

STATE AND LOCAL GOVERNMENTS  
AND THE PRIVATE SECTOR

## **African Solutions to African Problems**



**ACPR**

**African Conference on Peacemaking  
and Conflict Resolution**

# **STATE, SOVEREIGNTY AND RESPONSIBILITY**

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**African Conference on Peacemaking  
and Conflict Resolution**

  
**A C C O R D**

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# 1. Preface

The ACPCR Conference emerged from the recognition by practitioners within the field of conflict resolution in Africa that initiatives are needed to promote efforts within Africa to address the conflicts facing the continent, and to encourage debate and generate more effective approaches to the issues.

The background to the conference was that of the wider background of conferences on Peacemaking and Conflict Resolution that have been held in the United States and Europe, and more particularly it was after the 6th conference of the South African Association for Conflict Intervention that ACCORD raised the idea of an African conference.

In planning the conference, ACCORD liaised with the Organisation of African Unity (OAU) and the Africa Leadership Forum (ALF), and the three organisations hosted a Consultative Meeting of some twenty conflict resolution advocates, practitioners and academics. The group included men and women who have an active involvement and interest in developing the conflict resolution capacity of the Peoples of Africa.

The meeting focused on African conflicts, conflict resolution capacity in Africa, and on recommendations for the envisaged ACPCR. The consultative meeting considered a range of issues confronting conflict resolution specialists on the continent, to determine the most pressing concerns and to develop mechanisms to address them, including a programme of action incorporating the collective skill and expertise of all role players on the continent.

The consultative meeting decided that the central issues for the conference to address included:

1. State sovereignty and how it affects conflict intervention.
2. An examination of the African State, its key elements, its evolution and transformation.
3. The responsibility of the State to the individual and the corresponding responsibility of the individual to the State.

The overall objective of the conference, could be stated as follows:

To contribute to the debate on the issues of State, Sovereignty and Responsibility in order to help develop and improve strategies for Conflict Prevention, Management and Resolution in Africa.

The conference theme emerged as State, Sovereignty and Responsibility and, more particularly, African solutions for African problems. While it is essential for Africans to look at African solutions, and while the solutions and the decisions

will be made on the continent, the international community needs to understand that it also has a responsibility, both because Africa is still part of the international community and secondly, because of the role of the international community in shaping some of the conflicts on the continent.

The possibility of conflict prevention by preventive diplomacy and prospects of peacekeeping were to be discussed. With regard to conflict management and resolution, the possible roles of several intervenors – neighbours, sub-regional, regional and international organisations – were to be examined, especially in the revealing light of actual case studies. Constitutional experiments and future strategies were to receive due attention.

The meeting was chaired by General Obasanjo, who also chaired the planning of the conference. General Obasanjo was to have played the role of Chairperson at the Conference. His absence, and the reasons for this absence, were noted throughout the conference. The disquiet of delegates as to his arrest was noted in the Conference Conclusions.

Among the 98 participants, no fewer than 27 countries, 24 of them in Africa, were represented. The conference was privileged to have H.E. Dr Salim Ahmed Salim, Secretary-General of the OAU, who delivered the keynote address. The conference was also attended by other key persons from the OAU: Dr Chris Bakwesegha, Head of the Conflict Management Division, Ms Adwoa Coleman, Chief of the Conflict Prevention Section of the same Division, Mr Sam Ibok, Senior Political Officer of the General Secretariat, and Mr Regis Mutsau, Deputy Chief of Protocol. Several (more than 25) practitioners and researchers from Conflict Resolution organisations in 8 countries brought their meaningful contributions to the conference. More than 15 conference participants were from various high-level posts in governments, and 4 were from Embassies.

This book does not attempt to be a verbatim report of the conference proceedings, but rather to focus on the key presentations and issues raised in discussion.

ACCORD would like to thank, firstly, the donors of the conference, the Danish Embassy and the Ford Foundation for their generous support. Secondly, the role of all the conflict resolution practitioners on the continent, operating from inter-governmental, governmental, administrative and civil society level, in strengthening efforts to achieve lasting resolution of disputes and the development of a culture of democracy and tolerance on the continent is acknowledged.

It is hoped that this book will play a small role in assisting those practitioners in the work that they undertake.

## 2. Introduction

### 2.1 Opening Statement by Ms Graça Machel

Your Excellency, the Secretary-General of the Organisation of African Unity, distinguished guests, ladies and gentlemen, mine is a very brief and pleasant task, to welcome you and thank all the participants for having accepted the invitation to come to this conference. We in ACCORD are very honoured to be associated with such distinguished researchers, representatives of governments, and institutions, on our Continent and abroad. We are also very proud and honoured that we are part of a network on our Continent which is trying to be in charge, to contribute to finding solutions to problems we face today.

This conference is African, in the sense that it is an initiative of Africa, by Africans. It takes place in Africa to discuss Africa by Africans themselves.

We have as our agenda issues such as peacemaking, peace-building, conflict resolution, conflict prevention. These are critical issues facing our Continent. We are, as a continent, devastated by conflicts. We are the region which is perceived as a region of despair, of disruption, with no hope, or future. We have, unfortunately, conditions to see many other conflicts erupt in our Continent. It is appropriate that we are here as Africans, to sit down to discuss and to decide how to put our home in order. We are here to say Africa is not only in despair, devastation, destruction. Africa is also a continent of hope. Africa is a continent of the future, therefore as Africans ourselves we are here to change our own image, our own self-perception, so that we can show the rest of the world what we are and what we intend to be.

This conference is part of our effort to take responsibility for our own affairs. This conference is a way of saying, we are Africans, we are in charge. We are able to make peace. We are able to build peace. We are even able to keep peace, but these are issues we need to discuss very deeply to be able to say who does what. As a continent, in each of our states and within our nations, what are the roles of governments, what are the roles of civil society and how do we bring together our forces to join hands, whether you are in public affairs, universities, research centres, communities, wherever you are, to participate in peacemaking, peace-building and peace development?

We want to come out of this conference with a clear indication of what we expect from the international community. This means that yes, we take responsibility, but the international community also has a role to play, because they are part of this, because also of the historic relations we have in our very recent history of colonisation, which means some of the problems Africa faces, are historic and not only of our inability.

We should remember that our African states are more or less 35, maybe almost 40 years old. That's important to bear in mind when we are trying to establish the trends and the linkages of what we are as consolidated states and what other forms we relate to in the modern world.

We are states seeking to affirm ourselves, to build institutions and forms of government, which embrace simultaneously our tradition, our culture-based institutions, but also we want to be in synergy with the modern world we are part of. How do we do this?

We have to find identity within globalisation in a changing world, when national boundaries are fading away. How do we do this, while we are caught up in conflicts inside our own states between trends of tradition and trends of change?

How many Africans in our communities rule their lives based on institutions such as a constitution, laws, modern states? We will come to understand that most of our people rule their lives through a base of tradition, culture, social institutions, which means we need still to build the synergy within our own states, to make sure that our people, most of our people, are part of the trends of the modern world we are living in.

In this context we have to recognise that the challenge is not only to cope with the 21st century. It is to cope with dilemmas we face in our countries. We have to develop wisdom. We have some experience. We have culture, we have traditions, we have our social institutions which we need to reinforce, so that strengthening our internal capacities, then we will be able to face differences and to make sure that differences don't necessarily and ultimately lead to violent conflicts. Conflict will be always there, but it does not need to lead to violence. That's why we are here to say, "Yes, we have conflicts, but how do we manage them? How do we solve them in a peaceful way, in a constructive way, which moves development?"

We are also here to reshape the vision of Africa. We have a glorious history of liberation. Now we have to face problems and challenges of development. Africa is in a changing process of looking at our future and identifying our strengths so that we will know what we have to give to the rest of the world. We are not a continent to be recipients, we are a continent to be donors of what we have – our wealth, our richness, particularly our cultural heritage, which also builds part of international culture.

We recognise we have a lot of things to learn, but we have to build the relationship of partnership with other institutions, with other continents, with the global community. We need to rebuild and strengthen our self-image, our self-esteem, our sense of dignity. We have to regain our position as partners. We have to regain the sense of initiative, so that we no longer continue to be drugged by agendas and events over which we have no control. We have to

regain the sense of being in charge of our destiny, with our future in our hands; all this in the interests of our peoples.

It is, with these very short remarks, ladies and gentlemen, I once again welcome you and hope that with ACCORD we will be able, to contribute to these issues which are going to make our continent and our region stronger.

## **2.2 Keynote address by Dr Salim Ahmed Salim**

Madam Graca Machel, distinguished Ministers, distinguished participants, ladies and gentlemen, let me at the outset express my gratitude to the African Centre for the Constructive Resolution of Disputes, ACCORD, and especially its hardworking and tireless director, Mr Vasu Gounden, for the kind invitation which made it possible for me to be in the city of Durban, a city that holds so much history and lessons for the triumph of the human spirit over injustice and bigotry.

I'm especially delighted this time around, as always, to be in the midst of so many of my old friends, colleagues and distinguished Africanists, as well as African leaders and scholars, who have in so many ways these past years, devoted their time, vision and energies to the shaping and advancement of our common African humanity.

I am also happy to see so many of our external friends who have invested so much of their time and resources as well as viewed with sympathy the challenges facing the African continent.

This conference on peacemaking and conflict resolution could not have been better timed and the location could not also be more appropriate. In 1990 the OAU Assembly of Heads of States in government, adopted the landmark declaration on the fundamental changes in the world and the implications for Africa. The adoption of that declaration was not only an important breakthrough for the OAU, but represented a more dynamic approach to concepts of sovereignty and principles of non-interference. For the first time a new political approach and institutional dynamism was introduced into the ways Africa dealt with discouraging conflicts in the Continent. The decision, therefore, to establish in 1993 an OAU Conflict Management Mechanism, was primarily aimed at giving the 1990 Declaration an operational context.

In the course of the last two years, the OAU has focused its attention on the operationalisation of the mechanism and generally, undertaking proactive initiatives aimed at Conflict Prevention and Resolution. In this endeavour I am glad to acknowledge the positive contributions, support and enthusiasm of our Member States and the roles of African institutions like ACCORD, which have distinguished themselves by contributing towards the democratisation of and reconciliation in our continent. We believe that in sharing a common platform

and commitment to bring about a new dispensation, what seemed like insurmountable challenges can be overcome through our collective, collaborative efforts. This belief has now been reinforced by the timing and theme of this Conference, as well as the serious exchange of ideas which is envisaged from the presentations and discussions in the course of the next few days.

Returning to South Africa almost one year after my last visit to this great country is indeed an exhilarating and rewarding experience for me. For contrary to the negative predictions of the die-hard pessimists, our faith in South Africa, its ability to manage successfully the delicate transition from apartheid to a multi-racial democracy, has proved well-founded, and flourished. I believe all those of us who had the opportunity and the privilege to be at the City Hall on Saturday and in the ceremony of presentation to President Mandela of the Africa Peace Award could not but be moved by the experience, especially the experience of the young children of South Africa, their unity, their solidarity and the real manifestation of the New South Africa and the South Africa of the future, which I believe every African will have every reason to be proud of.

The holding of this conference in South Africa is testimony to the progress that has been made in the area of national reconciliation and following with the new dispensation, notwithstanding the formidable obstacles and challenges that lie ahead.

I accepted the proposal by ACCORD for me to share with you my thinking on the theme State, Sovereignty and Responsibility, because of a current debate and apprehension, both within and outside Africa, concerning the stability of the African State System. I believe that at a time when many are making much out of the so-called failed States of Africa and the attendant media-created Afro-pessimism syndrome, we, as Africans, should be able to take a second look at the whole concept of African State sovereignty and how we have fared in terms of the responsibility of our sovereign States to the generality of our peoples.

In undertaking this task, I believe that the starting point should of necessity be the struggle of Africans to secure their liberation and sovereignty. In laying the foundations for the newly emerging states, African leaders, as far back as 1958 in Accra, Ghana, proclaimed that in the interest of peace which is so essential, we should respect the independence, sovereignty and territorial integrity of one another. This intervention was made against the backdrop of what some people have referred to as the "element of artificiality" in some of the new states of Africa, characterised by many fragile frontiers with the division, by arbitrary colonial partition, of many cultural communities.

Thus it was that in the 1960s, the anxieties as well as the hopes awakened by the surge to independence and the nature of political mobilisation gave rise to serious challenges for the emerging states in Africa. Indeed, since the colo-

nial state which was the precursor of the modern state in Africa, there had been an imperative need to deal with issues like self-determination and build up machineries that will assist the new states to adapt to the needs of their particular societies and pursue developmental goals, rather than serve the interests of the erstwhile metropolitan power.

In coming together to form the Organisation of African Unity in May 1963, the twin issues of sovereignty and statehood exercised the minds of those who adopted the OAU Charter, and most definitely the minds of the founding fathers of the Organisation of African Unity. Against the backdrop of the balkanisation of the continent, Africa needed to come out with a formula that would secure and protect its newly won freedoms from external and internal manipulations, thus safeguarding independence when at the 1964 OAU Cairo Summit, African leaders asserted an affirmative obligation on OAU member States to defend the sovereignty and territorial integrity of all the African States. This assertion confirmed in no uncertain terms the provision in the OAU Charter for an organisation of sovereign and juridically equal States.

Without any doubt whatsoever, the building of the African nation state, has been a major achievement in spite of the claims by some that the newly independent states were superficial states, long on flags and national anthems and short on almost all the critical elements which would normally characterise Nation-States emerging from long spells of oppression and exploitation. Such arguments completely ignore the prevailing reality at the time, that the newly emerging States had no democratic traditions to fall back on. It's a well-known fact that one of the legacies of colonialism was the emphasis that the institutions of states placed on law and order.

The political systems that were created after independence, therefore, tended to be strong centralised states dominated either by single parties or personalised rule backed by the military. The serious task of nation-building thus fell on the shoulders of these élites, some of whom failed to develop appropriate paradigms for the development of their new states and consequently promoted a dependency syndrome, preserving intact the colonial, political, military, economic and cultural institutions, as well as the ethos and traditions underlying them.

This situation was not helped by the state-centred notion of over-centralised planning in post-independent Africa, which assumed that a state knew what the people wanted, and the resultant extortions of the process of the state formation, which provided the context within which tensions and conflicts were generated. In justifying the need to preserve national unity, some of the new states of Africa allowed the preservation of ethnic hegemony rather than national pre-eminence.

While it may be true that a few states in Africa remained inchoate, weak and

under-developed, there is really no justification for the treatment of Africa as if it were one homogenous entity. Indeed the reality is that each African state has had a different experience directly relevant to its history and leadership, even if the problem of creating effective national institutions for unity and development continues to be a major source of friction in all of our countries.

In acknowledging that some countries have been more successful than others in undertaking political and institutional reforms and, therefore, discharging their developmental functions, it is also true that often, many African states have been an arena for social conflict because of the lack of national consensus on the goals and purposes of development, as well as the lack of democratic institutions which allow for full participation and through which such a consensus can be reached. Most of these states I am referring to, had become centralised systems which limited representation and effective participation in national policies and alienated the people from their leaders. In many of the new states that emerged in the continent after independence in the 1960s, there was a lack of accountability which encouraged corruption and nepotism, which in turn bred resentments and political grievances, without any proper means of redress.

I think it will be stating the obvious by saying that some post-colonial African states tended to be authoritarian and prone to political excesses, rigidities and violation of human rights which, in a few cases, reached gross proportions. In such cases, these flaws have been a recipe for political agitation against governments and precipitated political conflicts.

In assessing the responsibility of the African State, it is important to measure success, or the lack of it, against a universally accepted set of criteria, such as : the creation of a political climate that tolerates the right of dissent; accountability to the public; transparency of government activities; independent and honest judiciary; enforcement of rules and regulations; provision of social and economic services; democratisation; press freedom; curbing militarism and improving accountability and control in areas such as public employment and private and well as public finance.

In spite of the fact that the historical and political problems which I have referred to earlier had been compounded by the economic problems which hit many African states, particularly in the late Seventies and the decade of the Eighties, many of our states have recorded a satisfactory economic performance. There is no doubt at all that Africa recorded positive development two decades after the attainment of independence in the Sixties with impressive improvement in areas such as infant mortality, life expectancy, higher literacy and educational improvement, especially between 1960 and 1980.

Unfortunately, economic problems began to impact negatively on the progress made by the states of Africa, especially after 1980, when most of our

countries were adversely affected by the world recession which in Africa became an economic crisis.

Indeed, as far back as 1991, the human development report indicated that regions, especially sub-Saharan Africa, recorded negative growth throughout the Eighties, when the gross national product per capita was falling by an average of 2,2% per year. About the same time also, real wages fell by 30% while food production decreased due to a combination of factors, including inappropriate food production strategies, periodic droughts as well as distribution and storage problems.

The political implications of economic and social stagnation were far-reaching. In many countries, economic malaise and social dislocations generated social tensions and political discontent against governments, thereby aggravating political conflicts. The combination of economic difficulties, social unrest and political violence had implications which extended outside the borders of many African States and led many to question the sovereignty and statehood of many of our countries.

If the period of the Sixties and Seventies was a golden era of asserting statehood, sovereignty and independence, the Eighties and beyond marked the period of the deepest socio-economic crisis in the history of the continent, as the effects of wrong policies, maladministration, mismanagement, corruption and nepotism as well as an unfavourable global economic condition began to take hold.

In the international marketplace, it became obvious that while the price of imported goods was increasing by leaps and bounds, the demand for African primary products had been shrinking, with their prices on the international market declining. Factories began to operate at extremely low capacity utilisation, due to the inability of the African states to import the necessary spare parts and other inputs, resulting in the local manufacture of goods reaching a trickle. Agriculture was not spared either, as output declined in absolute terms and relative to the rate of population growth. The severe contraction that African States had been experiencing over such an extended period, is having its most deleterious effects on the most important segments of the continent's population — the youth, whose enthusiasm and creative aspirations are gradually being replaced by hopelessness, apathy and despair.

Coupled with this is the external debt burden, which represents a massive haemorrhage affecting Africa's economic health and sovereignty. To compound the situation, the creditor nations and the international financial institutions have insisted that African states vigorously implement Structural Adjustment Programmes, which entail cutting back on public state expenditure, eliminating subsidies on essential commodities and reducing the number of government employees, among other conditionalities.

In most African states the implementation of these conditionalities has brought about disastrous social unrest and upheaval, often culminating in conflicts and violent change of government. It is, therefore, hardly surprising that many African states and institutions had been in decline, with a few being unable to implement their regulations effectively throughout the territory under their control. In some cases, some states have become less capable of exerting a top-down, hegemonic control over the societies they are supposed to govern, because state efforts to increase economic opportunity, coupled with Structural Adjustment Programmes, have widened disparities.

Despite the weaknesses and vulnerability of many African states, African boundaries had acquired an international protective security by the end of the third decade of independence, with elements of stability being sufficiently institutionalised in all but a few.

There is, therefore, a sense in which the concept of sovereignty in Africa will continue to reflect the dynamic and changing processes that are taking place in the continent.

Clearly the politics of the Nineties will demand more collaboration between African states to deal with trans-boundary problems that arise for example from conflicts, social and environmental problems that have fundamentally changed the way that states related to each other. Additionally, today collaborative management of the continent's economy is needed, because of the greater interdependence of our different economies. This need to co-operate will most definitely change, in some ways, the nature of sovereignty in Africa, for whereas states will continue to remain the principal actors in Africa, they will not now be the only actors. National economies are under much less political control than they were in the past, following the complicating effects of non-State actors in the role of the new problems – economic conflict and the environment. Our continent is today characterised by a position of opposites – the desire for order on the one hand and the desire for change on the other.

Given all the constraints and dilemmas which confront the contemporary sovereign African states, questions are bound to be asked and have indeed been asked as to the nature of the responsibility of the African state to its people. It is my firm conviction and contention that the large majority of our countries have been engaging in internally generated and unique changes to improve the lot of the people of Africa. For this endeavour to succeed, it is crucially important that for us as Africans and as friends of Africa, the bona fides of these changes be not only acknowledged, but supported.

It is important to continue to support and lend legitimacy to the development of responsive Nation States in Africa, for not only do such states encourage ethnic intermediaries to frame their demands in moderate terms, but they facilitate action before reformist possibilities have been eclipsed by the emer-

gence of intransigent opposition and conflict. I believe that State responsiveness lends an indispensable aura of legitimacy to the political system, creating the time and space within which potential adversaries can develop new perceptions about one another and in the process open up new possibilities for cooperative behaviour.

In this connection, I wish to acknowledge the increasing acceptance of member states of the Organisation of African Unity to ensure popular participation and responsive governance on the continent, at a time when the task of balancing political liberties and maintaining law and order, as well as the integrity of the State is proving difficult. Increasingly factors of religion, ethnicity, race, regionalism and even colonialism are emerging alongside political liberation.

The challenge now is how to maintain the balance between upholding these factors of identity of individuals and people, and safeguarding peace and unity within the states. This determination is increasingly also assuming critical importance, as the emerging African democracies have to cope with the engaging task of economic reform alongside political liberalisation.

It is a well-known fact that economic reforms which entail cuts in public spending have brought much social strain, as governments have had to pay less attention to such key sectors as education and health in terms of funding. This State retreat from the social sector, which has taken second place in tandem with job cuts, has polarised society and at times tested the limit of the State's ability to maintain law and order.

Clearly, African states, in dealing with the changing nature of the international environment, as well as the realities of the challenges confronting the continent, had opted for a home-grown democratisation process, which was not necessarily the result of external pressures, but the conscious decision of the people in fulfilment of their legitimate aspirations. This process has further resulted in new State responsibilities, including the need to nurture a culture of tolerance, safeguard human rights, ensure peace, stability and economic development.

There is also an increasing awareness that economic development cannot take place in environmental conflicts. Good governance must imply that the responsive State should facilitate conflict management, by giving national, ethnic and regional intermediaries an increased opportunity to pull back from inflexible positions, which could lead to the destruction of the State.

In general terms, therefore, it could be stated that a State which makes the survival of its own people unbearable or violates the human rights of its citizens, especially women and children, cannot be described as a responsible one. Similarly, the State which provokes through its actions of omission or commission the large exodus of its own people, the internal displacement or the out-

flow of refugees into neighbouring countries, has not only lost its responsibility to the people, but violated and abused the sovereignty of the receiving states and neighbours.

In conclusion, it is fair to point out the fact that even if the issue of sovereignty was a familiar and very sensitive subject, almost a no-go area in the Organisation of African Unity, recent developments, particularly the adoption of the Mechanism on Conflict Prevention, Management and Resolution, have opened the way for an increasing flexibility on the part of the member states. I believe that Africa is undergoing a fundamental and dynamic process of change. In dealing with issues such as popular participation, responsive governance, non-interference, sovereignty and how to safeguard independence and Statehood, what was considered to be impossible only a few years ago is now manifesting itself throughout the continent.

The process of democratisation is gaining momentum and it is my firm belief that this process is irreversible. New and dynamic leaders are emerging on the continent and challenging the old order. The politics of rigidity is giving way to flexibility and even if economic problems have tended to compound and have restrictive effects on the democratic process, change is about the only permanent feature on the continent. Our experience in the last one year has given us reason to be hopeful about the future of Africa. I believe that as more and more of our member states seek or use OAU's mediation in resolving their internal problems as well as the Organisation's involvement in elections monitoring and other activities, we shall be able to work around the question of sovereignty and non-interference. My final prognosis, therefore, is that the future of our continent looks bright, notwithstanding the few dark spots which have been a serious indictment of how we have discharged our responsibilities to our people.

Finally, having travelled through the length and breadth of this great continent and witnessed at first-hand the resourcefulness of our people, it is my firm conviction that given the preference of popular participation in development, the democratisation of our societies, the abandoning of monolithic models of development and the reform of the State, an enabling environment will be created for the flourishing of the sovereign African State, in which the African will have the power to plan and make choices about his or her economic well-being and those of succeeding African generations.

## 3. State, Sovereignty and Responsibility

### 3.1 Introduction

This session dealt with three issues, namely state, sovereignty and responsibility where the following questions and issues were debated:

#### State

Is there an entity which can be referred to as the African State? What is the role of the State? One-party state versus multi-party democracy. How to address self-determination, secession and ethnicity in the post-colonial African context?

#### Sovereignty

What are the limits to sovereignty? Territorial integrity in post-colonial Africa. Pan-African unity and the sovereignty of Africa in the context of external economic and military aggression. When is the concept of the non-interference in the internal affairs of states relevant particularly in regard to issues of international humanitarian concern?

#### Responsibility

The responsibility of the State to the individual. The responsibility of the individual to the State. Who exercises responsibility when a state fails to do so and when can a state be considered to have abdicated its responsibilities ?

### 3.2 "Priming the African State. Post-Cold War Political Transitions and Sovereignty"<sup>1</sup>

*Dr Costantinos Berhe-Tesfu*

This paper is an attempt at reviewing (through references from several countries in Africa) the role of the State, and dominant parties within the State, in one of the darkest eras after slavery and colonial domination, that lacked national and international accountability, protected by the thin veneer of the non-interference in the internal affairs of the State. Within a lifespan of something like two millennia, the African State has exhibited an enhanced degree of coercive power. This resulted in a pervasive military ethos and the fusion of political and military titles represented by various sources and interests that have emerged from:

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1. This is an executive summary. The full paper is available from ACCORD.

- The emergence of Marxist, Leninist, Stalinist, military oligarchies through a long and painful process of ideological schooling that assumed the mantle of the authentic standard bearer of authoritarian Marxism, Leninism. The collapse of Communism in the Soviet Union and Eastern Europe has brought about a new chapter in the continent's history.
- Another point that features prominently in the discussion of the State in Africa is Structural Adjustment Programmes, (SAPs), the Uruguay Round and the human rights conditionality attached to SAPs. SAPs, which antedated the democratisation process by almost a decade, incidentally rather than deliberately abetted the democratic struggle by undermining the legitimacy of the regimes that adopted it and whittling away the post-independence gains in social welfare. It is difficult to give much weight to the human rights conditionality argument, given in particular the cynical manipulation of that issue by the self-appointed defender of those rights in the West.
- Implicitly or explicitly, the Western liberal democratic model is often taken as the acme of democratic governance. The target that Africa and a host of other countries set themselves in the process of democratisation is the attainment of the institutions and practices that have been the basic ingredients of the Western democratic tradition. But does Africa have the democratic traditions enshrined within the declared paradigms of Western democracy?
- Ethnicity and the right to self-determination have indeed become a force to be reckoned with and social scientists have increasingly been forced to address it. How much it has deep historical roots and how much it is an ideology of the élite, legitimised on occasions by the very social scientist who presumed to investigate it, remain problematic. This is important as ethnicity and ethnic self-determination have become the linchpin of political transition strategies in many countries today.

One major obstacle to efforts to install and consolidate democratic systems in Africa is the all-powerful, highly centralised and hierarchical bureaucratic structure. The organisational imperative of the massive bureaucratic machine is to command and control and is preoccupied with its own survival and enrichment. It is unlikely that the powerful bureaucracy will abandon its privileged position and control of the State apparatus to democratically elected political leaders, or respect the institutional restraints of democratic rule without struggle.

For self-organised civil associations, whose functions are to preserve basic rights of their constituents and the society at large, educate the citizens and

advocate popular claims, build a consensus and promote political and moral ethical values and disseminate them among the populace, it has become difficult to nurture a sense of civil society. Practices such as free elections, the formatting of political parties, free and open discourse on public issues are all foreign concepts that need to be instilled in the majority of the populace. The lack of democratic culture is also clearly manifest in the disarray and inability of the “opposition” forces to achieve internal unity. Organisations of civil society operate between the State and the citizenry and give structure to the representation of interests of a diverse body of the populace. It is an essential prerequisite as it facilitates the opportunity for participation in the political life for the citizens at large. The contemporary reality of Africa is that the various social, economic and political organisations such as trade unions, self-help groups, NGOs, professional associations etc. are very weak and generally dominated by the State.

### **State-led democratisation versus political openness**

The second part of the paper deals with a distinction between concepts and processes and political openness and political participation. How could the African State be accountable to its people and the international community consistently in varying contexts, but without resorting to a self-defeating, overly scripted and stage-managed political ‘play’? In other words, how could current democratic transitions combine immediately programmed intention with a more open process-based purposefulness? In presenting conceptual analysis to help answer this involved question, the paper starts out by defining and distinguishing between the terms.

One can draw a conceptual distinction between political openness and democracy: the former would relate in part to various conditions or developments in government and civil society, only some of which may be necessary for or comparable with democratisation (decline or liberalisation of authoritarian regimes and/or ideologies, resulting in increased opportunities for political competition and popular participation, transformation of State-society relations and so on); the latter might refer to an entire distinctive form of political thought, discourse and practice which underlies popularly elected and controlled government. Political openness may or may not lead to full-fledged democratisation, but the two are better understood as overlapping, possibly mutually supportive processes, rather than self-contained phases of democratisation.

State political openness depends much on political agency and ideology. Political agency refers to the full range of significant participants and their activities and relations in African political reform. Participants include potential as well as actual and international as well as domestic actors. Ideology relates to complexes of ideas, beliefs, goals and issues that can come into competitive and

co-operative play in democratic reform. It includes alternative definitions of transition problems and varying solutions offered for them. During any political transition events, actors and circumstances of action are likely to be uncertain and unsettled. Political agency and ideology are less stable as participants' identities and their ideas and goals are rapidly evolving and shifting formations. This uncertainty imposes a significant degree of openness on political transitions, creating objective conditions that can spawn democratic, (but also non-democratic) forms of government.

### **Process and strategy**

Governing élites often identify their particular transition goals, policies and programmes with entire transition processes. Any analysis of political reforms in Africa that takes the problems and potential of democratic change in the continent seriously must distinguish between strategic and processual dimensions of the change. It is not so easy to conceptualise democracy as a working process which is balanced against strategy, to determine what makes for real, as opposed to vacuously formal, democratic process.

The centrality and controversy of ethnicity and self-determination as strategy:

The single most important influence over how democratic transition in Africa has been conceived, initiated and is currently being constitutionally formalised is the politics of ethnic self-determination and self-government favoured by the transition rules and institutions within the coalition. Consistent with these ends, states have laid down, in both principle and practice, new rules of politics and governments for Africa. States have marked out the specific steps, mechanisms and tactics of governance. The polarity between historical and ideological bases of African national unity can serve the useful critical purpose of evaluating the traditional values and assumptions of Africans against the categories and morals of modern liberationist nationalism and of correcting the limitations of those values.

Yet, this intensive process of largely ideological mediation has allowed states to transpose the uniquely ethnic project of self-determination into concepts, goals and methods of political work of democratisation, ostensibly applicable to all. In certain of its aspects the process works, thus, as a schematic recreation of 'raw' ethnicity. It underlies the belief that a state's particular ethnocentric political project and experience can be held out, without imperviousness or monopolisation as a model for democratic politics in Africa. Nevertheless, the bureaucracies have yet to settle ideological accounts with their Leninist legacy openly and unequivocally. This legacy continues to hold sway in African political tran-

sition below the level of declaratory goals and ideas, where it makes itself felt as ideology 'in operation', as taken for granted assumptions and habits of thought and action, as 'common sense' rather than 'theory'.

This is manifested in the mutualising of the goals, objectives and discourse of political transition to the extent where they gain currency less as constitutive elements of an open public arena for democratic debate and discussion and more as ingredients of a political recipe, pre-cooked by a particular organisation or coalition of organisations within the State. It shows up in the tendency to offer political solutions in tight formulaic terms, for the most part avoiding the uncertainty of the pluralism, negotiate framing, and to resist the opening up of its reform aims and purposes for alternative formulations.

Under these circumstances, interpretative possibilities within concepts and goals of democracy are pre-emptively 'frozen' or short-cut, turning immediately into the actualities of 'democratic formula' and rituals.

### **The African State: facilitator or referee of political transition?**

Much of the criticism directed at the State, and the parties it represents, by the opposition, seems to turn on the assumption that the task of leading the struggle for reform in Africa is not to pursue its own aims and implementation of its strategy, but to pave the way for the transition as such, to channel the activities that constitute Africa's passage to democracy. The State is expected by some to serve only as primarily a medium that facilitates the flow of transition activities, allowing hardly any agenda of its own to 'interfere' with the process it mediates.

The question then is whether the transitional African State is or can be merely a facilitator of democratic transition in Africa, without bringing into the process its own agendas and strategy.

## **3.3 Reconciling Sovereignty with Responsibility**

*Ambassador Francis Deng*

I would like to begin by saying that my task has been rendered much easier, although also very difficult, by the excellent presentations this morning. I was particularly struck by the constructive balance between realism and optimism; Optimism is a critical resource in being able to overcome problems. At the same time one has to be realistic in diagnosing the problems in order to find proper solutions.

The issue of sovereignty and responsibility raises several paradoxes and dilemmas. If we go as far back as the Treaty of Westphalia that ended the 30-year war and established the modern state in the European context, or move forward to the Treaty of Berlin that carved up Africa and created the Colonial Nation States, we will find that there is a conspicuous contradiction in the inter-

national system. Initially sovereignty was supposed to be an empowerment of the State to run its own affairs, to establish law and order within a territorially defined framework and also over the people within that territory. Law and order were considered critical to the relations between states. The paradox lies in the fact that sovereignty was created within the framework of an international order, which implies that apart from internal regulation or controls, there had to be accountability to the international system that established the State. Inherent in that is something of a contradiction.

If one then looks at our situation today, one sees two, again contradictory, but to some extent also complementary, trends. One is an increasing isolationism, particularly on the part of the major countries of the Western world, a withdrawal from involvement in countries that need external involvement. At the same time, we are witnessing massive humanitarian involvement in Third World countries. Humanitarian intervention has led to the erosion of sovereignty, while, at the same time, sovereignty is being reasserted, as a reaction to this massive involvement, paradoxically characterised by a strategic withdrawal, that has in turn led to a compensational emphasis on humanitarianism.

In other words, the strategic concerns or ideological alignments of the Cold War that modified sovereignty through a bi-polar hegemonic order have ended. There are no driving strategic or ideological interests on the part of major powers to get involved. But this has been replaced by humanitarian and human rights concerns. Massive humanitarian responses to situations are in a way the result of a strategic shift.

Rwanda symbolised both. We know that at the time of its greatest need, the international community withdrew from Rwanda, only to come back massively with humanitarian assistance. I was struck when I went to Rwanda in December 1994 by the humanitarian onslaught. I was flying from Nairobi to Kigali by a C130 plane, which was filled with non-Africans. I was literally the only African and the only black face in the plane.

When we landed, the symbolism of massive external involvement was so conspicuous in the cars and the walkie-talkies which reflected a real state of emergency. I thought it was quite ironic that the people who had just been abandoned to slaughter themselves genocidally, would now be invaded by massive humanitarian intervention for assistance. Without being too cynical, I wondered about the logic of all that. There was a government in desperate need of assistance, lacking the basics of the infra-structure to run the state and yet, the country was receiving that degree of humanitarian attention. I also wondered what tangible benefits would actually reach the people out of this massive involvement. What fraction of the money spent by the international community would accrue to the people of Rwanda. Certainly food and other basics of humanitarian assistance would be provided. But then the world claims that

massive financial resources are being poured into Rwanda, what does that really mean in terms of what remains in the country for the benefit of the people of Rwanda and what goes back to the outside world in the form of salaries, benefits and overheads to foreign relief agencies? It was a question for which I had no answer, but judging from other situations, it was also a question for which I suspected we would not be surprised to find that the benefit is much less than what we usually assume.

I would now like to focus my remarks on two major areas of concern with which I have been associated. One has to do with two emergency operations in the Sudan in the Eighties, and Nineties, resulting from drought-generated famine in Western and Eastern Sudan and the conflict-related famine in the southern Sudan. The other area of concern relates to my recent experiences as representative of the secretary-general on internally displaced persons. The point I want to highlight between these two areas of concern is the dilemma of looking at sovereignty within the framework of international order.

With respect to the emergency operations in Sudan, what was quite characteristic of the situation was the denial of the government that there was famine, for various reasons that might have to do with national pride, or security. The government clearly did not want it known that the country was suffering that kind of a massive famine, which it was unable to manage. This presumably led to their wanting to hide the problem.

News leaked, and the international media followed. The situation of refugees from Ethiopia and Eritrea led gradually to people discovering that apart from the plight of the refugees, there was indeed the much greater plight of starving Sudanese. Gradually, the media, the NGO community, and eventually some of the governments, began to pressure the Sudanese to the point where eventually Nimeri found himself forced to admit that there was famine and invited the international community to assist.

The response of the international community, co-ordinated by the United Nations, was unprecedentedly massive. That, in itself, created problems.

Shortly after that famine was addressed, I was asked to do an appraisal of those emergency operations. That work eventually resulted in a book which I co-authored with a colleague, Larry Minnear, who had done an appraisal of Operation Lifeline Sudan.

Four major dilemmas emerged. One had to do with the externality of the emergency operations, which meant that the country had failed and needed foreign intervention. That in itself created a situation of injury to national pride, particularly on the part of those who were not directly affected by famine, - the urban population, the intellectuals, and the middle class in general. One professor spoke with outrage, "I wish they would leave us alone to starve to death. We were dying from other causes anyway". The number of relief organisations

representing governmental and non-governmental organisations were overwhelming. And they were conspicuous with their cars, and their walkie-talkies. It was like an invasion. And the natural response, was an immune reaction against the foreign body. Humanitarian help had turned into humiliation. Considering that these workers were living much better than even the well established middle class in the country, it is easy to understand the response.

Thus, the failure of the government to discharge its responsibility to its citizens, which led to this external involvement, therefore, created an ambivalence of needing help and resenting it at the same time. The people who had come to help, the foreign donors and relief workers, were equally outraged: They had come because the country had failed its citizens and instead they were looked upon as intruders and treated with hostility. Feelings ran high on both sides.

The second dilemma had to do with the degree to which external assistance was integrated into the context of making use of the country's structures, institutions, resources and the resourcefulness of the people. In reality it was not. The assumption was that these were people who were inherently unable to take care of themselves. They were incapable of managing their own situation. By and large, what they were offered was a package, a totality brought from outside to help a people desperately in need. This meant that emergency operations were seen as an anomaly, an isolated exercise not linked to the capacity of a nation to sustain its own management of future emergencies.

A third dilemma had to do with co-ordination. There were literally hundreds of NGOs all wanting to operate independently or autonomously, driven by the humanitarian desire to be effective in combating the famine. Quite apart from not wanting to be co-ordinated as a matter of principle, since speed and results were the objectives of the emergency operations, co-ordination was seen as an impediment and therefore undesirable.

The sum total of all this led to the final dilemma and that is the result of emergency operations that are externally oriented. In the end, people wondered whether what was done had strengthened or weakened the capacity of the nation. Some experts, from the same sources that had come to assist, evaluated the situation with a strong sense of ambivalence. They argued that while some lives were saved, an achievement not to be taken lightly since saving lives should be an overriding goal, it had also been a weakening process, since it reinforced the tendency to externalise expectations of help when need arose, and, therefore, encouraged a dependency syndrome.

Let me now address the other area of concern, and that is the problem of the internally displaced. I was asked some three years ago by the UN secretary-general Boutros Ghali to be his representative on internally displaced persons. My task initially was to study the problem as a global phenomenon, its causes, manifestations, relevant international legal standards, and the degree to which

they provide adequate protection, international institutional arrangements and the adequacy of coverage, and to make recommendations for strengthening international protection and assistance for the internally displaced. This is a problem, which, in terms of its magnitude and dimensions, by far exceeds the problem of refugees. While there are some 20 million refugees worldwide, the internally displaced now number over 30 million. It is now believed that there are some 20 million internally displaced persons in Africa.

These uprooted people are usually forced out of their homes by such causes as internal conflicts, communal violence, and systematic violations of human rights and are thereby denied the basics of life, shelter, food, water, medicine and basic education. Usually they live in camps as destitutes. But sometimes they merge into communities of equally impoverished populations or otherwise find protection in hiding. Often, their physical security and basic human rights remain in grave danger. In many cases, these populations are victims of conflicts emanating from crises of national identity in which racial, ethnic or religious cleavages make governments or other controlling authorities look on these people, not as 'their people', who deserve protection and assistance, but as enemies, as allies or supporters or sympathisers of the enemy.

This creates a vacuum of moral responsibility, in which people, within their own territories, are left without protection from their own governments. It is this vacuum which the international community is often called upon to step in to fill.

I do not intend to generalise that in all situations of conflicts or internal displacements, governments display an equal degree of indifference. Quite the contrary; some live up to a much greater degree than others in discharging their responsibility. But there is also conspicuous failure, on the part of many, which is why establishing an international system of protection is desperately needed.

Some countries argue that while they welcome humanitarian assistance, protection, which implies allegations of human rights violations is, an exclusive matter of national sovereignty. There is clearly a contradiction in this argument. If a country has the pride to resist external involvement on the ground that it is a national responsibility to protect the human rights of citizens, then it should follow that it is a national responsibility to provide humanitarian assistance to the nationals. To request international assistance for humanitarian concerns, but resent or resist protection is to partition responsibility in a manner that can significantly undermine legitimacy.

What are the elements then of responsibility? Clearly, when emergency situations arise, there is a compelling need for the country to remedy the situation. What is more problematic is the management of internal differences and conflicts of identities. The crisis of the African State largely emanates from the fact that for the most part it was carved out of diversities that might be racial,

ethnic, religious, or cultural. In the process, communities were broken up or joined together almost arbitrarily. This poses a fundamental challenge of how to manage diversities in a manner that would make all the groups feel a sense of belonging with pride and participate equitably as citizens. During the first phase of the process of nation-building in Africa, unity and the preservation of territorial integrity of the state were almost sacrosanct principles that did not permit scrutinising the internal arrangements and how the governments were performing.

With the end of the Cold War, the umbrella support for regimes simply because of ideological alignments or strategic interests of the super powers, which reinforced those governments to maintain control that was unscrutinisable, has now been replaced by an increasing concern with human rights and humanitarian issues as bases for legitimacy and for co-operation with the international community.

This has also generated reactions within the African State, so that the pressures for human rights, and democratisation have become irreversible. The challenge of how to manage racial, cultural, ethnic, and religious diversities, however, remains a formidable dimension of nation-building.

In this connection, the Ethiopian model or experiment by which ethnic identities are recognised constitutionally and given the right to self-determination is particularly intriguing. Obviously it is a precarious undertaking. It is seriously feared that it could trigger the disintegration of the country, as every ethnic group wants to find and promote its own political identity, even to the extent of succession. However, a plausible argument is also made in favour of the arrangement. It is often argued that if people are given the feeling that they are free to determine their destiny, that their being part of the country is not a matter of imposition but of choice, that there is mutual benefit in remaining within that arrangement, then the risks of their breaking away are correspondingly reduced. Obviously, being given the freedom means that the nation is going to challenge itself to address their concerns, so that it can gain the goodwill of the people to remain within the country. In other words, granting the right to self-determination, is not a pre-ordained permission to secede; it is a way of challenging the nation to create those conditions that make people feel that unity is a value worth preserving, rather than an imposition that evokes the desire to break away. It should be interesting to watch what is happening in Ethiopia, since the question of how to manage diversities, however defined, remains a challenge for most African states.

It is also apparent that international accountability on this issue of human rights violations is generating a reassertion of traditional notions of sovereignty. The more vulnerable a state is to international scrutiny on these grounds, the more sensitive it becomes, and the more it is likely to invoke traditional concepts

of sovereignty. But governments would be well-advised not to swim against this powerful and irreversible current, but rather to swim with it. That should encourage them to be more sensitive to these domestic issues in order to acquire legitimacy abroad. This is not to compromise sovereignty, rather it is to make sovereignty become more responsive to the problems within the country.

What all this means is that prevention becomes more critically important than cure. Prevention in this sense means putting one's house in order, to avoid endangering one's sovereignty. On the other hand this should not mean isolating Africa from the responsibilities of the international community for the security, welfare and development of all humankind. Indeed, regional and international responsibilities and accountability should be perceived as complementary and mutually reinforcing. Africans are increasingly being told that, given the resources in the world, shrinking as they are, and the tendency of withdrawal and isolationism on the part of the wealthier industrialised countries of the West, they will have to rely on themselves primarily and whatever help they can expect from the outside world will be minimal, targeted at specific situations. This limited help will naturally be motivated by the values of those who are coming to assist. Accordingly, the degree to which a country lives up to the values of human rights, humanitarianism, democracy and the market economy will determine the degree to which it will receive support from outside.

Therefore, responsibility is being shifted to sub-regional and regional organisations. Africans are responding to the challenge not only because they are being told to do so, or they will not get any assistance from outside, but also because they are sharpening their own sense of responsibility, especially in the area of conflict prevention, management and resolution.

A few examples have already come to the fore. The peace-keeping role of ECOWAS is a good example of a sub-regional initiative. Despite the disaster in Rwanda, the OAU took an initiative that was initially regarded as exemplary of what was expected of the organisation in conflict prevention, management and resolution. We have also seen in the SADC countries the response to the conflicts in Lesotho and Mozambique. And now we are seeing the IGADD countries' efforts in the Sudanese conflict.

What is important about these initiatives is that those involved in the mediation process are saying, "We are not neutral third parties removed from the scene, motivated only by altruistic considerations, we are involved because we are affected by the conflicts. Our regional security is indivisible. Therefore, it is in our own vested interest to try to help to bring peace to the areas affected".

This is a time for Africans to exercise diligence and creativity in seeking new solutions to African problems and to move the continent towards a more promising and productive future.

### **3.4 The African State**

*Professor William Zartman*

Let me say first of all that although it's a great pleasure, a great honour for me to be here, I'm here with a certain regret, when I noticed that two of my very good friends, our good friends and both of them from Nigeria are absent. I would have loved to have, as I often do, crossed swords and sometimes even agreed with Claude Ake, who was supposed to be talking on the same topic and I am saddened, as we all are, at the absence of the man who was affectionately known to many of us as 'The General'. I would certainly second the recommendation that was made earlier that we say something about our regret at his absence, at his enforced absence. The last time I saw General Obasanjo was only a few weeks ago, I guess at the end of February or so in Addis Ababa, where we were trying to do something useful about one of Africa's conflicts. He had said at the time that some people had approached him, including people on the government's side about seeing if he could do something useful within his own country and therefore, with that background, it's with real shock that I learned that he is in gaol and not with us. He is certainly one of Africa's major leaders for all of the positive things that we are going to be talking about in the next couple of days. It's a real blight on the leadership of his country that they would seek to silence him.

As I gather, our purpose in these first presentations is to lay a grounding in some ideas that we can use later on about conflict, specific recommendations of conflict resolution and conflict management in this continent, building on some of the things that we've been talking about on this first day.

My purpose here and my topic is to discuss the State, after we have already talked about its responsibility and sovereignty. There have been many definitions of the State, but perhaps we could agree to call it an institution of supreme authority of the people in a given territory. That's a combination of many definitions that people argue about, but I think it contains the important elements of what constitutes a State. Some important Frenchman once said that he never had lunch with the State, suggesting in that very Statist country, that the State was merely a figment of people's imagination and what it represented was other things, people, bodies and so on that were really the active ones. But the fact is that we can't get along in talking about our business, whether it's conflict or conflict management, governing or simply being citizens, without talking about the State.

I should point out that there is nothing Western about that definition. That definition, a composite of lots of others, contains simply universal elements and it would be very hard for us to think of carrying out business in a large political system without a State. That definition talks about institutions, and we need to

think of institutions. It talks about supreme authority, that is a highest authority. Authority is legitimate power and so it talks about the enabling efforts of politics and enabling efforts carried out in the name of legitimacy – legitimacy drawing from the constituent elements of that political system. It talks about people and territory, two elements that are necessary in the definition of a State.

There is nothing colonial about that definition either. The Colonial State was an imposition from abroad, not an African State. In fact, the Colonial State perhaps fits the definition less well, because it doesn't or it didn't refer to a constituted African authority. But there is nothing un-African about that definition either, so it is very hard to talk about some other kind of institution instead of a State. We are forced to talk about one of the universalities of politics, like power and authority and identity and loyalty, that we have to deal with whenever we deal with political interactions.

On the other hand we can say that the State operates in different ways. There has been a lot of writing that says that the State in Africa has some specific characteristics within that definition. If one sets up a grid of strong/weak and hard/soft states, one might say that frequently, (but one would have to look at each case), the State in Africa is a weak State and a hard State. That is not to say that all African states are either weak or hard, but merely to set up a kind of typology that breaks down the topic and lets us talk about it in different ways; how a weak State can become stronger, how it can extend its authority; how a hard State can become softer or more penetrable, more open to its own public.

These are natural characteristics. The African State is for the most part a new State, uncertain of its functions, learning its business as it goes along and as it conducts its business, setting up its own traditions, its own history of how the State operates within a particular country.

This business of learning to build oneself, also implies that there are some very time-honoured characteristics such as state-building and nation-building that are inherent parts of a state's activity, that is a state is required to build itself up, to strengthen its activities and to build identity around itself, as it brings together the loyalty, the allegiance of people within its territory into a central institution.

Perhaps one could say, in setting up a further dichotomy, that there are two ways of handling these natural problems. In some areas these activities become privatised and in some areas these activities become publicised or rendered public. By 'privatised' I mean that they are closed and refer to a small group of people who gather power around themselves and carry out a defensive type of policy that separates them from the rest of their population. In such a system, carrying out the activities of the State represents a time at the trough, a time where one can benefit from state activities with the fear that one might later

be replaced by somebody else with a different kind of rationality. Perhaps that's the kind of spirit that we see today in a country such as the one that's put Obasanjo in gaol and that Claude Ake reels against.

Another way of handling these same problems is in a more public or an open way, which considers the State at the service of its people; which considers the State to be open and involving the participation of its people, whether we're talking about a technically democratic regime or some different form of regime. Certainly in the beginning, many of the ideas of the single party regime reflected an open, public State-building activity, where people tried to be involved as much as possible and to reflect the opinions and desires of the population.

So these natural activities that come with building a state in a relatively new situation, after only a couple of generations, can be carried out in some very different ways, whether people try to entrench themselves behind an old castle, to use a European image, or whether they try to live in an open field rendering justice under a tree in a more universal type of image open to their people.

States are often compared to individuals and there's a lot of mistakes that we can make in making that comparison. States are not individuals. A state is a concept under which a lot of individuals operate, but there are some parallels to individual life that one can draw on as well. One is that states operate under norms. There are expected activities. There are activities that derive from the very nature of the State that tend to govern the actions of the State. Like any norms, they can be broken; like any norms, their strength is tested by people who try either to get around them or see if there is a different norm. As the norms are tested, they are either changed or reinforced.

The State has a moral obligation to its people. This is not simply a philosopher's dream. It is something that is inherent in the building of the State itself. Why does the State have a moral obligation to its people? Because it comes from its people, because if we talk about legitimacy, supreme authority, it's only from the people that it can come. The only other place it could come from would be from on high, as many civilisations believed in past times. We no longer believe that the State is a creation of God. Even those who try in the name of religion to make it closer to God's calling still don't see legitimacy in those terms. We believe that the State gets its legitimacy from its people and, therefore, it has a moral obligation to its people. That seems about as banal a thing as I could say in an after-dinner type of address, but it is something that needs saying and something that we often forget, or some people forget, as being an inherent part of the State's existence.

States also have moral obligations to each other. That is, while a state tries to defend itself, it can only defend itself successfully, maintain its existence

around its neighbours, within certain limits of mutual respect. Again why? Because if a state transgresses that kind of boundary and simply tries to push its way around within its community, it creates a spiral that we call a security dilemma, that is, by being more secure, decreases the security of its neighbours and therefore makes its neighbours try to increase their security and hence, get into a situation of guaranteed insecurity. It is only by being concerned about one's neighbour's security as well as one's own security, that one can fulfil this moral obligation that the State has to the community within which it lives.

Under the regime of law, but within the regime of political institutions, such as the United Nations or the OAU or others, states operate under the rule of sovereign equality. I'm sure this has been mentioned earlier in our discussions. States are considered to be sovereign equals, being all sovereign, they are considered to be equals. That doesn't hide the fact that states have different types of power, different ways of meeting their responsibilities, or different endowments, but it says that in law and in the translation of law into practice, States need to have a respect for each other as equals. Why? Because no State would want to be unequal. Any State which pretended to be unequal, could always find itself faced with one that was stronger and that on one basis or another, could claim to be more unequal, higher in its position and would therefore threaten the other's security.

These rules have been worked out. They're universal obligations that are inherent within the State and they are very much to the benefit of this institution that we need.

We live in an era where there are a number of challenges to the State, challenges that we particularly find taking place within the African Continent, although again we could, if we had a different topic, compare these to other areas of the world as well and perhaps at other times.

Four different types of challenges derive from the nature of the State. Territorial, social, democratic and institutional. We will be going into these in greater detail in the cases that we look at later on, but I think if we lay a little bit of the groundwork for them now, we can talk about them better.

The territorial challenge to the State relates to the extent of its control over a territory. We may have noticed recently in the military action between Ecuador and Peru, states that have been independent for an additional century and a half beyond the present African states, that war took place because of a policy of populating the borderlands and therefore bringing the writ of the State to the legal territorial extent of the country. This kind of activity of filling one's space, that we see as inherent in the state growing into its skin, is something that continues to bring challenges of a territorial nature to states within and between themselves, as they meet other states at the border, where states had not met before.

We often tend to slip from that natural fact, which brings territorial problems to the fore, to a claim that African states, somehow differently from the rest of the world, have artificial boundaries. On one hand all boundaries are artificial. Any line between you and me that separates us and says that you are different from me and that we have to turn our backs to each other in our identities and in our obedience to authority is an artificial line. African states' lines are no more artificial than any other states' lines in that sense. What differs in many cases in Africa is that the boundary lines have not yet been nationalised or Africanised. They have not yet been made part of the national history of the countries involved.

There is a wave of discussion now about searches for better boundaries in Africa, but people have never produced a map of what Africa would look like with so-called better boundaries. If we think for a moment after coffee and let our minds run, we can imagine the problems that would be caused by a search for new lines, to divide up the Continent. We can imagine what terrible and unjustified wars would be produced as a result. But the challenge still remains and can be translated into the need for current states to develop policies that Africanise or nationalise the skin that they have been born with, the boundaries that they have inherited.

This can take a number of different forms, but I just throw out three for discussion. One form would be to enter into diplomatic agreements with one's neighbours, as a number of African states have, to reaffirm the existence of the boundaries in the forms that they were inherited and that states and people have learned to live with. This diplomatic reaffirmation, could include a statement and arrangements for the permeability of boundaries. The looser that artificial line that separates me from you, the more it allows natural human inter-change across the border, and the more lightly it rests on the shoulders of those whom it separates.

Second, boundaries can be readjusted by mutual agreement, where such readjustments make sense. We have to go back pretty far to find cases, but one comes from 1963, when Mali and Mauritania together renegotiated their boundary to take care of pastoral rights, water holes between the populations located on either side of the boundary, *ubique sedetif* under the OAU does not in any way prevent mutual readjustment of boundaries when agreed to.

And third, it is extremely important to demarcate the boundaries, that is put stones down along the boundaries, particularly when there is no boundary dispute going on. States may very easily be in agreement on the boundary on paper and then be surprised to see how that paper translates on the ground. When the problem has arisen, it's too late. When the problem is cool, is the time. Again, a number of states are doing this - Algeria for example has made it for a long time its policy to demarcate its boundaries.

The second type of challenge to the State is the social challenge or ethnic conflicts, conflicts of identity within the State. These conflicts are frequently brought to the fore by the natural nation-building policies of the State. It's one thing to build a common allegiance, a common sense of national belonging with the State; it's another thing to turn that into a kind of cultural imperialism within one's own boundaries.

Ethnic conflicts begin with targeted neglect. They begin with a notion of discrimination, the feeling of a people that they are being treated badly, because of who or what they are. Anywhere in the world, ethnic conflicts tend to go through three phases, what one might call the phase of petition, the phase of consolidation, the phase of confrontation.

In the early stages of ethnic conflicts, people ought to be able to take their problems to their government to say: "We find this particular action discriminatory. We have a problem in the distribution of resources", and have the government handle that in a fair and just way, as any citizen is or should be able to bring his problems to his government.

If, at that point, after pursued attempts, the ethnic group still feels it's being discriminated against, it then turns inward and begins a second phase of consolidation, building its own national forces, its own national identity, getting itself united behind a leader, and contesting the legitimacy of the State and the effectiveness of the government to handle its own problems. This consolidation phase goes on for a long, long time and takes lots of different forms in the meanwhile, until finally a new situation is created where the rebellion - and now it is a rebellion - finds itself on an equal footing with the government. Now the two are obliged to work together.

I think it is very clear from this very simple, but realistic breakdown, that it is much better to handle ethnic problems in their first (petition) stage, when the petitioners still consider themselves citizens, perhaps discriminated against but still citizens who can take their problems to the government.

In the second stage there's no negotiation. All of the pressures within the rebellion now are not to negotiate, not to deal with the government, but rather toward consolidating their own forces and unity, strengthening their position against the government. When they finally get to the third stage, a number of examples show us that the only way out is to create a new political system, no longer simply bringing the aggrieved or the rebels in as good citizens into the old system, but rather creating a new political system. Columbia, in Latin-America, in its negotiations with its rebellion to step outside of Africa is a very good example of this kind of need and so is South Africa.

A third type of challenge to the State comes with the process of democratisation. There are lots of problems that we can talk about in the question of democratisation, but I think there are some aspects of democratisation that we

haven't paid enough attention to and, again, are natural problems that need to be handled in a very difficult period.

Democratisation usually takes place when a State — and I'm talking about Africa - moves from a characteristic position of a single party to a position of a multi-party participatory type of political system.

A lot of the consideration, and it has been very popular here in South Africa, of democratisation draws from the lessons of Latin-America and Mediterranean Europe and talks about the move from a military regime without a party into a pluralistic political situation, but the situation in Africa is more generally one where in some form or other there exists a single party, either grown out of the nationalist movement or the creation of a regime in power, which proposes - which purports to speak for all its people — which says that it is already democratic. So democratisation takes place not when leaving a self-proclaimed authoritative system, whether it be that in reality or not, but within a system that already talks a democratic language. The language itself then becomes disputed between the two phases of this democratisation process and it raises a number of questions that need to be handled, particularly three different types of questions.

What is the relation between the old single party and the new political parties? When the electors, for example, look for pluralism but see experience and power in the leaders of the old political party, why should they vote for the opposition?

All parties are not equal in this transition situation and it often becomes very hard to move from a single party system to a multi-party system. The secretary-general of the old single party in Tunisia, used to say, as the system was opened up, "Sure, we'll have elections. We'll have free and fair elections. But no gifts". The old single party in Tunisia has kept on winning, because people voted for power and experience and, in what I think was a genuine attempt to pluralise, has had real difficulties.

The second kind of problem is involved in moving from the monolithic State to the State of checks and balances. In the old days, the State was controlled again by a single leader and, again, a single party accountable to and held together by a certain sense of unity. Now, as one moves towards democratisation, the State institutions are expected to check and balance each other. They often have a hard time cohabiting together in the same area, because there is no one agent but only a new and imperfect sense of national unity and civic duty that keeps them together.

The third kind of tension that arises in a democratisation process is the effort to build up non-ascriptive achievemental groups, that is professional groups, economic and social groups, as compared with ascriptive ethnic or regional groups. Politics, as we all know, when open to pluralism, tends to take old fixed

forms rather than new forms of achievement, new socio-economic forms.

When these three sources of tension cut across each other, we have the pluralism, the messy pluralism that we live with in connection with democratisation. But when they coincide, when the old party and the notions of a monolithic State and ethnic notions all pile up together, we often have a very difficult situation in the details of democratisation, well beyond any spirit of trying to bring in a pluralistic system of accountability.

### **The final challenge to the State is the danger of State collapse itself**

We know from our experience that this is a continent which has seen a number of instances in which the State itself has collapsed. Not simply a coup, not simply a change of power, not simply an unwanted leader removed and replaced by somebody else, but where — as in Somalia or in Liberia or in Uganda after Idi Amin — the State itself, the whole structure of legitimacy, collapsed. This doesn't happen overnight, — It's not just six months of history that produces this kind of State collapse, but rather a downward spiral, a degrading spiral of loss of political authority.

Those in power pull the cover of power around themselves, around a small group, as Siad Barre or as Sergeant Doe did and, as a result, both alienate and oppress the rest of the population to the point, when their overthrow comes, society too has lost its ability to bound back and to fill the vacuum that has been created by the government that retreated into its castle.

As we think about conflict resolution and management within this continent, we need to think of ways of not only helping states once they have got into that mess and the State has disappeared, but also helping each other before that happens, as the process becomes visible.

This raises quite a number of problems of sensitivities, sovereignties and so on. Who can help in this process? I think it is evident from our earlier discussion, and the discussion here of the state that while dealing with these challenges is the responsibility of the States and those who run it, they also need help at times. Those who cannot or will not exercise that responsibility need to know that they can or will be aided in the process by others who are in a position to be of some use.

This help can come from many sources. Building on what Secretary Salim said, I think we should think of this help as layered assistance. It can come from sub-regional groups, from states that are working together within the same region. It can come from regional organisations, from the OAU, but as a second string, a second layer of assistance. It can come from global organisations such as the United Nations, but again as a third resource, before or after

one has exhausted the possibilities of doing things by oneself at home.

The fact that there are two other layers reinforces the activities of the first layer and also gives a back-up for mediation, conflict management, intervention in a positive sense, and allows a greater array of activities.

Help can also come from the outside from NGOs. There are NGOs represented here, perhaps not the ones that will be of the greatest help, but perhaps as well. One often wonders, in the case of Nigeria when the Labour Unions were trying to pursue the notion of democracy, where was the ICFTU? Irving Brown, where were you when we needed you? Where was an international community that could have supported that domestic reaction, that thirst for democracy?

I think these are some ideas, both problems and pieces of answers, that can help us not as final quiz answers, but as contributions to our discussions, as we deal with questions of conflict management in the continent and as Africa, in resolving some of these problems, makes itself an example for other places in the world, which have the same kind of problems too.

### **3.5 Discussion**

#### ***Democracy***

The struggle for democracy is an everlasting search, with certain universal values, which all states should aim to aspire towards. There are no inherent African cultures or traditions that prevent African states from internalising and adopting democratic values.

Democracy in the West has come through a process of evolution and revolution, and an offspring of the Western cultural value systems based on individualism, competition with a free market background, separation of church and state. However, Western countries are not identical. There are differences in culture, and religion whether Catholic or Protestant.

In Africa, the prevailing values are communal values, not individualistic values. Compromise and consensus rather than competition are valued, together with a desire for democratic participation, for all to participate in decision making.

Every African country has struggled to find a cultural dimension to the issues and challenges of the African continent. Concepts like the one-party system, African socialism, humanism, authenticity were efforts by African leaders to give cultural legitimacy to the issues of nation-building. Some concepts were used to pursue policies and objectives that were contrary to the values behind the idea of cultural legitimacy and orientation, and there was exploitation by some leaders of these concepts for their own ends. A distinction must be made between the genuine search for culture and relevant ways of implementing the

values of democracy and the potential abuse of that argument by those using relativity as a justification.

The principles of democracy are universal, but the application and sustaining of these principles must take into account the concrete conditions in our respective countries. The argument that Africa is so different from the rest of the world, that it must be treated by certain sub-standards, is condescending. Africa is part of the world community. Principles of freedom of the press, the independence of judiciary, the role of the Executive, the role of the Legislature, the rule of law, transparency, accountability, are universally applicable. It is crucial that Africa is supported in the building and strengthening of democratic institutions. All those who have an interest in the attainment of democracy in the continent can play a role by assisting in the strengthening of these pillars of a democratic society.

In the area of human rights, we would be doing human rights a disservice if we regarded cultural relativity as a means for not applying some of those universal values to Africa. All peoples have their ways of pursuing the dignity of the human being, even though those ways may vary. Cultural relativity becomes unjustified when those ways contradict the fundamentals and ideals of the quest for human dignity. Cultural relativity should be perceived as a means of reinforcing those universals and of realising and enhancing democracy, rather than diminishing it.

### ***The African State***

African nation states have undergone four important phases in the last one hundred years which have impacted on their nature and character.

The first is the pre-Colonial State structure, where indigenous African forces created their own functioning social and political system that in many instances led to tremendous cultural developments. There have been a proliferation of empires in Africa, from Egypt to the Ashante Empire, in Ghana, based predominantly on lineage systems and hierarchy.

This process was interrupted with the violent intervention of colonial forces that was to have a fundamental impact on African political and social forces. The second major period, the colonial period, suppressed and disseminated African forces. There was also a cohabitation of the colonial administration with traditional African systems. Many states were created during the colonial period. Most of the African societies have not yet overcome the impact of colonisation, and managed to recover their indigenous political forces in the building of a nation state.

By the time the colonial powers were being replaced by the decolonisation process, a reorganisation of the political parties in Africa began to emerge. African societies were undergoing a process of internal liberation, with the birth

of Nationalism which aimed to resist the colonial establishment. This process was, however, subscribed by international interests, particularly those of the superpowers during the Cold War period. This limited the capacity of African societies to create their own nation states or State structures. The borders resulting from the colonial period were taken in account at Independence, and in the formation of the OAU Charter, with the acceptance of the principles of self-determination and the sovereignty of the state. Now that the superpower era has ended, the political systems encouraged during this period are totally disintegrating, including those of Ethiopia, Somalia, Zaire, Liberia, Rwanda and Burundi. Only local political forces have the capacity to deal with African needs.

The viability of each nation state created during the post-Colonial period must be re-evaluated by the political forces within those countries, to assess whether it continues to represent its people and is responsive to the needs and aspirations of its populations. The viability of the nation state depends on the level of consent of those being governed under the state. In Africa, issues of ethnicity and representation, political diversity, different political and economic interests being allied under one nation State, are issues that have to be dealt with together with creating the possibilities for greater involvement of the people in participating in the administration of the country.

In many instances, the concept of State in Africa is artificial in that the notion of nation is absent. Furthermore, the structure that is referred to as the state is either weak or non-existent. In many African countries, state structures exist only in the capital, and sometimes they just about exist there; out of the Capital one enters a no-man's land where the notion of State is virtually non-existent. A number of states were created without structures, ruling through inherited institutions, whereby it was intended that a state be developed.

Some of our great leaders, including Machel, Perreira, and Sankara, tried to build structures to create an African State, but they failed because this 'state' lacked what the jurists call the Dominion and the Emporium, and thereby limited its ability to operate effectively. There are at present approximately 49 border conflicts in Africa, together with numerous internal conflicts. The process of disintegration of states is similar to that experienced on other continents.

There is nothing particularly European, Colonial or African about the State; it is a universal concept, expressed within a particular context and cultural dimension. However, in the building of a system in Africa that does not ignore the objective realities of the State and builds on the characteristics of that society, certain cultural characteristics must be acknowledged. The search for solutions that will work in Africa will require that we adapt our universal concept of the State in order that it be contextualised in a manner that is relevant to the needs of our particular situation.

Our understanding of the concept of 'state' has a profound effect on our

determinations of whether it is necessary or appropriate to intervene in a state and affect our understanding of the notions of sovereignty and the non-interference in the internal affairs of State as it has a direct bearing on when a state can be considered to have abdicated its responsibilities to its people.

After only 35 years, the achievements of the African State should be acknowledged. Whether the African State should be reformed, recreated or restructured depends on the role played by the particular state. Tradition and stability may enable governments to ensure delivery to their citizens and thereby meet popular needs, resulting in the re-inventive process not needing to be undertaken too often.

### ***Responsibility***

Sovereignty and the channels of responsibility are internal and external. Internal has its own levels from national state, to provincial to the local community. Africa has experience over centuries of internal responsibility for conflict, whereby communities have resolved their problems according to certain established principles and cultural values. In Sudan, a group of experts called 'Ahdiawid' who are tribal elders and mediators, mediate conflict between communities and tribes. At times they may have to balance practice and procedure, particularly criminal liability, with communal processes of peacemaking.

Communities' capacity to resolve their disputes has at times been weakened because of a linkage with central government mechanisms, power control and resources. The balance of the local community, who must live together, can be disturbed by the intervention of central authorities. In decentralising authority and power, the capacity of people at various levels to manage their own affairs must be recognised and enhanced.

The retrenchment of the international community, particularly the more powerful countries of the world, has resulted in less inclination for involvement in African problems. This requires that Africa assume greater levels of responsibility. The OAU therefore has to equip itself, working with sub-regional organisations, national governments and civil society, to assume greater responsibility.

A number of initiatives are being undertaken to assist the rapid deployment of African forces. In 1992, the OAU Council of Ministers, made specific recommendations regarding preparations for mounting peacekeeping operations. The Rwandan experience has dictated that Africa has to be prepared to mount peacekeeping operations. Since the Tunis Summit in 1994, two options are being considered. The British are considering the repositioning of logistic centres, how to enhance the OAU and UN in peacekeeping. The French, through involvement with the Francophone countries, suggested the idea of a Pan-African force, of preparing ready contingencies. The central organ of the OAU

has requested that our member states develop concrete proposals for how best Africa can equip itself.

Major drawbacks will continue to be logistics, financing and the extent of preparedness of the OAU. The expertise of the Conflict Resolution Division is being developed. Africa has soldiers and officers with the necessary expertise and experience. African countries have made monumental contributions, not only in Africa, to peacekeeping operations.

Our peacekeeping, conflict resolution and conflict management operations cannot be exclusively dependent on external assistance. Sovereignty presupposes responsibility. All governments in Africa are in crisis and there is a limit to the contributions they can make to the Peace Fund. We need support from the entire African community, particularly the business community and the African intellectuals. Without peace, without security in the continent, all the talk of economic development will be nothing. While it is the function of diplomats to put on a good face for their countries abroad, it is more critically important to create the conditions at home that we can be proud of to reflect outside as a basis for winning international co-operation.

It is accepted, however, that the United Nations, especially the Security Council, has a primary responsibility for international peace and security, including in Africa. The United Nations cannot be allowed to withdraw from difficult situations such as they did in Rwanda during the peak of the genocide, or when the President of Burundi was assassinated. The UN cannot minimise its responsibility to Africa. African countries constitute a significant number of the member states of the UN and will oppose every effort at ignoring the critical issues facing Africa.

### ***Resources***

Responsibility assumes resources. Africa needs to acquire the resources that will make our technical response to our own problems effective. In responding to the conflict within Rwanda, the international community had access to crucial resources, such as cars, radios which were utilised in such a manner as to make the Rwandese feel that their sovereignty was being violated by an influx of foreigners.

To prevent an instinctive reaction against foreign intervention, intervention must be undertaken with due regard to context, empowering local people in the delivery of services and provision of emergency operations, and thereby adding to the capacity of the nation. Co-ordination with outside agencies and the government must be undertaken sensitively. In this way fears of the invasion of sovereignty are ameliorated.

### ***Intervention***

Conflict in every human society is endemic. Contradictions at the non-antagonistic level can play a positive role in any society as progress can be made through demands for change. When conflicts begin to develop at the antagonistic level, when they may be resolved through the process of force, a response is required from civil society and the international community.

This can come in the form of an intervention, with a well-structured plan of action, aimed at preventing, managing and assisting parties to resolve the conflict. The interests of the different parties must be understood, and the parties must be assisted to come to terms with them. Conflicts seldom resolve conclusively or immediately. In resolving one conflict, a new conflict begins to emerge.

Intervenors must develop a proper understanding of the complexity and fundamental problems of each country, in order to ascertain the most appropriate level at which intervention should take place, how intervenors should become involved, how and whether it is appropriate to disengage from the conflict.

The international community cannot impose or command peace. People who live together daily know their strengths and weaknesses and can be encouraged to operate at a level where that relationship will not become a matter of concern to the international community. But in the final analysis, they cannot be forced to maintain relationships when these have broken down.

It is very difficult to determine in advance when the international community should intervene. In Rwanda, the United Nations was aware of the situation, but many refused to accept that a genocide could occur. When the genocide occurred, some argued that it was too late to intervene. In Liberia, when the Liberian civil war was brewing in 1988/89, it was suggested that the Security Council should intervene. An African member state in the Security Council, argued that the issues facing Liberia were of an internal nature, and thereby ensured that the UN did not intervene. The United Nations found it very difficult to intervene in Burundi, because of their own problems and their own self-interest. The OAU was left alone to intervene without resources.

Decisions as to who, when and how to intervene must be related to the role and policy frameworks of respective players, who they are responsible to, whether the intervention is justified and how it is to be evaluated, whether the intervenor be the United Nations, Organisation of African Unity, neighbouring states, non-governmental organisations or individuals.

Intervention is a very complex instrument whose consequences are hard to predict. Except for a number of points in the UN Charter, there is no legal fundament, or control mechanism, to ensure interventions are compatible with sovereignty. Interventions can be made compatible with sovereignty by sovereign states relinquishing a certain authority to super-national bodies, by accepting the international community's right to intervene in our own affairs. Once a

legal fundament is established which is compatible with sovereign states, the concepts, criteria and control mechanisms for interventions can be built. Until this fundament is in place, we should devote more time to consensual intervention, whereby we can co-operate more actively with the resources in the society in need, to build norms, regimes and conventions on which we can forward the changes we want to bring about. However, when a legitimate government fundamentally challenges the rights of its citizens, the democratic values of the society are threatened with collapse. If there is no intervention, or the mechanisms of intervention are not installed timeously, the interests of the affected citizens are undermined. Discretion and swift action are crucial in determining the success of an intervention.

There is never a text book solution to how and when to intervene. Every situation has its own dynamics and it is the dynamics of the situation which will determine what sort of action can be taken. There are situations like Somalia, where the society has completely collapsed, or societies where there is a limited breakdown. Sometimes discreet, quiet intervention can be effective. At times a collective position, a collective statement coming by the country's region can make a difference. There is a role for the region, the sub-region, the Continental organisation and a role for the United Nations.

External factors, interventions or interferences from powers outside the continent have contributed over the centuries and continue to contribute to conflict creation in the continent through direct military intervention, the use of foreign aid, the financing of certain political groups and ethnic groups within each country against each other. If we want to address adequately the problem of conflict prevention, then we have to address the relationships of Africa to the external community.

In certain instances, intervention may be inappropriate as it may not alleviate human suffering or political instability, and it may be undertaken for reasons of political and economic self-interest. The absence of a normative, internationally agreed upon objective and well-defined criteria on how intervention can take place may result in selective application.

Quiet diplomacy may at times be the best way to solve conflict in Africa.

### ***Strategies for intervention***

Intervention can mean peace-building, peace maintenance, peace-restoration, peace enforcement strategies and preventive diplomacy.

Peace-building strategies aim to ensure that armed conflicts and other major crises do not arise or recur by implementing international agreements on arrangements, such as disarmament, arms control and recognising the status of refugees. In-country peace-building aims to restore and develop a country through national and international efforts, through various socio-economic or

political measures aimed at tackling emerging problems or threats. Post-conflict peace-building measures are taken after a conflict and are directed at rehabilitation and restoration, such as demining areas in Mozambique and Angola.

Peace-maintenance strategies include strategies designed to prevent disputes from developing into armed conflict. These measures involve preventive diplomacy, preventive deployment, the deployment of military and civilian elements, with the purpose of preventing a dispute from escalating into conflict, in response to early warning.

Peace-restoration strategies are employed to resolve conflicts after they have developed into armed hostilities, including peace-making, through utilising methods such as negotiation and arbitration. Peacekeeping involves the deployment of military/civilian forces to support the implementation of agreements on ceasefire, withdrawals, disarmament.

When considering appropriate measures for intervention, consideration should be given to the particularities of every situation and the gradations of intervention that may be appropriate to the specific conflict situation. Every situation is different and models should not be utilised in a linear fashion.

### ***Encouraging negotiations***

Preconditions need to be developed within societies to encourage the possibility of meaningful negotiations among groups and between groups and the government, which can contribute to conflict resolution. Ethiopia created an important precedent by recognising individual ethnic groups. This is fundamental to effective conflict resolution, as there's a legitimisation and an empowerment of individual groups, which permits groups to negotiate among themselves, with government and other political structures. However, encouraging self-determination to communities and recognising ethnicity may encourage a fission of the nation and eventual disintegration into separate entities.

When parties to a conflict do not want to negotiate, they need to be assisted to participate in the negotiation process with mediators and facilitators serving as catalysts to promote the negotiations process. Third party intervenors must never make a mistake in any conflict situation and pretend that they, whether the United Nations, the OAU or an NGO, have the solution for every problem. The solutions must inherently come from the affected community.

### ***OAU Conflict Mechanism***

The OAU has been involved in conflict resolution from its very inception, but was never involved in intra-state conflicts. It was always involved in inter-state conflicts. Efforts to get involved in intra-state conflicts were improved with the adoption of the Declaration of Fundamental Changes, which upholds the premise that Africa had to assume responsibility for its own internal conflicts.

The OAU mechanism for conflict prevention, management and resolution was formally adopted in Cairo in 1993 to address collective responsibility for democratisation and internal conflicts.

OAU intervention includes the OAU Secretariat and the collective of its members with the necessary range of resource skills, including a combination of African countries, African leaders, business people and eminent envoys. Organisations of civil society, including NGOs, institutions, universities and research centres must also become an important element of the OAU conflict mechanism.

The OAU conflict mechanism must become operationalised by having the necessary authority to intervene, even at times to the detriment of sovereignty. Conflicts must be analysed to determine whether they are internal or external, and sovereignty must be defined to enable the necessary involvement. Some countries, such as Rwanda and Somalia, are in full disintegration, and simply attempting to ensure survival.

The revision of the Charter on Sovereignty must enable the conflict mechanism to intervene where appropriate, including on matters such as human rights. The principle of non-interference, as enshrined in the OAU charter, relates to the history of the OAU. When the founding fathers considered non-interference, they did not envisage the massive violation of human rights or calamities such as the Rwanda crisis or cyclical massacres in Burundi.

To unnecessarily change the principle of interference, in order to facilitate movement in the context either of human rights or in the context of conflict resolution, may result in attention being focused on safeguarding the principle of sovereignty, and non-intervention, instead of considering the collective responsibility of Africans to deal with internal conflicts.

This principle of non-interference has however been abused. Killings, mayhem and destruction in different countries cannot be justified and condoned because of the principle of non-interference. All African countries are signatories to the Universal Declaration of Human Rights and to the OAU Convention on Human and People's Rights. A challenge for all countries is to ensure that its citizens know what their governments and leaders commit themselves to. Governments should be held accountable for the decisions they make.

### ***Legitimacy and Military rule***

As military states cannot claim to draw their legitimacy from the people whom they exert power and authority over, they often experience difficulties in implementing their role of supreme authority in a given land. This difficulty has led some military rulers to recognise that they are illegitimate when they come to power and, therefore, they have a particular need to legitimate themselves. Legitimation can be achieved by meeting the basic popular needs of the peo-

ple, or by establishing a new political system, by setting up parties, usually single parties, or having referendum elections.

One of the realities of Africa is the role of the military in nation-building and in the political life of Africa as the opposition 'party'. The difficulty of asserting political control over the military has been faced by many countries in Africa. It is often hoped that there will be a transition programme whereby government is handed over to a civilian regime, without recognition that the military can again return to power. Various activities that need to be undertaken in order to ensure that the military does not come back to power are not implemented. It is only when faced with difficulties of the magnitude of the Nigerian situation that the international community responds. Pressure can be brought to bear on military regimes by, for example, strengthening the labour unions and the people of Nigeria's struggle for democracy.

The lessons of Latin-America and steps at preventing coup d'états have not been learnt in Africa.

The series of civil wars and conflicts in Africa have often begun under military regimes. Institutions must be built that prevent the military from returning to the political scenario. Even democratic states in Africa still have a strong military influence.

To prevent the militarisation of African politics, we need to build serious institutions for the preservation of democracy and a new culture on our Continent. The democratisation process in Africa will not succeed unless civil society understands democracy and good governance and the military understands its role within this process. We have to change the role of the military in Africa to be more dynamic, more progressive in the context of being part of the building of a new democratic society. The OAU, member states, NGOs, and private citizens all have a role to play in addressing the problem of military regimes.

### ***Arms Control***

In the European State formation, the central State evolved through struggles to acquire the means of violence. In return for acquisition of the means of violence, the state promised to its citizens law and order. Today we have a fragile state struggling to maintain itself under tremendous odds, but the State is fundamentally challenged by the fact that the monopoly of violence does not exist with the state any more, with lethal weapons which kill and maim large numbers of people becoming more easily accessible.

Many African countries have experimented with Marxism and Leninism. This resulted in massive support from the Soviet Union. When abandoning Marxism, these same countries received support from the USA, as did Siad Barre in Somalia. The superpowers have contributed to all of the conflicts on the continent. In Burundi at present, arms are clandestinely being supplied

to the people who want to erode the authority of the State of Burundi. In Rwanda, the former government soldiers responsible for the killings and the genocide in Rwanda, continued to be provided with arms which were not manufactured in Africa.

### ***Social responsibilities/refugees***

Lack of access to facilities and resources affects women, youth, children, disabled and old people, the majority of the population, who do not make government policies. Attention has to be given to broad political issues, together with social values and responsibility towards addressing the interests of the daily realities of the continent's people.

This includes having due regard for those people who, because of lack of resources or conflict in their home countries, are forced to live as refugees and migrants. The issue of refugees, and the tendency on the part of African countries to consider Africans who are not nationals of that country to be the victims of persecution or victims to be thrown out, goes against the whole thesis and thrust of Pan-African integration.

For Africa to be a significant factor in international relations, particularly within the context of the globalisation of the economy, Africa has to act as an entity, beginning with sub-regional organisations, and developing sub-regional and continental strategies and perspectives. This will require a different attitude towards refugees and migrants, whereby emphasis is placed on developing economies in underdeveloped areas, rather than on developing attempts at removing non-nationals and considering the problem within narrow national boundaries.

### ***Structural Adjustment Programmes***

The manner of implementation of Structural Adjustment Programmes (SAP) created difficulties. African countries recognise that their economies require reform. When states spend more than they have, the entire state is placed in crisis. The reforms in Africa are not only an imposition of the World Bank and IMF. But the manner of this reform, and the prescriptions that have been provided, have created real difficulties and are even being reviewed by the World Bank. The first areas to suffer in any SAP are health, education, and human resource development, resulting in the destruction of the future of Africa. While structural adjustments are necessary and African countries must undertake reforms, there must be some understanding of the priorities and the human needs of our population.

## 4. Strategies for conflict prevention, management and resolution

### 4.1 Introduction

This section examined a number of themes including:

- the possibility of conflict prevention by preventative diplomacy,
- the strengths and weaknesses of peacekeeping in the African context,
- the roles of intervenors, including those of the United Nations, the Organisation of African Unity and various sub-regional organisations, through the examination of their respective intervention in various cases, including Somalia, Rwanda, Burundi, Liberia and Sudan.

### 4.2 Preventative Diplomacy

*Dr Kumar Rupesinghe*

Thank you very much, particularly to ACCORD, for the opportunity to discuss the search for strategies for conflict prevention, management and resolution, a subject which is very dear to all of us.

South Africa is one of the most brilliant examples of strategies applied for conflict prevention, management and resolution. We need to study this experience in order to understand how a system of structural violence was transformed non-violently, and how different activities and strategies were used to build preventive and peace-building actions. A range of complementary tools were applied internationally, nationally and locally in an effort to achieve social transformation. These elements included the political will for peace generated by the country's leaders such as that of the great peacemaker of this century, Nelson Mandela, complemented by citizen-based diplomacy from the trade union and community-based movements, to a range of alternative and official track activities. A culture of negotiations developed throughout the conflict phase. This culture of negotiations is today one of the best dispute resolution tactics in any part of the world.

I want to spell out what this multi-track diplomacy means. The notion of sovereignty is a relative, dynamic concept within the global village. The international system is no longer a system of states. It is a complex system of people's movements, non-governmental organisations, networks which cross boundaries. The communications revolution has enabled us to link up between peoples within and outside boundaries and communicate instantly. We need

therefore to redefine sovereignty within this global village where communication enables us to speak to emergent communities across borders.

Secondly the question of intervention, when should intervention begin, who should undertake it and how? We need to develop a strategy where intervention occurs at all points in the conflict momentum. I will argue that there are different strategic implications and actors that need to be brought in at different moments in the conflict cycle. There is an increasing recognition for a need for a division of labour between the different actors, between the different levels of the system. Each grouping, inter-governmental, governmental, and non-governmental has different strategic advantages that we need to take into account.

Thirdly, how can one intervene in a conflict situation when there is no invitation, recognising that most of the conflicts today are internal in character?

There are limits to traditional diplomacy. Traditional diplomacy had been built up on the paradigm of inter-state diplomacy, and inter-state conflict. Today it is not so much inter-state conflict which causes concern, but internal conflicts or conflicts between peoples within the same national boundaries. We therefore need to revise our strategies, concepts and tools for addressing internal conflicts. For this reason, state-centred diplomacy must be complemented and sometimes operate parallel to civilian-centred diplomacy. Two track diplomacy, citizen-based diplomacy and multi-track diplomacy must all be utilised.

The nature of war has changed. We are no longer living in the era of inter-state war. However, existing institutions still operate on the assumption of state to state war. For example after the Cold War, the very institutions which were developed as a result of the Cold War remain intact. The national security systems and the defence systems remain intact, although it is recognised that conventional armies cannot and do not play a role in modern war. In the next 20-30 years, conventional armies will be redefined, because of the changing character of war. This means that we need to re-examine existing dispute resolution techniques.

Fourthly, what happens when parties to a conflict do not wish to negotiate? Negotiations are characterised by two phases, the pre-negotiations phase and the negotiations phase. We need to work much more on the pre-negotiations phase and to discuss how citizens can develop accountability, how citizens within the global system can encourage warring parties to come to the negotiating table. There are many rich examples, from Northern Ireland to Sri Lanka, where parties have been brought to the table through citizen-based diplomacy.

There is much information about where conflicts are and where conflicts are likely to emerge. Several data bases tell us that we have more than 32 civil wars where the casualty rate is more than 1 000. All of these 32 civil wars are internal in character. In earlier wars, the casualty rate was fewer than 1 000. We have 150 small wars and the challenge is, how do you ensure that a small war

does not escalate into a big war? There are 252 minorities at risk with approximately 52 minorities seriously at risk. We can clearly identify the regions of turbulence, and some of the factors which cause these wars. But what lessons do we learn from failed preventive action and failed preventive diplomacy? In almost all conflicts, information was readily available to the international community at least one year before actual war began. The problem with this information was that it was fragmented. It was information with no action plan. Different actors communicated without action.

In all the cases of transition, there is a decline in relative economic growth, an increase in hate propaganda through the hate radios, television, the demonisation of other communities, traumas, self-fulfilling prophecies, an increase in ethnic mobilisation, the arming of militias and grave incidents of human rights violations. The proliferation of weapons and the suppliers of these weapons, are known of, whether it is in Rwanda, Burundi, Somalia, or Sri Lanka.

There are clear early warning signals and indicators. In all these cases very little effort was made at preventive action, with humanitarian assistance provided after the conflict, when most of the damage had been done, resulting in billions and billions spent on refugee rehabilitation. This year, about 10 billion dollars have been invested and the refugee figures are at approximately 50 million, both internal and external. A lot of the resources are not spent on prevention, or peacemaking, but on the after-effects of the conflict.

A diagrammatic representation of the conflict cycle gives a graphic description of the various phases in which a conflict begins and ends. You have a conflict formation phase, a conflict escalation phase, a conflict stagnation phase, a preventive stage, and a management stage. All conflicts have a resolution phase and some conflicts have a transformational phase. A conflict has a life of its own. In most internal conflicts, it takes between 20 to 30 years for a conflict to end. In this conflict cycle, contingency approaches can be developed for each particular phase.

Very few resources are invested in the conflict formation phase. It is easy to deal with a conflict at an earlier stage, when parties to a conflict wish to talk to each other, but not after blood has been spilled. Intervention always comes 10 years too late. The challenge for the preventive diplomacy community is to see how to better match the different phases of the conflict cycle and the methods and tools available for resolving the conflict cycle, and to re-examine multi-track approaches to conflict situations.

The difficulty is that conflict is not linear, it's a cyclical process. Conflict is a breakdown of communication between the parties, resulting in chaos, fragmentation and lack of complementarity. The challenge is to design ways in which complementarity can be achieved and efforts sustained.

In any conflict situation, we need to have burden-sharing, which means that a conflict needs to be addressed at different levels by different parties and com-

munities. Burden-sharing means that the more the burden of the conflict is shared by others, the easier it is for the conflict to be resolved. In the Northern Ireland conflict, the burden-sharing in fact was the Anglo-Irish Accord, the involvement of the United States and a number of elements which impacted on the conflict situation and enabled the parties to get to the negotiation table.

It is important to look at the different levels and design the intervention and see how and what mistakes are made at different levels of intervention. The conflict universe is mapping out the conflicts, finding out not only the articulate actors, the military actors, but the non-articulate actors. It is critical to identify who is part of the conflict universe and the conflict levels, the personnel, the local, national, regional and international. For a conflict to be fully resolved, it requires all articulations at all these levels.

In a typology of multi-track diplomacy, there are about 11 types of interventions that are possible, by different entities. Inter-governmental diplomacy has made contributions within the state system for developing diplomacy. Governmental peacemaking has made major breakthroughs, in areas like South Africa, Norway, and the Middle East conflicts. Neighbouring states can make a decisive difference in some conflict situations. Intergovernmental diplomacy does, however, have certain limitations.

We need to develop two-track diplomacy through governmental and official means and through NGOs and civilian organisations. There are many examples of breakthroughs in two-track diplomacy including Norway, where Terry Larsen and Mona Juli, were able, through a small project in the Gaza Strip, to develop communications between the Palestinians and the Israelis for one and half years, by opening a secret channel and then getting the Norwegian Government involved in the diplomacy.

Citizen-based diplomacy through private means is becoming very productive and creative. The work of many eminent persons within countries, the Archbishop Tutus, the Obasanjos, the ex-leaders of countries, is another area that is being developed in the last few years.

Economic diplomacy involves encouraging the economic actors in the conflict situation to develop economic packages, which are seen as win-win for both sides. Economic diplomacy needs to be further explored and developed.

In many conflict situations, culture defines conflicts and religion can open doors and minds of people. We need to mobilise religious leaders in the business of peacemaking to develop peace diplomacy through religious means. Soft diplomacy through the Women's Movement has, over recent years, made a major contribution to citizen-based diplomacy and peacemaking. In any conflict situation, women are the victims of war. They are also play a pivotal role as peacemakers, continuing to keep the community alive, working and sustainable when men go to war.

The role of the media needs to be examined. The role of the media in Rwanda, particularly the hate propaganda spread by radio, has taught us that we need to reconsider whether hate propaganda should be allowed or whether, one should not develop means of preventing it being proliferated. Media can, however, be very important in citizen-based diplomacy and developing communication diplomacy through the media.

All these elements show that we have several actors that we want to bring into a particular conflict situation. Finally, I want to spell out the range of tools available for preventive diplomacy. In the early warning stage, it has been well-recognised that there are many centres of early warning and there is tremendous growth, discussion and standard-setting on building early warning systems. It is important to have early warning coupled with early action. This is where most of the tools and techniques that I am going to spell out may be useful.

Non-coercive diplomatic measures can take various forms including fact-finding missions, peace missions, special envoys, observation teams, human rights monitors, on-site monitoring, and bilateral negotiations. Communities have developed a range of tools to assist with the necessary techniques for intervention.

Third party mediation inside parties who live with the conflict, who own the conflict and their particular role in getting the parties to the table, carrying the messages across parties and the third party neutrals outside. I am not going to go through this range of tools. Over the last few years there has been a continuing discussion about how best to operationalise preventative diplomacy.

The conceptual battle for preventative diplomacy has been won. The work for the next few years is how this concept is operationalised in a non-threatening manner, to identify more clearly the parties who can intervene, at what stage and to develop through this a better understanding of the comparative advantage of different actors who can influence a particular situation. Finally, in the question of peace and war, the main issue is strategic space. Who is going to capture the space? Is it going to be the warring parties or is it going to be the non-violent approaches? It is within this concept that we need to talk about a global coalition and strategic interventions for conflict prevention.

#### **4.2.1 Discussion**

##### ***Preventive diplomacy***

The degree of political participation, inclusion of interest groups and communities within the political process, acceptance of cultural expression, religion and ideology of societies and communities, are prerequisites for preventing conflict.

The degree of concentration of economic development and of distribution of wealth within the nation is important for preventive diplomacy. International

funding to deprived areas in Africa should be granted without conditions, leaving states to develop their own economies according to their indigenous priorities. In order to allow for national economies to develop, debts should be cancelled or frozen. It is also important to concentrate on building up the basic infrastructure, avoiding consumption industries and decentralising development.

Greater effort should be devoted to measures aimed at preventing conflict based on an in-depth understanding and analysis of the conflicts facing different parts of the continent. Preventive measures and interventions are often misguided, as the underlying causes of conflicts are often not addressed. For example, the efforts undertaken by the refugee desk of the OAU towards resolving the refugee question of Rwanda focused on the immediate needs of the refugees, when fundamentally the problem with Rwanda was a political issue, of bad governance.

### ***Quiet diplomacy***

Quiet diplomacy through diplomatic efforts, provided it is undertaken in good faith, can achieve results. However, Africa has witnessed some repugnant governments where, in some instances, direct criticism may be the most appropriate form of dialogue in response to particular conditions.

### ***Prioritising government's responsibility to its citizens***

Consideration should not only be given to how the United Nations, OAU, governments, and states should respond to particular conflicts, but the reasons for the inability of all societal institutions to be effectively responsive to impending social crises need to be ascertained.

Those who engage in armed conflict declare war not only on their opponents, whether they be political parties or governments in power, but also on civilian women, children and the elderly. In Mozambique, more than a million people were killed. In Angola, civilians have faced the brunt of war for more than 30 years. Those who face the burden of the conflict are not party to the causes of the conflict or its resolution.

When dealing with conflict, a balance needs to be established between considering the roles of institutions such as the UN, the OAU and governments and considering the needs of the civilians. Efforts should extend beyond the logic of diplomacy to address the logic of how to save lives. Governments should consider what allows them to continue to believe that they are legitimate when they fail to protect civilians. It must be remembered that the *raison d'être* of governments and institutions is to address the interests of their citizens.

Governments may think they can afford to delay in dealing with societal problems because they do not have the necessary regard for the people who are affected by particular conflicts. The societies of Mozambique, Angola, Rwanda,

will never recover, as governments will never be able to assist mothers and children to recover from their traumas or regain what the nation has lost. This human dimension of the conflict is often not considered.

### ***Role of civil society***

The South African experience points to the importance of trade unions, churches, religious movements, civic and residents' associations, in pushing for stability and a non-violent negotiated way of settling disputes. Consideration should be given to how national peace constituencies are built up and what kind of coalitions can be built up through national peace constituencies, including coalitions which cut across traditional boundaries such as those of local mediation efforts in Africa, Asia and Latin-America, which have attempted to build peace communities for preventive action.

When the people are forced to rely on armed parties, those can take a momentum of their own, which destroys democracy and lives. Early warning signs could lead to interventions to democratise society, to involvement that would strengthen people against militarism, rather than only intervening once militarism has taken control.

### ***Developing local conflict-resolving structures***

Governments in areas which are affected by deep conflict may not always want to assume total responsibility to manage and resolve the problems alone. The capacity of other organisations, whether the OAU or NGOs, to offer a service and to sustain whatever service is accepted in those countries in an organised manner should be considered.

Capacity building is needed to empower and ensure commitment to fragile existing processes. Local communities should be identified and equipped to utilise and understand alternative dispute resolution mechanisms to solve their problems, including negotiation and mediation. Fact-finding commissions and conciliation are also useful.

Where consensus emerges, it should be linked to development processes within those communities. Communities are able to identify exactly what they need, whether it be finances or agricultural machinery. Once this stage is reached, it becomes possible, with communities and parties in conflict, to begin to agree. Those processes must be sustained and in a number of structures you need to inculcate dispute system designs, so that communities are able to engage in these structures. If communities are used to using guns to resolve conflicts, we need to develop a capacity for those communities to feel more comfortable with dispute resolution and to see the benefit of such options. This is a challenge to governments to create space and to sit in those processes as an equal partner.

### ***Role of the OAU***

The OAU could lose moral authority by failing to respond adequately to particular conflicts. If it loses moral authority, it will have no right to exist. The OAU can enhance its moral authority, depending on what it does publicly, or it can diminish its moral authority by doing things secretly. The OAU, as an organisation, has a moral obligation to act and to ensure that its decisions are implemented.

Often conflicts could have been resolved quickly, but they take years and years because there is insufficient response from intervenors. Much energy is wasted by blaming the United Nations for the failure of OAU. But the OAU is an independent organisation. It is not dependent on the United Nations. It should be encouraged to perform its duties, with or without the assistance of the United Nations. There is no provision in the OAU Charter that if the United Nations doesn't provide, we shall not perform.

## **4.3 Peacekeeping**

*Major-General Ishola Williams*

Thank you Mr Chairman. I am not going to go into the concepts and theories of peacekeeping. I am going to look at peacekeeping with respect to Africa and, within the few minutes available, suggest some strategies.

In October this year, there is going to be a conference at the University of Manchester celebrating the 58th Anniversary of the Pan-Africanist Congress. At the time it was founded Africans in diaspora who were exposed to Western educational systems were thinking about how to liberate Africa and about how Africans could solve their problems. Today we are still searching for an African solution to that African problem, especially in the area of conflict management and resolution.

In 1993, in Addis Ababa at the OAU Conference, when looking at the machinery and mechanisms for the OAU to manage conflict, there was stiff opposition to peacekeeping. I was shocked because African military personnel and diplomats had been involved, even before independence, three or four decades ago, in various peace missions and had acquired experiences all over the world in peacekeeping.

At the Cairo Conference in 1994, Rwanda was discussed and everybody realised that we needed to use the collective experiences of African diplomats, military and eminent persons, to work out a programme of action, from preventive measures to resolution. There was a need too for Africa on its own to be able to develop peacekeeping capabilities.

Many people tend to forget that we have had experiences in various aspects of peacekeeping operations for many years now, including observation and

monitoring. The first experience that I am familiar with was the case of Chad. There were many problems; the political will, the infrastructure, both organisational and administrative, did not exist. The Charter of the OAU makes provision for a Defense Commission that could look at political military problems of such a nature but never was it predicted that Africa would be so involved in intra-State conflict. The Commission looked at inter-state conflict and aggression from external bodies on any African state. This was replicated at the ECOWAS level. Because there was little support for the Defense Commission it gradually died a natural death. Maybe with the new machinery and mechanisms being prepared, the Defense Commission, in one form or the other, may come alive.

A series of meetings have been held after Chad. It would be very important for the OAU to consider the lessons from Chad and determine how they are going to man peacekeeping operations in the future. The Chad experience points to the importance of codified standards of operational, logistical and administrative procedures. The commander in control, from the political to the military, and above all OAU must have an excellent communication system. The secretary-general's special representative could not communicate with Addis Ababa on a day-to-day basis, which required him to use his discretion. If the OAU is going to mount any peacekeeping operations in the future, it must develop its own effective communication system.

For the OAU to go into any peacekeeping operation, there must be a code, guidelines, or handbook provided for all the forces that are going to be part of their peacekeeping force. From these guidelines, you can develop a training programme, communications, logistics and administrative procedures.

We must ensure that we address any lapses in the UN peacekeeping system. Fortunately we haven't got the United States of America in Africa, which says, "You cannot put my troops under the command of the UN", or is able to take action on its own. There is no country in Africa that has all the resources to be able to do that. There are countries that are in the position to be able to provide resources for the OAU to take initiatives on its own without depending on the UN. It was done in Rwanda with the monitoring and observation group and then later on the UN took over, and in Monrovia and Chad. The United States came in with logistical support, mostly for Zaire, not for any other troops. The OAU too must be able to work out what form of relationship they want with the UN and at what stage the UN, or any other country can come in or give assistance. We have to sit down and develop a system, a programme of action, train people, examine how the structures are going to work.

Countries with some form of industrial capacity in Africa, including Egypt in the north, South Africa in the south, can become logistics centres for OAU, for example. They manufacture military goods. When the UN launched the

Namibian operations, most of the requirements were purchased from South Africa. This could be the start with the OAU. Toyota has a special arrangement with the UN in providing vehicles at low prices. The same arrangement could be worked out with assembly plants or manufacturing facilities for vehicles, in South Africa, Egypt and other places, in the use of air forces, transport capabilities and logistic facilities. In addition, the makers of software and hardware can be used by the military forces all over Africa.

A survey of the capabilities that are available within Africa is needed. We must identify them and discuss with those who are responsible on governmental and non-governmental level what they are prepared to make available for emergencies. Then you can take care of the logistics and work out all the requirements from outside Africa. In some cases money can be provided from outside to purchase what is available in Africa for the African forces to use.

Training is very important. Colleges all over Africa can take over the responsibilities of training military officers in peacekeeping operations, from the preparatory stage to their participation in peace enforcement operations. Training must not be undertaken in isolation with soldiers alone. Diplomats must train with the soldiers, because they must both understand the political, diplomatic and other implications of any military action that is taken. The OAU must develop a centre where peacekeepers can interact and train together, in order that they are able to work together when they meet in operations elsewhere.

We must work out gradual stages of intervention within Africa. Soldiers are only needed in serious situations. In some countries 'gendarmes', mobile police or the riot police are used in the initial stages of a peacekeeping operation. In providing training, these elements must be included.

On the military and non-military side, if these issues are considered you should be able to get some support from the UN in terms of providing the funding and necessary resources.

Finally, I believe the political will now exists for the OAU to mount a peacekeeping operation. We need to identify the countries that are ready and can provide the resources. We need to identify the requirements for these forces and then codify what is necessary to make sure that everybody understands what they are supposed to do at any particular time.

### **4.3.1 Discussion**

#### ***Military Industries***

Peacekeeping is for many countries a very good business. If none of the soldiers deployed in a particular peacekeeping operation are killed, the country may benefit financially from the UN. Only in a few instances are soldiers killed. For this reason, many African countries are eager to include their soldiers in UN

peacekeeping operations.

Certain African countries with the necessary industrial capacity can benefit by producing goods required for peacekeeping operations. Some countries may be able to offer certain services free of charge, but the OAU will generally pay for all these services. When using countries such as South Africa and Egypt as sources of logistical support, one must take into consideration the fact that these military industries have their own internal motivations that are economically driven.

There is a paradox in Western soldier behaviour of the 20th century. Soldiers who go to war are committed to fight, but don't want to risk one life being taken in a war. There are soldiers and armies who want to fight, to provide the forces necessary for peacekeeping or peace enforcement. The question now is to look imaginatively at the ways of getting the resources together.

### ***Small Arms Control***

Although much discussion has centred on monitoring the acquisition of conventional weapons, nothing is being done to monitor the proliferation of small arms, landmines and computerised weapons. From large areas of the world a culture is emerging which destroys the space for non-violent action, and creates and determines the space for armed action.

In any conflict, the proliferation of weapons is a fundamental issue. Consideration should be given to what steps can be taken at the international, regional and continental levels to monitor the role and supply of these arms and weapons. Very little is known about the merchants of death, the criminal networks, the Mafia and drug syndicates, involved in the proliferation of the weapons and the linkages between criminal networks and weapons manufacturers. The paradox is that Africa produces few weapons, but our continent holds more weapons than most countries.

Mali, with the help of the United Nations, is attempting to collect all the small arms in the Southern part of Sahara-Sahel. Often with small arms more damage is created than with the use of big guns and tanks.

### ***Intelligence/information gathering***

More attention needs to be given to the role and utilisation of information gathered by the intelligence community. The intelligence community should be encouraged to operate in a more transparent fashion and establish more co-operative relations with the organisations of civil society.

While there is much information on the conflicts on the continent, insufficient attention has been given to information dissemination, management and co-ordination. Structures to facilitate the co-ordination of information management and dissemination of information of early warning for preventive action must be established.

### ***Resources required for peacekeeping operations***

The Rwandan experience regarding the OAU and United Nations peacekeeping operations suggests that African countries could contribute troops, uniforms and basic equipment and transfer these to the OAU for constructive use. That would decrease the burden on the international community for equipping these troops. Other scarce resources, such as communications resources could be sought elsewhere. Countries should be encouraged to maintain and finance their troops participating in peacekeeping forces, thereby decreasing the financial burden on the international community.

If the same grouping of countries is called upon all the time to provide the resources for carrying out peacekeeping efforts in other parts of the Continent, then they will be challenged at the domestic level. In many countries, there is total opposition to the commitment of scarce resources to foreign enterprises, when there is a great need for these resources at the domestic level. Costs incurred in supporting external peacekeeping efforts go beyond the payment of salaries. If peacekeeping is not accepted in those countries that are called upon to provide the resources, issues such as command, control and the organisational infrastructure will become secondary when countries are told by their domestic environments to be careful of committing scarce resources.

The African community cannot be expected to commit all of its resources to peacekeeping in one country, only to find out that there are other areas where peacekeeping efforts are required. Because the limited resources have been expended in one particular area and there is still no peace in that area, one can face donor fatigue.

### ***Creating links between peacekeeping and peacemaking***

Relationships must be developed between peacekeeping and peacemaking operations. This must be taken into consideration when ascertaining resources and political will at a national and international level.

Peacekeeping can succeed when it takes place in a particular place, for a limited period when linked to active peacemaking. The presence of the peacekeepers can freeze the conflict situation, because it discourages any attempt to help serious dialogue and meaningful resolution of the conflict.

### ***Post-peacekeeping mechanisms***

Before leaving a country which has been devastated by conflict, and subsequently restored to peace, the peacekeeping mission must put into place post-peacekeeping mechanisms, otherwise the cycle of conflict will continue. Consideration should be given to capacity building of local peacekeeping forces of civil society, such as internal peace monitors, and the building of conflict

resolving systems and structures, to enable local communities to address conflicts that develop and thereby contribute to peace-building.

Levels of support and linkages between NGOs and military peacekeeping structures should be maintained to prevent a militaristic mindset towards efforts at peacekeeping. Diplomats, NGOs and all areas of training must be involved with the military, to ensure that peacemaking and peacekeeping, go together with a new terminology called 'military humanitarianism', in which the military is not only involved in peacekeeping, but is also involved in protecting the NGOs in their activities within the area of operations. Like the British did in Rwanda: getting involved in some peace-building effort, making roads, building bridges, constructing airports. Peacekeeping in Africa, should not be undertaken in the classical sense as with the UN, but also involving peace-building elements in which the military has a role to play including rural communication systems, literacy programmes etc.

### ***Training military forces in peacekeeping***

Training the military, the foreign ministry and humanitarian agencies, in order to get consistency in standards, should be extended to ensure geographical consistency. So, for example, if you are working in the southern African region, one should train individuals from all of the southern African countries together, so that there is consistency across the borders. Peacekeeping cannot take place without peace enforcement.

### ***Role of the OAU in peacekeeping***

The OAU does not have the resources, and is not ready, to engage in peacekeeping. Mechanisms have to be established, the political will, necessary resources and a commitment to peacebuilding have to be ensured.

African countries are debating the role that the OAU can and should play, and how to establish a credible peacekeeping force. There is a suspicion that there are attempts to treat Africa like an orphan; that the United Nations can mount peacekeeping operations everywhere else, but when it comes to Africa, Africa should be responsible for resolving its own problems. By the same logic, let Europeans be responsible for European problems and let every single soldier who is now in Bosnia Herzegovina get out and just let the Europeans be there. With this approach, the whole purpose of the United Nations system in the context of international peace and security, will collapse.

The OAU has requested input from member states regarding peacekeeping operations, planning, command and control, where the headquarters should be, building an efficient communication system, properly equipped and supplied with people who can make an analysis of the different events coming up and be able to give instructions. The Field Commander is involved with the

operational details of the mission but the political dimension, the overall control, must be done from headquarters.

The OAU is considering national contingencies in the different armies, taking into consideration the size and strengths of the different armies. The peacekeeping operation must be the collective responsibility of Africa, without relying excessively on one or two countries. The international community and OAU must take responsibility for reimbursing collectively all those soldiers placed in the field. The OAU is making all the necessary contingency plans in order that we reduce the dangers and develop a professional peacekeeping service.

The OAU must work on a communication system that enables communication with the conflict centres and allows the gathering of information from the various conflict centres. It is not necessary to work with an intelligence set-up. Utilise all existing resources including NGOs, community organisations and so on. Build a coalition of Information Management and get out what is necessary for the OAU to be able to prepare a contingent supply.

During the transition period, South Africa experimented with the establishment of a National Peacekeeping Force. The idea of forming a National Peacekeeping Force could be considered to replace the OAU Peacekeeping Force.

Once a headquarters is established, a public affairs unit must be created, with the military and the civil experts working jointly, to put out necessary information to all communities.

## **4.4 Possible roles of intervenors: United Nations**

### **4.4.1 Case study: Somalia**

*Dr Leonard Kapungu*

The word 'peacekeeping' does not appear in the UN Charter or in the OAU Charter. When the drafters of the Charter of the United Nations were at work, they never envisaged peacekeeping. However, it is a concept that evolved and peacekeeping must be related to peacemaking. Peacekeeping is a practical mechanism of containing conflicts in order to facilitate the resolution of those conflicts and to assist in the protection of the delivery of humanitarian assistance. Peacekeeping is part of a triad, including peacemaking and humanitarian assistance. In approaching peacekeeping we must consider all three elements.

The UN Charter talks about peace enforcement. The Somalia experience showed that the United Nations is not suited for peace enforcement. The difference between peacekeeping and peace enforcement is that the peacekeeping forces or the peacekeeping operation is not supposed to use offensive force. It can only use defensive force. Whereas in peace enforcement, it is expected that the peace enforcement operation could use force.

When the United Nations, who is a moral authority of the international community, goes out of its way to use offensive force, it does not look right. Whenever we need to have peace enforcement, that task must be given either to one nation or to a group of nations operating under the charter of the United Nations, until such time that the international community would accept the United Nations using force.

It does not look right for a peacekeeping force to go into an area, establish peace and then withdraw, without putting into place a peace-building mechanism. Today at the United Nations, Mozambique is being heralded as one of its successful enterprises, but we always warn that unless Mozambique is supported, it may just collapse. Therefore the United Nations or the international community must focus on peace-building which should be undertaken by United Nations relief organisations, NGOs and countries able to provide bilateral assistance.

The United Nations peacekeeping account is in debt to the amount of 3 billion dollars. For every country that goes in, it must be supported financially with communication and transport. It is very expensive to lodge a peacekeeping operation.

The Security Council decided that before taking a decision on Zaire, it wanted to know whether any countries were prepared to go into Zaire. We went to the contributing countries and they said, 'Produce a plan'. We sent a technical mission to Zaire to produce a deployment plan. Then we requested more than 70 states to offer troops for the operation. Out of the 70 states, not a single state replied positively. We knew that if we were to press the issue, France would have come forward. The Americans were initially interested in having a peacekeeping force go to Zaire. Some African countries would have come forward including Nigeria and Ghana. When this was reported to the Security Council, the Security Council was not eager to take the decision.

The plan was such that every country contributing troops had to be prepared to lose some of those troops and as we know, not a single country is prepared to suffer losses in human lives. Nobody would want to see young men and young women suffer and, therefore, the plan collapsed.

I would want to disagree with General Williams when he says that there was no need to co-ordinate with the intelligence services, that we can co-ordinate with NGOs and others. We, from the peacekeeping department, would find it very difficult. A mobile radio may call in, in Rwanda. In order for us to identify where it was operating, we would need those who had satellite intelligence and we could only be informed by those governments with satellite intelligence. If we are not in touch with the intelligence communities, I don't see how we could work and operate. You have got to know where certain things are, how troops and militias are moving, the background of many people.

The UN peacekeeping forces withdrew from Somalia on March 2. Now it is time to evaluate and reflect. Many mistakes were made and many good things were achieved. The United Nations did not go into Somalia because it wanted to. There was a great deal of hesitation. The Security Council had taken a decision to go into Yugoslavia. The Security Council had refused, or had been blocked, from taking any decision on Liberia and the OAU and its own subsidiary organisations had to do go into Liberia alone, with limited resources and so people began to ask why was the United Nations prepared to go Yugoslavia and not Somalia. The international media also portrayed horrific incidents coming from Somalia and so the United Nations decided to see whether it could do something in Somalia.

The decision to see if the United Nations could intervene in Somalia was taken by Secretary-General Javier Pérez de Cuellar, although it was in December and he already knew he would not be the next secretary-general. The next secretary-general decided to proceed and in January 1992, as soon as he took his post, he consulted with the secretary-general of the OAU, the secretary-general of the Arab League and the secretary-general of the League of Islamic States.

The first thing was to bring a cease-fire in Somalia. The four organisations worked together and a cease-fire was signed in Somalia on March 3 1992. However, we later on discovered that we made a mistake in that a cease-fire was signed only for Mogadishu. It was not a comprehensive cease-fire for the entire country, therefore it enabled certain parties to dispatch their militia from Mogadishu into the hinterland and we found Baidao, Berbera, Kismayu, being captured and by the time we went into Somalia the war had widened.

The secretary-general also believed that the Somali leaders had to agree for the peacekeeping force to be sent there. As you know, consent is one of the cardinal principles of setting up a peacekeeping force. The parties must agree or you must be invited, otherwise you should not send a peacekeeping force. Then you can send only a peace enforcement force.

We went to Mogadishu. I was part of that delegation and the parties agreed to have the United Nations send a small peacekeeping force of 500. As soon as we arrived at Mogadishu airport, one of the parties withdrew consent and so we had 500 troops stuck at the airport. They could not even move into the city, because consent had been withdrawn. Because the United Nations was already there, humanitarian assistance was beginning to arrive in Mogadishu, but since we had not deployed our soldiers, the humanitarian assistance coming to Somalia began to be diverted to the militia. Those who had blocked the consent for deployment were now taking the humanitarian assistance and distributing it to their militia. NGOs and relief agencies did not want to see their humanitarian assistance being used as weapons of war.

With the United Nations being there, with humanitarian assistance not being given to the people who were in need of it, humanitarian disasters began to increase and the secretary-general decided to approach the Security Council to see what could be done. The Security Council decided to send in a multi-National force called UNITAF, that's the Unified Task Force, which was led by the United States, commanded by the United States, although under the authority of the United Nations. UNITAF succeeded in having humanitarian assistance delivered into Somalia and starvation actually stopped. At the same time Somalia was blessed with good rains, crops and food, and starvation stopped.

On May 4, the United States regarded its mission as being completed and withdrew from Somalia. We had requested that the United States assist us with disarmament, because all the sophisticated weapons you could think of are present there. The Somalis benefited both from the Soviet Union and from the United States and got a lot of equipment. When we requested the United States to assist us in disarmament, the United States refused.

Now I will tell you a small story about this. We were in a meeting and I turned to one of the American generals. I said, "Why are you refusing to disarm?" He said to me, "Why do you think we should come to Somalia and disarm Somalia, when we have got more weapons in Los Angeles? We should first disarm Los Angeles before we come to disarm Somalia". Well, indeed I found some logic in it although, I said to him, "But bear in mind, it is the Americans who provided the weapons", but what is important is to understand their psychology.

So when UNOSOM II took over on May 4, the weapons which were in Somalia started coming out. The Technicals (trucks) where weapons are mounted, started appearing all over the town and so we began the first sight of difficulties. The first difficulty was with the United Nations itself. We behaved as if we were a multi-national force. We continued with enforcement powers, the enforcement powers which were being used there by the multi-national force, as a result the tragedy of November 5. When we decided to disarm General Aidid's storage and to use force in doing so, the war started.

On June 5, the United States used defensive force. Twenty seven Pakistanis were killed. The mistake was when the United Nations decided to take offensive force on June 12. If we had only stopped with the fighting on June 5, maybe the situation would not have escalated the way it did. The moral authority of the United Nations was eroded and from there on, it was very difficult for the United Nations to be effective in the area.

Another aspect which the United Nations seems to have forgotten is that the Somalis are very proud of their sovereignty and they never want to see it being violated. Even apart from that, the Somalis are very proud people.

One of the objectives of the United Nations was to assist in bringing about political reconciliation. Political reconciliation can only work if there is a political will. If the people in conflict are willing to arrive at a settlement, regardless of how the international community may want to have an international settlement, the UN can cry, the OAU can cry, we can all go on a mountain top. If the parties do not want have a settlement, there's nothing that we can do.

We held so many meetings on Somalia. I was the Director of Political Affairs. We went to Addis Ababa. The President of Ethiopia sometimes spent days without sleeping, negotiating with the Somalis. They would sign agreements - there's no problem in signing an agreement with the Somalis. I came to realise, when I was in Somalia, that I could have an agreement signed at any time. Signing an agreement was not a problem. The problem was to have it implemented.

Let me tell you of one story. When we were in Nairobi in March 1995, there was a deadlock, so we said to the Somalis, "See brothers, we can't pay you any longer, so if we do not have an agreement by tomorrow afternoon, we shall not pay the bills". They said, "Fine". They met separately. Within two hours they came to us and said they are prepared to sign. With a ceremony on the TV, they signed. General Aidid and Ali Mahdi were there. They shook hands with each other and we left - and we paid for the bills, because at that stage it was for ten more days. After ten days we all congratulated ourselves. We flew back to Mogadishu. When we tried to call them back to implement that agreement, nobody wanted to come and up to now there is no agreement.

So why did the United Nations Peacekeeping Force withdraw from Somalia? Let's go back again to the definition of a peacekeeping force. A peacekeeping operation is a practical mechanism to control conflict in order to facilitate the peacemaking process, so if you do not have the peacemaking process, you are no longer controlling the conflict and you can be there for a generation. We were there for three years, but the withdrawal of the peacekeeping forces does not mean that the United Nations has abandoned Somalia.

The humanitarian agencies who are in Nairobi, are prepared to go back to Somalia as soon as there is a secure environment and the political efforts of the Secretary-General, together with the political efforts of the OAU, will continue to try and bring reconciliation.

#### **4.4.2 Discussion**

##### ***Retraction of international community***

The mistakes committed by the United Nations, the intransigence of the parties, the lack of interest of the international community despite numerous calls for assistance, point to many lessons from Somali.

The attention of the international community, particularly the UN, needs to continue to be focused on the problems of Somalia. However, it is difficult to get support for addressing the Somalian conflict in the United States because of the actions of some Somali soldiers which were witnessed in the media internationally. Our challenge is to build a constituency for Somalia internationally, particularly in the United Nations.

The international retreat from Africa implies that in the future, decisions to intervene or not will be taken on the basis of whether it is in the interests of particular states to do so. Peace enforcement will no longer be the prerogative of the United Nations. This will have serious implications for the continued conflict situations escalating in different parts of the world and the helplessness of communities, who may no longer have recourse to the United Nations for addressing conflicts.

The United Nations was not interested in Somalia. The Secretary-General of the OAU and the African countries pleaded for intervention, but the United Nations only became involved in December 1992. The United Nations will continue to be committed in Somalia, but much will depend on the OAU pushing the United Nations to act and to remain committed to Somalia.

The signing of agreements in Somalia must be linked to the implementation of those agreements.

The role of the United States in leading the peacekeeping operation: The UN should not continue to accept responsibility for the prosecution of, or the search for Aidid. The initial United Nations operations in the field were not United Nations operations, but operations of the United States High Command, under an American Commander, responsible for making decisions.

### ***Attitude of UN Forces***

The UN did not disarm the Somalis. The attitude of some of the officials, of the UN also, was very condescending in dealing with the Somalis. This failure on the part of some personnel of the UN to treat Somalis as human beings was a political factor which contributed to the tension. That countries have problems, does not mean that they have no dignity. The local conditions had to be appreciated, together with the experience and expertise in the surrounding countries such as Ethiopia, Sudan, Kenya, Djibouti.

The manner of landing and the provocation of the weapons really hurt Somali pride. Anyone who attempts to solve the Somali situation without taking into account the Somali pride will never succeed. One of the biggest mistakes made by the United Nations was not to take the Somali pride into account.

To reduce the Somali situation to a case of talking about the Somali pride, to look at the peacemaking process as a means of humanitarian aid, is a clear manifestation of how lofty ideals and intentions of the international communi-

ty assisting some of these situations, are put to the test and collapse as a result of the way our involvement in some countries is implemented.

## **4.5 Possible roles of intervenors: Organisation of African Unity**

### **4.5.1 Case Study: Rwanda**

*Ambassador Ami Mpungwe*

Rwanda is a wide subject but I'll limit myself to the Arusha Peace Process as it evolved between July 1992 and its conclusion when the Peace Agreement was signed on August 4 1993.

The Arusha Peace Process, in brief, represents the latest and most serious attempt on the part of Africa to resolve its own internal conflicts. And if one is really interested to learn about the long history of involvement of African nations, and particularly regional neighbours in dealing with internal conflicts, one could go back to the late Fifties or early Sixties, during the days of PAFMECA and PAFMECSA. There have been many attempts, initially by nationalist and liberation movements, and later on independent African countries, to intervene. In recent history, when the Rwandese conflict opened up in 1990, there were serious regional or sub-regional initiatives which involved all the neighbours as well as the OAU. We had several meetings in Mwanza, Zanzibar, Dar es Salaam, Gbadolite and Goma and there was some direct intervention on the part of the OAU, both diplomatic and military, including deployment of a peacekeeping force or Neutral Military Observer Group (NMOG) as it was known then. Later in July 1992, we started the Arusha peace process in a more structured manner and this was initiated by the Rwandese parties themselves, the parties to the conflict. I think a stage had been reached at that point where there was a strong realisation by both parties that they could resolve their conflicts through negotiations and of their own free will, the two parties came to Arusha. As I had said before, it was a process which constituted a combination of initiatives by parties to the conflict, backed by very active involvement of the regional neighbours, as well as deep and active involvement of the OAU in various ways; participating in the negotiations, providing logistical support during the negotiations and even in terms of monitoring and implementation of the Cease-Fire Agreement reached before and during the Arusha negotiation. There were also constructive contacts and relationships between the OAU, which had already begun to evolve its own mechanism of conflict prevention, management and resolution, and the UN, on the basis of the Secretary General's 'Agenda for Peace', and the strong involvement of the international community in the entire process.

There were, at Arusha, representatives of the United States, Belgium, France and Germany and the UN and the process began by having an objective appreciation of the historical evolution of the conflict as well as the situation as it existed at the time that all of us gathered in Arusha. On the basis of that, we also devised a way by which the two parties negotiated directly and the role of the rest of us as facilitators and observers was essentially to help the two parties negotiate seriously, and we only intervened when there were serious differences or deadlocks. In that process, we began by getting a cease-fire agreement in July 1992 and then moved to analyse and identify the sources of that conflict and see how best we could establish or evolve a new order in Rwanda, based on democracy, human rights, multi-partyism and so on and so forth. That was the protocol on the Rule of Law which the two parties signed in August 1992.

Later, after that stage, we moved to looking into transitional mechanisms for arriving at that envisaged new order and this discussion moved, or negotiations moved, into looking at the various aspects of power-sharing by creating a broad-based transitional government as well as a transitional National Assembly, which would have taken the country to a new order, as defined by the protocol on rule of law.

After that, issues of integration of the two forces were considered and agreed upon. We had achieved a formula which gave hope for building a new national army which would be accepted and build confidence throughout the population.

And then there was the question of repatriation and integration of refugees and displaced persons and finally we concluded the negotiations by having a protocol on miscellaneous matters and other additional provisions, such as the timetable of implementation and the role as well as the involvement of other bodies in the process, especially the UN. The UN was to implement or supervise the implementation of the entire agreement in terms of cease-fire monitoring and peacekeeping, of military integration, the humanitarian aspect with regard to the repatriation and integration of refugees and displaced persons and the civilian role in terms of preparations and actual conduct of free and fair democratic elections.

Well, in the entire process, as I said before, our central focus was to get the two parties to negotiate directly and, indeed, most of the time we only came in when there was some disagreement and, to that extent, one would say it is a peace agreement which was negotiated and agreed upon by the Rwandese themselves. It was not an imposition of the kind that you find in other conflict resolution or peace processes. As part of our role as facilitators, not only did we objectively consider and appreciate the Rwandese situation as it had existed at that time and in its historical perspective, but we also took note of other experiences and lessons drawn from other conflict areas within Africa and else-

where in the world. We tried as much as we could to build success factors into the agreements and protocol, and eliminate failure factors as experienced in similar conflicts elsewhere.

For instance, when the parties were negotiating the protocol on the integration of forces, we drew a lot of lessons from the experience of Angola in the integration process, so we tried very hard to avoid that kind of eventuality after elections.

So, in the end, and this is not because I was personally involved or my country was involved, one could really say, we finally achieved a very comprehensive agreement of high quality and that's why, when that peace agreement was being considered in the UN Security Council, at the time that the UN was very frustrated as a result of the events in Somalia, we did not have difficulties in getting the Arusha Peace Agreement accepted by the Security Council and getting the Security Council to agree to take charge of the implementation process. Additionally, we could not see - I don't know, maybe I'm on the wrong side of the public, - any serious criticism on the Arusha Agreement itself, even during and after the collapse of the peace process inside Rwanda. Instead we only keep hearing a lot of voices wanting to see the Arusha declaration or some semblance of it including the spirit of Arusha, continue to guide the transitional process in Rwanda.

#### **4.5.2 Case Study: Rwanda**

*Mr Emmanuel Gasana*

The problems that led to the signing of the Arusha Peace Agreement go back to the history of Rwanda. The issues to be addressed regarding Rwanda relate to how, when, and who should intervene and once that intervention has taken place, what kind of relationship must be developed between the intervener and the country in which the intervention takes place.

The international community, at a regional and international level, reacted once the Rwandese conflict had resulted in military conflict, as this situation involved loss of human life. The international community was aware of the problems in Rwanda, but only reacted after the conflict had erupted. No attempt had been made at conflict prevention. Only in very few African countries have the authorities appealed to the international community and pointed out the likely outburst of the problem, before it surfaces as a military problem.

Initially the international community reacted by identifying the magnitude of the problem and appealing to the international community to assist the OAU with its meagre resources, to find a peaceful solution. In some cases members of the international community responded by taking sides in the conflict, which complicated the matters further.

The international force that moved into Rwanda, with a clear mandate of ensuring that a peaceful process should be followed, did not serve the role it was intended to play. Despite all the hate speech being made over certain radios, the international force was unable to locate the mobile station. Finally we found that radio ourselves and destroyed it. We did not need to use sophisticated communication systems. The international force came in with all the necessary military machinery and was not prepared to use it and allowed atrocities to take place. The next stage becomes evacuation of that force and the situation was left to the Rwandese to sort out themselves. What is the purpose of having an international intervention that is simply there to protect itself? In Rwanda, the forces that were sent into the country were absolutely toothless in the eyes of people who ran towards them for safety. Genocide was being organised publicly and the day it broke out, the international community packed up its bags and left. We took it upon ourselves to stop that genocide and we did.

The international community returned en masse with all the gadgets that this world can offer. This return marked a paradoxical situation where intervenors were operating within an international framework and the Rwandese were faced with increased isolation. The international trend of intervention seems to be that of only facilitating humanitarian aid.

Should we let genocide happen simply because we are waiting to come in to provide aid to those who survived? This is what happened in Rwanda. In the process of reconciliation between the Rwandese themselves, which is a process that must take place, the role of the international community is not simply to bring biscuits and milk. At an International Year of Women celebration some orphans sang to us, as leaders of the country, and told us that they were not interested in biscuits, but in sugar cane from their own plantations.

While assistance, humanitarian or otherwise, is much appreciated, one must ensure that the presence of the international community, be it through the NGOs or UN forces, does not create a political or social problem for the country; a social problem in the context of a country with complete economic chaos the genocide left it in. A force of more than 6 000 people are the only people with a vehicle. The only ones with whatever else you want to talk about in a state where we tried to control the reigns of government and you didn't even have a telephone on a Minister's desk to be able to communicate with anybody else.

The amount of money that is put in some of these places in terms of the so-called humanitarian aid is absolutely amazing. How do we make sure that the genocide that happened in Rwanda never occurs again, rather than simply our looking as to how it happened?

The issue of justice must be addressed. There is no way a society can reconcile itself if the victim does not feel that justice is being done. There is no way you can have reconciliation in a country that has lived with genocide, without

a feeling from the one who carried out genocide that actually there is no question of impunity. Reconciliation can only take place when there is a sense of guilt on the part of the one who carried it out. Once he feels guilt, it's the only way you can talk about him approaching the victim and being able to reconcile.

The international community decided on an International Tribunal at the request of the Rwandese. No pressure has been brought to bear on the UN to ensure that it begins operating. The statements you hear from its President are that it will start at the end of the year, and in the meantime the international community or the NGOs in the country are very busy telling us that there are too many prisoners, too few prisons, but nobody is talking about the need for the trials starting.

Now if we want to assist in situations of this nature, let us consider the root cause of the problem. Once we have identified it, see to it that we address it in such a way that society can morally bring itself back to order. By saying that I do hope that all those NGOs can first agree that to get to a solution to the Rwandese problem, let's not look for it in absolute terms, but let's look at it by coming to Rwanda and finding out from the Rwandese themselves how the international community can assist, rather than by trying to cook up a solution in such meetings, without actually being on the ground to know what the problems are.

### **4.5.3 Case Study: Rwanda**

*Dr Chris Bakwesegha*

First of all I would like to express my satisfaction with the points that have just been voiced by the distinguished representative of the Rwanda Government here, in the name of Mr Emmanuel Gasana. I think he touched upon points that we simply cannot afford to gloss over in this forum.

Throughout our session here since yesterday, three fundamental questions have been raised with regard to intervention. The first one is how to intervene. The second one is when to intervene. The third one is who should intervene. These three are genuine questions which we cannot run away from; but I would like to pose, or rather add to the list yet another question worth our preoccupation namely: Why to intervene? If the intervention is by the Organisation of African Unity, why to intervene, particularly in the case of Rwanda?

Before I deal with that particular aspect, I would like to engage your minds on what I consider to be extremely important in this forum: we saw what happened in Rwanda, but the question is, what lessons do we draw from such a situation? I think there is a need for us to work out a catalogue of the lessons that we have drawn from the experience of Rwanda, so that there is no other Rwanda to be emulated on the continent of Africa from now onwards.

I happened to be working in the OAU, specifically charged with the respon-

sibility of dealing with issues to do with the refugees, returnees and internally displaced persons.

You have made reference to the events of October 1 1990. Those events, as far as I am concerned, are not the cause of what happened in Rwanda. I see them as constituting a reaction.

I remember, in 1988, or there about, when I was in the Bureau for Refugees of the Organisation of African Unity, a statement of concern was issued by the then Government of Rwanda under Habyarimana, the Late President. By this statement, which was transmitted to the OAU General-Secretariat and equally distributed to the representatives of the African Diplomatic Corps in Addis Ababa, countries within the region and outside it, which were playing host to refugees of Rwandese origin, were being requested to continue to host those refugees or to naturalize them or to pass them on to countries further afield for resettlement.

One of the reasons which the Government of Rwanda then advanced was that Rwanda, as a country, did not have enough land to accept its citizens back from exile. The Rwandese then living in exile were promised to be given national identification cards which would enable them to visit their relatives in Rwanda from time to time, with a view to returning home to their host countries. That was the germ of that conflict.

In the course of 1988, the OAU Council of Ministers was informed of that statement of concern and having reaffirmed the right of refugees to return home, the Council took a decision to the effect that a tripartite Commission of the OAU, UNHCR and the Government of Rwanda, with the participation as observers of the host countries within the region, be constituted to examine thoroughly the question of Rwandese refugees and to see what options there were for those refugees to return home. That is when the Organisation of African Unity came to address the situation of Rwandese refugees.

Throughout 1989 this Commission met, mostly in Kigali, and it started to work out:

- (a) modalities of assisting those refugees who wished to return home to Rwanda;
- (b) modalities for assisting those who wished to avail themselves of the opportunity of getting naturalised by their host countries, if indeed they had not yet done so;
- (c) modalities for assisting those who wished to go for resettlement in other countries further afield;
- (d) modalities as to what to do with those refugees who had already been naturalised by their host countries;
- (e) modalities for assisting host countries which would agree to nat-

- uralise or offer local integration to the refugees;
- (f) modalities for the international community to offer assistance to the government of Rwanda in building socio-economic infrastructure and facilities to absorb the returnees.

While this Commission was still on the drawing board, the events of October 1, 1990, took place. I thought that I would facilitate that discussion here, especially within the framework of the intervention that was made by Mr Gasana, the distinguished representative of Rwanda, so that we may be able to draw up the necessary lessons from our experience in Rwanda.

- (1) At what point in time does a given conflict reach a point of saturation or a point of maturity, that any further delay in finding a solution to that conflict contains the calculated risk of sacrificing human lives in masses, as the Rwanda case has clearly demonstrated? Both the question of timing and the search for the relevant entry point into a given conflict situation are extremely important.
- (2) Any country which closes its doors to its citizens living in exile and prevents them from returning to their respective ancestral lands abdicates its responsibility over its own citizens and denies them the fundamental and inalienable right, the right of refugees to return home, to their respective countries of birth, as enshrined in the 1969 OAU Convention on Refugees, among other Conventions, like that of the United Nations High Commissioner for Refugees.
- (3) The need to involve the international community in the political negotiations of a given conflict in order to discharge its responsibility, cannot be disputed, especially since discharging that responsibility involves enormous resources. Indeed, this involvement should be maintained all through the negotiations, leading to the signing of the Peace Accord, its implementation and then throughout the post-conflict period, which normally involves rehabilitation, reconstruction and development, especially with regard to national reconciliation and the establishment of the system of social justice.  
Furthermore, those who are keeping peace or who will keep peace during the implementation of the envisaged Peace Accord, should also be involved in the negotiations.
- (4) The Rwanda tragedy was indeed a human tragedy, but paradoxically this tragedy offers an opportunity for us, as Africans, in collaboration with our counterparts outside the continent, to rededicate ourselves to the problems of our time. First of all, we cannot guarantee that there will never be another Rwanda on our landscape. The Rwanda tragedy can

- easily crop up again somewhere on our continent. However, our experience with Rwanda should make us become more vigilant and resolve that never again, should we live to see our brothers and sisters, our wives, and our children perish at our own hands, simply because the massacres are taking place outside our own country. A conflict may indeed be an isolated incident, but peace is universal.
- (5) The fact that the peace process initiated and carefully negotiated for Rwanda by the OAU collapsed at the implementation stage, emphasises the need for the United Nations and the Organisation of African Unity to strengthen and intensify their areas of co-operation in the field of conflict management activities, be they under the flag of the United Nations or the flag of the OAU. We should not lose sight of the fact that Africa is part of the United Nations, and deserves similar treatment to that normally accorded to conflict situations obtaining elsewhere in the world.
  - (6) We still very much count on the United Nations insofar as conflicts in Africa are concerned, a body with greater experience, a body with greater expertise and a body with more resources for addressing the problem of peacekeeping. At the same time, however, the lesson we draw from Rwanda is that the African Continent should have some degree of preparedness, as the secretary-general of the Organisation has always been advising us, to address the problem of peacekeeping perhaps by earmarking a contingent from the national army of every member State of the OAU along the lines identified by the secretary-general, which will remain as part of the said national army, but can be called upon any time to serve in conflict situations, either under the flag of the United Nations or under the flag of the Organisation of African Unity, depending on the magnitude and character of the conflict at hand.
  - (7) Early warning signals of an impending or actual conflict situation are extremely important, but these early warning signals must be matched by early political actions, if only to avert a catastrophe. We had all the information relating to the Rwanda tragedy, but we had serious breakdowns in terms of mobilising the necessary political action to avert that tragedy. In the case of Rwanda again, we have seen that early political action was essentially substituted for by humanitarian action, which is extremely expensive. Had we put in place the necessary preventive political action, we would not have ended up with such enormously expensive humanitarian undertakings that we have put up in the case of Rwanda.
  - (8) OAU cannot impose peace. It mediates peace, by assisting the parties concerned to realise that there is a problem between them and that,

therefore, they need to negotiate either directly or exclusively between themselves or through the use of a third party. Durable peace can never be imposed from outside. It must come from within a given country. Outsiders can only assist.

Genuine national reconciliation in a country just emerging from mass and indiscriminate killings must be matched by efforts to bring to book the perpetrators of that genocide. There can never be durable peace without genuine social justice and I am convinced that the Government of Rwanda cannot establish this system of social justice alone, without the co-operation of the international community.

#### **4.5.4 Discussion**

##### ***Arusha Declaration***

The Arusha Declaration, an agreement between the parties to the conflict in Rwanda, represented a political and diplomatic success with regard to mediation. It was hoped that the Arusha Agreement presented the basis for building peace in Rwanda. While waiting for the implementation of that Peace Agreement, the military situation changed, the planners of the genocide beginning the conflict.

Despite the events that have taken place, the spirit of Arusha has continued and is upheld by the present government. The present government is a government of national unity in that all parties that were signatories to the Arusha Agreement, except the party that planned and implemented the genocide, were included in government.

##### ***Refugee camps***

The situation of the refugees in the countries neighbouring Rwanda, particularly in Zaire, is alarming. The international community was aware that the defeated soldiers and the militias who committed the genocide, were retraining and arming. No attempts have been made to disarm them. The majority of refugees in Zaire are being held as hostages by the militias, and the defeated soldiers.

The international community should separate the civilians who want to voluntarily return to Rwanda from the people who are holding them as hostages. The international community has an obligation to ensure security in those camps. Civilians are languishing in the refugee camps and dying daily, through disease and starvation. Because there is no security, they are unable to return.

Difficulties were experienced in getting the United Nations Security Council to make a decision to deploy troops in the camps outside Rwanda. At the height of the time of need of the Rwandese people, the time of the genocide and the massacres, where more than 1 million people were massacred, the internation-

al community did not act. When the genocide was being planned, the UN was stationed in Rwanda. When it was being implemented, it withdrew and returned later to provide humanitarian aid. Pressure was needed to get a political decision to be taken by the Security Council. Once a decision is taken, ways of implementing the decision must be found. NGOs can lobby the powerful countries in the Security Council to take appropriate steps.

With Rwanda, the world experienced this horrendous massacre on television every day and was helpless to respond. There is a genocide convention agreed on by the United Nations but steps must be taken to ensure it has measures to enforce its provisions through the rapid deployment of forces to prevent future genocide.

### ***Justice***

Those who committed genocide, the militias and defeated soldiers are regrouping, and the international community is not doing anything about bringing them to justice. Some of the present soldiers in Rwanda took unilateral measures and killed people. The government and the Minister of Defence have acted firmly and arrested some of those responsible. In normal circumstances of a guerrilla movement, these people would have been dispensed with, depending on the magnitude of their crime. Because they are following the new situation summary justice cannot be taken. The soldiers have been arrested and detained. Because the wheels of justice turn slowly, with no magistrates or investigators, the soldiers have been imprisoned for a long period of time, and present a danger for the government. There are fears that the soldiers may take revenge when finding members of their family killed, while waiting for international justice. The international community can assist the process of national reconciliation by expediting the process of justice in Rwanda. Efforts also have to be undertaken to disarm the militias.

The criminals who committed the genocide must be brought to justice through the implementation of the International Tribunal on Genocide in Rwanda. Crimes against humanity must be seen as an international crime, punishable by an international community. The identities and whereabouts of the planners, the journalists who instigated hate through the media, and the leaders who encouraged the peasants to attack one another are known. Instead of being arrested, they are being harboured in almost every country of the continent. Unfortunately some of those responsible for the perpetration of the massacres do not feel any sense of remorse.

The Rwandan experience reveals that national healing and reconciliation must be coupled with justice. People who lost their relatives and families will not accept reconciliation when there is no visible justice, not only within the country, but also on the continent. Any efforts at conflict management and resolution must ensure justice otherwise they are doomed to failure.

In order to balance punishment with reconciliation, in an attempt to find the truth and to address the past, consideration should be given to the concept of Truth Commissions, as used in El Salvador, in South Africa, in Guatemala. The two approaches, both the Criminal Court and Truth Commissions, may need to be undertaken in conjunction.

### ***The media and ethnicity***

In dealing with African problems, the nature and complexity of every situation must be understood. The media can play an important role in this respect. In the Rwandan situation the media totally failed in its obligations. Before the genocide, the media did not refer to the Rwandan government as the "Hutu-dominated Government of Rwanda". The present government in Kigali, has attempted to take into account the genocide and suffering in the country, and to create a broad government, but the media refer constantly to the "Tutsi-dominated Government of Rwanda". It would be more accurate to refer to the "Tutsi-dominated army of Rwanda". The media have persistently and deliberately used ethnicity in the most negative terms, at a time when there are efforts to bring about reconciliation. There is an ethnic problem in Rwanda and Burundi. But despite efforts to overcome this, the media encourages dangerous stereotyping of the problems.

The problem of Rwanda is not only the problem of ethnicity. The population includes Hutus, Tutsis, the Twa, who constitute one percent, and a community called the Hutsi, who are Hutus and Tutsis who have intermarried. The members of the Rwandese Patriotic Front, RPF, belong to the ethnic group of Hutus, and the ethnic group of Tutsi, but they're all Rwandese.

### ***Support for the Rwandese government***

If the International Community recognises the Rwandese Government in Kigali in order to help the peace process, it has a duty to not only support the government, but also the population of the country. Necessary resources can be provided to the government to assist it in undertaking its tasks. About 800 million dollars were provided for humanitarian assistance. However, the government has no telephones or vehicles for the offices of ministers and governors who were supposed to supervise and avoid lawlessness.

There was a possibility of prevention in Rwanda, but there were serious constraints with the UN mandate. The Secretary-General of the OAU was faced with enormous difficulties because of the reluctance of the international community to become involved in African affairs, while African states were prepared to provide personnel.

#### **4.5.5 Case Study: Burundi**

*Ms Adwoa Coleman*

I might perhaps be allowed to preface my Introductory statement on the OAU role in Burundi with the remark that I have been prevailed upon by the Chairman to stand in for the OAU Secretary-General's Special Representative in Burundi who, due to circumstances beyond his control, could not be here with us.

The OAU role in Burundi can best be appreciated as an instance of the functioning of the preventive aspect of the OAU Mechanism for Conflict Prevention, Management and Resolution established in June 1993.

The involvement of the OAU commenced with a request for assistance by the Government of Burundi, in the wake of the attempted coup d'état of October 1993. The OAU's initial response, which was political in nature, was made with the intention of defusing through political means, the crisis that had resulted from that attempted coup d'état. Thus within twenty four to thirty six hours of the news of the attempted overthrow of the Government, the Secretary-General of the organisation and the central organ of the OAU Mechanism for Conflict Prevention respectively took action to issue a statement publicly denouncing the coup attempt and convene a meeting to condemn it. These actions were taken before it became patently clear that the coup d'état would fail.

The decision of the organisation to denounce the attempted coup and stand firm in that position was followed by a visit by the Secretary-General to the country within two to three weeks of its occurrence.

Subsequently, and following a request by the government of Burundi to the UN for an international force of about a thousand men - which request was not acceded to by the UN - the Government requested the OAU to deploy a force of military personnel. Initially, the idea was that the OAU should send military personnel to guard the ministers and other high officials of the government as well as a number of key installations. Thus, by December 1993, the OAU was ready to deploy a force of 200 personnel in Burundi. The departure of that group was, however, prevented first by the adverse reaction of the opposition and, then, by a request from the government itself for the group's arrival to be delayed in the light of the difficult political situation.

Eventually, after a period of consultations, a decision was taken a little more than a year ago, to deploy the present OAU mission in Burundi (OMIB). OMIB comprises a civilian and military component. The overall head is the Special Representative of the Secretary-General. Under him are both the civilian and military components. The military component is led by a Force Commander. Currently, the members of the military component are deployed in twelve out of the country's fifteen provinces. Basically it has played a role of confidence-

building and has acted as a deterrent to the commission of violent acts, including killings.

For their part, the members of the civilian component have been engaged in undertaking political contacts with the parties concerned. They also played a role in the negotiations among the various political actors which culminated in a compromise consisting of a Convention of Government whereby a Constitutional arrangement for power sharing was established. This allowed the opposition, and not just that party which had won the elections, to play a direct role in Government.

One might also mention the humanitarian and confidence-building role that is being played by the military doctors in the OMIB.

Though it is true that the killings have continued, it may be worth speculating that the situation could have been far worse had the OAU not been there at all. It must also be acknowledged that there is clearly a limit to what the OAU or anybody else, for that matter, can do to bring about a solution to the crisis in the country. The fact of the matter is that ultimately much will depend on the resolve of the Burundians themselves, to find an enduring solution to their problems.

It is for that reason that the OAU believes that the Convention signed between the Government and the Opposition is particularly relevant in terms of restoring confidence in the country.

The OAU remained concerned that the situation continues to be dangerously characterised by the increasing polarisation arising from the political forces and by acts of brinkmanship. Dangerous also is the rising tide of extremism manifest in the two main political parties. Also extremely preoccupying are the activities of armed groups as well as the factor of the ethnic based army and the security services. These require restructuring to give them a truly national character.

The OAU is also concerned about the need to facilitate speedily the investigation into the assassination of the late President Ndadaye and others as well as generally the massacres which took place in the wake of the October 1993 attempted coup d'état. The OAU believes that it is an exercise which would go some way in exorcising from Burundi the demon of the massacres.

For its part, the OAU foresees a situation in which it will remain in Burundi for some time to come. It also anticipates an expansion of its operation, in terms of the number of military personnel.

As to what others can do to assist, the OAU supports the call for the deployment of international human rights monitors, who would not only observe the human rights situation in Burundi, but whose very international presence would have a salutary effect on activities intended to escalate the crisis.

Indeed, on the question of the presence of the International Community,

the OAU secretary-general has, on a number of occasions, called on African countries as well as members of the International community to send as frequently as possible, missions to Burundi, in order to signal to the people of Burundi, the fact that the extreme concern of the people of the Continent and of the world at large subsists. It is in the light of that, that the recent visit of the UN Security Council team as well as the recent International Alert meeting in London, as examples of initiatives undertaken by the international community to help find a solution to the crisis in Burundi, were welcomed by the OAU.

It should be underlined that both Africa and the international community must show greater sensitivity to and vigilance on Burundi. In that regard, one need hardly stress the need for great co-ordination between the OAU and the other international actors involved, including the UN and the European countries, in order that one message and one message alone is sent to the Burundians to the effect that they have a responsibility to avert the worsening of the crisis which is ever near and to work, further, for national reconciliation and a new beginning in their country.

#### **4.5.6 Case Study: Burundi**

*Minister Jean Marie Ngendahayo*

In order to refresh memories and inform some, I will give a brief political background to Burundi. For those who need further information, we shall go into more detail during our discussions.

In the coup of October 1993, the first democratically elected President was murdered. The first election had been approved internationally.

In Burundi, we have two political groups, The FRODEBU (Democratic Front of Burundi), in collaboration with four other political parties and UPRONA (Union for National Progress). At the June elections FRODEBU won 80% of the votes, and thus 80% of the seats in the Assembly, and the Presidential position. UPRONA had 20% of the seats in Parliament and no minority rights. This was the situation at the time of the coup, but it is no longer the situation. UPRONA is the historical party who took Burundi to its independence, and whose national hero, contemporary to heroes such as Lumumba, Nyerere of Tanzania and Kenyatta, was called Rwagasore. The irony is that Rwagasore was assassinated in October 1961, just before independence. Today UPRONA is the leader of the opposition. There are a number of other small parties, sometimes with only a few members.

UPRONA and FRODEBU are the real players in the political arena in Burundi. They were confronted with the democratisation process, once they had been officially accepted as political parties; prior to the May campaign that led to the June 1993 elections. They kept talking and negotiating after the coup

of October 1993 and wrote the famous convention of Government, which is a resolution in case of emergency, to deal with the present crisis. Burundi was facing the same situation as the Rwanda genocide, and the civil war of twenty years ago, in 1972. It was heading straight to a major crisis, but thanks to a sense of Nationalism and the help of the OAU and the UN, who have representatives in Burundi, plus the various diplomatic missions, the two families sat together at the negotiating table and wrote the convention of government, an agreement reached by the two families, stating how the country should be run for the next four years, in order to finish President Ndadaye's five-year term. One year having elapsed since his election and the beginning of the crisis. Therefore these four years have to be run according to that document.

The convention distributes the responsibilities between the political families in national government as 55% for the majority and 45% for the opposition; at provincial level 60% for the majority and 40% for the opposition; for diplomatic missions including ambassadors and first advisers. 60% majority, 40% opposition. In the secret service the proportion is 50%/50% at the level of the highest ranks. However, the task is not finished, there are things which have not been divided. The problem of power was urgent and it was addressed, but a lot of things have been left aside, and we have to face them and discuss them. We have the army; it is almost entirely made up of Tutsis, which is the minority tribe, and the Hutus, the majority, are asking to join. This is the subject of a debate at the moment, which will be discussed further. There is the problem of education where the Hutu majority has not been able to participate as much as the Tutsis for the last 30 years.

The difficulties between Tutsis and Hutus are the cause of the killing in our country. There are tags attached to the problem, but it is not as clear as it seems. It is thought that the majority of people moving in the Presidential circle are Hutus. I am one of those people and I am not a Hutu. The Ambassador and Adviser who came with me is not a Tutsi. The situation is not as straightforward as one might think. Another problem is that the political dichotomy between the two families is very fragile, as both meet with difficulties in applying the convention, because of extremists on both sides. Take the opposition, the extremists say, "We cannot allow the majority Hutu which has shot into power, simply on the question of numbers, to stay there while we are forgotten, it is unbearable". They add, "We have the experience, the army, the money, we know how to administer, we must take the power again, because we are the people with knowledge". That is the view of the extremists in the opposition.

In Burundi you have an elected and legitimate government, which can be threatened so much by extremists, that it cannot fulfill its duty toward the population. Must we hand the government to those who threaten it, since it cannot answer to the needs of the people who elected it?

Now, the extremists on the side of the majority, the extremists of the Hutus say, "We won the elections (even if it is not true), having won the elections the Tutsis killed our President. It was the first time there was a Hutu President, which shows that the Tutsis do not want the Hutus to be in power therefore the Hutus must chase them all, kill them, get rid of the army which is full of Tutsis, create a new army and after that we shall see how things go". You realise that we have two extremes that cannot be reconciled.

The moderates in both families want peace. They say, "One party won the elections, but it is not enough to win elections to run a country. We need peace first and peace is priceless, so if we need to collaborate with those who lost the elections, let's do it. The country needs to be peaceful."

The losers say "You won, but we can help you settle peace in the country." All the moderates are the people who need to get all the help.

However, the moderates have difficulties in recognising each other. They have to find each other. Therefore, the government must be helped to set up a plan for peace in the short, medium and long terms. This plan must have clear and concise aims that will be understood by everybody, on such issues like defence, security, representivity. We have to acknowledge that the Tutsi minority in Burundi and Rwanda cannot accept that the mere result of simple elections decides who is in charge of the country. They are scared of not being part of government. This is a phenomenon South Africans can readily understand, particularly if they are white. We are faced with a complex problem of minority which has to be handled with great care, similar to South Africa. The demographic minority becomes a military, social or a political minority.

In addition, we have the questions covering repatriation, displacement of population, justice, the inquiries into the murder of the President and into the tribal massacres. The judicial system does not do its work, it is biased and partial.

The international community should ensure that the articles of the convention are followed. The international community must become the conscience of the Burundi Constitution and for the application of the Convention. Secondly, the international community must assist us with multi-track diplomacy. We ask for: investigations, foreign magistrates to help Burundi magistrates and observers of human rights. We need peace signals, in order to know whether the country is going toward a catastrophe or to peace. What are these signs? First, security in general. When security is not good the crisis deepens, leading to assassinations, planned murders of people. For example, Saturday morning on March 11, one of my colleagues from the mine was held up at gunpoint and shot, as he walked out of a pharmacy. This is a signal of crisis. The degree of obedience or disobedience in the army is another sign of peace or crisis, as is the follow up on the international community's recommendations, the investi-

gations and the presence of observers of human rights. Finally, the application of the fundamental values of a legitimate State. It is important that in Africa we stop saying that it is normal for people to steal, kill and rape. No, some values have been accepted as universal and they must be used so that any government in any country is appreciated.

#### **4.5.7 Discussion**

##### ***Role of traditional leaders***

Burundi is a small country of about 27.000 km<sup>2</sup> with a big concentration of inhabitants, almost six million people. Burundi, like Rwanda, is an old monarchy - the monarchy fell only in 1966. The role of the chiefs is still very strong. With the crisis in Burundi, a Hutu will look for guidance from a Hutu chief. Hutus look up to the President, being Hutu. The Tutsis refer to the Prime Minister, a Tutsi. Unfortunately communities rely heavily on the chief for their survival or suffering. Then there is the psychological problem. When the Hutu President speaks, the Tutsis ponder over what he says, and try to interpret what he did not say, which could harm them. When the Tutsi Prime Minister talks the same phenomenon happens with the Hutus. Both are very wary of the speaker's hidden agenda.

Society has to be reorganised at grassroots level. But before, it is important to get the national leadership to explain a peace process to the population. Doing so, the Hutus who listen to the President, will acknowledge that peace process and so will the Tutsis hearing it from the Prime Minister. But both President and Prime Minister must use exactly the same language, so that the two communities can get together.

##### ***Building a strong civil society***

Efforts need to be undertaken to go beyond the initiatives and actions of governments and international governmental organisations, to reach out to civil society, to the NGOs, to get them involved in Burundi with school children, communities, women's groups, trade union groups.

In Burundi, people are scared. The extremists are very strong and powerful, particularly the youth and the armed militias. The young take sides according to the tribe they belong to and join in the fight. They do not need arms, they throw stones, use machetes. The majority of the population, including the human rights observers, are terrorised and hide at home.

The international community and the government must not only consider long-term humanitarian measures, but concrete and immediate ones. Efforts should be placed on developing programmes with the youth such as meetings of the various tribes of the various hills, visits between parliamentarians and

local organisations. There are risks for NGOs in Burundi; if anybody dies, the NGO must not leave, their dead must be replaced.

Fear is an important element in any emerging conflict, particularly inter-ethnic conflict. Efforts need to be taken to bring people together, to get to know and understand and respect each other. That is an area of work that can be done at the grassroots level, which lays a groundwork for the people at the top to do their business.

Action that can be taken to assist in Burundi requires resources and the necessary international support from domestic economies. The central problem facing intervenors in Africa is that in their attempts to resolve African problems by utilising the necessary capacity and the expertise, they lack resources. The challenge is to tap the resources on the continent and to find creative ways of forming and implementing a social pact between government, business and civil society on the continent.

### ***Developing international will***

We need to help develop a sense of will and activity in our own countries, whether we are the agents of a government or merely the citizens of a government. We all have sectors, whose consciousness we can raise about the importance of Burundi to each of our national interests, or Rwanda or even Somalia. The OAU could declare a peace week, where we can mobilise all the resources on the Continent to support peace efforts, so that business, society and government get involved, to generate resources, that can then be directed to the identification of problems and to help to implement the solutions to those problems.

### ***Role of the media***

International organisations pressured the Burundian government not to censure a particular newspaper responsible for producing hate speech. In Burundi, the role of the press and hate media must be considered. Many pirate radios disseminated hate propaganda. To what extent can hate propaganda be tolerated? In many of our societies, there have been calls to legislate against hate propaganda. Promoting hate towards any other community must be seen as a crime. That has nothing to do with the question of press censorship, particularly in situations where you have sensitive ethnic communities.

## **4.6 Possible roles of Interveners: Sub-regional organisations**

### **4.6.1 The intervention of ECOWAS in Liberia**

*Major-General Ishola Williams*

ECOWAS is an economic grouping of about 15 States in West Africa. Nigeria and Togo played a very important role in setting up ECOWAS. Before ECOWAS, there was an economic and political and military Francophone grouping in West Africa. There is no such Anglophone union, either on the military, political or economic side. This has created difficulties in addressing common policies and approaches to crises and problems in West Africa. This affected the initial stages of the solution to the problems of Liberia. If that political consensus had been there, the Liberian problem could have been solved a long time ago.

The conflict in Liberia was exacerbated by the role played by various countries, either in support of Master-Sergeant Doe, who was then the Head of State, or Charles Taylor, his main opponent. Charles Taylor succeeded after the initial attack in December 1989 and by the middle of 1990, to rapidly capture many areas. Liberia, like most African armies, had not adapted to tactically handling guerrilla operations. They concentrated on developing the Presidential Guard to protect the President and did not develop the other armed forces, and had problems with its ethnic-based army, with the majority of recruits coming from his own ethnic group. Charles Taylor was able to get support from other tribes and deal with the Liberian armed forces.

A series of attempts was made by religious groups, including Muslims and Christians, to stop the war as it increased. Because of his military strength, diplomatic, financial, and material support of some countries, Charles Taylor refused. Initially Libya, Côte d'Ivoire and Burkina Faso allowed him to operate freely. Arms were also being distributed to his forces. Rivalry, personal interests and other issues further derailed the peace attempts. This degenerated into a situation where all embassies were attacked and atrocities perpetrated.

The situation required an urgent response, but the Liberian issue was ignored. The UN was engrossed in addressing the Gulf War. The United States, had other priorities. West Africa was pushed to take the initiative. Immediately questions were asked whether ECOWAS was justified in creating ECOMOG, the ECOWAS monitoring and observation group, and in intervening in Liberia. Why did diplomatic efforts and preventive diplomacy fail? Was ECOMOG really formed to keep peace, since the preventive effort has failed or was it sent to restore peace by all means? The politicians, diplomats and leaders could not succeed in creating an enabling environment for classical peacekeeping to take

place. Did ECOMOG succeed in freezing the conflict, so that negotiations could continue?

At a personal level, if you live in a neighbourhood and your neighbour's house is burning, and you telephone the fire brigade and you wait for the fire brigade to come, would you not help your neighbour, at least initially, to help put out that fire? Your neighbour's house does not only burn down, your own may burn down, especially if the fire brigade has no petrol, no water and it cannot move, because of lack of resources in Africa. You have no other alternative, but to help your neighbour. If you don't help, it could engulf the whole neighbourhood and the whole neighbourhood will be burnt down.

Personal privacy is like the sovereignty of a nation. When your house is burning, the fire has already broken down your privacy. In the African context also, there is no privacy. Your house is always open to your friends, to your family, to your neighbours at any time and if you have problems, it is expected that you call your neighbours to help you solve the problems. That is the African culture. We cannot judge the Liberian issue as a violation of the sovereignty of Liberia.

Apart from that, Samuel Doe only controlled the Executive Mansion, not any other place in Liberia. There was a need for the West Africans to do something and so they did.

When ECOMOG decided to intervene, all the parties, except Charles Taylor, agreed. Charles Taylor's forces were in Liberia. Those of us responsible for planning for ECOMOG to enter Liberia knew that we had no choice but to enforce the peace and to create a safe haven for refugees to come to. The only place was Monrovia. ECOMOG had to fight Charles Taylor's forces and push them into the suburbs. As soon as the ECOMOG forces landed, the shooting started. Being involved in the operations, I thought it was a mistake. We should have gone to Robertsfield Airport or Buchanan and that could have changed the whole scenario. Other members of the ECOWAS complained about violations of sovereignty, and that the initiative was Nigerian-led. Lack of political consensus created problems which hindered addressing the issues at hand.

Then ECOMOG had to stop and a number of other diplomatic efforts were undertaken. Charles Taylor insisted that Samuel Doe resign, step down as the president, but Samuel Doe refused. He was horribly put to death in the ECOMOG Headquarters by the men of Prince Johnson, another faction that broke away from Charles Taylor's NPFL. Samuel Doe got paid back, because he would torture people before killing them, so nobody felt sorry for him. Just as many African leaders are being paid back in their own way, the law of retribution. That did not stop Charles Taylor.

After that death, they had at least four meetings. Every single meeting resulted in an agreement, an accord. But as soon as they returned to Liberia, it would

break down. Agreements and accords do not mean anything in Africa. As soon as the parties get back, the agreement is thrown overboard. The Benin Accord was facilitated by the OAU Special Representative and the US Special Representative. They managed to thrash out with all warring parties a dual agreement on encampment, disarmament, the elections and a cease-fire.

A governing council was created to replace the one initially created by ECOWAS. A constituent assembly was formed. Even though that council represented all the warring parties, they were still not satisfied, because there was a proviso in that agreement that if you sat on the governing council, you could not contest elections in the immediate future. Therefore the possibility of becoming Head of State was ruined. But then the UN came in with troops, and created the Liberian Peace Force. The United States contributed finances and ECOMOG, Uganda, Tanzania and the UN, observers, to monitor and encourage the disarmament to take place.

Earlier efforts by ECOMOG, with the help of Senegal supported by United States, to disarm the warring parties, failed when there was a shooting fracas between the NPFL and Senegalese forces and the troops that were sent to Charles Taylor's area were all held hostage by his forces. He seized their vehicles, equipment and even their uniforms. So again, that broke down. The second effort was the expanded UN troops. Again they have not succeeded.

Unfortunately every time a new chairman of ECOWAS is elected, he develops new proposals. When General Rawlings became the chairman of ECOWAS, he developed an Accord which enhanced the political status of the war leaders by creating a five-person council. Each of the warring parties could elect a member to represent it and the five members met in Accra to elect a chairperson.

Each council elected a chairperson, except the coalition. The armed forces of Liberia who broke away from the NPFL, could not agree on who to represent them on the five-person council. Charles Taylor lobbied some members of that coalition to get Hezekiah Bowen, the commander-in-chief of the armed forces of Liberia, who was dismissed by the present governing council in Liberia, but refused to leave. During the negotiations, instead of calling the Governing Council in Liberia, the negotiators called Hezekiah Bowen, and thereby recognised the commander of the armed forces of Liberia rather than the head of the governing council. In the end the coalition did not accept Hezekiah Bowen as a military officer to represent them on their council, because they felt that the armed forces of Liberia should not have representation in a political council.

Finally, they met both inside and outside Liberia and elected the former deputy to Charles Taylor in NPFL. Charles Taylor refused to accept it, because he was hoping to become the president of the governing council. Again they called them back to Accra and appointed an 85-year-old chief who represent-

ed the traditional rulers, who does not speak English and had to speak through an interpreter, to become the chairman of the council. He has tried to convince everybody to accept a six-person council instead of a five-person council. Charles Taylor has refused this proposal.

The latest in the negotiations is that Ghana is not giving up. The Head of the Governing Council has now gone to Accra to discuss with the Chairman of ECOWAS and to find new ways of resolving the problems.

The Accord should be allowed to die and the present Governing Council of Professor Pumapo stay. Support that council diplomatically. Contribute more money to the Liberian Peace Front, so that the Tanzanian and Ugandan troops that want to withdraw, will not withdraw because their financial requirements can be taken care of. Continue to negotiate for a process of encampment and disarmament with all parties similar to that in Mozambique, where the warring groups, later on become political parties and contest elections.

There is a need to convince the warring parties to become political parties; to get ECOMOG to stay for encampment and disarmament and hasten the process of encamping and disarming. On a slow basis, many of the warring parties are disarming, except for the NPFL. ULIMO, Liberian Peace Council and others are ready to disarm tomorrow. The difficulty remains with the NPFL, but nobody knows how to negotiate Charles Taylor out of his own personal ambition and that is where the problem lies.

## **4.6.2 Discussion**

### ***Considering appropriate responses by ECOWAS***

This was the first time that ECOWAS had to intervene in a country, Liberia, and consider peacekeeping and preventive diplomacy. From the beginning, states had to make choices as to how best to respond to the Liberian conflict, whether they support the liberation front of Charles Taylor, who controlled 80% of the country, or the existing state under Samuel Doe who controlled only 20%, or whether they should remove Charles Taylor and replace Samuel Doe? The only State who had the means to act was Nigeria. Was it for Nigeria to help Samuel Doe recover power in Liberia? It was difficult to obtain consensus as an intervening group, when there was no longer any authority in Liberia. It was finally decided that an army had to be created, to intervene between the belligerents, and so enable political dialogue to take place. Some countries did not agree with this measure, and thought that the best was to remove Charles Taylor. All opinions, including the churches, Charles Taylor's and Samuel Doe's representatives and all the different parties in Liberia, agreed for an army of intervention.

In order to maintain peace in a country even if it is disintegrating, all the parties must agree that the intervention should take place. A level of political

consensus must be established among the warring factions that the intervening force is accepted and will not be compelled to fight the warring factions.

The case of Liberia and of other case studies in Africa reveal that once a guerrilla leader becomes the Head of State, other guerrilla forces will emerge to challenge the same guerrilla leader, resulting in the problem of Liberia engulfing neighboring countries. That is why ECOWAS had to intervene. The situation in Sierra Leone is a direct consequence of what happened in Liberia. The coup d'état in the Gambia is an indirect consequence of what has happened in Liberia. You either respond or allow the situation to intensify.

### ***Role played by ECOMOG***

ECOMOG was not created as an offensive army; its role was to keep the warring parties apart. Unfortunately they became the target for gunmen from both sides. Charles Taylor's party split and Prince Johnson created his own party and trapped Samuel Doe at ECOMOG headquarters where he was killed in the most atrocious manner. ECOMOG's intervention as neutral peacekeeper, as a barrier between parties, was used to trap Samuel Doe.

Unfortunately the intervening army did not play an impartial role as Liberia was split between several different countries who took sides, with some sending soldiers to support a particular party to the conflict. If neutrality, the basic principle of such action, is not respected, the problem facing the country cannot be solved. In Africa agreements are deeply respected, but justice must predominate. Agreements must not be used as traps, as they will not be respected.

### ***Reluctance of parties to negotiate***

Charles Taylor will not voluntarily step down from a position of strength to enable new institutions of government which would avoid predominance to be established, as he controls the largest area of the country, and is the strongest militarily.

It is difficult to intervene in a situation where the the leaders of the fighting factions are not interested in negotiating an end to the conflict. There have been thirteen agreements signed, none have been implemented. There are seven warring factions representing the personal interests of the leaders rather than political movements or even truly ethnic interest groups. There are three different Krahn armed factions in the field, each pursuing the personal interests of their leader. The political movements and parties which exist do not have weapons. Those leading the warring factions do not have a political perspective. The quandary for intervenors is how to marginalise the role played by 'warlords' in the period immediately after the war, when their co-operation is needed to stop the fighting and to disarm and immobilise the combatants and create an environment in which the political leadership, throughout the country can take over.

The solution lies with the people of Liberia. Pressure has to be put on the leaders to find a meaningful solution. The international community needs to assist ECOMOG, and Africa must respond more positively. ECOWAS has continued to meet with the parties and different factions in an effort to get consensus. Charles Taylor has been in discussions with local chiefs, to enable them to come to a consensus of electing a member to join the Council.

### ***Resources***

When intervening, governments need to be assured that peacekeeping efforts are appreciated by those that are supposed to assist. If the warring factions do not recognise the seriousness of the situation and assume that the contributing countries have unlimited resources to maintain their contingents, the contributing states will lose interest and no longer participate in the peacekeeping operation. Negotiations are very difficult and can be very expensive.

### ***Deciding on appropriate process for intervention***

The intervention of ECOWAS in Liberia points to the need to carefully evaluate in each particular case whether an intervention is appropriate and how it should be implemented to achieve results. This was an African initiative, whereby Africa was handling its own problems. However doubts remain as to whether or not ECOWAS should have intervened, whether there was sufficient political consensus for any intervention to have taken place, and whether this peacekeeping effort was the most appropriate given the specific conditions facing Liberia. Liberia is worse off now than it could have conceivably been in any other kind of situation.

Charles Taylor was the one who got rid of, at the head of a popular uprising, an egregious regime; his personal ambitions are the same as have brought other Heads of State to power that have ended egregious predecessors. Possibly the conflict in Liberia should have been allowed to take its own course and thereby resolve itself rather than face the results of a poorly managed intervention. A determination has to be made whether that society has reached a level of incompetence and inability to solve its problems. Intervening in a society that has the capacity to solve its own problems, because we don't like the outcome, cannot be accepted. Where the local community is unable to address the contradictions existent within that society, the intervening force will have to put a process in place that would reconstruct the society.

The problem with the intervention both in Liberia and Somalia is that -

- (1) it is shortsighted. It has no clear understanding of the deep social forces that are generating the conflicts; and

- (2) the intervening forces are incapable of analysing why they are intervening. For example, when the United Nations intervened in Somalia, they did not disarm the warring factions even at the initial period.

### ***Criteria for peacekeeping operations***

Peacekeeping operations are extremely complex operations aimed at social engineering. A peacekeeping operation can be successful if, before it is initiated, a number of factors are considered. The consent of all parties involved must be ascertained. The high profile of the military peacekeeping operation, can only be a means to an end. It has to be undertaken in support of other approaches including peacemaking and peacebuilding efforts. There must be political consensus on the part of the sub-regional body that is intervening.

Necessary institutional support in the form of policy formulation on conflict management and prevention, must be developed in Africa to assist in dealing with problems such as the difficulties that ECOWAS was faced with.

### ***Developing security and co-operative institutions on a sub-regional level***

Security and co-operative institutions must be established at a sub-regional level, and broadened to secure co-operation at the Continental level. The protocol for peace and security in the sub-region within the machinery and mechanism of the OAU must be enhanced and translated into a Continental mechanism.

The early warning system can achieve results if the sub-regions can respond effectively through the enhancement of the role of sub-regional organisations. However, few bodies should be able to authorise a peacekeeping intervention. When sub-regional or regional organisations have a bigger common denominator between the member states, they can more easily agree upon a code of intervention. Neighbouring states should not intervene if their motives could be self-serving and they should ensure domestic support for the operations which are carried out in the interests of the sub-region or Continent.

### **4.6.3 Case Study: IGADD in Sudan**

*Ambassador Francis Deng*

I suppose I am in the rather sensitive position of talking about my own country, I am delighted to see that we have a strong Sudanese delegation, to moderate, correct or balance whatever I might say.

I am tempted to begin with an anecdote to place myself in the Sudanese context, for those of you who may be wondering about my standpoint and how it might influence what I say.

Some years ago a number of Sudanese were at Atlanta, Georgia, attending a consultation on the Sudanese conflict which was organised by the Carter Centre.

Before the meeting I found myself in a bus with a foreign service officer from the State department. He began the conversation by asking about the war in the Southern Sudan. I gave him what I thought was the gist of the conflict, from my own perspective. Then he asked me, "Are you a Southerner or a Northerner?" I answered with a question in return "Judging from what I have told you, where would you place me?" He said, "I think you are a Muslim from the South". I explained that I was neither Muslim nor strictly speaking from the South.

I happen to come from a part of the Sudan which is more or less on the borders of North and South and where generations of leaders in my family, have played a bridging role by identifying themselves, administratively, as part of the North, although they are ethnically, racially and culturally part of the South. That has placed the area in an anomalous position that has its own advantages and disadvantages.

In presenting the overview paper I had prepared for the Carter Centre Consultation I regaled the anecdote of the encounter with the foreign service officer. The Sudanese participants included representatives from all sides, government representatives, opposition and independent scholars. Some of the opposition members, took what I said as favourable to the Islamic Regime in Khartoum. One of them got up and said, "You do not just sound like a Muslim from the South, you sound like a Muslim from Iran". Some might have said that I had bent over backward too much. Be that as it may, now that I have placed myself in the Sudanese context, let me go on to the issues.

I see two sets of issues involved in the IGADD mediation of the Sudanese conflict. One has to do with the appropriate level of action, that is to say regional, global or international. The other has to do with the processes of addressing these issues and the substantive issues involved. The Sudanese case is a good example of the quest for this balance.

Generally speaking, it has been argued that neighbours are not the best mediators because they are too close to the situation and have vested interests. That's one line of argument. Another line of argument would be to say that neighbours are the best informed about the situation and have a vested interest in the outcome. For that very reason, they are likely to be highly motivated to try to find a solution. These two sets of positions come up in the Sudanese case.

The second issue relates to the process. It is one thing to intervene to stop the fighting. It is one thing to intervene to start a process of mediation or reconciliation. It is quiet another thing to address the root causes of the problem. Again, I believe the Sudanese case will be somewhat informative or instructive on that issue.

I do not want to go back to describing the problems in the Sudan. I think it will suffice to say that this is a country that has been at war with itself for nearly four decades, with only ten years of a peace interlude that was celebrated as

an ideal, but that ended in the resumption of hostilities. The war initially started in August 1995 just before independence, achieved in January 1956. In 1972 it was ended by the South being granted regional autonomy. In 1983 fighting began again with the abrogation of the agreement by President Nimeri, the very person who had created it.

Since then, there have been intense efforts to bring peace to the Sudan. The initiative by the countries of the Intergovernmental Authority on Drought and Desertification (IGADD), which started in September 1983, is the latest. IGADD was intended to be a sub-regional arrangement to deal with the natural disasters of the area and how they impact on the prospects for development. In recent years, it has become increasingly involved in political issues, the Somali and Sudanese situations being among the areas of particular concern.

A distinction should be drawn between what had preceded and what is particular about the IGADD initiative. In my view, past efforts have been characterised largely by a desire by third parties to get the parties together, often balanced by an ostensible desire on the part of the parties to get together to talk. Much of that has had to do with public relations, in that neither party wants to be seen by the international community as committed to the war option. So, whenever mediators, countries or individuals have suggested talks, both parties have responded positively. Very often the parties themselves have even requested mediation from third parties. But invariably, when they actually get to talking, these talks have ended more or less with a deadlock on the critical issues.

My own view of the situation is that what divides the Sudanese is an elusive problem area that is not easily identifiable or definable. I call this a crisis of national identity, which the Sudanese have not openly confronted.

What does that mean? It is often said that the Sudan is a country divided on racial, ethnic, cultural, linguistic and religious grounds. The North is recognised as by and large Arab and Muslim, while the South is indigenously African, with traditional religious beliefs and with an elite that is Christianised.

It is also acknowledged that the South is largely undeveloped, while the North is both economically and politically more developed.

Nevertheless, these arguments are also often disputed. There are people who argue that the racial and cultural differences are exaggerated, if they indeed exist. The proponents of the argument would point to the African element in the North disputing, both racially and ethnically, the Arab label and assert Northern Africanness. Even on the issue of social and economic disparities, pockets of extreme poverty in the North are often pointed out to question the dichotomy. Yet, despite the racial anomalies, the myth of Northern Arabness and Southern Africanness continue to defy realities in popular consciousness.

There is a story of a Southern Sudanese who went to America in the early 1960s and was eager to see American blacks. His host family in New Jersey took

him to Harlem. As they drove around he could not see blacks and wondered where the so-called black Americans were. His host family, surprised by his question retorted, "Don't you see all these people on the streets? They are American Blacks". "But these people are Arabs", responded the Southern Sudanese.

The Sudanese concept of an Arab is a typical Northern Sudanese who is, in fact, a product of a mixture between Africans and Arabs over a long period of time. The outcome are people who, though looking like most Africans, as a function of culture and orientation, believe themselves to be Arabs.

To appreciate this attitude, it is important to remember some important features in the process of Arabisation. The process took place in a context in which there was a hierarchy of races, cultures and religions. To be African, black, and 'heathen', was the lowest of the low. Islam, as a feature of Arabism, happens to have a progressive view of identity in that if you are a Muslim, Arabic-speaking and maybe fantasise yourself as having some Arab blood, you are an Arab. Indeed, if an Arab master begets a child with a slavewoman, that child is born as free and as equal as the legitimate child of a 'free' mother. This is in sharp contrast to the Anglo-Saxon system whereby if a master has a child with a slavewoman, his own child is his slave. He can sell his own child or keep him as his slave.

Given that environment, it is easy to see how becoming Arabised, liberated and being given the dignity of freedom, as contrasted with the reality or potential of being a slave, favoured the evolution towards the Arab Muslim identity.

In the Sudan, according to the statistics of 1956, those who identified themselves as Arabs were only 39%. Even those are a hybrid race for hardly any Sudanese is unmixed. And there are groups, in the utmost North, such as the Nubians, south of Egypt, the Fur in Western Sudan, the Beja in Eastern Sudan, of whom all have retained their indigenous identities and speak their own languages. The Arabic language and Islam have however become the umbrellas that unify the North with a nationalistic self-esteem based on those attributes.

It is only in the South, which is one-third of the country in land and population, that the point of confrontation inhibited the process of Arab-Islamic assimilation. Indeed, the South has nearly always been, in a sense, a war zone, where hostilities emanating from Northern invasion developed an anti-Arab, anti-Islamic attitude. This attitude has been reinforced by the modern processes of state-craft or state-building, whereby the British kept the two parts of the country separated, reaffirmed the Arab Muslim identity of the North, and injected elements of a Christian, westernised culture into the African identity of the South.

As a result, these two parts of the country developed separately until the dawn of independence, when they were suddenly brought together to form one state.

As noted earlier, hostilities broke out just before independence, because the South, with the history of bitterness behind it, feared that independence would

mean domination by the North. It was eventually resolved that the demand of the South for a Federation would be given serious consideration after independence. With that Northern concession, the South supported independence through unanimous vote. The North however never honoured the promise of giving the Southern demand for federation consideration. The South went to a fully-fledged war for seventeen years. It was eventually ended by a compromise solution that granted the South regional autonomy. The issue of what the Sudan is and how the Sudanese perceive themselves has thus been a problem since independence.

It is generally argued that the present Islamic regime in the Sudan is a minority government imposing itself on the majority of the people in the country, North and South. This is true to the extent that it came about through a military coup. It is also true to the extent that the National Islamic Front (NIF), which is now recognised to all intents and purposes as the government, is one of the minority parties. It is a significant political force, but certainly a minority compared to the other traditional political parties.

On the other hand, NIF represents an extreme version of an Islamic agenda that has been at the centre of the debate all along and is widely shared in the North. All the major Northern political parties have always claimed their legitimacy on the basis of Islam. What this regime has done, has been to sharpen its Islamic perspective to make unequivocal what has been the wavering position of the political parties, who have wanted to forge the Islamic agenda while at the same time trying to win the South or the non-Muslim constituency. This regime has indeed accomplished what the major political parties have been advocating without success. The main weakness of the present Islamic agenda is that it was brought about by military dictatorship.

It is important to emphasise the two trends in the North and the South that have been driven towards this sharpened vision of what the nation is all about. One can say that the extreme positions on both sides feed on one another. The more the rebellion in the South has emerged as a credible threat to the North (particularly with the support of the Mengistu regime in Ethiopia, when the SPLM/SPLA emerged as a very powerful force, that extended the war into the Northern territories demanding not secession, but a restructuring of the whole country, in order to be equitable on the contested elements of identity) the more those who saw themselves as Arabs became threatened, the more they sharpened their reaction and the more the war became a struggle for the soul of the country.

The three elements of identity: Islam, Arabic language and Arab culture, merged and came together into a sense of Arab nationalism. What this regime did was to shift conceptually the emphasis on Arabism that might be called ethnic or racial to an emphasis on Islam in the Sudanese context. But Islam remains a metaphor for an integrated notion of Arab Muslim that is as racially,

ethnically and culturally biased as it is in orientation Islamic.

Islam is the religion of the majority, while Arabs are a minority. To counter the move towards secularisation and de-Arabisation, which would require a major reconstruction of the country, the regime came up with a vision of Islam as the tool with which to shape the nation in a composite, religious, cultural and racial mould that could still claim to be non-racist.

Given the hidden agenda on the issue of identity, whenever the parties go to talk, negotiations become a zero sum game. What is involved is a question of survival as an identity group. In this political context, identity is not a matter of individual self-perception. It is not a question of what an individual thinks he/she is or what a group thinks it is. The critical issue is the national framework, how it is defined and the consequences of that definition on the various identity groups. The question then is not so much whether objectively speaking, Sudanese look Arab or African, but rather what the framework of the nation is and how it is affected by the perceptions of the parties, whether culturally, racially or religiously. There is indeed a discrepancy between what we think we are and what we objectively are, just as there is a discrepancy between what we think the country is and what it is objectively.

It is my contention that in this cloudy area lie paradoxical prospects of reshaping the country or redefining the country to narrow the gap between self-perceptions, whether of individuals or groups and the perception of the national framework, to be mutually accommodating. That is my prescription for the country.

The Sudanese situation at present is characterised by discrepancies, or contradictions between perceptions and realities. A good friend, who was the Sudanese Ambassador to the UN, told me a story of how a Black American approached him in the delegates' lounge and asked him where he came from. He said he was from the Sudan. The Ambassador, though in Sudanese terms is an Arab, was so dark, that the Black American immediately assumed that he was from the South. And so he said to the Ambassador, "What are the Arabs doing to you?". The issue of identity remains elusive in the discussions of the conflict between the North and the South. It keeps creeping up, but is never seriously addressed, far less resolved. In a sense the issue is evaded, because once addressed, it would be too divisive and therefore unresolvable. This is why people have been eager to talk, but more as a public relations exercise than a means of getting to the real issues.

What is different about the IGADD initiative is that the leaders of the countries involved are intimately familiar with the situation in the Sudan. Developments in the Sudan also affect the situation in their own countries. These leaders, young, unconventional and knowledgeable on the situation in the Sudan, said to the Sudanese leaders, "Brothers, we have to resolve your

problems in the Sudan if the region is to be truly stable and at peace with itself". They managed to persuade Khartoum, and it was agreed that a committee be formed of the four countries of Kenya, Ethiopia, Eritrea and Uganda under the chairmanship of the Kenyan President, President Daniel Arap Moi.

What was particularly different about the IGADD mediation was that these neighbours did not claim to be disinterested third parties. On the contrary they said to the Sudanese, "We are not neutral third parties removed from the problem. We are from the region. Our security is interconnected with your security. Our countries are affected by your problems. Your conflict is therefore not just an internal affair for the Sudan; it is also a problem for the region" .

Ironically when I was in government as Minister of State for Foreign Affairs, that was the argument we used with Ethiopia over the problem of Eritrea. With due respect to the territorial integrity and the unity of Ethiopia, we agreed that the problem of Eritrea was not just an internal affair for Ethiopia; it was also a question for us in the Sudan, because we had Eritrean refugees in our country who were having an impact on our security situation. We therefore offered our good offices to try to mediate between Ethiopia and Eritrea.

Mengistu resisted that argument and as a result we were never as helpful as we wanted to be. In the case of IGADD, given the initially friendly relations between the Sudan and two of the neighbours involved, Ethiopia and Eritrea, Sudan accepted the mediation of the IGADD countries.

In addition to arguing that they were indeed part of the region and Sudan's problems were therefore part of their problems, which must be involved in the regional interest, the IGADD mediation committee also argued that if the problem was going to be solved, the root causes had to be addressed. The basis for addressing them was laid down in the Declaration of Principles. The first principle was that the South has never really exercised the right of self-determination and therefore was entitled, like all other peoples, to exercise that right. However as a second principle, unity had to be given a chance as a matter of priority. To achieve unity, it was essential to put in place the conditions that would make unity desirable to both parties. As a third point, the committee suggested fixing a period within which those conditions would be tested and then voted upon by the people of the South in a referendum that would determine whether the arrangements for unity were acceptable and sustainable or whether the South would want a different arrangement. The options for the South could include degrees of decentralisation, federalism, confederalism or secession.

Even more critical was the question of the conditions favourable to unity. The Declaration of Principles stipulated that in order to create an appropriate framework for such issues as unity, the relationship between religion and the State, pluralism, respect for fundamental human rights, and decentralisation had to be resolved.

The government, obviously being fundamentally an Islamic military dictatorship, could not accept the idea of separation of religion and the State, nor could they accept the principle of self-determination. Separation of religion and the State runs directly against their Islamic ideology while self-determination risks the possibility that the South would opt for secession and therefore divide the country. The two were, therefore, unacceptable. When the talks broke down, the leaders of the Sudanese delegation made it clear that the spread of Islam in the South and indeed Black Africa had been interrupted by colonialism and that the Islamic regime in the Sudan wanted to pick up the challenge from where it had stopped. For them, it was not only a matter of political ambition, but a religious duty.

Despite the impasse or the deadlock, the IGADD committee did not throw its hands up and say, "Well, since you parties don't want to agree with the South which is committed to secularism and the principle of self-determination, which was unacceptable to the government, we will leave you to continue your war". Instead, they said, "Since peace in the Sudan is essential to our own peace and stability, we will remain engaged. We are not going to abandon the cause". Well, what does that mean in practice?

Meanwhile, relations between the Sudan government and a number of the IGADD mediators, notably Eritrea and Uganda, have deteriorated. Relations between the Sudan and Ethiopia have also recently worsened. Khartoum began to say, "Not only were those conditions in the Declaration of Principles unacceptable to us, but the members of the IGADD Committee are themselves no longer neutral parties and therefore we cannot consider them as legitimate mediators".

That is the prevailing situation. There's a deadlock. Talks have stopped. The Declaration of Principles is questioned, if not totally rejected, and mediation by the third parties or by the IGADD countries is being fundamentally questioned by the Government of Sudan.

But the IGADD countries continue to say that they intend to sustain the process. They are being supported by the friends of IGADD, a number of European countries, with the United States and Canada. These friends of IGADD are still talking to both sides and are trying to keep the process going. There are thoughts of widening the concept of IGADD by involving countries that are more acceptable to the Sudan. There is also an informal group of resource people that is working behind the scenes to help the process with ideas.

I will conclude by saying that I do believe that there is a lot to be said for reinforcing IGADD to continue the process, because no one outside the region is going to do it. It has been noted repeatedly that the international community has been disengaging, leaving African problems to the Africans themselves. The

international community may be prepared to help, but from a distance and only in a limited way. Indeed there has been significant political and material international support for the IGADD initiative. I believe that if the IGADD countries genuinely mean what they say, that they mean to remain engaged, then, with the support of the international community, they will find ways and means of bringing about the kind of conditions that will permit the process to go forward.

What I have tried to do in this paper is to sharpen our perspectives on regional initiatives in the international climate of today and the importance of addressing issues realistically, rather than evasively. Sudanese do tend to argue both sides of the case and they would be right; some argue that the problem is not racial and they would be right; others claim that it is racial and they would also be right; those who argue that economically the North is better off than the South, are right; but those who maintain that there are areas in the North that are just as poor as the South, are also right. These are all tactical ways of confusing the situation to conceal the bitter truth of serious discrimination on a variety of grounds including race. We need to address the issues realistically if we have any chance of bringing peace to the Sudan.

#### **4.6.4 Discussion**

##### ***Role of religion***

Sudan is a multi-racial and multi-religious community in which a solution to the divisions between the predominantly Christian and animist South and Islamic North have not been adequately addressed by the IGADD mediators or the parties to the conflict. The basis of the Sudanese constitution and the Sudanese government is Islamic, with all the major political interests in the North being Islamic. The Sudanese government rejects the concept of fundamental Islamic religion on the basis that a spectrum of political ideas participate in the regime, although they are all predominantly Islamic parties.

There is religious acceptance in Sudan. However, when religion is a factor in conflict, people have a zero sum view of one another. When nationals ask their national leaders as to whether fellow citizens are human enough not to be killed or are ordained to be killed, then religious ideals are not reflected in practice.

The Sudanese constitution has exempted the Southern states from Islam with any state having the right to disagree with the rules and regulations regarding the management of the concerned states. But this constitutional provision is insufficient for minorities, particularly those in the South where the Sudan has become consolidated within a solid national identity, and the national framework, and laws that govern the national framework are not reflective of all religions.

Citizens in the South cannot accept a system which exempts them. They would rather participate fully in a national framework which is religiously neu-

tral and accepting of all cultures and identities, as this is the existence of those people. Death does not mean physical death alone. There can be a cultural death through the extermination of an identity. With the positive desire of building the nation, there is a major dilemma raised of how unity is to be achieved within cultural diversity.

To ally local interests under one nation state formation, the Sudanese forces will have to accept that they have ethnic, racial, and religious interests to preserve. As a multi-national state, government and the state structure will have to remain neutral from religious and political prejudices. The parties have to recognise each other as equal partners and that in forming the nation, whether Islam, Christian or animist, each has a right to exist.

The Sudanese system do not want to be called fundamentalists. They prefer to be called revivalists, so the difference is between fundamentalism and revivalism. There is a crisis of national identity, but the Sudan is not unique. Nations can be divided on tribal bases. The Sudan is divided on bases that are complex, including race, ethnicity, religion, and culture. To deny this is not to address the issues.

### ***Building a multi-national society***

The critical lesson manifested in the Sudan is that the parties will have to manifest not antagonism towards each other's interests, but the respect to admit diversity and find the framework to address those differences. Our nation states will have to accommodate ethnic interests, based on mutual respect of what we are, knowing that we are completely different in some respects. The cultural gap and the nationality identification gap between the Southern and the Northern Sudanese is completely different. In order to integrate those two cultures into one nation state, will need a daringness and a broad perspective of accepting culturally unacceptable things for some groups; that is where the formulations of a multi-national state will come.

On the problem of self-determination, the main cause of rebellion in the South was a division of the South into three regions during Nimeri's regime. The civil strife is not only between government forces and rebels, but between different rebel political factions and tribes in the South. The Sudanese government accepted mediation within a united Sudan, but refused self-determination which will result in another Lebanon, Rwanda or Somalia.

The sources of the violence and factionalism are complex. Part of it is indigenous to the South. The South is a segmentary system divided into tribes where everybody thinks that he is master of the whole. That is part of the problem of democracy in a system like the Nilotic system where everybody is equal and every individual is important, but that is being manipulated, and aggravated. The divisions of the South into tribes are not that different from divisions of

other African countries into tribes. Other countries manage their tribal diversities constructively, because they want to preserve the unity of the country. Managing diversity by aggravating and deepening the cleavages among your own people, in order to weaken them and then impose your will, is not statesmanship.

The perspective of dividing the other side in order to weaken it with war psychology is a short-term tactical perspective that does not build a nation. While there is factionalism that makes the South difficult to govern, there has also been an encouragement of factionalism in order to weaken, just as John Garang de Mabior has worked hard to align himself with certain political forces in the North in order to divide the North. A collective vision that will bring the nation together is lacking in the Sudan.

At the community level, where people must live together with relative balance of power, they must find ways of living together. When these local identities are linked to the national identity and the power of the State is used to bolster one element of a local identity, the mutual interest of forging unity is distorted and one community sees its power linked to the overwhelming power of the State and imbalances occur. Without mutual respect and accommodation on an equitable basis where all citizens have a belonging, there can be no desire for unity.

### ***The IGADD initiative***

The Sudan was one of the earliest countries to be liberated in Africa in the Sixties, but since its inception, has been divided culturally, ethnically and politically.

This has resulted in refugees spreading to Ethiopia, Uganda, Eritrea and Kenya. Those who constitute the IGADD have decided to address the roots of the problem with the new Sudanese leadership who have expressed commitment to solving the fundamental problems, including:

- the self-determination of peoples in the South;
- the separation of State and religion;
- the democratisation of society,

This was the first time in which parties in the Sudan critically evaluated their own societies and struggles, and attempted to articulate their concerns. The SPLA in the South has finally articulated that it is fighting for the rights of self-determination of the Southern people, as expressed at its first congress. After the IGADD initiatives, and the demands for self-determination by the South, the Sudanese Government withdrew from the process.

The Sudanese Government accepted the IGADD mediation, because it was based on a sub-regional effort, with the belief that the African states are capable of solving their problems, in accordance with the African traditions and African

heritage. The Sudanese government has difficulties with the IGADD initiative because among the four members of the mediation team, two of the States are hostile to the Sudanese Government. The absence of neutrality and lack of confidence pushed these IGADD mediators to commit some major mistakes.

The IGADD mediation overstepped its mandate by trying to recruit an international, a United Nations observer to a sub-regional problem and by calling other countries of the region to address issues essential for peace in the South.

IGADD committed a major mistake by not putting forward realistic principles in the Declaration of Principles. It was an arithmetic sum of claims and demands of different participating groups in the negotiation and the vital mistake was, before discussing with the participants, the principles were declared and that was where the government disagrees with IGADD.

The Declaration of Principles (DOP) was a selection of what the parties wanted, rather than formulation of principles from above. What the mediators did was to say, "This is what we hear you say about your concerns. There's concern for unity, there's concern for separation of religion from the State. There is concern for separation or self-determination. Let's put them all on the table. Let nothing be ruled out and you then discuss them". Initially there was resistance, then there was acceptance and we're now at the point of rejection again.

### ***Genocide***

One of the most fundamental human rights is the respect for life. There has been continued reportage of genocide in the South of Sudan. However, it is difficult to gain a realistic picture of events in the Sudan as government officials reassure one that there is no genocide taking place, whereas those from the South, and the SPLA, claim they are having difficulties. Furthermore, a very large number of refugees leave Sudan every year.

Words like 'genocide', are concepts that have definite definitions and controversies. One of our prime ministers, during the democratic period, used to say continuously that the tragedy of the war in the South, for which the Dinka, which is largest tribe in the South, was being blamed, is that it is leading to the extermination of the Dinka. The world is saying that there is a tragedy in the Sudan which is eliminating the peoples in the South and putting the Nilotics among the endangered list of people. There is a deadly war on both sides in the Sudan. There is a holy war. There is a serious problem for which we are seeking serious solutions.

### ***Conclusion***

The real tragedy of any country that is so acutely divided and at war with itself and destroying itself is that the process of analysis becomes so selective that the truth is obscured. The tragedy of selectivity is that the vision of statesmanship

is reduced to factionalism, resulting in an inability to embrace all our people and work for the benefit of all our people.

Part of the problem of Africa today is that we have been fundamentally undermined by not building on our values and our institutions and having a concept of a nation that is emerging from within. Many of the systems we have in Africa have failed, because they are implanted, they do not grow from within. It is fundamentally acceptable to want to grow one's own culture, system of values and institutions on the basis of religion. Even among Muslims, there are fundamental differences. How do you build unity in a pluralistic society if you are going to accept one religion as the foundation?

Northerners have a definite commitment to build a nation on the basis of religion, culture, identity. When the regime in Khartoum says that the West has failed and that secularism is not applicable, it is a question of the system saying secularism is a Western concept and we have an Islamic system that does not recognise the separation of religion from the State.

Three options face the Sudan.

1. The country is restructured in such a way that all citizens feel a genuine belonging on an equitable footing.
2. A system of loose unity is designed, where in order to preserve the borders in respect of African ideals and unity, Sudan is kept as an entity. A system that paradoxically reconciles unity with separation within the borders of one country, is devised.
3. Without mutual respect, there is no foundation for unity and therefore separation comes as the only logical consequence of our failure to find a workable system of unity.

The Sudanese on both sides need a genuine conviction that the war cannot be won; that you may be weakening the other side today, but the possibilities of reversing that tomorrow will be there.

The main problem of self-determination is that people fear that it might divide the country. As long as you tell the people that you have no option but to remain in this unity and you assure the dominant group that these people have no option but to remain in a unity that you control and dominate, there can be no incentive for addressing the real problems. But you can tell a people that unity is an ideal which is desirable, therefore let us create those conditions that will make unity possible, and motivate people to work at creating the unity they desire, on the basis of conditions that can sustain that unity; for otherwise Sudan is threatened with separation. Once you tell a person that unity is a must, you have no option but to remain in this unity, the instinctive reaction is to resist that.

# 5. Constitutional Experiments

## 5.1 Introduction

This section deals with two innovative constitutional experiments where different constitutional models have been adopted to address societal conflicts in Uganda and Ethiopia.

The Ethiopian model has attempted to acknowledge within the constitutional framework the existence of cultural and ethnic diversity and thereby regulate relationships between different ethnic groups and the State.

The Ugandan model focused on developing unity within a divided state by developing a constitutional model which recognises political representation through merit rather than through political parties.

## 5.2 The Ethiopian Perspective

*Dr Dawit Yohannes*

Before I begin my presentation, I have to express my appreciation to ACCORD for organising this conference and giving me an opportunity to present my contributions on such an important topic of interest.

As you know, in every society, the issue of creating a natural balance of the political, social, ethnic/national and economic forces has been the single most cardinal concern that has been observed universally. However, to date no society has yet created the perfect balance, but many important indicators have evolved from the very many numerous and painful experiences of the various international communities. Lack of perfection in creating correct alignment, at this stage of human civilisation, means that the manifestation of conflict continues.

Probably the universalisation of certain values and structures needs to be put in place before we aspire to perfection. Meantime, however, conflict has become a permanent companion of the international communities. As such, we need to continue to identify the fundamental reason for the generation of conflicts and the mechanisms to resolve it.

At the outset, it should be stressed that conflict as a manifestation of opposing interests need not be perceived as something negative by itself. It is the nature of the conflicting interests themselves that should prompt us to identify conflict as negative. It is a general human experience that violent conflicts are mostly distortions of interests, but history is full of examples whereby legitimate interests have been preserved by force of violence. Particularly in Africa where alien and foreign interests continue to dominate, conflict tends to be vio-

lent and permanent.

Therefore it is imperative to avoid moralising conflict issues and stress the nature of interests that are conflicting.

Ever since the human society has forged the organisational capacity of the State, society's understanding of conflict has been influenced by the State. The State as a governance mechanism of society was itself a conflict resolution mechanism of society. The State organised power hierarchy and imposed order by the use of force. For thousands of years mankind lived under varying and different state systems. Feudal lords, capitalists, monarchs, sultans and other individual and group domination mechanisms perpetuated State structures, until the arrival of modernity and the nation-state mid-wifed by the French Revolution. Since then the nation-state has become the universal format of social organisation.

With progress in human society, the concept of the national state has come to acquire vital elements of consent, localised interest, sovereignty, independence and responsibility.

At the risk of sounding simplistic, let me say this: historical and current experiences have proved that the nation-state is more effective in balancing interests, when it is created and sustained by the consent of the governed. History and current experiences have also shown that a nation-state is viable when it is forged into existence by the mutual desire of the ethnic/national, political, economic and social interests that are encompassed in the nation-state. This is particularly important in the African context, as the nation-state is the only mechanism that would allow the African societies to embark on development and peace.

Here I have to observe the international condition under which African societies will have to undertake their development and peace needs. It is obvious that an adverse and hostile international atmosphere threatens African forces. Not only the debt burden, unfavourable trade atmosphere and inaccessible international capital, but direct perpetration of resource robbery (Zaire, Angola etc.) resulting in the upholding of forces that serve only alien interests, make up the oppressive atmosphere under which we need to search for solutions to our problems.

If these are the total parameters under which we try to understand conflict and conflict resolution mechanisms, we need to assess the nature of the nation-state in Africa and its implication for African conflicts and their resolution.

As every student of African history knows, and as has been stressed at this conference, Africa, before the advent of colonialism, had a history of its own, manifesting the active nature of the political and social forces of the period. The historical sites spread across the continent testify to the rise and fall of different civilisations and states that were created by the indigenous African forces.

With the violent rejection of colonialism, the indigenous African forces were

plunged into oblivion and have yet to overcome the impact of the colonisation process.

The African forces did not fare better during the decolonisation process because of the evolution of the Cold War and basically because of the anti-democratic nature of the democratisation process. Basically the decolonisation process avoided the indigenous African forces and simply re-organised and re-structured Africa to fit the superpower format.

The end of the superpower era now has begun with the demise of the Soviet Union and greater opportunity for the African forces to assert themselves has been created. For those who are too weak to regain confidence, civil war and havoc has become their lot.

The deformation to which African forces has been subjected is more obvious when we consider the fact that the nation-state formation has been forged by colonial and neo-colonial interests that have no desire to accommodate African forces and interests. The Ethiopian experience clearly demonstrates this phenomenon.

Even though the various Ethiopian nations, nationalities and ethnic societies have registered their existence over thousands of years, the formation of a modern Ethiopian nation-state began with the introduction of colonial forces in Africa.

Colonial Ethiopia had successfully defeated European attempts to physically occupy the country. But the political forces of the country were not strong enough to ward off the political re-organisation of the country according to the wishes and dictates of the European colonisers.

After the commencement of the colonial period, the various ethnic political forces led by their feudal lords were competing for domination. The highland national groups, particularly the Amhara feudals were picked by the colonial forces to be rulers of the Ethiopian peoples. This became feasible by the transfer of massive modern armament and diplomatic recognition that enabled the Amhara feudals to wage a war of conquest on various peoples of Ethiopia, their campaigns sometimes lasting more than twenty years. They established their domination by a massive transfer of their Amhara population in a classical pattern of occupation settlements. For more than sixty years this group consolidated its domination and experimented in modern state organisations, while actively promoting the Amharisation of the various people of Ethiopia.

This colonial Ethiopia, became a political player in the region and assisted the creation of British Somalia, the Sudan and Kenya by the British, Eritrea and Italian Somaliland by Italy and the French enclave of Djibouti by France. In turn, the colonial forces hammered the territorial definition of colonial Ethiopia and legitimised the conquest of more than sixty ethnic/national groups by the Amhara ruling group.

To top it all, Ethiopia acquired Eritrea during the decolonisation process, apparently as a reward for the ruling groups' harmonious dance with the superpower reorganisation of Africa.

Post-colonial Ethiopia, now including Eritrea, continued to be a state dominated by the Amhara ruling group, which spared no effort to impose its culture, language and way of life on the other peoples of Ethiopia. With the active assistance of the superpower forces, it acquired the semblance of a modern nation state with an air force, ground army, national currency and a national map. But the national aspirations of the Eritreans, the Oromos, Tigris, Somalis, could not be frustrated. With the institutionalisation of poverty, armed conflict and national suppression, the post-colonial Ethiopian State was unable to give peace and development to the people encompassed in the territory of Ethiopia. The ruling élite devoted all its resources to the suppression of the people of Ethiopia and reducing even the Amhara people to utter poverty. It is worth observing the fact that this ruling group, even though it was able to sustain various wars at the same time, some like the Eritrean front for about 30 years, was unable to assist the people from the recurrent famine that cost more than a million lives (mostly Amhara) due to starvation.

With the demise of the Soviet Union, the ruling group was left to fend for itself against the organised force of the Eritrean and Ethiopian forces.

After imposing costly sacrifices on the Ethiopian peoples, the post-colonial state that managed to create the largest army in Africa, was defeated in 1991 and an historic opportunity was created for the Ethiopian nations and nationalities to re-align their interests and forge the necessary state structures to launch towards development.

The immediate effect of the liberation victory was the successful conduct of the Eritrean referendum that resulted in the birth of a new nation in Africa. For the first time in the history of African liberation, the actual Eritrean forces, unassisted by the world, won their liberty, reflecting the need of the local forces to define the state under which they will assign their interests in a viable nation-state.

For the peoples of Ethiopia, the reformulation of the various ethnic/national and nationalities' interests, was made the order of the day. The failure of the historical state to address their need instilled a determination to construct a viable multi-national state that will be responsive to the needs and aspirations of all the ethnic, national and nationality forces of Ethiopia.

In order to create a viable multi-national state that will accommodate every interest, it was necessary to recognise basic and fundamental rights to be put in the constitutional framework. The constitution became the base upon which the Ethiopian forces will establish a multi-national state framework that will undertake speedy development and sustain peace.

One of the most important constitutional rights that is needed to articulate a multi-national state, is the right to self-determination for nations, nationalities and ethnic groups, including their right to create an independent state. Based on this right of secession, nine states were created by the constitution and a federal arrangement was hammered out to take care of common interests.

The right to secession was given a constitutional mechanism for its implementation. Basically, any national group that is not interested in the federal arrangement can request a referendum for its people after it has secured a comfortable majority in the nation's congress. The federal government has the constitutional responsibility to respect the outcome of the referendum which it must conduct within three years of the nation's congress decision being made. This is a humble attempt to make the state responsive to the needs and aspirations of its citizens, for no modern State can carry out the task of development and peace unless it is deeply rooted in the ethnic, national and nationality forces it encompasses.

### 5.2.1 Discussion

#### *Ethnicity, nationality and the State*

Creating a multi-ethnic state, as attempted by Ethiopia, may leave the state open to secession. A possible solution would be to build a multi-national state, which recognises ethnic groups, and enables them to negotiate among themselves and with the state and political institutions. The necessary institutional structures and frameworks need to be developed to make it possible for these groups to successfully negotiate differences and to find common interests in strengthening the State collaboratively .

The *raison d'être* of the State is to address the needs of its population. The Ethiopian population consists of more than 80 different-language speaking nationalities and nations – groups of people that have the same language and identify themselves as belonging to a particular group.

With the end of the first phase of the military struggle in 1991 and the subsequent reorganisation of the country, research, using simple demographic techniques, was undertaken to ascertain how many Ethiopians have been assimilated and are unable to trace their background or their ethnicity. There are about 525 counties in which different ethnic languages are being spoken. The country is divided into 14 local administrations, based on language criteria. After 100 years of governorship by one ethnic group, where everybody was supposed to speak only Amharic, there are still about 85 language and ethnic groups that have not been assimilated.

During the colonial period, a negative connotation of individuals narrowly-mindedly concentrating on their identities per se, was given to tribalism and

ethnicity. Ethiopians define ethnicity and nationality as sharing the same language and psychological make-up by identification, for example as an Amhara, Oromo, Zulu, Irish, Scottish, or American. Unless all ethnic groups are placed on an equal footing and the multi-national state respects all ethnic groups on the basis of common agreements, no member of an ethnic group will willingly consider themselves as belonging to that state.

### ***Constitution - local controls***

In the transitional period under the new constitution, the level of local control over activities that are normally conducted by national governments (such as the military police, taxation and education), is such that the transitional government will end in May 1995, whereafter elections will be held to elect a national government. The election has been geared to reflect the demographic configuration of the Ethiopian people. For every constituency of one hundred thousand, one parliamentary seat has been reserved. On the local level, nationalities will have their own locality under their control. They will also have representatives at the federal level.

State structures at a local level have been restructured in such a way as to facilitate development with each nationality represented at local government level and empowered to tax its own resources through a taxing regime of three levels, whereby there is a taxing capacity at the local level, a mutually sharable area and a federal taxation capability. At present, there are more than 40 nationalities that do not have an intellectual or élite power, even to run the local governments in the modern sense. The central government is involved in the development of those local capabilities and forces.

The formulas developed to enable ethnic groups requesting secession to secede within the Ethiopian constitution have not all been finalised. The procedure for the division of assets, particularly those partially paid for or funded by any region that might wish to secede while they were part of the government, has been debated in the Ethiopian Constituent Assembly and has been deferred for later negotiations by the seceding force. It has, however, been assumed that in proportion to the seceding populations, national wills will have to be divided in order to allow the seceding nation to be a viable economic force. What are the political implications for neighbouring countries in regard to the approach Ethiopia has taken?

### ***Secession***

Ethiopia's history reveals that it was an empire built on conquests, sustained by military force. The Ethiopian peoples have never been governed by a state, responsive to the needs of the population. Unless the state is restructured to serve the interests of each national, ethnic, economic and political group, the state itself will

collapse. In attempting to recreate the state on a democratic basis, the present regime is consulting with each nationality and recognising its equal rights. Thereby, if the Somali or Amhara community does not want to become part of Ethiopia, a multi-national state cannot be enforced. By giving all national groups, including the Somalis, Amharas and Oromos equal recognition, it must be recognised that each nation and nationality has a right to determine whether they want to become part of a multi-national state or they want to create their own state.

The Somalian section of local government is presently considering whether to secede or not. The next election is on May 7 and one of the strongest secession-propagating parties, the ONLF, has become legal and will compete in the local government elections to pursue its secession targets and create an independent Ogadenian-based state in that part of the country. Other political forces will also compete. Whoever wins in that society will make the final determinations on May 7, thereby determining the shape and content of the current Ethiopia.

The Ethiopian experiment, which facilitated the levelling of the political playing field for all the nationalities of Ethiopia, and thereby challenging the geographic boundaries developed through the colonial system, creates conditions whereby the people of Africa are encouraged to determine their own destiny, in an environment that would not require them going to war.

Historically, both the threat and consequences of secession of territory from a state have proved difficult for rulers to accept. The right to secession as expressed in the Ethiopian Constitution, may lead to a 'Quebec syndrome', that is, every 15 years you have an election or a referendum and if you lose, you can always come back X number of years later. This results in the debate regarding territorial secession debilitating national progress.

However, because a right is enshrined in the constitution it does not necessarily mean that right will be exercised. That the principle is used as a negotiating position, in order to reassert the right to negotiate, whenever the particular territory is facing a certain disadvantage. This does not mean it will finally secede. By creating conditions where people feel that there is this freedom of choice, they will be negotiating terms of unity more than they will be exercising that right of separation.

The definitions of both unity and separation need to be clarified, because unity does not necessarily presuppose a singular state. Unity is degrees of being apart or being together. Varying degrees of decentralisation could be defined as unity or as a degree of partitioning. After fighting for 30 years, Eritrea and Ethiopia are now finding new ways of co-operating with one another. Since Eritrea became independent, strong economic relationships are being developed including the sharing of currency, the sharing of an organised common cabinet in every ministry, and the co-ordination of economic and social policies.

The problem of recognising ethnicity within the nation-state could be solved

by a dual process of decentralisation, whereby minority groups are recognised, and at the same time undertaking an inclusive process of enlarging identities through regional arrangements, whereby a nationality within a state which felt oppressed by a bigger group, would find room for a more complex process of alignment and therefore balancing powers.

### ***Socio-economic development***

The problem of economic development is central to the crisis facing many African states, particularly the smaller states lacking in resources. Many states are totally dependent on foreign aid to the extent that without aid, they cannot pay the salaries of their civil servants, they cannot undertake development or plan their future. In solving immediate political problems, attention must also be paid to the socio-economic development of the nation and its ability to serve the interests of its people and thereby decrease the need for secession.

In considering the role of the African State, the Ethiopian experience reveals that for more than 100 years, the government ruling in Addis Ababa paid little attention to development, particularly in the countryside. The lack of delivery of basic resources, whether schools, clinics, or irrigation canals, led to challenges to the role of governments and the state .

By addressing the economic needs of their population, a state is able to justify its existence. In the Ethiopian case, the state existed for more than 100 years, only to feed a small élite and to poorly develop a small urban centre around Addis Ababa.

In Europe, where countries have a centralised state with different nationalities but have strong local administrations, where economic development serves the interests of all national interest groups, there is reduced interest in secession. In Africa, for the last 40 years in many decolonised states, there has been little economic development. At least a million lives have been lost every five years due to the recurrent famine in Ethiopia. In the last 20 years, about 5 to 6 million people perished. One more drought would eliminate probably another 10 to 20 million people. Development cannot proceed without galvanising our economic, social, political and intellectual forces together.

Africans need to determine whether the role and structure of the state has been solved and whether its citizens are benefiting from socio-economic development. If state structures do not ensure popular participation, the development process will be undermined as in Zaire and Burundi.

In developing an understanding of the African State, it must be accepted that in Africa, ethnicity and nationality are realities, as with ethnic national identification in the Nigerian, Zairean, Ethiopian or Sudanese context. While assimilation into the national state is desired, it will not occur unless a viable economic movement in a viable multi-national state is generated.

### 5.3 Constitutional Experiments: Uganda

*Mr Jotham Tumwesigye*

Professor Zartman in his presentation to the conference included Uganda as having been one of the African states that had almost disintegrated. This is true. Uganda since its independence from Britain in 1962, has for the most part not been at peace. Not because of external causes but because of internal conflicts. Only three years after independence, the constitution was overthrown, the central region was placed under a state of emergency and the military assumed a more visible role in the politics of the country, albeit under a civilian president. In 1971, General Idi Amin, destined to become the world's best known dictator of the 1970s, on account of his atrocities and buffoonery, took over the government by force. After his overthrow in 1979, the internal situation did not get any better. Civil war broke out and in 1985 the state in Uganda was in a shambles. It was the coming to power of the National Resistance Movement (NRM) Government in 1986 that reversed this process of disintegration and many people would agree that Uganda is one of the most stable and progressive countries in Africa today.

Uganda is a relatively small African country. It straddles across the Equator and covers a total area of 241 000 km<sup>2</sup>. Zaire in comparison is 2 345 000 km<sup>2</sup>. Uganda has a population of 19 million people. It has about 50 ethnic groups. The biggest is about 4 million and the smallest is about 50 000. It has three basic religions: the Catholic religion, which consists of about 45% of the population, the Protestant religion which is about 40% and the Muslims who are about 10% of the population. In 1892, there was a war in Uganda between the Catholics and the Protestants. The British colonialists fought on the side of the Protestants and defeated the Catholics. This historical conflict has coloured the politics of Uganda up to today.

In addition to this religious conflict, Uganda's tribes have not been at peace with one another. Their mutual suspicion and mistrust have often led to animosity and war. When the British colonialists took over Uganda they governed the country under the policy of indirect rule through the traditional chiefs whom they made stronger by enhancing their powers and privileges. Apart from enforcing customary law, these chiefs enforced colonial rules and regulations. The British colonialists went a step further by setting one ethnic group against another, a policy of divide and rule that they applied equally well in their other colonies. This policy succeeded in intensifying tribal conflicts which were not easy to handle after the British colonists left. Some tribes which were labelled by the British colonialists as the most intelligent could not countenance being ruled by someone from a less intelligent tribe. And those tribes which

were described as martial and brave could not understand how people from tribes which lacked these attributes could want to join the army.

While the British remained the overlords in the country there was peace. However, on their departure the different tribes came face to face with each other and had to find a way of living together in one country. This has not been easy. The constitution to usher Uganda into independence was worked out in London and it made matters more complicated. Buganda which is the central region was given a federal status, and accordingly had its own government with ministers, parliament, police, courts etc. A few areas with traditional kings were given a semi-federal status. This meant reduced autonomy and powers compared to the federal region. The rest, which were the majority, had no federal or semi-federal status but became local government units with even fewer powers and privileges. This unequal relationship could not but create disharmony in the country. The independence constitution did not last four years. It was overthrown by force in 1966.

The second problem which the independence constitution created was the Westminster model of governance. The British thought that since the system worked well in Britain, there was no reason why it could not work equally well in Uganda. So you had the parliamentary system of government with the government side and the opposition side always hurling abuses at each other. Then you had the Speaker, wearing a wig, with a macebearer showing him the way. Soon, however, in spite of the fact that the government side was losing support in the country, the opposition party crossed the floor of parliament and joined the government side. Uganda had become a de facto one-party state.

While the constitution had inherent difficulties and created political imbalances in the country, many people agree that it could have been changed without being violently overthrown. The manner of its overthrow created a lot of bitterness in the country. A state of emergency was declared and many people were killed. The king of the Central region - Kabaka Mutesa 2 - fled into exile where he died. The country had entered a long period of turmoil and wars which devastated it socially, politically and economically.

After the overthrow of General Idi Amin with the help of Tanzanian troops, elections were held in 1980 but the results of these elections became very controversial and were not accepted by part of the population. Immediately after these elections, civil war broke out. The then government of Milton Obote tried to use terror as a weapon to silence the people and on that account, many people were killed and others ran into exile, but people fought on until his unpopular government was removed in 1985 through a military coup. The National Resistance Movement was one of the organisations which were fighting the dictatorship of Milton Obote. At the beginning of 1986 it removed the military junta that had removed him. The National Resistance Movement may have

been the first liberation movement in Africa to take over power through armed struggle, apart from groups which had fought colonialism, such as Frelimo of Mozambique and MPLA of Angola.

Now when the National Resistance Movement took over power in 1986, it created a Government of National Unity. Regardless of what one's role was during the years of dictatorship, as long as one represented a credible force in the country, one was brought into government. Uganda had never had a Government of National Unity, a broad-based government, until NRM came into power in 1986. So, this was a significant experiment in constitution making in Uganda. To have a government where people of different political parties and ideological persuasions are brought together and work in harmony is an achievement few countries in Africa have had. The people of Uganda are satisfied that the experiment has held the country together, enabling it to remain peaceful and stable, and have recommended that it should become part of the country's constitution.

The second experiment in governance that the NRM introduced into the country was participatory democracy at lower levels. Every village, parish, sub-county, and district, has a council elected democratically by the people. These councils in turn elect their own committees to manage the affairs of the area which the council represents. These councils are elected on a non-party basis and they have succeeded in welding together a population which was splintered by tribal and religious conflicts based on political parties. Therefore, because of the harmony in the community that these councils have brought about while ensuring, at the same time, participation of the people in the running of the affairs of their areas, the people would like this mode of governance to be constitutionalised.

They do not want to go back to the days of sectarian conflicts where in one community people of different religions would be fighting each other, or on a wider level people of different ethnic origin would, on that basis alone, be in different political camps wishing each other's destruction.

It must be mentioned here that there are still people in the country who think that a resumption of traditional politics on the basis of political parties is necessary if Uganda is to have any claim to being democratic. They say that freedom of association which is a human right means that no one should be hindered from associating for political purposes. This, however, is not how most Ugandans see it; they attribute tribal and religious violence to political parties. There are two major traditional parties in Uganda - the Uganda people's Congress (UPC), which is a Protestant party, and the Democratic Party (DP) which is a Catholic party. Over time however, they have undergone a tribal metamorphosis and so now UPC is viewed as a northern party while DP is viewed as a southern party. These parties differ only in their tribal and religious composition and not in their polit-

ical programmes or ideology. Because of Uganda's turbulent history, the people want a political arrangement that maximises the unity of the country rather than its division. They view those political parties as instruments of instability rather than agents of peace and development. Therefore, they think that freedom of association should not be used to override their collective desire to live in peace. However, the people are free to revert to political parties if they wish, through a referendum but not through imposition. For the time being elections will be organised on the basis of individual merit and not on the basis of political parties. A constitution embodying all these changes is going to be promulgated later this year and it will be followed by presidential and parliamentary elections in which everybody will be free to participate.

Let me end this presentation by briefly talking about the military in Uganda. The military has been a source of trouble for the country since independence. It is estimated that about 800 000 people were killed during Idi Amin's and Milton Obote's dictatorships. It was largely the army that did the killing at the behest of these dictators. As a result, the people came to view the army as an instrument for killing defenceless people rather than as a force for defending them. When the NRM came to power in 1986, this was one of the serious problems it had to tackle. It had to impose discipline on the military by ensuring that any soldier who breached the law was severely punished. Many soldiers have been executed on this account. As a result, the army is now a disciplined force and people now view soldiers as fellow human beings and not as agents of death.

The politics of reconciliation which the NRM government has been pursuing since it came to power has not been confined to politicians alone. It has also been extended to the army. The different armed groups which were fighting each other have had to be integrated into one national army. This, however, has resulted in the problem of having a big army that the country's resources can hardly sustain. With the help of donor agencies, a process of demobilisation is now underway and thousands of soldiers are back to civilian life. The demobilisation exercise has so far been successful and the fears of the population that demobilised soldiers would be a source of danger for them have not been borne out.

Because the role of the army in Uganda in safeguarding constitutionalism and human rights has been negative, the army is now a focus of educational programmes about human rights and the constitution. It is believed that ignorance of the soldiers about human rights and the constitution plays a big role in their ease of flouting them. Civilians, apart from being themselves sensitised about constitutional and human rights issues, are being given military training so that they can, in case of need, defend the constitution and defend themselves. These are some of the changes that Uganda has undergone since 1986 and they account for the peace, stability and development that the country has enjoyed since then.

### 5.3.1 Discussion

#### *National Elections*

National elections in Uganda are contested on the basis of merit, not on the basis of parties. Two elections have been held, which have been very successful. An interim parliament and elections for this parliament were held in 1989, where members of parliament were elected on the basis of individual merit, not on the basis of parties. Elections were held in March 1994 for the Constituent Assembly, which were monitored by international observers, who declared the process has having been successfully carried out. The presidential elections, where five independent presidential candidates are standing, are to be conducted in a similar way.

#### *Summary trials*

Undisciplined soldiers are not being disciplined by summary trials but through proper court martials. If they are found guilty of rape, killing, robbery, they are executed. Human rights organisations, particularly Amnesty International, have protested that the execution of soldiers is a violation of human rights. The Ugandan government believes this to be the most suitable mechanism of bringing about discipline in the army. Uganda has had a bitter experience with undisciplined soldiers. This policy has resulted in bringing discipline to the army with the result that the civilians have come to accept the army as any other institution. The army is no longer feared.

## 6. Conclusions

### 6.1 Declaration by former President Pereira of Cape Verde on the question of General Obasanjo

As participants of the conference ACPCR in Durban, organised by ACCORD, we deeply regret the absence of General Obasanjo for reasons out of his control. We appeal that he be released from detention, so that he can take his place in the resolution of conflicts in Africa, and peacemaking on the Continent.

### 6.2 Clarification by representatives of Nigerian Government regarding General Obasanjo

Last Friday, the Foreign Offices of all the European Union countries, invited Nigeria's ambassadors in all those countries at the same time to hear a statement which expressed shock and grave concern following reports in the international media which had said that General Obasanjo had been arrested following an attempted coup. The European Foreign Offices believed that such situations would lead to trial and execution and made it clear to Nigeria's ambassadors that this would have very grave consequences for Nigeria.

The American State Department issued a similar statement to the European Union's statement to our ambassadors.

The Brigadier General, in charge of public relations for the Nigerian armed forces made the statement that defence headquarters was not aware of the whereabouts of General Obasanjo. Defence headquarters had no information that he was part of the coup that was being investigated.

As delegates, you had a legitimate reason to wonder what happened, because he was supposed to be here, and participate. When eventually he comes out, which we believe is going to be in the next two or three days or so, he would of course be able to let you know exactly what was the subject of his discussion with the police authorities.

This is a free environment. We are not dictators and to that extent there was no way we could have stopped you from expressing your view. We did not try to stop the Secretary-General of the OAU expressing his view.

There has been clarification that he was not apprehended in connection with the attempted coup and therefore the fear in Europe that he was going to be executed was completely out of the question. That was the information we have and I believe it is the duty that we have to let you share that information.

### 6.3 Conclusions/Principles

- People-centred thinking should go along with State-centred thinking.
- The significant role of women in conflict resolution and peacemaking should be recognised and strongly encouraged.
- The culture of understanding, tolerance, human rights, democracy, peace, stability and economic development should be nurtured.
- Peace education should be taken seriously, and implemented at all educational levels.
- Attitudes are always important.
- Groups, communities and peoples should recognise each other's self-esteem and dignity.
- Presenters of humanitarian aid should respect the dignity and national pride of the people concerned and show a willingness to make use of local expertise.
- Both justice and reconciliation are of crucial importance in resolving conflict.
- Conflict resolution efforts should aim at encouraging the parties to address root causes rather than be preoccupied with symptoms.
- Conflict resolution management should be considered as a layered process involving the people concerned, regional neighbours, the continental organisation (OAU) and the global organisation (UN).
- A home-grown democratic process should be developed and propagated.
- Constant emphasis should be placed on communal values, (rather than individualism), compromise (rather than competition) and consensus (rather than mere majority rule).
- The responsibility both of the State to the individual and of the individual to the State should be recognised.
- Quietness can be a positive and effective characteristic of diplomacy.
- Parties should be encouraged to come up with their own solutions, rather than having them imposed from the outside.
- The conflict prevention management and resolution mechanism of the OAU is indeed an important step.
- Foreign helpers should avoid taking sides or labelling parties as good or bad. All stereotyping of people, groups or situations should be avoided.
- National and regional peace constituencies should be built up.

## **6.4 Recommendations**

- The search for culturally valid ways of implementing democracy should take into account traditions of participation and mutual respect.
- Society should be encouraged to move from rhetorical democracy to genuine democracy (with proper checks and balances).
- African values should be utilised in contributing to the universal dimensions of Statehood.
- The real interests of the parties should be identified and taken into consideration, especially because this often helps parties to understand themselves better.
- Parties should look for comprehensive solutions that get to the sources of a problem, rather than partial solutions.
- In the search for solutions, it is important to include the full range of views, including extreme positions.
- Conflict management agreements should include measures of demobilisation and reintegration.
- Where migration takes place, serious attention should be given to building up the economy in the areas from which the people migrate.
- Internally displaced people should not be regarded as enemies in their own country.
- Ethnic conflicts can be handled better in their early stages, when normal political and governmental processes can be used and before polarisation takes place.
- The proliferation of weapons (including small arms) should be monitored and processes for the collection of small arms should be put in place.
- Decisions to intervene should be taken and implemented early on, before the problem becomes intractable, even if it means that calculated risks have to be taken.
- Internal diversities and differences should be accommodated and constructively managed.
- Focal points for early warning and mechanisms for speedy action should be established.
- External help should always be integrated into internal structures.
- The Organisation of African Unity and United Nations should co-ordinate their peacemaking and peacekeeping efforts.

- The abuse of freedom of speech through hate propaganda should be outlawed.
- Due attention should be given to the training of soldiers and diplomats in conflict management, peacemaking and peacekeeping methods.
- Budgets for peacekeeping forces should cover long periods and peace-building structures should be established to take over when peacekeeping forces withdraw.

## **6.5 Declaration**

The delegates gathered at this first African Conference on Peacemaking and Conflict Resolution (ACPCR), held in Durban South Africa, from March 20-22, 1995, noting:

1. The lack of resources in Africa;
2. The need to build Africa's human and technical capacity in the skills of conflict prevention, management and resolution so as to empower Africans to deal with their problems;
3. That ACCORD has established indigenous training in programmes such as preventive diplomacy, peacemaking and conflict resolution, and
4. The need to generate the political will among governments, civil society and business for the active support of programmes aimed at the peaceful settlement of disputes in Africa,

hereby:

1. Call for the establishment of a Social Contract for Peace among governments, businesses and organs of civil society in Africa, to generate the political will and marshal resources in Africa for the implementation of programmes aimed at the prevention, management and resolution of conflicts.
2. Call on the OAU to declare an Africa Peace Week, during which all the countries in Africa will be called on to engage in activities that will promote peace and generate resources for the OAU Peace Fund and an endowment for the Africa Peace Award which will be awarded annually at the culmination of the Africa Peace Week.
3. Call on the organisers of the conference, ACCORD, immediately to set up the machinery and the mechanisms for a programme of training and research for OAU and member States. Along this line, the Mandela African Fellowship for Peace shall be established for developing skills of African diplomats, security officials and NGOs and working out policy options for the OAU. Efforts should be made to consult and co-operate

with other interested organisations and individuals.

4. Entrust the organisers of the conference, ACCORD, with the task of bringing these matters to the attention of the Secretary-General of the OAU, Secretary-General of the United Nations and other interested organisations and individuals for their consideration and total support.  
Date: March 22 1995

## **6.6 Concluding remarks by His Excellency Dr Salim Ahmed Salim, Secretary-General of the OAU**

A central theme of the ACPCR conference was to address the limitations of sovereignty, the hiatus between one's claim to sovereignty and the acceptance of performing one's responsibilities. Many African states vigorously defend their sovereignty but do not assume responsibility for addressing the many conflicts on the continent.

The realities and circumstances facing Africa are that its relationship to the international community has declined since the end of the Cold War, with less interest and attention focused on African problems. Africa has to develop greater responsibilities for addressing the problems facing the continent by making more effective use of available resources, including strengthening the structure of the OAU by involving member states, NGOs, business community, intellectuals and workers more effectively in efforts at conflict resolution.

The available potential within African states has been severely constrained by lack of resources and capacity. It is further constrained by the lack of a human rights culture on the continent. The best guarantee against violations of human rights is not to rely on governments, but to ensure that all Africans know their rights and are prepared to fight and campaign for those rights, including the provisions of the Universal Declaration of Human Rights, the OAU Convention on Human and People's Rights. Non-Governmental Organisations have to be strengthened as they are pivotal in mobilising opinion and putting pressure on governments to implement the decisions made by governments.

Taking responsibility for conflict prevention includes the financing of programmes. The budget of the OAU relies on members states to contribute timeously. Unfortunately, many states are reneging on their financial responsibilities. Without states taking responsibility for resourcing the OAU, the organisation is constrained by what it can and cannot achieve. In accessing the necessary resources, efforts need to be undertaken at an international, national government level and within the African business community. The social consciousness of the African business community needs to be encouraged to understand that with instability and insecurity there cannot be economic prosperity.

There are many Africans who feel thoroughly frustrated when they see a

Rwanda, Burundi, Liberia, or Somalia. The answer is that they should work together to enhance our collective capacity to intervene at the continental, sub-regional and national level. Africa has to play a central role in conflict prevention, resolution, management and post-conflict peacebuilding. We have to focus on how to strengthen Africa's capacity and expertise by providing training and resources to deal with problems, whether the Mpumalanga, NGO, national, South African, sub-regional or continental experience.

## 6.7 Conclusion

*Mr Vasu Gounden, ACCORD*

This brings us to the end of the conference. Conflict resolution forms one of the cornerstones of our government's foreign policy. President Mandela has made this clear, both at the Africa Peace Award, when he addressed the invitees to the Africa Peace Award, in OAU Summit Meetings, and in other institutions. For this reason, this conference has been an important development here in South Africa.

This is the first time that we have had the opportunity in South Africa, as South Africans, to be educated by Africans about African problems and to learn more about Africa. We are looking forward to the time when we would be able to have regular contact with our brothers and sisters from Africa, so that we are able to share our experiences on a continuous basis, exchange information and knowledge, so that we all become richer about each other's experiences and are able to make a constructive contribution to the continent.

Our knowledge of Africa has been enhanced and we need continuously to be exposed to each other. We thank all of you for sharing your knowledge with us as South Africans, particularly President Pereira, our colleagues and friends, the resource persons, Dr Kapungu, Francis Deng, Bill Zartman and Ishola Williams. From the perspective of ACCORD, we are very pleased to have been able to host you; to have been able to be part of this forum.

We were disappointed at some of the developments, particularly that General Obasanjo could not make it here. General Obasanjo had taken a very leading role in the planning of this conference. He led and chaired the sessions and was elected as Chairperson of the steering committee that organised this conference. We are disappointed that he is not here with us.

And finally, we've had a unique experience in that we have the leadership here in His Excellency, Dr Salim Ahmed Salim. At the age of 21, he was Ambassador to Egypt for Tanzania. By the time he was 30, he represented his country in the United Nations. In our discussions, he has come across with authority. We have been able to get very clearly the position of the OAU. In as much as delegates have criticised the OAU as an institution, not any of the del-

egates have criticised the individual, the Secretary-General.

Sir, we are singularly honoured to have you here as our guest at ACCORD, as our guest in South Africa, to be able to share your experience and your knowledge, and we are only richer for that experience. To your delegation, those that accompanied you and very gladly shared with us all of their experiences as well, we want to say thank you.

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## Abbreviations

ACCORD -	African Centre for the Constructive Resolution of Disputes
ACPCR -	African Conference on peacemaking and conflict resolution
ALF -	African Leadership Forum
DP -	Democratic Party (Uganda)
ECOWAS -	Economic Community of West Africa States
ECOMOG -	Economic Community Monitoring and Observation Group
FRODEBU -	Democratic Front of Burundi
ICFTU -	International Confederation of Free Trade Unions
IGADD -	Intergovernmental Authority on Drought and Desertification
IMF -	International Monetary Fund
MPLA -	People's Movement for the Liberation of Angola
NIF -	National Islamic Front (Sudan)
NGO -	Non-governmental organisations
NMOG -	Neutral Military Observer Group (OAU)
NPFL -	National Patriotic Front of Liberia
NRM -	National Resistance Movement (Uganda)
OAU -	Organisation of African Unity
OMIB -	OAU Mission in Burundi
ONLF -	Ogaden National Liberation Front
PAFMECA -	Pan African Movement for East and Central Africa
PAFMECSA -	Pan African Movement of Eastern, Central and Southern Africa
SAP's -	Structural Adjustment Programmes
SADC -	Southern African Development Community
SPLM/SPLA -	People's Liberation Movement/Sudan People's Liberation Army
ULIMO -	United Liberation Movement of Democracy
UN -	United Nations
UNHCR -	United Nations High Commissioner for Refugees
UNITAF -	United Nations Task Force (Somalia)
UNOSOM II -	United Nations Operations in Somalia
UPC -	Uganda People's Congress
UPRONA -	Union for National Progress (Burundi)