UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

ASSESSMENT OF THE OAU MECHANISM FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION: *Case study of the Rwandan Conflict 1990-1994*

MA Dissertation Submitted to the

Institute of Diplomacy and International Studies,

in Partial Fulfilment of the Requirement for the Award of

Master of Arts Degree in International Studies

Supervisor: Prof. M. Mwagiru

Submitted By: John Kiprotich Bongei
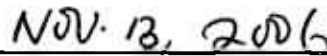
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DECLARATION

I, John Kirotich Bongei, declare that this is my own work, achieved through personal reading, critical reflection and scientific academic research. I also declare that this project has not been submitted to any institute for academic credit.

I have acknowledged all the information from other sources.

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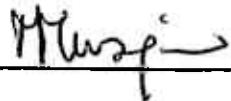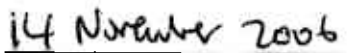John K. Bongei   Date:

This project has been submitted to the University of Nairobi with my approval as University supervisor.

14 November 2006

Prof. M. Mwagiru   Date:

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Abstract

This dissertation assesses the role of the OAU Mechanism for Conflict Prevention, Management and Resolution in conflict management. The major argument is that the OAU conflict management Charter principles, namely non-interference in internal affairs of states, respect for border inherited at independence (the principle of *uti possidetis jusis*), the principle of sovereign equality of states, and the fourth, and which is not included in the Charter and which it developed out of practice is the principle of African solutions to African problems, or try the OAU first principle. All these are stated in article three of the OAU Charter and are hindering the organisation from effectively managing conflicts, especially internal conflicts in the region which were abundant after the end of Cold War.

The research contends that there is an apparent need for the OAU to restructure its Charter, which is a Cold War tool and make it adaptable for the post-Cold War times. The survey proposes that the OAU needs to recognize and enhance the involvement of sub-regional organisations in conflict management, with the aim of developing a dual conflict management approach.

The management of the Rwandan conflict between 1990-1994 forms the basis on which the research analyses the efficacy of the OAU in conflict management. It is an example of an internal conflict, which became internationalised thus becoming part of the conflict system in the Great Lakes Region.

List of Abbreviations

APROSOMA	Parmahutu and the Association for Social Promotion of the Masses
ASEAN	Association of American States
AU	African Union
BBTG	Broad-Based Transitional Government
CDR	*Coalition Pour La Defence de la Republique*
COMESA	Common Market for East and Southern Africa
CSSDCA	Conference on Security, Stability, Development and Co-operation in Africa.
DRC	Democratic Republic of Congo
DVM	Division of Conflict Management
EAC	East African Community
ECOWAS	Economic Community of West African States
EU	European Union
EWS	Early Warning System
EWU	Early Warning Unit
GOR	Government of Rwanda
IGAD	Inter-Governmental Authority on Development
IMF	International Monetary Fund
MDR	*Mouvement Democratique Republicain*
MRDN	*Mouvement Republicain National Pour La Democratie et le Development*
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NMOG	Neutral Military Observer Group

NRA	National Resistance Army
OAS	Organisation of American States
OAU	Organisation of African Unity
OMIB	Observer Mission in Burundi
OMIC	Observer Mission in Comoros
OSCE	Organisation for Security and Cooperaton in Europe
PL	*Parti Democrate Chretien*
PSC	Peace and Security Council
PSD	*Parti Social Democrate*
RADER	Rwandese Democratic Rally
RPF	Rwandan Patriotic Front
SADC	South African Development Co-operation
SAPS	Structural Adjustment Programmes
TNA	Transitional National Army
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNAR	United Nations Assistance Mission for Rwanda
UNHCR	United Nations High Commission for Refugees
UNOMUR	United Nation Observer Mission Uganda-Rwanda
USA	United States of America

Chapter One

An Assessment of the OAU's Mechanism for Conflict

Prevention, Management and Resolution:

A Case Study of the Rwandan Conflict (1990-1994)

Introduction and Overview

The Organization of African Unity (the OAU) was founded on May 23rd 1963, a time when most African states were struggling for independence. It was born of a strong emotional commitment on African unity based on racial consciousness and the common experience of colonialism, which could only be uprooted with joint efforts. Thus, the challenges at that time were colonialism and promotion of unity among Africans. Throughout the 1960s to 1990s, the great challenge was the East-West divide that polarised the continent. The principles of the OAU as outlined in the Charter are: sovereign equality of all member states, non-interference in the internal affairs of states, respect for the sovereignty and territorial integrity of each state and for its inalienable right to independent existence.[1]

Thirty years later, Africa was facing different challenges. During the Cold War, most third world countries played off one superpower against the other as they pursued their interests. The end of the Cold War marked a most profound change in the global general set-up. The strategic importance of most African countries to the superpowers became irrelevant. As Kemp notes, Africa was no longer of strategic importance as the superpower rivalry and competition for clients was over.[2] In Africa, a number of

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[1] *Charter of the Organization of African Unity* (Addis Ababa: May 25 1963) art. 3(1)-(3).
[2] Kemp Godffrey, "Regional, Security, Arms Control and the End of Cold War" in Brown J. S. and Schraub K. M., (eds.), *Resolving the Third World Conflict: Challenges for New Era* (Washington D.C.: United States Institute of Peace, 1992) pp. 121-150.

conflicts erupted, especially intra-state conflicts after the Cold War. Left on their own amidst conflicts, African leaders strove to find "African solutions to African problems".[3]

Faced with the challenge of numerous conflicts in the region, the 29th Ordinary Session of the Assembly of the Heads of State and Government met in Cairo on June 28 to 30 1993, and established the Mechanism on Conflict Prevention, Management and Resolution, in order to address conflicts in the region. The Mechanism had three aims: preventing potential conflicts from developing; initiating peacemaking and peace building when conflicts arise; and peacemaking and peace building in the post-conflict situations.[4]

The OAU intervened in the conflicts in Rwanda, Burundi, Comoros, Democratic Republic of Congo (DRC), Lesotho and Ethiopia and Eritrea among others, directly and indirectly, with the aim of managing conflicts in the region. This study will analyze the OAU Mechanism for Conflict Prevention, Management and Resolution. It will evaluate the intervention in the Rwandan conflict as a basis for criticising the OAU.

The Research Problem

This study realizes that one of the most critical challenges of the OAU was conflict management. Conflict in Rwanda led to death, maiming, or displacement of many people ever since independence. Up to that time, armed conflicts in other African countries such as Sudan, Somalia, Uganda and Democratic Republic of Congo (DRC) continued to claim many lives and hamper the development of the continent. It was evident that the OAU failed to resolve numerous conflicts that erupted after the Cold

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[3]   Keller Edmond J. and Rothchild Donald, (eds.), *Africa in the New International Order* (Boulder: Lynne Rienner Publishers, 1996) p. 2.

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War. Somalia collapsed in 1991 and is still in the process of recovery fifteen years later. Rwanda, Burundi, DRC and Somalia became the epicentres of conflicts systems in 1990s, and the later is still in conflict. Further, the border issue between Ethiopia and Eritrea is not yet fully resolved. These and other conflicts continue to deter steady development in the region. Despite the existence of the OAU's Mechanism for Conflict Prevention, Management and Resolution and despite various interventions of the OAU, Africa has not attained the continental peace that was aspired in the Charter when the OAU was founded.

This study assesses the role of Mechanism on Conflict Prevention, Management and Resolution. The major critique on the OAU's conflict management has been in terms of its Charter principles, which suffered structural weakness and prohibited the organization from intervening in internal conflicts.[5] The principles of respect for sovereignty of states and non-interference in the internal affairs of a sovereign state influenced the OAU's methodology of conflict management. The OAU Charter was categorical about the sovereignty of member states and about non-interference in their internal affairs.

The OAU was founded on the principles of sovereignty, non-interference in the internal affairs of the state and pan-Africanism. At the time of its inception, these appeared to be suitable reaction to Africa's colonial past. If the new African states were to retain their independence and maintain stability successfully, these principles appeared to be important. However, the principles on which the OAU was founded were

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[4] Muyangwa Monde and Vogt Margaret A., *An Assessment of the OAU Mechanism for Conflict Prevention, Management and Resolution, 1993-2000* (New York: International Peace Academy, 2002) pp. 7-8.

[5] See Foltz J. W., "The Organization of African Unity and the Resolution of Africa's Conflict" in Deng F. M. and Zartman I. W. (eds.), *Conflict Resolution in Africa* (Washington: The Brookings Institute, 1991) pp. 347-357.

no longer relevant, nor were they sufficient in dealing with the post-Cold War security needs of the continent.

Conflicts in Africa are inter-linked by issues like ethnicity, religion, and shared resources, which transcend the boundaries of the state. Kofi Annan views conflicts in Africa as arising from the continent's historical legacies including arbitrary boundaries of independent African states. This legacy has imposed heavy burdens on the imperative of nation building, pursued through the heavy centralisation of political and economic power by the post colonial elite. He adds that the structures of economic and commercial relations instituted by colonialism have failed to serve the needs of the African people as they were designed for the colonial interests and not for the colonised.[6]

According to Deng, African conflicts stem from the problem of nation building and challenges of state formation. This has been brought about by the diversity and disparity created by the manner in which state formation have separated people with shared identity. It further affiliated them with others with different identity, kept them separated and left them to fend for themselves in the process of building independent, often-unitary states.[7]

Accordingly, there has been competition for state power, natural resources and development opportunities. The state becomes a source of conflict when it becomes party to the conflict rather than an arbiter of conflict within the society.[8] The conflicts in the Great Lakes region have revolved from several actors, including the Banyamulenge

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[6]   *The Causes of Conflicts and the Promotion of Durable Peace and Sustainable Development in Africa:* Report of the Secretary General to the Security Council (New York: UNDP, April 1998) pp. 2-4.
[7]   Deng F. M., "Anatomy of Conflicts in Africa" in Van de Groar, Rupensinghe K., and Sciarone, P. (eds.), *Between Development and Destruction: An Inquiry into the Causes of Conflicts in Post-colonial States* (London: Macmillan Press, 1996) pp. 219-235.
[8]   Ibid. pp. 226-227

migrants to the DRC from Rwanda. The tensions between Somalia and its neighbours are rooted in the Greater Somalia policy, among others.

Consequently, conflict analysis must address local and external factors.[9] In the immediate post-Cold War era, the OAU was firmly rooted in its ideal of protecting state sovereignty and its unwillingness to intervene in internal conflicts of member states. Yet, most of the conflicts that the continent was experiencing were intra-state. The OAU's stance on sovereignty was probably the main weakness when it came to conflict management, a factor that threatened to render the organization irrelevant in the new international environment.

Mwagiru discusses interdependence of states and actors, and adds that there are complex patterns of relationships as "what first appeared to be an internal conflict develops significant characteristics which are not internal".[10] He gives an example of the Ethiopia-Eritrean conflict, which, although international in nature, has domestic sources like introduction of currency in Eritrea, which had serious consequences for Ethiopia's economy.[11]

Similarly, Burton notes that international conflicts have domestic sources. So every analysis of conflict must consider the local as well as external factors.[12] Bercovitch posits that there is a link between conflicts and interdependence in that whenever there is interdependence between states, there are seeds of conflict, which brings various actors together.[13]

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[9] Mwagiru Makumi, *Towards an Architecture of Peace in the Horn of Africa System* (Nairobi: IDIS Working Paper No., 1996) p. 8.

[10] Mwagiru Makumi, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publication, 2000) p. 62.

[11] Ibid., p. 63.

[12] Burton J. W., *Global Conflict: The Domestic Sources of International Crisis* (Brighton: Wheatsheaf Books, 1984).

[13] Bercovitch J., "International Mediation: A Study of the Incidence, Strategies and Conditions of Successful Outcomes" in *Co-operation and Conflict* (1986) pp. 157 ff.

The second part of this study will critically assess the performance of the OAU conflict management in the Rwandan conflict from 1990 to 1994. Rwanda seems to be the most appropriate for this study because it was the first post Cold War intervention of the OAU on October 1990 that failed despite the signing of Peace Agreement. The intervention began with the launching of the mediation effort from 1990 to 1992, when the Rwandese Patriotic Front (RPF) invaded Rwanda. It resulted in a cease-fire agreement. The OAU deployed a Neutral Military Observer Group (NMOG) in 1991, which monitored the Demilitarised Zone between the then Government of Rwanda and the RPF. NMOG was incorporated into the UN mission in Rwanda that was formed in 1994, which left the country the same year.

The Habyarimana government and the RPF signed the final Arusha Peace Agreement in August 1993 in the presence of the OAU and the UN Secretary-Generals and leaders from the region.[14] Despite the OAU's intervention and the signing of the Peace Agreement, the genocide erupted eight months later, on April 6 1994, although early warning and conflict prevention were at the centre of the OAU's conflict management objectives.[15] It became one of the worst in history, as it intensified rapidly, claiming about 800,000 lives and displacing about two million people within a three months.

The big problem therefore that needs to be fully assessed is the OAU's doctrine of non-interference in the internal affairs of member states which reduced its collective action to address civil wars. Further, the concept of Sovereignty needs to be re- assessed fully and be linked with responsibility that states have to its citizens. The current

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[14] Muyangwa Monde and Vogt Margaret A., *An Assessment of the OAU Mechanism for Conflict Prevention, Management and Resolution, 1993-2000* op. cit., p. 9.

[15] *Rwanda the Preventable Genocide: The Report of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events* (Addis Ababa: IPEP/the OAU, 2000) pp. 117 -118.

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restrictive meaning of sovereignty still remained a barrier for dealing with internal conflicts. In summary, therefore, this study will focus on two major issues, namely: analyzing critically the efficacy of the OAU's Mechanism on Conflict Prevention, Management and Resolution and an evaluation of the efficacy of the OAU mediation in the Rwandan conflict.

Objectives

This study has three objectives:

i. To critically analyse the role of the OAU in post-Cold War conflict management in Africa.

ii. To analyze the OAU Mechanism for Conflict Prevention, Management and Resolution in handling inter and intra state conflicts in Africa.

iii. To analyse the outcome and the implication of the OAU peace processes in the Rwandan conflict and the possible implications on other regional countries that may experience similar conflict.

Hypotheses

This study will be guided by three hypotheses:

i. The OAU's Mechanism for Conflict Prevention, Management and Resolution was suitable for managing the Rwanda conflict.

ii. The OAU's Mechanism for Conflict Prevention, Management and Resolution was not suitable for managing the Rwanda conflict.

iii. The OAU's Mechanism for Conflict Prevention, Management and Resolution processes did not have any effects in managing the Rwandan conflict.

Justification

This research intends to evaluate the OAU's Mechanism for Conflict Prevention, Management and Resolution by studying its intervention in the Rwandan conflict. Interest in the Rwandan conflict is justified on a number of reasons. First, the conflict was costly to the government of Rwanda and the peoples of the Great Lakes Region as a whole. The costs are in terms of loss of human life and property and the destruction of public infrastructure. The Rwandan conflict saw the death of about 800,000 people within a period of three months. Many others suffered and continue to suffer untold psychological trauma associated with the conflict.

Second, the conflict drained the scarce resources available to the then Rwandan government. Once conflicts occurred, scarce resources were diverted to purchase military equipment at the expense of socio-economic development, this disrupted normal economic activities such as agriculture and trade.

Third, the conflict and violence it generated in Rwanda created insecurity and related problems far beyond the Rwanda in which the conflict originated. Thus causing diplomatic tensions with its neighbouring countries in the region. Fifth, justification is that Rwandan conflict resulted in large number of refugees in the region and internally displaced persons. Final justification was the failure of the Rwandan government and THE OAU mechanism to solve the problems that generated the conflict in the first place, and to maintain peace. This puts the purpose of the Rwandan government into question.

As Nyong'o posits, "states, or governments justify their existence on the grounds of being able to competently manage conflicts and to ensure social progress or

development."[16] Consequently a government that fails to provide and ensure security has no business being in power. Rwandan Conflict and violence can also be blamed on state's reliance on violence or repression rather than dialogue and the rule of law to respond to popular and legitimate demands from the citizens. Both presidents Gregoire Kayibanda (1962-1973) and Habyarimana (1973-1994) tended to abhor any form of criticism or demands placed on them by citizens either as individuals or as groups. Rather than listen to such demands and respond peacefully, the government of Rwanda chose to use violence and other forms of repression to deal with their citizens.

Additionally, Rwandan conflict is the most appropriate case for the study because it was the first post-Cold War intervention of the OAU. Recognition of these facts is significant because it has implications for the role the Organization of African Unity (the OAU) in conflict management. The OAU tried to play a role in the solution to Rwandan conflict but found its effectiveness reduced because it was barred by its charter from getting involved in internal affairs of its member states. At the time, there was a tendency to regard such a conflict as purely internal and this tendency was a major handicap.

Although the Mechanism for Conflict Prevention, Management and Resolution no longer exist, this study is still valid because the effects of conflicts that erupted during its tenure are still being resolved in Rwanda. Further, its objectives like promotion of peace in the continent; anticipation and prevention of conflicts before conflicts arise and initiating peacemaking and peace building when conflicts arise; and peace building in post conflict and post-conflict reconstruction are still very useful to

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[16] Anyang' Nyong'o (ed.), *Arms and Daggers In the Heart of Africa* (Nairobi: Academy Science Publishers, 1993) p. 2.

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any peace managers.[17] Despite the fact that a lot has been written critiquing the OAU as an organization and its principles, little has been written on its structure and functional dimensions. Therefore, any peace managers will find the recommendations of this study useful in the methodology of managing conflicts that still tear the continent.

Day to day experience shows that the continent continues to witness heartbreaking events in Somalia, Darfur in Sudan among others. This calls for continuous study on how and why the institutions that were established to manage conflicts have failed to meet the urgent needs of the continent. Lessons of success and failures of Mechanism for Conflict Prevention, Management and Resolution can still give leads to peace managers of these modern times. By critically looking at the OAU's Mechanism for Conflict Prevention, Management and Resolution, this study hopes to contribute positively to studies on conflict management where regional organizations are involved.

Literature Review

This section reviews the literature that has been written on the OAU's methods of conflict management and mediation in the Rwandan conflict. The OAU was a regional organization involved in conflict management for many years. It came under sharp criticism in 1989 by the Assembly of the Heads of states and Government which reported that if the OAU's new leadership could not make dramatic strides in resolving conflicts; "its hard to see an effective future for the OAU."[18]

Foltz disagreed with this view arguing that the OAU did not survive because it lacked problems or enjoyed material prosperity, but rather because it was resilient and

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[17] Cf. *Protocol Relating to the Establishment of the Peace and Security Council of the African Union* (Durban: July 9 2002) article 3 (a) to (c).
[18] See *Africa Confidential, Vol. 30* (August 11, 1989) p.4.

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adaptable to circumstances. Although Foltz holds the view that the OAU has reflected

useful and realistic adaptations to coercive domestic and international circumstances, he

however agrees that the organization needs radical restructuring in order to be

compatible with the changing times, and such restructuring should involve an

adaptation of the previous practice than a set of bold new departures.

He defines the OAU as a regime with a set of implicit or explicit principles,

norms, rules and decisions making procedures around which actors' expectations

converge in a given area of international relations.[19] He however, contends that the

organization needed radical restructuring in order to be compatible with the changing

times.[20] Krasner agrees that a regime requires the observation of norm and rule guided

behavior, that is some minimum effectiveness with which it can be measured by the

degree of rule-compliance.[21]

Similarly, Mwagiru observed that the OAU's conflict management principles

were guided by article 3 of its Charter, namely;

"...non-interference in the internal affairs of states, respect for boarders inherited at independence (*priniciple of uti possidetis jus*), the principle of sovereign equality of states, and the fourth which is not enshrined in the Charter, the principle of African solutions to African problems... of these four, the OAU has held non-interference and territorial integrity of members states most dear."[22]

These two posed a great threat to the efficacy of the OAU conflict management.

Mwagiru further noted that the OAU concentrated on managing inter-state conflicts

while it eschewed involvement in intra-state conflicts, on the basis of protecting its

Charter's provision of non-interference.[23] This portrays that the OAU held its Charter in

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[19] Foltz J. W., "The Organization of African Unity and the Resolution of Africa's Conflict" op. cit.

[20] Ibid.

[21] See Krasner D., Stephen in Hurrell A., and Kingsbury B. (eds.), *The International Politics of the Environment: Actors, Interests and Institutions* (New York: Oxford University Press, 1992) pp. 89-90.

[22] See Mwagiru M., *Conflict: Theory, Processes and Institutions of Management* op. cit., pp. 141-2.

[23] See Mwagiru M., "Beyond the OAU: Prospects for Conflict Management in the Horn of Africa" in *Paradigms, Vol. 9 No. 2* (1995) p. 107.

theory and not in practice. The reality of conflict management as analyzed by various theorists is that a conflict consists of a web of other (minor) conflicts, this forms a conflict system. Effective management of conflict should address the entire conflict system, which encompasses both the domestic and the international spheres.[24] This is what the OAU could not do because it entailed involvement in the internal affairs of states, which the Charter prohibited.

By concentrating on managing only inter-state conflicts, the OAU made unrealistic divide between domestic and international conflicts. Zartman and Amoo gave intensive criticism of the OAU, by elucidating that the organization lacked coercive powers of intervening in regional conflicts. "...the Charter is silent on what happens should any of the provision of this pledge be flouted by a member state. There is no mention of collective measures against an offensive state. The OAU in practice denied the ultimate sanction of expelling a recalcitrant member."[25] Tangri strongly agrees with the two that "the OAU operates through good offices of individual heads of states rather than through the OAU as a collective body. The OAU lack enforcement mechanism, sanctions or disciplinary measures and is obliged to rely on persuasion and moral force."[26]

In the event of secession, the organization was bound by the non-interference principle to stay out, and when the rebels attracted the support of certain African states, the OAU had no effective sanction to deter these offenders, except to denounce such actions in plenary meetings. The Biafran secession was defeated by Nigerian army not the OAU's jurisprudence. Young observed that "...had Biafran forces been able to

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[24] See Ibid.
[25] See Amoo G. and Zartman W. J., "Mediation by Regional Organizations: the Organization of African Unity in Chad" in Bercovitch J. and Rubin, *Mediation in International Relations: Multiple Approaches to Conflict Management* (London: Macmillan Press, 1992) p. 134.
[26] See Tangri Roger, *Politics in Sub-Saharan Africa* (London: Heinemann, 1985) pp. 129-134.

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sustain themselves over an extended period, international law would have accommodated itself over time, to an alternative set of political facts."[27]

Butterworth identified three results from the OAU reaction in the Biafra conflict. First, the reaction narrowed the area of uncertainty that may precipitate conflicts. Secondly, it influenced practically and positively the behaviour of the parties in the conflict environment and finally it helped in clarifying the parity's bargaining positions, hence facilitating the negotiation process.[28] This outlined the need for the OAU to strengthen the efficacy of the summits by providing the best bargaining atmosphere to parties in conflict. This was especially so due to the fact that summits foster atmosphere for communication and legitimises individual members or groups of members as mediators in regional conflicts.

Watson posits that organizations such as the OAU came into being as a response by like-minded states that have regional problems, identities, interests, cultural and historical affinities...it was easy for them to tackle such problems together.[29] Further, Harold emphasized the peaceful approach to conflict management by the organization. He pauses that the organizations can be seen as having a conflict avoidance function when states get involved in collaborative acts which raises the desire to preserve and expand the networks. This lessens the willingness to go war.[30]

One of the greatest issues that challenged the OAU after the Cold War was Africa's international normative order and the question of non-interference of internal affairs, as seen in Rwanda. Goldstein observed that, "the weak international response to

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[27] See Young Crawford, "Self-determination and the African States System" in Deng F. M. and Zartman J. W. (ed.), *Conflict Resolution in Africa* op. cit., p. 338.
[28] Butterworth P., *Moderation from Management: International Organizations and Peace* (Pittsburgh: University of Pittsburgh Centre for International Studies, 1978) p. 8.
[29] See Watson Adam, *Diplomacy: The Dialogue between States* (London: Eyre Methuen Ltd, 1991) p. 165.
[30] Harold Jacobson K., *Networks of Interdependence: International Organization and the Global Political System (2nd ed.)* (New York: Alfred Knopf, 1984) p. 190.

the Rwandan atrocity reveal how frail the international norms of human rights compared to norms of non-interference when no strategic interests are at stake."[31]

The dichotomy between inter-state and internal conflicts is strongly opposed by Mwagiru when discussing the concepts of internationalisation of conflict, conflict systems and internationalisation of human rights.[32] While agreeing with Mwagiru, Goldstein adds that Africa's boarders were drawn arbitrarily, some ethnic groups span to two or more states, while others find themselves sharing a state with groups that are traditionally rival enemies.[33]

Additionally, the development in communication and the concepts of globalization of issues could not allow the OAU's methodology of article 3(2) to survive the post-Cold War change of paradigms. What happens in one region of the world has impacts in other regions.[34] Admittedly, there were a number of interventions by the OAU in the Rwandan conflict beginning in October 19990 when the Heads of States in the Great Lakes Region condemned the invasion of Habyarimana government by RPF. Musoveni who was the Chairperson of the OAU at the time was however suspected by Habyarimana regime as being non-partisan.[35]

This suspicion of mediator's interests meant suspicion of the OAU's efforts and therefore did not have much positive impact. Furthermore, the Mechanism on Conflict Prevention, Management and Resolution formed in 1993 professed the tenets of the OAU Charter and especially article 3(2) as follows:

> "1. The mechanism will be guided by the OAU Charter; in particular, the sovereign equality of Member States, non-interference in the internal affairs of States... It will function on the basis of the consent and the cooperation the parties to a

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[31] Goldstein Joshua S., *International Relations (5th ed.)* (Washington DC: Longman Publishers, 2003) p. 200.
[32] See Mwagiru M., *Conflict: Theory, Processes and Institutions of Management* op. cit. pp. 63-68.
[33] Goldstein S. Joshua, *International Relations* (5th ed.) op. cit.
[34] See the "Theoretical Framework" in this study for widespread discussion.
[35] See *Rwanda: The Preventable Genocide* op. cit. pp 83-5.

conflict...2. The Mechanism will have as a primary objective the anticipation and prevention of conflicts. 3. Where Conflict have occurred, it will undertake peace making and peace keeping function... civilian and military mission of observations and monitoring of limited scope and duration may be mounted and deployed. 4. Where conflicts degenerate to the extent of requiring collective international intervention and policing, the assistance of, and where appropriate the service of the UN will be sought under the general terms of its Charter."[36]

Mwagiru acknowledges that there were some positive developments in conflict management in Africa, based not on the OAU efforts, but on sub-regional organizations and individual states. The sub-regions include the Economic Community of West African States (ECOWAS), which have been playing a role in peace-keeping role in the Liberian conflict, and the Inter-Governmental Authority on Development (IGAD) mediation in the Sudan conflict. Kenya's mediation in the Uganda conflict is an example of an effort by and individual state.[37] In his deliberations, Mwagiru contends that the OAU proved unsuitable for the management of intra-state conflict in Africa. He proposed a move beyond the OAU and devise extra-the OAU conflict management mechanisms such as mediation by sub-regional organization as IGAD.

Theoretical Framework

This study will be guided by world society paradigm, which was championed by Burton and others. Burton viewed the society as an environment where behaviour of individuals, groups, nations and states occur. He added that any analysis of the international society that looks at behaviour at one social level differently from an activity at another social level is incorrect and misleading.[38]

This paper will address the questions as to why conflict in Rwanda was protracted and suggest reasons for considering the subjective perspective in constructive conflict resolution strategies. This study proposes to develop the argument that

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[36] Ibid., pp. 81 - 82.
[37] See Mwagiru M., "Beyond the OAU: Prospects for Conflict Management in the Horn of Africa" op. cit., p. 108.

Rwanda's conflict was protracted because it had multiple and complex underlying causes. The study will demonstrate that these causes were not only structural (e.g., poverty, overpopulation, land pressure) but also psycho-cultural (e.g., related to identity, 'false consciousness, mistrust, and fear).

This approach runs counter to the common thinking that the causal factors for the violence in Rwanda was primarily structural and material. World society paradigm envisages a consideration of both psycho-cultural and structural causes in conflict resolution strategies for a conflict to be genuinely resolved. This view is contrary to the 'realist' orthodoxy of the international relations discipline that rules out the individual as a unit of analysis. The primary concern of the realist approach is power politics, which asserts that peace, other than a temporary absence of violence (i.e., negative peace) cannot exist. The traditional realist approach to conflict management, therefore, involves compromise and settlement, which rests ultimately on elements of power and coercion.[39]

A concrete outcome of the traditional realist approach to conflict management in Rwanda was the Arusha agreement. The agreements were clearly the output of an elite and state-centric approach that did not take into consideration the fact that this conflict was value-laden. It did not address the sense of identity threat nor the importance of the psychological wounds embedded in-group consciousness. Arusha was essentially a strategic solution of containment with limited vision. It could have yielded some positive outcomes had the negotiations been preceded by pre-negotiation processes including non-elite actors and aimed at lowering psychological barriers. This would

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[38] See Burton John W., *World Society* (Cambridge: Cambridge University Press, 1972).
[39] See Burton J., *Resolving Deep-rooted Conflict* (Virginia: University Press of America, 1987) p.5; Banks M., "The International Relations Discipline: Assets or Liability for Conflict Resolution?" pp. 51-70 and Groom A., "Paradigms in Conflict: the Strategist, the Conflict Researcher and the Peace

have been in line with the importance of resolution strategy over settlement even if it takes longer since its results are likely to be long lasting.[40]

The agreement was, in effect, negotiated by the parties under great international pressure (i.e., countries that had own vested interests) and was therefore not self-sustaining. Bruce Jones stressed that by forcing the two sides to adopt untenable positions, the intervention of the Arusha did not provoke the genocide per se, but it had tragic consequences.[41] As A. Groom indicated, "Where there are important values at issue, as distinct from negotiable interests, the use of coercion or pressure in any form to force an opponent party to compromise is likely to be dysfunctional in that it will tend to promote protracted conflict, even after a settlement."[42] That is exactly what happened in Rwanda.

For Burton's World society paradigm; perceptions, values and strategies of conflict resolution are central tenets, which transcends state boundaries. Consequently, a conflict could be local, but rooted on external dimensions. Burton further asserted that geographical boundaries of the state do not divide intra from inter state activities, which transcend the polarity of geographical borders.[43]

In this view, human needs do not lead to conflict, rather, conflict emerges from the frustration caused by unfulfilled needs. According to Burton, needs are something original and constructive in the sense that they include a potential for harmonious society. Institutional arrangements of a society may temporarily destroy originality, and conflict arises. Conflict, like symptoms of a disease is a sign of structural failings, the

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Researcher" pp. 71-74 in Burton J. and Dukes F. (eds.), *Conflict: Readings in Management and Resolution* (London: Macmillan, 1990).

[40] See Mwagiru M., *Conflict: Theory, Processes and Institutions of Management* op. cit. p. 47

[41] Jones B., "Intervention without Borders: Humanitarian Intervention in Rwanda, 1990-94" in *Millennium: Journal of International Studies, Vol. 24, No. 2* (1995) pp. 240-246.

[42] Groom A in Ibid., pp. 88-89.

[43] See Burton John W., *Global Conflict: The Domestic Sources of International Crises* op. cit.

failures of a domestic system to provide the needs of people. The ultimate sources of international conflicts can be found in the domestic level because internal conflicts spill over to international sphere.[44] Further, Mwagiru posits that relationships should be legitimised. Hence, those involved in such relationships should accept them as beneficial and right, and see them as fulfilling some strong and profound need.[45]

Rwandan conflict was not only an internal conflict because there were issues that transcended the boundaries of the state like ethnicity of the Hutus and Tutsis. In this perception, international relations are characterized not by imagery of billiard balls as formulated by power politics but by that of a cobweb of interrelationships, whose centre (and hence level of analysis) it the individual.[46] In terms of conflict management, resolution views the structure not as a win-lose one, but as a win-win situation.

In World Society paradigm, conflicting parties can participate in the design of legitimised post-conflict relationship. The conflicting parties own the solution that their analysis (problem-solving workshops) generates since at the end both parties gain and hence their post-conflict relationships are said to be legitimised. Each party has its needs fulfilled without the other party loosing since the needs are not in short supply. Burton maintains that conflict resolution must be based on functional arrangements, which are designed to meet a specific set of social, economic or technical needs. Legitimate functional arrangements establish a control mechanism by building up and maintaining valued relationships in the society. He further states that the world society

44   See Burton John, "From Strategic Deterrence to Problem Solving" in Kevin Clements (ed.), *Peace and Security in the Asia Pacific Region* (Tokyo, Palmerston North: United Nations University Press and The Dunmore Press, 1992) pp. 365-377.
45   See Mwagiru M., *Conflict: Theory, Processes and Institutions of Management* op. cit. p. 39
46   See Mwagiru M., *Conflict and Peace Management in the Horn of Africa: Theoretical and Practical Perspectives* (Paper Presented at the IRG conference on Peace and Security in the Horn of Africa, Mombasa Nov. 6 -7, 1996, Revised 1998).

paradigm cobweb model reflects the interactions between states, whereby there are inter-linkages between and among states.[47]

Like in functional institution, problems in the problem-solving workshop are assumed by Burton to be dealt with in an open participatory manner. They are seen to be dealt with not solely by experts, but with their help. Gradually a sense of community is expected to evolve bringing the participants together more and more in a positive manner to resolve, or at least to discuss, problems, which are perceived to be held in common. Problem-solving processes are seen to be learning processes where participants learn about themselves and others. Pragmatism prevails in the workshop in the sense that the participants are also encouraged to discuss practical issues given that they reflect their real needs. It is assumed that benefits will accrue and spread widely in the society when specialists concentrate on a particular task, service or function.[48]

Although the principle of non-interference in the internal affairs was restated in the OAU's Mechanism formation, the Mechanism was charged with the task of dealing with internal conflicts in the region.[49] Before establishing the Mechanism, the OAU had created a Division of Conflict Management in 1992. However, the establishment of the Mechanism was an attempt to shift to a systematic approach to conflict resolution. The principles of respect for sovereignty of states and non-interference in the internal affairs of the member states influenced the OAU's conflict management, which prohibited the Organization from intervening in internal conflicts. Worse, the OAU viewed conflicts as a local issues.

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[47]   See Burton John W., Groom A. J. R., Mitchell C. R. and de Reuck A. V. S., *The Study of World Society: A London Perspective: Occasional Paper No. 1* (Pittsburgh: University of Pittsburgh, 1974).
[48]   Avruch Kevin and Black Peter, "Ideas of Human Nature in Contemporary Conflict Resolution Theory" in *Negotiation Journal, Vol. 6, No. 3* (1990) pp. 221-228.
[49]   See Mwagiru M., *Conflict: Theory, Processes and Institutions of Management* op. cit. p. 152

The World Society paradigm is useful in this study because the OAU's conflict management was based on its commitment to the principle of peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration. This paradigm views the international relationships as being based on complex patterns of transactions and interrelationships. It recognises that these interactions may generate conflicts and thus approaches conflict management by trying to understand both structural and psychosocial causes of conflict. The paradigm encourages the parties involved to understand the sources and hence resolve the conflict. According to Mwagiru, the centrepiece of World Society is the idea of legitimacy. He argues that relationships should be legitimised. Hence, those involved in such relationships should accept them as beneficial and right and see them as fulfilling some strong and profound need.[50]

Research Methodology

This study will get data from both secondary and primary sources. The primary data will be collected through interactive interviews with officials of the AU, Rwandan embassy and knowledgeable conflict management lectures. The secondary data will be the major source of data in this study. Secondary data shall be compiled through rigorous library research where materials from the OAU documents, journals, and books shall be utilised.

Chapter Outline

This study will be divided as follows:

Chapter one: An Analysis of the OAU's Mechanism for Conflict Prevention, Management and Resolution: A Case Study of Rwandan Conflict (1990-1994)

Chapter two: The Charter Principles of the OAU and Conflict Management

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[50]   See Mwagiru M., *Conflict: Theory, Processes and Institutions of Management* op. cit. p 39

Chapter three: The OAU Mechanism for Conflict Prevention, Management and Resolution

Chapter four: The OAU Intervention in the Rwandan Conflict, 1990-1994

Chapter five: A Critical Analysis of the OAU's Mechanism for Conflict Prevention, Management and Resolution

Chapter six: Conclusions

Chapter Two

The Challenges Paused by the Charter Principles of the OAU in Conflict Management

The processes and rules of the post-Cold War approach to conflict management are quite different from those that guided Cold War policy era. Management approaches of that time gave a privileged place in conflict resolution to sovereign states, and to the territorial integrity and the non-intervention norms. State structures were to be kept intact, and the only movements that challenged existing state structures with some legitimacy were those involved in liberation struggles against colonial regimes. The end of the Cold War implied several changes for many African leaders. The end of Cold War led to a further geopolitical marginalization of the whole continent due to the reduced strategic value for external powers. It also ended dictatorial and oppressive regimes that had characterised the post-colonial Africa.

This new liberation came as result of internationalisation of issues such human rights, globalisation and the appreciation of democratic values, which entered the political arena. At post-Cold War, it can be argued that the special status of states being dominant actors in international relation was diluted due to the emergence of other actors and values in the international system. Such challenges paused to some states include; the need for democratic values, respect for human rights, economic development, internationalisation of conflict and opposition groups, claiming to be victims of state repression which could be admitted to peacemaking processes on terms broadly equal to state authorities.

All parties to a conflict were to be accorded equal hearing. Further still, the break up of the Soviet Union meant that secession and independence from oppressive states became recognised forms of conflict resolution; e.g. Ethiopia and Eritrea in 1992

and independence of Angola. All these raised serious challenges to the principles of the OAU and its conflict management approaches especially its tendency to dichotomise conflicts as being internal or inter-state.

Issues critical in post Cold War era which needs to be re-evaluated are those stipulated in article 3(2) of the charter especially that which pertains the principle of non-interference in the internal affairs of states. If taken literally, this principle may legitimise the oppressive, dictatorial regimes that condone acts of genocide in the name of internal affairs. Others like the principles of sovereignty and territorial integrity of each state were very useful concepts immediately after independence. This meant being left alone especially from the influence of the former colonial authorities.

Consequently, the newly independent states in establishing the OAU were interested with "African solutions to African problems". The emerging concepts at post Cold War era such as globalisation, automatically challenge this idea of "African solutions to African problems" this is especially so because some issues to a conflicts can be similar all over the world. If issues in a conflict are similar in Africa to issues to a conflict elsewhere, it certainly makes sense to borrow management methodologies without having to waste time and resources as the OAU charter is suggesting.

Due to these examples, it is the present of this chapter that most of the OAU's charter principles were better suited for Cold War and requires critical assessment. During that time, most conflicts were inter-state conflicts regarding boarder issues of newly independent states amongst others. It is the intent of this chapter to show how the OAU's charter principles have hampered the OAU from effectively managing conflicts in the post-Cold War era and especially intra-state conflicts.

The Conflict of Charter Principles

The principles that guide the OAU conflict management and needs re-evaluation are bountiful in article 3 of its Charter. The Charter outlined seven principles to which the member states had to follow. The first principle is that of the sovereign equality of all member states, followed by the principle of non-interference in the internal affairs of states. The third principle called for respect for the sovereignty and territorial integrity of each state and for its inalienable right to independence.

Fourthly is the principle of peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration. The fifth principle enunciated unreserved condemnation of political assassination in all its forms, as well as of subversive activities on the part of neighbouring states or any other states. The sixth principle is that of absolute dedication to the total emancipation of the African territories that are still dependent and lastly is the principle that affirmed the policy of non-alignment with regard to Western blocs.[1]

Of these principles, the first three namely the sovereign equality of all member states, non- interference in the internal affairs of other states, and respect for the territorial integrity of member states, were central to the OAU conflict management.[2] Additionally, Mwagiru clarifies that the respect for the borders inherited at independence is also called the doctrine of *uti possidetis juris* while the fourth principle not clearly shown in the Charter was the principle of African solutions to African problems (or try the OAU first).[3] This principle originates from practice and was first

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[1] *The OAU Charter and Rules of Procedure* (Addis Ababa: Press and Information Service of the OAU General Secretariat, 1992) p.5.

[2] *See* Kamanu O. S., "Secession and the Right to Self-Determination: The OAU Dilemma" in *Journal of Modern African Studies Vol. 12* (1974) pp. 355-376.

[3] Mwagiru M., *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publication, 2000) p. 142.

spelt out in a resolution on 'border disputes among African states' during the first ordinary session for the OAU Assembly of Heads of Governments in Cairo in 1964.[4]

Despite the co-operation with the United Nations, African states were encouraged to try the OAU first before referring matters to the United Nations' Security Council. This tendency seemed to have reinforced the principle of African Solutions to African problems. An example here is the conflict of Chad with Libya where the Security Council referred the case back to the OAU to resolve it within its appropriate machinery[5].

Based on the stated principles, it can be surmised that the Cold-War principles of the OAU placed the attention of the Organisation more on the "state" without much interest in the population within the state. This tendency perhaps can be blamed for the emergence of despotic and autocratic rulers who confused regime survival with state security being entrenched in the continent. Also, the overemphasis on the "state" made the Organisation to show more interest in addressing conflicts between, rather than within states. This 'state-centric' focus of the OAU was even obvious from the opening statement of its Charter. While the UN Charter opens with a people-focused declaration 'We the peoples of the world', the OAU charter begin with "We the Heads of States of African countries".

The principles of the OAU's conflict management as stipulated in the Charter are mainly about the sanctity and the preservation of state sovereignty and independence. These principles are non-interference in the internal affairs of states, respect for borders inherited at independence, the principle of sovereign equality of states and the forth not

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[4]   See AHG/Res. 16(1) in Amate C. O. C., *Inside the OAU: Pan- Africanism in Practice* (London: Macmillan, 1986).
[5]   Ibid.

in charter is the principle of African solutions to African problems.[6] The OAU held the principle of non-interference and territorial integrity of member states most dear in its conflict management approaches. This suggests that there was great need of independence over unity when these principles were formulated.

While criticising the OAU Charter, Matthew contended that the Organization was 'egocentric and bourgeoisie-oriented'; an arena for the African ruling class who strove to maintain their own positions. He further argued that the principles that thwarted states from interfering in the internal affairs of others and that of respecting each other's sovereignty and territorial integrity demonstrated this fact.[7] This position is also held by Chimelu, who observed that the OAU was created to protect the interests of the African ruling class such as the Heads of states and governments, than the entire peoples of Africa.[8]

The emerging problem from the OAU principles of conflict management is due to the fact that the principles are given different interpretations at different times, especially those regarding non-interference and self-determination. Traditionally, the OAU had clear dichotomy between internal and interstate conflicts, and placed emphasis on the principle of non-interference in the internal affairs. The Organization preoccupied itself only with interstate conflicts. With the emergence advancement in communication/technology, polarity of borders and universal nature of human rights issues the concepts of inter-state or internal conflicts has become indistinct.

The term 'intermesticity' explains the continued blurring of domestic and international politics. The same concept is used to analyse conflict, the problem of

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[6]   Mwagiru M., *Conflict: Theory, Processes and Institutions of Management*, op cit. p. 143.
[7]   See Matthews K., *"The Organization of African Unity"* in Mazzeo D. (ed.), *African Regional Organizations* (Cambridge: Cambridge University Press, 1984) pp. 50-85.
[8]   See Chimelu C., *Integration and Politics among African States* (Uppsala: The Scandinavian Institute of African Studies, 1977) pp. 200-11.

ethnicity and borders inherited at independence. According to Mwagiru, this concept

suggests that what originally was perceived as internal conflicts are no longer purely so.

Increased sophistication of communications, the polarity of borders, and the universal

nature of human rights have rendered this view obsolete.[9]

Conflict Management and the Principle of Non-interference

Hoffman defines interference as "acts which try to affect not the external activities, but

the domestic affairs of a state."[10] As noted earlier, during the Cold War, there was a

powerful trend of respecting the sovereignty of states. In international relations, this

meant non-interference in the internal affairs of another state.

The principle of non-interference entailed respect for borders existing at

independence, which were adopted by the Assembly of Heads of States and

Government in Cairo in 1964.[11] This principle found its sanctity out of fear that once a

border is changed, then clamours would arise for changes everywhere, which would put

all states at risk, because every state may demand for realignment of its borders. This is

especially so because some of the borders are not actually accepted or fully recognised

by the citizens who share common ancestors yet separated by the borders inherited at

independence. According to Makau wa Mutua;

> "the post-colonial African states largely failed to forge viable, free, and
> prosperous countries....the new African states have failed to inspire loyalty in the
> citizenry; to produce a political class with integrity and a national interest; to
> inculcate in the military, the police, and the security forces their proper roles in
> society; to build a nation from different linguistic and cultural groups; and to
> fashion economically viable policies."[12]

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[9] See Mwagiru M., *Conflict and Peace Management in the Horn of Africa: Theoretical and Practical Perspectives* (Paper Presented at the IRG conference on Peace and Security in the Horn of Africa, Mombasa Nov. 6 -7, 1996, Revised 1998).

[10] Hoffman S., "The Problem of Intervention" in Bull H. (ed.), *Intervention in World Politics* (Oxford: Clarendon Press, 1984) p. 10.

[11] See The OAU Charter Review Committee, *Draft Rapporteur's Report*, CAB/LEG/97/Rapt. Rpt (III) Rev. 2 (Addis Ababa: May 10-24, 1982) p. 7.

[12] Makau wa Mutua, "The Banjul Charter and the African Cultural Fingerprint: An Evaluation of the Language of Duties" in *Virginia Journal of International Law, Vol. 35* (1995) p. 365.

This historic, psychological situation adversely affected many African political leaders, who, lacking genuine national commitment and sense of obligation, exploit state's budgets and power to strengthen their ethnic power bases, and enhance personal privileges in order to retain power. Such a strategy ignores the human rights entitlements of common citizens without discrimination. On the contrary, the states become the arenas for interethnic political and economic battles. Kodjo, a former the OAU Secretary-General (1978-1983), regarded the principle of territorial integrity as 'perverse principle with negative effects'.[13]

Owing to all these criticisms, the OAU seemed to have recognized its weakness regarding non-interference. This was due to internationalisation of conflicts, increased sophistication in communications, the polarity of borders, and the universal nature of human rights, which rendered that view belated. Consequently, there was a shift in its interpretation of the principles of non-interference.

Recognising that article 3(2) prohibited member states from interfering with internal affairs of another state, the new interpretation freed the organisation to involve itself in conflicts within the continent as they arise and as the occasion demanded. This was evident by the organisation's condemnation of coups in Africa and especially in Niger, Guinea, Comoros, and Sierra Leone. Previously, the OAU would have remained silent on the basis that these were internal affairs of the states concerned.

Africa's experiences in Mozambique, Angola, Sudan, Liberia, Rwanda, Ethiopia and Somalia show that internal conflicts generate massive flows of displaced people and refugees. It encourages the proliferation of arms, which continues to fuel conflicts, spur crime and destroy the (economic/investment) credibility of the sub-region and eventually that of the entire continent. Additionally, the loss of lives in Rwanda,

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[13] See Kodjo E., *Et Demain L'Afrique* (Paris: Stock, 1985) p. 272.

Somalia and Burundi called for international concern due to internationalisation of human rights.[14]

The principle of 'uti possidetis juris' and conflict management

The positive attribute of this principle which is translated to mean respect for the borders inherited at independence is that it facilitated interstate boundary harmony in Africa by ensuring that state boundaries are not violated. It is however important to note that this principle, hindered the OAU and strongly inhibited its members from intervening in regional and intrastate (ethnic) conflict. Additionally, there are cases where colonial boundaries did not exist like in Morocco and Somalia, while in others they were not demarcated and thus questionable.

Still in others the new criteria of ethnic unity and history could be evoked to challenge the colonial boundary's inheritance, examples here is conflict between Kenya-Somalia borders and that Western Sahara. There are also conflicts about secession, which have challenged regimes, installed in power at independence and afterwards thought political and military forces. Conflicts under this category include the Eritrean conflict, the Biafran conflicts of 1967–70, the southern Sudan (SPLA) and the Ogaden.[15] In recent times new situations such as offshore oil deposits have required a redefinition of state boundaries. An example here is the 1972 disagreement, which broke out between Equatorial Guinea and Gabon when the latter established a police post on two uninhabited islands also claimed by the former.[16]

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[14] Ibid.
[15] See Mwagiru M., *The International Management of Internal Conflicts in Africa: The Uganda Mediation 1985* (Ph.D. Dissertation, University of Kent at Canterbury, 1994).
[16] Shaw N. Malcolm, *International Law (5th ed.)*, (Cambridge: Cambridge University Press, 2003) pp. 540-2.

Emergence of Global Issues and the Principle of Non-interference

After the Cold War, there was widespread awareness that the challenges affecting the whole world could only be solved by the whole global community as they transcend national boundaries of states. Thus, their eradication required international co-operation of all the states. Such challenges include environmental pollution, drug trafficking, terrorism, proliferation of arms, nationalism and human rights issues.[17] One of the defining features of post Cold War era is the increase in scope and intensity of domestic conflicts that have spilled, or have the potential to spill over national borders into neighbouring states.

Conflicts such as those in Somalia, Rwanda, Liberia, and Sudan have attracted the involvement of international and regional actors in the quest for conflict management and prevention. In the process, the notions of state sovereignty and the norms of external intervention in domestic disputes were reconsidered in international and regional fora. There emerged increased co-operation of the states due to globalization, information flow, co-operation in outer space, the Law of the Sea and the Antarctic Treaty.

The boundaries between international and domestic politics became more and more blurred during the post-Cold War times. Some scholars speak of this factor as 'internestic' (from two words; international and domestic) politics.[18] This perception views foreign policy and domestic politics as two sides of the same coin.[19] In addition, in the post-Cold War era, human rights as an international issue led to a decline in national sovereignty. There was more commitment to human rights and peaceful

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[17] Aspin Les, *National Security in the Post-Cold War Era* (Washington DC: Department of Defence, October 1993).
[18] Gibbs Nancy, "Mergers And Acquisitions" in *Time Magazine* (February 17, 1997) p. 4.
[19] Graseck Susan, *Teaching Foreign Policy in the Post-Cold war Era* (Indiana: Eric Clearinghouse for Social Studies, 1993).

resolution of conflict, as human rights issues seem to have taken precedence over sovereignty. The era when the international community watched helplessly a state butchering its citizens in the name of 'non-interference in the internal affairs of the state" is over.

The OAU Conflict Management Principles and Self-determination

According to the Montevideo Convention, the characteristics of a state are sovereignty, territory, authority, population, legitimacy and government.[20] Krasner notes that the Cold War concept of sovereignty was Westphalian, as it viewed the state as a separate, territorial unit, each independent from the other.[21] Sovereignty meant that the power of a state to make decisions could not be overridden or reversed by any other decision-maker or agency.[22] This implied that a state cannot be ruled from outside, as the main decisions about its actions must come from within it.

By the time the OAU's principles were formulated, the major concerns of Africa's heads of states in their diplomacy were self-determination and decolonization. Consequently, article 3(6) that dealt with self-determination was meant to enhance solidarity and unity among the newly independent African states. According to Mwagiru. "self-determination referred exclusively to 'external' as opposed to 'internal' self-determination."[23] In their struggle to secure liberation and sovereign integrity from colonialism, the African heads of states saw the need of this concept of self-determination.

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[20] See *Montevideo Convention on the Rights and Duties of States* (Montevideo: December 26 1933).
[21] Krasner Stephen D., *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1998) pp. 12-13.
[22] Deutsch K., *Politics and Government: How People Decide Their Fate* (Boston: Houghton Mifflin Company, 1980) p. 21.
[23] Mwagiru M., *Conflict: Theory, Processes and Institutions of Management,* op cit. p. 144.

After Cold War period, self-determination took new meanings and brought serious challenges to the OAU. This issue led to the emergence of insurgence, groups such as tribes or ethnic leadership arming them to fight each other or the oppressive leadership of the government. Linked with this situation was the problem arising from the principle of territorial integrity whose resolution forbade secessionism and irredentism, thus making it hard for parties pursuing such objectives to obtain moral and material support. Clay argued that post-independence efforts to eliminate tribal identities might have contributed significantly to Africa's catastrophic problems.[24]

The bias of the existing states against autonomy or secessionist movements by cultural minorities seeking self-determination and political independence from dominant ethnic power-holders could very well prove detrimental to both the stability of states and the human rights process. As was the case in Somalia, Sudan, Rwanda, DRC, Uganda, Liberia, and Kenya, diverse ethnic populations with a tradition of mutual animosity have not found common citizenship in a single state a sufficient basis for social harmony. Other examples are the Katanga Biafra, Eritrea, Comoros and South African conflicts. All these conflicts show that the OAU did not give dynamic meaning to the concept of self-determination.

The Post Cold War understanding of self-determination could then be interpreted as referring to the situation where ethnic communities divided by borders joined together to form a new state, as was the case in Eritrea. The other possible understanding of this concept referred to self-determination from oppressive and dictatorial rule. This is a form of internal self-determination referring to a people's pursuit of their political, economic, social and cultural development within the

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[24] Clay Jason, "Nation, Tribe and Ethnic Group in Africa" in *Cultural Survival Quarterly Vol. 9, No. 3* (1985) p. 2.

framework of an existing state.[25] It is manifested in people's freedom of assembly, freedom of association, and the right to take part in the conduct of public affairs such as in voting. The principle of self-determination (internal), provides for the overall framework for democratic governance where citizens take part in the conduct of the public affairs of their state.

In the post Cold-War era, the OAU was faced with the challenge of the emerging understanding of the concept of self-determination due to the changes that were taking place in the world. Mwagiru clearly states the emerging forms of self-determination were internal self-determination. This refers to self-determination from oppressive and dictatorial rule. Many of the internal conflicts in Africa are centred on this form of self-determination e.g. conflicts in Algeria, DRC, and Somalia.

The second notion of self-determination is post-colonial self-determination, which refers to the trend of ethnic communities divided by arbitrary borders joining together to form a new state. Conflicts in former Yugoslavia, USSR and Eritrean struggle for independence are examples of the new form of self-determination[26]. There were issues like globalization, internationalisation of human rights and other emerging concerns beyond the concepts of territorial integrity, and in this analysis external self-determination.

Furthermore, most conflicts in the region became internationalised, rendering the OAU conflict management approaches almost irrelevant. The Charter's preference for sovereignty and non-interference in the internal affairs of member states rendered it powerless to address situations of poor governance and the gross abuse of human rights. In addition, the institutions mentioned in the original the OAU Charter was either irrelevant or simply ineffective as instruments to end or manage armed conflicts. To this

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[25] Shaw N. M., *International Law (5th ed.)* op cit. p. 273.

effect, Mwagiru proposed that there is need to overhaul the OAU, if positive progress was to be made in the area of conflict management.[27]

The OAU Charter Principles and Internationalisation of Conflicts in Africa

The internationalisation of conflicts called for the need for the OAU to intervene in domestic conflicts of member states. Once an internal conflict becomes internationalised, the process of conflict management must take into account all factors that contribute to the process of internationalisation. Some of the factors of internationalisation of conflict discernible in African conflicts include the idea of the interdependence of states and actors in the international system. The interdependence of the international society and all actors makes it very difficult to dichotomise between domestic and international affairs, as noted already.[28]

Furthermore, human rights issues are the most clear internationalising agents of internal conflicts. Issues pertaining to the violation of human rights have been universalised as stated earlier. This universalization began with the Universal Declaration of Human Rights, which set the trend for dealing with matters of genocide and the treatment of civilians in times of armed conflicts and refugees.[29] Correspondingly, issues of human rights' violation that arise within the domestic jurisdiction of a state can call for intervention by third parties in conformity with the international law of human rights.

Another crucial agent of internationalisation of internal conflicts is the media. In the recent past, a significant event in any part of the world got international attention

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[26] Mwagiru M., *Conflict: Theory, Processes and Institutions of Management*, op cit. p. 144.

[27] See Mwagiru M., *Reinventing the Future: Pan Africanism, the OAU and Foreign Policy in Africa: Occasional Papers on International Relations. No. 1* (Nairobi: USIU-A, 1999).

[28] Deutsch Karl W., *The Analysis of International Relations (3rd ed.)*, (Englewood Cliffs: Prince-Hall International, Inc., 1988) pp. 285-298.

[29] O'Connel D. P., *International Law. Vol. 2 (2nd ed.)* (London: Stevens and Sons Publishers, 1970).

faster than ever before. The news of the Rwandan genocide or conflicts in Southern Sudan attracted attention faster than one could ever imagine. This role of the media is useful as it reveals the circumstances on the battleground that prompt for the response of the third parties to intervene. In some cases, the refugees that results from conflicts always attempt to seek safety across borders. In the process, they interact with communities in those states.

The interaction results into two factors: friction between the people of the host country and refugees develop and the emerging pressures and strain on the economic resources of the host country. All these factors are important especially if the resources are scarce. These circumstances prompt regional or international organizations to respond in aid of the refugees. The involvement of the international agencies in the presumed internal conflicts would already internationalise the conflict.[30]

Internationalisation of conflicts therefore further challenged the OAU's doctrine of non-interference, especially if there was a rising condemnation of breakdown of governance coupled with massive violation of human rights or violence. This situation called for multilateral intervention to restrain partisan violence, give protection to the threatened and help build new frameworks for governance.

Amoo notes that the international lawyers approved the right to interfere on humanitarian grounds in the hitherto sacrosanct internal affairs of member states.[31] Amoo further contends that the gravity of human misery that result from internal conflicts such as massacres and other forms of mass extermination within African countries compelled the African leaders to show necessary resourcefulness. They then

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[30] Mwagiru M., *The International Management of Internal Conflicts in Africa: The Uganda Mediation, 1985* op. cit., pp. 29-32.

[31] See Amoo S. G. *"Role of The OAU: Past, Present and Future"* in Smock D. *Making War and Waging Peace-Foreign Intervention in Africa* (Washington D.C.: United States Institute of Peace Press, 1993) pp. 239-253.

resolved to find acceptable and tangible means of circumventing the principle of non-interference in internal affairs of member states.[32]

African Solutions to African Problems

"African Solutions to African problems' was another guiding principle of the OAU in its conflict management process. This principle of African solutions to African problems resulted from the need for Africans to deal with its own problems without involving external actors. Though not clearly enlisted in the Charter, this principle gained popularity with practice. Bakewesegha, stated that "it is imperative for Africa to take a hard look at the scourge of conflicts, and to design viable mechanisms for conflict resolving and management capacities became more pressing'. He further asserted that for "Africa to remain relevant in the new international order it must fill the vacuum left behind by the Cold War disengagement."[33]

To guard their new independence, African leaders sought to eliminate any sort of dependence on foreign powers. African leaders insisted on African solutions to African problems. Big boosting for their argument was article 52(2) of the United Nations Charter, which calls upon member states of regional organizations to first try to settle local disputes peacefully through the regional organization before referring them to the UN Security Council for actions. Consequently, Article 7 of the OAU Charter names the institutions set up to deal with African problems as; the Assembly of Heads and Government, the Council of Ministers, the General Secretariat and Commission of

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[32] See Ibid.
[33] Backwesegha J. Chris, "The Role of the Organization of African Unity in Conflict Prevention, Management and Resolution in the Context of the Political Evolution of Africa" in *Africa Journal on Conflict Prevention, Management and Resolution, Vol. 1, No. 1* (January-April 1997) p. 5.

Mediation, Conciliation and Arbitration. To effectively solve arising issues, article 20 permits the establishment of specialized commissions by the Assembly.[34]

Initially, the OAU had established an organ called the Commission of Mediation, Conciliation and Arbitration. This commission was supposed to exclusively deal with conflicts in the continent by use of article 3(4) of the Charter, which prescribe the desired methods as negotiation, mediation, conciliation and arbitration. However, the member states did not consider the service of the Commission. Mwagiru contends that "the true reason for the commission becoming moribund, was that African leaders did not want any institutionalised and binding forum for the management of their disputes. Settling disputes outside court, in a less formal procedure was seen as quintessentially African way of doing things and managing conflicts in the continent."[35]

Accordingly, they opted for more flexible ways of addressing their conflicts through establishment of *ad hoc* committees, consultation committees and delegations, diplomacy and good offices under the auspices of the OAU. The *ad hoc* committees often pursued "a strategy of mediation by persuasion, where the Heads of State and Government played a central role."[36] The rationale behind such practice was to be in accordance to Africa's traditional and pre-colonial methods of dispute settlement, whereby elders, regarded as wise and commanding the respect and confidence of their respective societies, intervened to resolve differences.[37]

Though the strategy seemed to have been effective in some particular interstate conflicts, it seemed to have hindered institutionalisation of African conflict

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[34] See Amate C. O. C., *Inside the OAU: Pan Africanism in Practice* op. cit., pp. 61-67.

[35] Mwagiru M., *Conflict: Theory, Processes and Institutions of Management*, op cit. pp. 107-108.

[36] Adebayo Oyebade, "The End of the Cold War in Africa: Implications for Conflict Management and Resolution" in Adebayo and Abiodun (eds.), *Africa After the Cold War: The Challenging Perspectives on Security* (Asmara: African World Press/ Red Sea Press, 1995) p. 147.

[37] "Report of the Secretary-General on the Establishment, within the OAU, of a Mechanism for Conflict Prevention, Management and Resolution Published" in *Resolving Conflicts in Africa:*

management. Moreover, given the political circumstance in which some Heads of states and governments act and, more significantly, the methods by which most of them came to power in their respective countries makes the argument look implausible. In many cases, they did not enjoy the respect and confidence of their respective people. (E.g. Mobutu, Bokassa, Siad Barre, Mengistu.) Few of them could be said to possess integrity that would make them recognized and trustful third parties.

In addition, the role of most African heads of states and governments in conflict management was largely attributed to their authoritarian governmental style. This was usually reflected in the dominant role of African heads of states and governments in foreign relations. In fact, the role of an authoritarian ruler in the foreign relations of his country, which implies also his engagement in conflict management of another country, could also be seen as part and parcel of the overall system aimed at increasing his personal power and prestige.

Further still, the chairman may be constrained by his own commitments as head of sovereign state or by the financial implications needed for effective consultations and regular travels. To this effect, Foltz posits that African states fear that the formal involvement of external powers and external organizations into African conflicts would introduce rigidities into the negotiation processes among African countries in conflicts. This would make it harder for the parties to a particular conflict to reach an agreement and would establish a case law that might be applied inappropriately to other African disputes. Foltz further notes that external participation deepens divisions between

African States, thus damaging their ability to co-operate in the future, making unity impossible.[38]

Adding to this observation is the idea that within a given region exist unique methods of conflict management which are specifically suitable for resolving conflicts of regional/sub-regional nature. This in a way legitimised the concept of "try the OAU first." As a matter of fact, when the Cold War ended, the superpowers were no longer there to step in to support regional clients. Africa was left to its own devices. The experienced realities on the continent encouraged African leaders to seriously reconsider the norms of external intervention for the purpose of settling domestic disputes. This in turn required a re-examination of the notion of state sovereignty. Moreover, Africa needed to prepare itself to effectively play leading roles in resolving not only interstate conflicts among member states, but also cases of severe domestic conflicts that leads to regional insecurity. At the same time, it was obvious that Africa could not be expected to go the course alone. It had to seek assistance from external actors such as the UN and the major powers.

This principle also had its own shortcomings. First of all, the OAU in trying to find African solutions to African problems solicited for the services of its supreme organ, the Assembly of Heads of States and Governments. Although this provided a suitable arena for the leaders to find solution to their problems it is hard for the leaders to be impartial because the heads of most African states contribute to or are parties in the conflicts. An example here is the role that Museveni in of Uganda played in the Rwandan conflict. Secondly, the annual rotational nature of the OAU Chairmanship does not offer ample time to the chairman to facilitate a comprehensive peace process,

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[38] See Foltz J. W., "The Organization of African Unity and the Resolution of Africa's Conflict" in Deng F. M. and Zartman I. W. (eds.), *Conflict Resolution in Africa* (Washington: The Brookings Institute, 1991) pp. 355-356.

unless the task is delegated to other mediators. Also being a head of state, the mediator may be limited in terms of time and resources due to the doubling of the responsibilities.

Thirdly, the development of technology led to globalization of issues such as internationalisation of human rights, effects of media, and other emerging concerns beyond the concepts of territorial integrity. Such concerns could include the problem of ethnicity and ethnic relations, the problem of refugees, the provision of humanitarian aid and the idea of interdependence of states. At post Cold War, and for the OAU to handle such problems sufficiently, the organization should first analyze how such problems have been handled in other regions of the world. This may mean going beyond African solutions to African problems principle in order to find more comprehensive solutions to the problem.

By early 1990s, the Cold War had ended, leaving in its wake a proliferation of conflicts in Africa, particularly those of an intra-state nature. The deteriorating security landscape in Africa, the predominance of internal conflicts, the demise of the Cold War and the western powers diminished interests in Africa prompted the OAU to approved the changes occurring in African and in the international system. The OAU was forced to reconsider its own role in this new climate, particularly in relation to Africa's economic development and security.

Given the fundamental changes which were taking place in the world, the Heads of states and Governments agreed to establish within the framework of the OAU and in keeping with the objectives and principles of the Charter, a mechanism for preventing, managing and resolving conflicts. After examining the Cold War practises of the OAU conflict management under its Charter, the following chapter will discuss more on the new post Cold War approaches and especially the newly established Mechanism.

Chapter Three

The OAU Mechanism for Conflict Prevention Management and Resolution

Introduction

This chapter examines the factors and issues that led to the creation of the OAU Mechanism in 1993. The end of the Cold War and the consequential increase in the number of civil wars and ethnic tensions in Africa gave new impetus to conflict resolution mechanism in existing African inter-governmental organizations. The Cairo Conference in 1993 was such a symbol of new thinking within the OAU. Further, this chapter will give a short overview of the development of structures for conflict mechanism in Sub-Saharan Africa, and outline the goals and mandate of the Mechanism, including its two main bodies: the Central Organ and the Conflict Management Centre.

Establishment of the OAU Mechanism for Conflict Prevention, Management and Resolution

Conflict management in Africa underwent radical changes at the end of Cold War, symbolized by the collapse of the Soviet Union and the fall of the Berlin Wall. The immediate post Cold War period ushered in a new co-operative mood for the management and resolution of African conflicts. Mwagiru observes that with the end of Cold War, many organisations throughout the world had to reassess themselves, especially their conflict management mechanisms.[1] Thus, in July 1990, the OAU Assembly of Heads of States and Government adopted a Declaration on the *Political and Socio-Economic Situation in Africa and the*

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[1]   Mwagiru M., "The Organization of Africa Unity (OAU) and Management of Internal Conflicts in Africa" in *International Studies 33, 1* (1996) p. 11.

Fundamental Changes Taking Place in the World.[2] The African leaders pledged to work towards the peaceful and quick resolution of all conflicts in Africa, in order to create an enabling environment for economic development.

As observed in Chapter two of this study, Africa's colonial legacy resulted in the principle of non-interference in the internal affairs of member states being embedded in the Charter of the OAU as one of its 'unshakeable' founding principles. This principle effectively impeded collective action to address civil wars and other internal conflicts in Africa by the OAU or other African government institutions. As a result, foreign, mostly European, concerns, interests and initiatives dominated the conflict management arena in Africa. For example, the Portuguese facilitated negotiations between Angola's factions in 1990-92, followed by the UN in 1993-95; the Italians mediated the end of the Mozambique civil war during 1991-1992; and the USA took facilitated in Ethiopia in 1990-1991 and Somalia in 1992-1993.[3]

The OAU was largely sidelined in internal disputes due to the ineffectiveness of its Mediation Commission. The ineffectiveness arose mainly because member states had strong preference for political process of conflict resolution rather than for judicial means of settlement. Additionally, the OAU's Charter principle of non-interference and the fact that conflict management field was open for individual heads of states or the *ad hoc* committees to intervene in conflicts reduced the effectiveness of the OAU. According to Zartman, the annual summits had ultimate authority but were hamstrung by inability to offend any member, thus found other less institutionalised mechanisms for handling conflict. One was the corridor of the summits, where their colleagues to mediate, conciliate and provide their good offices often used the presence of heads of state. The other was *ad hoc* commission, whose

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2   See *Resolving Conflicts in Africa: Proposal for Action* (Addis Ababa: OAU Press and Information Services, 1992) p. 7.
3   "Cohen H., Conflict Management in Africa" in *CSIS Africa Notes* (1996) p. 181.

membership included regional neighbours, friends of both sides, neutrals and representatives of coalitions, tendencies, and regions.[4]

In effect, the OAU preferred this *ad hoc* mediation because its conflict approach during Cold War was reactive.[5] It waited for conflict to erupt and then it acted. The *ad hoc* initiatives were often aimed at conflict at hand. Once peace prevailed, there were no further efforts made to ensure sustainable regional peace plan in case of emerging conflicts. This was largely because of the OAU's institutional and organizational inadequacies, as most of its conflict management initiatives had limited success. The organization's downward trend in intervention in all forms of conflicts particularly internal provoked the Secretary-General, during the 27th Assembly of Heads of states and government in Abuja, to declare his intentions to undertake a restructuring exercise within the Secretariat. This was aimed at making its structures more responsive to its new missions, one of which was conflict management.[6]

The restructuring proposals were submitted to the 55th Ordinary Session of the Council of Ministers, held in February 1992. This led to the establishment of the Division of Conflict Management in 1992, within the OAU General Secretariat. Later, consultations that took place between 1991 and 1992 defined the essential elements that would give the 1990 Declaration an operational context. Given the fundamental changes which were taking place in the world, the African heads of states and government agreed in principle to establish within the framework of the OAU and in keeping with the objectives and principles of the

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4 Zartman William L., "Africa Regional Security and Changing Patterns of Relations" in Keller Edmond J. and Rothchild Donald (eds.), *Africa in the New International Order: Rethinking State Sovereignty and Regional Security* (Boulder: Lynne Rienner Publishers, 1996) pp. 52-68, 61.

5 Wolfers Michael, "The Organization of African Unity as Mediator" in Touval Saadia and William Zartman (eds.), *International Mediation in Theory and Practice: Conflict Management Institute* (Boulder: Westview Press, 1985) pp. 175-197.

6 See *Resolving Conflicts in Africa: Implementation Options. Series III* (Addis Ababa: OAU Press and Information Services, 1994) pp. 9-10.

Charter, a Mechanism for preventing, managing and resolving conflicts.[7] At the end to the 29th Assembly of Heads of states and government in Cairo (June 28-30th 1993), the members adopted the Cairo Declaration on the establishment within the OAU, of the Mechanism for Conflict Prevention, Management and Resolution.

The Mechanism had three main goals: to anticipate and prevent situations of potential conflict from developing into full-blown conflicts, to undertake peacemaking and peace-building efforts if full-blown conflicts should arise and to carry out peacemaking and peace-building activities in post-conflicts situations.[8] The new establishment was in line with the spirit of the Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA), which was held in Kampala (hence also called the Kampala Document) in May 1991. It was stated in the document that resulted in that Conference that stability is very important to development.

Consequently, promoting political and social stability in individual African countries was viewed as the key component of CSSDCA progress. The document further stipulated, under the stability guidelines, that all African States were to be guided by strict adherence to the rule of law, popular participation in governance, respect for human rights and fundamental freedoms. The document further emphasizes that political organizations should not be based on religious, ethnic, regional or racial considerations; and that there should be clarity in public policy-making and an absence of fundamentalism in religious practice.[9]

All these tenets had positive effects on Africa's response to the post-Cold War era and indeed to the OAU's rethinking about the establishment of the mechanism for Conflict Prevention, Management and Resolution which was regarded as a *panacea* for the OAU's

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[7] Ibid., p. 7.

[8] See Muyangwa Monde and Vogt Margaret A., *An Assessment of the OAU Mechanism for Conflict Prevention, Management and Resolution. 1993-2000* (New York: International Peace Academy, 2002) pp. 7-8.

intervention in internal conflicts. In regards to internal conflicts, the document explicitly states:

> ':the security of a nation must be construed in terms of the security of the individual citizen to live in peace with access to basic necessities of life while fully participating in the affairs of the society in freedom and enjoying all fundamental human rights."[10]

The Kampala document stipulates four other relevant points, which were reflected in the objectives of the OAU's Mechanism. It emphasized that greater attention should be paid to measures that prevent or contain crises before they erupt into violent confrontations. This also became the objective of the OAU early warning system. Secondly, the document suggested that internal and external security for Africa must derive from a framework of common and collective continental security. The third point states that African governments must individually and collectively be guided by the principle of good neighbourliness and a peaceful resolution of conflicts. Lastly, the document suggested national and continental self-reliance in certain strategic areas both military and non-military.[11]

The Kampala document therefore provided the basis or the foundation of the establishment of the Mechanism for Conflict Prevention, Management and Resolution within the OAU. The member states saw the need to concern themselves not only with inter-state conflicts, but with internal ones as well. Hence the Mechanism's efficacy was based on the re-definition of the principle of "national sovereignty" and "non-interference in the internal affairs of states" if it was to succeed. On this basis, the OAU Secretary-General argued that there was a need to maintain a balance between national sovereignty and international responsibility,

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[9] See Keller Edmond J. and Rothchild Donald, (eds.), *Africa in the New International Order* (Boulder: Lynne Rienner Publishers, 1996) pp. 22-23.

[10] See *African Leadership Forum, The Kampala Document: Towards a Conference on Security, Development and Co-operation* (New York: African Leadership Forum, 1992) p. 9.

[11] Ibid., pp. 9-10.

and that the doctrine of non-interference precludes the possibility of accountability on the part of states.[12]

The principle of 'national sovereignty' and 'non-interference in the internal affairs of states' amongst other things changed in June 1993 with Cairo Declaration.[13] The Mechanism institutionalised conflict resolution at the centre of the OAU and established the Central Organ, a committee of member states, to take charge of the process. The realities of the new situation encouraged African leaders and intellectuals to seriously consider the norms of external interventions and sovereignty for purposes of settling domestic disputes.[14]

Obasanjo O. suggested that although accepted by international law and held sacrosanct by the OAU member states, the principles of 'national sovereignty' and 'non-interference in the internal affairs of states' should be redefined. He argued that "..we must ask why does sovereignty seem to confer absolute immunity on any government that commits genocide and monumental crimes of destruction and elimination of a particular section of its population for political, religious, cultural or social reasons?[15]

Although the OAU principle of non-interference in internal affairs was restated, the Mechanism was charged with the task of dealing with all types of conflicts in the region. Prior to the establishment of the Mechanism, the OAU had created a Division of Conflict Management in 1992, with its own budget within the secretariat. Overall, there was optimism that the Mechanism would fare much better than the OAU Commission on Mediation, Reconciliation and Arbitration, which was established in the 1960s, and was expected to be the organisation's main instrument for conflict management. That Commission appeared to

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12   See the Statement by Salim Ahmed Salim, in Obasanjo O. and Mosha F. N. (eds.), *Africa: Rise to Challenge* (New York: Africa Leadership Forum, 1993) pp. 343-346.
13   See *Resolving Conflicts in Africa: Implementation Options, Series II* (Addis Ababa: OAU Press and Information Services, 1993). The 29th Assembly of Heads of states and government, Cairo, June 28-30 1996 adopted the report on June 29 1993.
14   Nyang'oro, J., "Hemmed in the State and Global Liberalization" in Smith D. et al. (eds.), *State and Sovereignty in the Global Economy* (New York: Routledge, 1999) pp. 264-277.
15   See Obasanjo O. and Mosha F.N. (eds.), *Africa: Rise to Challenge* op. cit. p. 80.

have been doomed from the start due to its lengthy and costly judicial process which made the Commission unattractive to many member states. [16]

Consequently, the Commission was dissolved in 1977, with the OAU opting for other methods of conflict management, such as the use of good offices or *ad hoc* committees to intervene. The *ad hoc* committees often pursued a strategy of mediation by persuasion, where the heads of states and government played a central role. [17] Such practice was said to be in accordance to Africa's traditional and pre-colonial methods of dispute settlement whereby elders, regarded as wise, and commanding the respect and confidence of their respective societies, intervened to resolve differences. [18]

While Africa historically produced the world's largest number of refugees, the post-Cold War increase in intra-state conflicts worsened the situation, thus putting more pressure on those involved in managing conflicts in the continent. [19] With the adoption of the Cairo Declaration, the heads of states and government saw the opportunity of bringing to the process of dealing with conflicts on the African continent a new institutional dynamism. This 'paradigm shift' [20] was marked by new inter-state and intra-state relations in Africa. It represented a departure from the *ad hoc* arrangements hitherto employed by the OAU to tackle conflicts, in most cases of an intra-state nature.

This also served as a tangible expression of the OAU Heads of states and governments' commitment to work towards the peaceful and speedy resolution of all types of conflicts in the continent. It was hoped that such a Mechanism would enable speedy action to prevent or

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[16] See Sesay, "Regional and Sub-regional Conflict Management Efforts" in Akinrinade S. and Sesay A. (eds.), *Africa in the Post-Cold War International System* (London: Pinter, 1998) pp. 26-32.

[17] See Adebayo Oyebade, "The End of the Cold War in Africa: Implications for Conflict Management and Resolution" in Adebayo and Abiodun (eds.), *Africa After the Cold War: The Challenging Perspectives on Security* (Asmara: African World Press/ Red Sea Press, 1995) p. 169.

[18] "Report of the Secretary-General on the Establishment, within the OAU, of a Mechanism for Conflict Prevention, Management and Resolution" published in *Resolving Conflicts in Africa: Implementation Options. Series III* (Addis Ababa: OAU Press and Information Services, 1994) p. 21.

[19] Figures provided by the Representative of the UNHCR put Africa's refugee population at 8 million as of May 1999. See *Conflict Trends, Issue 3* (1999) p. 3.

manage and, ultimately, resolve conflicts when and where they occur. This decision was reached against a realisation that there was no way Africa could improve its socio-economic performance following the end of the Cold War, in an ocean of wars, conflicts and domestic tension. At the horizons were Africa's experiences in Mozambique, Angola, Sudan, Liberia, Rwanda, Ethiopia and Somalia.

All these conflicts showed that internal conflicts generate massive flows of displaced people and refugees, encourage the proliferation of arms which continues to fuel conflicts, spur crime and destroyed the economic/investment credibility of the sub-region and eventually that of the entire continent. Because all these factors combined to hinder the economic development of individual countries, of regions, and of the continent, and because internal wars were recognised to have external consequences,[21] collective action to manage these conflicts was now judged both appropriate and necessary.

According to Bakewesegha, the imperative for Africa to take a hard look at the scourge of conflicts and to design viable mechanisms for conflict resolving and management capacities became more pressing. He further asserted that "for Africa to remain relevant in the New International Order it must fill the vacuum left behind by the Cold War engagement."[22] Additionally, the OAU Chairman at the time, Uganda's Yoweri Museveni noted that, "when we talk of non-interference in the internal affairs of one another, we mean one state, which is functioning not interfering in another functioning state...we are not interfering in the internal affairs of Liberia because there was no longer any central authority in the country."[23]

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[20]   See Kuhn T. S., *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1970).
[21]   See Mwagiru Makumi. *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publication, 2000) pp. 43-49, 109.
[22]   Backwesegha J. Chris, "The Role of the Organization of African Unity in Conflict Prevention, Management and Resolution in the Context of the Political Evolution of Africa" in *Africa Journal on Conflict Prevention, Management and Resolution, Vol. 1, No. 1* (January-April 1997) p. 5.
[23]   Quoted from *ECOWAS Mediation in the Liberian Crisis* (Lagos: ECOWAS, 1995) p. 8.

Structure of the OAU Mechanism

The OAU Mechanism was built around a Central Organ which was composed of the states, which are members of the Bureau of the Assembly of heads of states and government, elected annually on the basis of geographical representation, with the Secretary-General and the secretariat as its operational arm. It convened every month at ambassadorial level, twice a year at ministerial level, and once a year at the level of Heads of states and government. The choice of the Bureau emerged as the most popular over three other options: a recommendation to establish a new special committee of member states elected and charged solely with the purpose of dealing with conflicts.

It was argued that the Bureau had precedence over the committee because the former already existed and had regional representation, rotation and continuity. There was also the proposal by the then OAU Secretary-General to create an African Security Council based on the UN model. However, this option was rejected on the basis that it would accord permanent status to certain member states to the exclusion of others. It could not be made up of some heads of state without their constituting an inner elite, a notion that was eliminated explicitly by the first principle of the OAU Charter, declaring "the sovereign equality of all Member States". The third option was to revive the Commission of Mediation, Conciliation and Arbitration.[24] However, the majority of member states did not consider it necessary due to lengthy and costly judicial process.

Within the context of the Mechanism, the OAU was mandated to co-ordinate its activities closely with African regional and sub-regional organisations, such as the Southern African Development Community (SADC), and co-operate, where appropriate, with neighbouring countries with regard to conflict arising in the sub-regions. This was based on

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[24] See *Resolving Conflicts in Africa: Implementation Options, Series I* (Addis Ababa: OAU Press and Information Services, 1992) p.3.

the understanding that these regional and sub-regional organisations and countries were more familiar with local issues within the sub-region in question.

A number of studies has however questioned the accuracy of these claims and instead caution that regional organizations have only limited success at resolving the issues behind disputes. Such studies include David Mitrany who explored the relevance of unity through 'World State' or through functional evolution and the possibility of peaceful social change through functional co-operation across national borders that would involve the pooling of sovereignty.[25] Additionally, Joseph Nye examined the relationship between international regional organisations, international integration theory and their contributions towards a peaceful world order.[26] Nevertheless, regional and sub-regional organizations continue to increasingly participate in conflict mediation and prevention.

While the creation of the Mechanism theoretically was meant to place the OAU at the centre of conflict management efforts in Africa, the reality was that the OAU was an active member but at the peripheral. The UN and sub-regional organizations like ECOWAS and SADC took the lead in managing conflicts in countries such as Sierra Leone, Liberia, Lesotho and DRC. According to Muyangwa Monde and Vogt Margaret A."The reasons for the OAU's marginal role in these conflicts are three-fold: first, the OAU was relatively new to the field of conflict management and was still acquiring the necessary experience. Second, the number, intensity, scope and range of conflicts in Africa have often been overwhelming for the OAU Mechanism; and third, the OAU was still not able to overcome several of the financial,

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[25] See Mitrany D., *A Working Peace System: An Argument for the Functional Development of International Organisation* (New York: Oxford University Press, 1943) p. 122.
[26] See Nye J., *Peace in Parts: Integration and Conflict in Regional Organisation* (Boston: Little, Brown & Co., 1971) p. 191.

organizational and mandate related limitations that proscribed its conflict management role in the pre-1993 era.[27]

Additionally, the OAU was mandated to co-operate and work more closely with the United Nations, not only with regard to issues related to peacemaking, but also and especially those related to peacekeeping. Similarly, the OAU Secretary General was to maintain close co-operation with other relevant international organisations. The Declaration further realized that to be effective, conflict management meant co-operating with member states, NGOs, UN agencies, church-related organisations, media, academic and research institutions, and sub-regional organisations.

Significance of the Mechanism for Conflict Prevention, Management and Resolution

The OAU Mechanism was established to prevent, manage, and resolve conflicts in Africa. In circumstances where conflicts have occurred it was to undertake peace-making and peace-building functions in order to facilitate the resolution of those conflicts. It was also meant for seeking the assistance of the UN, under the general terms of its Charter in the event that conflicts degenerate to the extent of requiring collective international intervention and policing.[28]

From these objectives, it is obvious that the commonly repeated phrase "African solutions to African problems" had gained dominance in the emerging Mechanism. Upon conclusion of the Cold War, Africa's importance and relevance in global politico-strategic concerns of the west diminished. Barry aptly argues that, "Africa's geo-strategic significance had become marginal to the vital interests of the West. Europe, in particular, gradually diverted its attention away from Africa in favour of those regions of the world with which it

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[27] See Muyangwa Monde and Vogt Margaret A., *An Assessment of the OAU Mechanism for Conflict Prevention, Management and Resolution, 1993-2000* op. cit. p 2.

had closer cultural, economic and strategic connections.[29] Africans were to muster the courage and self-confidence to determine their individual countries' politics and economies by embracing the concepts and practice of collective structural transformation. Consequently, the end of the Cold War saw Africa being left to its own devices.

In practice, the emerging security management had several advantages. First, member states of the regional arrangements were likely to suffer the consequences of instability in their region most directly. Their nations would bear the cost of providing for refugees, sanctuaries for insurrectionist actions, would have to spend more on defence, and bear the cost of reduced economic growth. It was therefore in the interests of regional organization to preserve their regional peace, security and stability. This vital interest ought to translate into greater political will in order to ensure that stability was secured.

Secondly, members of a regional organization were likely to be more in tune with the conflict at hand, as they share the same cultural background and sometimes speak the same language. In some cases, personal relationships were developed among the leaders. Prior to the establishment of the Mechanism, Keohane argued that collective security initiatives all over the world thrived on a strong and willing leadership with the capacity to serve as a positive force for developing and nurturing a viable collective security arrangement. At the maximum, leaders were expected to assume a disproportionate burden of collective security projects or to serve as the paragons of compliance of the regime's rules, norms, and procedures.[30]

Thirdly and finally, the Mechanism under the regional organization, being in tune with its own area of interest may have provided a timely response based on better intelligence of a

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28 *West Africa* (July 12-18, 1995) p. 1198.
29 Barry Buzan, "New Patterns of Global Security in the Twenty-first Century" in *International Affairs 67, 3* (1991) pp. 431-452.

looming crisis. In paragraph 15 of the Declaration establishing the Mechanism, the Heads of states and government noted, "in circumstances where conflicts have occurred, it will be its responsibility to undertake peace making and peace building functions in order to facilitate the resolution of these conflicts. In this respect, civilian and military missions of observation and monitoring of limited scope and duration may be mounted and deployed.[31]

Institutional Conflict Management under the OAU Mechanism

The Central Organ of the OAU Mechanism

The framework for Conflict Management within OAU started with the adoption of the *Declaration on the Political and Socio-economic Situation in Africa and the Fundamental Changes Taking Place in the World*. This was when the heads of states and government agreed to establish a mechanism for preventing, managing and resolving conflicts, which was structurally centred on a central organ.[32]

The Central Organ became the most favoured structure and it assumed the overall direction and co-ordinated activities of the Mechanism in between Ordinary Sessions of the Assembly of Heads of states and government. The advantage of the Central Organ over the Bureau was that unlike the Bureau which meets once every year, the Central Organ meets regularly at three levels: annually at the Heads of States and Government level, biannually at the ministers of foreign affairs level and monthly at the level of ambassadors accredited to the OAU's level.[33] The Secretary General of the OAU, under the authority of the Central Organ and in consultation with the parties involved in the conflict, undertook efforts to take all

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30   Keohane Robert, "The Theory of Hegemonic Stability and Changes in International Economic Regimes" in Holsti O. and George A. (eds.), *Change in the International System* (Boulder: Westview Press, 1980) pp. 131-162.
31   As cited by Backwesegha, C., "The Role of the Organization of African Unity in Conflict Prevention, Management and Resolution in the Context of the Political Evolution of Africa" op. cit., p. 10.
32   Mwagiru, M., "The Organization of African Unity (OAU) and the Management of Internal Conflict in Africa" op. cit. p. 11.
33   See Berman E. G. and Sams E. Katie, *Peacekeeping in Africa: Capabilities and Culpabilities* (Geneva: United Nations Institute for Disarmament Research, 2000) p. 64.

appropriate initiatives to prevent, manage and resolve conflict. The Secretary-General and the Conflict Management Division function as the Central Organ's operational arm.[34]

All member states of the OAU could, and often did attend Central Organ meetings and participated as observers. Decisions were taken on the basis of consensus with little difference between members and non-members of the Central Organ.[35] The implications of this consensus-based approach to conflict resolution by the OAU in this analytical perspective is perceived to be ineffective, lacking in prescriptive guidelines for policy-makers, and harmful. This is so because the pursuit of mediated settlements can have the unintended effect of prolonging the conflict with civilian populations suffering most, while military action might have the effect of foreshortening the conflict by persuading those losing ground to accept a settlement.

Shearer questioned whether the consensus promoting strategy, based on impartial mediation and negotiation by the international community is appropriate in all cases. In particular, he suggested that what had been typified, as "warlord insurgencies" may be especially resistant to resolution by consent and negotiation.[36] It could have been important for the OAU to examine carefully and understand more about the limits (and possibilities) of consent-based strategies. In most civil wars, settlements followed military victory rather than political negotiations or mediated intervention, for example, the Rwandan war ended, not due to international mediation, but by the military victory of the Rwandese Patriotic Front (RPF).[37]

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[34]   For a detailed exposition of the modalities of the Mechanism, see *Method of Work of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution* (Addis Ababa: Central Organ Mec/AHG) 2 (1).

[35]   Cilliers J., "Peace, Security and Democracy in Africa: A Summary of Outcomes from the 2002 OAU/AU Summits in Durban" in *Occasional Paper No. 60* (Pretoria: Institute for Security Studies, September 9 2002).

[36]   Shearer David, "Exploring the Limits of Consent: Conflict Resolution in Sierra Leone" in *Journal of International Studies, Vol. 26, No 3* (1997) pp. 845-860.

[37]   Clapham Christopher, "Rwanda: The Perils of Peacemaking" in *Journal of Peace Research, Vol. 25, No. 2,* (March 1998) pp. 193-210.

A second assumption in the OAU's approach to conflict under the Mechanism was the idea that mediation was inherently a good thing and intended to fulfil humanitarian concerns. In reality, mediators were not neutral by-standers, and in Rwanda they may have created conditions which allowed extremist groups to organise genocide, while they (the mediators) were pursuing a negotiated settlement to which the Hutu extremists would not have subscribed.[38]

The President of Tanzania was the facilitator of the mediation peace process held in Arusha. Western nations were involved as well including Belgium, Germany, France, and the USA. The relevant regional actors were Tanzania, Uganda, Zaire and Burundi; as well as the appropriate regional and international organizations – the UN, the UN High Commission for Refugees and, perhaps most importantly, the OAU. The OAU was instrumental not only in bringing the parties to the bargaining table, but also in setting an agenda that addressed the root causes of the conflict.

As Adelman commented, this reflected a new willingness by the OAU "to transcend the previously sacrosanct prohibition on involvement in the internal affairs of member states and to develop mechanisms for conflict resolution to facilitate that involvement."[39] Tanzania's role in Arusha was later widely judged to have been that of an effective honest broker.

Another weakness of the Central Organ was that it lacked the requisite collective power to implement and/or enforce its decisions, for example the OAU's intervention into Burundi was stalled because the Burundian government opposed it. Further, UNITA failed to live up to the Lusaka Peace Accord, or the Comoros refused to enforce the OAU-mandated sanctions on the Anjouan separatist junta. All these show the organizational inadequacies of

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[38]   Ibid.
[39]   See Adelman Howard, *The Arusha Peace Process and the Rwanda Genocide* (IPEP-Commissioned Paper, 1999) p. 8.

the OAU's Central Organ, and explain in a large measure, the limited performance of the Mechanism.

The Peace Fund of the OAU Mechanism

The Peace Fund was essentially meant to support the functions of the Central Organ and to develop the Conflict Management Division. The Fund was divided into two: General Peace Fund and Special Contributions. Both proved to be a source of strength to the Organization.[40] The Peace Fund supported the OAU Conflict Management Division, set up in March 1992, to strengthen the capacity of the secretariat by researching and monitoring conflict situations.

The division was further tasked to gather and analyze information relating to conflicts, advice the Secretary General about the existence of given conflicts and advise him on the appropriate measures to be taken.[41] However, lack of financial resources greatly constrained the OAU's general performance in conflict management. Consequently, the OAU created Peace Fund to finance the Mechanism's operations. The Fund was to be supported by a fixed 5 percent of the OAU's regular budget as voluntary contributions from member states and other sources within or outside Africa.

Human Resource Requirements for the OAU Mechanism

A major issue for the Conflict Management Centre was the human resource needs. The Conflict Management Centre housed the Secretariat, which included the Situation Room Centre. This was like the nerve centre of the OAU's early warning system. The establishment of the early warning system was a timely step, but proper operation of the system was to be accompanied by qualified personnel. Berman and Katie pointed out that while the completion of the situation room in March 1998, fully equipped with computers, maps and

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[40]   The Peace Fund, established on June 1, 1993, suffered from the failure of OAU member states to pay their assessed contributions in full and on time. For a case study of the fund, See Berman E. G. and Sams K. E., *The OAU Mechanism for Conflict Prevention, Management and Resolution: An Important Step Forward - Paper Presented at the Twelfth Annual Meeting of the Academic Council on the United Nations System* (New York: June 16-18 1999) pp. 15-16.

communications equipment for early warning system use was important, what was most crucial is the analytical function of the data collected. Berman and Katie, however, observed that the Division lacked the personnel to take advantage of all the new gadgets at their disposal.[42]

The centre had a staff of only fourteen, which was too small to collect and analyse information about developments across the continent. Several recommendations were later advanced to the OAU as to how it could overcome this human resource shortfall. These include secondment of academic, diplomatic and military expertise from member states; ensuring that any grant proposal explicitly stated the expertise required with an emphasis on using African experts as facilitators.[43]

Conflict Management Centre of the OAU Mechanism

Early Warning Capacity

On the establishment of the Mechanism in 1993, the OAU decided that its primary task would also focus on the anticipation and prevention of conflicts. To achieve this new dimension, the OAU decided to establish an early warning capacity within the Conflict Management Centre. The task of the early warning system was to gather information and provide the OAU with advance notice of impending conflicts. Specifically, this Unit was mandated to carry out the following major tasks:

> 'First, to develop a database and analytical capability to keep track of and identify developments and events which could be precursors to violence. Secondly, to develop a communications capability to keep up with events throughout Africa and communicate with OAU teams that are assigned to work on specific conflict situations. Thirdly, to establish a 24-hour watch centre run by trained military officers. Fourthly, to develop a capacity to plan and co-ordinate peace operations in Africa.

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[41] See *Resolving Conflicts in Africa: Implementation Options*, op. cit. p. 49.
[42] See Berman E. G. and Sams K. E., *The OAU Mechanism for Conflict Prevention, Management and Resolution: An Important Step Forward* op. cit., p. 16.
[43] See Muyangwa Monde and Margaret A. Vogt, *An Assessment of the OAU Mechanism for Conflict Prevention, Management and Resolution, 1993-2000* (New York: International Peace Academy, 2000) p 21.

Fifth, to develop a network of national mediators at country level to respond quickly when violence threatens."[44]

To operate effectively and avoid replicating already existing information, the Early Warning Unit was linked to various"focal points'such as non-governmental organisations, UN, sub-regional organizations, member states, universities, journalists and others who were appointed by the OAU to act as providers and users of such of information. The OAU was to consider carefully issues such as the structure of the early warning capacity, the process by which it will gather information, its relationship to sub-regional organizations and co-ordination between the early warning system unit, decision-making and action.[45]

The information provided by the Early Warning Unit was directed to the Secretary General and his staff, as the OAU Central Organ, the Organisation's governing body. As such, *early warning* in this context consisted of an information system that could provide data and indicators to be used to forecast the emergence of conflicts and to indicate ongoing conflict. Some of the indicators identified include organised crime (both intrastate and transnational) as it impacts on democracy and the role of weapons, including legal and illegal build-ups, qualitative increase and public displays (for example, during military parades and national celebrations). Rupesinghe sees early warning as"information that can provide a timely alert to potential conflicts."[46]

An early warning system also serves as a useful management tool. The purpose of such a system will be to collect information and data on the social, economic, political, religious, cultural, educational, resource utilisation, and military situations as available in OAU member states. Kuroda however states that"early warning should not be an end in itself; it is a tool for preparedness, prevention and mitigation with regard to disasters, emergencies,

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[44] Ibid. p. 20.
[45] Ibid.
[46] See Rupesinghe K. and Kuroda M. (eds.), *Early Warning and Conflict Resolution* (New York: St. Martin's Press, 1992) pp. 23 -6.

and conflict situations, whether short or long-term ones."[47] The major objective of gathering and assessing such information was to reach an informed judgement and to make a responsible decision about an appropriate response.

Such a response could be planned in the direction of preventive diplomacy and also in the direction of early political action. Muyangwa Monde and Vogt Margaret A. however point out that, "Some heads of states may not have received the practise of early warning system very well. It gave rise to concern in some quarters that the collection and analysis of political and socio-economic data necessary for an effective early warning system could lead to criticism and repression of the forecasting agency particularly from those that are prone to react defensively to any criticisms."[48]

During the subsequent years, the OAU was engaged in a number of measures to translate early warning information into action. These included fact-finding missions, small preventive or observer missions (such as those of the UN and the OAU in Burundi and Comoros), and the use of a special envoy or a similar eminent person, evident in the DR Congo, where former President Masire was appointed as facilitator. The OAU was to put in place not only quality personnel with adequate surveillance and analytical capabilities, but equally important, the right technologies to access space-based information.[49]

The early warning analysis provided insights into developing conflicts and suggested intervention responses to critical organs, which were responsible for taking the necessary preventive actions. Early warning also served as preventive action when such a warning was shared with the protagonists to a conflict with the intent of tempering their conflict-generating activities, or when it is shared with a political decision-making body that can initiate prompt

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[47]   Kuroda M., *Early Warning Capacity of the UN System*, in ibid., p. 217.
[48]   Muyangwa Monde and Vogt Margaret A., *An Assessment of the OAU Mechanism for Conflict Prevention, Management and Resolution, 1993-2000* op. cit. p 20.
[49]   Alexander George and Holl Jane, *The Warning-Response Problem in Preventive Diplomacy* (Washington, DC: Carnegie Commission for Preventing Deadly Conflicts, 1997) p 1.

prevention action. In both Somalia and Rwanda there were early warnings of impending crises, but African institutions and the UN Security Council failed to act decisively even as the conflict escalated. The key then is to have an early warning system that is complemented by the political will, as the capacity of the OAU to act quickly and decisively.

Effective early warning combines historical, social, political and humanitarian information in order to forecast the dynamics of a particular conflict, and the instruments necessary to effectively address it before it reaches crisis proportions. An effective early warning system also requires overcoming two fundamental problems: the informational problem of obtaining both the necessary quantity and quality of intelligence in a reliable and timely fashion. Second is the analytic problem of avoiding misperceptions or faulty analysis of the likelihood of diffusions/ and escalation of the conflict, the impact on interests, and the potential risks and costs of both action and inaction. The need for the necessary personnel and technology comes to the fore.[50]

In 1999, the OAU admitted that "..years after the adoption of the Declaration establishing the Mechanism, the Central Organ still lacked adequate information to effectively predict, plan for, prevent and manage the complex and numerous conflicts that have plagued the region. It also lacks the capacity for in-depth analysis for strategic options on which to base its decisions."[51] During the same year, the OAU accepted the proposal of the USA based Fund for Peace for the provision of a specialized, tailor-made module to be used for the analysis of information and for the production of early warning reports. The Mechanism later established regional desks responsible for monitoring and analysing potential and actual conflict-related developments on the continent. By 2000, the Mechanism had established an Outreach Program with a Resolving Conflict Publication Unit as part of the Early Warning

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[50] Ibid.
[51] Muyangwa Monde and Vogt Margaret A., *An Assessment of the OAU Mechanism for Conflict Prevention, Management and Resolution, 1993-2000* op. cit. p 20.

Unit. The Publication Unit produced high quality reports and was responsible for ongoing analysis.[52]

Early Warning, For Whom?

The need for the exchange of information between and among countries, regional and international organisations and non-governmental organisations is indispensable. This such information is useful for improving controls over weapons proliferation and identifying trading routes, smuggling syndicates and modes of smuggling but also for developing an effective early-warning system to prevent the outbreak of conflict, in which weapons, while not being the cause, may exacerbate or prolong that conflict. The possible clients of early warning information and forecasts therefore could include four main entities, namely the OAU member states, the Secretary-General of the OAU, the OAU Central Organ.

These represent the obvious consumers of an early warning system that could be employed both to anticipate conflicts and even to avoid them by securing changes in the conditions identified as possible causes of such an impending conflict. Early warning should be directed at those parties that could best utilise it for a specific situation. Consequently, choices will be required on the part of those who assemble Early Warning reports. According to Gordenker, these choices are essentially political judgements about who will respond, in which way and for what reasons. In some instances, early warnings could have negative effects on conflict situations, or even on the organisation receiving the data.[53]

The OAU Conflict Mechanism: Strengths

Even though the OAU Mechanism has some conceptual problems emanating from its Charter principles especially Article 3(2), the Mechanism has not completely failed in its operation.

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[52] Ibid.

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One of the notable achievements was that the Mechanism gave the OAU Secretary General the powers to use his good offices to negotiate for the settlement of conflicts of internal nature. The OAU was able to bring the two warring parties of Rwanda into a negotiating table through the Arusha negotiations. Both of the GoR and RPF were actually the functions within the same state of Rwanda. Another significant development within the Organization was that of collaborating with sub-regional organizations. These organizations play vital roles, especially in giving up to date data on conflict situations in the regions and sub-regions in which they operate.

The OAU Mechanism differed from most of the previous attempts at conflict management in that it managed to identify a number of important elements crucial to its success, and that it successfully captured these in its basic policy framework. The first element is that the OAU Mechanism successfully challenged the principle of non-interference. It did this in two ways: on the one hand by making clear that "intervention of an international body could be justified in internal crises, which threaten regional stability."[54]

On the other hand, with the enhancing the OAU Mechanism for Conflict Prevention, Management and Resolution argument that the moral imperative takes precedence over the legal principle namely that human life is more sacred than state sovereignty. Thus OAU Secretary-General Salim has noted that: while the principle of the non-interference into the internal affairs of Member States remains sacrosanct, it cannot be taken literally and allowed to stand in the way of constructive action in the face of acute suffering and serious threat to

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[53] Gordenker L., "Early Warning of Refugee Incidents: Potentials and Obstacles" in Loescher G. and Monahan L. (eds.), *Refugees and International Relations* (New York: Oxford University Press, 1989) pp. 123-34.

[54] Cornwell R., "The Organisation of African Unity" in Gamba, V and Meek, S (eds), *Licit Response to Illicit Arms* (Midrand: Institute for Security Studies, 1998) p. 68.

human life. Conversely, a strong view is now held that human life being sacrosanct has to be

protected and preserved.[55]

Another development due to the Mechanism was that it 'gave the Secretary-General

the power to act whenever he anticipated an emerging conflict, without having to await the

instructions of the OAU Chairman or an invitation from another African head of state'. This

development was of crucial importance as it provided the OAU with the capacity to respond

timeously to any given emergency. A third and crucial element of the OAU Mechanism is its

acknowledgement that given its limited resources, it cannot engage in conflict resolution

unilaterally. The OAU needed to work in conjunction with subregional organisations such as

(ECOWAS, SADC, as well UN and civil society. The co-operation between sub-regions and

the OAU also extend to practical co-operation in peacekeeping and peace enforcement action,

for instance, when the OAU mandated ECOWAS to restore the civilian government in Sierra

Leone after President Ahmed Tejan Kabbah was ousted by a military coup on May 25, 1997.

These elements make up the basic pillars of the OAU Mechanism. They have re-

invigorated the OAU and have made conflict management the central focus of its work.

Despite all these there is still a need for an even more assertive and capable the OAU, one that

can make an even larger contribution to ensuring the kind of peaceful and stable security

landscape that is required for socio-economic development and prosperity.

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[55]   Salim S. A., *Africa at Crossroads* (Nairobi: Tom Mboya Lecture Series, 1992) p. 8.

Chapter Four

The OAU Intervention in the Rwandan Conflict (1990-1994)

Introduction

This chapter reviews the efficacy of the OAU Mechanism for Conflict Management and Resolution with a case study of the Rwandan Conflict. The Rwandan conflict, which is also referred as the Rwandan genocide of 1994, was the most destructive conflict that saw the death of approximately 800000 people. This conflict also challenged Article 3(2) of the OAU Charter, which prohibited the organization from interfering in the internal affairs of a state

Background of the Rwandan Genocide

Rwanda's population is made up of three groups: Hutus, Tutsis and Twa. These groups share a common language called Banyarwanda.[1] Twa were the minority and were good hunters and potters while the Hutus were agriculturist. Though less than the Hutus (85 percent) in number, the pastoralists Tutsis (14 percent) held most of the leadership positions.[2] The Rwandan genocide finds its roots European colonial practices such as the introduction of the identity cards. Europeans assigned Tutsis a higher status than Hutus due to their Caucasian resemblance.[3] This preferential treatment of Tutsis by colonialists generated tension between them and the Hutus. At the struggle for independence in 1957, the Hutus expressed their demand for change through Bahutu Manifesto in which they claimed to be the true Rwandese deserving the right to

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[1] Mbanda Laurent, *Committed to Conflict: The Destruction of the Church in Rwanda* (London: Hodder and Stoughton, 1997) p. 3.

[2] Nantulya Paul, "The Challenge of Managing Africa's Diversities and the Role of the The the OAU and Civil Society" in Bujra Abdalla and Hussein Solomon, (eds.), *Perspectives on the The the OAU/AU and Conflict Management in Africa* (Addis Ababa: ACARTSOD, CEN-SAD and DPMF, 2004) pp. 21-60.

[3] Mamdani Mahmood, *When Victims Become Killers* (Kampala: Foundation Publishers, 2001) pp. 7-8.

leadership positions. Hutus being the majority were granted their wish by Belgians in order to gain their support in resisting communism in Rwanda.[4] By independence in 1962 Rwanda was Africa's most densely populated nation, with ninety per cent of its population as subsistence farmers, thus, competition for land was intense.[5] The post-independence period was thus marked by ethnic violence between Hutu and Tutsi and Tutsi leading to refugee outflows mainly to Tanzania and Uganda. This situation continued deteriorating leading to a *coup d'etat* in 1973, when a Northern Hutu, Major Juvenal Habyarimana took over leadership.[6] His regime (1973-1993) was aimed at blocking the peaceful return of the Tutsi refugees who had spread to neighbouring countries of Burundi, Zaire, Uganda and Tanzania. Their desire to return to their country became a major political issue in the region. An army of Tutsi exiles called the Rwandan Patriotic Front (RPF) was formed in Uganda in 1979.[7]

The advent of multi-party democracy in early 1990s provided a channel through which popular discontent could be expressed as Rwanda was undergoing revolutionary transitions from single-party to multi-party rule, from dictatorship to democracy. Electoral competition, together with forced concessions to the rebel RPF, "threatened to deprive the Habyarimana regime and their cronies of their control of the state."[8] The regime responded to this situation by a co-ordinated material and discursive strategy:

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[4] Prunier G., *Rwanda Crisis: History of Genocide* (London: Hurst Company, 1995) p. 47.
[5] Human Rights Watch, *Leave None to Tell the Story: Genocide in Rwanda* (New York, Washington, London and Brussels: Human Rights Watch, 1999) p.45.
[6] Kamukama D., *Rwandan Conflict: Its Roots and Regional Implications* (Kampala: Fountain Publishers Ltd., 1997) pp. 20-25.
[7] *Rwanda the Preventable Genocide: The Report of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events* (Addis Ababa: IPEP/The the OAU, 2000) p. 40.
[8] Uvin P., "Prejudice, Crisis and Genocide in Rwanda'" in *African Studies Review*, 40, 2 (1997) pp. 91-115.

intimidation and murder of opponents and through propaganda by shifting the blame for

economic misfortune onto the shoulders of the Tutsi minority.[9]

Invasion of Rwanda

1990 marked the beginning of a civil war that had displaced one-tenth of the population

and widely disrupted agricultural activities by 1992. Rwandan government's position

not to permit the re-entry of Tutsi refugees into their homeland motivated them to

organise themselves in the country of refuge. The refugees in America held a Tutsi

Refugee Conference in Washington in 1988 and reaffirmed their full right to return to

Rwanda.[10] Those within the region, especially in Uganda, regrouped themselves in 1990

and formed the Rwandan Patriotic Front (RPF) with an aim of fighting for their return

and face out the ethnically based regime of Habyarimana.[11]

The RPF designed programmes meant to appeal not only to Tutsis but also to the

many Hutus alienated from the regime. To the Hutus, it promised democracy and the

end of nepotism, while to the Tutsis, it promised national unity, national army and an

end to a system that generated refugees. Aware of the internal squabbles within the

Habyarimana government caused by economic crisis that had weakened the national

army after the Structural Adjustment Programmes (SAPs), the RPF launched an attack

from Uganda. They had a large, well-organized force, led by former senior officer in

Museveni's NRA, Paul Kagame, on October 1, 1990. Predominantly Tutsi, many of the

9 Storey A., "Economics and Ethnic Conflict: Structural Adjustment in Rwanda" in *Development Policy* Review 17, 1 (1999) pp. 43-63.

10 Kamukama D., *Rwandan Conflict: Its Roots and Regional Implications* (Kampala: Fountain Publishers Ltd., 1997) pp. 30-35.

11 Zartman W., "African Regional Security and Changing Patterns of Relations" in Keller Edmond and Rothchild Donald (eds.), *Africa in the International Order: Rethinking State Sovereignty and Regional Security* (Boulder: Lynne Rienner Publishers, 1996) pp. 52-70.

RPF members were refugees or children of refugees driven out of Rwanda in the aftermath of the 1959 conflict.[12]

This attack marked the beginning of civil war in Rwanda as the government retaliated by arresting at least 8,000 Tutsis. In 1992, 300 Tutsis civilians were massacred in the south.[13] As the fighting continued, the RPF terrorised peasants, who fled their small plots, ending up in camps for the internally displaced.[14] Meanwhile, the government was still struggling with the Bretton Woods demands for the SAPs and the international demand for introduction of multiparty politics. A principal problem lay in the evolution of global commodity markets: between 1985 and 1992, the real world price of coffee (Rwanda's main export) fell by seventy-two per cent; between 1986 and 1992, the real purchasing power of Rwanda's export earnings fell by fifty-nine per cent.[15] The ensuing crisis in the state finances was a major reason for the adoption of a World Bank/ IMF-sponsored SAP in late 1990, which contributed to social tensions and fears.[16]

The leaders under the regime of Habyarimana chose to use the delay tactics and revival of ethnic hatred. According to Uvin, ethnicity was the tool used by the elite to unite the large majority of the population around the government, take the momentum away from the combat (RPF) and render election impossible.[17] The regime easily achieved the fame given the invasion of RPF, which also brought misery and death, rekindling the old images of Tutsis as being aggressive and dangerous.

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[12] Ibid.
[13] *Rwanda the Preventable Genocide.*, op. cit. p. 43.
[14] See Prunier, op. cit. pp. 321- 323.
[15] Woodward D., *The IMF, the World Bank and Economic Policy in Rwanda: Economic, Social and Political Implications* (Oxford: Oxfam, 1996) pp. 19-21.
[16] Stremlau J. and Sagasti F. R., *Preventing Deadly Conflict: Does the World Bank Have a Role?* (Washington DC. Carnegie Corporation, 1998) p. 12.
[17] Uvin Peter, *Aiding Violence: The Development Enterprise in Rwanda* (West Hartford: Kumarian Press, 1998) p. 63.

The Hutu newspaper named *Kangura* and the *Radio Télévision Libre des Mille Collines* (RTLM) launched campaign against the Tutsis.[18] The general population was encouraged into killing. Tensions reached a climax on April 6, 1994, when the plane carrying Rwandan President Juvenal Habyarimana and his Burundian counterpart, Cyprien Ntaryamira was shot, after which the genocide erupted. Fighting between the RPF and the Rwandan Defence Forces (*Forces Armées Rwandaises*) escalated and within a period of 100 days members of a radical Hutu militia group killed an estimated 800,000 Tutsi and Hutu moderates.[19] The RPF emerged victorious in July 1994 and leads the government in Rwanda to this day.

The Management of Internal Conflict in Rwanda: The Role of the OAU

The OAU played a prominent role in efforts to reach a peaceful settlement between the government and the RPF. This was initially done through mediation efforts between 1990 and 1992, of which the end result was the establishment of the OAU Observer Force to monitor the cease-fire. However, the Force was evacuated in 1994, when the much larger UN Force left the scene – revealing one of the main weaknesses of the organisation – even when it is willing, it may not have the capacity to act. The OAU was also active in the Arusha Peace Process in 1993.[20]

The Arusha Peace Process

Following the civil war that broke out in 1990, the government and RPF entered into negotiations in Arusha, Tanzania, with the aim of finding peaceful solution to the conflict. The Arusha were a set of five accords signed by the RPF and the Government of Rwanda (GoR). They began in July 1992 and concluded in August 1993, initiated by

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18 Mamdani Mahmood., op. cit. p. 190.
19 McCullum H., *The Angels Have Left Us* (Geneva: World Council of Churches, 1995) p. 16.
20 McCord E., *The Power of the Gun* (London: University of California Press, 1993) p. 3.

the OAU and facilitated by the government of Tanzania. Tanzania was seen as an "effective honest broker".[21] The Arusha peace process was the first major international response to the war in Rwanda. The subsequent Arusha Accords provided for an immediate cease-fire, the formation of a broad based transitional government with power sharing, incorporation of the RPA into the army and return of all refugees.

The core negotiations on the future peace agreement had participant-observer delegations from the OAU, five African states (Burundi, the then Zaire, Senegal, Uganda and Tanzania with its facilitation team) and four western countries (France, Belgium, Germany and the USA). The UN was brought in at the invitation of the OAU, while the UNHCR attended as observer. Britain, Canada, the Netherlands and the European Union – important members of the western donor community in the region – closely monitored the process from their local embassies. Nigeria was represented at the Arusha-linked Joint Political Military Committee (JPMC). The OAU maintained a high-level presence at the negotiations, with either a senior political officer or Secretary-General Salim himself representing the organization.[22] The efforts of the OAU appeared to pay off immediately, since only two days into the formal negotiations on July 10, 1992, a cease-fire was reached and an agreement was made for the OAU to deploy a Neutral Military Observer Group (NMOG) to monitor the cessation of hostilities.[23] Further, during this first phase another negotiating body was established: the JPMC. This was to act as a back channel to the official negotiations, where members of the two

[21] *Rwanda the Preventable Genocide* op. cit., p. 56ff.
[22] Ibid.
[23] "Mpungwe A. R., Crises and Response in Rwanda: Reflections on the Arusha Peace Process" in *Monograph 36: Whither Peacekeeping in Africa* (April 1999).

teams could meet to talk, complain, and hammer out the contentious issues in an informal atmosphere.[24]

The momentum from these positive developments continued into Arusha's second phase, which ran from August 7-18, 1992, and quickly saw consensus reached on the rule of law. Severe concessions from the Government of Rwanda, as evident in the Arusha III Protocol, became a trend during the subsequent negotiations of Arusha IV, V, and VI. During the fifth stage, for example, the RPF insisted that the *Coalition pour le Defense de la Republique* (CDR) – the most extreme, right-wing faction of the GoR group – be excluded from both the negotiations and any future government.[25]

The RPF got their way, and President Habyarimana's negotiating team was not only severely weakened, but his government, now reduced in numbers and voting power, was marginalized from "the new order". Eventually, on August 4, 1993, the last round of negotiations were concluded and celebrations broke out as President Habyarimana and Colonel Alexis Kanyarqenge, the Chairman of the RPF, signed the final agreement. Most importantly, the Government of Rwanda and RPF had come to agreement on issues that had been plaguing Rwanda for decades, namely: the principles of law, power sharing, the repatriation of refugees, and the integration of the military.[26]

The terms of the Agreement signalled a pluralist state and a civil society, and the idea of a people united by a common Rwandese nationality rather than divided along narrow lines into Hutu versus Tutsi. The Arusha Process aimed at ending war and constructing a post-war peace agreement. Thus, the primary criterion for success was to obtain the signatures of both parties on a peace agreement. This required a formula for

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[24] Adelman H. and Suhrke, A. (eds.), *The Rwanda Crisis from Uganda to Zaire: The Path of a Genocide* (New Jersey: Transaction Publishers, 1999) pp. 98 -108.
[25] Ibid p. 123

immediate power sharing and agreement on a broad range of issues mentioned already. The subsequent Arusha Accords signed in August 1993 were advantageous to the RPF.

The accords stripped considerable power from the once all-powerful president, then Juvenal Hapyarimana. Most of the power was vested into the Transitional Broad Based Government (TBBG) that would include the RPF as well as the five political parties that formed the coalition government in place since April 1992, to govern until proper elections could be held. As Cohen puts it, "such an arrangement could give the Tutsis an equal role in the power structure: their position of equality in the military would effectively neutralise Hutu majority political power."[27]

What is known as "Arusha III" settled issues concerning a new Broad-Based Transitional Government (BBTG). They stripped considerable power from the once all-powerful president and moved Rwanda from a presidential to a parliamentary system of politics. Most of the power of the Presidency would be transferred to Council of Ministers. Habyarimana – who was to occupy the presidency during the transition period prior to elections – was left with a ceremonial position. Most of the power was vested in the BBTG that would include the RPF and the five political parties that formed the coalition government in place since April 1992, to govern until elections could be held. During the transition period, seats in the council of ministers would be divided between the government and the internal opposition parties and the RPF.[28]

Of the 21 cabinet posts proposed in the new government, the former ruling party the *Mouvement Républicain Nationale pour la Démocratie et le Développement* (MRND) was given five posts. Although it would retain Defence and planning

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26 Stettenheim J., "The Arusha Accords and the Failure of International Intervention in Rwanda" in Greenberg M. C., Barton J. H., and McGuiness, M. E. (eds.), *Words over War: Mediation and Arbitration to Prevent Deadly Conflict* (New York: Rowman and Littlefield, 2002) pp. 213-236.

27 Herman Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent* (New York: St Martin's Press, 2000) p. 175.

ministries, it received marginal ministries which were politically insignificant like Family Planning and Promotion of Women. The regime would also lose power in local administrative structures and the judicial branch. The RPF got the Ministry of Interior, which gave it control over local administration; the Ministry of Youth, which meant power to organize and form the next generation of leadership, and thus possibilities for establishing structures competing with MRND's educational portfolio; and the Ministry of Rehabilitation and Social Integration, which entailed control over significant resources.[29]

The principal opposition party, *Mouvement Démocratique Républicain* (MDR) got three choice portfolios in its batch of four: the Prime Ministership, which was to be held by Faustin Twagiramungu; Minister of Foreign Affairs and Minister of Primary and Secondary Education. *The Parti Social Démocrate* (PSD) got the Ministries of Finance, Public Works and Agriculture while the *Parti Libéral* (PL) got the Ministries of Justice, Commerce and Labour. The *Parti Démocrate Chrétien* (PDC) was given one ministry. The Transitional National Assembly (TNA) was open to the RPF and other parties on condition that they signed a political "code of conduct".[30] The BBTG and TNA were supposed to be established no more than 37 days after the signing of the Accords, and the transitional period was not supposed to go beyond 22 months after which the general elections were to be held. Both parties asked the United Nations to assist in the implementation of the agreement.[31]

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[28] Ibid.

[29] Cf. *The Protocols of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government* (Arusha: October 30th 1992 and January 9, 1993).

[30] Ibid.

[31] Cf. Ibid.

Regarding the armed force, the Agreement called for a new-armed force with the government supplying 60 percent of the men while RPF supply 40 percent.[32] The rule of law[33] and repatriation of refugees and resettlement of internally displaced persons were also agreed upon.[34] The final Agreement was signed on August 4 1993.[35] Further attempts to make progress were defeated by several assassinations culminating in the assassination of Habyarimana and the then Burundi's Ntaryamira, when the plane carrying them was shot as it approached Kigali airport from Tanzania, after making an agreement to uphold the Arusha Accords, killing them both.

Critique of the Arusha Peace Process

In collaboration with the countries of the region, the OAU was instrumental in facilitating the Peace Agreement. For Salim, the Arusha Peace Process was a challenge to demonstrate that the OAU could make a critical contribution to conflict resolution in Africa. The OAU had just established the OAU Conflict Resolution Mechanism that would deal with internal and inter-state conflict. Formal approval was expected at the Cairo the OAU Summit meeting in 1993. Given the traditional the OAU sensitivities on internal affairs, it would have been agreeable to have a freshly mediated Peace Agreement to put before the summit.

Although the Agreement dealt with all the issues related to ending the war and opening up the political system, it did not rest on a new-found political consensus created by defeat, exhaustion or the emergence of new political forces. Prunier added that the Arusha Peace Process did not address the massacres against the Tutsi civilians.

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[32] Cf. *The Protocol Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of Armed Forces of the Two Parties* (Arusha: August 3, 1993).

[33] Cf. *The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law* (Arusha: September 18, 1992).

[34] Cf. *The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Refugees and the Resettlement of Displaced Persons* (Arusha: June 9, 1993).

[35] "Accord Ends 3-Year Civil War in Rwanda" in *The New York Times* (August 5, 1993) p. A12.

The power massacres by the Hutus continued, with the fear of the Arusha Peace Process succeeding and delivering power sharing.[36]

In addition, the Arusha Process did not deal with the losers to the Agreement. The exclusion of the extremist Committee for the Defence of the Republic (CDR) from the transitional government became a major issue in subsequent evaluations of the strength and weaknesses of the Arusha Accords. In spite of advice to the RPF from western states that it would be better to co-opt the extremists than exclude them, the CDR was not included in the power-sharing formula of the BBTG, nor allocated seats in the TNA. In fact, most observers at Arusha concluded it was unwise to exclude a major force in Rwandese politics, as this faction would have no stake in the successful implementation of the Accords. The hard-liners that surrounded Habyarimana – senior ministers in the MRND party, senior military figures in the armed forces and the Presidential Guard – were also denied power in the transitional institutions.

Habyarimana had demanded that the Hutu-extremist CDR be represented, but the RPF violently opposed, noting that the CDR was both extreme and a non-party. Through their spokesman, Colonel Bagosora, they threatened to end the negotiations when the power-sharing protocol was negotiated. At first, CDR refused to sign the Peace Agreement, but later decided to agree to the terms. Some diplomats shared the RPF assessment that the extremists were not interested in sharing power but bent on destroying the new political order that was drawn up.

The extremists called Habyarimana's signing of the Accords "an act of high treason".[37] This contributed to "the final version of the Arusha Accords reading like a

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36   Prunier G., op. cit. p. 170.
37   Des Forges A., "Leave None to Tell the Story: Genocide in Rwanda" in *Human Rights Watch* (March 11 1999) p. 9.

victor's deal, rather than a general settlement between relatively equal sides".[38] The

distribution of power agreed to at Arusha accentuated the dramatic nature of change.

The BBTG represented a frontal attack on the power base erected by the Habyarimana

government during his twenty years of ruling the country, a denial of authoritarian rule,

of Hutu power, and especially north-western-based Hutu power – which was the

political backbone of the regime.

Thus, as the Arusha process laid the groundwork for a virtual political revolution

in Rwanda, the Hutu extremists planned their own bloody, reactionary vision of change.

Links between the civil violence and the peace process became more explicit. At every

important juncture and setback for the government, the Tutsi were murdered.[39] In

February 1993, the RPF launched a major offensive to break Habyarimana's opposition

to the power-sharing formula of the BBTG protocol, and to protest the massacre of 300

Tutsi in Bugogwe. The offensive shocked Kigali and threw the government forces into

disarray. Rebel troops fought within 23 kilometres of the capital, despite the fact that

France sent a small contingent of paratroopers to reinforce government troops.[40]

RPF's victories showed their military superiority; anticipation of success on the

battlefield was possibly a factor in the RPF's decision to undertake the offensive on the

eve of the scheduled talks on military matters at Arusha. Others saw the violence more

radically as an attempt to derail the entire peace process. In this view, a speedy

implementation of the Agreement seemed the best means to control its violent

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[38] Adelman H. and Suhrke A. (eds.), *The Rwanda Crisis from Uganda to Zaire: The Path of a Genocide* op. cit. p. 149.
[39] See Muyangwa Monde and Vogt Margaret A., *An Assessment of the The the OAU Mechanism for Conflict Prevention, Management and Resolution, 1993-2000* (New York: International Peace Academy, 2002) p. 9.
[40] Cf. "Violence Follows Peace Agreement in Rwanda" in *Africa Report* (March-April 1993).

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opponents. Mamdani states that "the Arusha Agreement was signed stillborn, mainly because it failed to take account of the extremist CDR".[41]

Furthermore, the Arusha peace process focused more on the ethnic parameters of the conflict while overlooking other important causes, such as pervasive unequal land ownership, decreasing international value of agricultural commodities and deepening rural poverty. However, effective interventions in conflict are only possible when all sources of conflict are recognised, and the dynamics between these understood.

Habyarimana's sincerity during the negotiations is also doubtful. Before the divisive issues of refugees and army integration had been negotiated, he called the Arusha Accords mere "pieces of paper" in his famous November 15, 1992 speech.[42] Probably, this explains why the opposition Foreign Minister, Boniface Ngulinzira led the government delegation. The talks were halted in September, but when they resumed, Ngulinzira was negotiating without the authority of the President, as an observer delegation noted. Some observers feel that Habyarimana did not do more to prevent internal divisions because he had never intended to abide by the outcome of the talks.[43]

In addition, Museveni's decision to distance himself formally from any involvement in the civil war, and in particular, deny that arms were crossing the border in violation of international norms angered the RPF. During RPF's February 1992 offensive, Museveni wrote to the Security Council, inviting the UN to deploy observers along the Uganda-Rwanda border to verify that Uganda did not aid the offensive. This request, which resulted in Resolution 846 (1993) that established the United Nations

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[41] Mamdani Mahmood, op. cit., p. 211.
[42] *Rwanda the Preventable Genocide*, op. cit. p. 85.
[43] Ibid.

Observer Mission Uganda-Rwanda (UNOMUR), was seen as a betrayal by some factions in the RPF.[44]

Hoping to secure at least continued control over the armed forces, the government opened the bid in negotiations on integration of the armed forces by offering the RPF a mere 20 percent share of the joint army. However, RPF rejected, thus the government was forced to accept a modified scheme that split positions in the joint command not only at the high command level, but also all the way down to field commanders, which narrowly favoured the government in a 60-40 distribution of troops.

It was hard for the government to accept this and related military issues, which were conducted when the military position of the government deteriorated sharply. Over 20,000 government troops would be demobilised, more than twice the figure for the RPF. While the government soldiers had demonstrated little enthusiasm for fighting, especially during the 1993-RPF offensive, demobilization seemed even less attractive.

The Arusha Agreement produced profound changes, which were registered as defeats by the government and especially by hard-liners in Kigali. This can be attributed largely to the balance of power between the parties. The RPF negotiating team was extraordinarily strong, with discipline, preparedness and commitment in stark contrast to the fractionalized, ill-disciplined, and ineffective government team, which was composed of some Habyarimana allies, led by opposition party members, and obstructed by recognized members of extremist factions, which were also at Arusha. The internal divisions in government side produced a settlement skewed in favour of the rebels.[45]

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44   The letter of Feb. 22, 1993 suggested 20-30 observers, a symbolic force for a 150-km long border.
45   Prunier G., op. cit. pp. 170 ff.

In reality the negotiations were flawed, and those flaws would prove divisive when it came to implementation. This explains why even after the signing of the Agreement, hostilities continued. The institutional barriers that arose out of the Government of Rwanda's internal structure and forces such as the *akazu* were perhaps the most serious impediment to a successful conclusion in the Rwandan peace process. As Lewicki et al, note, parties enter into negotiations with the expectation that both sides will be making some concessions that there will be give-and-take.

Thus, when one team refuses to make any substantial concessions, it not only results in a tangible loss for the other, but also signifies a lack of respect and recognition towards their interests and legitimacy.[46] The barriers weakened the bargaining ability of the Government of Rwanda to such an extent that the team was unable to achieve any significant gains during the peace process, which left the extremists, and even many moderates, unsatisfied when the time came to implement the agreement.

The OAU Observer Force

The Arusha Peace Process arranged for the deployment of a 50-member Neutral Military Observer Group I (NMOG I) to monitor the implementation of the resultant cease-fire in Rwanda. Despite isolated cease-fire violations, NMOG successfully maintained some degree of stability until October 1993, when the operation was handed over to the UN. In early August 1993, NMOG I was replaced by an expanded NMOG II force composed of 130 personnel to operate as an interim measure pending the deployment of the neutral international force. The critical twenty-two month transitional period immediately following the signing of the Arusha Accords was to be overseen by

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[46]   Lewicki R. J., Saunders, D. M., and Minton J. W., op. cit., p. 102.

a UN force on the ground, which was supposed to arrive thirty-seven days after the conclusion of negotiations.[47]

The OAU Secretariat felt that a rapid response was necessary to stabilize the cease-fire and pave way for a larger international presence as the prospects for a full peace agreement drew near. The RPF had expanded the buffer zone to be monitored. The NMOG was made up of only 50 men who could not effectively monitor even the smaller buffer zone, but the OAU was unable to raise funds for a larger force. Yet the NMOG was much too small to carry out its mission. The head of field operations, the Nigerian Col. Ihekir, told a UN good-will mission sent to Rwanda by the Secretary-General in early March 1993 that he needed at least 400 men to do the work effectively.[48]

Turning to the UN for assistance in March 1993, Salim twice pursued the matter in writing to the UN Secretary-General and personally presented the case to the Security Council members and a detailed proposal to a special envoy of Boutros-Ghali who visited Addis Ababa. His goals were modest: the maximum option was for an the OAU force of 500 men at an estimated cost of US$ 2.5 million per month. After preliminary discussions with the Security Council, the Boutros-Ghali's response was that the request for UN logistics and financing "could only be entertained if the operations were under UN command and control."[49] This went against the OAU's wishes to develop a field presence so as to complement its mediatory efforts in Arusha, and demonstrate that African states indeed took an active part in solving African problems.

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[47] Des Forges A., "Leave None to Tell the Story: Genocide in Rwanda" in *Human Rights Watch* (March 11 1999).

[48] Cf. Tekle Amare, *The The the OAU and Conflict Prevention, Management and Resolution* (Asmara: 1995).

[49] *Report of the Meeting between Dr. Salim Ahmed Salim, The the OAU Secretary-General and Mr. James Jonah, UN Under Secretary-General for Political Affairs* (Addis Ababa: The the OAU May 25 1993) p. 2.

Furthermore, the larger question concerned the role of the respective organizations in an eventual peacekeeping force in Rwanda. Since late 1992, the French Ambassador to the UN had been lobbying the Security Council for a post-war UN military presence in Rwanda. In early 1993 – and especially when the RPF offensive in February pushed Rwandese government forces back – the French efforts had become very insistent. From a French perspective, such a force would at best check the RPF's advance and provide a breathing space for the government both by positioning itself between the two belligerents and by monitoring the border between Uganda and Rwanda. At the same time, a UN force would have been an answer to increasingly insistent demands from the RPF that French forces withdraw. The government of Rwanda, which had been elected to the Security Council, was generally ineffective, but supported France on this issue. The OAU was, with some reason, regarded as partisan towards the RPF and unable effectively to monitor or maintain the military status quo. Since France was promoting a UN force, the RPF wanted the OAU command.

Travelling to Dar-es-Salaam for a summit meeting on March 5-7 1993, Salim nevertheless obtained approval from both the Rwandese parties to move ahead with an expanded the OAU monitoring force. Two days later, the initiative was effectively upstaged in the UN Security Council. France introduced a resolution proposing a UN peacekeeping force for Rwanda, operating in conjunction with the OAU.[50] Non-aligned members of the Security Council and some European states cautioned that French efforts might be viewed as an attempt to salvage its influence in Rwanda and warned against sidelining the OAU.

While the language of the resolution was softened, the signals given to the OAU became clearer as every effort of Salim to increase the monitoring function of NMOG

were rebuffed. The US, Belgium and the UK suggested to the UN Secretariat that they were ready to support the OAU on a bilateral basis. France was said not to be enthusiastic, making reference to the UN's role in Rwanda. The OAU Secretariat was sceptical. Earlier promises of bilateral assistance to NMOG had either not been realized, or funds were tied to conditionality that prevented their disbursal.[51]

Boutros-Ghali sided with UN, despite formal deference to the importance of regional initiatives in conflict resolution. Apart from insisting on UN command and control, he added that any discussion of UN assistance would have to await the outcome of the Arusha talks. In the meantime, plans for a UN peacekeeping force went forward. In a letter to Salim dated April 1, 1994, Boutros-Ghali did not mention that, on the same day, he had effectively upstaged his the OAU counterpart by ordering his top military advisor. General Maurice Baril, to travel to Rwanda and Uganda to prepare for a UN monitoring force in the border area. The Baril mission resulted in the establishment of the UNOMUR.[52]

In the face of these discouraging messages, the OAU abandoned efforts to play a significant role in the monitoring and implementation of the Arusha Peace Agreement. This raised important questions concerning the working relationship between the UN and the OAU and its impact on subsequent events in Rwanda. the OAU had limited experience in peacekeeping and had problems funding even a small military observer group. It was wholly dependent upon the UN to provide logistics and finance. Yet, the UN and key Security Council members discouraged it from taking a larger role.

In October 1993, the Security Council established United Nations Assistance Mission for Rwanda (UNAMIR) through resolution 872 (1993), to help the parties

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[50] S/25400 (1993).
[51] Report of the Meeting between Dr. Salim Ahmed Salim, The the OAU Secretary-General and Mr. James Jonah, UN Under Secretary-General for Political Affairs op. cit.

implement the Arusha Agreement, monitor its implementation and support the transitional Government.[53] NMOG was ultimately incorporated into the UNAMIR. UNAMIR's demilitarized zone sector headquarters was established upon the arrival of the advance party and became operational on November 1 1993, when the NMOG II was absorbed into UNAMIR. Deployment of the UNAMIR battalion in Kigali composed of contingents from Belgium and Bangladesh was completed in the first part of December 1993, and the Kigali weapons-secure area was established on December 24.

The United Nations solicited troop contributions, but initially only Belgium with a half a battalion of 400 troops, and Bangladesh with a logistical element of 400 troops, offered personnel. It took five months to reach the authorized strength of 2,548. Due to many unresolved issues between the parties, implementation of the Agreement was delayed.[54] Consequently, the inauguration of the transitional Government never took place.[55]

The assassination of the then presidents of Rwanda and Burundi set off a tidal wave of political and ethnic killings. The Prime Minister, cabinet ministers and UNAMIR peacekeepers were among the first victims. The killings, targeting Tutsi and moderate Hutus, were mainly carried out by the armed forces, the presidential guard and the ruling party's youth militia, as subsequently confirmed by the Special Rapporteur on Rwanda of the United Nations Human Rights Commission. The RPF resumed its advance from the north and the east of Rwanda.

An interim Government was formed but failed to stop the massacres. With the RPF's southward push, the number of displaced persons and refugees' increased

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[52] Ibid.
[53] "U.N. approves troops for Rwanda" in *The New York Times* (October 6, 1993) p. A17.
[54] "New government is delayed as violence rocks Rwanda" in *The New York Times* (February 24, 1994) p. A13.
[55] Prunier G., op. cit.

tremendously. On April 28 alone, 280,000 people fled to Tanzania to escape the violence.[56] Others went to the then Zaire. The United Nations and other agencies provided emergency assistance on an unprecedented scale. UNAMIR sought to arrange a cease-fire, without success, and its personnel came increasingly under attack. After some countries unilaterally withdrew their contingents, the Security Council, through Resolution of April 21, 1994, reduced UNAMIR's strength from 2,548 to 270.

Despite its reduced presence, UNAMIR troops managed to protect some Rwandese who took shelter at sites under UNAMIR control. The Security Council adopted Resolution 918 (1994) of May 17, 1994, which imposed an arms embargo on Rwanda, called for urgent international action and increased UNAMIR's strength to 5,500 troops. But it took nearly six months for the states to provide the troops. To contribute to the security of civilians, the Council adopted Resolution 929 (1994) of June 22, 1994, which authorized a multi-national humanitarian operation, under Chapter VII of the UN Charter. French-led multinational forces carried out "Operation Turquoise", which established a humanitarian protection zone in south-western Rwanda. The operation ended in August 1994, after which UNAMIR took over in the zone. In July 1994, the RPF forces took control of Rwanda and established a broad-based Government. By October 1994, estimates suggested that out of a population of 7.9 million, at least half a million people had been killed, while some 2 million had fled to neighbouring countries while other 2 million were internally displaced.[57] UNAMIR's left on March 8 1996, when its mandate ended.

Chapter Five

Critical Analysis of the OAU's Mechanism For Conflict Prevention, Management And Resolution

Introduction

This chapter offers a critical analysis of the OAU conflict management as examined in the last four chapters. Chapter One laid down the format and gave the theoretical framework that guided this study in exploring the OAU's conflict management approaches. It is through Burton's World Society paradigm that this analysis is undertaken. It is only by means of an in-depth understanding of the theoretical framework that an all-embracing analysis can help to link theory and practice.

As discussed in Chapter One, Burton viewed the society as an environment where the behaviour of individuals, groups, nations and states occur. He further considers perceptions, values and strategies of conflict resolution as being central to World Society and transcends state boundaries.[1] Using this theoretical framework, this study explained the OAU's mediation in the Rwandan conflict while considering all the actors and their values, fears and perceptions.

Chapter Two evaluated the disharmony arising from the OAU conflict management principles under article 3 of the OAU Charter. It observed that the OAU's conflict management was based on its principles of the sovereign equality of states, non-interference in internal affairs, the territorial integrity of member states and African solution to African problems. It further observed that traditionally, the organization refrained from managing intra-state conflicts on the basis that doing so would be against its Charter's vision of non-interference. The outcome was that the OAU created a

dichotomy between internal and inter-state conflicts,[2] with the organization managing only those it referred to as inter-state conflicts. This notion was however challenged by the changing events in the international society such as the advancement in technologies, polarity of borders, internationalisation of human rights and internationalisation of conflict.

The OAU's Conflict Mechanism for Conflict Prevention, Management and Resolution, a mechanism set up by the OAU in 1993 to adapt to the post-Cold War changes was examined in Chapter Three. Despite the establishment of the mechanism, the organization did not effectively manage the Rwandan conflict. The mechanism kept the non-interference principle of its charter.[3] Also the OAU was in financial problems and this inhibited its functions.

Chapter Four assessed the OAU's intervention in the Rwandan conflict up to 1994. The intervention was, however, hindered by factors such as its lack of enforcement, funds, and other logistics. The design of the intervention was traditional as the organisation adhered to the OAU's charter principles and did not consider the nuances of the Rwandan situation, nor account for the rapidly shifting dynamics of conflict and peace in the country.

This chapter will critically assess issues of the OAU's Mechanism For Conflict Prevention, Management And Resolution. To illustrate this effectively, emerging issues from the Arusha peace processes that attempted to resolve the Rwandan conflict under the OAU shall be utilised. All these shall be done under the lense of the *cobweb* model of world society paradigm, which challenged the traditional, the OAU's approaches. In

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[1]   See Chapter One, "Theoretical Framework"
[2]   Mwagiru Makumi, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publication, 2000) p. 143.
[3]   Ibid. p. 152.

doing this critical analysis, this Chapter will also utilize theories such mediation theories and conflict management.

A Critical Analysis

The OAU Conflict Management

The OAU's intervention in the Rwandan conflict revealed the following critical issues. First, the OAU was instrumental in bringing the parties to a bargaining table and setting the agenda that attempted to address the causes of conflict. The organisation however still held dear its conflict management Charter principles, which were based on the Cold War era.[4] In the immediate post-Cold War period, the OAU was still firmly rooted in its ideal to protect state sovereignty and its unwillingness to intervene in the internal conflicts of member states. Yet, many of the conflicts that Africans were trying to deal with were intra-state. They threatened to destabilise neighbouring states.

Its stance on sovereignty was perhaps the main weakness of the OAU when it came to conflict management, it threatened to render the organisation irrelevant in the new international environment. The OAU's conflict management during and after Cold War was still based on its Charter principles of the sovereign equality of states, non-interference in internal affairs, the territorial integrity of member states and African solution to African problems.

A second issue that emerged from the study was that the establishment of the Mechanism for Conflict Prevention, Management and Resolution in 1993 was a great leap forward in terms of the OAU's conflict management. Although the OAU principle of non-interference in internal affairs was restated, the Mechanism was charged with the task of dealing with internal conflicts in the region. The establishment of the Mechanism was an attempt by the OAU to shift from an *ad hoc* to a systematic

approach to conflict resolution. The mechanism was meant to allow the OAU to intervene in what was formerly considered internal conflict.[5] The establishment of the mechanism did not help the OAU in addressing the Rwandan conflict. The problem is that the mechanism still operated in the climate where non-interference was still considered to be a cornerstone of conflict management in Africa.[6]

A major question however is why despite the establishment of the mechanism was the OAU unable to resolve the Rwandan conflict? The establishment of the mechanism was theoretically a fundamental development in the practice of the OAU because the organization could intervene in internal conflicts of member states. This was a challenge to Article 3(2) of the OAU charter which calls for non-interference into internal affairs of member states.[7] During the Cold War, the OAU dogmatically interpreted Article 3(2) and created a dichotomy between internal and international conflicts. The end of the Cold War brought in many changes to the approaches of conflict management, it witnessed the proliferation of internal conflicts, which later got internationalized.

The internationalisation of internal conflict brings the concept of conflict system, which is a critical issue in conflict management. Conflict management initiatives should not concentrate only on a particular conflict but should take into account the conflict systems in which that conflict belong. Conflict system approach to conflict management ensures that all interested parties are catered for. The conflict management that does not engage all interested actors within the conflict system is unlikely to succeed or to endure.[8]

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4   See Chapter Two for a detailed discussion of the OAU's principles.
5   See Chapter Three, also Mwagiru M., *Conflict: Theory, Processes and institutions of Management* op. cit., p. 152.
6   Ibid.
7   See Chapter Two for detailed discussion on the principles of OAU.
8   Mwagiru M., *Conflict: Theory, Processes and institutions of Management* op. cit., pp. 71-85

If actors who have direct interest in the conflict are not involved in its management, their interests are unlikely to be catered for. The effect of this is that they can later sabotage any agreement reached. Conflict system approach to internal conflict recognises that internal conflict acquire international characteristics. This means that conflict managers can borrow from wide spectrum of conflict management methodologies of international conflict management. This approach gives conflict mangers and other third parties a more sophisticated view and appreciation of the conflicts.[9]

The third critical issue linked to this factor is the OAU's management of the Rwandan conflict was through peaceful negotiations. The mediation efforts of the OAU in the Rwandan conflict were often reactive responses. This means that the OAU waited until the conflict was about to explode before it would intervene. These late interventions were dangerous because they happened when the conflict system had become more complex, the new actors entering into the conflict brought in new values and interests. It also raises the possibility of not being able to convince the disputing parties to change their perception of each other or to replace a confrontational approach with accommodation.[10] Touval et al further states that

> "... mediator's intervention is most propitious when a "hurting stalemate" develops. This is a situation that is very uncomfortable to both sides, and that appears likely to become very costly. Such a situation induce policy changes, either toward a greater investment of resources and an escallation of hostilities in the hope of tilting the scales in mediator's intervention at such a moment can influence the decision towards de-escalation, concession and compromise"[11]

The efforts of the OAU in Rwanda led to some short-lived settlement of disputes between the RPF and the Government of Rwanda. The initial mediation effort done

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9   Ibid., pp. 69-70.
10 Touval S. & Zartman I.W. (eds), "Introduction: Mediation Theory" in *Mediation International Mediation in Theory and Practice* (Boulder, Co.: Westview press, 1985) p. 254.
11 Ibid. p. 16

between 1990 and 1992 resulted in the establishment of an the OAU observer force to monitor the cease-fire. Arusha peace processes, which followed later, focused more on the ethnic parameters of the conflict while overlooking other important causes, such as unequal land ownership, decreasing international value of agricultural commodities and deepening rural poverty. However, effective interventions in conflict are only possible when all sources of conflict are recognised, and the dynamics between these understood.

The fourth critical issue is that effective interventions in a conflict are only possible when all sources to a conflict are recognised, and the dynamics between the conflicting parties are understood. This is what the world society paradigm advocate. Ensuring that the management process was inclusive and involving all affected parties was important for the OAU conflict management in the Rwandan conflict.

Another factor of importance is the fact that the OAU has always had financial problems and this inhibited its functions. Because of these, the OAU was not even able to institute a research and early warning system. Also, as observed in Chapter Three, the Conflict Management Division of the OAU consisted of the OAU Early Warning System (EWS).[12] This was established with the mandate of detecting, evaluating and predicting a conflict so that the would-be victims are forewarned in order to allow them to take the necessary early response. This ought to have prepared the OAU to handle conflicts in a non-reactive manner. Incidentally, the EWS developed some problems as it lacked centralisation, which would allow faster gathering of data from all member states.

The greatest success of the Arusha peace process was the manner in which it attempted to restore trust and confidence among Rwandans of different ethnic groups

through addressing all the key areas in detail which had contributed to the conflict situation in Rwanda over decades. These were democracy, power-sharing, transitional government, the integration of the armed forces, and the return and rehabilitation of refugees. This was largely made possible by adopting a negotiation strategy, which encouraged the parties to negotiate issues directly in view of achieving a clear and common understanding on every issue that was negotiated.

The Institutional Frameworks of Internal Conflict Management

The end of the Cold War brought in many changes to the approaches to conflict management. As the internal conflicts get internationalized, many players are bought into the scene, either as actors, conflict managers, or as affected people. Due to the complexity of conflicts, there is also a need to depart from the traditional realist paradigm to explain the involvement of all parties in conflict.

This is because states, which realism considered to be the main actors in international politics are no longer the only actors. There exist other actors like individuals and regional organisations such as the OAU. In order to understand the underlying texture of international relations and politics, it is necessary to depart from the traditional realist paradigm and accommodate other actors. The same is true for one intending to understand the relations resulting from the management of the Rwandan conflict.

The management of internationalized Rwandan conflict was a complex process. The conflict had led to breakdown of legitimate institutions and governance, widespread suffering and massive population displacements. The management of such complex conflict often involved and required a range of responses from the international community, assistance by officials and private agencies. A complex emergency tends to

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12 Mwagiru M., *Conflict: Theory; Processes and institutions of Management* op. cit., p.152

be very dynamic, characterized by rapid changes that are difficult to predict. Thus, complex issues ought to be raised regarding the timing, nature and scale of response. The Rwanda conflict shares all these characteristics and more.

Further, conflict mangers that come into the conflict environment brought in new values, interests and loyalties. Wall notes that mediation process includes the immediate parties to the conflict, the mediators and the constituents of both the parties and the mediators. Conflict management should include all the parties who affect or are affected by the conflict, peace process and the outcome of the peace process.[13] Due to the complex nature of internationalized conflicts, the management frameworks must reflect the complexities. The management must consider the relationship of the actors and issues in the conflict and its environment, those between internal and external actors and the relationship between actors.[14]

The world society paradigm helps the analyst to understand that there is a valuable relationship between all actors in international affairs. Accordingly, when one is looking at the roles played by states, multi-national co-operations and individuals and the functions played by the relationships between these parties must be considered. A conflict arising from internal factors affect all the people within that society and beyond.

Consequently, the management processes of such conflicts must reflect on strategies that ensure that the outcome of efforts is lasting. This may explain why for example, the OAU changed its tactics and strategies of managing internal conflicts. The OAU created a mechanism that was more meant to be flexible in tackling matters

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[13] Wall J. A., "Mediation: An Analysis, Review and Proposed Research" in *Journal of Conflict Resolution, Vol. 25* (1981) pp 157-180.
[14] See Chapter One for a detailed discussion on theoretical framework.

formerly considered internal affairs of states.[15] This change in approach by the OAU was to make it easier to assess and intervene in conflicts as they occur within the region. That is why for example sub-regional organization such as ECOWAS was tasked to deal with some of the internal conflicts in Western Africa.

The OAU Mechanism intervening in the conflict would wish to have a situation in which each conflicting party must attempt to change their perception of the situation, assuming that the perception of all parties involved are open to change. The mechanism realized that the best way to ensure a resolution of conflicts is to involve all interested parties in the conflict management process. Realising that unless all the relevant and significant actors are involved in conflict management there can be no lasting solution as those sidelined can sabotage any outcome. Unfortunately, the management by the mechanism resulted in conflict settlement rather than a resolution.

The Arusha negotiation processes, which lasted for thirteen months, had all the time that was needed to tackle every piece of detail which helped to remove fear, distrust and hatred. The process attempted to built confidence and trust in an evolutionary and incremental manner among the parties to the conflict.

The enduring relationships could have only occurred if the OAU frameworks prepared a pre-management framework in which matters critical and essential to the conflict were brought to the attention of conflict managers. Also, ensuring that the management process was inclusive and involving all affected parties was important for the OAU conflict management. Finally, is the issue regarding post management frameworks to confirm resolutions passed during the management process are followed and adhered to by all parties.

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[15]   See Chapter Three for a detailed discussion on the Mechanism.

The Role of the OAU's Institutional Approaches in the Management of Rwandan Conflict

Chapter Four of this study examined the role of the OAU in the management of internal conflict in Africa with the case study of Rwanda. To achieve this broad objective, a critical analysis of the Arusha peace process was undertaken.[16] The analysis revealed the following: Firstly, institutional approach to conflict management was reactive and thus similar to *ad hoc* non- institutional approaches commonly practised during the Cold War.[17]

The second finding was that institutional approaches to internal conflict management complemented the non-institutional set up, but institutional management acted as emergency efforts in the management of conflicts. Institutionalised peaceful negotiations provided the space for conflicting parties to start to talk with a hope of settling the disputes peacefully.

A third finding was that institutional approach provided a suitable platform from which to intervene. At that stage, it was brought to the attention of the parties to the conflict that no meaningful peace negotiations could start unless a working cease-fire was in place. However, while the Arusha peace process was on there continued hostilities in Rwanda. This shows that the OAU was not able to make parties comply to the requirements of the OAU's conflict management mechanism. Besides outlining modalities for the cessation of hostilities, the cease-fire agreement also provided for a monitoring role to be played by the OAU, through the deployment of a Neutral Military Observer Group (NMOG).

Tying up the Emerging and Contending Issues across the study

The study analyzed the contributions of the OAU's Mechanism to the management of internal conflicts. It investigated the factors that led to its establishment in 1993, and

critically analyzed its effectiveness with regard to Rwandan conflict. From the study, a number of issues were noted: firstly, the OAU played a reactive role in the management of conflicts. It waited until conflicts erupted and then it intervened. Its methods were also slow and ended up in reaching settlement rather than resolution of conflicts. The OAU failed to address the fundamental issues, interests and values that contributed to the eruption of Rwandan genocide.[18] Once the conflict was settled then the OAU did not follow up.

Secondly, even after the establishment of the OAU Mechanism, the OAU still held to its principle of non-interference in internal affairs of a member state under article 3(2) of the OAU Charter. Thirdly, the OAU was faced with financial constraints, which inhibited its effectiveness in resolving the Rwandan conflict. The forth finding was that sub-regional management of conflict could be more effective than the OAU because when conflict arise in a region, it is presided over by the concerned actors in a sub-region.

The principle of African solutions to African problems resulted from the need for Africa to deal with its own problem without involving external actors.[19] According to this principle, conflicts and disputes among African states should be dealt with as a family quarrel that should not be taken outside the OAU to solve. As observed in Chapter One and Chapter Two, this principle has its own problems. First of all the OAU in trying to find African solutions to African problems solicits for the services of its supreme organ, the Assembly of Heads of State and Government.

Although this provides a suitable arena for the leaders to find solutions to their problems, it is hard for the leaders to be impartial because the heads of most African

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16 See Chapter Four for details.
17 Mwagiru M., *Conflict: Theory: Processes and institutions of Management* op. cit. p. 143
18 See Chapter Four on the failures of the Arusha peace process.

states contribute to or are parties in the conflict. Additionally, this principle was put in place for defensive reasons. African leaders needed to reduce the opportunities for external intervention and interference within their region. This was especially so during the Cold War period and African leaders needed to reduce involvement of the super power.[20]

As observed further in Chapter Two, the principle of African solutions to African problems is also faced with a challenge due to the development of technology and subsequent globalisation of certain issues such as human rights, democracy and rule of law. During the management of the Rwandan conflict, the OAU found itself in a dilemma arising from the fact that the principles it highly defend such as African solutions to African problems had to be broken as it solicit the assistance of the UN force (UNAMIR) sent to oversee the implementation of the peace agreement. As the architects of the Arusha Accords had foreseen, conditions in Rwanda suggested a mandate with broader powers to protect civilians and seize arms caches. The force was inadequately supported and slowly deployed relative to the need for speed considered essential to maintain the peace process.

Arusha Peace Process and Impartiality

A critical aspect of conflict management that the Arusha peace process brought to bear was the issue of impartiality of the mediators. Touval etal argues that "mediation like any other negotiation may entail friction and may fail. It could damage the mediator's relation with one or both disputing parties. It can also damage mediators prestige with respect to other audiences."[21] As discussed in Chapter Four, the Arusha peace process

19   Mwagiru M., *Conflict: Theory; Processes and institutions of Management* op. cit., p. 145
20   Touval S. & Zartman I.W., "Introduction: Mediation Theory" in *International Mediation in Theory and Practice* op. cit., p. 252.
21   Ibid. p.253

excluded some extremist rebel groups. At the same time. the immediate neighbours acting, as mediators were suspects to either of the conflicting parties.

In the Rwandan peace negotiations, the initial designation of the late President Mobutu as mediator did not augur well for the meaningful resolution of the Rwandan conflict, largely because of his vested interest and personal friendship with the late President Habyarimana.[22] Secondly, Uganda's president Museveni, whom Habyarimana always saw as the power behind the RPF, held the OAU Chair at the time. As far as Habyarimana was concerned, when RPF invaded Rwanda in 1990, Uganda had invaded his country.

The concern of regional leaders in ensuring that peace prevailed in Rwanda could not be prompted by the single desire to create regional peace. Indeed, no conflict manager undertakes the task of conflict management for purely altruistic reasons. More often than not there is always a large and sometimes dominating element of self-interests.[23] It is important to locate the interests of the states, which were involved in the Arusha peace process on Rwanda. Although no direct evidence to this effect, some possible motives include expansionist, defensiveness, improve relations, prestige or gain influence.

The president of Tanzania was the facilitator while the OAU was instrumental in bringing the parties to the bargaining table and in setting the agenda that addressed the root causes of the conflict.[24] In attendance were the representatives from Belgium, Germany, France, and the USA; the regional actors were from Tanzania, Uganda, Zaire

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[22] *Rwanda the Preventable Genocide: The Report of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events* (Addis Ababa: IPEP/OAU, 2000) p. 83.

[23] See Mitchell C. R., "The Motives for Mediation" in Mitchell C. R. and Webb K. (eds.), *New Approaches to International Mediation* (Westpint: Green Wood Press, 1998) pp. 29-51.

[24] *Rwanda the Preventable Genocide: The Report of the International Panel of the Eminent Personalities to investigate the 1994 Genocide in Rwanda and Surrounding Events* op. cit., pp. 55-60

and Burundi as well as the OAU. In view of the profound distrust, fear and suspicions that characterised the OAU's mediation efforts for Rwanda, the impartiality of and confidence of the mediator among all parties to the conflict are quite critical.

The term impartiality normally refers to the subjective perceptions of the parties in the conflict.[25] In this case, if one party to the conflict feels that a fair hearing is not given, then there is already a problem of partiality. The circumstances can however change. The change in such a situation can arise when the conflicting parties gain confidence in the peace process. This confidence gained may imply a general attitude and disposition of the conflicting parties towards the peace process. Mediators have a role of offering communications, conciliation and also may suggest compromise and may negotiate and bargain with the parties in an attempt to induce parties to change their stance. The acceptance of mediator and confidentiality to such mediator by both parties will guide negotiations to success. This is so because mediation is more of a political process without prior commitment by the parties to accept the mediator's ideas.[26]

The mediator does not have to be impartial. This is partly because matters of impartiality can be related specifically to the conflicting parties' perceptions of the mediator's interests.[27] The mediator may see the need of being able to control any feelings of favouritism in the eyes the conflicting parties. If the idea of being impartial is not possible then the mediator needs to carry some influence with the parties to the conflict. As such, if the mediator has some form of influence, he can afford to be partial and still help to bring the conflicting parties together. This sets the stage from which to

25 Touval Saadia, "Biased Intermediaries: Theoretical and Historical considerations" in *The Jerusalem Journal of International Relations Vol. 1 No. 1* (1975) pp. 51-69.
26 See Touval S. & Zartman I.W., "Introduction: Mediation Theory" in *International Mediation in Theory and Practice*, op.cit., pp. 7-8
27 Ibid. p. 16

look at the Arusha peace processes. The processes required some form of leverage to ensure that concessions reached could be followed to the letter.

Additionally, a third party who emphasises impartiality fails to recognise mediation as a structural extension of bilateral bargaining and negotiations. Such a third party in a peace process should sieve information and exercise influence. To exercise any degree of influence, the Arusha peace processes needed leverage, as has been mentioned. For example the peace processes should have been more purposeful if it had the resources that RPF and the Government of Rwanda valued.

Important Observations on the Arusha Peace Process

As reflected in the Arusha Accords, negotiations and peace agreements entail risks, tending to further polarise those who reject the agreements. In particular, the problem posed by Hutu extremists whose interests were left out of the Accords' power-sharing arrangements was not addressed, or even sufficiently recognized as a serious problem by the Arusha negotiations. Implementation and monitoring requirements, including the peacekeeping force called for by the Accords, received insufficient attention and action by the international community at large. Outside arms suppliers contributed to and exacerbated the conflict in Rwanda in violation of the spirit of the Arusha Accords, preceding cease-fire agreements.

According to the Protocol of 18 August 1992, Rwanda should honour the principles of national unity, democracy, pluralism and human rights. All citizens should enjoy the same rights and possibilities irrespective of their ethnic, regional, religious or sexual identity. An implicit consequence was the lifting of the quota system, which attributed power and positions according to a person's ethnic identity. All refugees

should have the right to return. The multi-party system should be one of the cornerstones of democracy.[28]

Arusha peace process was Ironical. What it was meant to address was not addressed. During the process, Hutu powers continued to massacre Tutsi civilians for fear that the Arusha peace processes may yield genuine power sharing.[29] There was lack of genuine commitment by the parties especially the government in the peace process. Within two months, the government violated the Cease-Fire Agreement which ad gone to effect from August 1992. In turn the rebels justified their decision to attack by pointing to recent massacre of Tutsi Civilian.[30]

Arusha Peace Process served as approve to the radical ringleaders that they had no choice but to ratchet up their conspiracy further. They were unwilling to share power or to give RPF formal recognition in the government. The Arusha peace process was unable to deal with Hutu power and the increasing polarization of the conflict, which doomed it to eventual failure. Although some time was spent trying to implement the political provisions of the accords, in truth the accords were stillborn.[31]

In the end the Arusha peace processes had exactly the opposite consequence from the ones intended. This was contributed by the unwillingness of the parties especially headliners to negotiate in good faith. The process was also based on bargaining and power struggle. Bargaining and power struggle sent a massage that Arusha peace process was *Zero Sum* process. Therefore, the Arusha peace process acted as a breading ground for the genocide.

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[28] See Chapter Four for a detailed discussion.
[29] Prunier G., *The Rwanda Crisis: History of a Genocide* (New York: Columbia University Press, 1995) p. 170
[30] *Rwanda the Preventable Genocide: The Report of the International Panel of the Eminent Personalities to investigate the 1994 Genocide in Rwanda and Surrounding Events* (Addis Ababa: IPEP/OAU, 2000) p. 57
[31] Ibid p. 59

The United Nations assumed formal responsibility for overseeing the implementation of the Arusha Accords, but failed, however, to make adequate use of the OAU and local African states in this regard. As a consequence, there was a disjuncture between the mediation and implementation phases that contributed to undermining the Accords.[32] From 1990 onwards, civil violence against the minority Tutsi community and the regime critics' gradually escalated. This was either as retaliatory measures or as warnings to the advancing RPF forces.

The Arusha peace process was an extra ordinary one.[33] This is because the negotiations were not organised. While its head headed RPF, the government of Rwanda seemed leaderless. This claimed arises from the fact that the members of the opposition parties accompanied the ruling party. This weakened government side when it could not agree on some issues. This pained the ruling clique of the Rwandan government. During the negotiations, Habyarimana seemed to negotiate only under pressure from the international community. Later when his hard-liners applied countervailing pressure, Habyarimana would retract on proposals he had agreed at the negotiating table. This points at a peace process that was not based on good faith. Habyarimana even later dismissed one of the cease-fire agreements as a mere "scrap of paper."[34]

Peace agreements require careful follow-up and monitoring to ensure their consolidation and implementation. This may require special measures to speed up demobilization of the warring parties, disarm or neutralise opponents of the agreement,

[32] Rwanda the Preventable Genocide: The Report of the International Panel of the Eminent Personalities to investigate the 1994 Genocide in Rwanda and Surrounding Events op. cit., p. 56
[33] Jones B., "The Arusha Peace Process" in Adelman H. & Surhrke A. (eds), The Path of Genocide: The Rwanda Crisis From Uganda to Zaire (London: Transaction Publishers, 1999) pp. 131-156.
[34] Rwanda the Preventable Genocide: The Report of the International Panel of the Eminent Personalities to investigate the 1994 Genocide in Rwanda and Surrounding Events op. cit. p. 85

and provision of incentives to maintain momentum. Regional organizations and neighbouring states should be actively involved at every stage of the process.

Other developments within the region also opened up old fears and distrust that had been allayed by the Arusha process. In particular, the assassination of the democratically elected Hutu President of Burundi, revived animosities among the extremist Hutus of Rwanda. Rwanda's regional neighbours and the OAU should also have maintained closer observation of the developments in the immediate post-Arusha phase, instead of putting all the hope and responsibility in the hands of the UN.

These omissions availed much time and space for the forces supporting the status quo inside Rwanda to plan, train and arm the Interahamwe forces, without the existence of any neutral structure to monitor, control and prevent. Those extreme Hutu elements saw danger in peace and security in war and were thus able to bring the Arusha spirit to a sad end, through the genocide in April 1994, which led to the loss of lives, trauma to people and mass flow of people to become refugees.

Internationalisation of Internal Conflict and the OAU Mechanism

The concept of internationalisation has run across this study. It cannot be detached from elements of internal conflict management. A thorough examination of institutional approaches under the OAU's Mechanism reveals the general emergence of management patterns that suggest that conflicts are best and most effectively managed sub-regionally.

This arises from the need to see conflict within a region or sub-region rather than as individual conflicts concerning only individual states where the conflict is initiated, but as a concern of all other actors within that sub-region. The regional leaders realised that un-peaceful relationships in Rwanda would spill over to other states. Thus,

they felt that such internationalization of the internal conflict in Rwanda would have diverse effects generally in the whole region and in the neighboring states.

This comes from the rate at which internal conflicts get internationalized. The process of managing internationalised conflict must take into account all factors that contribute to the process of internationalisation. Some of the factors of internationalisation of conflict in Africa include the idea of the inter-dependence of states and actors in the international system. The interdependence of the international society makes it very difficult to dichotomise between domestic and international affairs.[35] States have to co-ordinate regional efforts by making sure that the agendas of regional and sub-regional organizations are mutually understood. Recognising the functions of states, individuals and regional organisations as relates to international affairs is very important.

Furthermore, human rights issues are the most clear internationalising agents of internal conflicts. Issues pertaining to the violations of human rights have been universalised. This began with the Universal Declaration of Human Rights (UDHR), which set trend for dealing with matters of genocide, the treatment of civilians in times armed conflict and refugees. Accordingly, matters of human rights violation that arise within the domestic jurisdiction of a state can call for intervention by third parties in conformity with the international law of human rights.[36] Unlike during the Cold War, the OAU adopted an active role in intervening in the affairs of individual states where there are human rights violations.

The major step towards achieving this goal was reflected in the structure of the OAU. Under the OAU Charter, Article 3(2) prohibits intervention in matters considered

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35   Deutsch Karl W., *The Analysis of International Relations (3rd ed.)* (Englewood Ciffs: Prince-Hall International, inc., 1988) pp. 285 -298.
36   See Chapter Two.

within domestic domain of member states.[37] The phenomenon has changed after the end of Cold War. The OAU can now intervene in matters of individual states especially those concerning genocide and human rights violations. This was also more noticeable after the establishment of the OAU mechanism for Conflict Prevention, Management and Resolution.[38]

Another crucial agent of internationalisation of internal conflict is the media. The world has become like a global village because of modern electronic media. The media reveals the events at the battleground among the insurgencies and prompt the third parties to intervene. In that process, they interact with the communities in those states. The interaction results into two factors that require consideration in the management of internal conflicts. First, there is friction between the citizens themselves and secondly, there is strain and pressure on the economic resources of the host country.

These factors are important because, if resources are scarce, there must be ways of dealing with the refugee issue. It is in these circumstances that international organisations like UNHCR come in to assist. The involvement of such an agency further internalises the initially presumed internal conflict. This raises a realization of the need for an all-inclusive approach to internationalized conflicts, and hence the suitability of the world system paradigm since it considers all players at all levels in the society.

The Findings and the Hypothesis

From the findings, it can be asserted that, during the post Cold-War, the OAU's Mechanism for Conflict Prevention, Management and Resolution established in 1993 enhanced the process of managing the internal conflict in Rwanda. It did this in two

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37   See discussion of Article 3(2) of the OAU Charter in Chapter Two.
38   See Chapter Three.

ways: on the one hand by making it clear that intervention of an international body could be justified in internal crises, which threaten regional stability.[39]

On the other hand, the Mechanism ensured that moral imperative took precedence over the legal principle. namely that human life was more sacred than state sovereignty. The non-interference into the internal affairs of member states remained sacrosanct, but it could not be taken literally and allowed to stand in the way of constructive actions in the face of acute suffering and serious threat to human life. Conversely. an emerging view was that human life was sacrosanct and has to be protected and preserved. Additionally, the Mechanism gave the Secretary-General of the OAU the power to act whenever he anticipated an emerging conflict, without having to await the instructions of the OAU chairman or an invitation from another African head of state. This development was of crucial importance as it provided the OAU with the capacity to respond speedily to any given emergency.

A third and crucial element of the OAU Mechanism was its acknowledgement that given its limited resources, it cannot engage in conflict resolution unilaterally. According to Mwagiru, "this was an admission that development could not take place while the region were embroiled in conflicts... it was also an acknowledgement of the existence of a conflict systems. It became clear that in some cases the OAU could defer to the sub-regional organisations which are more closely connected with the conflicts, and which therefore have a clearer vision about the conflicts and how to manage them.[40]

The OAU needed to work in conjunction with sub-regional organisations such as ECOWAS, SADC, IGAD as well as the UN and the civil society. These elements made up the basic pillars of the OAU Mechanism. The Arusha peace process brought the

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[39] See Chapter Three. also see Cornwell, R "The Organisation of African Unity" in Gamba, V. and Meek S. (eds), *Licit Response to Illicit Arms* (Midrand: Institute for Security Studies, 1998) p. 68.
[40] M. Mwagiru. Conflict: Theory; Processes and institutions of Management op. cit., p. 154

conflicting parties to negotiate. These included the Government of Rwanda and RPF. All these were very significant contributions that cannot be overlooked, and in a way it can be argued that the Arusha peace process had some success. However not much achieved because ultimately the conflict was not resolved.

To tie up this Chapter on critical analysis, several significant findings and issues emerge from the evaluation; Firstly, a complex, interacting combination of factors, some based on the history of Rwanda and others more proximate, contributed to the genocide in Rwanda. Secondly, there were significant signs that forces in Rwanda were preparing the climate and structures for genocide and political assassinations.

However, conflict managers both within the region and the broader international community ignored, discounted or misinterpreted the significance of these signs. Key actors in the international community as well as within the region share responsibility for the fact that the genocide was allowed to begin. Moreover, as it began, through hesitations to respond and distrust in providing and equipping peacekeeping forces, the OAU's mechanism failed to stop or stem the genocide and in this regard, shares responsibility for the extent of it.

Chapter Six

Conclusions

Approaches of Conflict Management in Africa during the Cold War

During the times of the Cold War, most conflicts in Africa were best managed with the help of a superpower. The politics of the time were polarised. Similarly, any conflict arising in any region at any time was normally supported by one of the superpowers. In that process, the internal conflicts became proxy wars in which the superpowers tested their military strength. The Cold War rivalry thus encouraged arms races and thus made conflict management in Africa much harder. The increased availability of small arms also meant that sound conflict management had to consider the arms race.

In its efforts to manage conflicts, the OAU had to conform to the Cold War arrangements while protecting the independence of its member states. The organization did this in two ways: first by protecting itself from the West through the Charter principle that called for sovereignty and territorial integrity and secondly, independence from one another through the charter principle of non-interference in member states' internal affairs. Based on these interpretations of Article 3(2) of the OAU's Charter, this study argued that the OAU's effectiveness was greatly hindered in conflict management.

Additionally, the fears and the mistrust of each other's intentions among African leaders hindered the organisation's achievements. This was seen during the Biafra war in Nigeria, the Eritrean liberation war and the UNITA war in Angola. As discussed in Chapter Three, one of the fears of African leaders was the misconception they had regarding the establishment of a peacekeeping force in Africa. They seemed to be of the opinion that peacekeeping was about having and mounting a continental standing army,

which would pose a great threat to their leadership. Others were reluctant because of lack of a clear command structure among their countries and the role of the secretary general in such a force.

The fourth principle of the OAU conflict management, "Africa solutions to African problems" was also overestimated as the OAU member states wished to solve their problems in a uniquely African way. Much as this may be right to some extent, it became clear in this study that internationalisation of conflicts and similarities of issues like human rights called for similar solutions. For sustainable solutions to similar problems around the world. it would have been necessary for the OAU to make case studies of how other parts of the world dealt with the problem they were confronted with. This may mean going beyond the African solutions to African problems as the Charter principle demands.

Management of Internal Conflicts in Post Cold War Africa

A lot of changes were observed towards the end of Cold War. The effects of the end of Cold War in Africa was that African states were left to manage their own conflicts since the superpower nations were gradually pulling out. Consequently, the end of Cold War saw the emergence of several sub-regions being involved in conflict management. The emergence of sub-regional economic organisations in Africa explains this more. Such sub-regions include; ECOWAS, IGAD, SADC, and more recently, EAC and COMESA. These sub-region's concerns was some form of collective security that ensures the smooth running of their economic activities.

In this approach, internal conflicts were seen not as individual conflicts but as concerns of the whole sub-region. It can be argued that sub-regions have made great efforts towards putting down frameworks, which are able to manage conflicts. This was the case with ECOWAS, which made great efforts in managing many conflicts in

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western Africa. IGAD has also made several attempts with regard Somalia, and Sudan conflicts. Incidentally, most of the conflicts in Africa at the end Cold War have started as internal and later got internationalised with the involvement of regional and sub-regional mediators.

Generally, towards the end of Cold War, the tendency by the organisation, of dichotomising between internal and inter-state conflicts was no longer tenable. Consequently, the OAU undertook a restructuring process at the beginning of post-Cold War era in order to adapt to the changing circumstances in the international system and especially Africa's reduced strategic value for external powers. In this regard, the organisation set up the OAU Mechanism for Conflict Prevention, Management and Resolution, whose major aim was to enable the organisation to intervene in and manage internal conflicts within its member state.

The evaluation of the OAU peace process in the management of Rwanda conflict as analyzed in Chapter Four revealed that the organisation did not achieve the envisaged success it desired. It emerged clearly after assessing the Arusha peace process, for example, that the endeavours of the African countries to deal effectively with political conflict in the continent should begin with a proper and objective appreciation of the nature and character of those conflicts. The Arusha peace process addressed five main issues: democracy, power-sharing, transitional government, the integration of the armed forces, and the return and rehabilitation of refugees; but it did not redress other important structural factors at play.

The Arusha Accords called for the return of all refugees. However, the peace process neglected the explanations given by the government and did not attempt to overcome these by assisting resettlement in terms of helping to resolve competing claims of land and resources. A further important finding was the need of inclusive

peace-building approaches. The extremist Hutu party, CDR, did not participate in the Arusha peace process, and was later influential in undoing the Arusha Accords. It is important that all armed factions participate in peace building. This may require ongoing dialogue to address the hesitancy of some parties, and to reassure different factions of the necessity and long-term dividends of peace.

Furthermore, governments must be open to negotiation with different armed groups during peace dialogues in order to identify a lasting solution to the conflict for all sides. It is also imperative that conflict prevention and management strategies for Rwanda recognise the linkages between Rwanda and other countries forming part of the Great Lakes conflict system. Conflict and peace in Rwanda, DRC, Burundi and Uganda are related. The conflict in these countries centres on similar actors, interests and issues. Conflict managers should devise a comprehensive framework that seeks to build peace across borders and to minimise the impact of conflict in one country on neighbouring countries.

Deep-rooted conflicts are obviously more difficult to resolve than more recent conflicts, which revolve around disagreements over, for example, common boundaries. This factor challenges anyone who attempts to resolve deep-rooted conflicts on a lasting and sustainable basis, to evolve a different model and strategies of conflict resolution than those that are usually applied in short-lived conflicts. The Arusha peace process amply demonstrated this fact.

The commencement of the any peace negotiation process should be preceded by sufficient evidence of the existence of a positive disposition to a negotiated settlement among all parties, arrived at on their own or through inducements and assurances that discount the efficacy of military solutions. There must also be adequate preparations on the part of the mediators, in terms of a negotiation framework which has clear and

shared goals and objectives, as well as a thoroughly worked out road map and signposts that will guide the peace drivers to the intended destination.

The negotiation process requires sufficient time, energy and resources, in order to address and reverse all the elements that, until then, sustained mutual hatred, fear and distrust. This must be done in a manner that also builds trust and confidence among the belligerents, in an evolutionary and incremental manner. It is a serious miscalculation to assume that the resolution of a deeply rooted conflict can easily be achieved through inducing changes in attitudes among the belligerents or that their hate, rage, fears, distrust. Expectations cannot simply be dealt with through moral and political appeals or the imposition of political or military force. This would be a realist approach, unlike the world society paradigm, which exclude force in its search for a resolution.

The experience gained from the Arusha peace process approach to conflict resolution in Rwanda has also brought to the fore the importance of unity of purpose among the regional and external actors engaged in mediation. The existence of divisions and the pursuit of vested interests among regional and other external actors, at the expense of the core focus on the internal challenges of the conflict, tend to reduce rather than enhance the chances for early resolution.

Similarly, multiple rather than unified and focused initiatives tend to confound the search for solutions. When there are multiple initiatives, it is always difficult to confine one or some of the parties to a specific framework, which enjoys broad support. In view of the profound distrust, fear and suspicions that characterise deep-rooted conflicts, the impartiality of and confidence of the mediator among all parties to the conflict, are quite critical. In the negotiations, the initial designation of the late President Mobutu as mediator did not augur well for the meaningful resolution of the Rwandan conflict, largely because of his vested interest and personal friendship with the late

President Habyarimana.[1] Secondly, Uganda's president Museveni, whom Habyarimana always saw as the power behind the RPF, held the OAU Chair at the time. As far as Habyarimana was concerned, when RPF invaded Rwanda in 1990, Uganda had invaded his country. Even after the OAU chairmanship passed out of Uganda's hands, Museven remained an active participant in regional initiatives concerning Rwanda.

The best case scenario would be to encourage the parties to the conflict to negotiate directly, where possible on their own territory, as happened with the conflict resolution process in South Africa. If this should not be possible, a neutral mediator who is acceptable and enjoys the confidence of both parties should be identified and deployed. The Tanzanian president enjoyed the desired qualities in the Arusha negotiations.

Finally, this study pointed out that the most meaningful response in dealing with deeply rooted conflicts needs to encompass effective mechanisms and requires the active engagement of all regional neighbours and the international community as a whole. Regional developments must also be closely monitored, as they tend to affect the implementation of any peace plan. Unfortunately, this was the weakest point in the Arusha Peace Agreement, which contributed greatly to its collapse.

Although the creation of the OAU Peace Fund enabled the organisation to raise some revenue from African and external sources, some issues still hampered the organisation. Such issues included the following; the conflict management needs of the continent outweighed the resources of the Peace Fund. Secondly, the failure of member states to meet their financial obligations adversely affected the work of the Mechanism and thirdly, if the Mechanism was to be successful, it needed regular and long-term

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[1] *Rwanda the Preventable Genocide: The Report of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events* (Addis Ababa: IPEP/OAU, 2000) p. 83.

funding arrangements. Most importantly was the fact that the organisation still operated under the same Cold War Charter Principles. For instant, in this study, Article 3(2), was meant to ensure non-aggression by the OAU or any state in trying to solve conflicts in Africa. Many African leaders had maintained this provision in order to lock out any possible intervention by any external actor, whenever their states were faced with any internal conflict.

Despite all these challenges which confronted the organisation's conflict management in Rwanda, it would be fitting to state that its marginal role in this conflict could be explained with three points. First the OAU Mechanism was relatively new to the field of conflict management and was still acquiring the necessary experience, second, the number, intensity, scope and range of conflicts in Africa was overwhelming for the OAU Mechanism and thirdly, the OAU was hindered by financial, organizational, and mandate related limitations.

But most importantly, this study found out that the OAU's Mechanism was involved both directly and indirectly in managing the many African conflicts. Its establishment transformed the OAU into an organisation with more impact, increased visibility, and elevated profile in the conflict management arena. The Mechanism allowed the organisation to move from the *ad hoc* approach to conflict management that characterized the pre-1993 era to a more systematic and institutional approach.

Realising that majority of the conflicts started as internally later got internationalised, the organisation became involved in issues that previously would have been considered as purely internal matters (issues related to intra-state conflicts, unconstitutional changes of government and elections). Given all these, it can, therefore be concluded that the establishment of the OAU's Mechanism in 1993 placed the organisation at the centre of conflict management efforts in Africa. All what the

organisation needed urgently was to re-examine its charter principles in order to be free to direct the energies and spirit of the African peoples towards a better future in the new millennium.[2]

The way forward in managing internal conflicts in Africa

Conflict management in Africa has undergone changes ever since the end of Cold War. Presently, the way forward should incorporate the major efforts that have been put in place by regional and sub-regional initiatives. Conflict management continues to be a key factor in ensuring that economic development and democratic activities go un-hindered.

There should be conceptual base on which to incorporate institutional approaches to conflict management. This will ensure that their roles are accepted and fully recognised. Doing this will also enable regional organisations to take initiatives to avert conflicts. Recognising institutional approaches to management of conflict should be matched with a reward process that encourages leadership in Africa to take the initiatives to mediate.

International policy in support of peace building in Rwanda needed to be based on careful assessment and scrupulous investigation of the dynamics underlying conflict. Among the various factors that contributed to the onset and continuation of conflict in Rwanda was land. The role of land was critical to understanding conflict dynamics in Rwanda. Land scarcity in Rwanda was both a function of population pressure and the unequal distribution of land. Therefore, land issues must be integrated into the training of conflict prevention and management specialists. Regional and sub-regional organisations need to refocus their emphasis on environmental or ecological issues to

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2   See Mwagiru, *Reclaiming the Future: Pan Africanism, the OAU and Foreign Policy in Africa* (Nairobi: USIU Occasional Papers on International Relations, No. 1. 1999) p. 43.

address issues of land and resource rights. This may help to shift the emphasis from preventing perceived degradation of the environment to advocating for and defending the rights of the landless and the rural poor.

Lastly, a majority of conflicts that start as internally later get internalised. This implies that conflicts originating from one point should not be considered as individual conflicts but as a concern for everybody. A framework for management must be derived from the desire to have a peaceful environment. An environment that economic, social infrastructures and political activities are created for the advancement of the continent.

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