zaire as a staging point. Hence for Rwanda, backed by Uganda, the time had come to get rid of the Mobutu regime. The news that filtered suggested that the two

countries were indeed behind the movement (French: 1997),²¹ and was ultimately confirmed.

Indeed, it was confirmed that, almost 25% of the OAU members - Rwanda and Angola together, with the help of Burundi, Uganda, Tanzania, Zambia, the rebels of South Sudan, Eritrea, Ethiopia, South Africa, and Zimbabwe - were behind the Zaire rebels. Kagame has been masterminding the plot against Mobutu with the political and diplomatic support of Uganda, since 1995. The objective was "to hit them very hard and handle three things: save the Tutsis from mass murder, repatriate the Rwandan Hutu masses and defeat the *génocidaires* and change the situation in Zaire". (Gourevitch in *The New Yorker*, 4 Aug. 1997:43-45).

The Angolan military intervened also directly in the fighting. To them, this was an opportunity to settle scores with Mobutu, who allowed his territory to be used as a staging point for UNITA since 1975, and at the same time cut Savimbi from his main sanctuary. In all of these instances, no condemnation was heard from the UN or the OAU. This is of course in contradiction with the very beliefs upon which Desert Storm was based, for it raises the belief that one can get away with *faits accomplis*. As in the 1964 Congo and

²¹ Howard French, "Rebel forces in Zaire are closing on a crucial city", *New York Times*, 7 March 1993.

the 1979 Uganda-Tanzania conflicts, the fact that Mobutu's personality influenced the decision to look the other way confirms that personal feelings tend often to dominate against principles.

Emboldened by the lack of response to their activities in Liberia and Zaire, Nigeria and Angola moved quickly to direct intervention in other neighboring countries (Sierra Leone, Congo-Brazzaville).

On 25 May 1997, the Sierra Leone regime elected in 1996, was overthrown. Nigeria autonomously initiated military actions against the new military regime, bombing Freetown and sending reinforcement to its troops already stationed there. It is worth remembering that the new military regime has been demanding the return of Fode Sankoh, leader of the RUF, in House arrest in Nigeria, as the Chadian leaders once were. Nigeria firstly opposed in its action by Ghana, was lucky again to see its action endorsed by both ECOWAS and the OAU.

Despite the usefulness of the move, and the simultaneous opposition to the coup by all African leaders, one can wonder about the implications of the Nigerian *faits accomplis* and their interpretation by other regional powers or coalitions. One might also notice how all this is useful in diverting attention from the situation of the Nigerian

regime, no different from that of Sierra-Leone. One may also question the sincerity of the different actors in the Congo-Brazzaville case, no different but which seemed treated according to another standard by the African and the international community.

In Congo-Brazzaville, many negotiators including the UN/OAU special envoy, Ambassador Sahnoun, President Bongo, the son in law of Denis Sassou Nguesso, had been trying to mediate the conflict that started one year after the 1992 elections, and plagued the country until 1995. In June 1997, the tension escalated and turned into a full-fledged civil war. The mediation led to a lowering of the violence and to a cease-fire on July 12. France, probably traumatized by Rwanda, didn't want to intervene but was ready to help.

The choice then was between a UN peacekeeping force and a UN authorized multinational force. The former was disregarded because of the time necessary to set it, the financial problems involved, and the latter chosen.²² Contacted by President Bongo of Gabon, President Diouf of Senegal had accepted to send 500 peacekeepers and a General to command the forces, and Namibia and Botswana had promised troops. President Lissouba was ready to contribute to the

²² See Michel Rocard, "A quoi joue l'ONU" (What game is the UN playing), *Le Monde*, 14 August 1997.

expenses (\$1million). In addition France was willing to be in charge of their transportation and give \$3 million to \$4 million, Belgium and Netherlands \$ 1 million each, while the European Union was ready to pay the rest of the \$12 million necessary. Only the UN authorization was being waited for. Then suddenly, the US and the UN Secretary changed their minds, expressing a preference for the UN force. This brought everybody back to the drawing board. Then, while President Lissouba was seeking an international support, Sassou Nguesso seized Brazzaville backed by Angolan Migs. At the same time, as many as 1000 troops and 100 tanks from Angola were taking Pointe-Noire, obliging Lissouba to flee to Burkina Faso (*New York Times*, 15 Oct 1997).

Angola, trying again to "corral" Savimbi and unrestrained by the international community, did just what it had done earlier in Zaire. The Congo case is also another denial of the attempts to establish democracy in Africa, in that it shows that one can also topple a democratically elected leader and get away with it.

These conflicts demonstrate the problematic aspect of the dynamic between the OAU and the challenges it faces after the Cold War. The connection of conflicts confirms the benign neglect of the international community, as well as the weaknesses of the OAU in internal conflicts, and against

destabilization attempts. The ECOMOG presence in Liberia was a test case of what Africans can do by themselves. It was an example in the alteration of actors' calculations. Yet, it raised the issue of legitimacy in that the action of Nigeria was in many ways unilateral, and its respect of the ECOWAS agreement could be legally challenged. The intervention can also be questioned in terms of the behavior of ECOMOG, lack of neutrality and looting by the Nigerians troops which generated a nickname for ECOMOG: "Everything that COULD MOVE is Gone". (This refers to electronic and other type of equipment "transferred" back home by Nigerian soldiers.

The Angolan action, aimed at cutting Savimbi from any support, explains their intervention in Zaire as well as in Congo-Brazzaville. It was a blatant case of aggression. The removal of a regularly elected president having not met any reaction may haunt OAU members down the road.

Similarly, the Nigerian unilateral action in Sierra Leone confirms the risks of hegemony by regional powers, and the need for a watchdog. The tendency to imprison foreign leaders started in Chad, continued in Sierra Leone may be a part of peacekeeping intervention by Nigeria. Ironically, this may encourage the formation of new coalitions to balance the hegemonic trends of Nigeria and Angola.

These events confirm that political entrepreneurs read events and deduce from them what they can and what they cannot get away with. To them, moral calls for restraints are equivalent to call in the wild; the only thing they respect, as illustrated by the French operation Turquoise in Rwanda (22 June-21 August 1994), is a substantial force supporting a clear political will. Ambiguities, step-backs, weakness of commitments, are all taken into account in their calculations. They also have learned that the best weapon against short-term commitment is patience. There is a learning process, and only persistent stands can deter by sending the right message to political entrepreneurs. Finally, Burundi and Rwanda show the consequence of letting some countries hide behind principles of international law like sovereignty and non-interference, but unwilling to abide by international conventions, such as those on human rights.

IV. THE OAU'S MECHANISM (MCPMR)

The OAU's legal basis for resolving conflicts, from 1964 to 1993, was the "Commission of Mediation, Conciliation, and Arbitration". It is mentioned in article XIX of the OAU Charter as an integral part of it, but is contained in a separate protocol. The organ is usually referred to as the "Commission". It is necessary for any comprehension to keep in mind the principles of non-interference in the internal affairs of member states set in Article III(2), and the respect for their sovereignty and territorial integrity in Article III(3).

Like the United Nations (UN), the OAU Charter, in its Article III (4), requires of member states the peaceful settlement of their disputes. The "Commission of Mediation, Conciliation and Arbitration", referred to as the "Commission", was until 1993 the legal organ for that purpose. Contained in a separate protocol, it is nonetheless a full part of the Charter. Article XIX of the Charter starts with the pledge to solve conflicts peacefully, and then cross-refers to the protocol.

The Commission's role, as specified in that article, is "to reduce friction and allow [members] to focus on

important matters". The protocol creating it was signed in Cairo, on 21 July 1964, and its members appointed in October 1965. The twenty-one members are elected by the Assembly for 5 years and are re-eligible. There was not to be more than two candidates or more than one member from the same country on the commission. Those elected were non-removable except by 2/3 of all members on grounds of misconduct or incompetence.

These measures seem to reflect the need for checks and balances between countries as well the protection of the commission's members. It is also worth mentioning that the panel was not a permanent body. It was activated only when disputes were brought to it for settlement, which saved resources. The President and two vice-presidents were the only members of the Bureau, and as such the only permanent members. The Assembly elected them from among the members of the commission. However, the commitment this choice suggested was contradicted by the decision to make the use of the Commission optional and the choice of its method of adjudicating conflicts. It was neither to interpret the charter, nor to serve as an advisory body or even give any opinion on legal matters. This was the first sign of the lack of political will in conflict resolution.

The member states had also drawn negative conclusions about the Congo intervention. Thus, deciding to avoid any intervention that did not fit their agenda, they have used Chapter VIII of the UN Charter to legitimize the "try the OAU first" principle.

A. GENESIS OF THE MCPMR

In the 1980s, the African Heads of State and Government proposed both the Lagos Plan of Action (1980) and the Economic Recovery Plan (1986) as possible solutions to the economic situation of the continent. The Peace Accords achieved in Namibia, in 1988, by the two superpowers seemed a good omen for conflict resolution. Furthermore, the end of the Cold War, the rise of democracy, and the "New World Order" epitomized by the "Agenda for Peace" seemed to confirm the trend. The only question seemed to be whether this would be done under US leadership or as counter-hegemonic project to both superpowers (Stephenson 1994:14). The expected "peace dividends" seemed then an opportunity to carry out the development project. At the same time, the conditionalities put on aid by donors, consequence of public opinion pressures, appeared to condemn many regimes to change or disappear. The African leadership, aware of this "Sword of Damocles" over their head took the first step to answer to the changing environment with the "Declaration of

the Heads of States and Government of the OAU on the Political, Social and Economic Situation in Africa and the Fundamental Changes taking place in the World" (1990), followed by the Kampala document, and the Dakar summit (1992). However, the multiplication of conflicts in the post-Cold War has made conflict resolution a necessary precursor to economic development.

1. The Kampala Document (1991)²³

This document confirmed that African leaders were willing to recognize, as Professor Adebayo Adedeji put it, that "there is no dichotomy between security and stability, on the one hand, and cooperation and development, on the other". Furthermore, they seemed willing to make substantial political changes (good governance and democracy) that might turn the African state from a source of conflicts into a solution to conflicts. The opening speech and the final resolution show clearly that they all felt the wind was blowing in a new direction. In his opening speech, Professor Adebayo Adedeji, Executive Secretary of the Economic Commission for Africa (ECA) recognized the interlocking nature of the African crisis, "a crisis not only economic

²³ Text of the Kampala Document for the Proposed Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), Kampala, Uganda, 22 May 1991", Southern Africa Record, p.11-24.

but also human, legal, political and social". He also recognized that the crisis was political in character and in origin, because of the impediments to the effective participation of the overwhelming majority of the population. He added that "part of the reason we have remained enmeshed in the 'mess' we now find ourselves in is because we have chosen to ignore at our peril the mutually reinforcing negative consequences of political and economic crises". Furthermore, he highlighted the responsibility of the heads of States and African leaders, and he indicated the way to go forward in terms of rule of law, justice, democracy, human rights and dignity.

This was a serious attempt at establishing the long-needed mutually agreed principles in such controversial matters, and was quite new in Africa, even with the democratic process going on at the time. Adebedji has been advocating these changes for years; together with Secretary General Salim, he has been the embodiment of the institutional side of the OAU -- the one often exerting pressure against the "club". Hence, the Kampala meeting seemed to confirm the rightness of their position and promise a greater leverage against the club. Unsurprisingly, the agenda asked, among others, for:

1) The promotion of human rights and basic freedom in order to accelerate popular participation, and enshrine it in constitutions

2) The promotion of ethnic equity, social justice, democracy and public accountability

3) Limitation of the tenure of political leaders

2. The Dakar Summit (July 1992)²⁴

In July 1991, at the Abuja Assembly, Salim Ahmed Salim, the Secretary General, had informed the Heads of State of his intention to restructure the Secretariat to make it more responsive to its mission, and specifically to conflict resolution. Hence, at the Council meeting held in Addis Ababa, in February 1992, he submitted a proposal establishing a Division of Conflict Management. The division would be located within the OAU, but independent from the Defense Commission established under Article XX(3) of the Charter.

The Dakar Summit started by recognizing how much the OAU had been hamstrung by the absence of procedures or mechanisms for conflict resolution; it stressed that the framework could work only in concert with the Member States, hence consultation and cooperation had to be a key point. It

²⁴ See OAU, *Resolving Conflicts in Africa: Proposal for Action*, (OAU Press and Information Series, 1992).

also recognized that many times the members have stood aside leaving foreigners to solve their conflict problems because the OAU was not adequately equipped to be decisively helpful. The proposal under the title "Report of the Secretary General on conflicts in Africa: Proposals for an OAU Mechanism for Conflict Prevention, Management and Resolution" presented a number of options on the form of such a mechanism.

It centered the structure on the office of the Secretary General backed by the Secretariat, researching and monitoring situations with the objective of analyzing information for an early warning system, then alerting and advising him on the measures to be taken. The Secretary General would then take initiatives in situations of emerging or actual conflict, have recourse to eminent African personalities, inform the Bureau of the summit of the results and coordinate with the Military Advisory Committee and the Defense Commission, the military arms of the mechanism. He would also play the role of a neutral party in the management of change within Member States, whether as part of a process of conflict prevention or as a package devised for the resolution of a full-blown conflict. This role would then have formalized what he was already doing but on an ad hoc basis.

The second point concerned the proposal of three options for the permanent political organ: the Bureau of the Summit (Assembly of Heads of State and Government), the Commission of Mediation, Conciliation and Arbitration or an African Security Council. The Bureau, recommended by the Secretary General as a "backstop to his activities", had two main advantages: its links with the three principal organs of the OAU (the Assembly, Council and Secretariat) and its flexibility to convene at short notice, very important as shown in the Mali-Burkina Faso conflict. He suggested also that the Court of Justice of the ECA take over judicial settlements.

In Peacekeeping matters, the Secretary General proposed to:

- constitute a Military Advisory Committee using the military advisers of each member of the Bureau, and have earmarked units which, in addition to their duties, would be trained in peacekeeping.

- a normative context, binding and enforceable that will allow it to transcend sovereignty mainly on humanitarian grounds, thus ensuring swift intervention and making sure that whoever else acts will do so in accordance with African interests.

- mandate the Secretary General to seek extra-budgetary funds to help finance the mechanism.

The mechanism would have four organs:

1. The Bureau of the Summit, supreme organ responsible for peace-making and peacekeeping operations, composed of the Chairman or the Secretary General, and eight other members representing the five regions. For any year, the incoming and outgoing chairmen would also be members. The Bureau would be convened by the Chairman and meet at the level of Heads of States and Government, Ministers or Ambassadors (where appropriate).

2. The Secretary General. His office would have guidelines (to be proposed by the Secretary General) for observer missions and peacekeeping operations. He would have an early-warning system, be mandated to send, in consultation with Heads of state, special envoys and special representatives, dispatch fact finding missions, mount peacekeeping missions and convene meetings of the Interim Arbitral Tribunal.

3. The Defense commission in charge of performing an advisory function within the MCPMR with specific regard to peacekeeping missions and making recommendations on the training and harmonization of the different

components of a possible inter-African peacekeeping force.

4. The Interim Arbitral Tribunal, composed of jurists from Member States, would receive complaints and arbitrate on issue of legal matters, pending the establishment of an African court of justice.

The last part of the proposal suggested the establishment of a special fund with an annual contribution of \$US 1 million from the OAU budget and voluntary contribution from States, individuals and institutions of the world. It also specified that the OAU would cooperate as appropriate with regional organizations of the continent and the UN.

The different proposals of the Secretary General specified the precise objective of allowing the OAU to act swiftly and as early as possible to resolve conflicts, and take alternative moves if this failed. It was clearly a continuation in the trend toward an institutionalization of the organization, and consequently a solution to the personalization of the debates within the OAU. They also allowed precise means and rules of engagement: a military advisory group; earmarked units; and a normative context, binding and enforceable. Besides, they contained proposals for financing the mechanism, a judicial framework; more

importantly, they protected the states from outside negative interventions while guaranteeing action in internal wars. This represented a significant change, compared to the "Commission".

The Summit seemed to go along with this move when it acknowledged that it would be extraordinary circumstances under which the OAU might be forced to get involved and, have the right and the obligation to do so even before appealing to the international community. Further, it underlined the necessity to have the mechanism as soon as possible, otherwise others from outside the continent would intervene to fill the vacuum. In that regard, it was better for Africa to put its own stamp on conflict situations than stand the risk of being further marginalized.

However, the Summit rejected the "African Security Council", as contrary to the Sovereign equality of all Member States; it also did the same to the resuscitation of the Commission of Mediation, Conciliation and Arbitration on the ground of members preference for political processes, and the difficulty to amend it to include intrastate conflicts, "given that no sovereign government would readily allow its opponents - from within the same country - to be accorded parity of status in any proceedings of a tribunal". The principles retained were then:

- the Bureau as Central Organ
- the enhancement of the Secretary General's role but with the insistence that the latter will keep the current chairman informed of all actions envisaged or already undertaken.
- the setting up of a Division on Conflict Management with the appropriate resources
- leaving open the possibility of ad hoc missions
- using the International Court of Justice for adjudication
- retaining the OAU-financed peacekeeping operations as long term measures while resorting to UN financial and logistical assistance in case of immediate need. The possibility of mounting small observer operations was not excluded though.
- transparency on the issue of funding

The final decision was left to the next Summit. The declaration simply approved the principles of the mechanism, and invited Members to submit their views, comments and proposals to the Secretary General who would undertake an in-depth study of all aspects relating to the mechanism, including institutional and operational details as well as its financing.

While the rejection of the resuscitation of the Commission and of the establishment of a Security Council was understandable, the latter didn't necessarily go against the equality between member states; actually it really could contribute to speeding up decisions, an important factor in conflict resolution.

The restraints put on the Secretary General reflected past experience. Indeed, the crisis that almost broke the OAU came from the decision by the former Secretary General Edem Kodjo to interpret the charter and admit the Arab Sahraoui Democratic Republic (RASD) as a member. This led Morocco to suspend its participation, and its allies to threaten leaving the organization, which would have meant the end of the OAU. Together with the preference for political adjudication, it means an awareness of the necessary preeminence of the political body. There is nothing wrong with that, but the result could have been obtained through a measure like the one established in the US War Powers resolution. Indeed, the decision made by the Secretary General could have been made valid until the meeting of the following extraordinary Summit, and from there the Heads of state and Government would have had the opportunity to endorse it or reject it.

While the role given to the UN is perfectly understandable, considering the financial situation of the OAU and the duties of the UN before all its members, the silence about the Defense Committee betrays a lack of will to ever get to any type of military intervention. In that sense, it demonstrates a lack of political commitment. Taken together, the changes made to the proposed MCPMR by the Heads of state confirm that the only interest in this mechanism was as a shelter against unwanted external interventions.

B. THE FINAL FRAMEWORK ²⁵

The final form of the MCPMR was adopted at the Cairo summit in 1993. In the preliminaries, the Heads of States reaffirmed the importance of the objectives and principles of the OAU charter: the sovereign equality of members; non-interference; respect of sovereignty and territorial integrity of member states; and the inviolability of borders as well as the peaceful settlement of disputes. This seems to show that the "institutionalists" had again lost before the club. The emphasis put on preventive measures and peace-building, believing it would obviate the need to resort to

²⁵ OAU, *Resolving Conflict: Implementation Options*, (OAU Press and Information Series, 1993).

the complex and resource demanding peacekeeping operations, seems then an excuse at best.

The final framework adopted as its Central organ the Bureau with the Secretary General and, as its operational arm, the Secretariat. The meeting of the Bureau would be convened by the Chairman, the Secretary General or members. It would also meet once a year at the Heads of State level, twice at the ministerial level and monthly at the ambassador or authorized representatives level.

The Secretary General was allowed independent initiatives, but under the authority of the Central Organ. Voluntary contributions would also be accepted, but any disbursement would be subject to the approval of the Central Organ. A special fund (the OAU Peace Fund) was established to serve as depository for all contributions in cash or in kind for operational activities excluding training. The contributors, Africans or not, were allowed to specify the activity they wanted to support. They could also, in the case of contributions in-kind, specify that ownership of the equipment rested with them or with the OAU. The last note was intended to establish a closer relationship with the UN in order to build up the OAU's logistical and operational capability, and a closer coordination with regard to preventive diplomacy, peacekeeping and peace-building.

The main weakness of the proposal concerns intervention. It is one thing to recognize that, for lack of financial resources, the OAU could not alone initiate large scale peacekeeping. Yet, it seems necessary, considering the Western reluctance to intervene in internal conflict and the need to do something in that case, to suggest a realistic alternative. Such an alternative should have been able to deal with cases like the *fait accompli* that happened in Zaire and in Congo-Brazzaville.

From its inception to its adoption, the Mechanism has hovered between the boldness of the Secretary General (proposals institutionalists) and the conservatism/realism (club) of Heads of states. In that it pretty much reminds one of the "Concert of Europe" which, to avoid hurting the powers dealt only with symptoms. The final document illustrates, first and foremost what was repeated at each summit, the fear of being left aside should a conflict happen, or of being victims themselves. As Kuper (1985:128) put it, "not only do heads of States fear intervention from elsewhere as a precedent that may be later used against them, but reluctance may be heightened also by circumstances that political mass killing has been a means to power for many of them".

Kuper's hypothesis is very credible if one recalls three facts. The first is the forceful stands of Boutros Boutros Ghali about "Sovereignty" in "Agenda for Peace". The second is that African leaders felt that the intervention by the UN was not conducted according to their interest. Hence, as already noted, the President of Tanganyika refused the presence of any autonomous peacekeeping force after the mutinies of 1964 because he feared a remake of that type of intervention (Woronoff 1970:465). Samatar and Lyons put the last when they write that "the Somalis military leaders also saw the US presence as a way to forestall any idea of Boutros Ghali to impose a UN trusteeship (1995:39).

From these facts, and remembering the debate in the media about a form of trusteeship the UN should impose on failed and collapsed states, one could safely argue that the whole process of creating the "Mechanism" might have been, at least for some regimes, mostly to defend against the threat of what was seen as a new form of domination. The implication is devastating because, to the leaders, it means that the MCPMR was more a means to keep foreigners out than anything else. The final result is unsurprisingly short of the objectives of an all encompassing conflict resolution mechanism. With the international environment under which the MCPMR was born -- the democratic wave, the reluctance of

Great Powers to intervene on the terms of the Africans while not excluding it when they see fit, directly or through the UN -- the mechanism seems just a survival trick, a protecting cushion against the outside.

The reference to OAU principles about intervention, and sovereignty translates into a new victory of the conservative forces, the very same who have successfully resisted the democratic wave, but also the key to conclude that "*plus ça change, plus c'est la même chose*". Its effect is to tie the Mechanism's hand for any future conflict, leaving the solution to an *ad hoc* basis. Paradoxically, this does not answer the fears of small countries before others like Nigeria because the decision will be made according to a balance of power that will not favor them.

In conclusion the "Mechanism" raises the question of the Heads of State and Government's will to seriously face the challenges implied in conflict resolution, and African's ability to do so, given the constraints they face.

V. THE FUTURE OF CONFLICT RESOLUTION IN AFRICA

Conflict resolution is undertaken by an actor, using an instrument, in a specific environment. The actor brings its material resources (human, moral and legal), skills, credibility and will to use them. The environment consists of international and national actors, assumed to be rational, having objectives, and who build strategies based on their perceptions and information available, to reach their objectives. It also encompasses the threats, here the different types of conflict. To raise the likelihood of success, the legal instrument should cover as much as possible of the identified problems.

The findings of the historical survey and the presentation of the Mechanism of Conflict Prevention, Management, Resolution (MCPMR) allow now for a fair understanding of the actor, the instrument and the environment. This chapter will examine these to assess objectively the future of conflict resolution in Africa.

A. THE ACTOR: THE OAU

Despite some of its achievements the OAU has been plagued by a lack of means, leverage, expertise, and formal

rules of behavior, to the point one may wonder how it has been able to achieve any success at all.

The OAU's record has been fair against racist and colonial regimes, and in interstate conflicts. Namibia, Rhodesia/Zimbabwe, South Africa and Angola are today ruled by the black majority. This can be explained by several factors. In the first case, the issue of anti-colonialism and the character of the targets dampened the effect of the existing lines of cleavage, even though it did not exclude differences in preferred strategies. After 1975, the Cuban intervention provided in Southern Africa the military capability the OAU members could not muster. This presence caused national and international actors to adjust their calculations, making negotiated settlements possible in Southern Africa.

While it has managed to lower the level of violence in interstate conflicts, as between Morocco and Algeria, the OAU has not been able to deal with the underlying causes of these conflicts - an achievement that has eluded other such organizations. Here again, the success can be explained, to a certain extent, by two factors: many states lack power projection capabilities and have a poor logistics, which limits interstate conflicts to neighboring countries; and,

very few of the states can afford more than a week of intensive conventional war.

The survey showed that, from Nigeria in 1964 to Congo in 1997, the OAU has been most often irrelevant in internal conflicts. It has also been unable to oppose destabilization attempts that, through the bolstering of insurgency movement, have become the main substitute for war and the aggravating factor of intrastate conflict. The first reason has been the interpretation of the non-interference in the member states' affairs principle, set out in Article 3(2) of the Charter. As Mwagiru put it, quoting one of the drafters of the Charter, T. O. Elias, the provision was intended to exemplify "the desire to be left alone, to be allowed to choose one's particular political, economic and social systems, and order the life of one's community in one's own way".²⁶ Yet, as Mwagiru further argued, this is not necessarily the right interpretation. In addition, while the

²⁶ The quotation is from the article "Who Will Bell the Cat?" published in the internet by Makimu Mwagiru of the Institute of Diplomacy and International Studies in Kenya (snipe.ukc.ac.uk/apers.dir/mwagiru.html), not-dated. The argument about the interpretation of the Charter is discussed by S. A. Tiewul in "Relations Between the United Nations Organization and the Organization of African Unity in the Settlement of secessionist conflicts", *Harvard International Law Journal*, Vol. 16 (1975), pp. 259-302. The article by T. O. Elias is in "The Charter of the Organization of African Unity", *American Journal of International Law*, Vol. 59 (1965) pp. 243-267:248; see also, T. O. Elias, *Africa and the Development of International Law* (New-York: Dobbs Ferry, 1972) p. 127.

interpretation was understandable at the time, it is no longer congruent with the present situation.

Today, internal conflicts are the most common type of conflict in Africa. Besides the effect on civilians, its corollary (the refugee problem), has a social, political, environmental and economic impact on neighboring countries which they tend to destabilize. In any case, a re-interpretation does not even require an amendment because the Charter is clearly specified to mean what the Heads of state and Government say it means.

This lack of political will can be explained with a French proverb saying that "he who lives in a glass walled house should not throw stones at neighbors". Indeed so many regimes are vulnerable to criticism, in their governance and their respect for human rights, that very few can really take a credible stand against the ills that plague the continent. When it comes to the non-interference principle, ignoring the interpretation allowed by the charter is in the interest of all the authoritarian regimes. It would have saved some presidents like Lissouba in Congo-Brazzaville, but would have driven the majority of them out of office.

Hence, the non-binding aspect of the decisions taken by the organization, intended to protect the independence of states, has generated an organization without a set of rule-

policing behaviors. On the one hand, success in endeavors was achieved by the OAU mostly as a by product of participation in Summits, personal relations, appeal to some common ideals, and principally during the euphoric years after independence. On the other hand, ideological coloration, and/or lack of financial and military means can explain the failures.

Actually, as an organization, the OAU is what its members want it to be. This gives it the bureaucratic politics aspect, key to its main weaknesses: "the OAU's decisions represent a consensus on lowest common denominators; that makes it impervious to reform until external situations change, making the lowest common denominator no longer common" (Zartman in Keller and Rothchild, 1996:62). Therefore the number of regimes favoring the status quo is also likely to determine what the OAU will be.

The record shows also that the OAU has avoided being involved in peacekeeping activities in the Algeria-Morocco as well as in the Somalia-Ethiopia conflicts, because it could not afford the cost of the operation. Hence, despite the risk of having to start all over, it has preferred to let the parties themselves manage the truce. In other instances, as in Chad, moving troops to the field, and

bearing the costs incurred caused some states to recall their troops, terribly impeding the achievement of the objective. The lack of expertise also plagued the Chad operation in the deployment as well as in the definition of the mission of the forces. Furthermore, the credibility of the OAU can be appreciated when one knows that it has proved unable to coerce Burundi, one of the tiniest and weakest states on the continent, after the overthrow of its Hutu president.

The OAU also cannot have an autonomous mediating body, because of the way power is perceived by many leaders in Africa - a multiple player zero-sum game. The poverty of most of its members never allowed it to have a regular source of resources. Hence, conflict resolution has always been informal, performed by ad hoc groups, often responsible for the costs incurred by the mission. The intellectuals and the population's opinions were, for the same reason, seldom taken into account. This is not surprising considering that the Charter starts with "We the Heads of state and Government...", reinforcing the club aspect denounced by some scholars. A possible explanation might be that the founding fathers were political giants, unmatched and undisputed in their country. When they left, the takeover

was mostly done by military regimes, closing any possible dialogue with the civil society.

The member states usually refer to the Charter only when it serves them. Finally, in many countries, the military was more a political body than a military one, to a point where weak insurgent movements have often been more than enough to topple regimes. This is the basis of the instability experienced by many. One should also not be surprised that the OAU is, more than thirty years after its creation, far from being institutionalized. Indeed, it would be surprising that many owing their charge to force, and having exercised it with no restraint other than force, would accept any restraint they can avoid.

Because of all this, the OAU has been unable to take a stand in the very cause of the conflicts it has to deal with now: the repression and massacres perpetrated by some regimes, and their spread to neighboring countries. This is also why it could not take a definite stand in flagrant destabilization or intervention by some members against other members. As a result of the mismanagement and poverty in many member states and the selfishness of its rich members, the OAU could not muster the necessary elements against the misbehavior of parties, whether strong or weak. As a consequence of the endemic character of the conflicts,

the international community, with none of its vital interests threatened in Africa, seems to have taken an attitude of benign neglect.

In sum, composed in its majority by unstable states and poor states, unable to unite, with no popular restraints other than force, without a set of behavioral rules and principles agreed upon, the OAU is severely limited in its margin of maneuver. Hence, what Zartman wrote in 1984 can still hold: "despite the zeal and determination of some of its members, the OAU lacked the combination of legitimacy, resources and operational competence to carry out complex peace-keeping operations" (Zartman in El Ayouti and Zartman: 1984:139).

B. THE ENVIRONMENT

The environment is Janus-faced, in that it contains seeds for conflicts as well as their abatement. There is within many states a potential conflict between those with a vested interest in the present status quo, and those who want to challenge it because of its unfairness. At the sub-regional and international level also, the environment contains positive and negative elements.

Indeed, some factors make conflicts likely, while other have the potential to alter actors' calculations and facilitate accommodation. The challengers are aware that, to

a certain extent, the end of the Cold War was also the end of the support for regimes that tended to treat themselves as synonymous with the state they governed (Harbeson in Harbeson and Rothchild 1995:138). They also realize that the likelihood for them to alter the balance in their favor depends on the remaining strength of the incumbent regime, the coalition they can build within their country, the side neighboring countries are likely to take, and how legitimate they can make their case before the international community.

The potential for conflict is then a function of the assessment challengers make of the situation. So far, the behavior of incumbent regimes has been protected by the non-interference rule, and the challengers have found help from neighboring countries who had reasons, good or bad, to hurt incumbent regimes. The existence of reasons for conflicts, forces to conduct it, and of political entrepreneurs who needed to fulfill their thirst for power have raised the potential for conflict. The actualization of this conflict could not yet be done without the assessment of the continental and international environment, because in most countries, any international force can tilt the balance.

This raises the question of the direction towards which this regional and international environment tilted. The international and sub-regional environments are both Janus-

faced. Sub-regional organizations have a role to play in conflict resolution. They can, under certain conditions, initiate a military intervention, but also have controversial aspects. The international powers have shown a willingness to help Africans strengthen their conflict resolution capabilities, but also their unwillingness to pay in blood the price that might be necessary in the process.

One feature of the current period is the involvement of formerly economic sub-regional organizations (SROs) in conflict resolution schemes. SADC has mediated in Southern Africa, ECOWAS in West Africa, especially in Liberia and Sierra-Leone, and IGADD in East Africa. Unlike the OAU, the members of these organizations, have a greater interest in sub-regional conflicts and their management. The confirming example is that ECOWAS appears to be becoming a diplomatic as well as a political organization, despite its failure to realize its goal of economic integration. Lancaster explains it by the opportunity offered in its annual meetings to deal with regional issues of importance that could not be dealt with in the much larger annual meetings of the OAU or at a bilateral level (in Harbeson and Rothchild 1995:189-206).

In addition, Zartman argues that the SROs tend to reflect the structural inequalities between states, and hence can have a strong deterrent effect, [without

necessarily] destroying the consensual basis for action (in Keller and Rothchild 1996:65). This is important because, less constrained by the interference rule and more concerned by the threat, they are comparatively more likely to act, and faster than the OAU. Yet, this is good, but can also be problematic, depending on the legitimacy of their action.

The problematic aspects of these organizations were visible in Liberia as well as Sierra Leone. The ECOMOG intervention in the Liberian civil war was not exactly along the lines of ECOWAS defense Agreement. Thus it was initially opposed by some Francophone countries. This opposition was not due to language cleavages, but partly to personal reasons, and partly the perceived Nigerian hegemonic tendency.

The foreign powers have on the one hand shown their willingness to help strengthen the African capabilities in conflict resolution. In 1994, the US gave \$3.3 million to strengthen the OAU's mechanism of conflict resolution (the MCPMR). Additional funds have also been earmarked for equipment and training. In October 1994, President Clinton signed the African Conflict Resolution Act authorizing \$1.5 million from FY 1995 to 1998. An additional \$25 million was authorized in 1995 and 1996 to pay for the demobilization and reintegration of military personnel into civilian

societies. The US has also set up the African Crisis Response Initiative (ACRI) to help in the training, funding, and equipping of observer teams and peacekeeping forces. This endeavor has met with British and French willingness to help. Hence, the three countries are acting in concert within the "3Ps" (three powers), on a scheme aimed at coordinating their efforts to achieve a more efficient result in enhancing African capabilities. This means training, equipment, but also interstate maneuvers before observers from the international community. Within the ACRI, some African states, like Senegal, have already earmarked battalions to participate in peacekeeping operations, and those battalions are being trained and equipped.

Yet, foreign powers have also shown their reluctance to participate in a military intervention. The flip-side of this help is indicated by their selective withdrawal, their domestic public opinion making intervention more difficult to justify in terms of its cost in money as well as in lives, especially after the Cambodia and Somalia Operations. The apparent success of indirect intervention in Liberia may reinforce this trend.

The change in the US is illustrated by the shift from the internationalism in National Security Directive 74 (late 1992) and in the draft of Presidential Review Directive 13

(February 1993), to the selective intervention in Presidential Decision Directive 25 (May 1994). The same is visible in France when President Mitterand, in the November 1994 French-African summit, declared that "the time has come for Africans themselves to resolve their conflicts and organize their own security". As members of the Security Council, their views drive the moves of the UN; the UN's early inaction in Somalia, Burundi and Rwanda illustrates the point.

This review shows that actors find in the continental and international environment factors encouraging conflict as well as factors discouraging it. Historical evidence suggests that the factor decisive in the actors' final decision is the likelihood for this environment to be neutral or tolerant with the intended action.

For instance, in 1990, after President Mitterand's "*discours de la Baule*", many African regimes understood that they had to change their behavior or disappear, which encouraged the democratic transitions. When one year after, at the Chaillot meeting, Mitterand's message changed, many regimes rightly concluded that they could stall the democratic changes and get away with it. When the Burundi military staged a coup in 1993, the strong reaction from outside, led them to back down and denounce the coup. They

even asked for an international peacekeeping force to manage the tension between Hutus and Tutsis.

When the massacres of Tutsis in Rwanda set the international community against the Hutus, they repeated their action, and toppled the elected president. Then they waited for a reaction. Two days after, Major Buyoya came to the fore, declaring he wanted to avoid a new bloodshed. A few days after, he realized that foreign powers were ready to see him as a benefactor, Uganda and Rwanda were willing to help him, and the OAU would be as weak as it has been in the past. Hence, he concluded rightly that there was no risk to openly take power. However, the August 1995 coup in Sao Tome and Principe did not develop because of outside pressures. Consequently, the situation was reversed.

The Somalis warlords initially accepted to be disarmed, but when they saw the absence of will to do it, they kept their weapons and were later able to lay havoc on UN peacekeepers. The same was true with Charles Taylor, until he realized he could have allies among the neighbors. Paul Kagame denied being involved in the Zaire conflict, but later admitted it because he rightly figured there was no risk to do so. Angola also intervened covertly in Zaire; then emboldened by the absence of reaction, did not bother to hide its intervention in Congo. The result has been so

far to see the media talk about a new breed of Heads of state willing to act to solve conflicts, but no or very few questions about the right to do so. The consequence of the Italian invasion of Ethiopia, and of the German invasion of Czechoslovakia and Poland should be remembered.

The conclusion seems to be that Article II(4) of the UN Charter is irrelevant in Africa, and that a Hobbesian world is acceptable for Africans. Hence, the events in Uganda, Burundi, Rwanda, Zaire, Sierra-Leone, and Congo-Brazzaville are allowed to become the rule. Indeed, in each of these cases, political entrepreneurs or regimes have been encouraged by the permissive internal environment, no matter the genuineness of their grief: there was enough popular frustration they could push their own agendas.

In each of these cases, the actors seeing that the international community would not try to reverse the situation, have followed their logic to its end. Indeed, one may argue that Nguesso would not have acted had he been convinced that the Angolans would not help him, the incumbent regime could count on the help of other countries, and that a failure of his attempt would have meant death or life term in prison for him. Sadly, the Congo case opposed two actors: one who counted on the support of international community because his government was legitimate; and another

who, despite his illegitimacy, could count on the support of some neighbors and the silence of the international community. The victory of the latter sends a clear message: force is more important than legitimacy.

Today, any rule that lowers the likelihood for legitimate regimes to survive and illegitimate ones to prosper will affect the behavior of both incumbents and challengers. Conversely any intervention strengthening legitimate actors and weakening illegitimate actors may lower the risks of open conflict. In addition, any channel allowing the challengers to air their grief and get the incumbent regime to behave is likely to raise the chances to find a non-violent solution to potential conflicts. This is so because these roles will show the extent to which both actors could count on external support, and hence the likelihood of their success.

For example if the incumbent knows that breaches of human rights will tilt assistance to the challengers, he is more likely to avoid this breach. Political entrepreneurs also will be restrained in their bid for power if they know that this will set a coalition against them. Hence, each actor will be persuaded of the need to convince external actors about the rightness of its position. Since the civil wars are about the reconstruction of political order and

legitimacy, a peaceful reconstruction is possible when there is a way to assess the situation as well as the rights and wrongs of the different parties. Something similar to the European Court of Justice that allows citizens to complain about the behavior of their rulers could be helpful.

Besides, it is necessary to do something in order to restrain neighboring countries in their temptations to cut deals with challengers or even create some, for the sake of destabilization or revenge. Conversely, as long as the OAU and the international community continue tolerating some behaviors for the sake of stability, they will only get a precarious one. The ultimate result will then be instability as in CAR, conflict and massacres as in Somalia, Rwanda and Burundi, destabilization as in Zaire and in Congo-Brazzaville.

C. THE INSTRUMENT: THE MCPMR

The first instrument, the "Commission", served only partially and once (the Morocco-Algeria conflict). For historical reasons, the leaders were unable to trust each other, were committed to an exclusive view of sovereignty, and could not accept the institutionalization of the equality between states. This meant that no one would let the others decide on core issues, thus, the refusal of any UN Security Council scheme and adjudicative settlement of

disputes. Instead, they have favored political settlements, and hence ad hoc solutions unable to be put in legal terms.

The MCPMR (1993) avoids the pitfalls of letting the parties to the conflict decide if the OAU should be concerned or not. Yet, it rejects the Security council scheme as well as the adjudication process. In addition, it focuses on Preventive diplomacy, Peace-making, conflict prevention, mediation, and small size observer or peacekeeping missions.²⁷

²⁷ The "peace terms are defined in 1992 "Agenda for Peace". Preventive diplomacy seeks to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts, and to limit the spread of the latter when they occur. Peacemaking is to bring hostile parties to agreement through such peaceful means as those foreseen in Chapter VI of the UN charter. Article 33 of the UN charter specifies numerous procedures available: good offices, negotiation, inquiry, mediation (facilitate communication and let the parties come up with a solution), conciliation, arbitration (propose a binding or not solution), judicial settlement (the third party exercises ultimate decision-making power over the parties), etc. Peacekeeping (nicknamed Chapter VII/2) involves military personnel under restricted Rules of Engagement (ROE). It is defined as a non-combat military operation conducted by UN authorized forces, with the consent of all major belligerent parties, to monitor and facilitate an existing truce agreement. This procedure was given its credentials, during the Cold War, by Dag Hammarskjold (UN Secretary General). The use of force is authorized only in self-defense. Success necessitates a deployment between the parties, the impartiality of peacekeepers, and a mechanism for monitoring and resolving cases of violations when they occur. It may also be necessary to be able, when the situation is no longer one for peacekeeping, to withdraw or turn it into an aggravated-peacekeeping operation.

Aggravated-Peacekeeping (nicknamed chapter VI $\frac{1}{2}$ or peacekeeping of 2nd generation by Boutros Ghali) is defined as a military combat operation conducted by UN authorized force when, for any number of reasons, they are authorized to use force for the defense of their mission. As an example, the UN or those to whom it gives a mandate may decide to use force to stop intolerable combats, even against the will of one or all belligerents. Peace-enforcement (Chapter VII) is a military combat operation conducted by UN authorized forces in which combat power or the threat of combat power is used to compel compliance with UN sanctions or resolutions.

The problem with this choice is that these measures are not foolproof, and not enough. They may especially be inappropriate for interstate conflicts. Hence, considering that African conflicts are mostly intrastate, this raises the question of the likelihood that the "Mechanism" will perform well.

In many ways the OAU choice ignores reality. Early warning²⁸ is favored today because of the rising cost of conflict, the limited success of intervention and the increasing means available to gather, process and analyze information, as well as to see changes and trends. Yet, it is still not fully tested. As Otunnu, the Chairman of International Peace Academy declared, "we all consider it important but know little about it". This shows that the praises of early warning reflect more a hope than a certainty.

Indeed, the precision of predictions, the link between warning and response, are all unsettled questions. Besides, warnings are not enough by themselves. There were many warnings in Rwanda, but this had not prevented the massacres. Institutional and political factors like sovereignty, non-interference, and the response of the

²⁸ The collection, analysis and monitoring of data to allow a preventive action.

parties have proven to be serious impediments. In sum, the elements of fog, in the Clausewitzian sense, present in early warning make chances of success dependent on the earliest possible detection; these are increased when the third party has a leverage that allows it to deter the aggressor while assisting the aggressed, as the US did in Bosnia. The OAU seems far from fulfilling these conditions.

In peacemaking, the role of the third party is to provide mediation, prevent any outsider from tipping the balance in favor of one of the parties to the conflict, by using embargo, humanitarian assistance, etc. The statistics about mediation are gloomy. Forty-one of 68 internal conflicts in the 20th century were solved by force (Keller and Rothchild 1996:170). This is relevant for Africa because, as the survey showed, internal conflicts are the main threats to peace in Africa. Actually mediation, in Africa, worked in one out of three attempts and many of the successes were temporary (Zartman in Harbeson and Rothchild 1995:240). Peacemaking also supposes a power the OAU has shown not to possess in Burundi as well as in Southern Africa. Chad showed also that the OAU needed more expertise to avoid being used by one party to get a respite and arm before opening the hostilities again. It also showed that,

without enough troops to enforce the agreement, conflicts are prone to restart.

Peace-building starts during a conflict to prevent its recurrence. Once a settlement has been reached, it works into making it last. Thus, it identifies and supports structures that will tend to strengthen peace and avoid a relapse into conflict. The use of confidence building (monitor the line of separation, be aware of Human Rights conditions, remove mines, train the police, help restore law and order, as in Cambodia) is often necessary. It may also be needed to create incentives as well as make penalties clear. Again a penalty supposes will and capabilities to guarantee the respect of the terms of the agreement, which the OAU seems to lack. Furthermore, what will the OAU do when this fails and makes intervention necessary?

Considering that the chances are low for the international community to intervene in internal wars, except for humanitarian purpose or when interests are threatened, it seems that a will to identify the aggressor or the actor at fault, then isolate him from outside support, and eventually introduce forces able to neutralize his capabilities and compel him (capability to perform an aggravated-peacekeeping) is more than necessary.

Hence, the mechanism should be reviewed in the direction proposed by Salim Ahmed Salim, the Secretary General: the non-interference rule should be interpreted more largely, and either a rotating Council of Security should be considered to speed up decisions, or the Secretary General should be given more autonomy. There also should be clear rules of engagement specifying the type of regimes allowed, the type of behavior that would grant OAU's intervention on the state's side or else. This may seem utopian, in that it suppose of course reforms that along the internal improvement of states and the external rule of law,²⁹ yet, it is applied in many African societies. Indeed, individuals know depending on they are right or wrong, the neighbors will watch them be beaten by their adversary or get in the fighting to prevent this beating from happening. Ultimately this should be an objective. There also must exist institutionalized rules to take preventive measures while the Heads of state are deciding what to do about a conflict, and this should be the role of the Secretary General. Once a decision is taken, it should be implemented in coordination with the UN Security Council and the sub-regional organizations. The Secretary General should be able

²⁹ Immanuel Kant, *Eternal Peace and Other International Essays*, quoted by Kenneth N. Waltz in *Man, the State and War*, (New York: Columbia University Press, 1959) p.164.

to closely monitor the implementation, and alert the Heads of state and Government of any discrepancy with the mandate or any necessary change to it. In turn, there should be means to make sure the Secretary General is acting along the lines fixed by the Heads of state and Government.

D. CONCLUSIONS

Today, the future of conflict resolution in Africa seems more likely to be between an evil and a lesser evil. The lesser evil is an intervention led by or in coordination with a sub-regional power. The examples available are the intervention in Liberia and Sierra Leone. In each of these cases, Liberia has decided alone to intervene, and has used stratagems to have this intervention endorsed by ECOWAS, and later by the OAU and the international community. As already shown, these interventions have three aspects. The first, positive, is the deterrent aspect of the intervention. Indeed, discouraging political entrepreneurs is critical. The other two, the position on Charles Taylor running for election and the intervention itself, may be realistic but not necessarily positive signals, hence they raise questions. Weren't the dice loaded with Charles Taylor having the possibility to restart the fighting, were the results of the election not favorable to him? What about the basis of the Nigerian intervention and the way it conducted

the intervention? Although it has been endorsed later by the international community, the truth remains that it started as an invasion, an aspect present also in the Sierra Leone case. What about the tendency of Nigeria to arrest the rebel's leaders? Why Goukouni and Hissene Habre from Chad, and Fode Sankoh from Sierra Leone, but not Charles Taylor.

These questions do not mean a condemnation of the intervention, but rather highlight an aspect of sub-regional intervention that should be taken care of in the future.

The second scenario, along the Rwanda-Burundi-Zaire and Congo conflicts, is the worst. It consists of countries invading or helping in the invasion of another independent country for purely selfish reasons, without any respect for international agreements, while the African and international community, obsessed with stability keep silent. Historical evidence, from the invasion of Ethiopia, Czechoslovakia and Belgium, to the support of Mobutu, shows that some choices may come back to haunt those who made them. Indeed, other countries feeling threatened may start building coalitions and start a new arms race in Africa. In this process, some may be tempted to build resources by selling drugs or helping those who sell it. It may also mean the introduction of Weapons of Mass Destruction in the continent, which is in nobody's interest.

Yet, a third scenario potentially exists to reconcile the international community with its ideals, and protect its long term interest. Its likelihood may seem weaker, considering the constraints of the Charter and the weaknesses of the OAU. Yet, a more assertive leadership of the US, France, and the United Kingdom through the Security Council and in their bilateral relations with some influential African leaders can make it possible.

Indeed, the help given to strengthen the conflict resolution capabilities of the OAU is significant, but should be just a first step. The other step is, for the three powers, to set the example by taking a strong stand in cases similar to the Congo conflict, and put their diplomatic, political and economic coercive power to support both the stand and those who favor it. Only then will they be able, paraphrasing Rousseau, "to force OAU members to be free". One, among the numerous means available, is to use, discreetly but strongly, their leverage to "encourage" good governance and the respect of the international agreements on Human Rights. It is in the interest of the three powers to do so, because in the long run, it will mean less resources spend on Humanitarian intervention. This would send the right message and lead to the desired result. Indeed, this would help tipping the balance towards the

minority of leaders who want these changes. In any case, the OAU members have proven to be very receptive to threats. The problem of mercenaries in the 1964 Congo crisis, the rule about secessions, the Libyan project to fuse with Chad, are a few examples of this tendency.

Africans should also use more of the inputs of their people and their scholars. The latter have been, so far, more concept-consumers than suppliers. In sum the issue is to encourage pressures both from the above (international community) and from below (internal politics), to get the reforms done.

Once these reforms are made, the OAU will be able to act as a forum for negotiations, a coordinator between the UN and the sub-regional organizations for pressure on the parties, an organizer of any action to be taken, whether negotiation or intervention. If an intervention is needed, the OAU will decide on the level of forces needed, see if one or more sub-regional organizations will have to do it, assess what is needed from the international community (logistics and other type of support) and discuss it with the Security Council. After that, in coordination with the UN, the OAU could act as a watchdog to make sure that forces are following their mandate. In so doing, the OAU will also

legitimize the intervention, and cover the spectrum of conflict resolution.

The OAU today is in the same situation as a rocket in the take off phase, it needs as much extra power as it can get, and these three powers can play that role. They have development aid, embargoes, and the Security Council to subtly but forcefully encourage the institutionalization of the OAU. They should do it, until the OAU has acquired enough momentum to be autonomous. In the meantime Africa remains a member of the UN and is entitled to its protection as Kuwait did, as well as it is bound by its international commitments.

Playing this leadership role would prove that the foreign powers speeches about values like Liberty, Equality, Fraternity, Democracy and world order are not just for naive people. It is the price of leadership. Iraq is paying today in the name of those values, and it seems time to show there is one standard and not two. This will be the choice to make, and it may be equivalent to one between a Hobbesian and a Grotian future.

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