

CRISIS MANAGEMENT AND THE ORGANISATION  
AFRICAN UNITY(1963-1980)

By

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## CERTIFICATION

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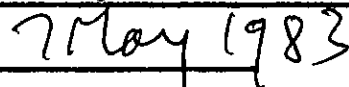
We certify that this thesis is the work of  
Mrs. Robena Weaver Egemonye, that she carried out the  
research and writing under our supervision.

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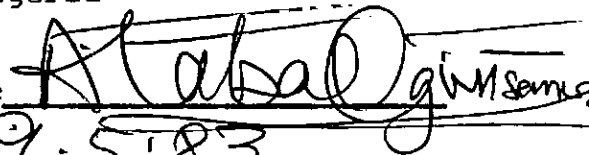
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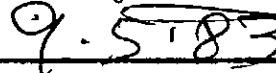
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## ABSTRACT

A General Assessment of Crisis Management and its  
Relevance to the Organisation of African Unity

After World War II, competition between the United States and Russia together with their growing mastery of weaponry in the nuclear field helped to bring about structural change in the international arena. This also resulted in a change in the structure and nature of international crisis. It was realised that the new design of the nuclear based international system demanded a new approach to handling crisis. This new approach is called crisis management.

It is obvious that the new structure developed because of needs felt by the two dominant powers, the Soviet Union and the United States to deal with Cold War trends.<sup>1</sup> Thus, crisis management between the superpowers is an exercise as to strategic interests whether in conflict or not.

"The main purpose of forming structures for crisis management is to develop rational procedures to meet unexpected contingencies and to search for options which minimise the

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1. Cold war trends have been generalised in "local wars". It had been estimated that between 1945-65, 97 such wars occurred. See Kegley and Wittkopf, World Politics, Trend and Transformation (New York, 1977), p. 352. Dr. Roger Gravil of the University of Lagos, Department of History has estimated that there have been about 40 such wars since 1945 as indicated in Chapter Two of this thesis.

adversary's threats and maximize one's own self-interests, without turning to war".<sup>2</sup>

For example, after World War II, the United Nations was formed essentially, as stated in its charter, "to keep the peace" or as a crisis control agency. Member states are asked to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."<sup>3</sup> Emphasizing a distorted concept of collective security buttressed partially by a recognition of the balance of power framework, the architects of the UN Charter were well aware of the limited possibilities of dealing with and controlling crisis on a global basis.<sup>4</sup> The three central organs of the UN; the Security Council, the General Assembly, and the Secretariat in themselves cannot adequately deal with violations of international peace. Any collective response is determined by a willingness of nation-states to act willingly. Nowhere is this more evident than in the Security Council where a veto by any of the five permanent members can block not only a resolution but an enforcement of an action designed to bring about security. But there are structural deficiencies in any supranational or national organisation, which does not elude its potential for solving crisis. Thus crisis management has become an institutionalised science. The practical operational elements of management science

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2. Verbatim quoted statement from an undocumented article on crisis management by Perlmutter as taken from a 1976 Sage Publication, Beverly Hills, California.

3. G. Clark and Louis B. Sohn. World Peace Through World Law (Cambridge, 1966).

4. Inis Claude, Power and International Relations (New York, 1962) pp. 164-66.

were first put to test in the Cuban Missile Crisis, with more or less positive results. However, since the sixties, crisis management as a science failed to yield the success that had at first seemed probable, i.e. Vietnam and the Arab-Israeli War of 1967. Although crisis management is still used academically to refer to institutionalised structured planning for the containment of crises; it has more or less evolved into a rather personal, face-to-face diplomacy, such as that exercised by former United States Secretary of State Henry Kissinger.<sup>5</sup>

Still crisis management, as handled, on an institutional level has not yet been greatly studied. Therefore, it is of great importance that such a performance study be undertaken with a flexible, yet scientific method of research. In this study of the Organisation of African Unity, I have undertaken to evaluate the various systems for crisis management. Are the check and balance systems of the O.A.U operative and functioning according to a specific plan?

Therefore the title of the thesis is "Crisis Management and the O.A.U.(1963-1980)". The thesis is an in-depth study of the Organisation of African Unity, its structure, and its crisis management ability.

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5. The concepts for this assessment have come from the following sources: Bell, C. The Conventions of Crisis: A Study in Diplomatic Management(London, 1971) and A Buchan, Crisis Management: A New Diplomacy(Paris, 1966).

In Chapter I, there is a general History and detailed discussion of the O.A.U. and its structure.

Chapter 2 deals with the O.A.U. and a theoretical framework for crisis management. Theories about third party role in crisis management as distinct from self-management by parties involved, one nation-third party manager as distinct from an organisation acting as crisis manager, including theories about mediation, conciliation, and arbitration are discussed together with more information on the O.A.U. Commission of Mediation, Conciliation, and Arbitration.

Chapter 3 treats the subject, "The O.A.U. and Boundary/Territorial Disputes". Disputes involving Somali-Ethiopia, Somalia-Kenya, Morocco-Algeria, Morocco-W/Sahara are used as case studies.

Chapter 4 deals with the subject, "The O.A.U. and Internal Crisis". The classic case studies used are the Congo Crisis (1964-65), the Sudanese Civil War, the Nigerian Civil War, the Angolan and Chad crises.

## Methodology and Sources

Beginning in January, 1978, I undertook a study and an investigation of O.A.U. crisis management as a special field of study. There is nothing novel about this except for the fact that because the field of study is modern, there is an overwhelming abundance of literature, in the form of books, journals, and newspapers. Through a careful analysis of such secondary sources, one can not only obtain up-to-date information but also concrete facts to help buttress primary sources. For example, outstanding journals such as the Journal of Modern African Studies offer much in respect to any investigation. As far as this project was concerned the most accurate journal in reference to my primary sources was Africa Diary. This weekly serial offers a substantial amount of really basic information that anyone doing research on any aspect of African Contemporary affairs can refer to from time to time.

Secondary book sources are numerous, as should be obvious, of varying quality and usefulness. Locally, the Library of the Nigerian Institute of International Affairs has an impressive journalistic section, where important articles on African studies from newspapers all over the world are catalogued as to subject areas. In addition, radio and television resources have been utilised on a limited scale. This does not mean, however, that I have disregarded other sources. I have not. But I have attempted to compare, contrast, and humanise in such a manner as to bridge a gap, in order to evaluate the O.A.U.'s crisis management performance. Therefore, the analytical history that I write occasionally takes on a psycho-sociological bent. That is the philosophical/historical framework is vastly utilised, buttressed by the systems framework, communications/

cybernetics framework, and the behavioural framework.<sup>1</sup> It is obvious from its nature that such a subject would require extensive documentation.

It was also realised by the researcher that International Relations<sup>2</sup> is a composite of several disciplines, mainly history, political science, sociology, psychology, and a degree of economics. Such a modern subject area requires a somewhat loose time framework, hence the title "Crisis Management and the O.A.U (1965-1980)" is official, although relevant events such as those happening in Chad or Western Sahara were brought up to the date, December 1982.

Essentially, primary documentation was not a problem. It is true that the O.A.U. Council of Ministers records since 1968 are confidential yet primary information can be obtained from the "Reports of the Administrative Secretary-General", and other conference papers at O.A.U. Headquarters in Addis Ababa, Ethiopia. Such primary sources are important for they give certain authenticity to gathered data. Without this substantial strengthening of opinions expressed by the writer, the validity of the thesis would

1. For an analysis of all these frameworks see Foundation Course in International Relations for African Universities by Ray Ofoegbu (London, 1980), pp. 6-18.

2. The field of study, International Relations was suggested to me by Professor G.O. Olusanya. Together with Dr. Imbogihe, the choice of the O.A.U. as an area for special research was visualised.

be in doubt. Also, at O.A.U. Headquarters, one has access to many U.N. documents. For example, there is much substantial information on the refugee problem in Africa. In spite of this, the O.A.U. does not have an ~~extensive~~ main library and one is not especially cheerful about the over-all ~~rundown~~ appearance of the general headquarters.

However, in July, 1981, when I first visited the O.A.U. headquarters, I was impressed by various individuals whom I met who were labouring and trying to give substance to the concept of "African unity". One could definitely see that the O.A.U. offers hope to those who are victims of human crisis.

# ABBREVIATIONS

A.A.P.C.	All-African People's Conference
A.D.A.E.O.	Association de Lutte pour l'Unité, l'Expansion, et la Défense de la Langue Algérienne
A.D.D.	African Development Bank
A. E./Eco	Assembly of Heads of State and Government Resolution
A.L.O.	African Liberation Committee or Committee of Line
A.N.C.	African National Congress or Council, which comprised two movements previously recognized by the O.A.U., U.A.P.U. and E.A.N.U.
D.I.O.	Inter-African Collo Forum
O.I.A.S.	Conference of Independent African States
CM/Eco.	Council of Ministers Resolution
CM/Ob.	Council of Ministers Declaration
O.N.L.	Council National de Libération-Congo(L) or National Liberation Committee-Congo, 1960.
E.O.A.	Economic Commission for Africa-United Nations
E.O.O.S.O.O.	Economic and Social Commission-United Nations
E.O.E./Eco.	Extraordinary Session of the Council of Ministers Resolution
F.L.C.A.	The Movement for the Liberation of Congo-Congo
F.L.E.	Front de Libération Nationale-Algérie
F.N.E.L.I.N.O.	Fronts de Libération de Namibie (The Liberation Front of Namibia)
F.N.O.L.I.N.I.	The Front for the Liberation of Namibia
F.N.L.O.	Congolese National Liberation Front
E.O.O.V.A.O.	Economic Community of West African States
G.P.N.A.	Gouvernement Provisoire de la République Algérienne
G.N.A.E. (F.N.L.A.)	Governo Revolucionario de Angola em Luta. The National Liberation Front of Angola
I.D.A.N.	Inter-African Collo Forum
I.A.P.N.C.	The Inter-African Rhythmicity Council



I.L.O.	International Labour Organization-United Nations
I.L.D.	Ugibanti Liberation Movement
I.L.O.P.	Movement for the Liberation of the Same and Principles.
I.N.C.	Movement National Congress
I.P.L.A.	Movimento Popular para Libertacao de Angola (The People's Movement for the Liberation of Angola).
O.A.S.	Organization of American States
O.A.U.	Organization of African Unity
O.C.N.C.	National Congress of Congo to end the Genocide
O.C.A.N.	Organisation Communale Africaine de Madagascar (successors to U.A.N.)
P.A.C.	Pan-Africanist Congress
PARTIS(S) A	Pan-African Freedom Movement of East, Central (and Southern) Africa.)
P.A.I.G.C.	The African Party for the Independence of Guinea-Bissau and Cape Verde Islands (Partido Africano para Independencia de Guine e Cabo Verde.
PELLEGRINO	Peoples Front for the Liberation of Angola of East and Rio de Oro.
S.U.A.P.O.	South-West Africa People's Organization
U.A.N.	Union Africaine de Madagascar
U.A.N.C.C.	Union Africaine de Madagascar de Cooperation Economique.
U.A.S.	Union of African States-also, (Guinea, Guinea, Mali, Niger).
U.L.C.	United Labour Congress-Nigeria
U.N.	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNESCO	United Nations Educational, Scientific, and Cultural Organization.
U.N.I.T.A.	The National Union for the Total Independence of Angola.
U.P.A.	Uniao das Republicas de Angola

### Acknowledgements

The completion of this thesis owes a great deal to a few personalities who have consistently given me help and guidance.

I am grateful to Professor A.I. Asiwaju of the University of Lagos for his help and encouragement. At the start, my research was directed by Dr. T. Imobighe, whose cooperation is appreciated. Later on, the direction of my research project was taken over by Dr. R. Gravil of the University of Lagos, Department of History and Dr. A.C.A. Ogunsanwo of the Political Science Department of the same university. Their wise council and encouragement enabled me to complete my work.

I also wish to thank the personnel of the O.A.U. Archives-Addis Ababa, University of Lagos Library-Gandhi Room, Nigerian National Archives-Ibadan, U.N. Information Service-Lagos, O.A.U. Structural Division-Lagos, Clemson University Library(U.S.A.), Nigerian Institute of International Affairs-Lagos, and Anderson College(U.S.A.). I am particularly grateful in this regard to Dr. Peter Onu, who helped to guide my research while I was in Addis Ababa, Ethiopia. I was able to travel to O.A.U. headquarters because of a grant that I received from the University of Lagos.

Finally, I wish to thank Professor Gbadamosi and other members of the History Department of the University of Lagos for the interest they have shown in my research project.

DEDICATION

To my late beloved Father,

Mr. Marion Julius Weaver

To my Mother

Mrs. Zomenia Jackson Weaver

To my devoted Husband

Mazi Ndubisi Egemonye

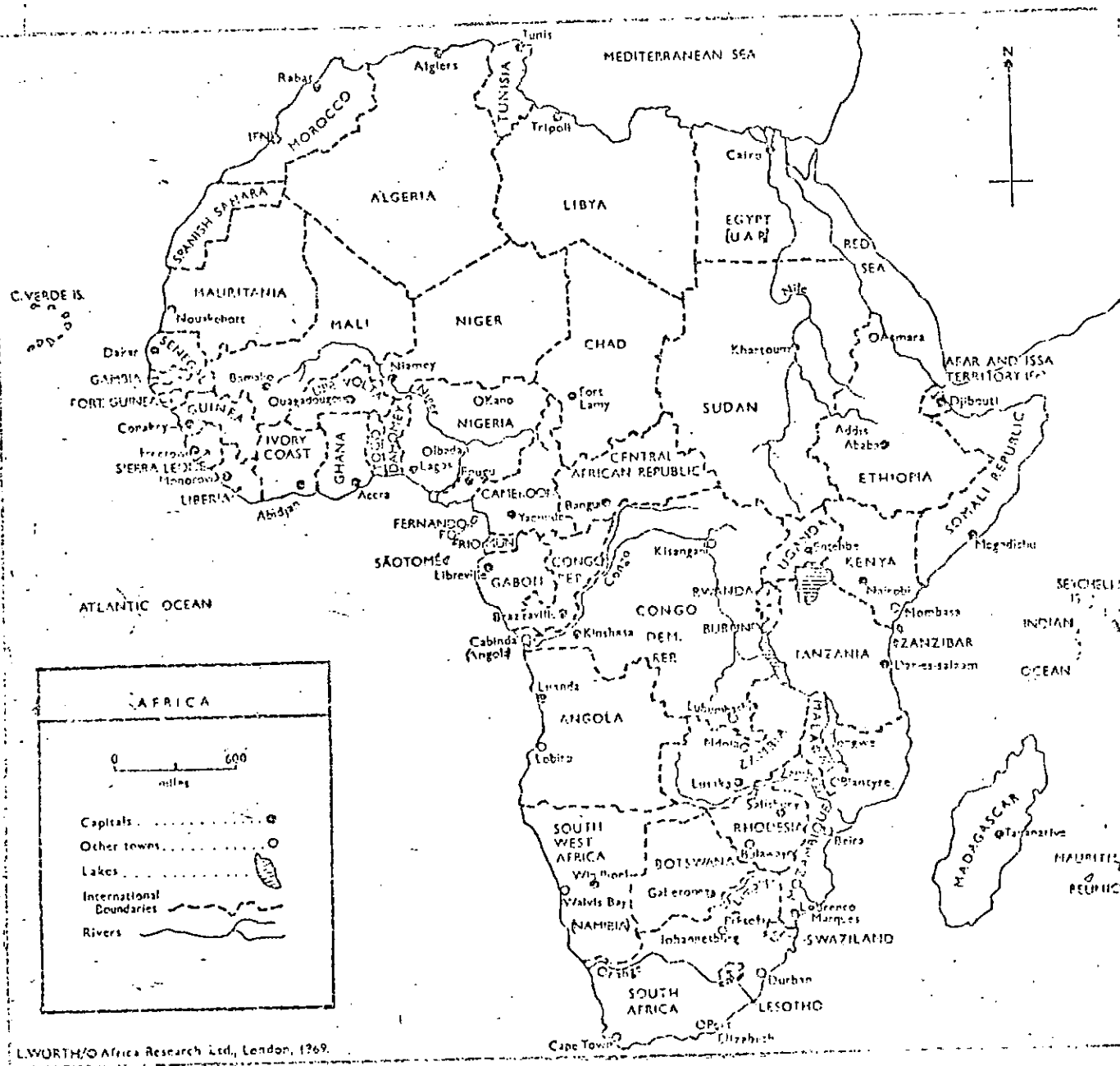
## CHAPTER ONE

### A History of the Organisation of African Unity and Its Structure:

"What we need are powerful engines to generate the power from our great aspirations and unlimited potentialities and to direct this power. Here lies our need for an organising mind and dynamic nerves. Let it be an African League. Let there be a Charter for all Africa. Let there be periodical meetings of the African Heads of State and the peoples representatives in the continent. Let there be anything." 1

The Organisation of African Unity provides a structure and a framework within which to discuss and define problems among African states and hopefully to reconcile differences and resolve disputes. Its members include all internationally recognised states except for South Africa. The O. A. U. gains its strength from its universality and the constant striving for consensus.

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1. President Jamel Abdel Nasser, Head of United Arab Republic. Excerpt from text of the speech from Summit Conference of Independent African States. Proceedings of the Summit Conference of Independent African States, Vol. I, Sec. 2, Addis Ababa, May 1963. CIAS/GEN/INF/26, p. 7.



The O. A. U. has its roots in the Pan African Movement of the early 1900's. Pan Africanism, with its undercurrent individualistic black nationalisms<sup>2</sup> could be defined at that time as:

- (1) The desire of black people to determine their own destiny through formation, preservation, and control of their own political, social, economic, and cultural institutions.
- (2) The determination of black people to unite as a group, as a people in common community, opposing white supremacy by striving for independence from white control.
- (3) The resistance of black people to subordinate status and the demand for political freedom, social justice and economic equality.

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2. "Black Nationalism" is emotional terminology. Nationalism was never a continental force but came into existence on a state by state basis. The term "Continentalism" can better explain the dynamic forces which led African States to try to band together under a unified banner. A broader view of "nationalism" has been defined by James Coleman in Nigeria: Background to Nationalism (Berkeley, California, 1963), p.425. "Nationalism, broadly, a consciousness of belonging to a nation (existent or in the realm of aspiration) or a nationality, and a desire, as manifest in sentiment and activity, to secure or maintain its welfare, prosperity, and integrity, and to maximize its political autonomy. The reference group for "nationalism" can be a de facto nation or nationality, or a territorially defined group in which certain members believe and advocate that it ought or is destined to become a nation...

I. Pan-African nationalism. A belief on the part of certain Africans or individuals of African descent that the continent of Africa is a national homeland, and a desire that it be united and independent under African leadership, and activity directed toward spreading that belief and desire. Herein this phenomenon is referred to as "Pan Africanism" and an advocate as a "Pan Africanist". On page 426 of the same book, he further refines "nationalism" in reference to region, group, and cultural nationalism as distinct from race consciousness, acculturation and detribalization.

George W. Shepherd, Jr's book, The Politics of African Nationalism: Challenge to American Policy (New York, 1962) is an attempt as he put it to present an overall view of the pattern and problem in the development of "African Nationalism."

- (4) The development of ethnic self-interest, racial pride, group consciousness, and opposition to and rejection of the dominant ideas of white-dominated society perceived to be incompatible with this objective.
- (5) The re-evaluation of self and of the black man's relationship with the social system in general." 3

On a more general level Pan Africanism, however, has recently centred upon issues concerning the nature and the

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- 3. James Turner, "Black Nationalism: A Response to the Social Consequence of Oppression and Racism", Topics In Afro-American Studies, ed., by Henry J. Richards (Buffalo, 1971), p. 64. The entire book deals with the subject of "Re-Africanisation", For various and sundry opinions on nationalism, Pan-Africanism, and black awareness read the following: Rupert Emerson, "Pan-Africanism" in Africa and World Order, edited by Norman Junior Padelford and Rupert Emerson (New York, 1964), pp. 7 - 22; Colin Legum, Pan-Africanism: A Short Political Guide (New York, 1961); George Padmore, Pan-Africanism or Communism, (New York, 1956); "Notes on Negro American Influences on the Emergence of African Nationalism" by George Shepperson in Black Brotherhood Afro-Americans and Africa edited by Okon Edet Uya (Lexington, Mass., 1971); E. U. Essien-Udom, Black Nationalism: A Search for an Identity in America (Chicago, 1962); Thomas Hodgkin, Nationalism in Colonial Africa (New York: 1957); Nationalism and Its Alternatives by Karl W. Deutsch- Chapter 3; Nationalism In Asia and Africa edited by Elie Kedourie (The First Anthology of writings and documents by Asian and African Nationalists) especially, "The Pan-African Movement" by W. E. Burghardt Du Bois, pp. 372-387 (London, 1960); Luz Mair, The New Africa (London, 1967); French Speaking Africa: The Search for Identity edited by William H. Lewis (New York, 1965); Origins of West African Nationalism by Henry S. Wilson (London, 1969); and International Relations: Cooperation and Conflict by Charles P. Schleicher (Englewood Cliff, N.J., 1962). An additional book which deals with ideology is The Africa Reader: Independent Africa edited by Wilfred and Martin Kilson (New York, 1970).

form of black unity,<sup>4</sup> together with how such a unity can be achieved on an international level. Simply, Pan-Africanism is the expression of desire for African unity.<sup>5</sup> Nevertheless, the origins of Pan-Africanism can be traced to the six unofficial Pan-African Congresses held outside Africa: in London in 1900, in Paris in 1919, in London and Brussels in 1921, in London and Lisbon in 1923, in New York in 1927, and in Manchester in 1946.<sup>6</sup>

Global warfare from 1939 - 1945 brought about a shift in the movement of Pan-Africanism from a new world movement by blacks to one that was Africa centered. Even through Pan-African nationalism<sup>7</sup> was essentially an ideological movement among New World blacks, it was to emerge coherent, as a protest movement after World War II.<sup>8</sup>

Two crucial events both occurring in North Africa were to foster the impending goal of African Unity. One of these factors was the Egyptian revolution led by Gamel Abdel Nasser, whose

4. Diallo Telli, "The O.A.U. in Historical Perspective", African Forum, Vol. I, No.2, Fall, 1966, p. 17. This article was highly recommended by Dr. Peter Onu of Nigeria, an Assistant Secretary-General (Political) in July, 1981. As of March 1983, Dr. Onu was appointed temporary O.A.U. Administrative Secretary-General.

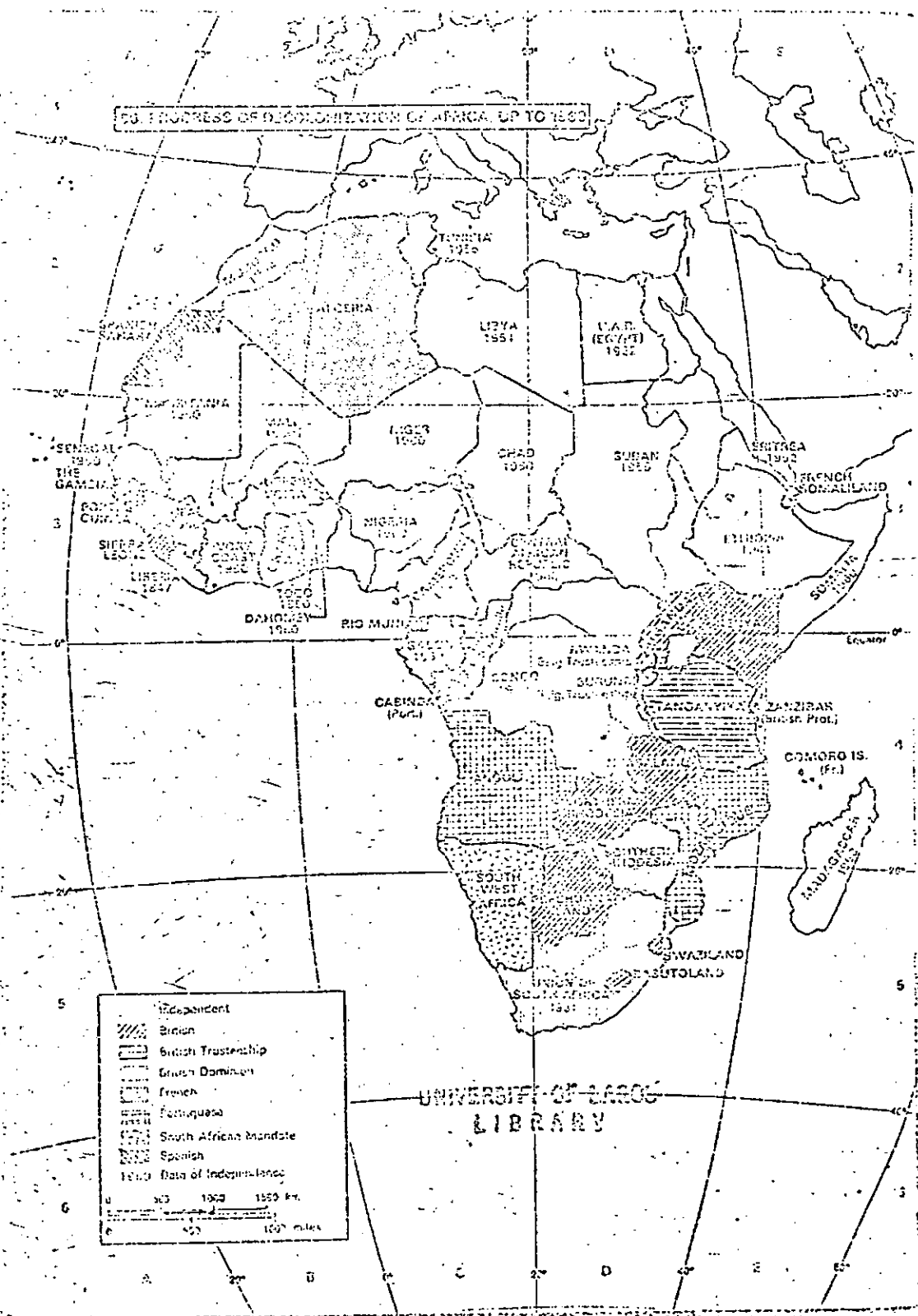
5. Ibid., p. 17.

6. Cited in Basic Documents of African Regional Organisations, Vol. I, edited by Louis Sohn (New York, 1971), p. 1.

7. St. Clair Drake, "Hide My Face? The Literary Renaissance;" Black Brotherhood: Afro-American and Africa, ed., Okon Edet Uya (Lexington, Massachusetts, 1971), p. 210.

8. Diallo Telli, op. cit., p. 9





Taken from A Modern Atlas of African History  
(London, 1976).

Philosophy of Revolution became a rallying point around which those concerned with continental unity could unite. Another factor was the 1954 Algerian war which helped to solidify bonds of emotions based in the politics of liberation struggles.<sup>9</sup> Thus, one can tell that by the end of the nineteen fifties, Pan-Africanism had been transformed into the first stage of making the goal of African unity fully operative.<sup>10</sup> This change was inaugurated by the First Conference of Independent African States held in Accra, Ghana in April 1958. All of the then independent African states excluding South Africa, and including Egypt, Ethiopia, Ghana, Liberia, Libya, Morocco, Sudan, and Tunisia met. The agenda for the meeting is interesting because it laid the base for any real interest in African unity which was quite a step forward for "continentalism". Among the points discussed were:

1. African foreign policy especially in relation to:
  - a. The future of dependent territories in Africa
  - b. The Algerian problem
  - c. The racial problem
  - d. Steps to be taken to safeguard the independence and sovereignty of independent African States.
2. A discussion of the ways by which economic co-operation among African states might be promoted, with special attention to industrial planning and agricultural development.
3. Special interest in cultural exchange between and among African states because of its bonding value.
4. A consideration of the problem of international peace in conformity with the Charter of the United Nations and a reaffirmation of the principles of the Bandung

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9. Diallo Telli, "The O.A.U. in Historical Perspective", African Forum, Vol. I, No.2, Fall, 1965, p. 9.

10. St. Clair Drake, op. cit., p. 210

Conference.<sup>11</sup>

5. Foreign subversive activities in Africa.
6. The African Maritime Belt (African states to decide the limits of their territorial waters - whether to accept the three-mile, twelve-mile, twenty-five-mile, or some other limit).
7. The organisation of a permanent machinery to continue the work of the conference.<sup>12</sup>

"At the conference, much emphasis was also placed on the "assertion of an African personality," which would speak with a concerted voice in the cause of peace in co-operation with other peace-loving nations at the United Nations and other international forums.<sup>13</sup>

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11. The standard references on the Bandung Conference are G. McTurnan Kahin, The Asian-African Conference (Ithaca, New York, 1955) and A. Appadorai's, The Bandung Conference (New Delhi, India, 1955). According to the source book, The Third World Without Superpowers: The Collected Documents of the Non-Aligned Countries, Vol. I by Odete Janowitsch and Karl P. Saunant, (New York, 1970, p. lvii) "Between April 18-24, 1955, The Asian-African Conference was convened upon the invitation of the Prime Ministers of Burma, Ceylon, India, Indonesia, and Pakistan which met in Bandung. In addition to the five sponsoring countries the following twenty-four countries participated: Afghanistan, Cambodia, Peoples' Republic of China, Egypt, Ethiopia, Gold Coast, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Nepal, Philippines, Saudi Arabia, Sudan, Syria, Thailand, Turkey, Democratic Republic of Vietnam, State of Vietnam, and Yemen (p. lvii-lxvii). The Final Communique signed by all the above emphasized the following: "recognition of the equality of all races and of the equality of all nations, large and small (p. lxv), "abstention by any country from exerting pressures on other countries (p. lxvi), and the "promotion of mutual interests and cooperation (p. lxvi). The first Conference of Heads of State or Government of Non-Aligned countries was held in Belgrade, Yugoslavia from 1-6 September, 1961.
  12. Alex Quaison-Sackey, Africa Unbound, Reflection of an African Statesman (New York, 1960), p. 66.
  13. Ibid., p. 35.

"For too long in our history, Africa has spoken through the voices of others. Now what I have called an African Personality in international affairs will have a chance of making its proper impact and will let the world know it through the voice of Africa's own sons." 14

"In asserting our African Personality, we shall be free to act in our individual and collective interests at any particular time. We shall also be able to exert our influence on the side of peace and uphold the rights of all peoples to decide for themselves their own forms of government as well as the rights of all peoples, regardless of race, colour, or creed to lead their own lives in freedom and without fear." 15

The concept of the "African personality" was also incorporated into the final conference declaration:

"We, the African States assembled here in Accra;... resolve to preserve the unity of purpose and action in international affairs which we have forged among ourselves in this historical conference; to safeguard our hard-won independence, sovereignty, and territorial integrity; and to preserve among ourselves the fundamental unity of outlook on foreign policy so that a distinctive African Personality will play its part in co-operation with other peace-loving nations to further the cause of peace." 16

"The African personality", therefore was in the largest sense, the cultural expression of what is common to all peoples

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- 14. Alex Quaison-Sackey, op. cit., p. 35.
  - 15. Alex Quaison-Sackey, Africa Unbound, Reflection of an African Statesman, pp. 35-36.
  - 16. Ibid., p. 36.

whose home is on the continent of Africa.<sup>17</sup>

The rather constrained results of that conference did not appeal to Ghana and Guinea, whose leaders wanted a more accelerated pace toward African unity. As a result, the Ghana-Guinea, Joint Declaration was signed on November 23, 1958. The leaders of the two countries, Sekou Toure and Kwame Nkrumah, were interested in a more accelerated pace toward African unity, as indicated in the declaration:

We the Prime Ministers of Ghana and Guinea, on behalf of our respective governments, and subject to ratification by our respective national assemblies, have agreed to constitute our two states as the nucleus of a Union of West African States.<sup>18</sup>

Later in 1961, Mali joined the Ghana-Guinea Union.

In line with the Conference of Independent African States and more representative, was the First All-African Peoples' Conference which was also held in Accra, Ghana in December 1958. All the then independent African states, excluding South Africa, together with representatives from various unions and liberation movements met. Emphasis was placed on African unity, in reference to adopting a general foreign policy. Again, as at the Conference of Independent African States, there was much interest in the concept of

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17. Ibid., p. 36. The quotes for footnotes 12-16 are primarily taken from speeches of sage, Dr. Kwame Nkrumah written up in Alex Quaison-Sackey's book. Quaison-Sackey, a Ghanaian Statesman was quite active in international politics, especially the period 1958-1963.
18. Alex Quaison-Sackey, Africa-Unbound, Reflection of an African Statesman, (New York, 1963), p. 76.

the "African personality". It was decided at that time to establish the All African People's Conference on a permanent basis with a secretariat at Accra.<sup>19</sup> The goals of the conference were to be:

1. To promote unity among African people.
2. To support liberation movements.
3. To mobilize world opinion concerning human rights particularly in reference to the African situation.
4. To try to develop a communal feeling among the peoples of Africa. 20

Still the progressive elements in Ghana and Guinea were pushing forward with their own concepts concerning unity. From July 15th - 18th, 1959, the Heads of State from Liberia, Ghana, and Guinea met at Sanniquellie, Liberia to discuss such issues as racial discrimination, liberation struggle, and the French nuclear tests in the Sahara. At

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19. "Constitution of a permanent All African People Conference: Text from U.S. Department of State, American Foreign Policy: Current Documents 1958 (Washington, D.C., 1962), pp. 1084 - 85.

20. Ibid., p. 1084 - 85.

the end of the conference a joint declaration on African unity was issued by President Tubman, President Nkrumah, and President Toure:

1. The name of the organisation shall be the Community of Independent African States.
2. Africans, like all other peoples, have the inherent right to independence and self-determination and to decide the form of government under which they wish to live.
3. Each state or federation which is a member of the Community shall maintain its own national identity and constitutional structure. The Community is being formed with a view to achieving unity among independent African states. It is not designed to prejudice the present or future international policies, relations, and obligations of the states involved.
4. Each member of the Community accepts the principle that it shall not interfere in the internal affairs of any other member.
- 5a. The acts of states or federations which are members of the Community shall be determined in relations to the essential objects which are freedom, independence, unity, the African Personality, as well as the interest of the African peoples.
- b. Each member state or federation shall in its acts or policies do nothing contrary to the spirit and objectives of the Community.
- 6a. The general policy of the Community shall be to build a free and prosperous African community for the benefit of its peoples and the peoples of the world in the interest of international peace.
- b. This policy shall be based essentially on the maintenance of diplomatic, economic, and cultural relations on the basis of equality and reciprocity with all the states of the world which adopt a position compatible with African interests and African dignity.

- c. Its main objective will be to help other African territories subjected to domination with a view to accelerating the end of their non-independent status.
- 7. The Community shall set up an economic council, a cultural council and a scientific and research council.
- 8. Membership in the Community shall be open to all independent African states and federations, and any non-independent country of Africa shall have the right to join the Community upon its attainment of independence.
- 9. The Community shall have a flag and an anthem to be agreed upon at a later date.
- 10. The Motto of the Community shall be "Independence and Unity."<sup>21</sup>

At that time, the Sanniquellie Declaration was not acted on. Unfortunately, Pan-African socio-political identification was primarily on a local level, not yet maturing into its continental phase. The brutal consequence of this was that there was a need to meet further just to try to determine how local goals could be incorporated into a drive toward African unity.

To try again to deal with this problem, the Second Conference of Independent African States was held in Addis Ababa, Ethiopia from June 5-24th, 1960. This meeting among fifteen soon to be independent

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21. See Alex Quaison Sackey, Africa Unbound, Reflections of an African Statesman (New York, 1963), p. 77-78.



African nations occurred at a time when the Congo crisis<sup>22</sup> was the main problem in African international affairs. Various views were adopted by various African governments concerning the problems of the crisis brought about by the domestic break between Kassavubu and Lumumba.<sup>23</sup> Thus there were essential cultural differences which were aggravated because of lack of dialogue among English speaking and French speaking African nations. Thus there were breaks and divisions into blocs as to ideology.

At the time that the O.A.U. was founded, Africa was more or less divided into three major groupings.<sup>24</sup> The largest group by far was the Monrovia bloc, with a strength that varied but stood consistently in the neighbourhood of twenty nine members. It was composed of all French speaking African states south of the Sahara (other than Guinea and Mali) and, among others, Nigeria, Sierra Leone, Liberia, Ethiopia, the Congo (Leopoldville).

The Monrovia Bloc stood for the proposition that each African state should be free to develop its own image, according to its own decisions, and refrain from interfering in the internal affairs of neighbouring African states. It accepted the inherited boundary lines, without change, with which a majority of

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22. Diallo Telli, "The O.A.U. in Historical Perspective", African Forum, Vol. I, No.2, Fall 1965, p. 17.

23. Ibid., p. 19

24. See Z. Cervenka, The Unfinished Quest for Unity, Africa and the O.A.U. (New York, 1977), Chapter I.

25. Ibid., Chapter I.

the new states came to independence, except insofar as all parties concerned agreed to peaceful changes, and advocated interstate African cooperation in the cultural, scientific, and economic fields, rather than advocating African political union now or at any time in the future."<sup>26</sup>

"The second organised group was the Casablanca bloc, which was largely in disarray at the time of the O. A. U.'s founding because of internal quarrels and competing conflicting aspirations among its leading members. The bloc consisted of three North African states: Morocco, Algeria, and the United Arab Republic, and three sub-Saharan states: Ghana, Guinea, and Mali. These were the so-called "radical nationalist states" advocating political union; a doctrine of national liberation, i.e., radicalization of the political process and drastic social re-organisation throughout Africa, including the independent states as well as the remaining colonies, and intrusion in the internal affairs of other African states whenever necessary to accomplish these ends. They favoured the adoption of a non-alignment posture in world affairs as an extension of their domestic policies. This involved characteristically a definite propensity to redirect existing political economic ties away from Western Europe, particularly their former metropolises, and to an extent, from

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26. Louis B. Sohn (ed.) Basic Documents of African Regional Organisations, (New York, 1971), Vol. I, p. 55.

the United States, to the Communist bloc and elsewhere, e.g., the Belgrade neutralist bloc."<sup>27</sup>

"The third group was composed primarily of the most recently independent states, which either did not have the time or taste to become affiliated with either of the two blocs or flirted with one or the other of the blocs momentarily. Tanganyika (now Tanzania) and Somalia, for example, were in and out of the Monrovia bloc, whereas Uganda and Kenya did not affiliate with either."<sup>28</sup>

After the Congo crisis of 1960 was played down in Africa, there was renewed interest in forming some type of

27. Ibid., p. 42. A discussion of the groupings can be found in African Unbound, Reflection of an African Statesman, by Alex Quaison-Sackey, pp. 91-96.

28. It is interesting to note that some of these countries such as Kenya and Uganda belonged to the PAFMECA (later PAUMECA) or the Pan-African Freedom Movement of East and Central Africa. PAFMECA was formed at a conference held in Mwanza, Tanganyika (now Tanzania), from September 16 to 18, 1958 for the purpose of organising and co-ordinating regional activities toward the achievement of independence for territories in East and Central Africa (later Southern Africa). For more information on this early liberation movement, one may consult an article by J. Gikongo Kiano, "From PAFMECA to PAFMECSA and Beyond", Vol. I, No. 2, African Forum, Fall, 1965, pp. 36 - 49.

Also check: "East Africans call for Self-Government", Africa Special Report, Sept. 1959, Vol. 4, No. 9, p. 2; "Pan-African Conference", Africa Digest, November-December, 1958, Vol. 6, No. 3, p. 90-91; and "The Pan-African Freedom Movement of East and Central Africa", Africa Today, September 1959, Vol. 6, No. 4, p. 11-14.

continental organisation. The leaders of the rival blocs, such as President Nasser of Egypt, Houphouët-Boigny of Ivory Coast and Senghor of Senegal, those who had maintained a distance like Liberia's President Tubman and Emperor Haile Selassie of Ethiopia, and finally the "apostle of Pan-Africanism, Ghana's Kwame Nkrumah, spoke out in favour of a new truly pan-African body. To bring about a reconciliation among the various African states, as well as to create such a Pan-African organisation, a summit conference was convened in Addis Ababa in May, 1963.<sup>29</sup>

"The task of drawing up a Pan-African character was entrusted to a conference of Foreign Ministers that met before the summit. They were presented with the moderate Lagos Charter, the radical Casablanca Charter, and the many far-reaching ideas of Kwame Nkrumah, and told to merge them."<sup>30</sup> Of course such a task proved difficult at first. A resolution was submitted by the Ministers to circulate an Ethiopian draft compromise to be considered and commented upon by the Heads of State. They would later meet to make a final decision. However, the Foreign Ministers were instructed to carry on

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29. U. S. Time Magazine, May 20, 1963.

30. T. O. Elias, "The Charter of the O.A.U.", The American Journal of International Law No. 69, Washington, 1963, p. 24, or T. O. Elias, Africa and the Development of International Law, (New York, 1972), Chapter 7. The Honourable T. O. Elias served as legal adviser in helping to draft the revised O.A.U. Charter, printed 58A. J.T.L. (873) 1964. More information can be found about T.O. Elias, now Chief Justice of the World Court.

with the meeting and to prepare some type of draft.<sup>31</sup>

The various types of draft charter envisioned can be ascertained by assessing certain speeches by key Heads of State in their proposals in Addis Ababa:

"My country stands for the practical approach to the unity of the African continent. We feel that, if this unity is to last, we must first agree to certain essential things. The first is that African states must respect one another...Almost all the speeches indicate that a more practical approach is much preferred by the majority of the delegations. For our part in Nigeria, we are already co-operating with some of our neighbours. For example, the other day, my friend, the President of Malagasy said he could not contact Lagos by telephone from Cotonou. This is no longer the case. Now he can speak direct. What we are trying to do is to link up with all our neighbours by means of tele-communication and by exchanging more postal facilities.

We are already entering into bilateral agreements with many of our neighbours. We hope to continue in this work because we feel that, if we are to unite, it is important that our communication system should be excellent and transport facilities should be such that it would enable us to move freely around, to move not only ourselves but to move our goods to different parts of the continent. 32

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31. See Chapter I - "O.A.U. Charter", Politics in the O.A.U. by Michael Wolfers (London, 1976).
32. Proceedings of the Summit Conference of Independent African States, Vol. I, Sec.2, Addis Ababa, May 1963 - Summit CIAS/GEN/INF/3/24 May 1963. "A Record Speech by the Right Honourable Prime Minister of the Federation of Nigeria to the African Summit Conference". p. 2.

"Although the reasons that lead us to aspire to unity are political - they are also of an economic character. For if it is true that the great world groupings have the appearance of political or ideological clocks do they not, in the last resort, cloak economic realities? Are not the most solid and stable of unions those which are based upon a community and a coincidence of material interests, which very often appear as the prelude to the imperceptible harmony of policies and then to political unity? Because it appears to us that economic unity constitutes the best possible approach to political unity." 33

"In our search for a common approach to unity the way of the United States of America came into being has often been mentioned as an example open to us to follow. But let me say in this connection, that the United States of America did not come into being by the signing of the American Constitution. This was rather the culmination of a common endeavour by thirteen colonial countries." 34

"On this continent, it has not taken us long to discover that the struggle against colonialism does not end with the attainment of national independence. Independence is only the prelude to a new and more involved struggle for the right to conduct our own economic and social affairs; to construct our society according to our aspirations, unhampered by crushing and humiliating neo-colonialist controls and interference.

The unity of our continent, no less than our separate independence, will be delayed if, indeed, we do not lose it, by hob-nobbing with colonialism. African unity is, above all, a political kingdom which can only be gained by political means. The social and economic development of Africa will come only within the political kingdom, not the other way round. The United States of America, the Union of Soviet Socialist Republics, were the political decisions of revolutionary people before they became mighty realities of social power and material wealth. Which independent African State will claim that its financial structure and banking institutions are fully harnessed to its national development. Which will claim that its material

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33. Ibid., "A Record Speech by the Right Honourable President of Ivory Coast", p. 10.
34. Proceedings of the Summit Conference of Independent African States. Vol. I, Sec.2, Addis Ababa, May 1963 - Summit CIAS/ GEN/INF/34/26 May 1963. "Speech by Mwalimu Julius K. Nyerere, President of the Republic of Tanganyika, p.2.

resources and human energies are available for its own national development: Which will claim that its material resources and human energies are available for its own national aspirations. Which will disclaim a substantial measure of disappointment and disillusionment in its agricultural and urban development."

Even for other continents lacking the resources of Africa, this is the age that sees the end of human want. For us it is a simple matter of grasping with certainty our heritages by using the political might of unity. All we need to do is to develop with our united strength the enormous resources of our continent.

Unite we must. Without necessarily sacrificing our sovereignties, big or small we can here and now forge a political union based on defense, foreign affairs and diplomacy, a common citizenship, and African currency,... an African Monetary zone and an African Central Bank. We must unite in order to achieve the full liberation of our continent. We need a common defence system with an African High Command to ensure the stability and security of Africa. Common Continental Planning for the Industrial and Agricultural Development of Africa is a vital necessity." 35

"After some debate, a Charter of African Unity was unanimously adopted. That of course, had required concessions, but no real compromise. The organization was probably closer to the wishes of the more conservative, sovereignty-conscious leaders than to the opposite side. It was certainly a far cry from Kwame Nkrumah's concept of an African political union based on defense, foreign affairs, diplomacy, and a common citizenship. Polycentrism,

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35. "United we Stand" An address by Osagyefo Dr. Kwame Nkrumah, President ~~and~~ the Representative of Ghana. At Conference of African Heads of States and Government at Addis Ababa, Ethiopia - Summit, CIAS/GEN/INF/36.

not Pan-Africanism was to be the guiding force in African inter-state relations.<sup>36</sup> Thus, the O.A.U. Charter is structurally a loose agreement entered into freely by various and sundry independent African states. Thus it was not voted upon by the masses of African peoples but assessed its value by various personalities in power at the time.<sup>37</sup> It is clear, therefore, that by the end of 1962, various positions on very essential issues and problems had been placed in the background so that an institutional base for African unity could be born.<sup>38</sup> So African leaders assembled in Addis Ababa, Ethiopia, in 1963, after listening to what each delegate had to say, discovered that there was an African consensus on the main guiding principles for the organisation of their vast continent.<sup>39</sup>

#### The Charter for African Unity

- 1: The High Contracting Parties do by the present Charter establish an organisation to be known as the ORGANISATION OF AFRICAN UNITY.

36. T.O. Elias has maintained in Chapter 7, "The Charter of the O.A.U. of his book, Africa and the Development of International Law, (Dobbs Ferry, New York 1972) that there was little difference between the O.A.U. Charter and the Charter of the Inter-African Malagasy Organisation or Lagos Charter of the Monrovia Group.

37. Ibid., pp. 19-20. S.O. Agbi in his article "The Place of the O.A.U. in the World Order", Afriscopes (Lagos, June 1977) in Africa Currents, No. II (Summer, 1978), talks about three schools of thought concerning the O.A.U. He expounds upon the rationalist, realist, and revolutionist approach to the nature of international institutions, which make for a thought provoking article.

38. S.O. Agbi, op. cit., No. II.

39. Diallo Telli, "The O.A.U. in Historical Perspective", African Forum, Vol. I No. 2, Fall, 1965, p. 20.



2. The Organisation shall include the Continental African States, Madagascar and other islands surrounding Africa.

Thus, Article I establishes this regional organisation declaring who is qualified to become members.

Articles II and III of the thirty-three articles in the O. A. U. Charter define the organisation's purposes and principles in broad terms. Article II provides that "Member States shall coordinate and harmonise" their policies as well as cooperate in a wide variety of fields, including "defense and security."

In Article III, the signatories declare their adherence to seven principles which merit repeating because of their direct relevance to the subject under study:

1. the sovereign equality of all Member-States;
2. non-interference in the internal affairs of States;
3. respect for the sovereignty and territorial integrity of each State and respect for the inalienable right to independent existence;
4. peaceful settlement of disputes by negotiation, mediation, conciliation, or arbitration;
5. unreserved condemnation in all its forms, of political assassination as well as of subversive activities on the part of neighbouring states or any other state;
6. absolute dedication to the total emancipation of the African territories which are still dependent;
7. affirmation of a policy of non-alignment with regard to all blocs.

The objectives of the organisation were lofty but general. They are:

- a. to promote the unity and solidarity of the African states;
- b. to achieve a better life for the peoples of Africa;
- c. to defend their sovereignty and independence;
- d. to eradicate all forms of colonialism in Africa, and
- e. to promote international co-operation.

According to the Charter, each Member-State has equal rights and equal duties. Each member is to have scrupulous respect for the territorial integrity of Member States. The decisions of the organisation require a minimum of two-thirds votes of all the members and no Member-State has more than one vote. A state ceases to be a member if it renounces its membership in a letter addressed to the Secretary-General of the O. A. U.

The O. A. U. possesses juridical personality and can enter into contracts and institute legal proceedings. It can issue "laissez-passer", that is passports to its officials. And this is accepted as a valid travel document.

Four institutions were established through which the O. A. U.'s objectives are to be accomplished. These are: the Assembly of Heads of State and Government which meets annually unless there is an extraordinary emergency; the Council of Ministers which meets semi-annually but can be called into emergency session; the General Secretariat, responsible for the day-to-day running of the affairs of

the organisation, and the Commission of Mediation, Conciliation and Arbitration. The Co-ordinating Committee for the Liberation of Africa or "Liberation Committee" was established separately in 1963 by resolution.

#### The Assembly of Heads of State and Government

The Assembly of Heads of State and Government or the supreme organ of the organisation as it is called under Article VIII of the O. A. U. Charter, may discuss a wide range of economic, social, and political issues pertinent to African relations. The other functions as prescribed by the Charter are:

- a. to create any special agencies necessary and to appoint members to ad hoc commissions;
- b. to settle questions concerning points of order and concerning the Charter;
- c. to vote upon new members;
- d. to decide upon regulations governing the other organs of the O.A.U.;
- e. to decide upon new amendments to the Charter.

Because the Assembly of Heads of State and Government is generally a body which emphasizes debate and or discussion, all procedural matters or resolutions must be agreed upon by vote.

According to Article X of the Charter:

- a. Each Member State shall have one vote.
- b. All resolutions shall be determined by a two-thirds majority of the Members of the Organisation.
- c. Questions of procedure shall require a simple majority. Whether or not a question is one of procedure shall be determined by a simple majority of all Member States of the Organisation.

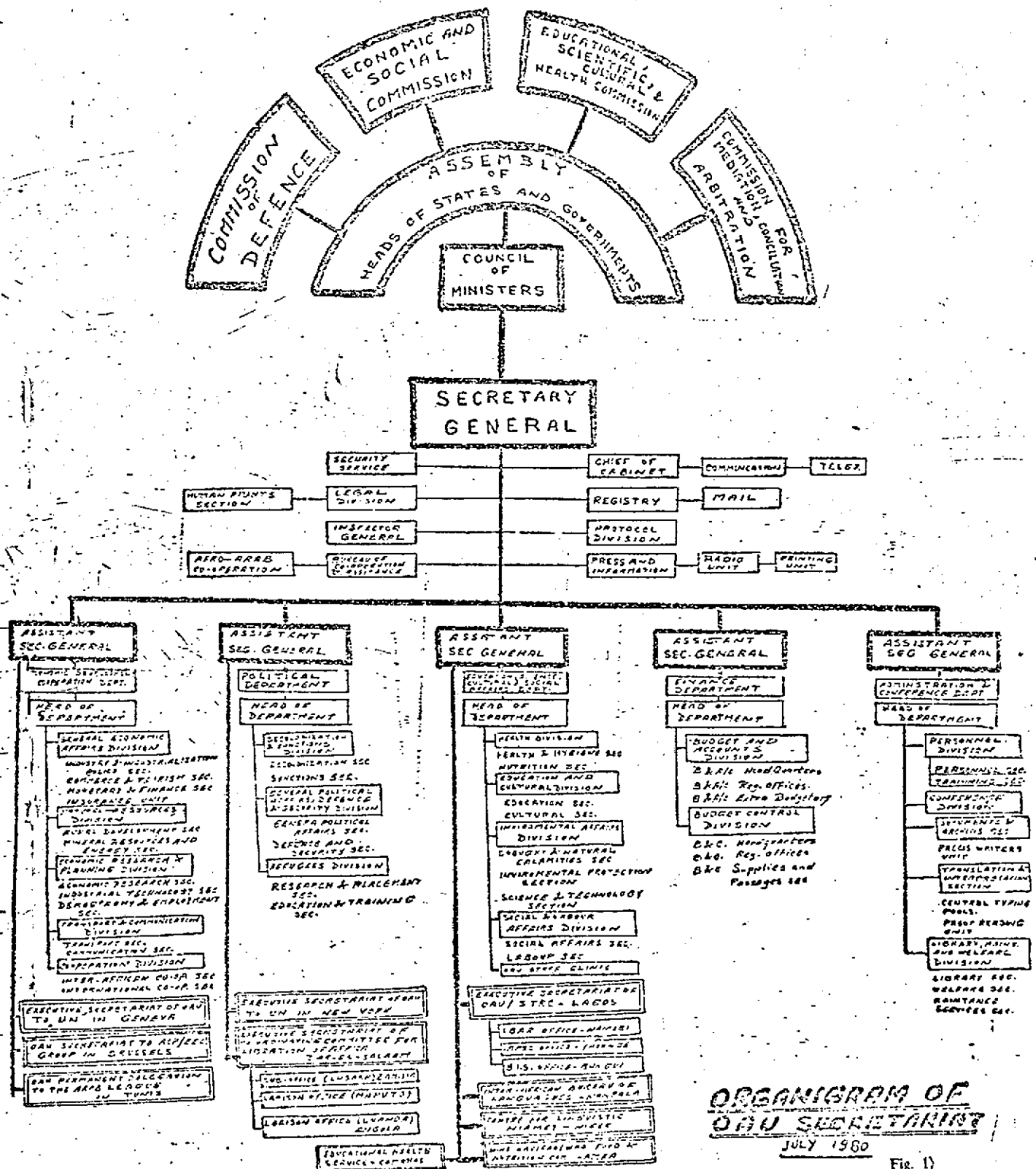


Fig. 13

- d. Two-thirds of the total membership of the Organisation shall form a quorum at any meeting of the Assembly.

As can be seen, this is quite a detailed account of voting procedure, but nothing is stated about what should constitute a substantial decision or resolution. Even so the power of the Assembly is almost total. All final decisions rest with it. In effect, with or without the other organs, the main burden for the maintenance of continental order rests with this body. The Assembly meets once a year. However, if there are serious problems, such as the internal strife in Angola in 1976, it can meet in a special or extraordinary session.

To get across the message of supposed solidarity on an issue, the Assembly adopts declarations and resolutions. It remains unclear according to the Charter, just how much force an O.A.U. Resolution should have. Are the resolutions to be taken as a policy of unity? The Heads of State and Government have remained unclear and this point has not been clarified. However, it is generally held that a resolution represents the collective agreement of Member States as expressed by Heads of State and Government.

The resolutions appear to be guidelines as to a Member State's relationship with other African nations and also with the world community at large. For example, nations such as Ivory Coast and Malawi have been warned about dealings with racist South Africa. In the case of Malawi, there has been outright condemnation by fellow African states.<sup>40</sup>

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40. President Kamuzu Banda of Malawi has never really given a logical reason as to why his country maintains relations with South Africa.

It is important to note here that the Charter does not specify that all resolutions, sponsored by O.A.U. Member States, in its simple majority voting procedure must be agreed upon. However, resolutions concerning moral issues such as racism are expected by and large to be supported by Member States.

Each year, using a rotation method, a Head of State or Government is selected to act as the Chairman of the O.A.U.

### The Council of Ministers

The Council of Ministers is a low-profile administrative body which generally handles O.A.U. matters before they reach the attention of the Heads of State and Government. According to Article XII, the Council of Ministers shall:

- a. Consist of Foreign Ministers or such other Ministers as are designated by the Governments of Member States, and
- b. Meet at least twice a year. When requested by any Member State and approved by two-thirds of all Member States, it shall meet in extraordinary session.

According to Rule 3 of the Rules of Procedure of the Council of Ministers of the Organisation of African Unity, the functions of the Council are as follows:

- (i) It is charged with the preparation of the Assembly;
- (ii) It takes cognisance of any question referred to it by the Assembly;
- (iii) It implements inter-African co-operation, in accordance with directives of the Assembly, as provided under Article II, paragraph 2, of the Charter of the O.A.U.;
- (iv) The budget of the Organisation prepared by the Administrative Secretary-General shall be submitted, for scrutiny and approval, by the Council of Ministers;
- (v) The functions of the Specialized Commissions established by Article XX of the Charter shall be carried out in accordance with the provisions of the Charter and of the regulations approved by the Council of Ministers.

The Council of Ministers also approves reports from specialized commissions. Perhaps the most important function of the Council is drafting and adopting resolutions to be presented for approval to the Heads of State and Government.

The Council of Ministers generally meets in closed session but makes public the final outcome of its sessions. Each session of the Council has a chairman, two vice-chairmen, and a rapporteur who are elected by secret ballot. The Council can also be called into emergency session. For example, emergency sessions were called to consider the Algeria-Morocco dispute in 1964, the military situation in Tanzania also in 1964, and to consider the joint military operation of Belgium and the United States from the British base on Ascension Island to rescue hostages held by a rebel contingent of the Congolese Army in 1965.

#### The O. A. U. Secretariat

The O.A.U. General Secretariat is a central and permanent organ. It is rather limited in power but serves all meetings of the Council of Ministers, the Assembly, Specialized Commissions, and ad hoc bodies. The General Secretariat also prepares the O.A.U. budget and annual report which are submitted to the Council of Ministers.

The Secretariat, according to present estimates, has a staff of about 400, who work on the following levels:

Level 1: Chief officers (Administrative-Secretary General, his 4 assistants, President and Vice-President of the Commission of Mediation, Conciliation, and Arbitration - all nominated by the Assembly of Heads of State and Government. 8 political appointees from Algeria, Benin, Ghana, Guinea, Kenya, two from Nigeria and 1 from Upper Volta.

Level 2: over 70 professional officers.

Level 3: over 50 technical staff.

Level 4: over 50 general service staff and over 200 locally recruited staff members, all based in Addis Ababa, Ethiopia, central headquarters.<sup>41</sup>

The budget for 1979/80 totalled 14,474,568 US dollars.<sup>42</sup>

The official languages of the organisation are English, French and Arabic.

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41. O. A. U. Council of Ministers 28th Ordinary Session, Lome, Togo, CM/775 (XXVIII) Part II. Report of the Admin. Secretary-General covering the period from July 1976 to February 1977, p. 6 and 7. Table I is a schedule showing staff by country and level as of 28/12/76.
42. O. A. U., CM/1073 Part I - Introduction to the Report of Secretary-General on activities of the organisation, Council of Ministers, 36 Ordinary Session 23 February - 1 March, 1981, Addis Ababa, p. 10. According to this report, the Secretariat was only able to receive 8,440,766.28 US dollars of the 14,474,568 US dollars for the 1979/80 budget that is 58.3%. The report stated that "this situation is serious and affected the normal functioning of the O. A. U. The financial situation of the O. A. U. is so serious that an Advisory Committee recommended to the Council of Ministers the immediate enforcement of Article 97 of the Financial Rules and Regulation according to which any Member State of the O. A. U. with an outstanding contribution to the budget of the O. A. U. in accordance with the obligations as enacted in the Charter shall not participate either in the vote or O.A.U. decisions if the amount of its arrears is equal to or in excess of the contribution due by such state for two complete financial years ended



The head of the O. A. U. General Secretariat is called the Administrative Secretary-General. He is directly responsible to the Council of Ministers, even though there is no mention in the Charter of the Administrative Secretary-General's participation in either the affairs of the Council of Ministers or the Assembly of Heads of State and Government.

In 1970 this practice was challenged by the former head of the O. A. U. Secretariat, the late Diallo Telli of Guinea. Then as Administrative Secretary-General of the O. A. U. Telli stated in Report number 330 to the Council of Ministers that he should have more power in the selection of staff. He also complained about the conditions of service within the O. A. U. Secretariat.

"It is easy to imagine the disruption which political appointments with the inevitable allegiances they entail, could cause in the smooth functioning of the General Secretariat of a young organisation like ours. In the overriding interest of the O. A. U., the General Secretariat wishes to appeal to the Council of Ministers to consider possible and practical improvements in the present staff Rules and Regulations but to avoid any upheaval that would threaten to disorganise, paralyse, and even undermine the very foundations of this effectively working O. A. U. organ the General Secretariat." 43.

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43. O. A. U., Report of the Administrative Secretary-General covering period from February 1970 to September 1970. CM/330 (Part II), p. 9. On page 5 of the same report, staff problems are also emphasized.

In an earlier Report of the Administrative Secretary-General covering the period from October 1965 to February 1966 (CM/109) to the Council of Ministers, Sixth Ordinary Session held at Addis Ababa also indicated the problems of finding competent personnel.

The Council of Ministers reacted by excluding Telli from their fourteenth session held in Addis Ababa in February 1970. The Council of Ministers issued a statement indicating that matters concerning upgrading of staff should be submitted first to the Advisory Committee and then to the Council of Ministers. The differences between the Administrative Secretary-General and the Council of Ministers eventually reached the Assembly of Heads of State and Government who sided with the Council of Ministers and over-ruled the Administrative Secretary-General.<sup>44</sup>

#### The Role of the Administrative Secretary-General

One can see from reading the previous paragraph, that all does not necessarily run sm<sup>o</sup>oth as far as O.A.U. internal

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44. Ministry of Information - Ethiopia. Summary of CM/330 (Addis Ababa, 1970), p. 4.

T. O. Elias has pointed out in his book Africa and The Development of International Law (Dobbe Ferry, New York, 1972), p. 142 that "between the Council of Ministers and the Assembly of Heads of State and Government, a clear trend seems to be developing in the direction of giving the Council large powers not only in preparing the ground formations of the Assembly but also in taking far-reaching decisions in the form of recommendations to the Assembly, which usually ratifies the resolutions brought before it in this way." I wrote to the Honourable T. O. Elias at the International Court of Justice in the form of a questionnaire about information concerning the O. A. U. He referred me, in a letter dated 20 November 1980, to his book Africa and the Development of International Law, Chapters 7, 8, 9, which deal exhaustively with questions concerning the early formation of the O.A.U. and its organisational structure.

structure is concerned, particularly as far as the O.A.U. Administrative Secretary-General is concerned. It is therefore essential that one knows something of the history of the role of the O. A. U. Administrative-Secretary General.

The role of secretaries in regional organisations has not been analyzed very much. But in a study of this kind, one must have a reference framework and for that one can read about the working of the secretariat in the following organisations; the United Nations and the Organisation of American States.<sup>45</sup> Such a framework emphasizes the authority vested in the position by a charter in addition to the personality and beliefs of the individual in whom such power is invested.

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45. Emphasis was placed on the U.N. Secretariat, and especially "The Secretariat of the U.N. Economic Commission for Europe. References used were: Robert Cox, "The Executive Head. An essay on Leadership in International Organisation", International Organisation 23 (Spring, 1969), pp. 205 - 30; Mark W. Zacher, "The Secretary-General of the United Nations' Functions of Peaceful Settlement" International Organisation, Vol. XV, No.4 (Autumn 1966), pp. 724 - 749. Charles Winchmore "The Secretariat: Retrospect and Prospect", International Organisation, Vol. XIX, No. 3 (Summer 1965), pp. 622-639; Leon Gordenhas, The U.N. Secretary-General and the Maintenance of Peace".

The O.A.S. secretariat was studied because like the O.A.U., the Organisation of American States is a prominent regional organisation. Also, during the writing of the O.A.U. Charter, 2 legal experts from the O.A.S. were consulted. Works consulted were M. Margaret Ball, The O.A.S. In Transition (Durham, N.C., 1969), Chapters III and VIII, and Charles G. Fenwick, The Organization of American States: The Inter-American Regional System (Washington, D.C. 1963), pp.80-104. On the influence of the U.N. Secretary-General, Leon Gordenkes in his article, "The Secretary General", The U.N.: Past, Present and Future, (Barros, New York, 1965), p. 114, states that not only does the U.N. Secretary-General control the Secretariat but indeed, he is an actor in international politics.

When one reads about the duties of the Administrative Secretary-General in the O. A. U. Charter, it is clear that this position is supposed to be apolitical. This was apparently the wish of the founding fathers who saw the position as strictly an administrative one. Even his title, Administrative Secretary-General, rather than Secretary-General, is indicative of this. In effect, the only powers granted to the Administrative Secretary-General, were just enough to ensure proper secretarial work. This is in stark contrast, for example, to the U. N. Secretary-General, who has a very prominent position.<sup>46</sup>

To date, there have been four Administrative Secretaries-Generals of the O. A. U. In 1964, the Assembly of Heads of State and Government elected Diallo Telli of Guinea as the first Head of the O. A. U. Secretariat. "Even this first selection or election was not without its difficulties. Even though, Diallo Telli<sup>46a</sup> was

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46. M. Margaret Ball in, The O.A.S. In Transition (Durham, N.C, 1969), p. 271, that like the United Nations Secretary-General, the Secretary-General of the Organisation holds that office in respect to the entire organisation not simply to the General Secretariat. At that time, the O.A.U. Administrative Secretary-General was only recognized as head of the O.A.U. Secretariat.

Information on the O.A.U. Administrative Secretary-General or the Secretariat can be found in James H. Polhamus "The Provisional Secretariat of the O.A.U., 1963-64", The Journal of Modern African Studies, 12, 2 (1974), pp. 287-95; B. David Meyers; "The O.A.U.'s Administrative Secretary-General" International Organisation Vol.30, No.3 (Summer, 1976), pp. 509-520.

46a. Diallo Telli has been assumed deceased but there remains the question of whether he has disappeared or is being held in prison for his part in a coup attempt in Guinea.

the only candidate during the first voting period, he received 14 votes for, 11 against, 6 abstentions and 1 absent. In order to succeed, he would have needed 17 votes, as there were 32 Member State of the O.A.U., August 10, 1963, the day of the voting in Dakar. As there was no other candidate, it was decided by the meeting (of the Council of Ministers) that a report of the voting should be submitted to the next meeting of the Assembly of Heads of State and Government. In the meantime one or two other candidates were proposed both before and at the Cairo summit meeting July, 1964. The outcome was that Telli was appointed by Heads of State and Government on July 21, 1964, the last day of the Cairo Conference. It is impossible to be sure whether this appointment was really a mere formal ratification of the nomination by the Council of Ministers in Dakar, or whether it was an independent exercise on the part of the Heads of State and Government acting in accordance with their powers under Article sixteen of the O.A.U. Charter."<sup>47</sup>

"Even if the Heads of State and Government had been influenced by the Dakar resolution, a resolution that did not secure the necessary majority, it seems clearer that a new vote was taken and the successful candidate secured the necessary majority as required by the Rules of Procedure of the Assembly of

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47. T. O. Elias, Africa and the Development of International Law, (Dobbs Ferry, New York, 1972), p. 141-142.

Heads of State and Government held in Cairo. In the same way, the appointments of the Assistant Secretaries General on the same occasion would appear to be in accordance with the provision of Article 17 of the Charter."<sup>48</sup>

After serving two terms in office, Diallo Telli was followed in office by Nzo Ekangaki of Cameroon who, after serving two years in office was replaced by William Eteki Mboumoua also of Cameroon.<sup>49</sup> The present Administrative Secretary-General is Edem Kodjo of Togo.

Diallo Telli was active and participated in various O.A.U. activities. So were Ekangaki and Mboumoua during their tenure. Thus far, during Kodjo's tenure, the position appears to be gaining

48. Ibid., p. 142.

49. It is interesting to note that two of the Administrative Secretary-Generals have come from the Cameroon. Perhaps this is because the national character (combination of areas once dominated by both the French and English) is somewhat reflective of the Independent States.

In the book The Lonrho Connection: A Multinational and Its Politics in Africa by Suzanne Cronje, Margaret Ling, and Gillian Cronje (Encino, California, 1976), it was stated that Telli was not liked by O.A.U. conservatives and even though he was up for re-election, he was not suggested for another term. Nzo Ekangaki of Cameroon had an advantage of coming from French and English speaking areas. Also President Ahidjo of Cameroon had at that time, been Chairman of the O.A.U. and was liked by both conservatives and more radical members.

strength. That is Kodjo appears to be using his non-political presence to gain more political power within the O. A. U.<sup>50</sup>

It is also interesting to note that Telli, the most controversial of the first three, often used the semi-annual "Report of the Administrative Secretary-General" to try to bring out issues which others within the organisation wished to avoid. For example, the 1967 report to the Assembly focused on the Nigerian Civil War, the Middle East Crisis, and on rebellion of mercenaries in Zaire. All of these were highly controversial subjects.<sup>51</sup>

Telli was not adverse to leaking information to the press, if necessary to try to bring out sensitive issues. So did William Eteki, when he used information on the then war-torn

50. Since Kodjo's election to office the Nigerian press in general has been more favourable towards the position of Administrative Secretary-General. The term "administrative" has been dropped in contemporary writing, even though the O. A. U. Charter does not reflect this now generally accepted informal change. O.A.U. document also reflect this evolutionary change in that recent documents which in the past would have read the "O.A.U. Report of the Administrative Secretary-General" now read the "O.A.U. Report of the Secretary General."

My study has included studying Nigerian periodicals such as "Daily Times, Daily Sketch, "Morning Post", National Concord", "Nigerian Herald", "New Nigeria" "Nigerian Tribune" "Observer" from the period 1963-1980. This study has reflected this change.

51. O. A. U. Ninth Ordinary Session Report CM/157 (September, 1967), p. 20.

Angola to buttress arguments for an African peace-keeping force.<sup>52</sup> All of these were attempts to make the position of Administrative Secretary-General a more active one. The charter emphasizes the administrative rather than the executive nature of the secretariat. In actual working, however, the Administrative Secretary-General has been entrusted with a number of resolutions with some executive functions.<sup>53</sup> However, the moves that Telli made had in effect, over a period of time made the office of the Administrative Secretary-General an effective one.

The Second O.A.U. Administrative Secretary-General also clashed with other O.A.U. authorities but on a different level. In 1974 ~~N.D~~ Ekangaki as head of the O. A. U. secretariat first threatened to resign and finally did resign his position. Because of the critical oil situation in some African states, the Council of Ministers had established an ad hoc committee to study the situation. According to Ekangaki this ad hoc committee had given him authority "to appoint a consultant or consultants on measures concerning the distribution of petroleum."<sup>54</sup> On January 9, 1974 he signed an agreement with the consulting organisation, Lonrho Limited, a British conglomerate, which does business with many African states, including South Africa, ignoring sanctions against apartheid.

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52. African Research Bulletin, Political Series, July 1975, p. 3684.

53. Diallo Telli, "The O. A. U. in Historical Perspective", African Forum, Vol. I, No. 2, (Fall, 1965), p. 25.

54. Africa Research Bulletin, Economic, Financial and Technical, February 15 - March 14, 1974, p. 3032.



Because of Lonrho's South African connection, the engagement of this firm was vastly criticized. It was General Amin of Uganda who first gave publicity to the story. Amin despatched telegrams to Ekangaki with copies to General Gowon, the Nigerian leader and Chairman of the O. A. U., 1973 - 74.

"I have been informed that last month you signed an agreement with a representative of Lonrho.... in effect giving that company the sole agency of dealing in oil products between the Arab and African countries. If that is so, it is most regrettable and unfortunate.

In the first place, your action does not appear to be backed by the O. A. U. mandate of any kind in spite of the fact that there is a standing committee of seven countries specifically charged with the subject of oil supply from the Arab countries to the African countries.

In the second place, Lonrho is obviously widely known throughout Africa as being one of the leading imperialist Zionist companies with roots in southern Africa where it specializes in supplying racist minority regimes with military weapons, propaganda machinery and petroleum products among other things, for fighting O.A.U. Member States, as well as for suppressing patriotic and nationalist movements in those parts of the continent still under imperialist and colonialist slavery." 55

Some of the Heads of State and Government insisted that Ekangaki, as Administrative Secretary-General had no

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55. "General Amin's telegram on Lonrho in "The Commanding Height", p. 208, "The Lonrho Connections a Multinational and Its Politics in Africa by Suzanne Cronje, Margaret Ling, and Gillian Cronje (Encino, California, 1976).

legal authority to sign on behalf of the O. A. U. Ekangaki felt that if the Council of Ministers did not recognise the signature then he would resign. This move on his part proved unnecessary because the agreement was nullified at the request of Lonrho.<sup>56</sup>

Another problem that the Administrative Secretary-General faces is his inability to choose the personnel serving in the secretariat.<sup>57</sup> Assistant Secretaries are chosen by Heads of State and Government according to a rotation scheme based on geography, linguistic, and political balance.<sup>58</sup> Rather than being permanent, these secretaries serve at the discretion of whoever is in power in their respective countries at the moment. Therefore, the Administrative Secretary-Generals have had difficulty in imposing any type of control necessary for the proper internal running of the O. A. U. In a 1974 "Report of the Administrative Secretary-General", Ekangaki stated that the very foundation of the O. A. U. was threatened by dissension within the Secretariat and a growing tendency toward nationalism and regionalism."<sup>59</sup> This trend, according to

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56. Keesing's Contemporary Archives May 20 & 26, 1974, p. 26530

57. Africa Research Bulletin Political Series, May 1973, p. 2844.

58. In Charles Winchmore's The Secretariat: Retrospect and Prospect International Organisation, Vol. XIX, No. 3, Summer 1965, p. 639, Sir Eric Drummond's concept of a group of civil servants whose obligations were exclusively towards an organisation itself was emphasized as a way to stop such problems within a secretariat of an international organisation.

59. Africa Research Bulletin, Political Series, June 1974, p. 3258.

Ekangaki was most obvious within the secretariat of the O. A. U. Liberation Committee, which was supposed to be responsible to the Administrative Secretary-General, but most often acted as it wished. Earlier, during the term of Telli, there was also continuous dispute concerning the calibre of officials operating within, for example, the Liberation Committee and the manner in which funds were spent.<sup>60</sup> In fact, in May 1973 Ekangaki alleged that officials of the Liberation Committee had mismanaged funds but this report was not accepted by the Council of Ministers. The Tanzanian Foreign Minister accused Ekangaki of trying "to set himself up as a super head of state",<sup>61</sup> by his proposal that the Executive Secretariat of the Liberation Committee should be under the control of the O. A. U. Administrative Secretary-General. Thus, the Liberation Committee was allowed to proceed along its own path, indicating that the Council of Ministers still viewed the Administrative Secretary-General's power as very limited.<sup>62</sup> Ironically, in July 1974 Ekangaki was forced to resign as O. A. U. *Administrative* secretary because of substantiated reports of financial impropriety.<sup>63</sup>

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60. Africa Research Bulletin, Political Series, May 1973, p. 2844.

61. Ibid., p. 2844.

62. Africa Research Bulletin, Political Series, May 1973, p. 2844.

Africa (London, August 1974).

### Resource Dimension of the Administrative Secretary-General

It is important for any secretary of any prominent organisation to have material and non-material resources and to exert influence within the organisation. In effect, an effective secretariat must be involved in the preparation of multilateral meetings from a substantive point of view, research, planning, some executive action within the secretariat, and be involved in ad hoc diplomatic activities of the Secretariat.<sup>64</sup> To do this, the head of the secretariat must enjoy confidence so that he can take his proper place in a rational fashion, especially during a time of crisis. The O. A. U. as an organisation is constantly faced with financial problems, which limit resources. The O. A. U. general secretariat had received a minimal amount of funding and this of course restricts the type of organised participation. Because of limited funding, there is a lack of essentials, such as top calibre professional staff. This also limits the amount of prestige accorded to the O. A. U. Administrative Secretary General.<sup>65</sup>

With all of the previous information in mind, it is also interesting how and why the head secretary of the O.A.U. is chosen. It is obvious that regional cleavages have helped to determine the nationality of the Administrative Secretary-General, with personality and ability having the least effect upon gaining a position. For example, in 1964 and 1968,

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64. The article "The E. E. C. Secretariat", International Organisation, Vol. XIX, No.2, Spring 1965 deals with these conditions.

65. Oran Young, The Intermediaries: Third Parties in International Crisis (Princeton, 1947), pp. 81-90.

Guinea's Minister, because of President Toure's mediator role in helping to create the O.A.U., was acceptable to most members. It is noted that two more recent secretaries, Nzo Ekangaki and William Eteki Mboumoua came from the Cameroons, a country with a dual Anglo-French religious and colonial heritage.

Of the four men, who have been Administrative Secretary-General, Diallo Telli was perhaps the most vocal and the most astute as far as judging the relative importance of various bodies of the O.A.U. goes. He was definite at least about the importance of the secretariat and about the reality of the existence of the O.A.U.

"Telli felt that the secretariat was the main administrative and executive body of the O.A.U. He felt that the O.A.U. Charter emphasized the administrative rather than the executive nature of the secretariat."<sup>66</sup> In this respect his philosophy was very much akin to that of Secretary-General of the United Nations from 1953-1961, the late Dag Hammarskjold. Both men essentially held that

"the development of contemporary forms of international organisation has been accompanied by a correlative development of international bodies which have a distinct existence within a given system of multilateral diplomacy and which exercise administrative and or executive functions implicitly recognised or explicitly entrusted to them by the actors of the international system. The composition of these bodies may be national, multinational or international, but their functions

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66. Diallo Telli, "The O.A.U. In Historical Perspective", African Forum, Vol. I, No.2, Fall 1965, p. 25,

are always international in character. The term executive as used in the context of secretariat describes the function of an international body acting independently within certain legislative limits and participating in the process leading to the adoption of decisions or assuming itself the decision-making function." 67

Telli also saw the limitations of the O.A.U. as an organisation. He felt that the O.A.U. was not "a supranational body, but strictly it could be seen as an intergovernmental body with the limited purpose of fostering cooperation among the Member States."<sup>68</sup> Secondly, the O.A.U. was contractual in nature and design. The signatories did recognise in the preamble that the creation of the organisation was a "response to the aspirations of our peoples for brotherhood and solidarity in a larger unity transcending ethnic and national differences."<sup>69</sup> Since the time of Telli, the position of Administrative Secretary-General has developed, just as the organisation has evolved into a more prominent position.

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67. Jean Siotis, "The Secretariat of the U.N. Economic Commission for Europe and European Economic Integration - The First Ten Years" Vol. XIX, No.2, Spring 1965, p.178. International Organisation. See also Dag Hammarskjold, "Introduction to the Annual Report of the Secretary-General on the work of the Organisation, 16 June 1959-17 June 1960", pp.399-409 in Joel Larus (ed) From Collective Security to Preventive Diplomacy. New York, 1965.

68. Diallo Telli, "The O.A.U. in Historical Perspective" African Forum, Vol. I, No.2, Fall 1965, p. 21.

69. Ibid., p. 21.

### Branches of the O. A. U. Secretariat

The O. A. U. is able to function because of various branches of the O. A. U. Secretariat in strategic parts of the world.

The O. A. U. Bureau in New York serves as a facility for co-ordination and co-operation of African states as members of the United Nations to try to make sure that certain U. N. resolutions dealing with African issues are carried out.

The O. A. U. Bureau in Geneva was established in 1972. It co-ordinates African interests within the European community.

The headquarters of the O. A. U. Scientific, Technical and Research Commission is in Lagos. There are extensions of this particular secretariat in Yaounde, Banqui, and Nairobi.

There is the Inter-African Phyllosanitary Council (IAPSC) which is headquartered in Yaounde, Cameroon. This bureau is concerned with plant disease control throughout Africa. The Inter-African Soils Bureau (IBIS) is based in Banqui, Central African Republic and is concerned with soil conservation. The Inter-African Bureau for Animal Resources (IBAR), based in Nairobi, Kenya, is concerned with the control of animal disease. The O. A. U. also has a Bureau for the Placement and Education of Refugees in Addis Ababa, established in 1968. There is also an O. A. U. Inter-African Bureau for the Placement and African Bureau for Languages in Kampala, Uganda, and an O. A. U. Publication Bureau in Niamey. The O. A. U. maintains relations with the U. N. Economic Commission for Africa and the African Development Bank plus the Pan-African News Agency.

### Specialized Commissions

Under Article XX of the O. A. U. Charter, provisions were made for the establishment of five specialized commissions. They are the Economic and Social Commission, the Educational and Cultural Commission, the Health, Sanitation, and the Scientific, Technical, and Research Commission.

Later in July 1964, the Commission of Jurists, Transport Commission, and Communications Commission were established.

It is obvious that some of these commissions were modelled after certain U. N. agencies. This was not fully appreciated by forces within the U. N. structure until recently. There was conflict between African organisations and certain U. N. agencies such as the Food and Agricultural Organisation (F.A.O.) and the World Health Organisation (W.H.O.).<sup>70</sup> However, the African nations were not in sound financial positions and so these O. A. U. commissions were never really well organised nor run effectively. Out of all these commissions, the one that gathered the most support was the Defence Commission.

### The Defence Commission

The creation of the O. A. U. Defence Commission was a spin-off from the idea of President Kwame Nkrumah of Ghana,

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70. It is obvious that the U. N. was touchy about this issue when it is implied in U. N. Document A/6174, December, 16, 1965 that such matters were really the affairs of the O. A. U.



who had advocated the more radical idea of a Joint African High Command, which was to ensure the common defence of Africa and safeguard the independence of African states. This was similar to the O. A. U. Article II which provided for the defence of sovereignty, territorial integrity, and independence of African states who agreed to co-ordinate and harmonize their general policies. However, this idea failed to receive priority attention from Member States. The Member States of the O. A. U. were primarily concerned with the struggle against colonialism, neo-colonialism, and racism in South Africa. It was felt that maintenance of law and order was the responsibility of Member States themselves.<sup>71</sup>

Therefore, the Defence Commission with its military representatives from all over Africa was considered a safe-non-political body. The Defence Commission was a far better compromise as far as African leaders were concerned than the idea of a joint military command or High Command, which if established would bring an awesome<sup>h</sup> complicated problems such as the model for the command, the type of training and weapons, where training would be located, and most important of all, what would constitute a conflict or crisis

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71. It is assumed by the writer that because no resolution was passed on the matter or at least nothing was released officially by the O.A.U. Secretariat that it was understood that each state would maintain internal order.

situation where such a military structure could legally intervene. Still the idea for some type of High Command keeps surfacing. The most recent organized concept was presented at the Rabat Summit in 1972. Basically it called for the following:

- a. the creation of regional defence systems, comprising units of national armed forces from States in the various regions and linked by bilateral or multilateral defence agreements;
- b. a military commander for each of these defence systems (who would be subordinate to a Chief of Staff), a deputy and representatives of the national armies of the states concerned;
- c. a unity of military defence advisers within the O.A.U. General Secretariat which would not only co-ordinate all matters concerning the security of Member States but also gather military information and intelligence likely to interest the Liberation Committee. This would comprise a military adviser with the rank of major, appointed for two years. The latter would represent the three armed forces - land, sea, and air. Members of the unit would be appointed by the O.A.U. Summit on recommendations from the Defence Commission.
- d. the creation of a permanent defence committee which would meet bi-annually or when called into session by the Chairman of the Executive Committee. This permanent committee would comprise members, the military adviser in the O.A.U. Secretariat, representatives of the regional executive secretariats, the O.A.U. Administrative Secretary-General and the Executive Secretary-General of the Liberation Committees. 72

#### The O. A. U. Liberation Committee

It is the main purpose of the Liberation Committee to eradicate colonialism from the face of Africa. For many this

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72. African Research Bulletin, Vol. 8, (London, January 1972), p. 1204.

had different meanings and it is clear that this committee has had its share of criticism. Perhaps this is because the Liberation Committee has operated independently and so to many, its operations have appeared to be rather questionable. Much of the criticism has been concerned with the handling of its special funds and various arms purchases.<sup>73</sup>

However, a central problem has been the working relation between the committee and the various liberation movements. Over the years the Liberation Committee has dealt with those movements which have official O.A.U. clearance, such as M. P. L. A. - Angola, P. A. I. G. C. - Guinea Bissau, F. R. E. L. I. M. O. - Mozambique, S. W. A. P. O. of Namibia, and S. A. P. U. and S. A. N. U. - Zimbabwe.

The Liberation Committee meets bi-annually and it has the following standing committees:

- a. Standing Committee on Information, Administration, and Policy.
- b. Standing Committee on Finance.
- c. Standing Committee on Defence.

The Executive Secretariat of the Liberation Committee in Dar-es-Salaam has a regional bureau in Lusaka. The main duty of the Executive Secretariat is to see that the decisions of the standing committee are carried out. The

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73. For more information on this subject see E. M. Duke, "Relations Between Liberation Movement and the O.A.U." in Essays on the Liberation Movements of Southern Africa (Dar-es-Salaam of Tanzania, 1971).

Committee, according to the 1963 Rules of Procedure is supposed to perform the following functions:

- a. be responsible for the co-ordination of all assistance provided by African countries to the liberation movements;
- b. manage a special fund set up for that purpose and to submit its own budget to the Council of Ministers for approval;
- c. to promote unity of action among the various liberation movements in order to make the best use of the assistance given to them;
- d. to offer its good offices to conflicting liberation movements for the purpose of reconciliation.

#### O. A. U. Subvention

The O. A. U. subvention is a form of temporary assistance given to certain organisations facing financial difficulties to enable them to meet their obligations since their activities fall within the framework of the O. A. U. objectives. Some organisations for O. A. U. subvention are:

1. Supreme Council for Sports in Africa.
2. Pan-African Youth Movement.
3. The International Association for the Development of Documentation.
4. The Anti-Apartheid Committee.
5. The Association of African Universities.
6. The Encyclopaedia Africana Project.
7. The Association for the Advancement of Agricultural Science in Africa (A.A.A.S.A.).
8. The Association of Social Work Education in Africa (A.S.W.E.A.).

9. The African Journalists Union.<sup>74</sup>

The Commission of Mediation, Conciliation and Arbitration

The Commission of Mediation, Conciliation, and Arbitration is one of the original bodies of the O. A. U. It was created especially to deal with crisis. It was felt at that time that such a body could deal with African disputes.

According to the original protocol, C. M. C. A., established by Article XIX of the Charter of the Organisation of African Unit, shall be governed by the following provisions:

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1. The Commission shall consist of twenty-one members elected by the Assembly of Heads of State and Government.
2. No two Members shall be nationals of the same State.
3. The Members of the Commission shall be persons with recognized professional qualifications.
4. Each Member State of the Organisation of African Unity shall be entitled to nominate two candidates.
5. The Administrative Secretary-General shall prepare a list of the candidates nominated by Member States and shall submit it to the Assembly of Heads of State and Government.

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74. O. A. U. Report of the Secretary-General covering the period from July 1976 to February 1977, CM/775 (XXVIII) Part II. Council of Ministers - 28th Ordinary Session, Lome, Togo, p. 22.

The members of the O.A.U. C.M.C.A. were elected by the Second Assembly of Heads of State at Accra. In the first instance, there were financial restraints which kept the Commission from getting an early start.<sup>75</sup> Following adoption of the budget of the C.M.C.A. by the Tenth Session of the Council of Ministers in February 1968, the President of the Commission, Mr. Justice Odesanya, a Nigerian, set up the administrative secretariat of the Commission's bureau in Addis Ababa, in April 1968. The General Secretariat, in accordance with the directives of the Council and the Assembly, placed at the disposal of the president of the commission, suitable technical staff entrusted with the task of helping to set up the Bureau pending recruitment of the Registrar and other Commission personnel. Furthermore, the Administrative Secretary-General agreed to advance the sum of U.S. 40,000 dollars which would be recovered when Member States paid their respective contributions to the budget of the commission.<sup>76</sup>

At an earlier meeting, held in Addis Ababa from 11 - 15 December 1967, the Commission had adopted staff rules and regulations, drawing up its rules of procedure.

Still, Member States did not feel disposed to bring disputes before the Commission.<sup>77</sup> This observation was formally made during the Sixth Assembly of Heads of State and Government meeting held in Addis Ababa in September 1969. It was proposed

76. O.A.U. Report of the Administrative Secretary-General from February to September 1968, Algiers, CM/212 - Part II, p. II.

77. O.A.U. Report of the Administrative Secretary-General covering the period from September 1967 to February 1968, Addis Ababa, CM/186, Part II, p. 67. It should also be pointed out that external actors, such as the United States (Chad) and the Soviet Union (Ethiopia) also present a problem in the solving of regional crisis by the O.A.U.

that the C.M.C.A. should no longer be a main body of the O. A. U. but that the Commission should in effect become an ad hoc commission. Thus by October 1970, the C.M.C.A. which was supposed to become an ad hoc committee became an ad hoc body."<sup>78</sup>

As a result of decision AHG/Dec. 109(XIV) by the Assembly of Heads of State and Government at its 14th Ordinary Session to the effect that

"O.A.U. Administrative Secretary-General reconsider as a matter of urgency, the procedures contained in the Protocol of the O. A. U. Commission of Mediation, Conciliation and Arbitration, and submit recommendations for their modification to enable the Commission to react more promptly to crisis whenever they explode anywhere in Africa, and then submit a report to the Thirtieth Ordinary Session of the Council of Ministers on all desirable improvements to be made on the protocol" CM/924 (XXXI) was presented to the Council. 79

At its 31st Session, the Council of Ministers considered the Administrative Secretary-General's Report CM/924 (XXXI) on the subject and

"requested the O. A. U. Administrative Secretary-General to convene a meeting of O. A. U. Committee of Legal Experts to consider from the Political and Legal Stand-points, amendments proposed by Member States and to submit to the Thirty-third Ordinary Session of the Council of Ministers an Amended Protocol for consideration." 80

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78. O.A.U. Report of the Administrative Secretary-General covering the period from September 1969 to February 1970, Addis Ababa, CM/294, Part II, p. 5-6.
79. CM/977 (XXXIII), p. 1.
80. Ibid., p. 1.

The Secretariat in its circular note CAB/LEG/22/126 of 18th December 1978 requested Member States to send in proposals for amending the Protocol. None was received, and the O. A. U. Committee of Legal Experts met at the General Secretariat from the 15th to 21st March, and considered amendments to the Protocol. It took into account both political and legal aspects of the work of the Commission as well as ways disputes between Member States could easily be referable to the Commission. It considered that the work of the Commission could be put in two parts, the first consisting in the examination of disputes before it, and the second part consisting in the implementing of its decisions and recommendations.

The first part, examination of disputes, will be conducted in a juridical manner. Disputes should be heard in details so that the problems can be discerned and appreciated in their proper perspectives, in order to reach just decisions and recommendations. The second part, that if implemented, relate to the search for the political will for the acceptance of the decisions and recommendations of the Commission. The Committee therefore amended the Protocol to provide it with these two aspects. First professionally qualified men will be appointed to mediate, conciliate or arbitrate in disputes. They will carry out their duties in a juridical manner, and reach at decisions and recommendations of the Commission. "In the search for the political will for implementation, the Mediators, Conciliators or Arbitrators will work at the level of Heads



of State and Government with the Heads of State and Government of the parties to the dispute. Thus by the combination of the two, a healthy blend of politics and law would have been achieved. This blend, it is considered will facilitate speedy and effective means of settling disputes among Member States of the O. A. U."<sup>81</sup>

In the Report of the Committee of Legal Experts on the Amendments to the Protocol of the Commission of Mediation, Conciliation and Arbitration - Document CM/977 (XXXIII), the Council of Ministers proposed that the states reconsider the report of experts, make their observations known to the General Secretariat by 30th October 1979 at latest and that a Committee of experts takes up the issue as a whole and report to the next session of the Council of Ministers.

There were not just initiatives for reform within the C. M. C. A. structure, but within the O. A. U. in general

#### Charter Review Committee

"By decision AHG/Dec. III(XVI), the Assembly of Heads of State and Government decided to establish a Charter Review Committee comprising Benin, Burundi, Cameroon, Congo, Ghana, Kenya, Libya, Mali, Malawi, Morocco, Swaziland, Sierra-Leone,

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81. CM/977 (XXXIII), p. 2.

Somalia, and Uganda for the purpose of making proposals for the review of the O. A. U. Charter in the light of experience gained, in order to strengthen the organisation in all respects. Member States were also requested to send their observations to the O. A. U. Secretariat for consideration of the Committee which met its first session at Mogadishu from 7th to 12th April 1980. It considered the first six articles of the Charter and hoped to meet again in the near future."<sup>82</sup>

#### Reform of Structure of O. A. U.

The 24th Ordinary Session of the Council of Ministers meeting in Addis from the 13th to the 21st February 1975 established an Ad Hoc Committee by virtue of Resolution CM/Res. 386(XXIV). The Committee, composed of Cameroon, Zaire, Algeria, Nigeria, and Guinea was entrusted with the task of undertaking studies for the reform of the structure of the O. A. U. especially regarding administration and finance.

The General Secretariat of the O. A. U. convened the first meeting of the Ad Hoc Committee which met in Addis Ababa from the 24th to the 26th of September, 1975. On this occasion, the General Secretariat introduced a "Report on the Revision of the Structure of the O. A. U." in order to facilitate the task of the Committee. "The essential part of this report dealt with

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82. O. A. U. Introduction to the Report of the Secretary-General, Freetown, 18 - 28 June 1980, CM/1040 (XXXV) Part I, p. 63.

background to the problem and working procedure. The question of the revision of the structure of the O. A. U. had already been broached several years in the past by the policy-making bodies of the O. A. U., which are the Council of Ministers and the Assembly of Heads of State and Government.

In the beginning it was a question of the General Secretariat of the O. A. U. concerning revision in structure of salary scales, re-evaluation of posts and jobs at the Secretariat and the revision of the financial and accounting system. But later it was decided by the twelfth ordinary session of the Council of Ministers to set up a sub-Committee of Experts composed of representatives from Nigeria, Senegal, Somalia, Arab Republic of Egypt and Uganda.

On July 10th, 1969 members of the sub-Committee of experts introduced a document (FBM-XXII) entitled "Report of the sub-Committee of O. A. U. Experts on the structure of the General Secretariat and the scale of salaries." This document was submitted to the Council of Ministers, but no satisfactory decision was reached and it was put aside for further study.

On 16th Ordinary session of the Council of Ministers subsequently took a decision which was approved by the seventh session of the Assembly of Heads of States and Governments which requested the Administrative Secretary-General of the O. A. U. to appoint one or several African experts in administration to "study the administrative structure of the O. A. U. and to make appropriate recommendations to the Council of Ministers with specific reference to number of posts at all grades, the categorisation of these posts and corresponding salaries on the

basis of the means available to the O. A. U. and its objectives with the purpose of:

- a) attracting into the service of the O. A. U., the best available qualified Africans committed to the cause of O. A. U.;
- b) improving working relations between the staff members of different grades, different post categories and between various departments, sections or divisions and offices;
- c) making long term savings in the management of O. A. U. while preserving its multinational characteristics.. 83

In June 1971, the Administrative Secretary-General by his letter No. PER 20/81, 1228-71 dated 31st August 1971 appointed Mr. A. L. Adu of Ghana as the expert. The well known Adu Report called "Revision of the Structure of the General Secretariat of the O. A. U. was submitted to the 18th Ordinary Session of the Council of Ministers in February 1972 in Addis Ababa.

On the basis of the Adu Report, the Eighteenth Ordinary Session of the Council of Ministers decided to request the Administrative Secretary-General to appoint:

- 1. an expert to evaluate posts in the General Secretariat and regional offices of the O. A. U.
- 2. another expert to study financial and accounting system of the O. A. U.

By a letter AD/PER/3/7 of the 8th of December 1972, the Administrative Secretary-General appointed Mr. Saad Younis Mohamed Younis of Egypt for the former job and Mr. Osindero of Nigeria for the latter job.

By the 24th Ordinary Session of the Council of Ministers, the reports had not been studied and it was deemed necessary to establish an Ad Hoc Committee for the Reform of the Structure of the O. A. U. This was a tedious step toward looking at revamping the O. A. U. structure.<sup>84</sup>

At its first meeting held in Addis on the 25th of September 1975, the Ad Hoc Committee, after having elected its bureau, established a programme of work and requested the Secretariat to submit all the regulations and basic documents governing the Organisation as well as all studies undertaken on the review of O. A. U. structure.

The Committee also decided after having heard written statements from the Member States on the reform of the structure to set up three sub-committees which are:

1. the sub-Committee on the reform of the structure and amendments to the Charter;
2. the sub-Committee on administrative questions;
3. the sub-Committee on financial questions.<sup>85</sup>

84. One can see by examining this plan for revision of O.A.U., how long and tedious any attempts at change within an organisational structure can take. One can see also a lot of bureaucratic red tape and waste.
85. O.A.U. Report of Administrative Secretary-General (Assembly of Heads of States and Government covering the period from July 1975 to February 1976, Addis Ababa, CM/684 (XXVI), Verbatim Part II, p. 10.

Most members submitted their written statements during the meetings which took place from 10th to 12th November 1975. Those members that were not in a position to do so then were invited to submit their statements at the third meeting of the ad hoc Committee meeting in Dar-es-Salaam, 20th - 21st November, 1975.

Also at its 25th Ordinary Session the Council of Ministers' meeting in Kampala was seized with a proposal for the revision of the structure of the Executive Secretariat of the Co-ordinating Committee for the Liberation of Africa for its better integration with the structure of the O.A.U. "This proposal was contained in Report CM/654 (XXIV) of the 25th Session of the Liberation Committee meeting in Rabat. The Council of Ministers decided to refer the question to the ad hoc Committee within the framework of the global studies on the revision of the structure established in the latter's mandate."<sup>86</sup>

#### Organisational Structure and the O. A. U.

Thus fairly the main branches of the O. A. U. have been discussed. That is the formal structure of the organisation has been outlined. It is good to remember at this point that the formal structure of any organisation, including that of the O. A. U. is a system of rules and objectives defining the tasks, powers, and procedures of participants according to some

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86. Ibid., p. 11

goals must be highly responsive and highly flexible. There must be a common bond and dedication to the goals and the purposes of the organisation. The O. A. U. structure, with its Council of Ministers, Assembly of Heads of State and Government, and Secretariat, are like the main parts of a car: the Assembly - the body, the Council of Ministers - the engine, and the Secretariat - the wheels. If all of these parts do what they are supposed to do when they are supposed to do it, then you have efficiency. But if there is a flaw within the system then the degree of impact and control can be minimal. So in order to study the crisis management ability of the O.A.U., one must study and determine how all of its parts, including spare parts (inclusive of informal structure)<sup>89</sup> responded to

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89. The Phrase "informal structure" is used to denote those patterns that emerge from the spontaneous interaction of personalities and groups within the organisation. That is an organisation's informal structure is made up of the patterns that develop when the participants face persistent problems that are not provided for by the formal system. These problems arise in a variety of ways:

- a. Impersonality of the formal system. Perhaps one of the reasons why the C. M. C. A. has failed on an important structure within the system is that according to the initial rules of procedure, disputes would be handled in an impersonal way, which does not take into full account the blackman's predisposition toward informal discourse or dialogue.
- b. Lag of the formal system. Reference to Footnote number
- c. Generality of the formal system, that is the rules that make up the formal system are general. Refer to Footnote 89.
- d. Such problems are a part of any multinational structure. Informal structure is discussed by Leonard Broon and Philip Setznick in their book, Sociology, 3rd edition (New York, 1963), pp. 227-230.

crisis within a Member State, among or between Member States according to codified modes of behaviour. The events documented for the most part classify as political or economic crisis. When one has assessed the patterns and procedures used by the O. A. U. to confront and control crisis, then one can more accurately assess whether the O. A. U. operates at peak efficiency. All of these factors will determine whether the O. A. U. really is a functional organisation or merely a "Club of Member States."<sup>90</sup>

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90. "Club of Member States" is a nickname or alias for the O. A. U. given by an official of the organisation.



## A Theoretical Framework for Crisis Management

### CHAPTER 2

59.

"Since 1945, along with the arrival of the thermonuclear age, together with the cold war schism between the Union of Soviet Socialist Republics and the United States of America basic relationships between or among nations have changed. The postwar period with its incessant, yet limited warfare<sup>1</sup> has made it necessary to handle international matters on a regional and global basis not just day by day, but hour by hour. That is, there is a constant need for handling all sorts of crises on the spot."<sup>1a</sup>

In the past, there were conferences and congresses to try to deal with problems before they arose or at least to prevent them from happening again.<sup>2</sup> For example, the 1814-15 Congress

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1. Since 1945, there have been about forty such wars.
  - 1a. Read Chapter 1, "The Nature and Provenance of Crisis" in Coral Bell's The Conventions of Crisis: A Study in Diplomatic Management (London, 1971). This book is indispensable as far as crisis management is concerned. Another handy reference is Alastair Buchan's Crisis Management: The New Diplomacy (Boulogne-Sur-Seine, 1966).
  2. A number of international conferences and congresses have been listed in paragraph 2, Page 1. Any good book on European History can give background information. Of the books studied for this particular study, the following are good: Strayer, Gatzhe, Harbison, Dunbaugh's The Mainstream of Civilisation (New York, 1976); Carl L. Becker and Leo Gershoy, A Survey of European Civilisation (New York, 1969); James Morris's "The Imperialistis", Perspectives in Western Civilisation, editor William L. Langer (New York, 1972) pp. 195-211; Robert Ergang, Europe Since Waterloo (Boston, 1967); D. C. Watt, Frank Spencer, and Neville Brown, A History of the World in the Twentieth Century (London, 1967); and W. N. Medlicott, editor, From Metternich to Hitler (London, 1963.)

of Vienna is a good example of this effort to keep someone like Napoleon from emerging in the future and also to set up a crisis management apparatus (Congress System) to ensure that the excesses of Bonapartism would not become permanent features of European politics. Again, the Congress of Berlin of 1884 was an attempt by European nations to keep colonial matters from getting out of hand. Also, the Hague Peace Conferences of 1899 and 1907 were attempts to try to limit the dangers that new developments in science and weaponry could bring in international relations. The Munich Conference and Agreement of 1938 were attempts to find an honourable alternative to war in the European international arena.

Whereas prior to World War II, there were attempts to control events or to anticipate events and to prevent crises from happening; in today's world events happen and there is response to the events. The response is dependent upon a state's position in terms of national power. To illustrate this point, Charles W. Kegley, Jr. and Eugene R. Wittkopf in Chapter Two of their book; World Politics: Trend and Transformation, state that:

"the advent of a castastrophic global war in 1914 stimulated the search for knowledge that could address contemporary problems in general and the problem of war in particular. This required a theoretical perspective with sustainable generalizations about the conditions under which war might be avoided and peace maintained... For that purpose a theory was needed that could predict the outbreak of future wars reliably and that could tell policy makers what factors could be manipulated to deter or perhaps prevent their occurrence. Such goals required a new and analytical paradigm. World War II further changed the way that

Statesmen and Scholars viewed international politics and the way they thought politics should be managed."

Other writers, such as Johathan Schell in The Fate of the Earth have also dealt with the same problems.

Because of all of this a new design has been manufactured within the context of global strategy by the two dominant powers to reflect their needs in a world now engaged in perpetual sporadic warfare. This new method for handling international problems and disputes quickly is called crisis management.<sup>3</sup>

The evolution of crisis management came about as the direct result of the nuclear threat and how to deal with it. Since the two dominant powers in the world have a need to control

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3. On page 2 of Coral Bell's classic, The Conventions of Crisis (London, 1971), a reference is made to Robert McNamara's (Former United States Secretary of Defence under the late John F. Kennedy, President of the United States) that "there is no such thing as a strategy, only "crisis management". On page 7 of Bell's work, the term 'dominant' power is used to mean the nations that dominate international politics at any particular time.

themselves and their push button technology more, both sides have a solid interest as well as conflicting interests making necessary permanent crisis management apparatus. The formation of crisis management apparatus demands the creation of logical ways to deal with unexpected occurrences in the international community.

Just what exactly is crisis management? To simplify matters, it is necessary to define crisis apart from management. There is still a further problem in discerning what is the true nature of crisis. How, for example, is a crisis different from a conflict or a dispute?

Crisis has been defined as "any given relationship where the conflicts within it rise to a level which threatens to transform the nature of the relationship."<sup>4</sup> This definition is given with international crisis in mind, although it can be used to describe any type of crisis. Generally, there are twelve generic dimensions of crisis.<sup>5</sup> They are as follows:

1. **Crisis** is often a turning point in an unfolding sequence of events and actions.
2. Crisis is a situation in which the requirement for action is high in the minds and planning of participants.
3. Crisis is a threat to the goals and objections of those involved.

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4. Ibid., p. 9.

5. James A. Robinson, "Crisis: An Appraisal of Concepts and Theories", International Crises: Insights from Behavioral Research edited by Charles F. Hermann (New York, 1972), p. 20 and 21. The same information in an abbreviated can be found in Oran R. Young's The Intermediaries: Third Parties in International Crises (Princeton, 1967), p. 18.

4. Crisis is followed by an important outcome whose consequences and effects will shape the future of the parties to the crisis.
5. Crisis is a convergence of events whose combinations produces a new set of circumstances.
6. Crisis is a period in which uncertainties about the assessment of the situation and alternatives for dealing with it increase.
7. Crisis is a period of situation in which control over events and their effects decrease.
8. Crisis is characterized by a sense of urgency which often produces stress and anxiety among the actors.
9. Crisis is a circumstance or set of circumstances in which information available to participants is unusually inadequate.
10. Crisis is characterized by increased time pressures for those involved.
11. Crisis is marked by changes in the relations among the participants and
12. Crisis increases tension among the actors especially in political crises involving nations.

Therefore crisis on any level "involves risks with implications" for substantial loss.<sup>6</sup>

There are other categories of crisis. According to Coral Bell in *The Conventions of Crisis*, there are four distinguishable categories of crisis:

1. Adversary crises of the central balance (like Cuba, or Munich).
2. Intra-mural crises of the power spheres or alliances systems of the dominant powers (Cyprus as an intra-mural crisis of the N.A.T.O. alliance, or Czechoslovakia as an intra-mural crisis of the Soviet power sphere).
3. Adversary crises of local balances (Kashmir 1965 as a crisis of the Indo-Pakistan balance; May-June 1967 as a crisis of the Israeli-Arab balance).

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6. Thomas W. Milburn, "The Management of Crises", International Crises: Insights from Behavioral Research, edited by Charles P. Hermann (New York, 1972), p. 259, p. 262.

4. Intra-mural crises of regional alliances or organisations<sup>7</sup>  
(Biafra as an intra-mural crisis of the O.A.U.)

Alastair Buchan has identified two other types of crisis management structures: an allied system of crisis management and a bilateral system (United States - Soviet Union).<sup>8</sup>

Crises within the general framework of the international system vary widely in terms of scope. According to Oran Young in his book, The Intermediaries, there are several levels of crises, such as inter-bloc, which involve a confrontation of major political blocs and extra bloc crisis which occurs between states which are not members of any of the principal international blocs.

A thorough examination of crisis would have to include a degree of balancing of its functions and dysfunctions.<sup>9</sup> As regards to crisis environments in the contemporary world, a distinction should be made

7. Coral Bell, The Conventions of Crisis (London, 1971), p. 8.

8. Read the first 21 pages of Alastir Buchan's Crisis Management: The New Diplomacy (Boulogne-sur-Seine, 1966).

9. Oran R. Young, The Intermediaries: Third Parties in International Crises, (Princeton, 1967), pp. 22-25.

particularly between crises which occur in nuclear environments and those occurring in non-nuclear environments. A third set of factors includes the notions of intensity, duration, and time phases or stages. Crises, like other socio-political phenomena, appear to have definite life cycles in the sense that they develop, grow, and fade away and in the sense that they go through definite stages during the course of their existence."<sup>10</sup>

If crisis is defined as a turning point or decision point in a relationship, how does a nation get to the point of crisis? A created situation using letter symbols can illustrate this point. For example, there may be stress<sup>11</sup> between nation A and B because of an unsettled border problem. Continuous stress may be produced when an ethnic group from country B migrate at certain times of the year across northern

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10. Ibid., p. 17. The study of crisis and its management are relatively new, even though many experts still see the study of Crisis Management as only an aspect of diplomacy. Some interesting writing on Crisis Management are as follows: I.A. Litvak and G.J. Maule, "Conflict Resolution and Extraterritoriality", The Journal of Conflict, Vol. XIII, No. 3, September, 1969; Louis Sohn, "The Role of International Institutions as Conflict Adjusting Agencies" University of Chicago Law Review, Vol.28, No.2, 1961, pp.205-257; Thomas Schelling, The Strategy of Conflict, (Cambridge, 1960); I.L. Claude Jr., Power and International Relations, (New York, 1962); Harlan Cleveland, "Crisis Diplomacy", Foreign Affairs, Vol.41, No.4(1963), pp.638-649; C.M. Woodhaus, The New Concert of Nations (London, 1964); and Herman Kahn and Anthony J. Wiener (eds.), Crises and Arms Control, Hudson Institute, 9 Oct., 1962.

11. Stress as defined in the New World Dictionary of the American Language, Second College Edition (U.S.A., 1978), p. 409, is the opposing reaction or cohesiveness of a body resisting force, pressure. This definition is relevant to the subject at hand.

upper most part of country A's border. This stress produces a dispute<sup>12</sup> or the verbalisation of the issue of illegal migration. The citizens of country A who live in the disputed area clash with the migrants from country B over the control of the land. There are then constant border clashes which go on past the reason of migration. Armed waves of migrants conduct raids across the border and there are continuous fights involving the deaths of scores of people. These clashes produce conflict<sup>13</sup> that is intense physicalisation of the dispute.

After several conflicts in which perhaps a lot of citizens from country A are killed, country B is asked through diplomatic channels to keep the sanctity of their border. Country B's President in a radio broadcast makes a long speech in which he makes claims to certain areas of country A's land stating historical precedents to back up his claims. Country A's Head of State also declares that if any other migrants cross over the border, there will be war. Mobilisation of armed forces begins in both countries. Now is the start of a turning point in their relationship. Will country A declare war? Will country B still maintain that their people should have or control the land just over the border of country A? Now

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12. Ibid., p. 407, dispute means to argue or debate a question or an issue that is in other words to verbalize.

13. Conflict according to the New World Dictionary of the American Language means to fight, to battle or a fight which stresses physical or hand-to-hand combat, p. 298.



there is a true crisis in an international relationship that must be settled or managed. At this point perhaps country A or B or both can be persuaded by an interested party or parties to discuss their dispute or perhaps they cannot. If they cannot be persuaded and since both are developing nations, there will probably be a "limited or peripheral war."<sup>14</sup>

Now that crisis<sup>15</sup> has been discussed, what about management of crisis? Some general qualifications should be specified for the personnel who must manage the crisis. "Because men imperfectly control the forces that can create a crisis, it is unlikely that a crisis-free environment can be permanently devised for any individual organisation or nation. Thus, the types of individuals who are most likely to perform well in crisis situations must be carefully selected. Second, steps have to be considered which can be taken to minimise or de-escalate a crisis or to use it for one's own personal advantage."<sup>16</sup>

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14. Many experts, such as Coral Bell, would classify such a dispute as a sub-crisis, since the nations involved do not possess nuclear weaponry. Still such wars can virtually destroy a developing nation's limited natural and human resources and create a crisis, not only politically but economically.
  15. The configuration of a crisis design could go as follows: continuous stress = a dispute = conflict = intense conflict = sub-crisis or major crisis.

The Cuban Missile crisis of 1962 is representative of a major crisis because it brought the entire world to the brink of war. Coral Bell, in her book, The Conventions of Crisis creates another category, "pseudocrisis", e.g. Tongking Gulf crisis of 1964.

16. Thomas W. Milburn, "The Management of Crises", International Crises: Insights from Behavioral Research, edited by Charles F. Hermann (New York, 1972), p. 266.

Crises happen and crisis management is important because crisis management can be so costly. Any management problem can be considered a problem in decision making which typically includes several steps: (1) recognizing the existence of problems, (2) gathering adequate information about them, (3) formulating, constructing, and discovering alternative solutions, and exploring their probable consequences, (4) choosing among them, and (5) implementing a chosen solution which may involve subsets of the four previously indicated steps. <sup>17</sup>

Anyone involved in crisis management needs and wants experienced, compatible, and effective colleagues, that is intelligent people with considerable drive and staying power who will remain sensitive both to the demands of the situation and the feelings of those with whom they must deal. It is better to work with people who have had broad experience on the social firing line and who have known a variety of cultures and situations, rather than with those who have lived circumscribed lives. This can apply to organisations as well. Even if nation states generally make up, for example, regional or international organisations, it is people who make up all of these structures. So an organisation and its crisis management set up, depending upon constant variables within the international system, is no greater than the people who run it.

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17. Ibid., p. 267.

"To some scholars, crisis management connotes a Machiavellian approach. Some scholars felt that international crisis management is too closely associated with the concept of strategic deterrence, that is influencing another nation's leaders to turn aside from an act because they fear the consequences inherent in the other's side command of weaponry. Some scholars contend that too often deterrence typifies, and incorrectly gets too much attention as an effective epitome of crisis management. It seems most unlikely that control of crises by means of a delicate balance of nuclear terror will long remain effective because mutual threats antagonize, particularly if tension is high. Crises can be dangerous as conscious tools of policy, or may lead to ignoring the capabilities of others in the light of the threats they actually pose."<sup>18</sup>

The discussion of the problems of crisis management must include information on third party intervention.<sup>19</sup> The role of the third party whether an organisation or a nation or a group of nations may vary, substantially along such axes as the following: formality-informality, extensiveness of the resources committed by the third party, directness of penetration into the two sided bargaining processes, and identity of the intervening party. There is a real difference between regulating and terminating a crisis on the one hand and reaching substantive settlement of the underlying issues. In international conflicts which lead to crises, there may be a

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<sup>18</sup>. Charles F. Hermann, ed., The Management of Crisis (New York, 1972), p. 271.

<sup>19</sup>. See Oran R. Young, The Intermediaries: Third Parties in International Crisis (Princeton, 1967), pp. 25-40.

long time in settling a dispute or there may be no settlement at all. "The third party may only be able to help keep the crisis under control for a limited amount of time. For a state in crisis to give in to another on a point may take many bargaining sessions. For the way in which a government negotiates and the conditions under which it accepts or rejects an agreement have an important bearing on its bargaining strength in the future. In every diplomatic confrontation, governments are trying not only to affect the terms of the agreement under negotiation but also to protect or improve their strength in future negotiations."<sup>20</sup>

#### Amicable Methods of Settlement

There are many ways to try to settle a dispute which has led to a crisis.<sup>21</sup> Among the most popular are the

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20. Ibid., p. 34.

21. There are, according to the Systematic Survey of Treaties for the Pacific Settlement of International Disputes, 1928-1948, pp. 3-23, fifteen categories for the settlement of a dispute. They are classified as follows: (1) judicial settlement of all disputes; (2) conciliation and judicial settlement of all disputes; (3) judicial settlement of legal disputes and arbitration of other disputes; (4) judicial settlement of legal disputes and conciliation and arbitration of other disputes; (5) conciliation of all disputes, judicial settlement of legal disputes and conciliation of other disputes; (6) conciliation of all disputes and judicial settlement of legal disputes; (7) conciliation and judicial settlement of legal disputes; (8) judicial settlement of legal disputes; (9) conciliation and arbitration of all disputes; (10) arbitration of all disputes; (11) conciliation of all disputes; (12) arbitration of legal disputes; (13) arbitration of disputes as to treaties; (14) conciliation of all disputes and (15) special provisions for the settlement of disputes by peaceful means. For more information on the subject of dispute, see Ann Douglas's "The Peaceful Settlement of Industrial and Intergroup Disputes", Journal of Conflict Resolution, Vol. I, No. 1, 1957, pp. 69-81.

negotiation, judicial settlement, arbitration, good offices and mediation, conciliation and commission of inquiry.

Since this thesis is concerned with the O. A. U. and its crisis management apparatus, the C. M. C. A. in no small measure, arbitration, mediation, and conciliation will be dealt with more extensively than the other methods.

### Negotiation.

Negotiation is the normal procedure of administering foreign relations among states and also the most common method of resolving their differences. It is less formal than other methods of resolving disputes but may be conducted on a bilateral or multilateral basis, or through diplomatic channels. It is often used after other methods have failed.

Negotiation is often used with mediation, although reference should be made to the recent trend of providing by arrangement, legal procedures for the two processes.<sup>22</sup>

### Judicial Settlement

Simply, judicial settlement is a settlement brought about by a legally constituted international court. The International Court of Justice at the Hague is a permanent

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22. See Fred Charles Ikle's How Nations Negotiate, (New York, 1964), Chapter 10. This book is a solid reference for the subject area-negotiation.

court and the only court of judicial settlement in the international community. The Court was established as a result of Chapter XIV of the U.N. Charter of 1945 and is the principal judicial organ of the U. N.

Fifteen judges sit on the Court and represent the best legal minds in the world. To become a jurist on the Court, one must be nominated by national groups on a panel of the Permanent Court of Arbitration and receive an absolute majority in both the General Assembly and the Security Council. The Court's jurisdiction is twofold: (a) to decide contentious cases; and (b) to give advisory opinions.<sup>23</sup> According to Article 36:I of the Statute, "The jurisdiction of the court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force."<sup>24</sup>

### Arbitration

Arbitration is a highly effective way of settling international disputes through a binding legal decision of one or more persons decided upon by the disputing parties. Arbitrators are expected to pay strict attention to legal details and are expected to make equitable settlement.

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23. See S. Rosenne's The Law and Practice of the International Court, Vol. I (New York, 1965).

24. Michael Akehurst: A Modern Introduction to International Law, (London, 1970), p. 297.

"Arbitration is one of the oldest methods of settling disputes but its recent modern history extends only over the last one hundred and seventy years dating from the Jay Treaty of 1794 between the United States and Great Britain."<sup>25</sup>

"In 1899, the Hague codified the law as to arbitration and laid the foundations of the Permanent Court of Arbitration. The work for the court was completed at the Hague Conference of 1907."<sup>26</sup> The Permanent Court of Arbitration is only permanent in the sense that it can be called into session. That is the idea of the so-called court is that it becomes active upon call. Each state involved in a dispute may appoint four persons with qualifications in international law, and the panel (court) of competent lawyers from whom arbitrators are chosen. Therefore, members of the Permanent Court of Arbitration never meet as a tribunal. They only make their services available if necessary. A panel of arbitrators can be arranged in many ways. Often a single arbitrator can adjudicate a dispute or sometimes a joint commission can do the same. Disputes can also differ but generally arbitrators can only deal with issues that have a legal precedent.<sup>27</sup>

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25. Hudson, International Tribunals (London, 1944), p. 5.

26. Michael Akehurst, A Modern Introduction to International Law, (London, 1970), p. 295.

27. Ibid., p. 295. Chapter 16, "the Peaceful Settlement of Disputes Between States" of the same book is a quick, handy reference for understanding the different modes of settlement.

### Good Offices and Mediation

Good offices are services given by a third party to bring about negotiations between disputing states so that they can settle their differences. The disputants have no obligation to accept the services but the method is often highly successful in international relations.<sup>28</sup>

Mediation is the result of an offer of good offices, and consists of the actual giving of a list of suggestions on how a dispute may be solved. The suggestions are considered by the disputants. A good example of the mediation process can be seen when the General Assembly of the U.N. sent in Dr. Ralph Bunche as a mediator to prevent the worsening of the Middle East Crisis of 1948.

This method is especially good for use by international organisations. It has been used in all such bodies and is especially popular in the O.A.U. where it is used on an

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28. For example, during a stage in the Chad crisis, Nigeria took on the role first of offering good offices and then that of mediator. Nigeria had long kept a watchful eye on the developments in Chad because it knew how dangerous Moslem-Christian, north-south rivalries can be from its own bitter experience. At that time Nigeria saw that the interim measure of bringing Hissene Habre into the Chadian government as prime minister was no permanent solution, as the February, 1979 fighting showed. Brigadier Shehu Yar'Adua, Nigeria's Chief of Staff under General Obasanjo, repeatedly tried to convene talks at Kano, a feat finally pulled off on March 16. An agreement with the major warring parties was put into effect on March 23. Even though this agreement has since fallen apart and there is still dissension in Chad, Nigeria's prominent role in the mediation process can be studied. Recently, the presidents of Niger and Cameroon played a mediation role in the same dispute.



informal basis.<sup>29</sup> One must realize that when one speaks of the O. A. U. and its use of any method of settlement that one is concerned with a group of states bound together under a loose organisational structure, closer akin to a confederation of states.<sup>30</sup> The general practice is that if there is a dispute between or among Member States, then a friendly state or states (interested third party) can tender good offices or mediate or do both. Strictly speaking the state or states that offers good offices has no other responsibility. But there is a thin line of distinction between good offices and mediation. Still, if the third party takes on the role of mediator, the third party must take on the role in such a manner as to seriously try to bring a crisis under control.

The role of a mediator is limited and there is no real procedure according to a set pattern of law or legal facts.

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29. The C.M.C.A. set up by the original Charter of the O.A.U. has certain formal guidelines for the use of the mediation process. In practice, the C. M. C. A. has never been in session, so that the actual procedure of mediation is decided upon when necessary. The O. A. U. can call upon a state to intervene as a third party or a state can decide to act as an intervenor. "The terms intervene or intervention are used here in reference to the regulation and termination of crisis, "Oran Young, *The Intermediaries* (Princeton, 1967), p. 34.

30. Article 14 of the U. N. Charter also empowers the General Assembly to recommend measures for the peaceful adjustments of any situation likely to impair the general friendly relations among nations.

Simply, the good offices and mediation approach gives disputing factions a chance to sit down and talk. Perhaps this is why this method is very popular with international organizations, including the O. A. U.

#### Conciliation and Commission of Inquiry

Even though conciliation is a development of international commissions of inquiry, a distinction must be made between the two. Inquiry is an attempt to find out what has caused a crisis whereas conciliation goes further by making an attempt to reconcile the factions through an accord. Again, the disputing parties do not have to accept. The protocol of the Commission of Mediation, Conciliation and Arbitration does call for this method to be used and so do other international organisations. For example, its use in the international arena can be witnessed by the Hague Convention for the Pacific Settlement of International Disputes which stipulates an international commission of inquiry. Article 33 of the United Nations Charter provides for both conciliation and inquiry as pacific means of the settlement of international disputes.

Of these two connected methods, only conciliation is popular with the O. A. U.

#### Settlement Under the Auspices of International Organisation

The United Nations as the premier international organisation has taken over from the defunct League of Nations to not only try to maintain peace but to settle or control international

disputes. According to Article 2 of the United Nations Charter, organisational members should try to settle their disputes by peaceful means and to contain their threats of war and use of force.

However, it was found that the effectiveness of the United Nations could be rather limited, particularly in dealing with the entire world, so following the founding of the U.N., an emphasis was placed on organising regional bodies,<sup>31</sup> either because of pressing political or economic needs or both. It was indicated in Chapter One of this thesis that the O. A. U. was founded because of a regional desire to effectively free Africa from domination by external powers. Just why has there been a resort to regionalism on a world wide scale? The reasons are perhaps rooted in feelings of inadequacy that many nations must feel in a nuclear world. Some traditional claims of the advocates of regionalism are as follows:

- (a) that countries working together in a regional organisation can more effectively isolate local conflicts from more complex international ones, permitting quicker action in the settlement of disputes,
- (b) that the similarities of interests and problems will help in the pursuit of finding a settlement for any regional problem and
- (c) that regional action helps to alleviate the burdens of international organization like the U.N. or the burdens of the superpowers in resolving conflict. 32

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31. "The striking proliferation of regional organisations since 1945 is one of the most significant developments of contemporary international relations." Read Ronald J. Yalem, Regionalism and World Order, (Washington, D.C., 1965), pp. 3-5.

32. Joseph S. Nye. Jr. Peace in Parts: Interaction and Conflict in Regional Organisations (Boston: Little, Brown and Co., 1971), Chapter 5.

It is obvious that any type of generalisations concerning regionalism has certain testing limitations. However, an analysis of the O. A. U.'s performance, for example, is interesting to speculate about in view of the rise of African nations on the international scene. The O. A. U.'s role in such problem solving can serve to determine just how effective a regional organisation can be.

The founding fathers of the O. A. U. were highly concerned with crisis management. Much consideration was given to such explosive issues as border disputes, territorial disputes, extra-regional aggression, internal problems, and allegations of subversive activities. For example, Articles II and III of the O. A. U. Charter make it clear that the organisation was to aid in the peaceful settlement of such disputes. Still there have been problems in finding ways to utilize the methods established by the O. A. U. This is obvious in that the crisis management apparatus, the C. M. C. A., which was established by charter has never been used.

Recently, the O. A. U. has become concerned with this problem and the ways in which the Commission of Mediation, Conciliation, and Arbitration could become a functional part of the O. A. U. Certain sections of The Report of the Administrative Secretary-General of the Commission of Mediation, Conciliation, and Arbitration (CM/924) (XXXI) 7-15, July 1978 will be repeated here because they bear a direct relationship with the subject at hand.<sup>33</sup>

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33. In Chapter One of this thesis, the problems of the C.M.C.A. were dealt with in a limited way. The verbatim accounts given in this section firmly explain why the Commission has had so many problems. This is the official version.

"At its 14th Session, The Assembly of Heads of State and Government in AHG/Dec. 109(XIV) requested:

"the O. A. U. Administrative Secretary-General to reconsider, as a matter of urgency, the procedures contained in the Protocol of the O. A. U. Commission of Mediation, Conciliation and Arbitration and submit recommendation for their modification to enable the Commission to react more promptly to crisis whenever they explode anywhere, in Africa and then submit a report to the thirtieth Ordinary Session of the Council of Ministers on all desirable improvements to be made on the protocol."

The Commission has not been able to function owing to two main reasons:-

a) Member States involved in disputes have not resorted to the Commission for settlement. Ad Hoc Committees of Member States have generally been appointed by the Assembly of Heads of State and Government to deal with each case, notwithstanding Article XIII of the Protocol, which provides that:-

"A dispute may be referred to the Commission jointly by the parties concerned, by a party to the dispute, by the Council of Ministers or by the Assembly of Heads of State and Government".

Neither the disputants nor the Council of Ministers nor the Assembly of Heads of State and Government has referred any dispute to the Commission since it was established.

b) Owing to lack of funds, the Commission could not meet even for the establishment of its Rules of Procedure. It made unsuccessful appeals to the Advisory Committee for the provision of Money for expenditures. It was further emphasized that the "frequent appointment of Ad Hoc Commissions of Member States in the past to deal with disputes between Member States rather than resort to the Commission for Mediation, Arbitration and Conciliation suggests that the

Assembly of Heads of State and Government prefer political efforts for the settlement of disputes between its Members to a judicial enquiry by the Commission. In the case of the Ad Hoc Commissions of Member States, Heads of State will themselves be involved.<sup>34</sup> Certainly, the involvement of a Head of State in the settlement tends to clothe the Ad Hoc Commission with respect, and to provide funds for the meetings. Yet in the actual settlement exercise, the Head of State generally does not take part. However, owing to political considerations, attempts are generally not made to probe the dispute in order to establish the case, and therefore to find remedy. This would not be the case of the Commission of Mediation, Conciliation and Arbitration which though taking notice of political considerations, will proceed into the dispute on purely judicial lines. Cause of disputes can thus be pinpointed, and remedy recommended.

While on the one hand, political efforts for the settlements of disputes among Member States are quickly referred to; on the other hand it is appreciated that political considerations alone would not probe the disputes to depths conducive to proper appreciation of issues involved and the remedy they call for. Therefore, a compromise blend of the two approaches must be sought. The Commission charged with the settlement of disputes between Member States must consider both political and legal issues. To this end, it should:

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34. The political factor was emphasized to me in an interview held on the morning of July 21st, 1981, at O.A.U. Headquarters in Ethiopia with Mr. C. O. Egbunike, Legal Adviser to the O.A.U.

a) be encouraged to examine all aspects of the dispute. This means that it must hear both legal and political issues. Member States to the dispute should undertake to submit to the jurisdiction of the Commission and state their full cases before it. To facilitate this, the sitting of the Commission should be in camera.

b) to achieve the above, Member States and not their nationals should be elected to the Commission of Mediation, Conciliation, and Arbitration. Member States thus elected should be bound to appoint judicially qualified persons to the Commission. This arrangement will ensure that while Member States retain an overall political influence on the Commission, their efforts to settle the case would be judicial.

To give effect to the above the following amendments to the Protocol are recommended:-

Article II(I) (Present Provision)

"The Commission shall consist of twenty-one members elected by the Assembly of Heads of State and Government".

Proposed Amendment

"The Commission shall consist of twenty-one Member States elected by the Assembly of Heads of State and Government."

Present Provision:- Article II (3)

"The Members of the Commission shall be persons with recognized professional qualifications."

Proposed Amendment: Article II (3)

"Member States elected to the Commission shall appoint only persons with recognized professional qualifications to the Commission."

Article II (5) will be deleted.

Present Provision:- Article XIII (I)

"A dispute may be referred to the Commission jointly by the parties concerned, by a party to the dispute, by the Council of Ministers or by the Assembly of Heads of State and Government."

Proposed Amendment: Article XIII(I)

"A dispute may be referred to the Commission jointly by the parties concerned, by a party to the dispute, by the Council of Ministers, by the Assembly of Heads of State and Government, or by the Current Chairman of the Assembly of Heads of State and Government."

Earlier some other proposals were made concerning the effectiveness of the Commission. To concentrate on this the following should be considered:<sup>35</sup>

- a) That Member States re-affirm their pledge to settle all disputes among themselves by peaceful means and that Member States should know that they have established a special (albeit part-time) Commission for this purpose.<sup>36</sup>
- b) That if the General Secretariat learns of a serious inter-State dispute between Member States of the O.A.U., the Administrative Secretary-General should be empowered to approach the disputing States in order to enquire whether any or both of the States would like the Commission to assist.

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35. O.A.U. Report of the Administrative Secretary-General on the Commission of Mediation, Conciliation and Arbitration to Assembly of Heads of State and Government, Fourteenth Ordinary Session, 2-5 July, Gabon, (AHG/86(XIV) Add.I, p.5.

36. Ibid., p. 2. By Resolution AHG/Dec. 43(VII) the Assembly of Heads of State and Government meeting in the Seventh Ordinary Session in Addis Ababa, Ethiopia from 1st to 3rd September, 1970 decided that in future the C.M.C.A. should be part-time only.



- c) That, in view of the political and sensitive nature of most of the present inter-State disputes between Member States, any Commissioner(s) engaged in solving a dispute should, in undertaking the tasks, as much as possible seek for the guidance or assistance of their Heads of State and Government.
- d) That funds be allocated every year to enable the Commission to meet whenever necessary.
- e) That the Commission be allowed to discuss such items as are on the attached draft Provisional Agenda.

It is very important to emphasize that the Commission of Mediation, Conciliation, and Arbitration cannot intervene in a dispute on its own. Perhaps in the future the now part-time C. M. C. A. will be called upon to play a more active role within O. A. U. structure. After changes are made within the C. M. C. A., Member States may feel more secure in terms of national power and sovereignty to direct their disputes to this Commission.

THE O.A.U. AND BOUNDARY/TERRITORIAL DISPUTES

"It is a common assertion that African borders are unique in their arbitrary and artificial character. They are, of course, artificial, but in this they do not differ from international borders elsewhere. All borders are artificial, in the sense that they are humanly contrived divisions of landscapes often indistinguishable from either side, and that they often restrict contact of peoples who may be on both sides of the line, speak the same language, profess the same religion, possess common cultural traits, and engage in similar economic activities. In this respect, there is probably no great difference between international borders on other continents. 1

"For although some will argue to the contrary, Africa is quite unique in having such a high concentration of states whose boundaries are drawn with little regard for those elements of geography-national entities or ethnic groups, convenience of economic activity or lines of communication, which often come to **bear** on the demarcation of peoples. In the whole of the continent there are at least twelve states which are landlocked. We find the Somalies distributed between Ethiopia, Somalia, Kenya, and Djibouti, the Yorubas in Dahomey and Nigeria, the Ewes in Ghana and Togo. On the West Coast of Africa we find a massive sandwich of French-speaking and English-speaking states whose economic contacts almost completely disregard the proximity of their borders. These examples can be multiplied. It is not that African states are alone in the world in having such malformations but that there are such a high prevalence of them as to suggest a system. It is this that makes it plausible to talk of "artificial" African boundaries." 2

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1. Saadia Touval, The Boundary Politics of Independent Africa (Cambridge, Mass, 1972), p. 3.
  2. Samuel Chime, "The O.A.U. and African boundaries" in Carl G. Widstrand, ed., African Boundary Problems.

"The colonial division of Africa by the western European powers reflected their balance of power in the last quarter of the 19th century. This balance of power was secured in corresponding treaties and conventions concluded by them. As a result of this struggle for raw materials; resources, markets and fields of investment, a struggle that minced Africa, today 44 per cent of the frontiers of the continent's states and territories run along parallels and meridians, 30 per cent along direct lines, areas, or curves and only 26 per cent along natural geographical boundaries, such as rivers, lakes, mountains, and valleys. 3

The O. A. U. founding fathers were quite concerned with the issues dealing with African territorial divisions, particularly because most of these divisions were generally imposed on indigenous populations. Whether the people who carved up spaces in Africa took into consideration the needs and desires of the native population is irrelevant. The principle of the matter is that the colonial territorial divisions are the results of external meddling into what had been processed or agreed upon as native lines of demarcation. At the point of impact, certain rules and regulations concerning land control had to be sooner or later forgotten or lost. This is perhaps why key African personalities, such as Dr. Kwame Nkrumah, who at the 1963 inaugural O. A. U. Summit, called for the total abolition of colonial boundaries and a piece-meal revision wherever boundaries interfered with ethnic or other traditional ties between or among African peoples.

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3. Excerpt taken from "United We Stand", an address delivered by Dr. Kwame Nkrumah at the Conference of African Heads of State and Government. Addis Ababa, May 1963, Summit. CIAS/GEN/INF/36, pp. 2-11.

"The masses of the people of Africa are crying out for unity. They demand an end to the border disputes between sister African states, disputes that arise out of the artificial barriers that divided us. It was colonialism's purpose that left us with our borders and irrendentism that rejected our ethnic and cultural fusion." 4

However, it was decided at this summit that there was no need to redefine African borders. Many of the emerging nations were composed of ethnic groups hostile to one another. Perhaps an attempt to deal with border issues at that time would have opened a virtual Pandora's box leaving, instead of harmony and unity, a string of principalities. This was perhaps not needed when most African states had so many economic, social, and political problems that required the machinery so much a part of a modern national state.

Still the issue of boundaries continued to be a pressing problem in the international African arena. It was obvious that the O. A. U. had side-stepped an important problem. At the July 1964 meeting of the Council of Ministers, the issue of boundary problems was forced into the open by the Foreign Ministers of Tanganyika (now Tanzania) and Zan ibar who requested that it be placed on the agenda. The directive of the Foreign Ministers then was an "emphasis upon the principles on boundaries being developed."<sup>5</sup>

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4. Ibid., p. 11.

5. O.A.U. Summary Records of the Meetings of Council of Ministers, Cairo. Summary record of the Second Committee which was held July 15, 1964 at 9:40 a.m. (CM II PV/Sr), pp. 33-35.

Eventually the Assembly of Heads of State and Government meeting in its First Ordinary Session in Cairo, U.A.R. from 17 to 21 July 1964 agreed upon the following pronouncement concerning borders and border disputes among African states:

- Considering that border problems constitute a grave and permanent factor of dissension;  
Conscious of the existence of extra-African manoeuvres aimed at dividing African States;  
Considering further that the borders of African States, on the day of their independence, constitute a tangible reality;  
Recalling the establishment in the course of the Second Session of the Council of the Committee of Eleven charged with studying further measures for strengthening African unity;  
Recognizing the imperious necessity of settling by peaceful means and within a strictly African framework all disputes between African States;  
Recalling further that all Member States have pledged under Article IV of the Charter of African Unity, to respect scrupulously all principles laid down in paragraph 3 of Article III of the Charter of the O. A. U:
1. Solemnly Reaffirms the strict respect by all Member States of the Organisation for the principle laid down in paragraph 3 of Article III of the Charter of the O.A.U.
  2. Solemnly Declares that all Member States pledge themselves to respect the borders existing on their achievement of national independence. 6

So in 1964, the status quo arrangement concerning African borders was made official O. A. U. policy. Actually the O. A. U.'s statement made little difference to many groups within borders which they felt were illegally constituted by the former colonial owners. During the sixties there were many border

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6. O.A.U. Resolutions and Statements adopted by the Meetings of the Assembly of Heads of State and Government, 1963-1972, p. 34.

clashes, perhaps because a fresh analysis had not been given to border/boundary issues. There were and are numerous problems involved in gathering data, for an example, to deal with such a sensitive issue.

One of the main problems on a geographical level is that Africa has very few natural lines of demarcation, such as rivers and mountains.<sup>7</sup> Concepts of land ownership are bound in a tradition which does not fit in with the Western World's traditional concept of land ownership. In fact, the concept of land ownership is too narrow a term to deal with in reference to land control in Africa. Here one need not demonstrate the obvious, that he who controls the land during any period of time far outweighs ownership without any exercise of control. Another factor is that often the past has not caught up with the present, particularly in determining how to deal, for example, with scarce fertile land resources and the migratory patterns of groups whose traditional concept of following seasonal patterns remain routine year after year. For the most part, however, the clashes over lands have been, considering the circumstances, relatively moderate. For example, border disputes between Malawi and Zambia, Malawi and Tanzania, Ghana and Togo, Ghana and Upper Volta, Chad and Libya, and the most recent Nigeria and Cameroun incident have been relatively mild. However, the boundary disputes between

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7. A. Allott, "Boundaries and the Law in Africa" in African Boundary Problems edited by Gosta Widstrand Clippisala, 1969) pp. 17-19. and see A. Ajala, "The Origin of African Boundaries", Nigerian Forum pp. 243-250, September/October 1981.

Somalia and Ethiopia, Somalia and Kenya, and Algeria and Morocco evolved from disputes to a crisis which a young O. A. U. had to deal with.<sup>8</sup>

Further still, the O. A. U. has had to try to resolve land claims made by Tunisia over part of Algerian Sahara; Tanzania and Malawi over border shores of Lake Nyasa; a dispute between Benin and Niger over the Island of Lette, a Ugandan claim to large areas of Kenya and Sudan, territorial claims made by Ethiopia and Somalia on the territory of the Afars-Issues, formerly French Somaliland called Djibouti, and the most explosive dispute between Algeria on the one hand and Morocco and Mauritania on the other over Western Sahara.<sup>9</sup>

There are also other social and political problems associated with land which are directly concerned with deliberate ethnic policies. For example, the Ewe tribe which at independence was divided primarily between Togo and Ghana<sup>10</sup> made a bid for unity. This adamant bid for unification was, however, beset with problems even though it was believed by the Ewe that the "net effect of European colonisation in Africa had been to create-albeit unwittingly-embryonic nations

8. See Zdenek Cervenka, The Unfinished Quest for Unity: Africa and the O.A.U. (New York, 1977), pp.68-70.

9. Ibid., pp. 68-70, for a comparison.

10. The Ewe were also to be found in Benin. The information for this section on the Ewe is primarily taken from Dream of Unity: Pan Africanism and Political Unification by Claude E. Welch Jr. (Ithaca, N.Y., 1966), Chapter II.

coterminous with boundaries of the colonial administrative units. Despite the brevity of European rule, a variety of historic integrative processes have operated within the confines of those boundaries to create, at least among certain strata of the population a sense of national consciousness."<sup>11</sup> "The Ewe unification movement was doomed to failure because of two fundamental difficulties: the opposition of the administering authorities to any solution outside the existing administrative framework and the confusion over self-determination engendered by the growth of rival national movements. Political parties opposed to Ewe unification developed in both sections of Togoland and in the Gold Coast. Traditional rivalries within Ewe society emerged in a new guise; rather than being expressed in terms of ethnic rivalries; these conflicts were expressed as rivalries between political parties."<sup>12</sup> The Ewe were too fragmented by these rivalries and by dialects to be treated as a single tribe. The history of feuding, the divisions between dukowo and lineages, the lack of a paramount chief, and the previous split between British and German jurisdictions accounted in part for the Anglo-French decision not to go along with the Ewe grand design for national unity."<sup>13</sup>

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11. Ibid., p. x.

12. Claude E. Welch Jr. op. cit., p. 82.

13. Claude E. Welch Jr. Dream of Unity: Pan Africanism and Political Unification (Ithaca, New York, 1966), p. 55.



There is also another side to the general problem of land control and ethnocentrism. For example, the ethnic hostilities which occasionally break out between Rwanda and Burundi can be classified in a distinct category. Such problems deal with ethnic, religious, and cultural attitudes which at times can involve quarrels over land. Another example of this type of situation would be Ethiopia's and Chad's friction in 1965 with the Sudan which was mostly political in scope, but also involved basic ethnic attitudes.

One can determine from all of this that there are many facets to land control in Africa which may at first seem tedious. But land control<sup>14</sup> or division of land problems are not peculiar to Africa. Indeed, if one wishes to generalise, one can state that all major wars throughout human history have been fought over the question, 'whose land is this?' or 'who should exercise control over an area of land?' One must also be cognizant of actual land distribution processes as they are carried on in Africa so that any problems in this area can be dealt with.

In recent African history, there emerged a gap between traditional concepts of land ownership and the colonial authority implementation of its land ownership policies. Because of this gap, a system with dual features has developed. In effect, upon leaving, the colonial powers left the various native populations stranded between two systems both insuffi-

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14. The use of the term land ownership implies an exactness which is often useless in view of African attitudes toward land use as opposed to actual so-called ownership. For example, although the University of Lagos may own most of the land in Akoka; it is safe to say that university structures are not occupying most of that land. The land for the most part has been taken over by outsiders. This often happens and since possession is an outstanding feature in international law, one cannot use the word ownership in a strictly western sense.

cient to deal with the modern territorial problems of Africa. Therefore, it is not surprising that even with the 1964 O.A.U. statement on the sanctity of existing borders, widespread discontent did crystallize over borders and sometimes over territory.

At the time when the O. A. U. was being requested to activate a general policy on borders especially, the founding fathers in view of their 1964 statement felt that maintenance of the status quo would perhaps lessen any future problems which could decimate an organisational structure in its embryonic stage of development. After all, the African nations were more or less brought together around the political issue of decolonisation. A thorough reading of the O. A. U. Charter will indicate this. Therefore, in the beginning, the base upon which African unity stood was not firm enough so concessions were made and problems put aside which may have further weakened a 'house built of straw' until it could be replaced by a 'house built of stone'. So the O. A. U. made no drastic movements concerning the sanctity of borders and other territorial problems that were starting to emerge even before the birth of the O.A.U. Any study of the border/territorial problems must have a history. Therefore, before any assessment can be made, the historical base must be laid.

For this study of the role of the O. A. U. in solving border or territorial crisis, the following classic high intensity disputes have been chosen: the Algerian-Moroccan border dispute, the Somali-Ethiopia-Kenya border dispute, and

the territorial dispute over Western Sahara, which has turned into a major problem for the O. A. U.

#### Algeria versus Morocco

"Prior to French explorations into North Africa, a substantial area of land which included part of Algeria, running far south into Mauritania had been generally subject to domination by Morocco. Once the Moroccan empire was conquered and then dissolved, it was made a protectorate under French administration. Algeria, however, the least structured was made constitutionally a part of France. Because the Sahara Desert was considered uninhabitable, the French did not demarcate the frontier beyond the northeastern Moroccan town of Figuig. Even the administrative lines of demarcation, Varnier and Tranquet that separated the two were vague and had been shifted on occasion in favour of Algeria to increase direct control over the the feigion. The longest portion of the boundary was unclear and contested."<sup>15</sup>

Because a great deal of this land had been traditionally Moroccan, the Moroccan government, upon gaining independence in 1956, began to lay claims to the territory. Negotiations with the French did not yield positive results so Morocco then approached the Algerians. The Moroccans concluded an informal arrangement with the head of the provisional pre-independent Algerian government, Ferhat Abbas.<sup>16</sup> Eventually an agreement

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15. See Patricia Berko Wild's "The Organisation of African Unity and the Algerian-Moroccan Border Conflict: A Study of New Machinery for peace keeping and for Peaceful Settlement of Disputes Among African States", International Organisation 20(Winter, 1966), pp.18-36; Saadia Touval, "The O.A.U. and African Borders, " International Organisation 21 (Winter, 1967), p.106; and Joan Gillespie, Algeria: Rebellion and Revolution (London, 1960), pp.121-152.

16. Joan Gillespie, Algeria: Rebellion and Revolution (London, 1960, pp.185-186. See also Africa Diary, No.11, Vol.I, September 9-15, 1961, p. 121.

was reached on July 6, 1961 between King Hassan II of Morocco and Abbas of Algeria which reaffirmed Morocco's support of the Algerian people in their struggle. The agreement went on to recognize that the territorial problem created by the boundary between the two countries was imposed by France and that a solution to their problem should be reached by a joint Algerian-Moroccan commission.<sup>17</sup>

However, when Algeria became independent in July 1962, Ferhat Abbas and the old guard were removed from their positions and Ben Bella became the head of Algeria.<sup>18</sup> Thereafter, Ben Bella would not negotiate or concede that any territory was under dispute. By mid-1963 Algeria made it clear that the disputed territory, which was rich in iron ore, had been a part of Algeria since its independence. Ben Bella also stated that the O. A. U. had decided that colonial frontiers should be respected.<sup>19</sup> Perhaps it was apparent that it would be a betrayal of the revolutionary independence struggle to cede territory to Morocco which some personalities regarded as a reactionary monarchical state.<sup>20</sup>

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17. David C. Gordon. North Africa's French Legacy 1954-1962 (Cambridge, Mass, 1962) and Africa Diary, August 5-11, 1961, p. 64.

18. Africa Diary, August 4 - 10, 1962, pp.683-689.

19. See O.A.U. Charter. Article 3, Principle 3.

20. See Saadia Touval, "The O.A.U. and African Borders, International Organisation 21 (Winter, 1967), p. 106.

Both sides then sent troops to the disputed area and minor clashes occurred.<sup>21</sup> The first serious indication of impending border trouble came on September 30, 1963, when President Ben Bella in a dramatic address to his nation charged that Moroccan troops were concentrating near the Algerian border in an apparent move to back the Berber uprising in Kabylia against the Algerian government.<sup>22</sup> The Moroccans evidently hoping to profit from the Algerian government's revolt difficulties occupied two frontier posts at Hassi Beida and Tinjour which had been unmanned since the French left.<sup>23</sup> The Algerians were weaker in this area and although strengthened somewhat by a good communications network, were militarily weak.<sup>24</sup> The Moroccans could have pushed into Mauritania to which they lay claim and which may have been their original objective, but the unexpected collapse of the Kabylia revolt left the Algerian government in a stronger position. Still Morocco had an edge<sup>25</sup> militarily over Algeria. Although the major extra-regional powers had refused requests for new weapons for Morocco and Algeria, there was concern among African leaders that American ties to Morocco, Soviet ties to Algeria, and French economic

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21. Africa Diary, August 4-10, 1962, p. 689.

22. Africa Diary, August 31 - September 6, 1963, p. 1315.

23. Africa Diary, November 2-8, 1963, pp. 1419-1421.

24. Algeria had just gained her independence from France through a long and bloody war.

25. Morocco and Tunisia unlike Algeria received their independence in 1956 whereas Algeria won hers in 1962. Therefore Algeria's military defense systems had been stretched to pursue her own political independence and stability.

interests in the Sahara resources, might promote foreign intervention.<sup>26</sup>

Algeria formally called for an emergency meeting of the O. A. U. Council of Ministers, just a few months after the organisation was established.<sup>27</sup> Although Tunisia was formally asked to take on the role of mediator, this country was unacceptable to both sides in the dispute. Morocco did not like them because Tunisia had recognized Mauritania earlier on<sup>28</sup> and Algeria resented Tunisia's claims to portions of the Algerian Sahara.<sup>29</sup>

Soon both Algeria and Morocco realized that because of their military positions, neither side would benefit from a full-fledged war.<sup>30</sup> The problem thus became how to work out a peaceful solution beneficial to both sides. Morocco wanted Algeria to enter negotiations under the conditions that had been promised when Ferhat Abbas had been in exile. Further still Morocco had a grand design to form a "greater Morocco" upon which she laid claims on certain land associated with a Moroccan kingdom of the past.<sup>31</sup> Algeria wanted Moroccan

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26. For example, the French could have used their own 'vital interest' in the area as an excuse to intervene.

27. Saadia Touval, op. cit., p. 106

28. Ibid., pp. 106 - 107.

29. Saadia Touval, "The O.A.U. and African Borders", International Organisation (Winter, 1967), p. 106.

30. Both nations had just emerged from being French colonial areas, although it took Algeria longer, after waging six years of war to break her French connection. See Africa in World Politics by Vernon McKay (New York, 1963), p. 48.

31. This concept is dealt with in D. Lynn Price's, "Morocco and the Sahara: Conflict and Development", Conflict Studies, No. 88, October, 1977.

forces to withdraw from occupied position and to gain general acceptance of the border line held by France prior to Algeria's independence.<sup>32</sup> Therefore, the type of peace negotiations, the venue of the meeting and the names of acceptable mediators had to be presented.

When in October 1963, Algeria called for an emergency meeting of the Council of Ministers, the O. A. U. had no formal apparatus for crisis management or the settlement of disputes in operation.<sup>33</sup> But the O.A.U., through the "good offices" and mediation technique, could ask strong statesmen to act on its behalf. Morocco did not consent at this time to O. A. U. official involvement. Morocco's antagonism concerning the O. A. U.'s point of view had been expressed a month earlier when the country had signed the Charter of the O. A. U. with the reservation that it did not recognise existing borders and, therefore, was not renouncing any Moroccan claims.<sup>34</sup>

Eventually, King Hassan and Algerian President Ahmed Ben Bella accepted a mediation invitation on October 26 from President Modibo Keita of Mali to meet in Bamako, Mali with himself and Emperor Selassie present. Both Algeria and Morocco

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32. Africa Diary, November 16-22, 1963, p. 1448.

33. Africa Diary, November 16-22, 1963, pp. 1443-1448.

34. See Morocco: Old Land, New Nation by Mark I. Cohen and L. Hahn (London, 1966), p. 220.

were satisfied with the mediation invitation on October 26 from President Keita of Mali and Emperor Selassie. President Keita of Mali was held in high esteem by the Algerians because of his ideological leaning; but Morocco was also aware that Keita had expressed dissatisfaction with colonial boundaries. Moreover, it was known to the Algerians that Ethiopia was strongly against changing any boundary line; and Morocco felt secure with Selassie because of the Emperor's basic conservatism. <sup>35</sup>

The Bamako meeting occurred on October 29th and 30th and after much effort, the two sides agreed and issued a joint communique. The main points of the communique were: (1) a cease fire was accepted, (2) a demilitarized zone was to be created, the limits of which would be determined by a commission made up of Algeria, Moroccan, Malian, and Ethiopian officers who would also supervise the observance of the demilitarization agreement, (3) hostile propaganda and subversion was to cease, (4) there would be an early meeting of the O. A. U. Council of Ministers as requested by both sides to establish an arbitration commission which would be charged with: (a) ascertaining the responsibilities for the outbreak of hostilities; and (b) examining the border problem and submitting recommendations to Algeria and Morocco to help settle their dispute. <sup>36</sup>

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35. Saadi Touval, op. cit., p. 107.

36. See Saadia Touval, op. cit., p. 1



Under the Bamako Agreement, both sides could claim success. Morocco had persuaded Algeria to agree to the examination of border problems and an agreement to stop propaganda attacks on Morocco. Algeria got Morocco to withdraw from the positions she occupied and to agree to settle the border problem within the framework of the O.A.U.

From November 15th-18th, 1963, the O. A. U. Council of Ministers held an extraordinary session in Addis Ababa. Algeria and Morocco both stated their positions. Algeria warned that the Council's decision would have far-reaching effects as far as other African borders were concerned. The Council refrained from involving itself in any major issues at hand. After consideration of the Bamako communique, it was decided that Ethiopia, the Ivory Coast, Mali, Nigeria, Senegal, the Sudan, and Tanganyika (Tanzania) would serve on an ad hoc commission.<sup>37</sup> The tasks of the committee were to be those specified by the Bamako communique. The ad hoc commission was asked to report its findings. By supporting the Bamako communique, the O.A.U. Council of Ministers maintained a neutral stance which, under the circumstances was the obvious choice. Such a neutral stance helped to stabilize the situation and gave more credence to any cease-fire arrangements. This arrangement also showed a firm determination of African nations to try to seek solutions to their own problems almost at the very start in order to try to further promote the concept

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37. For background on this, see Africa Diary, November 16-22, 1963, pp. 1443-1448.

of African unity.<sup>38</sup>

After this, another step was taken by the cease-fire commission set up as a result of the Bamako conference, but not as a result of O. A. U. mediation.<sup>39</sup> On February 20, 1964 an agreement was reached on the problem of defining a demilitarized zone from which armed forces could be withdrawn and eventually the military forces were withdrawn.<sup>40</sup> Therefore, in April 1964, the ceasefire commission was at a point where it was felt that no supervision was necessary as far as the demilitarisation agreement was concerned. King Hassan and President Ben Bella had negotiated directly at the Arab League Summit in January 1964 so it was presumed that such supervision was not necessary.<sup>41</sup>

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38. One must recall that the O.A.U. had just started as a formal organisation. The structure to deal with crisis management. The Commission of Mediation, Conciliation, and Arbitration had not been activated. Even had the Commission been in operation, there probably would have been a reluctance to bring issues before such a body as it was legally constituted or set-up by the O.A.U. at that time.
39. Since the O.A.U. had set up a commission following the guidelines of the Bamako meeting, it can be assumed that the two were working informally together to try to find a solution to the problem. In reference to this, the O.A.U. Council of Ministers at its first Extraordinary Session held in Addis Ababa on November 15-18, 1963(O.A.U.)Document ECM/Resolution I, a determination of African nations to seek solutions to their disputes within the framework of the principles and the institutions prescribed by the Charter of the O.A.U. The pronouncement is dubious in a sense in that finding solutions according to principles leaves a wide range of ways in which one can opt for solutions. Loosely interpreted one does not even have to come to the O.A.U. as long as states have in mind those guidelines sponsored by the O.A.U.
40. Saadia Touval, "The O.A.U. and African Borders", International Organisation 21(Winter, 1967), p. 108.
41. For background on the Summit; see Africa Diary, February 1 - 7, 1964, p. 1585.

The O. A. U. ad hoc Commission, after a preliminary meeting in Addis Ababa on November 18, 1964 made little headway in any type of settlement of the dispute. At its next meeting at Abidjan, Ivory Coast on December 2-6, 1964 the commission merely adopted rules of procedure. At the third meeting in Bamako on December 24th-26th the disputing parties each submitted their case, but there were translation problems.<sup>42</sup> The Commission, however, did give a report of the limited progress to the Second Ordinary Session of the Council of Ministers, which met in Lagos, Nigeria in February, 1964.<sup>43</sup> The Council of Ministers adopted a resolution stating that the O. A. U. ad hoc Commission should study the operations for the cease-fire commission.<sup>44</sup>

By May 1964 both Algeria and Morocco came to an agreement whereby they would negotiate directly various outstanding technical matters mutually beneficial. Also both sides agreed to take on joint developmental projects. However, "it was not until 1970 that Morocco and Algeria finally settled the dispute by agreeing to establish two joint commissions, one to demarcate their Saharan frontiers, the other to study means of exploiting the rich iron ore deposits that lay beneath the disputed area.

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42. Kessing's Contemporary Archives, January 1-9, 1965, p.20507

43. See O. A. U. texts on Algero-Morocco Border Dispute. O. A. U. Council of Ministers, Second Ordinary Session, Lagos-Nigeria, February 24-29, 1964.

44. See O. A. U. Resolution on Algero-Morocco. Second Ordinary Session of Council of Ministers - Lagos, 24-29 February 1964. Actually the Morocco-Algeria border dispute was not actively debated at this session. The primary concern of the participants was the Ethiopia-Somali-Kenya disputes.

The agreement was symptomatic of the emergence in the late 1960's of more cordial sentiments between the states of Maghrib."<sup>45</sup>

Meanwhile, the O. A. U. ad hoc Commission held a series of meetings in Bamako, Casablanca and Algiers. By July 1964 when the commission met in Cairo, there were all types of rumours that an agreement had been reached by the two disputing parties. But the O. A. U. Council of Ministers still directed the commission to continue its efforts.<sup>46</sup>

"Other meetings were subsequently held by the ad hoc commission in Khartoum, Algiers, Rabat, and Nairobi. When the Fourth Ordinary Session of the Council of Ministers was held in Nairobi in February 1965, the ad hoc commission was still not able to come up with a solution. The Council of Ministers did however congratulate the commission, Algeria and Morocco, on their progress and expressed gratitude to Emperor Salassie of Ethiopia and President Kaita of Mali for their mediation efforts at Bamako in 1963."<sup>47</sup>

At the Council of Ministers' meeting in Accra in October 1965, another report was submitted. The report was eventually adopted by the Assembly of Heads of State and Government. The

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45. Robin Hallett, Africa Since 1875: A Modern History (London, 1974), p. 249.

46. O. A. U. Document. CM/Res. 37 (III) July 1964.

47. O. A. U. Document. CM/Res. 53 (IV) February, 1965. See Saadia Touval, "The O. A. U. and African Borders", International Organisation 21 (Winter, 1967), p. 109.

Report of the ad hoc Commission for the Algero-Moroccan Border Dispute was assessed by the Assembly of Heads of State and Government meeting which was held from the 21st to 25th October 1965. The report reads as follows:

Having taken cognizance of the progress report of the ad hoc Commission entrusted with the examination of the Algero-Moroccan Border dispute;

Seeing that the said Commission has not yet concluded its work and has expressed the wish to continue the mission entrusted to it:

1. ADOPTS the said report.
2. EXPRESS its satisfaction and congratulates the ad hoc Commission on the work accomplished;
3. REAFFIRMS its confidence in the ad hoc Commission and requests it to persevere in its task until it is accomplished in accordance with the Charter of the O. A. U. and the Declaration of Bamako, and in pursurance of Resolution ECM/Res. 7 adopted by the First Extraordinary Session of the Council of Ministers.<sup>48</sup>

The report was adopted by the Assembly of Heads of State and Government, which requested that the commission continue working until the dispute was settled.<sup>49</sup>

In May 1966, relations broke down again between Algeria and Morocco.<sup>50</sup> Due to the mediation efforts of the Emperor of Ethiopia and the President of Mali, arrangements were made for

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48. O. A. U. Document. AHG/Resolution 32(II) 25th October 1965.

49. Ibid., Section 3.

50. Saadia Touval, op. cit., p. 110

the ad hoc Commission to meet in an emergency session. When the ad hoc Commission finally met in July 1966, the tension had already subsided.<sup>51</sup>

Because of the lack of progress of the Commission, the Sudan proposed that a five nation conference be held in order to break the indecision. The Conference would include Algeria, Morocco, and three Member States of the ill-fated ad hoc Commission.<sup>52</sup> But Algeria objected, and said that the Commission had no power to arbitrate. Indeed, there was general confusion as to what was the ad hoc Commission's specific functions.<sup>53</sup> Was it a commission or arbitration, mediation or conciliation? So the Commission members went back to the Council of Ministers for reference. In November 1966, the Council of Ministers met in Addis Ababa. The Council again decided to request the ad hoc Commission to continue to try to find a solution but the Council would not define the term of reference. The Heads of State and Government also approved the Council's resolution at their meeting a few days later.<sup>54</sup>

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51. The disagreement centered around a few border incidents.
52. Even had this idea been carried out it is doubtful that it would have worked. Bilateral negotiations appear to work better under such circumstances.
53. One must recall, that the three methods designed by the O.A.U., were legal procedures and thereby causing Heads of State to be cautious in relying upon them.
54. For more information see Africa Research Bulletin, - December 1966.

Of course the ad hoc Commission was hopelessly crippled with the impossible task of submitting substantial proposals to Algeria and Morocco for a definite settlement to their dispute while trying to determine responsibility for the impasse to begin with.

In January 1967, the Algero-Moroccan Commission met in Tangiers and then adjourned its proceedings.<sup>55</sup> Another meeting was scheduled for July 1967. In a cable dated May 6th, 1967 the Algerian Government requested postponement of the meeting scheduled to begin in August 1967, a month before the Kinshasa Summit Conference. Later the Algerian Government responding to approaches by African personalities proposed in a cable dated June 8th 1967 another delay because such a meeting could not be held in the prevailing African international environment.<sup>56</sup> Because of this, no new official date was proposed.

Eventually, by mutual assent, the disputing sectors arranged to settle their own problems.<sup>57</sup> In 1968, King Hassan of Morocco led his delegation to the O.A.U. Summit held in Algeria. There he held private meetings with Algerian President Boumedienne who had taken over after the overthrow of the first head of state, Ben Bella. In the direct negotiations that followed, the territorial issue was to be settled by finding a way to maintain the colonial borders while jointly exploiting the mineral

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55. See O.A.U. Report of the Administrative Secretary General for the period from February 1967 to August 1967, Addis Ababa, p. 32.

56. Ibid., p. 33.

57. O. A. U. Report of the Administrative Secretary General, February 1967 to August 1967, p. 32 on which it was emphasized that "diplomatic channels are still at work."

resources of the area that had been in dispute.<sup>58</sup>

Bilateral negotiations between the Member States of the O. A. U. were encouraged within the organisation which at that time still did not have a crisis management apparatus in full operation. The process was a gradual one. In January 1969, Algeria and Morocco signed a general **Treaty** of Solidarity and Co-operation.<sup>59</sup>

Eventually at a meeting held at Tlemcen, Algeria on May 27, 1970 the Heads of State of Morocco and Algeria agreed to set up a joint commission to mark the limits of the disputed area. The result of this was that the Tindour area with its rich iron deposits would remain in Algeria, thus upholding the O. A. U. Sanctity of Boundaries concept, but King Hassan and President Bounedienne would set up an agency to determine how the area could be jointly exploited.<sup>60</sup>

58. It should be emphasised that all of these events occurred because of a change in leadership in Algeria. A change in leadership can help foster better relations among or between states. The head of state, face to face discussion technique is extremely important in Africa, where the art of diplomacy is practiced by seasoned "wise men". Why this particular technique is used rather than the use of specially trained foreign relations cadre has its roots in tradition and the economic state of affairs in Africa. This is not to say that the face to face technique is not used elsewhere but not quite as often.

59. Kessin's Contemporary Archives, August 8-15, 1970, p. 24125.

60. Kessing's Contemporary Archives, Vol. XVII, 1969-1970, 8-15 August 1970, p. 24125. Refer to footnote 45.



### The Somalia-Ethiopia-Kenya Border Dispute

"The republic of Somalia was created in July 1960 when Italian Somalia and British Somalia became independent and merged. Immediately upon becoming a nation, Somalia repeatedly demanded the self-determination and integration of all the land inhabited by the Somali people including French Somaliland, the Ogaden in Ethiopia, and the Northern Frontier District in Kenya. This was a vast region, comprising one-fifth of Ethiopia and one fourth of Kenya, all of which would double the size of Somalia.<sup>61</sup>

First, there was tension along the Ethiopian-Somali border between the Somali nomads and the Ethiopians. These incidents, by so-called shifts, spread to Kenya in the summer of 1963 and increased in scale and intensity.<sup>62</sup>

Before Kenyan independence, the last wave of Somali expansion had reached the north-eastern part of present day Kenya. This land was inhabited by some 200,000 Somali nomads. In October, 1962 the Somalis informed a crown commission that they wished to secede from Kenya and join Somalia. Because of Kenyan protest, the British refused to take such a request seriously.<sup>63</sup>

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61. For backround information, read J. Drysdale, The Somali Dispute (London, 1964), p. 32 and Saadia Touval, Somali Nationalism (Cambridge, Mass., 1963).
  62. Saadia Touval, "The O.A.U. and African Borders", International Organisation 21 (Winter 1967), p. III. See also I. M. Lewis, Peoples of the Horn of Africa, Somali, Gfar, Sano (London, 1969).
  63. A.A. Castagno, "The Somali-Kenyan Controversy", Journal of Modern African Studies, July 1964 (Vol.2, No.2), pp.165-188.

When independence came in December 1963 a national liberation force was created by the Somalis. They then began a series of raids and attacks which disrupted life in the Frontier District. In February, 1964 serious fighting broke out, not only between Somalia and Ethiopia but also between Somalia and Kenya.<sup>64</sup>

This case was in one specific way like the Algerian-Moroccan dispute in that the main problem arose over disputed territorial jurisdiction. Somalia was the first to inform the O. A. U. Secretariat about the fighting and even went so far as to contact a few African leaders to mediate. She also informed the U. N. Security Council to intervene in reference to her complaint against Ethiopia.<sup>65</sup> It was clear when Somalia requested an urgent meeting of the Security Council that she preferred that the U. N. handle the crisis because she felt that O.A.U. Member States would not be sensitive to her feelings on the matter.<sup>66</sup> The Somalis also contended that the right of

64. Keesing's Contemporary Archives, April 25 - May 2, 1964, p. 20038.

65. Official Records of the Security Council (S.C.O.R.) 19th year, supplement for Jan-March 1964, Document S/5536, February 9, 1964, p. 60.

66. Ibid., p. 60

any people to seek self-determination is enshrined in the U.N. charter.<sup>67</sup> Therefore, the Somalia in Ethiopia and Kenya had a fight to decide whether they wished to continue with their designated states or join together with territories comprised of the Ogaden and Haud Region of Ethiopia and the Northern Frontier District of Kenya (N.F.D) to form a greater Somalia. On the other side of the coin, Ethiopia and Kenya claimed that the principle of self-determination did not apply to territories within independent states and that such claims were threats to national integrity and sovereignty.<sup>68</sup> Somalis's request was not well received at the U.N. Many of the African delegates felt that the O.A.U. should handle the crisis. After all, the O.A.U. was a regional pan-African organisation and should have primary jurisdiction over African affairs. Because of this, the then Secretary-General of the U.N., U. Thant made it clear to particularly the Somali and Ethiopian governments that the O.A.U. should handle the matter.<sup>69</sup>

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67. Read the "Somali People's Quest for Unity", Somali Government Ministry of Foreign Affairs, September 1965, pp. 10-11.

Only in the case of Somalia irredentism is the horn of Africa has an undiluted ethnic dispute prevented peace in Africa. While the Ethiopia-Somali dispute involved a disagreement over the delimitation of their common boundary, any attempt to resolve the limited legal dispute inevitably runs up against the underlying political problems raised by Somali agitators for a greater Somalia.

68. O. A. U. Kenya-Ethiopia Memorandum, January 18, 1964. See also, Africa Diary, February 15-21, 1964.

69. See O.A.U. Document, Somali-Ethiopia Border Agreements, September, 1967.

Later the Ethiopian government requested an extraordinary session of the Council of Ministers to consider the matter and accused Somalia of aggressive acts.<sup>70</sup> Thereafter Somalia made the same request and the same accusation.<sup>71</sup>

At this point, because of a military uprising in Tanganyika, an extraordinary session of the Council of Ministers was scheduled to meet in Dar-es-Salaam on February 12, 1964. There were complaints by the delegates to the session over the inclusion of the Somalia-Ethiopian dispute into the agenda. The delegates insisted that they had not received instructions from their governments on the matter.<sup>72</sup> However, when Kenya also requested that a session concerning her dispute with Somalia be placed on the agenda, a majority of the delegates then reasoned that the three-way fight deserved immediate attention. The Council voted in favour (9 to 1 with 9 abstentions).<sup>73</sup>

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70. O.A.U. Document. Second Extraordinary Session of Council of Ministers, 12-15 February, 1964 - Read the speeches of the Ethiopian Representative, K. Yifra.

71. O.A.U. Document, Second Extraordinary Session of Council of Ministers, 12-15 February 1964. Study the speeches of A. Issa of Somali.

72. Diplomats must or should always receive instructions from a higher authority for it gives them a base from which to reject any proposals without undue constraints.

73. Saadia Touval, "The O.A.U. and African Borders", p. 112.

Again, Somalia attempted to place her dispute with Ethiopia before the U. N. The Somali Government appealed to the Secretary-General to set up a commission to study responsibility in the fighting and to establish a cease-fire agreement.<sup>74</sup> Eventually Somalia was convinced by delegates to the February, 1964 Council of Ministers meeting that the O.A.U. should be allowed to handle the crisis. The Somali delegation then notified the U.N. Secretary General of leaving the matter in the care of the O.A.U.<sup>75</sup>

At this point, it is important to note the objectives of the parties involved, especially those of Somalia. Somalia was now accused of aggression on two fronts. Her action makes it clear that at that time, Somalia did not wish to raise her claims of a greater Somalia, for obviously this could be a disadvantage. Rather, because of her military peril, Somalia wanted any debate limited to the immediate questions of disengagement of regular armies and the setting up of demilitarised zones. Perhaps Somalia also thought that such measures would bring about unofficial international recognition that there were problems concerning Somalis living in Kenya and Ethiopia. Such objectives would be more likely met if the crisis was placed before the U.N. Security Council rather than the O.A.U.<sup>76</sup>

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74. Ibid., p. 112.

75. See U.N. Document S/5542, February 18, 1964.

76. The U.N. affords a wider forum to put forth any argument for extensive debate.

Ethiopia and Kenya, on the other hand, wanted the matter placed before the O. A. U. and also wanted a discussion of the territorial ambitions of Somalia realising that if such matters were placed with the regional organisation, in view of its emphasis upon territorial-border status-quo, that Somalia would find herself in an isolated position.

When the session was opened in Dar-es-Salaam, both Ethiopia and Kenya emphasized the political roots of the dispute. Both wanted a permanent solution to be found based upon territorial integrity. The Somali delegate merely called for a cease-fire and requested that the O. A. U. send observers to supervise it.<sup>77</sup> The O. A. U. Council of Ministers asked Ethiopia and Somalia to refrain from hostile activity and to cease any armed encounters. Fellow African states having representation in either or both countries were called upon to help persuade both parties to settle their disputes peacefully.<sup>78</sup>

Twelve African nations (Ethiopia, Somalia, Morocco, Dahomey, Tunisia, Egypt, Cameroun, Liberia, Ghana, Upper Volta, Sierra Leone, and Mauritania) were called upon to form a committee to deal with the problem.<sup>79</sup>

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77. "On the initiatives of President Nyerere of Tanzania, talks (to no avail) were held at ministerial level between Kenya and the Somali Republic between 10 and 14 December 1965 in Arusha". See p. 28, Case Studies in African Diplomacy: 2 The Ethiopian-Somali-Kenya Dispute 1960-67 by Catherine Hoskyns (Dar-es-Salaam, 1969).

78. See resolutions on the three way conflict passed by the Council of Ministers' meeting in Dar-es-Salaam from February 12th to 15th 1964 - E.C.M. Resolutions three and four.

79. In compliance with O.A.U. - C.M. directives, Ethiopia and Somali met in Khartoum, Sudan, from 24th March - 30th March 1964.

During the same session, it was suggested that the Somali-Kenya border dispute also be placed on the agenda but Somalia objected because she felt that the issues at hand should be treated separately. In another resolution, however, all three parties were called upon to refrain from further fighting and hostile propaganda and to enter into direct negotiations to solve the dispute.<sup>80</sup>

Also at its second ordinary session later that month, the Council of Ministers asked that the E.C.M. Resolutions 3 and 4 be complied with and that progress reports be made to the O. A. U. Assembly of Heads of State and Government.<sup>81</sup>

In the same resolution, it was emphasized that any fight among O. A. U. Member States should be solved within the organisation. In the interest of African unity, all O. A. U. Member States were asked to persuade all warring factions to come to terms.<sup>82</sup>

Eventually a cease-fire agreement was arranged with the help of Lieutenant General Ibrahim Abboud of the Sudan who

80. See O. A. U. Resolutions on Ethiopia-Somalia and Kenya-Somalia, February 29, 1964.

81. Especially significant here is the emphasis placed upon compliance with paragraph 4 of Article III of the O. A. U. Charter.

82. O. A. U. Somali-Ethiopia Border Agreement and Addis Ababa Agreement, September 1967 and Somali-Kenya Border Agreement (Rapprochement over Territorial Dispute) and Kinshasa Agreement, September 1967.

acted as a crisis manager. "No formal O. A. U. structure was involved in any direct action to settle the dispute. In February, 1964 Somalia again requested that a demilitarized zone be set up with posted observers, which was by and large supported at the Council of Ministers' meeting in Lagos during the same month. However, Ethiopia asked the Council to make some type of statement concerning the nature of the argument and further requested that Somalia renounce its territorial claims. Kenya, in support of Ethiopia, argued that Somalia's position was unrealistic in view of the fact that claims were being made against two sovereign and independent nations."<sup>83</sup> It is important to note here that the Second Ordinary Session of the Council of Ministers did not establish an ad hoc commission to deal with the disputes as it did in the Algerian Moroccan dispute. Perhaps it was noted that such a commission had met with failure.<sup>84</sup>

In March 1964 a meeting was held in Khartoum between Somali and Ethiopian officials which was partially successful. There were agreements reached for the maintenance of the ceasefire, the creation of a demilitarized zone along the borders,

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83. Summary Records of Second Ordinary Session of the O. A. U. Council of Ministers, Lagos, February 24 - 29, 1964.

84. O. A. U. Document CM/Resolution. 17(II), February, 1964.



the establishment of a joint commission to supervise the withdrawal of forces, and the cessation of hostile propaganda. A joint communique was issued at the end of this meeting which emphasized the work of the O. A. U. in bringing the two sides together even though the meeting was actually arranged by the Sudan. The Sudanese Foreign Minister was also instrumental in helping to bring about a settlement at this stage.<sup>85</sup> Again, as at Bamako, the mediator's function was performed by a Member State and not by the formal organization, the O. A. U.

Another meeting between the Somali and Ethiopian Foreign Ministers took place in Cairo in July 1964. In accord with a prior agreement, reports on the Khartoum decisions were to be presented to the O. A. U. Summit Conference. However, a dispute arose between Ethiopia and Somalia over issues of discussion. Also, internal problems in Somalia forced her to postpone talks.<sup>86</sup>

Some other events which were closely related to the disputes at hand happened in Cairo. One of the events was the adoption by the O. A. U. Assembly of a resolution on border

85. The Somali Republic and the O. A. U. (Mogadishu, Somalia: Ministry of Foreign Affairs, 1964), pp. 39-40.

86. Ibid., pp. 25 - 27.

disputes<sup>87</sup> and another one was the discussion of bilateral and regional military alliances between African states, such as that between Ethiopia and Kenya. Somali argued that such alliances as the Ethiopian-Kenyan defence agreement would upset the power balance and more important would threaten unity within the organisation itself. Because of the dissension among O. A. U. Member States, these volatile items were shelved.<sup>88</sup>

In March 1965 Somalia asked the O. A. U. Secretary-General to appoint a commission to examine new border problems. She also asked the O. A. U. Commission on the Problem of Refugees in Africa to visit refugee settlements of those who had fled from Kenya and Ethiopia. The O. A. U. did not act on these requests but a little later, Somalia and Ethiopia agreed to reactivate the joint commission to supervise the carrying out of the Khartoum agreement.<sup>89</sup>

87. Emperor Haile Selassie of Ethiopia took it upon himself to influence others that there must be an O.A.U. consensus concerning borders. In June 1964, he visited Kenya, Tanzania, and Uganda, holding talks with the officials of those nations. All communiques from the various meetings concerned the border issue. Eventually the Emperor and the Prime Minister of Uganda issued statements each stating that in the interests of African Unity, all existing borders at the date of independence of each nation should stand.

88. The Somali Republic and the O.A.U. (Mogadishu, Somalia: Ministry of Foreign Affairs, 1964), pp. 25-27.

89. Africa Research Bulletin, Vol. 2, No.3 (March, 1965), pp. 256-57.

Negotiations between Ethiopia and Somalia, called for by the Dar-es-Salaam and Lagos resolutions, were postponed because of a governmental crisis in July, 1964 and still had not taken place by the end of 1966. The factions could not agree at that time upon a place to meet. It is interesting to note that between 1964 and 1966, Tanganyika, under President Nyerere's leadership played an important role in helping to stabilize relations between Kenya, Ethiopia and Somalia. Since, it was President Nyerere who sponsored the resolution on borders adopted by the O. A. U., Tanganyika's diplomatic initiatives were usually in favour of Kenya and Ethiopia, even after the estrangement of Tanganyika and Kenya after the failure of East African states' federation efforts.<sup>90</sup>

There were later opportunities for informal talks at international gatherings, such as the Accra Summit Conference in October 1965. However, Somali, most often, came away from such talks dissatisfied. After 1964 she began to seek sympathetic support from outside the continent. Somali attempted to get China to endorse its claims during President Osman's (Somali head of state) visit to Peking in July 1965. In a speech in Peking, President Osman denounced the boundaries based on illegal treaties made by the colonial powers, an argument which China itself was using with reference to its dispute with India and the Soviet Union. President Osman also depicted Somalia's

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90. See Chapter 6, "East Africa: A Study of Integration and Disintegration" in William A. Hance's African Economic Development (New York, 1967).

plight as a divided nation.

Eventually in December 1965, Presidents Aden Abdulla Osman and Jomo Kenyatta met in Arusha, Tanzania. During the meeting neither side would concede any points. However, it is interesting to note that as in the Bamako and Khartoum negotiations the mediator's function was assumed by a Member State (in this case Tanzania) and not by a formal organ of the O.A.U.<sup>92</sup> At a later date in 1967 because of governmental changes and reduction in military support from the Soviet Union, Somalia desired renewed negotiations. In 1967 at the O.A.U. Summit, Somalia's president met with the heads of Ethiopia and Kenya. It was agreed that diplomatic relations be established if Somalia agreed to stop aid to dissidents. The Assembly of Heads of States and Governments meeting in its Fourth Ordinary Session in Kinshasa, Congo from 11 to 14 September 1967 issued the following declaration on Kenya Somali relations:

"Desirous of Consolidating the fraternal links that unite us,  
Recalling resolution CM/Resolution I7(II) of 29 February, 1964,

Recalling further the attempts that have been made by the Governments of Kenya and Somalia at Arusha in December 1965 through the Good Offices of His Excellency President Julius K. Nyerere of the Republic of Tanzania,

Mindful of the new and welcome initiative taken by His Excellency President Kenneth D. Kaunda of the Republic of Zambia in Kinshasa during the Fourth Ordinary Session of the Assembly of Heads of States and Governments,

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91. S. Touval. The Boundary Politics of Independent Africa.  
(Cambridge, Mass), 1972, p. 152.

92. East African Standard, December 14 and 15, 1965.

Notes with pleasure the joint Declaration mutually and amicably reached between the governments of Kenya and Somalia as represented by Vice-President Daniel Arop Moi and Prime Minister Mohammed Ibrahim Egal, respectively through the Good Offices of the President of Zambia, which reads as follows:

- (1) Both Governments have expressed their desire to respect each other's sovereignty and territorial integrity in the spirit of paragraph 3 of Article III of the O.A.U. Charter;
- (2) The two Governments have further undertaken to resolve any outstanding differences between them in the spirit of paragraph 4 of Article III of O.A.U. Charter;
- (3) The two Governments have pledged to insure maintenance of peace and security on both sides of the border by preventing destruction of human life and property;
- (4) Furthermore, the two Governments have agreed to refrain from conducting hostile propaganda through mass media such as radio and the press against each other;
- (5) The two Governments have accepted the kind invitation of President Kaunda to meet in Lusaka, during the later part of October, 1967, in order to improve intensify and consolidate all forms of co-operation;

Resolves to express its sincere gratitude and congratulations to President Kenneth D. Kaunda of Zambia as well as the Government of Kenya and Somalia for their position in a fraternal manner,

Requests the Governments of Kenya and Somalia as parties to the Declaration and the Government of the Republic of Zambia, as host and convenor, to submit a progress report on the proposed meeting in Lusaka to the Secretary General of the O.A.U." 93.

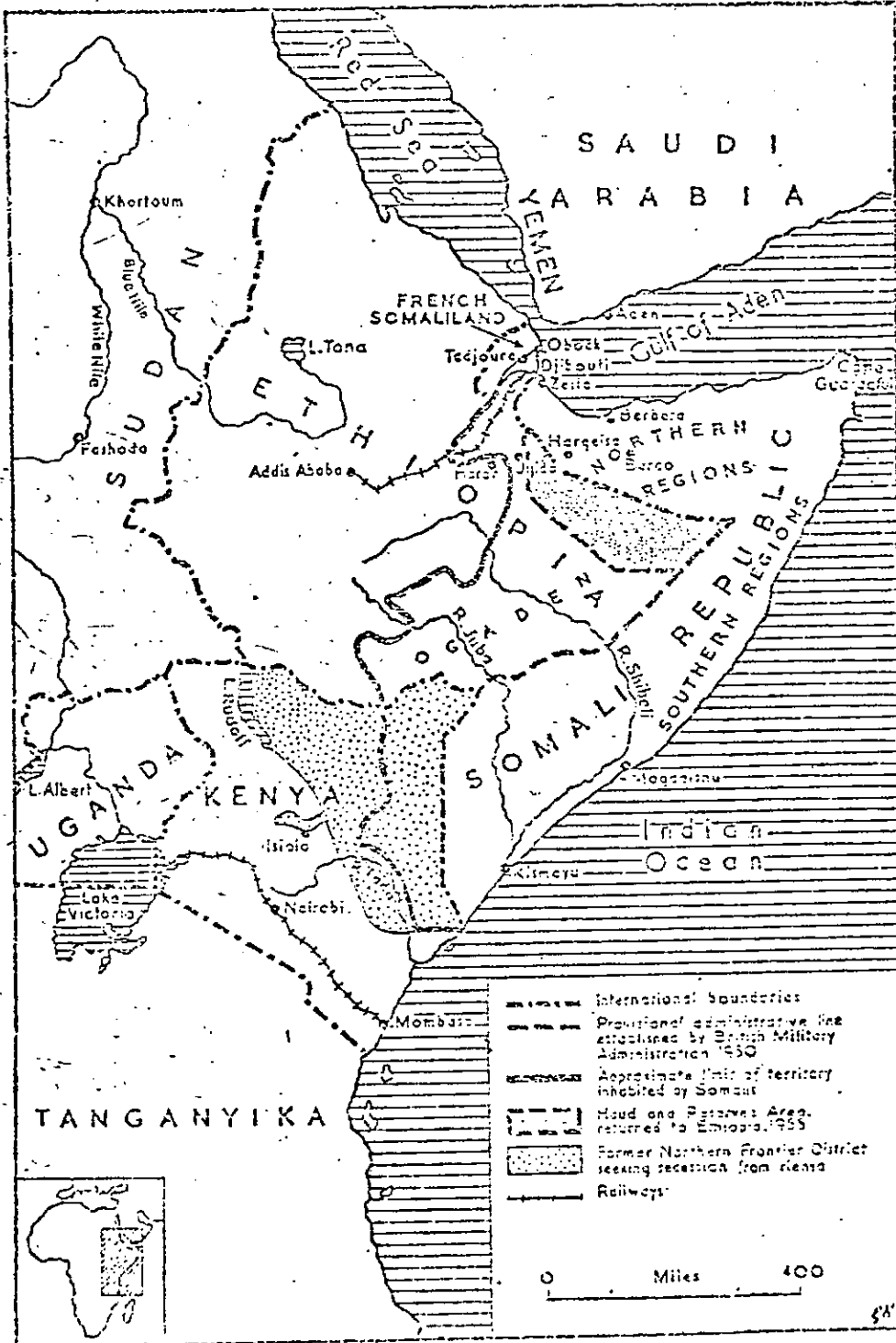
Relations between Kenya and Somalia have since that time been relatively peaceful. There was also relative calm up until 1973 when Somali accused Ethiopia of a military build-up. This was denied by Ethiopia who did not see the importance of bringing

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93. O. A. U. Resolutions and Statements adopted by the meetings of the Assembly of Heads of State and Government (1963-1972), pp. 72-73.

# MAP OF THE HORN OF AFRICA

(produced from Drysdale's The Somali Dispute)



the issue before the O. A. U. Ethiopia, however, did agree to the formation of a good offices committee, but still periodic fighting and dissension have plagued this unstable relationship.<sup>94</sup>

The events which were to bring about a new round of problems between Ethiopia and Somalia began to occur as early as 1974. In February 1974 the Ethiopian Armed Forces initiated a coup, which brought down the 44 year rule of Emperor Haile Selassie.<sup>95</sup> A Provisional Military Administrative Council called the Dergue, was set up. At this time there was no unchallenged new leader of Ethiopia and really no clear cut ideology to replace the antiquated feudal hierarchy which had been the base of Emperor Selassie's rule.<sup>96</sup> Ultimately, through a process of elimination, Colonel Mengistu Haile was able to concentrate

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94. A clash occurred again in 1975 between Ethiopia and Somalia over the Territory of the Afars and Issas formerly French Somaliland or Djibouti. Again in this respect the O.A.U. emphasized the right of a self-determination rather than national attempts at land acquisition. Again, after the overthrow of Haile Selassie as Head of State in September 1974, the Ogaden Region, heavily populated by people who felt that they should become a part of a greater Somalia began their secessionist drive. Therefore, the Somali Government taking advantage of a break in Ethiopian governmental continuity attempted to strike while the iron was hot, but Ethiopia was able to hold out against this move, as will be indicated in the following pages.

95. For background see, Thomson, Blair, Ethiopia, The Country That Cut of its Head, A Diary of the Revolution(London, 1975).

96. See Patrick Gikes, The Dying Lion: Feudalism and Modernization in Ethiopia (London, 1975); M. Perham, The Government of Ethiopia 2nd edition (London, 1969); and G. Tager, "Ethiopia's Rebellion" Africa Report Vol. XIV, No.8 (London, 1969).

power into his own hands. There emerged a power struggle in the Dergue which was ideological in origin. On the one hand, there was the Ethiopian Democratic Union (E.D.C.), a rather feudalistic order and the Ethiopian Revolutionary Party (E.P.R. P.), a radical group, Marxist in nature which had the support of the armed forces. Then there was a coup led by Colonel Mengistu which was pro-Soviet and also with a strong military backing. After Brigadier Tafari Banti, General Andom, and Lt. Col. Atnafu<sup>97</sup> were eliminated as members of the Dergue in the February 1977 purge, it was obvious that the center power would officially establish relations with Russia. This move by Ethiopia had a tremendous effect upon its neighbours. For one dominant feature of the country's internal political situation, particularly between September 1974 and the end of 1978, was the high degree of revolutionary turbulence and political uncertainties. Moreover, relations with its neighbours, particularly with Somalia and Sudan, were very much affected by the political instability that gripped the nation with the advent of the September Revolution.<sup>98</sup> For example, the late General Andom, was an Eritrean, who had trained in the Sudan.<sup>99</sup> To be sure, after his death, fighting broke out between the Eritrean secessionists and the Ethiopian army.<sup>100</sup> The Eritreans were given massive military support by various Arab States such as Egypt and

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97. These men were members of the Dergue who were eventually eliminated. Information about this can be found in "Ethiopia's Foreign Policy Since the 1974 Revolution" by Dr. Oluola Ode, Vol. 3, No. 4, Horn of Africa.

98. Ibid., p. 3.

99. There had been a working relationship between President Numeiry of the Sudan and Emperor Selassie because of the latter's role in helping to stabilise a divided Sudan in the seventies.

100. General Andom had hoped that the Eritrean problem could be solved without governmental military pressure.



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Gudan. Eritrea had been colonized by a number of peoples and nations, but it was the dominant phase of colonization by the Italians from 1880-1961, which gave Eritrea its present territorial identity. After World War II, a plan was worked out between England and the United States<sup>102</sup>, which provided for the gradual annexation of Eritrea by Ethiopia by 1962. A majority of Eritreans, who were Moslems and felt that their right of self-determination had been violated, began to wage a struggle against Ethiopia for territorial independence.<sup>103</sup> By 1978, the Eritrean independence movement, after seventeen years of struggle was proving effective.<sup>104</sup> Because the Ethiopian armies were occupied elsewhere,<sup>105</sup> the Eritreans had seized control of ninety-five percent of their homeland.<sup>106</sup> Together with this, the Ogaden region had figured prominently in the earlier schisms between Somalia and Ethiopia<sup>107</sup> and there were other internal problems, so that all in all Ethiopia was ripe for disintegration.<sup>108</sup> By January 1975 the Dergue began to try to deal with the many problems that were facing Ethiopia. At that time, "the Ethiopian government mounted a diplomatic campaign to get the

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101. O. Ojo, op. cit., p. 5.

102. Jordan Gbre-Mehin, "Eritrea: Pre-capitalist Social Formations", Horn of Africa, Vol. 3, No. 4(1982), p. 22.

103. See Tom J. Farer, "Dilemmas on the Horn", Africa Report, July 7, 1977, pp. 2-6.

104. Ibid., pp. 2-6.

105. "On the other hand the Ogaden Region about 25,000 square miles was handed over to Ethiopia by Britain following a treaty of 1897 between the two countries. It is predominantly inhabited by Somali speaking nomadic tribes who have traditionally been associated with the greater Somalia movement." See the Weekly Star of Nigeria, July 31, 1977, p. 10, and David Lamb "The Origin of the Conflict over Poor Barren Ogaden Region" International Herald Tribune(France), August 2, 1977.

106. "An Approximation based on facts reported on page 15191", Africa Contemporary Record, 1976-1977.

107. Refer to footnote 105.

108. See "Ethiopia and the Vultures", Weekly Star, July 1, 1977, p. 10.

issue resolved with the Sudan and to correct the impression in the Arab world that the new regime was no longer interested in a negotiated settlement".<sup>109</sup>

As a result of the Ethiopian initiative, President Nimeiry of Sudan called for a ceasefire backed by a declaration of amnesty by his government. Still this break did not lead to peaceful negotiations. Again in April 1976, attempts were made by Sudan on a bilateral level to bring the two sides together for talks.<sup>110</sup> The Eritreans refused to negotiate because of their strong position and a majority of the members of the Dergue wanted a military solution to the problem. Of course, Sudan increased her efforts to secure a peaceful solution to the problem because of the Sudanese refugee problem.

Eventually because of the seriousness of the problem, Ethiopia brought the matter to the attention of the O.A.U. The O.A.U. Summit met in Libreville, Gabon from July 2 to July 5, 1977. Sudanese and Ethiopian leaders counter-charged one another with subversive activities.<sup>111</sup> As a result of the charges the O.A.U. set up a nine-nation Commission made up of Algeria, Cameroun, Gabon, Nigeria, Senegal, Sierra Leone, Togo, Zaïre and Zambia to mediate the dispute.

109. See Dr. Olusola Ojo, Vol. 3, No. 4, Horn of Africa, p. 5.

110. Ibid., p.5. Dr. Ojo also indicates in the same article that the Dergue also decided during this period to discontinue association with the U.S., which had been an ally of sorts to Ethiopia and too because of ideological harmony assumed a relationship with the Soviet Union which had up until that time been in harmony with Somalia. The U.S. thus switched sides becoming an ally of Somalia. The Sudanese felt threatened especially by the Soviet presence in Ethiopia, obviously because of the military factor. Thus at work in this already complicated relationship among the three African nations was the superpowers' influence. Poor nations such as Somalia and Ethiopia generally must have outside support to finance their dreams of greater glory.

111. Both of these entities were highly concerned with the refugee problem which further drained national reserves.

The first meeting of the O.A.U. Sudan-Ethiopia Commission took place in Freetown, Sierra Leone. Both sides agreed to the setting up<sup>of</sup> a ministerial commission to deal with the refugee problem. Both nations agreed to cease hostilities and to resume air and communication links. Another meeting was held in Dar-es-Salam in January 1978 with more positive results. However the Eritrean problem was still unsolved and neighbouring nations to Ethiopia were bothered by Russian military assistance to that country.<sup>112</sup>

In addition to problems with the Sudan, Ethiopia was also faced with aggressive moves by her traditional enemy, Somalia, which saw its chance to promote its concepts of a greater Somalia at the expense of Ethiopia when the Somalian army apparently invaded the Ogaden region<sup>113</sup> in June of 1977 after the U.S. Carter Administration indicated that it would be prepared to sell Somalia a limited amount of defensive arms. But this move was later to backfire because the U.S. reversed its position concerning the selling of arms.<sup>114</sup>

The situation with Somalia proved interesting because soon after because soon after the Ethiopian Revolution, the Dergue sent a

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112. Olusola Ojo, "Ethiopia's Foreign Policy Since the 1974 Revolution", Horn of Africa, Vol. 3, No. 4, p. 6.

113. See "U.S. Presence in Somalia Grows, Tensions Remain", International Herald Tribune, October 20, 1978; "Britain Provides Aid to Greater Somalia", Daily Times of Nigeria, June 24, 1978, p. 9; "Somalia's Choice of New Friends", Times International, November 11, 1978, p. 4.

114. See "U.S. Presence in Somalia Grows, Tensions Remain", International Herald Tribune, October 20, 1978 and "Somalia Promised the U.S. that it would not use force in seeking any future change of its borders" as stated by Cyrus Vance, Secretary of State under President Jimmy Carter. After Somalia's invasion of Ethiopia, the U.S. cut back its aid forcing Somalia to do away with its plans for the time being.

goodwill mission to Somalia and at that time Ethiopia proposed a confederation of East African States to be composed of Ethiopia, Kenya, Somalia, Sudan and later Djibouti, when it became independent. In March 1977, President Fidel Castro of Cuba while visiting Ethiopia<sup>115</sup> voiced his approval of the confederation.

However, Somalia had no intention of becoming a part of any proposed confederation. Instead she increased her support of the Ogaden resistance movement, the Western Somali Liberation Front (W.S.L.F.), in such a way that by July 1977, Somali troops occupied about ninety per cent of the Ogaden region.<sup>116</sup> Because of this, Ethiopia, near defeat, requested a negotiated peace under the auspices of the O.A.U. This led to the reactivation of the O.A.U. eight nation Committee.<sup>117</sup> At a meeting in August 1977, held in Libreville, under the chairmanship of President Bongo of Gabon, the Committee failed to solve any problems and both countries eventually broke off diplomatic relations. Under such a situation, where there is an impasse, there is very little that the O.A.U. can do except to pass a resolution or two. In July, 1978 at the O.A.U. Summit in Khartoum, a resolution was passed on the relations between Somalia and Ethiopia:

The O.A.U. Assembly of Heads of State and Government,  
Considering the seriousness of the problem:

115. O. Ojo, *op. cit.*, p. 6. "The extraordinary relationship which developed in 1978 between Cuba and Ethiopia was based largely on Fidel Castro's apparent conviction that the Cuban revolution was being repeated in Ethiopia, perhaps on a larger scale and with even greater significance for the Third World of which he sees himself as the revolutionary mentor." See R.V. Vive, Ethiopia's Revolution (New York, 1978).

116. The Ogaden constitutes about one-third of the territorial expanse of Ethiopia.

117. O. Ojo, "Ethiopia's Foreign Policy Since 1974", p. 7.

- "1. Orders an immediate cessation of all hostilities and any warlike act by two parties concerned.
2. Demands the immediate withdrawal of the troops of each of the parties from the borders.
3. Requests the Chairman of the Mediation Committee to take and enforce all measures that will enable it to ensure on the spot, the correct and full implementation of the present measures;
4. Endorses the following proposals of the ministerial meeting of the O. A. U. Good Offices Commission or the Ethiopia/Somalia dispute in Khartoum on 17 July 1978;
  - a. to restate that an indispensable condition for the settlement of the dispute between African states can best be met if the reaffirmation of the principles of respect for sovereignty and territorial integrity of states, the inviolability of existing frontiers between O. A. U. member states, non-interference in the internal affairs of member states as well as the settlement of all disputes among them by peaceful means; 118
  - b. to appeal to both Ethiopia and Somalia to exercise maximum restraint to work earnestly to end all military and hostile activities against each other and to refrain from the use of force in the settlement of disputes between them;
  - c. to request the O. A. U. to render practical assistance to the refugees and to assist in effecting the exchange of prisoners of war; and 119
  - d. to continue mediation efforts with a view to finding a just and lasting solution to the dispute;

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118. The basic tenet, that of territorial integrity, has been consistently adhered to in reference to African states already defined. This made Ethiopia's emphasis upon maintaining her territorial expanse have a solid backing as far as international law was concerned.

119. For information on the massive refugee problem, see "African Refugees - A Challenge to the World." Geneva 1981, p. 10.

5. Appeals to the two sister states, Ethiopia and Somalia to desist from using the mass media and public forums to fan feelings of hostility towards each other." 120

Somalia was not able to hold her strong position for long. By this time, most of the internal difficulties brought on by the 1974 Revolution were sorted out through a process of elimination and Colonel Mengistu Haile Mariam was clearly in charge of the governmental apparatus by the end of 1977. Also by this time, Ethiopia's ideological bent was clearly indicated by her associations with Cuba, Russia and various Eastern European nations.<sup>121</sup> As a result of this help, Ethiopia assembled an army of 120,000 men backed by 1,000 Cuban troops and 1,000 Soviet advisers and nearly one billion dollars worth of new Soviet military equipment which helped her to push

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120. O.A.U. A.H.G./Resolution 90 (XV), July, 1978.

121. Internal cohesion helped the Ethiopians to assess their problems and to seek outside help. The presence of Foreign troops whether in Angola or Ethiopia smacks of neo-colonialism and has been criticized to some extent. In a July 20th, 1978 article, "Why Cubans, Soviets are in Africa in the Daily Times of Nigeria, Lieutenant General Obasanjo (at that time Head of State of Nigeria) blasted the sit-tight attitudes of African leaders who allow outside intervention but he also said that Africa was colonised by western powers and not by the Soviets. In the struggle for independence and freedom, the only source of effective support was the Eastern block of countries. The Soviets were invited to Africa for a purpose and that purpose is to liberate the countries to which they are invited from centuries of cruelty, degradation, oppression and exploitation. "We have no right to condemn the Cubans nor the countries which felt they needed Cuban assistance to consolidate their sovereignty or territorial integrity."(p.9). In "O.A.U. Members Attack Foreign Incursion, July 17, 1978, Daily Times of Nigeria, Egyptian Foreign Minister, Dr. Butros-Ghali said "Foreign presence in Africa whether in the form of troops, military bases or passage rights constitutes a violation of the principles of non-alignment."

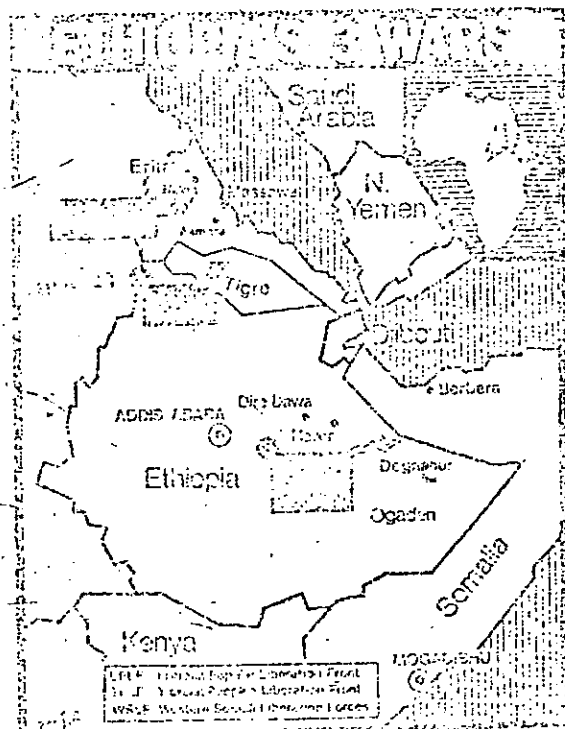
Somali troops off Ethiopian soil by the end of 1978.<sup>122</sup> Later efforts were directed towards Eritrea to crush the movement there, so that Ethiopia could be maintained as a territorial entity.<sup>123</sup> Again, it must be emphasized that Ethiopia would probably have been defeated had it not been for outside help in the form of Soviet and Cuban sources. And Somalia was forced to curtail her plans because of the fact that she could not get the matching military support from the U. S.<sup>124</sup> This will continue as long as leadership within various O.A.U. member states allow outsiders to continue to exercise firm political and economic policy. Thus, the horn of Africa still continues to be a most explosive area, undermining any pretense of O. A. U. unity. As the Mali Foreign Minister, Mr. A. Beye said, "Africa has become a victim of the conflicts of the super-powers who are trying to dominate African politics in the pursuit

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122. There are different numerical conceptions concerning Ethiopia's strength. Dr. Ojo in his article, already cited that "Ethiopia had mounted an army of 40,000 regulars and about 80,000 militia men, backed by Soviet arms and advisers and Cuban troops.(p.7).

123. Ethiopia has had some problem in controlling the Eritrean secession movement. There are three movements involved: the Eritrean Popular Liberation Front (E.P.L.F.), Tigrean Peoples Liberation Front(T.P.L.F.), and Western Somali Liberation Front (W.S.L.F.). See Times International, March 29, 1982, p.15. There is still no clearcut indication that the Dergue has full control over Eritrea as of December, 1982.

124. See "Somalia waits for Reagan's Bounty," The Guardian, February 7, 1981, Somalia, the U.S. newest ally in Africa is waiting to see how the Reagan Administration puts flesh on 40 million dollars worth of military credit agreed upon in December 1980 in exchange for the use of the Red Sea port of Berbera." and "Somalia", World Bank, IDA News Release No. 80/22, December 28, 1979. IDA provides 12 million U.S. dollars to Somalia for Bay Region Agricultural Project, "News from U.S. No. 71, May 8, 1979, details a project between U.S. and Somalia. International Communication Agency, Lagos. Cuba has never felt the need to fully explain its real presence in Africa. In a communique of April 26th, 1978, Castro, the President of Cuba said that Cuba will not discuss its involvement in Africa and will remain in Ethiopia indefinitely.



Taken from Times International  
March 29, 1982



of their own interests.<sup>125</sup>

## The O.A.U. and the Western Sahara Case

### The Background

"Western Sahara first appeared on the geographical maps as late as 1875, although the area had been known about since the middle of the fifteenth century. Significantly, it has had a long period of foreign rule, first by the Portuguese and then by Spanish conquest.

In recent times from 1934 to 1958, the Spanish Sahara, i.e. the provinces of Saquiet el Hamra and Rio de Oro formed a single administrative unity under military rule. In January 1958 the provinces of the Spanish Sahara came under the administration of the Director-General of African Provinces in Madrid. The military administration was entrusted to the Commander of the Canary Islands, while the provinces had their own Governor-General in Sidi Lafi and El Asium. As with most colonial powers, Spain gradually gave up administration, and with this surrendering of power, territorial claims were made by two neighbouring states, Morocco and Mauritania. By then, it had been learned that Western Sahara, with an area of 103,000 square miles with only

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125. See "Conflict and the Superpowers in the Horn of Africa" by Samuel M. Makinda, Third World Quarterly, Vol.4, No.1, p. 93-103. Cited quote taken from Daily Times of Nigeria, July 17, 1978, p. 9.

about 75,000 inhabitants had rich deposits of phosphates, a valuable acquisition for any nation."<sup>126</sup>

Morocco rests her claims to the territory on the fact that it had always belonged to her and that it was under the rule of the Moroccan monarch in 1884 when Spain annexed the territory. According to her, now that Spain has relinquished her rights to the territory, it would only be fair to return it to her.<sup>127</sup>

Mauritania, on the other hand, wanted the territory on the grounds that her people have racial and cultural links with the Sahouris, the people of the Western Sahara. To complicate matters more, Algeria announced its interests in the territory, but on the side of the Sahouris. France also became involved in the crisis by supplying arms to both Morocco and Mauritania.

Eventually, an independent body, the International Court of Justice at the Hague was asked to decide which nation had a legal valid claim to the land. Its verdict on the conflicting claims was most interesting. By a vote of 14 to 2, the court

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126. Read Victory Perry's "The Issues at Stake in Western Sahara", International Herald Tribune, March 7, 1978. See also John Mercer's Spanish Sahara (London, 1976), Chapters 4 and 5. Peter Enahoro's article "Imbroglia in the Sahara", Africa, No.52, December 1975 verified the economic reasons for Morocco's interest in this area. "Behind all of this, of course was Morocco's economic interest in the area. Morocco is the third largest producer of phosphates after the U.S. and the Soviet Union, but she is the world's largest exporter of the mineral which is used in the manufacture of fertiliser. In 1973-74 she was able to increase the price of phosphates nearly five-fold from \$14 a tonne to the present \$68. With an economy perennially plagued by foreign exchange deficits, the result for Morocco was quite spectacular." (p.9).

127. John Mercer, Spanish Sahara, (London, 1976), pp. 240-241.

decided that the territory had legal ties with the Moroccan Kingdom. By another vote of 15 to 1, it was also decided that there were some legal ties with Mauritania.<sup>128</sup>

Summing up, the court decided that although there were in the past legal ties of allegiance between the two claimants and the territory, there was no evidence of links which amounted to territorial sovereignty. This decision was of great importance in the light of the report of the U. N. mission sent to the territory in the early part of 1975. This report urged the General Assembly of the U.N. to take steps to enable the inhabitants of the territory to decide their own future in complete freedom and in an atmosphere of security.<sup>129</sup>

At first Mauritania had indicated that she would abide by the decision of the International Court of Justice. For her own part, Morocco interpreted the decision of the court in a way that was favourable to her cause. King Hassan asserted that the legal

128. Ibid., p. 241

129. Another similar problem which the O. A. U. faced was the so-called "liberation of the territory of the Afars and Issas. The O.A.U. Liberation Committee dealt with this since the O. A. U. had recognized the Djibouti Liberation Movement backed by Ethiopia and the Front for the Liberation of the Somali Coast backed by Somalia. In July 1976 at the Port Louis Summit, a resolution on Djibouti was approved. Under the Resolution guidelines both Ethiopia and Somalia agreed to recognize the territorial integrity and the right of self-determination of so-called French Somaliland. A meeting was later held under O. A. U. auspices in Accra in March, 1977 which led eventually to independence for the territory by May 1977.

ties of allegiance identified by the court implied Moroccan sovereignty in the territory. The action clearly showed that both sides were interested in Western Sahara, for purely economic reasons.<sup>130</sup>

The O.A.U. and the Principle of Self-Determination  
in Western Sahara

In 1968 the O. A. U. began to address itself to the problem of Western Sahara, then called Spanish Sahara. The problem was brought up by a representative from Morocco at the Third Meeting of Committee A held on 22 February 1968. The various views held by Morocco, Mauritania, and Algeria can be clearly ascertained by studying their official responses.

First of all the Moroccan delegation claimed that a high ranking personality in the Algerian government had previously stated that Spanish dominated Sahara was Moroccan territory. Although Morocco did stress liberation of these territories in Sahara, it was viewed in terms of liberating the people of Sahara regions so that they could become a part of Morocco. Therefore, the representative of Morocco considered that the question of the so-called Spanish Sahara was a problem of decolonisation. Since the end of the nineteenth century the Sahara territories had been occupied by the Spanish government as part of the partition of

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130. Peter Enahoro, op. cit., p. 9

Africa by the colonial powers and particularly in consequence of the Treaty of Berlin. At the time, secret treaties were concluded between France and Spain as regards the division of the Sahara. Until the beginning of the 20th century, Spanish occupation was if anything precarious, but since then it has been intensified. Spain now occupied the regions militarily and was trying to exploit the rich local resources.

"During the last few decade there had been changes in the administration of these territories by Spain. Spain had attempted to integrate them constitutionally and administratively so as to make them into Spanish provinces. Undoubtedly the reason for this change of policy was the success of mining prospecting undertaken in the Sekrish el Hamra and Rio de Oro regions, where phosphate and iron deposits were found. Since 1964 when geologists had confirmed the large scale of the deposits, Spain had commenced populating the region with Spanish nationals. Five thousand Spanish families were settled there within a year, whereas the indigenous population was only about 50,000. Moreover, the Spanish authorities had proceeded to do something much more serious, namely to locate a very large military installation there. Airfields and barracks had been built and there were now altogether 25,000 military personnel in the area. Furthermore, the Spanish Government regularly sent there, senior officials of ministerial rank to persuade the indigenous populations that they were Spanish. One of the most frequently used slogans was "Let those of you who are Moroccans go back to Morocco; Mauritania<sup>NS</sup>, and Spaniards stay here."<sup>131</sup>

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131. O.A.U. Summary Record of Third Meeting of Committee A held 22 February, 1968. CM/Committee A Sr. 3(x), p. 1 and p. 8.

The Representative of Mauritania felt with regard to the question of the Spanish Sahara maintained at that time that the area formed an integral part of the Islamic Republic of Mauritania. It was pointed out that Mauritania had raised the problem of the so-called Spanish Sahara well before gaining independence. Still Mauritania has turned from formal claims to this territory towards an attitude of decolonization of the territory through the medium of self-determination. For all these reasons, we consider, and this is now our official position that Morocco, which has wrongly laid claim to the territory because it is adjacent and Algeria which has laid no claim to the territory, but which lies adjacent to Mauritania and the territory are both interested in the decolonization of that territory."<sup>132</sup>

Finally, the Foreign Minister of Algeria indicated the problems of the Sahara and linked it with several aspects of self-determination. "The appellation 'Sahara', Mr. Chairman is an extremely vague appellation. It remains just as true that the problem of the so-called Spanish Sahara is a problem that

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132. Ibid., p. 14. Here, it is apparent that Mauritania has been given a bad press for these confidential report indicates that almost from the start Mauritania had no territorial designs on Western Sahara per se and was essentially interested in the process of self-determination for that area.

equally concerns and I stress the word equally, three neighbouring countries.<sup>133</sup> In reference to self-determination, the Algerian representative pointed out the following:

- "1. These territories could decide that they are Moroccan in which case Algeria having joint frontiers with Morocco cannot remain indifferent to the nature of the problems arising with that sister-state with which it maintains relations which are equally friendly and fraternal.
2. The territories could choose to be Mauritanian, joint frontiers with Morocco's Mauritania...once again Algeria cannot remain indifferent to the development of relations between two brotherly countries with whom we maintain fraternal and equally friendly relations.
3. We deeply believe in the inevitable destiny of peoples in the matter of development and political emancipation and we are therefore in right and duty bound to visualize all suppositions. Moroccan and Mauritanian friends know that Spain is at present trying by every means to turn these territories into settlements; I can well imagine the peoples of these territories opting for Spain, unfortunately for Africa. In the very recent past, we have had the startling example of what we call "French Somaliland", and my country cannot remain indifferent to the existence of a colonial enclave on its frontiers.
4. Now the fourth possibility is for the peoples of the territory to pronounce themselves in favour of autonomy and independence. My country which is making laudable efforts to have the very best of fraternal relations with Morocco, Tunisia, Libya, Niger, Mali, and Mauritania, is in duty bound to prepare its future relations with the eventual State which could set itself up in so-called Spanish Sahara.
5. These populations might quite naturally opt to be Algerian. Do not forget, Mr. Chairman that in this region the main populations are Moroccan for four months of the year, Mauritanian for four months of the year because these tribes are just the very type of peoples who have no knowledge of frontiers. And that is why I feared that I might be misunderstood and that is why I am very satisfied that there is no chasm between my Moroccan friend and myself, nor between my Mauritanian friend and the Algerian delegation. There is no chasm since the three of us support with the same vigor, the same faith and the same sincerity, the letter and spirit of the U.N. resolution." 134

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133. "Problem of Sahara as early as 1968." CM/Cttee. A/Sr. 3 (X), p. 14.

134. Ibid., p. 14 - 17.

Debates and discussions such as that indicated previously continued, but between 1968 and 1977, the issue of Spanish Sahara or Western Sahara was generally associated with the U. N. and or Spain's intentions in the area.<sup>135</sup>

The first time that the O. A. U. took official note of the conflict in Spanish Sahara, now Western Sahara, was at the Rabat Summit in 1977 when the Council of Ministers expressed its solidarity with the population of the Sahara, but without referring to any special political group or liberation movement. They also called on Spain to help create a free and democratic atmosphere in which the people of the territory could exercise their right to self-determination and independence. It was recalled that the U. N. in 1965 had adopted a resolution calling upon Spain to organize a referendum in that territory. But since that time, Spain has made use of dilatory methods to delay implementation. The argument employed by Spain was that such a referendum would be organized when the people of the territory in question requested it. Since 1967, the O. A. U. had denounced such manoeuvres. It was also believed by Member States that Sahara's national assembly and traditional assembly made up of tribal chiefs and 40 representatives nominated by nomadic tribes were reported to have submitted to the Spanish Government a petition, from the people of the Sahara. According to that position, the people of Sahara renewed "the allegiance of Spanish Sahara to the Spanish Head of State", reaffirming the territory's right to exercise self-determination when it should request it and without foreign interference.<sup>136</sup> "It was clear that those for

135. Read in general the sections on Spanish Sahara in the O.A.U., Report of the Administrative Secretary General covering period June 1972 to May 1973. Addis Ababa, May 1973. CM/497(Part II).

136. O.A.U. Report. CM/497 (Part II), May 1973, p. 18.



whom that petition was really intended were the O.A.U. and U.N.O. The veritable interpretation of the petition was that the territorial Assembly would request self-determination when the time came, that is when Spain instructs it to, requesting Madrid to initiate a period to serve as preparation for the territory's future. This process would mean that Spain would, for years to come, retain sovereignty over Rio de Oro and would probably grant it independence when it had completed its exploitation of the rich sub-soil.<sup>137</sup>

As a result of this the O.A.U. requested that Morocco and Mauritania intensify their efforts vis-a-vis the Spanish government to induce it to implement the U.N. call for a referendum under U.N. auspices.<sup>138</sup>

The same policy was reaffirmed by the Council of Ministers in 1973 and again in 1974. The most striking feature of the 1974 resolution was the omission of any mention of Polisario. Polisario, The People's Front for the Liberation of Saquiet el Hamra and Rio de Oro, had been pressing for Western Sahara to become a free and independent state. At the time of the 1974 resolution, Polisario had been in existence for a year.<sup>139</sup>

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137. Ibid., p. 18

138. John Mercer, op. cit., p. 240

139. Peter Enahoro, op. cit., p. 11.

No resolution was adopted at the Kampala Summit in July 1975, mainly because of increased tension between Algeria and Morocco over the territory's status. Mauritania's position was unclear at this point. It remained so even after Morocco and Mauritania had defied both the O. A. U. and U. N. on November 14, 1975 by concluding a tripartite agreement with Spain to divide the territory between themselves, thus making the question of the Western Sahara a central issue at the Council of Ministers meeting in Addis Ababa in February 1976. There was a split between opponents and supporters of POLISARIO. Algeria called for recognition of this group as a liberation movement.<sup>140</sup> Both Morocco and Mauritania were opposed to POLISARIO being recognized as a liberation movement.<sup>141</sup>

Eventually, Benin submitted a draft resolution to the Council of Ministers at Port Louis before the opening of the 13th O.A.U. Summit at Mauritius. Benin's draft resolution concerned itself with

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140. POLISARIO or the People's Front for the Liberation of Saguiet el Hamra and Rio de Oro in Western Sahara was established May 10, 1973. Independence of Western Sahara was declared on February 28, 1976. Recognition by the O.A.U. of Western Sahara, now called the Saharawi Arab Democratic Republic (S.A.D.R.) as an independent entity came about under questionable procedure in February, 1982.

141. The question of the validity of the existence of S.A.D.R. has resulted in an impasse in the O.A.U., that is the inability to hold the 19th O.A.U. Summit (Stage I) in Tripoli from July 26 to August 3, 1982 because of lack of a quorum.

the principle of self-determination and asked for the approval of the following items:

1. The confirmation of the right of the people of Western Sahara to self-determination and independence according to the O.A.U. and the U.N. Charters;
2. That the Administrative Secretary-General of the O.A.U. should continue to work on the situation until the Saharaouis people were able to exercise their right to self-determination with complete freedom;
3. The Saharaouis people should receive unconditional support<sup>142</sup> for the just struggle being waged to regain their national rights;
4. The demand of withdrawal of all foreign occupation forces and respect for the territorial integrity of Western Sahara and sovereignty of its people;
5. A report should be submitted to the next Ministerial Council meeting about the implementation of the resolution;
6. All parties to the Western Sahara dispute, including the Algerian people, to take necessary measures to find a solution acceptable to all and within the framework of African unity and in the service of peace, friendship and good neighbourliness in the region." 143

The resolution was approved by the Council of Ministers but not subsequently endorsed by the Assembly of Heads of States and Government. Instead it was decided that an extraordinary summit session should be held in order to try to find a lasting solution to the problem. It was announced in February 1977 that

142. The question here is did these people ever have any national integrity in the first place.

143. Z. Cervanka, The Unfinished Quest for Unity, Africa and the O.A.U., (New York, 1977) pp. 48-49.

the O.A.U. would hold an Extraordinary Summit on the issue in April 1977 but then the date was later changed. There were still problems of elimination.<sup>144</sup>

In July 1978 the 15th Summit of the O. A. U. was held in Khartoum in which it was decided that the then Chairman of the O.A.U., the President of Sudan, should appoint an ad hoc committee to deal expressly with the problem of Western Sahara.<sup>145</sup>

The first session of the Ad Hoc Committee on Western Sahara met in Khartoum from November 30th to December 1st, 1978. It included the heads of state of Guinea, Mali, Nigeria, and Tanzania, all more or less neutral states with no vested interests in the outcome of the problem. The committee decided, among other things, to set up a sub-committee composed of the Heads of Mali and Nigeria to visit the countries of the sub-region and have discussions with all the parties concerned.<sup>146</sup> The Sub-

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144. The O.A.U. approach appears to be as follows: adopt a consensus or decide in a general arena the best approach with emphasis on the maintenance of the status quo and then slowly through a non-violent pressure try to eliminate one by one any parties who take a different stance from what has been agreed upon. Frankly, this differs very little from the typical crisis management technique found in most African villages. The use of a policing authority in the western sense is alien to Africa in general.

145. In pursuance of Resolution AHG/Res.92(XV) adopted by the Assembly of Heads of State and Government held in Khartoum.

146. Report of Secretary General on the Activities on Regional Offices, Addis Ababa, February, 1980, p. 8.

Committee would then present a report to the Ad-hoc Committee at its next meeting. The Secretary-General of the U.N. was to be kept informed since the U.N. had in the past at least taken a role in the discussion as to the question first of Spanish Sahara than of Western Sahara.

"In June 1979, Morocco complained formally to the U.N. Security Council that Algeria had invaded its territory twice early that month and requested the convening of the meeting of the Security Council to consider "acts of aggression committed by the Algerian Government against Morocco." Subsequently, Algeria wrote to the Security Council categorically refuting the presentation and interpretation of the situation by Morocco.

The African Group at the U. N. held several meetings in order to stave off the Security Council meeting as this would lead to embarrassing and acrimonious debate at the Council that might ultimately affect efforts already being undertaken by the O. A. U. on the matter. At the African Group meeting suggestions were made including one of an appeal by the African Group to the current O. A. U. Chairman to mediate the problem. Another suggestion was to allow only the Chairman of the Group to speak at the Security Council meeting and await the O. A. U. deliberations on the matter. Both suggestions were acceptable to Algeria but not to Morocco which still demanded the council meeting.

The African Group, however, decided to alert the current Chairman of the O. A. U. on the situation and requested him to use his good offices to arrest the unhappy situation that was unfolding at the U. N.

However, a security council meeting was held. During the debate, the representatives of both Algeria and Morocco spoke, as well as representatives from POLISARIO. After the Security

Council had held a couple of meetings to consider the issue before it, the council received a letter from the Representative of Morocco informing it that the Moroccan government had responded favourably to the appeal made by the current O.A.U. Chairman, and accordingly requested that the Security Council suspend action on the complaint submitted to it by Morocco. The Security Council adjourned."<sup>147</sup>

As a result of the further internalizing of the Western Sahara issue, the sixteenth Summit of O. A. U. Heads of State and Governments, meeting in Monrovia in July 1979 decided to make a tremendous effort to solve the Western Sahara issue. The then Chairman of the O.A.U., the late William Tolbert of Liberia, together with the General Secretariat and the close collaboration of the Ad Hoc Committee of O. A. U. Heads of State endeavoured from July 1979 to February 1980 to find a solution to Western Sahara. Of great importance to this problem, was the decision by the Mauritanian Government, in accordance with the wishes of the Heads of State, to sign an agreement with POLISARIO on August 5, 1979 declaring "Mauritania's renunciation of any territorial claim over Western Sahara and the withdrawal of Mauritanian troops from the portion of Western Sahara previously under the Administration of Mauritania. This agreement entered into force on August 15, 1980."<sup>148</sup>

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147. O.A.U.: Introduction to the Report of Administrative Secretary-General on Activities of O.A.U. Addis Ababa, February, 1980. CM/1002(XXXIV) Part II, verbatim, p.8. A nation like Morocco, having problems gaining support for a particular stance may try to gain support through a universal body such as U.N., trying to by-pass the regional body.

148. O.A.U. CM/1002(XXXIV) Part II, p. 101. Mauritania's interest in Western Sahara seemed rather dubious right from the start. Her reasons may have been protectory since any increase in the territory of Morocco would be a threat not only to her but also to Algeria.

Morocco did not recognize and still does not recognise the validity of this agreement and, therefore, commenced to occupy the portion of Western Sahara evacuated by Mauritania.<sup>149</sup> The King of Morocco, proposed a meeting of all countries bordering the Sahara, so that ways could be found for establishing a fruitful economic co-operation and ensuring a concerted development in the whole of this sub-region of the African continent.<sup>150</sup>

Still Western Sahara (now called the Saharawi Arab Democratic Republic) continues to be a problem because the final member of the original party of three refuses to go along with O. A. U. consensus. Thus, in the wake of the 16th Summit Conference of the O. A. U. and the Mauritania-POLISARIO Agreement, the Heads of State and Government of Non-Aligned countries met in Havana and on this occasion a large majority of states, including most states of the O. A. U. demanded that the principle of people's right to self-determination and independence should apply in Western Sahara. Thus, a large majority of Heads of the 94 countries from all the continents were unanimous in affirming that the process of decolonization of the former Spanish territory was yet to be completed. The conference further condemned the occupation by the Kingdom of Morocco of the portion of Western Sahara evacuated by Mauritania. It also indicated that the POLISARIO (Polisario) Front

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149. It is ironic how certain states within the international system keep repeating classic mistakes of the past. One can certainly draw a comparison between Morocco's former claims against Mauritania and her present claims against Western Sahara. As President Daddah of Mauritania said of King Hassan II of Morocco; "So much the worse for him who cannot see the sun; we shall not wear ourselves out showing it to him" (Moorish proverb), p. 220 in Morocco: Old Land, New Nation by Mark I. Cohen and L. Hahn (London, 1966).

150. CM/10002(XXXIV) Part II, p. 101.

should participate in the settlement moves on this issue.

In the light of these developments the U.N. General Assembly itself once again discussed the Western Sahara issue and in its plenary session of November 21, 1979 adopted by 83 votes for, 5 against and 43 abstentions, a resolution deploring the deterioration of the situation due to the persistent occupation of Western Sahara by Morocco and the latter's extension to the territory evacuated by Mauritania and urgently called on Morocco to join the process of peace and end its occupation of Western Sahara. Also the Fourth Commission of the U.N. meeting on October 30, 1979 by 85 votes for, 5 against, 44 abstentions and 19 non-participation in the voting recommended a meeting of the U. N. General Assembly on the issue.<sup>151</sup>

As a result of persistent international clamouring for settlement of the Western Sahara, on the regional level, the ad hoc Committee set-up by the 16th Summit in Monrovia began to expand its activities. It was decided by the O. A. U. to appoint a Special Committee of six members, Guinea, Tanzania, Mali, Nigeria, Sudan, and Liberia to be presided over by the then Chairman of the O.A.U. This committee would bring together the parties concerned, including representatives of Western Sahara with a view to implementing the decision on the "exercise by the people of Western Sahara of their right to self-determination through a general and free referendum."<sup>152</sup>

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151. Ibid., p. 103.

152. The principle of self-determination, since its introduction into the international arena via Woodrow Wilson and the Fourteen Points, has evolved into a kind of common law of international order, a prudent rule of reciprocal safety. Read Steven J. Rosen and Walter Jones' The Logic of International Relations (New York, 1980), p. 366 and Gerhart Niemeyer, Law Without Force: The Function of Politics in International Law (Princeton, New York, 1941).



"Early in November, 1979, the Chairman of the O. A. U. at that time, William Tolbert,<sup>153</sup> President of Liberia undertook a mission to Algeria and Morocco during which he met the President of Algeria, the King of Morocco, the representatives of POLISARIO Front and all its spokesmen, who expressed their desire and readiness to assist him in the fulfillment of his task. On the basis of the assurances given by all, Tolbert with the consent of all his colleagues of the Ad Hoc Committee, decided to convene in Monrovia, on the 4th, 5th, and 6th of December 1979, the third session of the Ad hoc Committee to be attended by all the parties concerned. With the exception of the President of Guinea, and the King of Morocco, all the affected Heads of State, President of Algeria, the Foreign Affairs Minister of Mauritania representing the Mauritanian Head of Government and the Secretary-General of the POLISARIO Front were present at this meeting. After hearing from all the parties present and discussing the development of the issue, the committee adopted recommendation AHG/AHC/Resolution I, Revision 3 calling inter alia for the immediate withdrawal of all troops and Moroccan administration from that portion of the Sahara evacuated by Mauritania; an immediate observance of a ceasefire in the whole of Western Sahara territory to give way to the holding of a free and just referendum; the setting up of an O.A.U. Peace Keeping Force to monitor the ceasefire; full co-operation of the King of Morocco with the Ad hoc Committee in its work; the abstention by the international community from any action likely to impair the peaceful solution of the problem; co-operation between the O.A.U. and the U.N. in studying the technical details of decision A/HG/Dec. 114(XIV/Rev.I concerning

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153. William Tolbert, President of Liberia was murdered in a coup d'etat in Liberia on April 12, 1980. See "Dr. Doe heals the Wounds", West Africa, No.3391, 2 August 1982, p. 1977.

Western Sahara and the holding of a referendum in the territory and; finally, the transmission of this recommendation to the King of Morocco.

Soon after the Monrovia meeting, the Chairman of the O. A. U. Council of Ministers and the Representatives of the O.A.U. Administrative Secretary-General, in pursuance of Recommendation AHG/Res. I(III)/Revision 3 of the ad hoc committee, proceeded to Morocco to inform King Hassan II about the content of the above recommendation of which Morocco took note.

"Again the Western Sahara issue took a new turn when the Mauritanian Government called on the O. A. U. General Secretariat to convene an Extraordinary Session of the O. A. U. Council of Ministers. This request reached the O. A. U. General Secretariat near the end of November 1979 and was communicated to Member States. Only two states, Algeria and Madagascar, had responded favourably to the request. Mauritania wanted the withdrawal of Moroccan troops from the Mauritania region of Bir-Moghrein and since this had not been done, there was a need to continually place the subject before the O. A. U."<sup>154</sup>

Even though it was taking some time, it appeared that the O.A.U. technique of persuasive elimination was beginning to work.<sup>155</sup>

154. O. A. U. Report of the Secretary General on the Activities of Regional Offices, Addis Ababa, February 1980, p. 8.

155. Tunde Thompson, "The O. A. U: Averting Its Disintegration," Daily Times of Lagos, March 19, 1982, p. 3.

In view of this, the O. A. U. had been especially conciliatory toward Morocco. This is apparent if one examines a recent O. A. U. resolution on Western Sahara. Recently, the Assembly of Heads of State and Government meeting in its eighteenth Ordinary Session in Nairobi, Kenya from 24 to 27 June 1981.

"Having examined the report of the Secretary-General in Western Sahara (Doc. AHG/103(XVIII A) and the Reports of the Fifth and Sixth Sessions of the Ad-hoc Committee of Heads of State on Western Sahara (DOC. AHG/103(XVIII B) and AHG/103(XVIII C) respectively,

Having heard the statements made by His Majesty King Hassan II of Morocco, the Heads of State of Mauritania and Algeria as well as those made by various Heads of State and Government and leaders of delegations,

Noting with appreciation the solemn commitment made by His Majesty King Hassan II to accept the holding of referendum in the Western Sahara to enable the people of that territory to exercise their right to self-determination,

Noting further with appreciation, His Majesty King Hassan's acceptance of the Recommendation of the sixth session of the Ad-hoc Committee of Heads of State on Western Sahara contained in document AHG/103(XVIII) B) Annex I as well as his pledge to co-operate with the Ad-hoc Committee in the search for a just, peaceful and lasting solution,

Recalling its previous Resolution and Decisions on the question of Western Sahara:

1. ADOPTS the Reports of the Secretary-General on the Western Sahara and those of the Fifth and Sixth Sessions of the Ad-hoc Committee of Heads of State on Western Sahara and endorses the recommendations contained therein (Doc. AHG/103(XVIII) and congratulates the Ad-hoc Committee of Heads of State on Western Sahara, for the commendable work alone in finding a peaceful solution to the problem of Western Sahara;
2. WELCOMES the solemn commitment made by His Majesty King Hassan II of Morocco for accepting the organisation of a referendum in the territory of Western Sahara;

3. DECIDES to set up an Implementation Committee with full powers composed of Guinea, Kenya, Mali, Nigeria, Sierra Leone, Sudan, and Tanzania to ensure, with the co-operation of the concerned parties the implementations of the Recommendations of the Ad-Hoc Committee;
4. URGES the parties to the conflict to observe an immediate cease-fire and CALLS ON the Implementation Committee to ensure the observance of the cease-fire without delay;
5. DIRECTS the Implementation Committee to meet before the end of August 1981 and in collaboration with the parties in conflict to work out the modalities and all other details relevant to the implementation of the cease-fire and the conduct and administration of the referendum;
6. REQUESTS the U.N. in conjunction with the O. A. U. to provide Peace Keeping Force to be stationed in Western Sahara to ensure peace and security during the organisation and conduct of the referendum and subsequent elections;
7. MANDATES the Implementation Committee with the participation of the U. N. to take all necessary measures to guarantee the exercise by the people of Western Sahara of self-determination through a general and free referendum;
8. REQUESTS the Implementation Committee in the discharge of its mandate to take into account the proceedings of the Eighteenth Ordinary Session on the Question of Western Sahara and to this end INVITES the O. A. U. Secretary-General to make available the full records of the said proceedings to the committee." 156

However, in February 1982 at an O. A. U. ministerial meeting the question was not whether POLISARIO Front should be recognized as a liberation movement but whether the Saharawi Arab Democratic Republic (Western Sahara) should be admitted as a territorial entity to the O. A. U. Because 26 Member States had recognised

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156. O. A. U., AHG/Resolution 103 (XVIII), 24 to 27 June, 1981.

S.A.D.R. as legitimate, the O. A. U. Secretariat led by Secretary-General Kodjo had taken upon itself the task of placing seats for an S.A.D.R. delegation which caused a walk-out. Morocco, which had previously threatened to leave the O. A. U. followed by those Member States sympathetic to her plans for a "greater Morocco, "asserted that a two-third majority of Member States is needed to let a new state join<sup>157</sup> whereas O. A. U. Chairman Daniel Arap Moi of Kenya condemned S.A.D.R. admission, stating that it was the prerogative of Heads of State who must debate at summit level to decide upon admission of a new member."<sup>158</sup> As a result of the questionable admission of S.A.D.R., there was an impasse, the first in the nineteen years history of the O. A. U., As a means of protest against the admission, many foreign ministers and Heads of State of some states boycotted the 19th O. A. U. Summit of Heads of States and Governments to have been held in Tripoli, Libya<sup>159</sup> from July 26 to August 3, 1982. Only 31 Member States sent representatives. To form a quorum takes thirty four Member States represented. There were attempts to get those who cared to stay away to come. Later a five member committee comprising Libya, Tanzania, Zambia, Congo, and Mali was

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157. The key personality in this deadlock is King Hassan II of Morocco who refuses to give up his claims.

158. See "More Walk-Outs at O. A. U. Talks", Daily Times of Nigeria February 25, 1982, p. 40.

159. Colonel Gaddafi, the Libyan Head of State claimed that the U.S. bribed some Member States to stay away. See "The O.A.U. Deadlock" Daily Times of Nigeria, August 10, 1982, p. 3. This is also alluded to in "The Tripoli Stalemate", Role of Foreign Influence by Uche Chukwumorije in three-part serial, Sunday Times, September 26, 1982, p. 17.

appointed to talk with Member States' representatives who were absent. While there, "President Shagari of Nigeria and other prominent personalities suggested to S.A.D.R. that they should make a tactical voluntary withdrawal. Libya thereafter received replies from 42 countries, but only 31 showed up consisting of 26 who supported S.A.D.R. admission and 5 who did not support the manner in which S.A.D.R. was admitted to the O.A.U.<sup>160</sup> Also the representatives of the S.A.D.R. refused not to come against the advice of Colonel Muammar Gaddafi himself. Old stalwarts, such as President J. Nyerere of Tanzania and President S. Toure of Guinea together with President Shagari tried desperately to get a quorum. Because of this impasse, Libya suggested that a new O. A. U. should be formed and asked for a resolution to be passed to condemn those who did not attend.<sup>161</sup>

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160. The five states were Nigeria, Kenya, Niger, Upper Volta, and Central African Republic.

161. Colonel Gaddafi is known for his support of various "terrorist organisations" and for his rather radical outlook. Many representatives felt that the venue should be changed. The most likely new venue would be the seat of the organisation, Addis Ababa, where perhaps all concerned could meet in a neutral area. Gaddafi could still become the new O.A.U. Chairman. However, perhaps, Part II of the "Tripoli statement" which involves Chad (discussed in Chapter Four of this thesis) would have to be settled.

The "balancer" states Nigeria, Kenya and Tanzania walked out."<sup>162</sup> This was indeed a sad time for the O.A.U. but there are those who see the need to "end the friction over the issue of self-determination for the Western Saharan people. It is believed by many Member States that the Moroccan Monarch's intransigence over the rights of the Saharawis to sovereignty and freedom is palpably unprogressive and runs counter to the United Nations and Organisation of African Unity declarations on decolonisation and freedom for people the world over. All African nations committed to these principles should co-operate with the new committee set up in Tripoli at the time and the O.A.U. Secretariat in getting the Organisation together again, to enable it to tackle the continent's problems and squarely combat the external forces scheming for its disintegration."<sup>163</sup>

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162. Such a nation as Nigeria can assert her power to balance certain situations in African international relations. Such a role would be similar to that of England during the period from 1815-1870, in Europe. The quoted section represents notes taken during a Nigerian Television Broadcast on the night of August 13, 1982 of the briefing of Nigerian editors at a conference from the State House by President Shagari concerning the O. A. U. stalemate in Tripoli.

163. "The O. A. U. Deadlock", Daily Times Opinion, August 10, 1982, p. 3.

### Conclusion

"The state has not existed from all eternity."

Engels

In 1964 the O. A. U. took the easy way out with its maintenance of the status quo on borders. For it is always expedient to assume that what works well for someone else will also work for you. In maintaining the status quo, the O. A. U. also maintained the European conception of the state, which was a carry-over from colonial times, again assuming that the nation-state, with its emphasis upon the urbanization process is the only progressive form in which territorial entities can exist in today's world. In fact since that time, there have been numerous designs given as to how the status quo arrangement concerning African boundaries can be further buttressed.<sup>164</sup>

Rather than looking backward and forward to visualize, then conceptualize a new system expressly devised for Africa, rooted in some tradition with logical modern appendages, the African states decided to institutionalize their second greatest self-exterminating exercise, the implantation forever

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164. Recently Professor A. Oye Chukwurah in an article in Sunday Punch of Nigeria, April 25, 1982, called "How Effective is O.A.U. Policy on the International Boundaries of Africa?" has suggested among other things a permanent O.A.U. committee on Boundaries to deal with such disputes.



of the nation state with its concurrent emphasis upon urbanisation.

It was unfortunate that in 1954, it was asserted by conservative elements that any other system would lead to balkanisation and be detrimental to African progress. But would a rational regional balkanisation process with an emphasis on the agricultural sectors really have led to widespread chaos? Perhaps in the future, the O.A.U. working through regional associations and organisations can conceptualise a manner in which territorial and border issues can be permanently solved.

Table For Chapter 3.Table 1Boundary/Territorial Disputes in Africa

Countries involved	Claimant	Area Claimed	Present Status (As at Sept. 1930)
1. Algeria-Tunisia	Tunisia	Triangle of the Great Eastern Erg, South of Tunisia	Claim dropped
2. Congo-Gabon	Congo	Gold mine region south	Suspended following Douala Conference of 1962.
3. Dahomey (Benin)-Niger	Mutual	Ile de Iles in the River Niger	Suspended
4. Ethiopia-Kenya	Mutual	Gadaduma wells	Settled
5. Ethiopia-Sudan	Mutual	Small portions of imprecisely delimited border	Generally quiescent with occasional arguments.
6. Ghana-Ivory	Ghana	Sanwi region in south-eastern corner of Ivory Coast	Claim dropped after fall of Nkrumah
7. Ghana-Togo	Mutual	Ghana over Togo, while Togo over Ewe inhabited area	Ghana claim dropped after Nkrumah, Togo claim suspended.
8. Ghana-Upper Volta	Mutual	Small border areas	Settled.
9. Guinea-Liberia	Liberia	Mount Nimba region	Claim dropped after Guinean independence.
10. Ivory Coast-Liberia	Liberia	Area between Cess and Cavally Rivers	Claim dropped after Ivory Coast independence.
11. Malawi-Tanzania	Tanzania	Part of lake Nyasa	Quiescent

Countries involved	Claimant	Area Claimed	Present Status (As at Sept. 1980)
12. Morocco-Mali	Morocco	Northwestern Mali	Claim dropped
13. Mali-Upper Volta	Mutual	Marshy border South of Goa	Quiescent
14. Niger-Upper Volta	Niger	Area along entire border	Settled
15. Kenya-Zanzibar	Kenya	From Tanganyika line to Kidini including Lamu islands and Mombasa.	Settled
16. Kenya-Uganda	Uganda	Border between them	Quiescent
17. Mozambique-Malawi	Mutual	Marshy eastern shore of Lake Shirwa	Quiescent
18. Cameroon-Gabon	Mutual	Rio Muni	Settled
19. Lesotho-South Africa	Lesotho	Border between them	Dormant
20. Sudan-Chad	Sudan	Border region	Quiescent
21. Sudan-Central African Republic	Sudan	Border region	Apparently dropped
22. Somalia-Ethiopia	Somalia	Ogaden Region	Live
23. Somalia-Kenya	Somalia	Northern-eastern portion of Kenya	Live
24. Morocco-Algeria	Morocco	Some desert territory along their border	Settled

Countries involved	Claimant	Area claimed	Present Status (As at Sept. 1980)
25. Morocco-Mauritania	Morocco	The whole of Mauritania	Settled
26. Morocco-Wester	Morocco	The whole of Western Sahara	Live
27. Mali-Mauritania	Mali	Stretch of territory along their border	Settled
28. Egypt-Sudan	Egypt	Stretch of territory along their border	Settled
29. Mauritania-Western Sahara	Mauritania	Southern portion of Western Sahara	Settled
30. Nigeria-Cameroun	Cameroun	Creek areas along their Southern borders	Live

Note: NOS: 22 to 30 are disputes involving violent clashes.

Sources: Touval, S. The Boundary Polics of Independent Africa (Cambridge, Massachusetts; Harvard University Press, 1972)  
Widstrand, C.G. (Ed.) Affican Boundary Problems (Uppsala; The Scandinavian Institute of African Studies 1969) Aiboni, S.A. Protection of Refugees in Africa, (Upsala: Textgruppen i Uppsala, A.B., 1978); and Various Newspapers and Magazines.

Taken from: Dr. T. Imobighe, "O.A.U.'s Management of Conflicts In Africa: The Missing Link".

Nigerian Institute of International Affairs.

## Chapter Four

The O.A.U. and Internal Crisis

"The most widespread disruptions of order in Africa are local or internal crises. Infact only a handful of African states have thus far avoided some form of anti-government plot, coup d'etat, or assassination. This extensive pattern of internal crises and disorder has many causes, but the primary factor is opposition to the process by which incumbent political elites are gradually consolidating their control. Such conflicts are serious threats to order because of the scarcity of those stabilising institutions and structures that help older states to maintain continuity."<sup>1</sup> It also appears that the purely African political structures have not been able to evolve since the time of colonialism when already refined structures were imposed upon them. These systems were not refined by black people, however.

This is a crucial problem in the political structure in Africa. It is not necessarily that a system has been imposed, but the system beneath this artificial system has been stagnant so that it is too firmly rooted in the past or there is a strange connection of past with recently imposed institutions. In effect, each

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1. That is any political, economic, or social structure must be allowed to evolve, to develop its own peculiarities that make it effective and most important of all, a system should fit the people who are associated with it. For interesting analysis concerning nation-building read the following: James Coleman and Carol Roseberg, Political Parties and National Integration in Tropical Africa (Berkley, 1964), K.W. Dutsch and W.J. Folly (eds.) Nation Building (New York, 1963); and Donald Rothchild's "The Limits of Federalism, An Examination of Political Institutional Transfer in Africa", Journal of Modern African Studies 4, 2(1966), pp. 275-93.

system neutralizes the other and you end up with no system. All of this has been caused by this effort at a great leap forward in most African political structures, followed by windfall economic circumstances, which can be devastating. Any people who have not simultaneously developed social and political institutions along with economic realities will also develop trouble in the future.<sup>2</sup> The lack of maturity in the basic system is bound to be reflected.

Thus governments have been easily isolated and overturned by a few armed men on many occasions in Africa. African leaders are acutely aware of their vulnerability; they attempt to counter the opposition by strengthening the single party system and by using international forums, such as O.A.U. Summits, to condemn

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2. The principle to be emphasized here is that, systems evolve gradually as human beings. Sometimes a great leap forward can destroy a people. An analogy to this: if you take a child of twelve and insist that he or she become a father or a mother, years later it is bound to be reflected in his or her growth or in the offspring. Just as a human being should not skip an important stage in his or her development, so it should work similarly with a state. Further to this any mature development within such a state has to be evaluated carefully. For example, if you read in the newspaper of a developing country about an individual who has built an aeroplane, most likely from a kit, and it is praised as a triumph, one must ask a question. A triumph for whom? When a society does not have the ability to put together a bicycle (manufacture the parts, etc.) then how realistic is it to praise an individual for again ordering parts from overseas and assembling the parts.

internal problems within Member States of the O. A. U. This has been a continuing source of aggravation that has plagued the organisation since its start in 1963. The study of selected African crisis situations involving internal problems will help to shed some light on O.A.U. performance in this area.<sup>3</sup>

#### The Sudan: Afro-Arab Confrontation

"In many parts of the African continent, national unity and economic progress are threatened by racial and religious antagonism and by tribal divisiveness. The Republic of the Sudan, independent since January 1956, was the arena for what could have become the most savage racial conflict on the continent.

"The Republic of the Sudan, largest of all African countries has an area of over one million kilometers, larger than the area of the U.S. west of the Continental Divide. The first official census of the Sudan in 1956, reported a total population of over ten million, with an estimated annual rate of increase of about 2.8 per cent.

The Republic may be divided into two distinct population groups. Northern Sudan is occupied by a hybrid Arab race which

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3. It should always be remembered the O.A.U. strength comes from international consensus. International consensus is rooted in international law. International law is weak law.

is united by their common language, common culture, and common religion. They look to the Arab world for their cultural and political inspiration. The Negro people of Southern Sudan belong to the African ethnic groups of East Africa."<sup>4</sup> The Arab-acculturated Northerners have often exhibited contempt for their Southern compatriots, and "share that attitude to Africans which spring from Islam and is common to the Arabs, a sense of superiority combined with missionary zeal, part religious, part political."<sup>5</sup> Therefore, back in 1956, Sudan was regarded as primarily an Arab country on a political level, but population-wise it was the African southerners who had the most people.

"The modern political history of the Sudan dates from 1820, when conquest by the Macedonian-born Turk, Mohammed Ali, brought the country, within approximately its present day boundaries, under the control of the Ottoman Empire. By 1881 discontent over the repressiveness and inconsistency of foreign domination was crystallized in the religious fervor and nationalistic appeal of Mahdism. The Mahdists, in power from 1885 to 1899, led a

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4. G. W. Shepherd Jr. "National Integration and the Southern Sudan", *Journal of Modern African Studies* 4 (October 1966), p. 195, and Mandour El Mahdi, A Short History of the Sudan (London, 1965).

5. Colin Legum, ed. Africa, Handbook to the Continent (New York, 1962), p. 99.



religious movement which almost ruined the country. They were defeated by British and Egyptian forces in 1898."<sup>6</sup>

"Between 1899 and 1953, the Sudan was governed under a British-dominated Anglo-Egyptian condominium in which full governing powers were vested in a governor-general appointed by the Egyptians on the recommendation of the British government."<sup>7</sup>

"In 1953, the country's first election for an all-Sudanese government placed in power the National Union Party (N.U.P.), which advocated until early 1955 a policy of Sudanese-Egyptian political unity. Over the next two years, events in both Egypt and the Sudan negated any desire for unification. By December 1955 Sayed Isma'il Al-Azhari, leader of the N.U.P., was able to obtain independence by a parliamentary declaration. On January 1, 1956 the territory became independent and the Republic of the Sudan was established as a parliamentary democracy."<sup>8</sup>

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6. Gabriel Warburg. The Sudan Under Wingate: Administration in the Anglo-Egyptian Sudan 1899-1916, (London, 1971), p. 1, and Mandour El Mahdi, op. cit., entire book.

7. Ibid., Chapter I.

8. See Mohamed Ahmed Mahgoub, Democracy on Trial: Reflections on Arab and African Politics (London, 1974), pp.49-60 and Muddathir ABD Al-Rahim, Imperialism and Nationalism in the Sudan: A Study in Constitutional and Political Development (1899-1956) Oxford, 1969. For a relaxed viewpoint read Beshir Mohammed Said, The Sudan: Crossroads of Africa (London, 1965) Chapter 6.

'The following month, the N.U.P. was forced into a coalition with all the other parties. In July, Abdulla Khalil, secretary general of the Umma Party, assumed the premiership and the N. U. P. went into opposition. Over the next two years, the N. U. P. and Umma, anxious to escape the mounting threat of military rule, were prepared to accept El-Mahdi as president of the Sudan in exchange for the premiership. However, plans for an effective coalition government were swept away by the military coup of November, 1958."<sup>9</sup>

On November 17, 1958 in a bloodless coup d'etat, the Sudanese army assumed power and installed an authoritarian Supreme Council of the Armed Forces and a Council of Ministers. It has been claimed that Prime Minister Abdulla Khalil invited the military to take over in order to prevent a defeat of his coalition government in Parliament.<sup>10</sup> General Ibrahim Abboud assumed the presidency and was invested with full executive and legislative powers by the Supreme Council.

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9. K. D. D. Henderson, Sudan Republic (London, 1965) Chapter 9. For general works on Sudan see the following books: E. M. Holt, A Modern History of the Sudan from the Funj Sultanate to the Present Day, (London, 1961); M.O. Beshir, Revolution and Nationalism in the Sudan (London, 1974); M.O. Beshir, The Southern Sudan, Background to Conflict (London, 1968); A Joint Study by the United Nations and the Government of the Sudan, Population Studies No. 37 (United Nations Information Service, New York, 1964); A. Gaitskell, Gezira: A Story of Development in the Sudan (London, 1959).
  10. Mohammed O. Beshir "The Sudan: A Military Surrender", Africa Report, December, 1964, pp. 3-6.

Through this period, the presence of two contrasting culture groups, an Arabic speaking Muslim North and a Negro South, inhibited the establishment of a unified nation-state. Resentment against the Arab Northerners eventually led to greater turmoil for the emerging nation. In 1955, four months before independence, the Southern Army troops mutinied.<sup>11</sup> Many southerners were fearful of the changes being made. For example, the replacement of trusted British civil servants in the South by unsympathetic or incompetent Northerners aroused an increasing fear of Northern domination. To many Southerners, independence meant nothing more than exchanging one set of masters for another.

Again, at the time of independence, there was no legal political party within the Sudan which represented the interests of the South. Concern for the welfare of Southerners had been expressed primarily by two groups: the Southern Front, which operated within the country rather openly; and the Sudan African National Union (S.A.N.U.) which was set up in exile in 1960 and operated from such far range centers as Nairobi, Kampala, and London.<sup>12</sup>

Therefore, there was little or no opportunity for Southern grievances to be aired. In fact, a Commission of Inquiry which

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11. Mohamed Ahmed Mahgoub, op. cit., p. 56.

12. Mohamed Ahmed Mahgoub, Democracy on Trial, p. 211.

investigated the disturbances, which took place in three Southern provinces in August 1955, found evidence that the real trouble in the south was political, not religious nor racial. The Commission found that for historical reasons the Southerners regarded as their traditional enemies, the Northerners.<sup>13</sup> This resulted primarily because of British administrative policy. Until 1947, British administrative policy was to let the Southern Sudanese progress along African lines and the colonial power also made use of the Closed Districts Order to prevent the Sudanese from really knowing each other. The missionaries, responsible for most of the education of the Sudanese, supported the above policy. Therefore, the Northern part of Sudan progressed quickly in every field while the Southern Sudanese lagged far behind.<sup>14</sup> This marked difference in development inevitably created a feeling of resentment against the Northerners, and eventually led to civil war.

Because of this, this Southern Sudanese Anya-Nya guerrilla movement gained prominence from its raids into southern Sudan from bases across the frontier. The Sudan African National Union (S.A.N.U.), the most important of the liberation movements, had

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13. G. W. Shepherd Jr. "National Integration and the Southern Sudan", Journal of Modern African Studies, 4 (October, 1966), pp. 194-200.

14. Mohamed Ahmed Mahgoub, op. cit., Chapter 14 - "The Southern Sudan Problem."

hoped to involve neighbouring black African states in a more direct fashion into their separatist movement.<sup>15</sup> Claiming the right of self-determination, it was also hoped that forces within the U.N. could possibly be utilized to push their call for independence into the forefront.<sup>16</sup> Flights by Southern Sudanese refugees to neighbouring African nations were hoped to have a detrimental effect on relations between northern Sudan and its neighbours. However, the northern Sudanese did manage to maintain relative stability and even to have friendly relations with its East African neighbours. Northern Sudan's military capability was supported by the fact that aid was received from nations such as Germany and the United States until 1967.<sup>17</sup>

"Still northern Sudan had internal problems, problems which began to surface as early as 1962. In October, 1964, growing opposition by different sectors of the population in northern Sudan toppled Abboud and the Supreme Council. This radical change was regarded as a popular revolt in which politicians,

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15. Read Keith Kyle, "The Southern Problem in the Sudan", The World Today, December 1966, pp. 512-520, and Cecil Eprile, War and Peace in The Sudan, 1955-1972 (London, 1974) "The Rise of the Anya-Nya", pp. 90-102.

16. At this time, the O. A. U. had not come into being as an organisation.

17. Mohamed Ahmed Mahgoub, op. cit., p. 213. His book, Democracy On Trial is used extensively in this section of this chapter because Mahgoub, a Sudanese and former Prime Minister of Sudan, worked for thirty years as a member of the British Colonial Service.

trade unionists, civil servants, and students played a very active role. The spontaneity with which a series of events overtook the military regime was second in significance only to the determination with which unarmed civilians stood up to the military. The Council was accused of failing to create an efficient government, of fiscal over-indulgence, ineptness in giving the Sudanese army any sense of national purpose and a reluctance to come to grips with problems in the southern Sudan."<sup>18</sup> Because of this a move for reconciliation was made by leaders of S.A.N.U. calling for negotiations to settle the brutal civil war between the Arab North and the Negro South. A message was sent to the leaders of the new regime in the north calling for a round table discussion to come to some agreement.<sup>19</sup> The issues of self-determination and secession were not mentioned in the letter and it appeared that the Southerners were becoming desperate to find a proper solution to their plight. Because of this a permanent division occurred within the higher

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18. Mohammed O. Beshir, "The Sudan: A Military Surrender," Africa Report, December, 1964, pp. 3-6.

19. M. O. Beshir, The Southern Sudan, Background to Conflict (London, 1974), Letter, Appendix 10, pp. 154 - 158.

echelons of S.A.N.U.<sup>20</sup> The Southerners were also losing ground because they were not gaining enough international support to force their problem into the forefront. Neighbouring states with problems of their own had grown weary of the continuous influx of refugees coming from Southern Sudan. Also the Anya-Nya guerrilla movement, while receiving help from neighbouring countries, could not continue indefinitely to rely upon this aid since the attitude of the Congolese, Ugandan, and Ethiopian authorities varied from time to time.<sup>21</sup> Furthermore, even though these neighbours were sympathetic they also had, in

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20. Read Joseph Oduho's and William Deng's booklet, The Problem of the Southern Sudan (Oxford, 1963) to determine how vague the goals were. In 1960, both of these men as leaders of S.A.N.U. had stated that the goals of the South was termination of its principle of self-determination. But during the course of negotiating with the north in 1964-65, the movement split over conflicting goal analysis. That is some leaders wanted to still follow a secessionist line while others opted for political federation.

21. Attitudes vary as to whom is in power at the moment.

some instances, domestic problems similar to Sudan.<sup>22</sup>

To support enthusiastically the concept of self-determination at the expense of territorial integrity may have created problems for them as well. Still, the 1964 meeting between members of the northern sector and leaders from the southern sector was not successful at reconciling differences.<sup>23</sup>

Further attempts at settlement of the issue were made by the neighbouring states. The lead was taken by Uganda because of the embarrassing incidents of obvious Southern Sudanese guerrilla activities on its soil. So Uganda began to exert pressure on the Southern Sudanese leadership to meet again with northern leaders. A Conference was convened in Khartoum on March 16, 1965. Interested observers from seven African states were also present.<sup>24</sup> This conference was not able to reconcile the parties involved even under intense Ugandan pressure to settle a dispute of crisis proportions. After the conference failed, Ghana wanted to place the

22. A cross-fire situation can develop. For example Sudan's support for Eritrean separatists was negated because of the possibility of Ethiopian assistance to Southern Sudanese rebels. It makes common sense in international relations to only support self-determination where it does not conflict with the over-riding concept of territorial integrity. Thus there was general O.A.U. support for Afars and Issas (Djibouti) and by and large for western Sahara. Those nations that recently supported Morocco in her walk-out concerning the Saharan Republic may have done so because of either bread and butter issues or socio-cultural reasons.

23. Dunstan M. Wai, The Southern Sudan: The Problem of National Integration (London, 1973), pp. 20-24.

24. Saadia Touval, The Boundary Politics of Independent Africa (Cambridge, Mass., 1972), p. 136.



problem before the O. A. U., but there was a lack of support for this move. The O. A. U.'s only concern with the Sudanese problem was through its newly set-up refugee committee.<sup>25</sup> The O. A. U.'s role was informal and indirect at best, strictly offering a chance situation for interested parties for lobbying and propaganda peddling. For example, at the 1966 O. A. U. Summit in Addis Ababa, William Deng, one of the leaders of S.A.N.U., attempted to persuade the various heads of state to support their position to no avail.<sup>26</sup>

In 1967 Sudan concluded a military agreement with the Soviet Union. The agreement signified not only an anti-western gesture, but also a renewed drive to rearm and expand the armed forces.

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25. See the Report of the Commission of Fifteen on Refugees in Africa, Mission one to Ethiopia, Sudan, Somalia, Zaire, Congo, and Cameroon. BPEAR/MISSION/REP/20/Rev. I.

26. Read a report on the activities of William Deng at the 1966 O.A.U. Summit in Addis Ababa, Agence France Press, November 4, 1966 and "Can Secession Be Justified: The Case of the Southern Sudan" by Peter Russell and S. McCall in The Southern Sudan: The Problem of National Integration edited by Dunstan M. Wai (London, 1973).

The support from the Soviet Union came about because of internal political developments and not because of a search for support against the southern separatists. The close relationship established with Egypt-Libya after the 1969 coup and the rise of General Jafar Numiery stemmed from ideological affinities rather than from a search for allies in the war with the south.<sup>27</sup>

The May 1969 coup had taken place after a large-scale conflict had occurred. "The May Revolution brought great hope that the internal problems of Sudan could be peacefully settled. At this point, the Sudanese army became an important force for modernisation. Stabilisation of forces inside Sudan and modernisation came about because of the forceful leadership of Nimeiry who became President in 1969. He promised the nation a leadership that would have the political will and determination to do all that had to be done to achieve progress and stability. His emphasis was upon a national purpose, not upon ethnic, racial, or religious allegiances.

Shortly after assuming office, President Nimeiry(Nimeiri) indicated that his government would recognize the historical, cultural and geographical differences between the North and the South. However, the problem of the Sudan could not be so readily

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27. Saadia Touval, The Boundary Politics of Independent Africa (Cambridge, Mass, 1972), pp. 153 - 155.

solved for at stake was still the high price of complete national unity. How could one reconcile the Southern insistence on autonomy with nationalism? Nimeiry still believed that unity could be maintained despite different ethnic and cultural problems. He felt that the social trust that he was indicating in his goodwill efforts was quite enough to establish the credibility of his political messages. He initiated the idea of a Round Table Conference which provided a platform for meaningful dialogue between Southerners and Northerners and prompted the return from voluntary exile of a large number of refugees and Southern Sudanese intellectuals."<sup>28</sup>

The Sudan's internal problems became external ones primarily because of the refugee problem. In fact, it must be reiterated, that the O. A. U.'s only concern with this internal matter was the pressure brought to bear on neighbouring states because of refugees either on a humane or subversive level.<sup>29</sup> Therefore,

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28. M. O. Beshir, The Southern Sudan: Background to Conflict (London, 1968) Chapter 10, and Dunstan M. Wai, The Southern Sudan, The Problem of National Integration, pp.173-217.

29. Rapport de la Deuxieme Session Ordinaire du Conseil des Ministres de l'Organisation de l'Unite Africaine. Lagos, 24-29 Fevrier 1964, reference by the Sudanese representative to their problem, p. 495. Another factor which may have caused O.A.U. to be reluctant to involve itself in the Sudanese conflict is that they were (African States) never asked to become officially involved and the Sudanese civil war started before the O.A.U. came into existence. But one can also argue that the Congo problem also existed before the O.A.U. came into existence, but there was an attempt to deal with the problem.

there was pressure on the Sudan to settle its civil war. So starting in July 1971, under the direction of President Nimeiry, a secret draft for a regional constitution for Southern Sudan was drawn up. Under the sponsorship of Emperor Haile Selassie<sup>30</sup> (not the O.A.U.) Sudanese government officials and rebel leaders met for talks in Addis Ababa beginning in November 1971. The agreement that was reached after seventeen years of war demanded major concessions from both sides. A new brand of federalism was conceptionalised which allowed for religious toleration. "The autonomy law for Southern Sudan"<sup>31</sup> established a central government based in Khartoum which was

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30. The use of "wise old men" or the African international version of the village elder to help to settle dispute is not unique to Africa. Prominent leaders anywhere in the world are often asked to aid in helping to settle disputes. In Africa as in other parts of the world, leaders attempt to maintain power as long as possible, hence there are a lot of senior citizens who act as crisis managers. "In connection with this it has been interesting to see how men of the stature of Emperor Haile Selassie of Ethiopia...who were instrumental in rallying the O. A. U. ranks...quickly fall into oblivion after they were deposed. It has to be remembered...that the international respect for a Head of State may not necessarily be shared by the people of his own country." Zdenek Cervenka, The Unfinished Quest for Unity, Africa and the O. A. U. (New York, 1977), p. 68.
31. The World Council of Churches also played a role in bringing Joseph Lagu's Southern Sudanese Liberation Movement to the conference table. Only two leaders in exile did not participate. They were Gordon Muort at-Magu and Joseph Oduho. See also Richard P. Stevens, "The 1972 Addis Ababa Agreement and the Sudan's Afro-Arab Policy", Journal of Modern African Studies 14, 2 (1976), pp. 247 - 274.

responsible for federal matters of defense, foreign policy, citizenship and economic and social planning, etc. Southern Sudanese internal affairs would be controlled by a legislative body, the Regional People's Assembly and an executive body, the Higher Executive Council headed by a President with the rank of a national vice-President. Special arrangements were made to integrate the Southerners including ex-guerrilla fighters into the armed forces."<sup>32</sup> This settlement was formally accepted in Addis Ababa on February 27, 1972 with a ceasefire in effect from March 12, 1972.

#### The O.A.U. and the Congo Crisis (1964-65)

##### Background

Ever since it achieved independence in June 1960, the Congo (now Zaire) has passed from one crisis to another. 1964 was a particularly crucial year because more than before, political conflict penetrated to the villages in many parts of the country. In effect, a revolutionary situation developed. The Congo's colonial past had much to do with the situation that

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32. Africa Contemporary Record. ed. Colin Legum (London, 1973), pp. 1397-1399 and C. Epril, War and Peace in the Sudan, 1955-1972 (London, 1974) Chapter II.

had plagued the country from the start.

### A Brief History of the Past

"Until the 1880's waterfalls at the head of the Congo's estuary prevented traders and explorers from reaching the interior from the west. Thus, the basin remained unknown to the outside world. The completion of the railway from Matadi to Stanley Pool in 1898, however, transformed the situation. The King of Belgium at that time was Leopold II, who after the construction of the railway, was determined to make the Congo a paying concern. To achieve this end, he was prepared to instruct his men to use forced labour, no different from the institution of slavery."<sup>33</sup>

For several years, the Congolese people were subjected to all manner of brutalities, until Morel and Roger Casement drew the attention of the world to the abuses of Leopold's administration.<sup>34</sup> The Belgian government then took over responsibility for the Congo from the King personally in 1908.

The Belgians divided the country into six provinces for administrative purposes, each of them larger than most African

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33. For more information read Ruth Slade's King Leopold's Congo; Aspects of the Development of Race Relations in the Congo Independent State (London, 1962) and A.T. Brove's Africa South of the Sahara (Cambridge, 1967), verbatim p. 149 and p. 151.

34. Read E. D. Morel's Red Rubber, the Story of the Rubber Slave Trade of the Congo, (London, 1906).

countries.<sup>35</sup> The capital, which was first established at Boma, a port on the estuary, was transferred to Leopoldville in 1929. The country round about the new capital was sparsely populated, and the Bakongo people of the region were hostile to the Belgians. Labour was attracted to the new capital from all over the Congo, and even from Angola. The Bangala from the upper Congo, who were very ready to adopt western ways, soon established themselves in a dominating position in the city, and when eventually the resentment of the Bakongo had worn off and they began to move into Leopoldville in larger numbers, they found the Bangala already established as an elite. The Bakongo founded the Abako party in 1950 to enable them to reassert their influence.<sup>36</sup> The provincial administrations under the colonial regime were responsible to the governor at Leopoldville; he took his orders from the Belgian government in Brussels. 'No democratically elected parliament existed, and neither white nor black had a vote until 1957 when a limited form of self-government was introduced. The Belgians put economic development in the forefront. They were not concerned with those abstract

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35. Roger Anstey, King Leopold's Legacy: the Congo under Belgian Rule (1908-1960), (London, 1966).

36. Kassavubu, the leader of this ethnic party eventually became the first President of the Republic of the Congo. See "Congo Political Parties Revisited" by M. Crawford Young, Africa Report, Vol.8, No.1, January 1963, pp.14-20.

phrases of nation-building that were causing so much disturbance elsewhere in the continent following World War II. The church also stood alongside the companies and the state as the third pillar supporting the horror that was the Belgian Congo.<sup>37</sup> Education, except on the primary and vocational level, had been neglected.<sup>38</sup> By 1960 there were hardly any graduate engineers or doctors, and not many lawyers. Lack of a political structure meant that no national parties evolved and no politicians were able to establish country-wide followings.<sup>39</sup> So, the Congo, in spite of its economic viability, was ill-prepared for self-government as it should be known within a nation state. But, after all, the Belgians had not intended Congolese self-government for a long time. Thus the independence of the Congo was in fact far from being a triumph of African nationalism. It was rather a result of Belgium's inability to stand up to the pressures favouring decolonisation.

The first move away from Belgian paternalism came in 1957

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37. The book, To Katanga and Back by Conor Cruise O'Brien, as an unauthorized U.N. case history, gives essential reliable detail on the situation in the Congo during this period of time. C.C. O'Brien was a U.N. envoy who worked on the Congo crisis thereby coming into contact with various and sundry Congolese personalities.
38. Ibid., p. 159.
39. Even had the Belgian government so-called prepared the Congolese for leadership, perhaps the same divisions and crisis would have occurred, but at a later time. One has to recall that even though the Belgians did divide the Congo into units, these land areas were populated by indigenous people (not as an artificial creation as the U.S.), whose very existence was associated with the land and its control.



when Africans took part for the first time in municipal elections. Joseph Kassavubu, who had built up a position of political leadership among the Bakongo people of the lower Congo, was made Mayor of Leopoldville commune, one of the Leopoldville municipalities. This was typical of what happened all over the Congo.<sup>40</sup> Almost every party formed in the Congo had its origins in a tribal group and since there were many tribes, there were many parties.<sup>41</sup> Patrice Lumumba, who emerged at the same time as Kassavubu was the political leader in Stanleyville. Lumumba was unique, in that he was the only Congolese politician who had a clear vision of the importance of creating a single nationwide state.<sup>42</sup> To have consolidated his power he would have needed time and a substantial amount of help from the Belgian colonial government.

"On May 10, 1960, the Belgian Senate passed La Foi Fondamentale sur les Structures de Congo. This basic law was to

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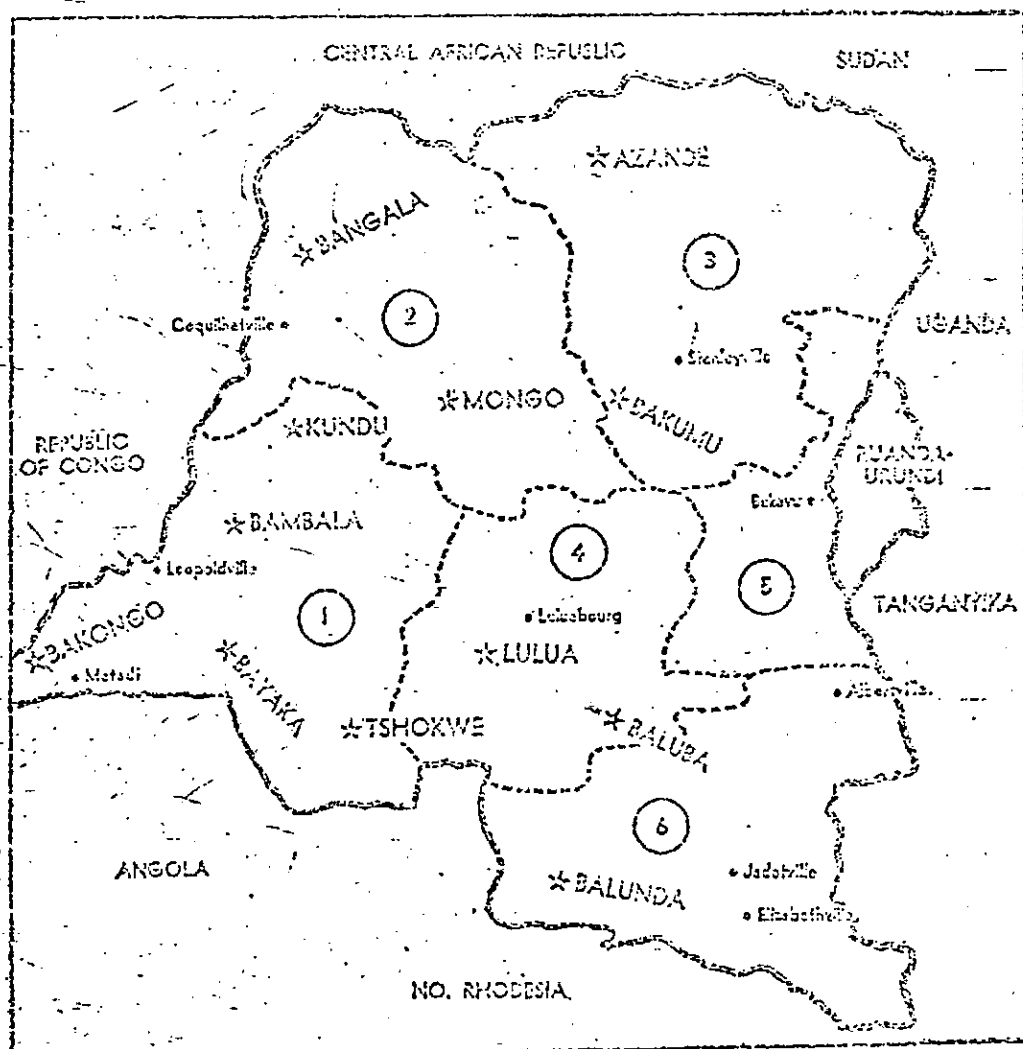
40. Read the early chapters of Kwame Nkrumah, Challenge of the Congo (London, 1967) and a general reading of Colin Legum's Congo Disaster (New York, 1961) will give background information. Nkrumah's account of the events can virtually be considered a primary source since he was in power at the time in Ghana and had considerable influence with Lumumba.

41. See pages 23 a and b for a map and outline.

42. In Patrice Lumumba's Le Congo-Terre d'Avenir-Est-il Menacé? or Congo, My Country, he states that "a man without any nationalist tendencies is a man without a soul", p. 173. In Chapter II, "Political Integration, Political Rights-Sharing of Power", Lumumba's train of thought seems to mesh with that of Nkrumah in his belief that "to attempt to build Africa or the Congo in the image of Europe is to deny the youthful Africa, the youthful Congo, its originality."

# Appendix A

## SIMPLIFIED MAP OF THE CONGO



- Provinces:
- 1 LEOPOLDVILLE
  - 2 EQUATEUR
  - 3 ORIENTALE
  - 4 KASAI
  - 5 KIVU
  - 6 KATANGA

\* Principal rivers of the Congo

• Capital cities and principal centres of power in the Congo

provide for the constitution of the new Republic of the Congo. There was to be a Head of State and Government directed by a Prime Minister and a Parliament consisting of a Chamber of Representatives and a Senate. In each province, there was to be a Provincial Government run by provisional assembly. In the 259 articles of this basic law, powers of the various organs of government were clearly stated and provisions laid down for the division of powers between the central and provisional authorities. Between the eleventh and twenty-fifth of May 1960, elections held in the Congo, resulted in Lumumba's party, Mouvement National Congolais (M.N.C.) emerging the winner in both central and provincial elections with 74 out of 137 seats in the House of Representatives.<sup>43</sup>

"The First National Government was formed on June 24, 1960 with Lumumba as Prime Minister and Kassavubu as Head of State. This government was approved by the lower Chamber and later by the Senate. Kassavubu was elected as Head of State in a joint vote of the two Houses by 159 votes to 43 votes. Within two weeks of

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43. Kwame Nkrumah, Challenge of the Congo (London, 1967), p. 19. For more background information check Richard West's Congo (New York, 1972). Also see Herbert Weiss, Political Protest in the Congo (Princeton, 1967) p. 22. Weiss contends that in pre-independent Congo, "three different types of protest had manifested themselves: elite, urban, and rural"...all essentially seeking a central place in the political system. Another interesting book is Alan Merriam's Congo, Background of Conflict, (Evanston, 1959).

Panic stricken Europeans began to leave the country and as a result the Belgian government troops intervened by sending in troops. In retaliation, the Congolese seized Matadi and Leopoldville airports. Thus, the Congolese Government appealed to the United Nations for military assistance against Belgian aggression. Eventually the Security Council adopted a resolution to send troops to the Congo. The Security Council powers were excluded from taking part in such a U.N. force, but these states did provide transport. The late Dag Hammarskjöld <sup>44</sup> then the Secretary-General of the U.N. decided to make it an all African force with the exception of neutral Sweden and Ireland. On July 15, 1960 the first Tunisian soldiers, closely followed by Ghanaian troops landed in the Congo." <sup>45</sup>

But by then more Belgian soldiers had landed in the Congo. This caused Lumumba and Kasavubu to break off diplomatic relations with Belgium and jointly sign an appeal to Russia. <sup>46</sup>

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44. Dag Hammarskjöld, when U.N. Secretary-General, was killed in a plane crash in September 1961 while trying to negotiate with rebel forces in Katanga. He was killed "just across a border in Rhodesia(now Zimbabwe) in a still unexplained air crash." See U.N. Piety, Myth and Truth by Andrew Boyd (Middlesex, 1962), p. 123.

45. Ibid., p. 124. The U.N.'s involvement in this matter was and still is debatable. "The operation des Nations Unies au Congo (O.N.U.C.) was proposed by the Security Council on 14 July, on the independent initiative of the U.N. Secretary General Dag Hammarskjöld. The operation was the biggest and costliest by far in the life of the U.N. (Korea was a war effort, under the direct domain of the U.S.) ~~and the Congo and the United Nations~~ by J. M. Chan, Journal of Modern African Studies, 7,3(1969), p. 369.

46. Kwame Nkrumah, Challenge of the Congo(London, 1967), p. 21.

Meanwhile in mid-July, the Katanga province under the leadership of Moise Tshombe addressed a message to the Ghanian Ministry of Foreign Affairs<sup>47</sup> proclaiming a policy of self-determination for its inhabitants. Despite the Security Council calling on Belgium to withdraw. Belgian re-enforcements continued to arrive in the Congo, which further complicated matters. For it was of great importance that the U.N. troops in a non-interventionary fashion contain the crisis, for failure to do so would draw the Congo into the orbit of the Cold War.<sup>48</sup> So the continued presence of Belgian troops, which appeared to be on the side of Tshombe and his secessionist efforts in Katanga

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47. "Let me say...however, that Ghana was the first country to which the Congolese Government turned for direct military assistance. But President Nkrumah advised Lumumba to appeal to the Secretary-General of the U.N. for immediate multilateral assistance."

48. Ibid., p. 84. "With the full support of Belgium, the white administration of Rhodesia and some financial interests of France and the U.S. and United Kingdom, mineral rich Katanga attempted to secede from the new republic of the Congo. Finally when Lumumba, the strong Prime Minister opposed those powerful forces by trying to keep the republic united, he was murdered in Katanga early in 1961. Only a week before Lumumba's murder, I had been asked by the American Ambassador to the Congo in Leopoldville, what I thought would happen in the Congo if Lumumba were not there." P.85 "Moise Tshombe, Provincial President of Katanga and Albert Kalonji of South Kasai encouraged the support the Belgians and other European financial interests attempted to secede the Congo. Both these areas contain some of the Congo's richest deposits of minerals, especially copper, diamonds, and cobalt and the country's enormous natural resources have always attracted and I fear always will heavy capitalistic investments in the country, by men who cannot readily restrain themselves for the sake of their own profits from pitting one leader against another."

province, further escalated the many problems that had to be solved.<sup>49</sup>

At its 879th meeting, the U. N. Security adopted unanimously a resolution sponsored by Tunisia and Ceylon which called upon the Belgian government to implement speedily the Security Council Resolution of July 14, 1960 and withdraw their troops. But until September 1960, the situation in the Congo remained the same.<sup>50</sup>

On September 13, 1960, a joint meeting of the Congolese Chamber of Representatives and Senate voted full powers to Lumumba. The following day Kassavubu declared that he was adjourning Parliament for one month. After this development, on September 14 Lumumba spoke on Congolese radio again asking for help in the pacification of his country.<sup>51</sup> On the evening of the same day, there was a radio broadcast by the Chief of Staff of the army, Colonel Mobutu in which he stated that he was neutralizing the power of both Lumumba and Kassavubu and that the Armée Nationale Congolaise (A.N.C.) was assuming power by means of a

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49. For more information read "The Republic of the Congo" in Foreign Policy and Federalism: The Nigerian Experience by A. B. Akinyemi (Ibadan, 1974).

50. See The Legal Aspects of the U.N. Action in the Congo: Background Papers and Proceedings of the Second Hammarskjold Forum, L. M. Tondel, Jr. (editor), (Dobbs Ferry, 1963).

51. For an excellent record of a sequence of events in the Congo see Catherine Hoskyns, The Congo Since Independence: January 1960-December 1961 (London, 1965).

peaceful revolution.<sup>52</sup> Later, he ordered all Communist embassies closed. Mobutu's intervention was made possible by the money given to him by the United Nations to pay his troops.<sup>53</sup>

Now, more than ever, Kassavubu of the Bakongo, Kalonji<sup>54</sup> of the Baluba, and Tshombe in Katanga, all wanted to set up a loose federal structure, in which real power would reside with the provincial and tribal groups. Lumumba, on the other hand, was still working for a strong centralised state. It was clear that an even stormier period in Congolese history was about to take place. Under these circumstances, the U.N. agreed to guard the houses of any politicians who asked for protection. But this had little effect on the murky events that soon followed. Lumumba became the sacrificial lamb after an uneasy alliance was forged between the army, led by Mobutu and many of the regional politicians headed by Kassavubu.<sup>55</sup> Lumumba<sup>56</sup> was arrested and later

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52. Nkrumah, Challenge of the Congo, (London, 1967), p. 55.
53. Alan P. Merrian, in Congo: Background of Conflict, (Evaston, 1961), p. 267 further describes Mobutu's plan of setting up a college of university students to run the Congo.
54. See the next page for information on prominent leaders during this period of Congolese history.
55. K. Nkrumah, Challenge of the Congo (London, 1967), pp. 56-90.
56. The real circumstances which surrounded the death of Lumumba and two of his lieutenants have been revealed by many sources. The death of Lumumba in March 1961 as a covert operation has been most recently revealed in In Search of Enemies: How the C.I.A. Lost Angola by John Stockwell (Former Chief, C.I.A. Angola Task Force) (London, 1979) Page 112 of the book tells the story of how one trying to decide what to do with it. (C.I.A. Central Intelligence Agency of the U.S.). Also see Nkrumah's Challenge of the Congo, p. 90. As a result of Lumumba's arrest and the failure of the U.N. to deal effectively with the Congo situation, a conference was held at Casablanca from the 3rd to the 7th of January 1961 under the chairmanship of King Mohammed V of Morocco. Present were the then King Mohammed V of Morocco, President Nasser of the U.A.R., Osagyefo Dr. Kwame Nkrumah of Ghana, Ahmed Sekou Toure of Guinea, Modibo Keita, President of Mali, Ferhat Abbas, Provisional Government of Algeria, a representative of the United Kingdom of Libya and a representative of Ceylon. Discussed was whether Ghana, Guinea, Mali, and the U.A.R. should withdraw troops from the Congo. Nkrumah, for an example felt that if Ghana withdrew her troops from the Congo, it would constitute a betrayal, not only of the Congo, but of the African revolutionary cause.

murdered in a plot that involved the C.I.A. Faced with the problem of the central government's bankruptcy, the United Nations at last began to intervene more forcefully to break the secession of the Katanga province. It was only in 1963, after much heavy fighting, that Katanga was occupied and reunited with the Congo (now Zaire). By this time, it was the United Nations that was bankrupt because a number of its richer member states, such as Russia and France, had refused to contribute to the Congolese operations.<sup>57</sup> By the end of 1963, all

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57. The international repercussions concerning Lumumba's murder and the subsequent rise to power of Tshombe were astounding. For example, on July 7th, the Soviet Union issued a statement. in their official publication, TASS: "The Soviet Government cannot bypass the events developing around the Congo. What actually is going on is the hatching of a new plot by the colonialists against the national independence and integrity of the Congolese Republic. The colonial powers have prevented the implementation of the U.N. decisions and used the U.N. flag to cover their subversive actions against the young Congolese republic. They have stained the flag with the blood of Mr. Patrice Lumumba. The whole world learned that the mercenaries of the U.S. Central Intelligence Agency are being used in punitive operations against the Congolese patriots." This statement indicates a definite embryonic cold war situation.



attempts to implant a nation state system had failed. In fact cross-country rebellion was still in the making even though plans had been made for the withdrawal of U.N. troops starting in 1963 with their final withdrawal as a whole by the end of 1964. "The withdrawal of U.N. troops from the area at the beginning of 1963(preparatory) to their withdrawal from the Congo as a whole in 1964 and the liquidation of the storage depots at Albertville meant that hundreds of workers were thrown out of work, without any possibility of finding job alternatives. Even those who could find new jobs had to accept wages far below the U.N. level. The series of floods from Lake Tanganyika further aggravated the situation, leading to an increase in the cost of living following the dwindling of supplies of goods. At the end of 1963, thousands of persons were reduced to extreme misery."<sup>58</sup> All of this together with wholesale corruption helped to push the Congo into a second phase<sup>59</sup> of a crisis which had never been settled in the first place.

#### The O.A.U. and the Congo Crisis

In May 1963, when the O. A. U. first convened in Addis Ababa, the Congo appeared relatively calm with the Katanga Province secession under control. At the Addis Ababa conference,

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58. Catherine Hoskyns, Case Studies of African Diplomacy: I, The Organization of African Unity and the Congo Crisis 1964-65. (Dar-es-Salaam: Oxford University Press, 1969, p. 3.

59. B. Andemicael in The Peaceful Settlement among African States: Roles of the United Nations and the O. A. U. (New York, 1972), p. 20, states that the 1964-65 Congo crisis had four main elements: (1) a civil war having an ideological character, (2) appointment of Moise Tshombe, the former secessionist leader of Katanga as Prime Minister of the Congo, (3) employment of mercenaries by the Congolese government, and (4) the alleged intervention by African and non-African states."

Congo was represented by Prime Minister Cyrille Adoula,<sup>60</sup> who had replaced Lumumba and later Kassavubu signed the O.A.U. Charter on the 25th of May, 1963. At the O. A. U. conference, there were rumours that Moise Tshombe<sup>61</sup> was preparing to make a bid to re-group his followers in Angola and thereby make a power control bid again in the Congo.<sup>62</sup>

Near the end of June, Tshombe left his self-imposed exile

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60. Cyrille Adoula was part of a government formed under U.N. pressure in August 1961. A Lumumba lieutenant, Antoine Gizenga was a deputy to him for a while until disagreements caused them go their separate ways. Adoula took on Lumumba's position after his overthrow whereas Gizenga made it known that he wished to establish a government in Stanleyville, the former base for Lumumba, but he was later arrested and held until July 1964.
61. In a letter to U. Thant, then the Secretary-General of the U. N. (in December 1963) Kwame Nkrumah called for an all African force to take over from the U.N. force. Referring to impending withdrawal of the U.N. forces, President Nkrumah asked "What will follow that withdrawal? Will there be at the behest of outside influences a military coup with General Mobutu, or someone in a similar position taking over power, and perhaps with the return of Moise Tshombe, the puppet of the Union Minere to a position of influence? There are indications that preparations are being made for such an outcome which would turn the Congo back into a colony in all but name. The letter also criticized the retraining programme being carried out for the Congolese army by a group of N.A.T.O. countries which it called very strange for a non-aligned country. The proposed all-African force should be in charge of retraining and the programmes should include the stamping out of bribery and corruption and the removal of officers who are working agents for foreign powers. (Africa Diary, January 25-31, 1964, Vol.IV, No.5, p.1565). Also in a March 16th, 1964 report to the U.N. Security Council, the Secretary-General to the U.N., expressed concern about a military build-up connected to the Congo (Leopoldville).
62. In A Thousand Days: John F. Kennedy in the White House by Arthur M. Schlesinger Jr., (London, 1965) on page 503; "During the summer of 1962 British, Belgian and American officials worked together on a new unification plan which U Thant (Secretary General of the U.N.) put into final form and sponsored in September. The plan reflected a growing convergence of American and Belgian views on the desirability of salvaging Tshombe for a positive role in a unified Congo." Also check Ernest W. Lefever's Crisis in the Congo: a United Nations force in action (Washington: 1965), pp. 102-103.

in Spain to return to the Congo via Brussels.<sup>63</sup> He arrived in Leopoldville on June 26, 1964. Within a couple of days after his arrival, his greatest enemy Jason Sendwe, Provincial President of North Katanga, was assassinated.<sup>64</sup> Since Adoula's regime's term in office was over at the end of June, he left office.<sup>65</sup> After inviting Joseph Kassavubu, leader of A.B.A.K.O. or the Association of the Bakongo for the Unification and the Defense of the Kikongo Language and who was also President in the previous administration to form with him a government, Tshombe was sworn in office on July 10, 1964.<sup>66</sup>

Tshombe's ascension into office was, to say the least, unpopular with various African leaders, who considered him a murderer, a charlatan, and a collaborator with racist neo-colonial forces.<sup>67</sup> Perhaps Ben Bella spoke for the average

63. On his way back to the Congo, Tshombe met the Belgian Foreign minister, Mr. Paul-Henri Spaak and the U.S. Ambassador, Mr. Douglas MacArthur to discuss some issues, the nature of which remained a secret. (African Diary, August 8-14, 1964, Vol. IV, No. 33, p. 1883).

64. In the book, To Katanga and Back by C. C. O'Brien indicates that even in Katanga province, Tshombe did not have that much of a political base. For example, during the U.N. venture there, in the first stage of the Congo crisis, there were requests from over 45,000 Katanga residents who sought protection from Tshombe's forces.

65. Adoula gave a strange radio interview in Brussels on June 26, 1964 and spoke of being along.

66. Refer to footnote 48.

67. Kwame Nkrumah Challenge of the Congo (London, 1967), p. 119.

African statesmen when he stated that "Tshombe was the incarnation of all elements which constitute neocolonialism."<sup>68</sup>

In the Congo, there was also a strong reaction against Tshombe's caretaker government. Under General Nicholas Olenga, a People's Liberation Army launched a campaign against the Congolese army. The People's Liberation Army captured Stanleyville. On September 5, 1964, Christopher Gbenye (a Lumumba lieutenant) was proclaimed President.<sup>69</sup> Thus a civil war ensued.

#### The O. A. U. Course

In March 1964, President Nkrumah of Ghana sent a letter to Cyrille Adoula suggesting that the O. A. U. be called upon to send troops to replace the departing peace-keeping U.N. force. The advice was not heeded.<sup>70</sup> Eventually, in August 1964, the

68. Africa Diary, January 25-31, 1964, p. 1565.

69. Military aid to the People's Liberation Army was supplied by China and Russia. More substantial aid was given to Tshombe's side by western powers such as U.S., and Belgium.

70. The role of states that had been apart of the old Casablanca alignment, such as Mali, Algeria, Morocco, and Ghana in trying to sort out some type of solution to the Congo problem is interesting. The role of Ghana in connection with the Congo crisis has been examined by Jitendra Mohan in his article "Ghana, The Congo, and the United Nations" The Journal of Modern African Studies, 7, 3 (1969), pp. 369-406.

government of Mali called for an emergency meeting of the O. A. U. Council of Ministers. The meeting was scheduled for September 5, 1964 in Addis Ababa.

Two proposals were submitted to the Council of Ministers. Ghana submitted the first one, which asked for a political conference of all Congolese political leaders. It was hoped that ways could be found to stop the incessant rivalry and warfare among the various groups of the Congo. In addition, Ghana proposed that a special commission of mediation, composed of representatives of the governments of Algeria, Ethiopia, Ghana, Nigeria, and Sudan, be set up for such a conference.

President Nkrumah also suggested that:

- a. the proclamation of a cease-fire forthwith and the neutralization of all armies in the Congo;
- b. the convening of a conference in Addis Ababa of the leaders of the main political parties (including President Kassavubu and Moise Tshombe) in the Congo, the sole objective of which would be to organise fair and peaceful elections under the auspices of the O.A.U.;
- c. for the duration of the conference and the general election, the O.A.U. was to maintain a peace force in the Congo (its main responsibility would be to assist the Provisional Government in the preservation of law and order, and it was to be withdrawn as soon as the conference and the general election were concluded and a truly democratic government established. 71

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71. For information on this, check Nkrumah's Challenge of the Congo (London, 1967). Again, emphasis here is placed on the active role of the Ghanians and Nkrumah to settle the Congo crisis. Often a Member-State can serve in effect as an O.A.U. crisis management apparatus; that is taking an active role in management of crisis throughout the African continent. Ghana, Mali, and Ethiopia played prominent roles during this period of time. Recently Nigeria, Tanzania, and Zambia have played these roles in African international affairs.

The Foreign Minister of Mali suggested the second proposal. It was thought that the O.A.U. should do the following:

- a. insist upon the immediate withdrawal of all foreign troops and all mercenaries;
- b. ask for an immediate cease-fire throughout the Congo;
- c. ask for the formation of a caretaker government of national unity;
- d. ask for free elections under O.A.U. control;
- e. ask for the establishment of a commission to implement the proposals;
- f. ask for the despatch of a delegation of foreign ministers to the foreign powers that were interfering in the Congo problem with a request for them to discontinue interference. <sup>72</sup>

The Council of Ministers was able to get Moise Tshombe to participate in the conference. Tshombe was shrewd enough to realize that the Ministers were concerned about white mercenaries.<sup>73</sup> He promised that he would not use mercenaries if they were replaced by African troops.<sup>74</sup> But it was felt by some ministers, that if troops were sent, they would probably have to fight Congolese nationalists and get involved in a long civil war.<sup>75</sup>

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72. O.A.U.: Progress Reports submitted by the Secretary General to the Council of Ministers for the period 1963-65, Accra, October 17, 1965, p. 18.

73. Ibid., p. 18.

74. Progress Report, op. cit., p. 18.

75. O.A.U. Report of the Administrative Secretary General covering the period from September 1967 to February 1968, Addis Ababa, February 1968. Section a. "The First Ordinary Session of the Ad hoc Committee on Mercenaries."

Tshombe did not like Ghana's proposal at all and he defended his relations with Belgium and the United States in terms of internal help and military aid.<sup>76</sup>

The O.A.U. Ministers did not agree with Tshombe's position. They felt the problem of white mercenaries smacked of neo-colonialism. This opinion along with others was reflected in a Resolution adopted by the Council on September 10, 1964:

"The Council of Ministers of the O.A.U., meeting for its third Extraordinary Session in Addis Ababa from fifth to tenth September 1964 to examine the Congolese problem, its repercussions on the neighbouring states and on the African scene at large.

Having studied the messages addressed to it by several African Heads of State and Government, especially that of President Kassavubu expressing his conviction that the solution to the Congolese problem should be found within the O.A.U.;

Having noted the invitations of the Governments of the Democratic Republic of the Congo, the Republic of Congo (Brazzaville) and the Kingdom of Burundi to the O.A.U. to send a fact-finding and goodwill mission to their countries to seek means of restoring normal relations between the Democratic Republic of the Congo and the Republic of the Congo(Brazzaville) and between the Democratic Republic of the Congo and the Kingdom of Burundi;

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76. Refer to footnote 71.

Taking note of the statement by the Prime Minister of the Democratic Republic of the Congo indicating his efforts and desires to bring national reconciliation in his country,

Deeply concerned by the deteriorating situation in the Democratic Republic of the Congo resulting from foreign intervention as well as the rise of mercenaries, principally recruited from the racist countries of South Africa and Southern Rhodesia;

Reaffirming the resolution of the O.A.U. inviting all African states to abstain from any relationship whatsoever with the Government of South Africa because of its policy of apartheid;

Considering that foreign intervention and the use of mercenaries has unfortunate effects on the neighbouring independent states as well as on the struggle for national liberation in Angola, Southern Rhodesia, Mozambique, and the other territories in the region which are still under colonial domination, and constitutes a serious threat to peace in the African continent;

Convinced that the solution to the Congolese problem although essentially political, depends on the pursuit of national reconciliation and the restoration of order, so as to permit stability, economic development of the Congo, as well as the safeguarding of its territorial integrity;

Deeply conscious of the responsibilities of the competence of the O. A. U. to find a peaceful solution to all the problems and differences which affect peace and security in the African continent;

1. Appeals to the Government of the Democratic Republic of the Congo to stop immediately the recruitment of mercenaries and to expel as soon as possible all mercenary of whatever origin who are already in the Congo so as to facilitate an African solution.
2. Notes the solemn undertaking of the Prime Minister of the Democratic Republic of the Congo to guarantee the security of combatants who lay down their arms.
3. Requests especially all those now fighting to cease hostilities so as to seek, with the help of the O.A.U., a solution that would make possible national reconciliation and the restoration of order in the Congo.



4. Appeals to all the political leaders of the Democratic Republic of the Congo to seek, by all appropriate means, to resolve and consolidate national reconciliation.
5. Decides to set up and to send immediately to the Democratic Republic of the Congo, the Republic of Congo, the Kingdom of Burundi an ad hoc commission consisting of Cameroun, Ethiopia, Ghana, Guinea, Nigeria, Somalia, Tunisia, U.A.R., Upper Volta, and placed under the effective leadership of H. E. Jomo Kenyatta, Prime Minister of Kenya, which will have the following mandate:
  - (a) to help and encourage the efforts of the Government of the Democratic Republic of the Congo in the restoration of national reconciliation in conformity with paragraphs 2 and 3 above;
  - (b) to seek by all possible means to bring about normal relations between the Democratic Republic of the Congo and its neighbours, especially the Kingdom of Burundi and the Republic of the Congo (Brazzaville).
6. Invites this commission to submit its report to the Administrative Secretary-General for immediate distribution to all member states.
7. Requests all member states to refrain from any action that might aggravate the situation in the Democratic Republic of the Congo and its neighbours.
8. Appeals strongly to all powers at present interviewing in the internal affairs of the Democratic Republic of the Congo to cease their interference. The member states are further invited to give instructions to their diplomatic missions accredited to these powers with the view of imposing upon them this appeal.
9. Requests the Administrative Secretary-General to provide<sup>77</sup> the Commission with all necessary assistance to accomplish its mission.

Thus, an international basis for attempting to solve the Congo problem was emphasized. The O. A. U. ad hoc commission was to be composed of representatives from Cameroon, Egypt, Ethiopia,

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77. O.A.U. Document, ECM/Resolution 3 (III), September 10, 1964.

Ghana, Guinea, Nigeria, Somalia, Tunisia, and Upper Volta.<sup>78</sup>

From September 18th - 22th, 1964, the O.A.U. ad hoc Commission held its first meeting in Nairobi, Kenya. The commission under the chairmanship of President Jomo Kenyatta emphasized the point, that all foreign mercenaries must leave and that foreign powers must stop military shipments to various sides in the Congo.<sup>79</sup> Kenyatta also announced that a delegation was being sent to Washington, D.C. to ask President Johnson to stop sending military supplies to the Congo.<sup>80</sup>

78. It is to be noted how the commission is made up. For example, Nigeria and Ethiopia were more or less sympathetic to Tshombe during the crisis whereas Ghana, Guinea, and Egypt were not. The other states help to balance off the two opposing sides.

79. At the time the U.S. government was shipping in equipment.

80. O.A.U. Press Release, September 30, 1964. The O.A.U. Mission to Washington was composed of ministers from Kenya, Ghana, Guinea, and U.A.R. to gather support for O.A.U. action in the Congo. The Secretary of State of the U.S. at that time was Dean Rusk who met with them to ascertain that the U.S. role was a positive one. It was reported by the international press that in Kinshasa, the news of the proposed trip to the U.S. was alarming to President Kassavubu. Kassavubu without asking Tshombe announced that the Congo was leaving the O.A.U. because the Washington mission was interfering in a domestic issue. This was a rather surprising statement because after Tshombe's appearance before the O.A.U. Council of Ministers Third Extraordinary Session in Addis Ababa in September 1964, the Tshombe regime's position had been somewhat stronger. The main criticism had been the mercenary issue. Tshombe, in reply, to this concern asked for an O.A.U. peace-keeping force which of course was out of the question. Certainly of the U.N. had virtually gone bankrupt because of a similar venture in the Congo, how much soon would an O.A.U. which did not even have the funds to set up the Commission of Mediation, Conciliation, and Arbitration, its crisis management apparatus.

When the mission did get to Washington, President Johnson refused to meet the members unless the Congolese government sent a representative. Even though members of this ad hoc commission were met by the Secretary of State, under President Johnson, Dean Rusk, the United States governmental policy concerning the Congo remained the same.

The O.A.U. efforts did, however, receive support from the conference of Non-aligned states held in Cairo from October 5-10, 1964.<sup>81</sup>

81. It is interesting to note that when Tshombe arrived in Cairo to head the Congolese delegation, he was placed under house arrest. This is not surprising in that the U.A.R. along with Ghana, Morocco, and Guinea were definitely anti-Tshombe. The old Casablanca coalition was at work in Cairo at the time. Moise Tshombe's account of this and his tenure in office can be ascertained by reading his book, My Fifteen Months in Government (translated by Lewis Barnays) Plano, Texas, 1967.

However, the 1964 Conference of Non-Aligned States Resolution was somewhat conciliatory. It went as follows:

A deep concern was expressed at the rapidly deteriorating situation in the Congo so that the participants at the conference:

1. support all the efforts being made by the O.A.U. to bring peace and harmony speedily to that country;
2. urge the Ad Hoc Commission of the O.A.U. to shirk no efforts in the attempt to achieve national reconciliation in the Congo, and to eliminate the existing tension between that country and the Republic of Congo (Brazzaville) and the Kingdom of Burundi;
3. appeal to the Congolese Government and to all combatants to ease hostilities immediately and to seek, with the help of the O.A.U. a solution permitting of national reconciliation and the restoration of order and peace;
4. urgently appeal to all foreign powers at present interfering in the internal affairs of the Democratic Republic of the Congo, particularly those engaged in military intervention in that country to cease such interference, which infringes the interests and sovereignty of the Congolese people and constitutes a threat to neighbouring countries.
5. affirm their full support for the efforts being made to this and of the O.A.U.'s ad hoc Commission of good offices in the Congo;
6. call upon the Government of the Democratic Republic of the Congo to discontinue the recruitment of mercenaries, immediately and to expel all mercenaries of whatever origin, who are already in the Congo, in order to facilitate an African solution.

N.A.C. Document, II/Heads of State 5/ p.6, October 9, 1964.

The insurgents had been receiving help from African countries such as Algeria and the U.A.R. as well as from the U.S.S.R., and the Peoples Republic of China through the territories of Congo(Brazzaville) and Burundi. The Congo (Brazzaville) was accused by Tshombe of harbouring unfriendly elements, Christophe Gbenye and his National Liberation Committee. Burundi was also accused of having allowed Gaston Soumialot, the leader of the rebellion in the eastern Congo (Leopoldville) to establish his headquarters in its capital. More information on this can be found in B. Andemicael's book The O.A.U. and the U.N. (New York, 1972), p. 67.

November 24th, 1964

The Congolese situation was complicated by the presence of about 1300 whites in the area of Stanleyville, who eventually became pawns in a game played out between the forces of Tshombe and those of General Olenga. With strong military support, Tshombe's forces began to win in their fighting efforts against the East. When General Olenga, under his President, Christopher Gbenye, began to feel the first wind of an impending defeat, he decided to use the whites in the area to stall for time, hoping that the enemy would at least stop their air raids. But Tshombe refused and on November 15th, 1964, the military leaders in Stanleyville accused an American missionary doctor, Dr. Paul Carson of espionage. The insurgents said that Carson would be executed.<sup>82</sup>

At this point, the United States government, along with Britain and Belgium, offered to negotiate on the status of Dr. Carson. While talks<sup>83</sup> were in progress the United States, Belgium, and England had put together a military manoeuvre, later known as the "Stanleyville Drop". On November 24, 1964, Belgium paratroopers, who were of course familiar with the terrain, landed and rescued

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82. "Congo-Stanleyville Rescue Operations", Africa Diary January 2 - 8, 16 - 22) 1965, pp. 2257, 2157.

83. As the crisis reached a new height, the O.A.U. Ad Hoc Commission under the leadership of President Kenyatta of Kenya met on November 27 - 28 and recommended the convening of an extraordinary session of the O.A.U. Assembly to convene Assembly on 18 December to discuss all aspects of the Congo issue and if at all possible to hold round table talks with all of the Congolese leaders for the purpose of arranging free elections. (Read Press Communique of the O.A.U. ad hoc Commission on Congo, 28 November, 1964). President Kenyatta had taken upon himself to negotiate and try to untangle a deadlock created by the insurgents' insistence on a cease-fire as a minimum condition for the releast of hostages and U.S. representative Attwood's insistence on limiting the discussion to the question of the safety of the hostages.

all but sixty of the white hostages. Dr. Paul Carson was among those killed.

In the meanwhile, there was a virtual bloodbath in Stanleyville, when Tshombe forces and mercenaries went on a killing and looting spree. This went on until January, 1965 when the Congolese took over effective control of the area.

In November 1964, the U.S. and Belgium had been asked by Tshombe to intervene. But the motives behind their intervention brought massive criticism from a majority of black African leaders. The interventionists had come to rescue whites. They were unconcerned with the horrible plight of the blacks in the area. Many African leaders saw this as another demonstration of the forces of neocolonialism.

The Stanleyville crisis was debated in the United Nations Security Council from 9th to 30th December, 1964. There had been a demand for the meeting requested by twenty-two nations.<sup>84</sup> These countries felt that the "Stanleyville Drop" had been a violation of Article II, Section 7 of the U.N. Charter and an insult to the

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84. The nations that sponsored this resolution were: Afghanistan, Algeria, Burundi, Cambodia, Central African Republic, Congo (Brazzaville), Dahomey (Benin), Ethiopia, Ghana, Guinea, Indonesia, Kenya, Malawi, Mali, Mauritania, Somalia, Sudan, Tanzania, Uganda, the United Arab Republic, Yugoslavia and Zambia.

authority of the O. A. U. even though the foreign powers that intervened called the "drop", a humanitarian operation.

In reply to that concept of the operation, the Kenyan Foreign Affairs Minister, Joseph Murumbi stated:

"I put it to the council that the Belgian and the U.S. aggression was wholly and directly responsible for all the excesses that were committed in the Congo. How can one speak of a blood-bath which one has designed and caused in one breath, and of humanitarianism in the other? Where is this humanitarianism when the white mercenaries are allowed full license to murder innocent African men, women, and children? Where was this humanitarianism when Patrice Lumumba, later brutally done to death, was held hostage? What happened to this self-same humanitarianism when innocent Africans were butchered in Sharpeville in South Africa? Where is this humanitarianism when American Negroes are brutally done to death in Mississippi and elsewhere? This type of humanitarianism is partial. Thousands of Africans lives lost to rescue a few whites who could have been saved in any case through peaceful negotiations. 85

At the same time, the U.N. Security Council met, the O.A.U. met in emergency session from 16th to the 20th December 1964. The O.A.U. Council of Ministers meeting ended in discord, because of dissension within the O.A.U.<sup>86</sup> Their main concern seemed to be foreign military intervention. The ad hoc Commission was to continue its work.

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85. As quoted in U.N. Document S/6076, December, 1964. Other speeches by various interested nations who were concerned over the situation in the Congo (Leopoldville) are also found in the same document.

86. The Congo situation was taking on cold war implications and there was just about an even split between those who were pro-Leopoldville and those who were pro-Stanleyville in Africa. Attempts at reconciliation were attempted on numerous occasions, but the very foundations of legitimacy of the Tshombe regime was in question. Even before this meeting, the meeting of the Heads of State and Government in Cairo in July 1964, it then began to appear that Tshombe might be losing the more or less cautious recognition accorded to him at an earlier Council of Ministers meeting. Read "Report of the Congo Situation, Summary Record", Conference of Heads of State (Cairo, July 1964), January-February, 1965 - Translation from the French, pp.69-70. One has to take into account here the location of the meeting, Cairo. The Egyptian government was vehemently opposed to the Tshombe regime.

By February 1965, the military assistance to the Gbenye regime sent in by some O. A. U. countries (Algeria, Sudan and Egypt) began to be felt.<sup>87</sup> The military situation was changing and this was confirmed by members of the O. A. U. sub-committee, who had visited the Congo at the beginning of February 1965.<sup>88</sup>

At this point there were two leaders of the Stanleyville regime, Christopher Gbenye and Gaiton Soumaliot. It was also that just at this point, when they had begun to win against Tshombe's forces and the O. A. U. might have extended formal recognition to their regime, that Gbenye and Soumailot got involved in a leadership struggle.<sup>89</sup> Their dissension eroded their army's morale and, of course, Tshombe exploited the situation by launching a counter-offensive. The split in leadership of the Stanleyville regime barred its admission to or recognition by the O.A.U.<sup>90</sup>

87. Africa Diary, January 16-22, p. 2157.

88. O.A.U. Document, Report of the Congo Situation - Leopoldville, January-February, 1965, pp. 69-70.

89. Africa Diary, January 16-22, p. 2157.

90. It is interesting to note how military force has been used to settle arguments since the beginning of time. Africa, since independence has not been left out. What is surprising is the ease with which some insurvents can gain power based on the relative indifference of the individual mass population. For example, Master Sergeant Doe, the present head of state in Liberia, led 15 N.C.O.'s, mainly of his own Krahn tribe to overthrow President William Tolbert. Read West Africa (No. 3281) 9 June, 1980, p. 1005.

Eventually, the ad hoc commission of the O.A.U. met in Nairobi on February 25th, 1965, again under the chairmanship of Jomo Kenyatta and admitted that it had failed in its mission. Tshombe was present at the meeting, but the Stanleyville group was refused recognition. Tshombe suggested that general elections would take place and suggested that the O.A.U. send a team of observers to the Congo. Tshombe would provide freedom of movement for the team, if everyone involved in the fight would lay down their arms.<sup>91</sup>

On March 9, 1965 the Council of Ministers of the O. A. U. adjourned agreeing to refer the Congo problem to the African Heads of State at their Summit in October 1965.<sup>92</sup> But there, the issue of the Congo never came up.

Ultimately, the Congo problem evolved its own solution.

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91. O. A. U. Document, Report of the Congo Situation - Leopoldville, January - February, 1965, pp. 69 - 70.

92. Cameroon and Ethiopia failed to rally enough votes for alternative resolutions aimed at seeking a solution to the Congo problem. Ethiopia's interest was in sponsoring a resolution emphasizing national reconciliation whereas the Cameroon was interested in Nkrumah's original idea of sending O.A.U. troops to the Congo. Check O.A.U. Documents. Fourth Ordinary Session of Council of Ministers, Nairobi, 26 February - 9 March 1965.



Tshombe's alliance with Kassavubu deteriorated<sup>93</sup> and later Tshombe was forced to resign as Prime Minister.<sup>94</sup> Kassavubu attempted to buttress his regime by asking all outsiders to allow the Congolese people to solve their own problems.

"The Congo needs Africa and Africa must understand this. Africa must understand that in order to help the Congo, it can do no better than to respect certain principles and realize that from now on, certain general arguments on co-operation which will contribute to a positive realization of African ideas. Africa will perhaps one day be bourne out of the general consent of all African States but it will never be constructed by force, by manoeuvres on violence. By today abstaining from all intervention in the affairs of the Congo, by refusing to help subversion, the African States will be making an essential contribution to the peace and independence of our continent." 95

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93. See Congo 1965, Political Documents of a Developing Nation, (Princeton, 1967) Kassavubu explained why he appointed Tshombe Prime Minister in 1964: "It had been impossible to disarm the old forces of secession completely and a veritable army of Congolese and foreigners constituted itself in a neighbouring country. Consequently, the president called on him whom Africa obstinately refused to admit into its fold. In order to oppose this he had to resist the appeals, sometimes very well intentioned, of a good number of states who forgot that in order to fight the rebellion effectively it was indispensable to create unity among the nation's forces and to reintegrate in its army the forces which had survived the secessionist states. To assure this reintegration, only a political act could come from one man, he who had the power to order these forces to join the ranks of the regular army." p. XI).
94. Ibid., p. XII. "Tshombe relieved of his office just before the O.A.U. Conference at Accra, held just afterward, prevented what would have been an embarrassing debate about the Congo. Instead Kassavubu used the occasion to make a major policy shift in the hope of reaching some sort of rapprochement."
95. Verbatim Record of the Third Meeting of the Second Session of Assembly of Heads of State. A.H.G/P.V. 3(II), 22 October, 1965 pp. 1 and 2.

After Tshombe's resignation, Kassavubu asked Everiste Kimba, former foreign minister of Katanga to form a new government. Both men were overthrown by General Mobutu in a coup d'etat in November 1965.<sup>96</sup> Mobutu became and still is the sole head of the state of Zaire (new name for the old Congo).

#### The O.A.U. and the Problem of Mercenaries in the Congo

There were two main reasons why the Tshombe regime was scorned by many African heads of state. First, the regime itself had no legal basis and secondly it was only able to secure its military control through the addition of mercenaries.<sup>97</sup> The first

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96. The question, why did Kassavubu not remain in power after making some international headway in stabilizing somewhat the situation in the Congo? "With the overthrow of Ben Bella in Algeria in 1965, support of pro-Lumumba sentiments were modified. Also Sudan found that by aiding Congolese rebels so could Congolese help Sudanese rebels. But more important than this, Kassavubu's position was weak in the Congo because he had no real military power to back him. Finally, unlike the situation in 1960, no major power had an overruling interest in seeing him remain in power in order to give juridical legitimacy to the Kinshasa regime. No vote was about to be taken in the U.N. Other African countries had had their coups without arousing any great international storms." taken from Herbert Weiss's introduction in Congo 1965, op. cit., p. XIV.

97. A mercenary is a professional soldier hired to serve in a foreign army or any person who will do anything for money as defined in New World Dictionary, Second College Edition, (New York, 1976), p. 888. For more information on mercenaries written by a mercenary read Congo Mercenary by Mike Hoare (London, 1971).

drawback eventually solved itself, but the second factor proved to be quite difficult to deal with.

Mercenaries were first brought into the Congo by the Katanga Government at the time it seceded.<sup>98</sup>

This action under the direction of Tshombe, who wanted power at any price, smacked of neo-colonialism. Even though Tshombe, when he came to power attempted to manoeuvre his way out of the mercenary situation by asking for support, or in effect an O.A.U. peace-keeping force, he found that he would have to deal with this factor. By the time of Tshombe's resignation, he had made an effort to rid the Congo of mercenaries. By the time Mobutu gained control of the Congo, all but two units had been disarmed.<sup>99</sup> Mobutu was interested in having good relations

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98. This was verified by President Kassavubu. Check the Verbatim Record of the Third Meeting of the Third Meeting of the Second Session of Assembly of Heads of State, A.H.G/P.V. 3 (II), 22 October 1965, p. 3.

99. C.C.O'Brien's article, "Mercy and Mercenaries", from the London Observer, December 6, 1964 throws considerable light on the activities and the types of personalities involved. "Tshombe has no African support, even in Katanga and in the rest of the Congo. His name is known chiefly as that of rebel and traitor. Most Africans believe him to represent not the people of the Congo, but the people who control the resources of the Congo, a very different matter. Throughout this time, Tshombe's rule first in Katanga, then in the Congo generally has been bolstered by interventions of Belgian regular troops, and by white mercenaries drawn from South Africa, "free Cuba", French Algeria, and Southern Rhodesia."

with fellow African states so he made a concerted effort to bring to the attention of his fellow statesmen the problem of disarming the mercenaries.<sup>100</sup> To help facilitate matters, the O. A. U. Assembly met from 11 - 14th of September for its Fourth Ordinary Session at Kinshasa (the name for Leopoldville). In a concerted opinion, it was decided that, jointly, African states should support the Congo's effort to rid herself of mercenaries. In a resolution,<sup>101</sup> the O.A.U. called upon fellow African states to support the Congo in her efforts. The resolution approved the establishment of a committee which was to be under the chairmanship of President El Azhari of Sudan and made up of the following states: Burundi, Central African Republic, Congo (Brazzaville), Congo (now Zaire), Ethiopia, Rwanda, Sudan, Tanzania, Uganda, and Zambia to decide how to rid the Congo of the mercenaries, who refused to leave. When they persisted in their refusal, there were clashes with Mobutu's Congolese army units which eventually caused the mercenaries to

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100. Read section on the Congo in B. Andemicael's The O.A.U. and the U.N. (New York, 1976).

101. O. A. U. Resolution, A.H.G./Resolution 49(IV) 14 September, 1967.

flee and enter Rwanda where they were forced to surrender by the end of 1967.<sup>102</sup>

It would be ten years later that Mobutu was faced with an invasion of subversives (former opponents), led by a so-called General Nathaniel Mumba."<sup>103</sup> The forces that entered Shaba

102. It wasn't until June, 1971 at the Heads of State and Government, meeting in Addis Ababa that a declaration on the Activities of Mercenaries inclusive of CM/Resolution 49 (IV) and ECM/Resolution 17(VII) of the Seventh Extraordinary Session of CM held in Lagos. The operative section bears repeating here.

"We the Heads of State and Government of Member States of the O.A.U., meeting in Addis Ababa from 21 to 23 June, 1971, considering the grave threat which the activities of mercenaries represent to the independence, sovereignty, territorial integrity, and the harmonious development of Member States of the O.A.U.:

7. Reiterate the appeal made to Member States to apply both in spirit and letter, Resolution ECM/Resolution (17) (VII) of the Seventh Extraordinary Session of the Council of Ministers held in Lagos in December 1970, and consequently invite them:

to take appropriate steps to ensure that their territories are not used for the recruitment, drilling, and training of mercenaries, or for the passage of equipment intended for mercenaries and

to hand over mercenaries present in their countries to the States against which they carry out their subversive activities;

8. Invite all States which had pledged not to tolerate the recruitment, training, and equipping of mercenaries on their territory and to forbid their nations to serve in the ranks of the mercenaries to fulfill their undertakings, also invite other no-African States not to allow mercenaries be they their nationals or not, to pursue their activities on their territory;

103. See "Zairese Rebels Flee", Daily Times of Nigeria, April 27, 1977, p. 8, where "General" Mbumba, as the head of the F.N.L.C. (Front for National Liberation of the Congo) is discussed. See also an interview with Dr. Bolaji Akinyemi in the Daily Times of Nigeria, April 16, 1977.

Province (former Katanga Province) were primarily composed of exiled former Katangese gendarmes, who had been supporters of Moise Tshombe during the early sixties. With the help of Moroccan, French, and Belgian troops, Mobutu was able to regain full control of Western Shaba, whereas the subversives were assumed to have returned to Angola, their base for operations or gone underground in Shaba Province. "In the month that followed Shaba I, Zaire made no attempt to normalise relations with Angola, continuing to back the Cabinda secessionists (F.L.E.C.) and also allowing U.N.I.T.A. to use Shaba as a base for its activities against M.P.L.A. in Angola. It seems now that Mumba's two invasions of Shaba, one in 1977 and two in 1978 were motivated in part by a sense of the precariousness of F.N.L.C.'s fragile position in Angola, an Angola which at any moment might see fit to re-establish friendly relations with Zaire. So in May, 1978, 10 F.L.N.C. battalions entered Shaba cutting across the northernmost portion of Zambia. After the capture of a key airport at Kolweji, Mobutu appealed for foreign intervention. France agreed to help her plan for a French-backed inter African force at the Fifth Franco-African Summit in May, 1978, <sup>but it</sup> did not appear sound to the French dominated African states at the meeting. Morocco indicated her willingness again to send troops to Shaba provided it received the co-operation of other African states. A token Moroccan military group arrived in Kolweji on May 23 and was reinforced on 31 May by a full contingent of Moroccan troops followed a few weeks later by a much smaller Senegalese and

Togolese units, by 44 Gabonese and by a team of Ivorian medics. African reactions to Shaba II were fragmented and contradictory. Most states were willing to concede the Zaire government's right to call foreign troops to its rescue, thereby indirectly re-affirming the legitimacy of the Cuban and Soviet presence in Africa but most were distressed by the continent's chronic weakness which made the recurrence of such situations almost inevitable."<sup>104</sup> This is reflected in the O.A.U. Council of Ministers Resolution 641 (XXXI) "On Military Interventions in Africa and on Measures to be taken Against Neo-Colonialist Manoeuvres and Interventions in Africa (February 28, 1978) in which "Member States" attention is drawn to the dangers to the peace and security of the whole continent by *pacts* that encourage interference and military intervention and hamper the liberation process of peoples and solemnly declared that in all cases the security of Africa is the concern of Africans only and that no power or group of powers outside Africa is to interfere in this respect."

#### Conclusion

The O. A. U. Machinery could not solve the Congo crisis of 1964-65, not just because of a split in the ranks of this

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104. Quoted section is verbatim from Africa Contemporary Record 1978-79, pp. B571-B578. See also Keasing's Contemporary Archives, August II, 1978, pp. 28125-29131.

organisation, but because the O.A.U. in fact had no basis in international law to do so. For the concept of territorial integrity is an important tenet of the O.A.U.. However, this was not the main problem in the Congo crisis. The main issue was just how effective was international organisation together with regional impetus in solving a domestic issue which had had international repercussions. Do international groups have a right to intervene in local issues which may threaten international peace? The reasons advanced for intervention in the Congo Crisis of 1964-65, especially by the O.A.U., were all connected with the maintenance of the European concept of the nation-state.

Even had the O.A.U. been willing as Tshombe<sup>105</sup> wanted to send peace-keeping force to the Congo, a few problems may have arisen. The countries such as Algeria, Sudan, Ghana, and Nigeria which could have afforded to have sent troops were themselves aligned on one side or the other, generally along the old Casablanca or Monrovia grouping. For example, Nigeria had refused to take sides in the Lumumba-Kassavubu issue and also in the finding of a way

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105. Here, one should not be exclusively concerned with the fact that Tshombe was implicated in the murder of Patrice Lumumba. The martyrdom of Lumumba has been sustained because his political murder was a first for Africa still on an idealistic binge together with the impression that Tshombe was more of a "political animal" than he. Since that time political murders or assassinations in Africa have been looked upon as historical occurrences rather than historical phenomena.



in which to solve the Congo problem in a conciliatory fashion.<sup>106</sup>

If troops had been provided the problem of peace-keeping itself may have become an issue. Troops which are on peace-keeping missions have many difficulties in trying to maintain a neutral stance even when they have no stake in a political struggle.<sup>107</sup> It is not illogical to conclude that the sending of African troops from certain nations could have begun a conflict in Africa of international consequence for

106. "The Nigerian government refused to take sides in the Lumumba-Kassavubu dispute and advocated a policy based on six considerations. Firstly (and perhaps most important) because the trouble in the Congo was one of great and fundamental political issues, the United Nations must not think in terms of the narrow issues of technical assistance and law and order. Ideological principles and preferences should not be allowed to influence any solution worked out in the Congo. Therefore, the Congo situation must be dealt with primarily by African States at the political level...Balewa felt that if the local administrative machinery were strengthened and if the U.N. technical assistance programme were directed towards that end, the paralysis of the political nerve-centre, Leopoldville, would not necessarily lead to a political breakdown throughout the country. Balewa also called attention to the fact that very few people had an adequate knowledge of the factors operating in the Congolese political system.", p.42 in Foreign Policy and Federalism by A. B. Akinyemi (Ibadan, 1974). Read also Festus Ohaegbulam's thesis, The Congo Crises: A Case Study of the Formative Stages of Nigeria's Foreign Policy (Denver, 1967); Okumu, Washington, Lumumba's Congo: Roots of Conflict (New York, 1963); Rene Lemarchand's Political Anarchy in the Congo (Cambridge, 1965); and Crawford Young's Politics in the Congo: Decolonisation and Independence (Princeton, New York, 1965).

107. C. C. O'Brien's To Katanga and Back, A U.N. Case History (New York, 1963) indicates the many problems of such operations.

a continent emerging from the legacy of colonialism. If troops had been sent would they have further buttressed the claims of legitimacy of Tshombe's regime? In addition, could an O. A. U. which did not have the money or even a crisis management apparatus effectively cope with the Congo of 1964? Even the mercenary factor which played a role in the Congo Crisis of 1964-65 was ultimately solved by direct action by Mobutu who desired that his own regime be tolerated in the international arena.

Another factor in the Congo case was the ambiguity over O.A.U. function as against U.N. role in such an international crisis. A country like the Congo (now Zaire) also must be willing to rely upon any aid whether in judgment or actual physical assistance. Such a country which bases its existence as a political entity in the military, a powerful but latent minority within most political systems<sup>108</sup> may inevitably have to rely upon outside help to maintain itself. Nation-states like Zaire must always have a potential mercenary factor as apart of political survival.

All of these factors enable one to see why the O. A. U. functioning as a regional organisation, was ineffective in handling the Congo Crisis (1964-65).

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108. Countries like Tanzania and Israel are exceptions to this rule.

The Nigerian Civil War and the O.A.U.

"Nigeria is not a nation. It is a mere geographical expression. There are no Nigerians in the same sense as there are English, Welsh, or French. The word 'Nigerian' is merely a distinctive appellation to distinguish those who live within the boundaries of Nigeria from those who do not.

Chief Obafemi Awolowo

Path to Nigerian  
Freedom, p. 47-8.

The O.A.U. has generally maintained a neutral posture as far as most African domestic crises are concerned, waiting for such issues to be settled internally. However, the problems unleashed by the Nigerian Civil War prompted some type of O.A.U. action. The reasons for the war were numerous<sup>109</sup>, having been adequately treated in numerous works.<sup>110</sup> Therefore, a brief analysis of salient points rather than a tedious history is required concerning the breakout of civil war in Nigeria.

With the granting of Nigerian independence from Britain on

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109. For general background information read Urban Government for Metropolitan Lagos (New York, 1968) by Babatunde A. Williams and Ann Marie H. Walsh, pp. 1-20.

110. The books are numerous as far as background information is concerned. Read "Background to the Conflict: A Summary of Nigeria's Political History from 1914 to 1964" by Moyibi Amoda in Nigeria: Dilemma of Nationhood: An African Analysis of the Biafran Conflict, edited by Joseph Okpaku (Westport, Connecticut, 1982), pp. 14-75; Vol. I and II of Kirk-Greene's Crisis and Conflict in Nigeria.

October 1, 1960, three indigenous political systems based on ethnic-oriented political parties were highly active in pursuit of paramount political power. There was the Northern People's Congress (N.P.C.) dominated by the Hausa ethnic group and led by Aminu Kano; the Ibo dominated National Council of Nigeria and the Cameroons led by Dr. Nnamdi Azikiwe, and the Yoruba-dominated Western Action Group led by Chief Obafemi Awolowo.<sup>111</sup> These diverse groups were supposed to fashion a government for Nigeria based upon the British Parliamentary System. As a result of a breakdown in this attempt the first military junta took over in January 1966.<sup>112</sup> The first junta to rule Nigeria was headed by Major General J.T.U. Aguiyi-Ironsi, an Ibo, who in turn appointed four military governors. In the North, there was Major Hassan Usman Katsina, son of the Emir of Katsina; in the East, Lieutenant Colonel Ojukwu<sup>113</sup>, trained at Oxford and the son of a wealthy Nigerian businessman, Sir Odumegwu Ojukwu; in the West, Lieutenant Colonel Adekunle Fajuyi; in the Mid West,

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111. For information on the basic relationships among these peoples see E.D. Morel, Nigeria, Its Peoples and Problems (London, 1968) and Cowan L. Gray, The Dilemmas of African Independence and James Coleman's Nigeria: Background to Nationalism (Los Angeles, 1956) is also relevant to this issue.

112. For a look at motivations for military take-over read Robin Luckham's The Nigerian Military (1960-1967): A Sociological Analysis of Authority and Revolt (London, 1971) and "The Effectiveness of Military Intervention into Politics" by Governor Oluwole Rotimi, a lecture given at the University of Ibadan, 18th April 1974 in New Nigerian, 26 April 1974, pp. 5 and 6.

113. Frederick Forsyth has written a political biography on Ojukwu, called Emeka (Ibadan, 1982). This book also gives some detail about the Nigerian Civil War.

Lieutenant Colonel David Ejoor. The Supreme Military Council comprised General Ironsi, Commodore Wey (Navy Chief); Lieutenant Colonel Kurubo (Head of the Air Force), Brigadier B. A. Ogundipe (Chief of Staff, Army Headquarters) and the four military governors.<sup>114</sup> Even though many Nigerians may have been pleased about the over-throw of the Balewa regime,<sup>115</sup>

114. See Arthur A. Nwankwo and Samuel U. Ifejike's The Making of a Nation: Biafra (London, 1969), pp. 142-143. This book is a handy reference for background information. Also read Nwafor, A. A. Without Bitterness (New York, 1944), p. III and Sir Ahmadu Bello's My Life (Cambridge, 1962) to get a grip on the devastating effects of regional differences.
115. Reports of the first coup and the murder of the Prime Minister, Balewa are described in detail by the Daily Times (of Nigeria). Read "Balewa and Festus Okot' Eboh Missing, January 16, 1964, "Ironsi and Military Government Confer", January 21, 1966. For propaganda purposes, any such military coup d'etat is viewed as welcomed by the affected people. However Martin Dent in his article: "The Military and Politics: A Study of the Relation Between the Army and the political process in Nigeria", African Affairs, St. Anthony Papers No. 21, edited by Kenneth Kirkwood, (London, 1969), pp. 113-139 places importance on the element of force. Walter Schwarz in Nigeria (London, 1968) "The success of the Take Over by Lieutenant General Joseph Mobutu in the Congo (Kinshasa) on November 25, 1965, by General Soglo in Dahomey (December 22, 1965), by Colonel Jean Bedel Bokassa in the Central African Republic (January 1, 1966) and by Colonel Sangoule Lamizana in Upper Volta (January 3, 1966) must undoubtedly have had some influence on the young army officers in Nigeria as well as their colleagues in arms in Ghana one month later. (p. 171) See also Colin Legum's article "Can Nigeria Escape Her Past?", The Observer, January 30, 1966.

it was generally hoped that the military coup help to restore law and order. Therefore, it was surprising when Major-General Aguiyi-Ironsi announced Edict No. 34 which indicated that a unitary government would be set up in Nigeria.<sup>116</sup> To accomplish this, there was to be a restructuring of the civil service together with the dissolution of all existing political parties and the prohibition of the formation of new ones and the banning of any tribal unions.

Because of this another wave of general hysteria, especially in the north broke out, this time over the prospects of Ibo domination.<sup>117</sup> Ironsi retracted his policy of unification but it

116. Statement issued by Aguiyi-Ironsi", Daily Times of Nigeria, May 25, 1966. Read Ironsi's statement of January 29, 1966, p. 1, Daily Times of Nigeria, "all Nigerians want an end to regionalism tribal loyalties and activities which promote tribal consciousness and sectional interests." It should be emphasized again that the Nigerian Federation before the coup d'etat consisted of the following regions: Northern Region-Hausa and Fulani plus other minor ethnic groups, Western Region of the Yoruba, Midwest Region-Edo Group, and Eastern Region - Ibo. (Information taken from Z Cervanka's Nigerian War (1967-70) (Frankfurt am Main, 1971), p. 3.

117. A fear of Ibo domination had been a problem even before the coup. See S.K. Panter-Brick(ed.), op. cit., pp. 4 and 5. Following the outbreak of violence in the north, thousands of Ibos lost their lives or property. See "Rioters in the North Get a Final Warning", Daily Times of Nigeria, May 31 1966. Also consult Nigerian Crisis 1966: Eastern Nigeria Viewpoint (Crisis Series, Vol. I) Government Printer, Enugu, 1966, p. 8.

was too late to save his life.<sup>118</sup> On July 29th, 1966 he and the military governor of the Western Region were murdered along with a great many Ibo officers by northern soldiers.<sup>119</sup> For a short period after the Ironsi assassination, there was confusion as to the leadership to replace him. Finally a young Chief of Staff, Colonel Gowon was eventually elevated to the position of Head of State for Nigeria. Gowon, an Angas from the middle-belt and a Christian in a predominantly Moslem area could adequately represent national unity in person and in deed. "In the early weeks of his assumption of office as Head of State, Gowon's presence and occasional pronouncements brought most of the country relief, and in those of us around him, he inspired confidence that made us believe that a solution to the nation's problems was just around the corner."<sup>120</sup>

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118. See Origin and Conflict in Nigeria. A Documentary Sourcebook 1966-1969 by A.H.M. Kirk-Greene (Oxford, 1971) Vol. I, pp. 44-54.

119. See Nigerian Politics and Military Rule: Prelude to the Civil War edited by S.K. Panter-Brick (New York, 1970), pp. 24-27.

120. A series of articles appeared in New Nigerian starting in late July 1982 lasting into early August 1982 written by General Joe Garba, former Minister of External Affairs under General Obasanjo and also involved in military administration in Nigeria from the early coup days. His series of articles called "Revolution in Nigeria-Another View" asserts that the Army was the only truly national institution at that time (in Nigeria). I believe that a coup was probably the only way to save the country from anarchy at best." July 28, 1982. The quote above was taken from the series (Day 7), August 2, 1982.

Gowon attempted to reconcile moves,<sup>121</sup> particularly in reference to the West when he released from custody Chief Awolowo who had earlier been convicted of treasonable offences.<sup>122</sup> He scheduled a round-table discussion for a group of Nigerian notables to meet to discuss Nigeria's future after repealing Edict number 34.<sup>123</sup> In the meanwhile, in the north the victimization of Ibos was still carried out, so much so that there began a mass migration back to the east of Ibo people.<sup>124</sup> Because of this the Military Governor for the Eastern Region, Colonel Ojukwu, fearing

121. See Gowon's Broadcast to the Nation, 30 November 1966, "Towards a New Nigeria" as reproduced on pp. 306 - 310 in Kirk-Greene's Crisis and Conflict in Nigeria, Vol. I.

122. Chief Awolowo became Minister of Finance under Gowon.

123. Kirk-Greene, op. cit., p. 215

124. Problems of culture and the early British amalgamation process can certainly be seen here. "The most important single feature of British policy was the effort made to preserve the Muslim North in its pristine Islamic purity by excluding Christian Missionaries and limiting Western education by denying Northern leaders representation in the central Nigerian Legislative Council during the period 1923-47, and by minimising the contact between the Northern peoples and the more sophisticated and nationality minded Southerners temporarily resident in the North. All of these aspects of British policy, and other tended to perpetuate the individuality and separateness of the North." James Coleman, Nigeria: Background to Nationalism (Los Angeles, 1958), p. 322. J.C. Anene in The International Boundaries of Nigeria (1885-1960) (London, 1970), p. 297 stated that the "simultaneous effort to create Pan-Africanism political unity and to build effective national societies in Africa creates political paradoxes which difficult to resolve, may hold the key to Africa's future.



for his safety, refused to attend the meeting of notables that had been scheduled by Gowon. So a meeting was reshcheduled for Aburi near Accra, Ghana rather than Lagos for sometime in 1967. Ojukwu<sup>125</sup> indicated that the Federal Military Government in Lagos was attempting to repair the damage done to Nigeria by gangster politicians but still as Governor of Eastern Nigeria he promulgated a number of decrees which went into effect near the end of January 1966. They included the stipulations that the public service commission would no longer handle senior appointments and promotions, that provincial assemblies would be abolished, photographs of ex-President, Prime Minister, and Premiers were to disappear, no careless talk allowed, and scholarship boards were suspended.<sup>126</sup>

A reading of the Aburi records would leave an impression that conciliatory moves were in the making. However, from the beginning Ojukwu indicated that he would co-operate with Gowon but not be subordinate to him.<sup>127</sup> The results of the Aburi meeting which lasted for two days, January 4 and 5 appeared positive, that is emphasis

125. "There was never an easy time for him, for from the start the Governor of the Eastern Region, Lieutenant-Colonel Ojukwu, refused to join in the country's recognition of him (Gowon) as head of state and Supreme Commander." General Joe Garba, op. cit. August 2, 1982, p. 5.

126. See "Ojukwu's Address to the Eastern Consultative Assembly, May 26, 1967, in Kirk-Greene's Crisis and Conflict in Nigeria, Vol. I, p. 427.

127. Aburi Report: Nigeria, 1967, Daily Times Press Limited, Lagos, 1967, column 3, p. 4.

was placed upon stabilizing the situation in Nigeria. <sup>128</sup>

After Aburi, however, the relationship between the East and the Federal Military Government rapidly deteriorated. Beginning in March, 1967, mass demonstrations were held in the east in support of a breakaway from the Nigerian Federal Government because of incompatible positions on both sides.

"I last spoke to you on August 1, following the unfortunate and tragic events of July 29. I am sure that you all have since followed through the press and radio the sad turn of events. One thing has come out very clearly from this, the proceeding and subsequent events that is, that there is in fact, no genuine basis for true unity in the country." <sup>129</sup>

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128. The Aburi meeting was a military function hosted by Lieutenant General Joseph A. Ankrah, Chairman of Ghana's National Liberation Council and Head of State himself by military take-over. Ojukwu and his personnel felt safer here. For after the July 29th massacre of many Ibo officers, there was a low level of trust. A significant agreement from the Aburi meeting was that all decrees or provisions passed since January 15, 1966 which took away powers from regional governments would be repealed by January 21, 1967. (Here one must emphasize that this section concerning background information is only intended to give adequate and not extensive information concerning pre-coup days and the events that led to the civil war, for this is a history of the O.A.U.'s role in trying to find a solution to the war. Still for general history not just on pre-civil war days but on the complex territorial entity, Nigeria, consult the following: Michael Crowder, Story of Nigeria (London, 1968) pp. 325-326; Nigeria by Walter Schwarz (London, 1968) John West Nigeria in Conflict (Lagos, 1970), I.W. Zartman, International Relations in the New Africa (Englewood Cliffs, New Jersey, 1966); John Hatch, Nigeria: Seeds of Disaster (London, 1971), Cowan L. Gray, The Dilemmas of African Independence (New York, 1964) and Immanuel Wallerstein, Africa: The Politics of Independence (New York, 1961).
129. Taken from Ojukwu's Radio Broadcast of 27th August, 1966, "No Genuine Basis for True Unity" - Enugu.

On May 30th, 1967, Eastern Nigeria taking the name Biafra declared its independence. A civil war ensued starting July 6th, 1967 which was to become the most devastating war in African history.

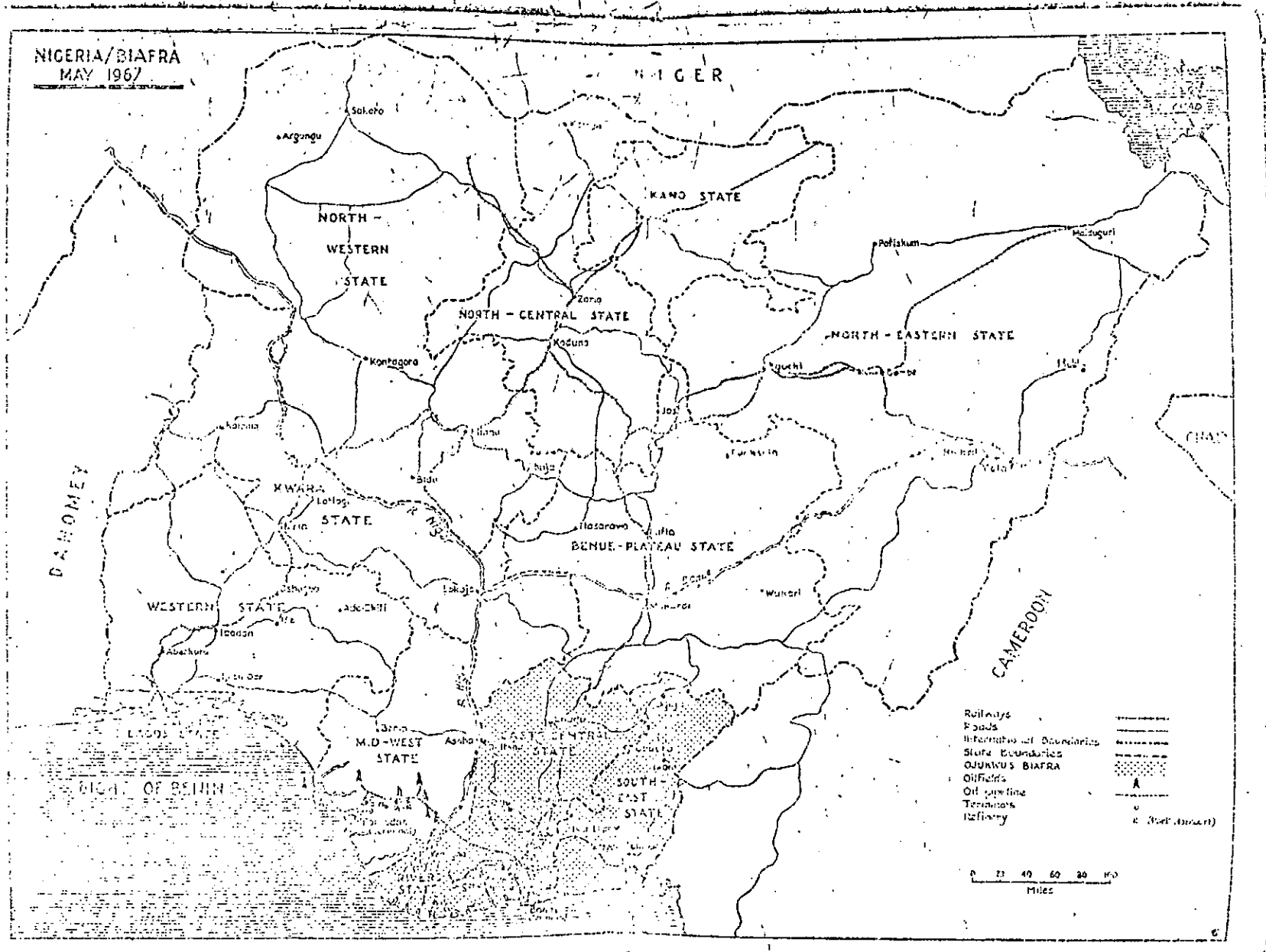
"I consider it most unfortunate that our "Young Turks decided to introduce the element of violent revolution into Nigerian politics. No matter how they and our general public might have been provoked by obstinate and perhaps grasping politicians, it is an unwise policy?" 130

Since the war affected so many people in Africa, the O. A. U. was committed to seeing it ended.

Both sides in the conflict claimed legitimacy in accord with O.A.U. principles. Two main principles of the O.A.U. Charter were put to the test: the principle of non-interference in the internal affairs of Member-States (Article III, 2) with reference to the Federal Military Government of Nigeria; and respect for the inalienable right to independence or self-determination (Article III, 3) referred to the claims of Biafra. Eventually, the question of secession was settled. The Federal Military Government with its superior military power was able to defeat Biafra, but not without prodigious costs to both sides.

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130. Statement made by Dr. Nnamdi Azikiwe to the press in England, 16 January, 1966, taken from Crisis and Conflict in Nigeria, A Documentary Source book (1966-1970), Vol.I, (London, 1971), p.127.



Taken from:  
The Nigerian Civil War  
Vol. 5

O.A.U. Initiatives

At first, the Nigerian Federal Military Government attempted to treat the civil war<sup>131</sup> as an internal conflict. But three factors made it an international issue:

- "a. supply of arms and aircraft by the governments of Soviet Union, United Kingdom, Czechoslovakia and Egypt to the Federal Government, and from France and Portugal to Biafra. It is noted here that France has consistently denied ever doing this:
- b. Biafra was given recognition by the governments of Tanzania (April 13, 1968), Gabon (May 8), Ivory Coast (May 14), and Zambia (May 20). France also may have extended recognition had circumstances been conducive.
- c. the wholesale starvation of Biafra's population, which was cut off from the sea and encircled by Federal troops. The pictures of young children dying of starvation set off a world-wide campaign of public pity. The reports of massive starvation and maltreatment, such as that reported in the London Observer and the New York Times brought in the question of genocide."<sup>132</sup>

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131. There are numerous books on the Nigerian Civil War. Among those that are pro-Biafra are Frederick Forsyth's The Biafra Story, (London, 1969) and C. Waugh and S. Conje's Biafra: Britain's Shame (London, 1969). Among those that are pro-Nigeria are Robert Armstrong's Nigeria: The Issues at Stake (Ibadan, 1967) and S.O. Amali's Ibos and their Fellow Nigerians (Ibadan, 1967). Other books are Ralph Uwechue's Reflections on the Nigerian Civil War (London, 1976), John de St. Jorre. The Nigerian Civil War (London, 1972), A. Enahoro. Nigeria's Struggle for Survival (New York, 1967), Z. Cervenka, The Nigerian War, 1967-1970 (Frankfurt, 1971) and M.A. Samuels (ed.) The Nigeria-Biafra Conflict (Washington, 1969).

132. Z. Cervenka, The Unfinished Quest for Unity, Africa and the O.A.U. (New York, 1977), p. 97-98.

By the time the first initiative was taken by the O. A. U. on the war, world opinion was focused on the problem. So the O.A.U. had no choice but to show, at least, some type of concern. At the O.A.U. Assembly, which met in Kinshasa in September 1967, a weak resolution, supportive of the Federal Military Government was drawn up.<sup>133</sup>

Before the Assembly meeting, the Council of Ministers had met and did not propose that the Nigerian problem be discussed because of the wish at that time to treat it as a domestic issue.<sup>134</sup> The Federal Military Government of Nigeria insisted that any discussion of an internal affair was out of the question. Lieutenant Colonel Gowon, then the Head of State of Nigeria did not want the issue to be further internationalized. Therefore, the decision to discuss the issue was very hard to make.<sup>135</sup>

The O. A. U. adopted a resolution primarily to save face. The resolution was a cautious one, careful to reaffirm belief in territorial integrity and to recognize the war as an internal affair. Still the Fourth Session of the O. A. U. Summit Conference in line with its weak resolution set up the O.A.U. Consultative Mission on Nigeria.<sup>136</sup> The Consultative Mission was composed of six Heads of State from the Cameroon, Congo, Ethiopia, Ghana, Liberia, Niger

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133. O.A.U. General Assembly Resolution on the Situation in Nigeria (Kinshasa).

134. Check A.H.G./S.R.5(V)Annex 3, page 1, where the civil war is referred to as "fratricidal convulsion".

135. Ibid., p. 2.

136. The term "consultative" implies advice, with the consent to be advised.

and Zaire. The composition of the mission in reality did not represent a careful balance of the attitudes toward Biafra and Nigeria. For example, President Diori of Niger, a landlocked nation was aware that his nation depended extensively on Nigeria's railway system for access to the sea. Niger is also primarily a Muslim nation and identifies with Northern Nigeria. President Ahidjo of Cameroon also had closed his borders with Biafra and was considered more pro-federal. At that time, Emperor Haile Selassie of Ethiopia and President Tubman of Liberia were considered senior statesmen and skilled crisis managers, who wielded enormous power not only in Africa but throughout the world, in reference to Africa.<sup>137</sup> General Ankrah of Ghana was chosen because of his military expertise, his attempts at mediation at Aburi before the war started, and because he had the advantage of knowing personally both Gowon, the Nigerian Head of State at that time, and Ojukwu, the Biafran leader. President Mobutu of Zaire, somewhat distant from the war, could perhaps claim to be neutral.

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<sup>137</sup>.. Even Haile Selassie's interest was more on the humanitarian issues. Perhaps there was a desire to be neutral but he himself had had problems with secessionist movements in the Ogaden Region and in Eritrea. Experience breeds reaction in international relations and most of the members of this commission could hardly be expected to be neutral, for one Biafra could have bred others.

According to the terms of reference of the Commission, which were stipulated in the resolution, the members of this body were to "assure the Head of the Federal Government of Nigeria of the Assembly's desire for the territorial integrity, unity and peace of Nigeria. In this regard, the Assembly of Heads of State wanted to re-affirm, by sending the Commission to Nigeria, that the resolution in accordance with the O. A. U. Charter adhered to the principle of respect of territorial integrity of Member-States." <sup>138</sup>

<sup>139</sup>  
The Mission arrived in Lagos on November 23, 1967. The members of the mission were promptly told in a speech by Gowon that they had done the right thing in emphasizing the "one Nigeria" idea.

"We have always insisted that our friends are only those who are firmly committed to the maintenance of the territorial integrity and unity of Nigeria. Our true friends are those who publicly and genuinely condemn the attempted secession by the few who have imposed their will, on the former Eastern Region of Nigeria. The Kinshasa Resolution of the O.A.U. Summit on the Nigerian situation proves that all African states are true friends of Nigeria." <sup>40</sup>

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138. "Statement of H.I.M. Haile Selassie presenting the Report of the Consultative Commission on Nigeria" A.H.G./S.R.5(V), Annex 3, page 2.
139. The mission arrived it appears just to re-tell what Gowon had already indicated must be agreed upon.
140. Press release of Federal Republic of Nigeria, November 23, 1967.



"Pursuant to the Kinshasa Summit resolution on the Nigerian crisis, members of the mission held consultations with H.E. Major General Yakubu Gowon, Head of the Federal Military Government of Nigeria. The consultations were held within the terms of reference of the Committee, i.e. to seek a peaceful settlement of the Nigerian crisis within the context of preserving the unity and territorial integrity of Nigeria.

The Committee after a thorough discussion of the matter resolved that it would be necessary to approach Lieutenant Colonel Ojukwu if it was to discharge effectively the responsibility entrusted by the Assembly of Heads of State and Government. Accordingly, the committee mandated Lieutenant General Ankrah to convey on behalf of the Committee the text of the O. A. U. Kinshasa Summit Resolution at the conclusion of the first meeting of the Committee in Lagos, to Lieutenant Colonel Ojukwu and to report back to the Committee.<sup>141</sup>

A communique was issued by the O.A.U. Mission at the end of the visit to Lagos, to express its condolences, which went along with the position of the Federal Military Government by emphasizing the conservation of Nigeria as a political unit.<sup>142</sup>

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141. Verbatim statement of H.I.M. Haile Selassie in presenting the Report of the Consultative Committee on Nigeria. A.H.G./S.R. 5(V) Annex 3, page 2.

142. Read the "Report on the Consultative Mission to Nigeria" (Lagos, 1967).

Meanwhile, the Biafrans were on guard. Among the leaders, there was great disappointment that the Kinshasa Summit did not result in some type of recognition for Biafra. The Consultative Mission to Nigeria was also faulty. Radio Enugu, on November 24, 1968, criticized the Mission as being in the hands of Gowon. Therefore, when General Ankrah conveyed the message of "national unity", it was rejected by the Biafrans.<sup>143</sup> Because of this rejection, it was decided that peace talks should now be held under the auspices of the Commonwealth Secretariat, rather than "consulting" with the O.A.U.

The preliminary talks began in London on May 2 with Chief Antony Enahoro<sup>144</sup> heading the Nigerian delegation and Chief Justice Sir Louis Mbanefo, leading the Biafran delegation. The points to be discussed were the venue for the conference, the chairman and an international observer, if any, together with the agenda. After a few days delay, Sir Mbanefo asked Chief Enahoro to submit a list of places suitable to Lagos, adding that the Nigerian hope for London being chosen was not satisfactory so long as Britain continued to supply arms to Federal Nigeria.

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143. Most of the information in respect to negotiations on the Nigerian Civil War in this thesis will or has come from A.H.G./S.R.5(V)Annex 3, pp. 1-10.

144. Chief Anthony Enahoro, as second deputy national president of the Action Group had been charged with treason along with Awolowo and as a result had become a wanted person. He like Awolowo was more or less rescued by the Federal Military Government under Lieutenant Colonel Gowon.

Chief Enahoro submitted a list of seventeen capitals in the Commonwealth out of which Sir Mbanefo proposed Kampala and Chief Enahoro agreed. A two point agenda for the meeting was agreed upon: an agreement on a ceasefire and more prolonged talks on the terms of the future nature of association between the two parties, that is the political solution. <sup>145</sup>

The main conference opened in Kampala on May 23, 1968.<sup>146</sup> Dr. Milton Obote, the Ugandan Head of State was asked to become the official observer. In the meanwhile, news reached Kampala that Port Harcourt in the East was about to be taken by the Federal government's armed forces. It was assumed that with the loss of Port Harcourt Airport, which fell several days after, Biafra would be cut off from the outside world and from arms shipments which would swiftly bring about her defeat. <sup>147</sup>

<sup>145</sup>. A.H.G./S.R.5(V) Annex 3, p. 13.

<sup>146</sup> The Kampala peace talks were not held under the auspices of the O.A.U.

<sup>147</sup>. In My Command: An Account of the Nigerian Civil War (1967-1970) by General Olusegun Obasanjo (Ibadan, 1980) personal insight into the strategic aspects of the Nigerian Civil War are given by a former Head of State for Nigeria. However, the most refined account of the war is Alexander A. Madiebo's The Nigerian Revolution and the Biafran War (Enugu, 1980) which offers a former Biafran Commander's very well written account of the civil war from a military point of view.

Yet the position of Biafra had been buttressed by its official recognition as a sovereign state by four member states of the O.A.U. Why did Tanzania on April 13, 1968, followed by Gabon, Ivory Coast, and Zambia accord this recognition? A statement issued by the Tanzanian government explains their position.

"Unity can only be based on the general consent of the people involved. The people must feel that their state or their union is theirs and they must be willing to have their quarrels in that context. We in this country believe that unity is vital for the future of Africa. But it must be a unity which serves the people and which is freely determined upon by the people...It seemed to us that by refusing to recognize the existence of Biafra, we were tacitly supporting a war against the people of Eastern Nigeria a war conducted in the name of unity." 148

This statement was supported by President Houphouet Boigny of Ivory Coast:

"Unity is the fruit of the common will to live together; it should not be imposed by force by one group upon another. If we are all in agreement in the O.A.U. in recognizing the imperious necessity of unity as the ideal framework for the full development of the African man, we admit. We say 'ye' to unity in peace, unity in love and through brotherhood. Unity is for the living and not for the dead." 149

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148. Tanzanian Government Statement on Recognition of Biafra. Government Printer. (Dar-es-Salaam), 1968, 6 pages.

149. Statement issued by President Houphouet Boigny, May 9, 1968.

All in all, however, this had little effect on the Kampala peace talks. On May 31, Sir Louis Mbanefo withdrew from the conference convinced that the civil war would have to be fought to its conclusion. Eventually what came from the Kampala Peace talks were the following conditions.

Federal Government:

- "a. The withdrawal of the declaration of independence by the Eastern Region.
- b. Public acceptance and recognition of the authority of the Federal military government over the Eastern Region.
- c. Public acceptance of twelve new states, as the divisions for Nigeria.
- d. The acceptance of civilians as commissioners in the Federal Executive Councils as a major step in the return to civilian rule. Agreement to the holding of talks on the future of Nigeria by accredited and equal representation of the twelve states.

Biafra:

- a. Internally, the maintenance of order and respect for law must be the responsibility of the Biafran government. Biafra rejected any proposal that gave the Federal government responsibility for the Ibo people.
- b. The Biafran Army must swear allegiance to the Biafran government.
- c. Internationally, Biafra must be a member of international organizations.
- d. Economically, Biafra must be able to conclude international agreements. The country must be able to control its currency, its economic resources, and the rate of its economic development."

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Zdenek Cervenka, The Unfinished Quest for Unity: Africa and the O.A.U. (New York, 1977), p. 100.

After Kampala, several consultations were made among members of the consultative committee and then with Gowon. It was then decided that the consultative committee should meet in Niamey, Niger on 15th July 1968. In the course of the meeting in Niamey, the latest developments were reviewed and priority was given to the humanitarian question in the Nigerian crisis. Mindful of the urgency of this problem, the committee invited the Federal Military Government to implement without delay its recommendations to establish a "mercy" corridor with appropriate collecting points to facilitate the transportation of essential food and medical supplies to the affected areas.

The Consultative Committee also appealed to the representative of the Eastern Region of Nigeria to cooperate by accepting relief supplies of food, medicine, and clothing transported through the "mercy" corridor to the collecting points and to provide the necessary facilities and guarantees to ensure the successful implementation of the relief works. The Committee requested both parties to resume peace talks, since the Kampala talks had failed. In response to this request, the Head of the Federal Military Government and Lieutenant Colonel Ojukwu accepted to start talks in Niamey under the chairmanship of President Diori Hamani with a view to resuming the peace negotiations. Both parties also agreed to the venue of peace talks in Addis Ababa with the following agenda:

- a. terms for the ending of hostilities.
- b. proposals for the transport of relief supplies to the civilian population in the war areas.

c. arrangements for a permanent peace solution.

The Addis Ababa Peace Talks were to start on August 5, 1968. An appeal was made by Emperor Haile Selassie, that the conference should settle certain items. However, it became apparent after several closed sessions that the two sides could not and would not reach an agreement as far as cessation of hostilities were concerned and so the only arena left to discuss was the humanitarian aspect. With regard to the question of humanitarian relief supplies to the victims of the conflict, the discussions were long and tedious. Though both parties had agreed in Niamey on the need for land routes for the transportation of the relief supplies to the affected area and that there should be no general principles which governing the relief works, there was still a fundamental difference concerning which routes to operate for this purpose. When discussions on this question commenced in Addis, the representative of the Federal Government of Nigeria strongly maintained that all relief supplies have to be transported by land into the distressed area already proposed by the Federal Government in Niamey. In this connection, the Federal Representative clearly explained that under no circumstances would the Federal Government agree to an air-lift, the underlying reasons being: 1. military considerations, 2. massive relief supplies could be transported by land since the greater part of these supplies, which the victims in the affected area needed, were basically African food-stuffs which could be easily

had from Nigeria. After a long debate, Selassie convinced both parties on the need for the use of both land and air routes to expedite the work of relief operations.

Eventually, the Federal Government agreed to an airlift of relief supplies to children, women, and the aged directly from Fernando Po to the other side together with a team of international supervisors. The reservations on both sides regarding any particular air or land route were primarily based on military and logistical considerations.

At this point, there were numerous accusations concerning the question of genocide in reference to the programme of the Federal Government in relation to Biafra voiced by the international press. According to the United Nations Convention on Genocide, adopted on December 9, 1948, the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious groups, as such:

- a. killing of members of the group;
- b. causing serious bodily or mental harm to members of the group;
- c. deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part;
- d. imposing measures intended to prevent births, within the group;
- e. forcibly transferring children of the group to another group.

Article one states that genocide, whether committed in time of peace or war, is a crime under international law, and Article



Four of the same U.N. Convention makes plain that constitutional rulers, public officials, or private individuals may be held responsible.

The subject of genocide, as far as the O.A.U. was concerned, never officially came up. The O.A.U. was concerned with the entire issue of the Nigerian Civil War within the limits of its jurisdiction and the general issue of relief. After Emperor Haile Selassie, acting under the auspices of the O.A.U. convinced both sides of the importance of air and land mercy corridors to aid the civilian victims of the war, the Addis Ababa peace conference got begged down after the pressure was taken away.<sup>151</sup> Like its predecessors, it became lost in a quagmire of delays, stallings, and ill-will. In all, it sat over five weeks, but world attention, the only thing that might have given the talks stimulus, swung to the Russian invasion of Czechoslovakia.

The Nigerian delegation had an aim in stalling the peace negotiations. A ceasefire was no longer a live issue. On August 17, the Nigerian Third Division crossed the Imo River and eventually overran Aba, the largest remaining Ibo city.

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151. Information for pages 226-8 of this chapter is taken from "Statement of H.I.M. Haile Selassie I, Presentation of the report of the Consultative Committee on Nigeria O.A.U. Document A.H.G./S.R. 5(V) Annex 3, pp. 1-10.

Soon, all African eyes were on the Heads of State Conference of the O. A. U. scheduled for September 4, 1968 at the Club de Pins in Algiers. It is significant to note that the agenda committee of the summit conference meeting in Algiers left the Nigeria-Biafra issue off the agenda. By the time the conference was in full session, Owerri, another Biafran stronghold fell on September 16. On the following day, the Algiers meeting passed by thirty-three votes to three, a resolution calling on the Biafrans to cooperate with the Nigerians in restoring the territorial integrity of the federation. At the conference, the representative from Nigeria praised the O.A.U. for passage of the Resolution at Kinshasa and for standing firmly by its terms.<sup>152</sup> "With regard to recognition granted Biafra by four Member States of the O. A. U., the representative said that if Nigeria had invoked sovereignty as they did, it would be a dangerous precedent for similiar enterprises all over Africa. He stated that it was Lieutenant Colonel Ojukwu who had started the war for when he had declared unilateral independence on 30 May, 1967, he had started bombing Nigerian towns with his B.26s'. Lagos had been bombed on two occasions as well as other towns in the north. "It had been said that the war was being waged in

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152. A.H.G./S.R.5(V). Summary Record of Fifth Plenary Meeting of the Assembly of Heads of State and Government, September 15, 1968, p. 28.

order to ensure the survival of the Ibos, but that he (representing Nigeria) wished to clarify the fact that the Eastern region was not only inhabited by Ibos. If it was a survival war for the Ibos, why did Lieutenant Colonel Ojukwu insist on keeping the rest of the population under his domination? Early in 1967, the Biafran army had invaded the mid-western region and occupied part of Western Nigeria, after which Lieutenant Colonel Ojukwu had declared that he was a wonderful strategist and would soon send his troops to Lagos. Was that a fight for survival or an expansionist war? Lieutenant Colonel Ojukwu's plan had been to occupy southern part of Nigeria and to hold the North to ransom by preventing its access to the sea. The secession in Nigeria was the result of the morbid ambition of Lieutenant Colonel Ojukwu. The adoption of the resolution (at Club des Pins in Algeria) would mean that the O.A.U. was constant, consistent, and capable of being independent of foreign influence. It would be constant because it maintained its line of action in respect of the sovereignty and territorial integrity of States. It would be proving its consistency by using the same yardstick to deal with Ojukwu as with Ian Smith, who had also declared unilateral independence." 153

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153. A.H.G./S.R.5(V). Summary Record of Fifth Plenary Meeting of the Assembly of Heads of State and Government, p. 53.

The Representative of Nigeria's position was buttressed by other Heads of State such as Mali, who stated that "the imperialists wanted to see Nigeria disintegrate so as to encourage the infiltration of Anglo-Saxon influence."<sup>154</sup> The Consultative Committee was asked to continue its efforts which had failed.

In addition, U.N. Secretary-General U. Thant, in a speech to the conference on September 13, 1968, supported the federal cause. By now, it was felt by on lookers that Biafra had lost the war and should surrender. Still, in line with Resolution A.H.G./58 VI, the Sixth Assembly of Heads of State and Government also appealed that "solemnly and urgently the two sides in the civil war should agree to preserve in the overriding interest of Africa, the unity of Nigeria and accept immediately suspension of hostilities and the opening without delay of negotiations intended to preserve the unity of Nigeria and restore reconciliation and peace that will ensure for the population every form of security and every guarantee of equal rights prerogatives and obligations."<sup>155</sup> The sixth Assembly of Heads of State and Government also invited the O.A.U. consultative committee on Nigeria to continue to offer its good offices in seeking a negotiated solution to the Nigerian crisis and, in particular,

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154. Ibid., p. 22.

155. O.A.U. Verbatim records Council of Ministers, CM/330 (Part II), p. 81.

achievement of the above mentioned objectives.

It was to the framework of these specific terms of reference and of the solemn appeal of the Assembly of Heads of State and Government that the Consultative Committee and particularly its Chairman, His Imperial Majesty Haile Selassie I, geared all its efforts when, for instance, it established contact with the two warring parties in order to explore the most suitable ways and means of reopening peace negotiations in Addis Ababa in December 1969, under the auspices of the O.A.U. Consultative Committee on Nigeria.<sup>156</sup>

After very numerous attempts and virtual non-stop contacts, the Federal Government and Colonel Ojukwu finally agreed that peace negotiations should open in Addis on 15 November, 1969. Selassie and the other members of the Committee agree to redouble actions to bring about peace.

These exceptional and uninterrupted efforts, which lasted from September until December 1969, led the two parties to the conflict to agree to the proposed meeting in Addis Ababa without prior conditions. It was at that time that an event of capital importance occurred which was to bring all the efforts exerted for the success of the negotiations to naught.

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<sup>156</sup>: O.A.U. Report of the Administrative Secretary General covering the period from February 1970 to September 1970. CM/ 330(Part II), pp.81-82.

At the time of his departure for Addis Ababa on December 13, 1969, Colonel Ojukwu's delegation publicly proclaimed to the international press, the terms of its participation in the negotiations. These terms completely excluded the good offices of the O.A.U. The declaration was to be confirmed the very next day by Colonel Ojukwu<sup>157</sup> himself, who declared that he had sent his delegates to Emperor Haile Selassie as Head of State of Ethiopia and not in his capacity as Chairman of the O.A.U. Consultative Committee on Nigeria whose competence he completely rejected.<sup>158</sup>

The situation, thus created, immediately led to requests for clarification by the Federal Government of Nigeria and despite the last minute appeals addressed to Colonel Ojukwu's delegation and the emissary of the Prime Minister of Sierra Leone, all of whom had already arrived in Addis Ababa, by Selassie and members of his

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157. Except for the Book, Biafra: Random Thoughts (New York, 1969) and the pamphlet, "The Ahiara Declaration", Emeka Ojukwu has not written extensively about the war. Perhaps now that he has been granted an unconditional pardon by the government of Nigeria under President Shehu Shagari (May 1982) after a twelve year exile in the Ivory Coast, Ojukwu will begin perhaps to shed some light or at least give his version as to the events of the Nigerian Civil War.

158. C.M./330(Part II), p. 83.

cabinet, the peace negotiations had to be cancelled, thus bringing to naught all efforts made by the emperor inside and outside of Africa,<sup>159</sup> to enable the O.A.U. Consultative Commission on Nigeria to fulfil the important mission entrusted to it. Three weeks after the failure of the Addis Ababa negotiations, Colonel Ojukwu closely pursued by advancing Federal troops left the country and entrusted responsibilities for carrying on the conflict to Colonel Philip Effiong, who in consultation with his General Staff and prominent civilian leaders of the former eastern region, decided that they should lay down their arms. On 15 January, 1970, Colonel Effiong accompanied by his delegation signed the act of surrender of the troops under his command at Lagos and ended the secession of the former eastern region of the Federal Republic of Nigeria. Immediately afterwards, the Head of the Federal Military Government, in conformity with his previous assurances to the O.A.U., officially proclaimed the cessation of hostilities and announced an amnesty and practical measures for national reconciliation.<sup>160</sup>

After the cessation of hostilities and the preservation of the country's unity, the Federal Government of Nigeria strived to

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159. At this point in the war, the world was waiting for Biafra to surrender because of the condition of her population. Colonel Ojukwu made numerous attempts to secure mediation to settle the dispute after the O.A.U. Mission failed; all such attempts through Switzerland, Austria, Sweden, and Uygoslavia failed because no approach was made to the Nigerian federal government.

160. CM/330(Part II), p. 85.

mobilize all the resources of the country with a view to solving the very many varied and complex problems created by the war and, particularly, that of re-integrating dissident Nigerians and inaugurating various programmes of reconciliation.<sup>161</sup> Algeria and Ethiopia sent in a team of observers which were instructed to inquire into the military operations of the Federal armed forces and their conduct on the field of battle during the civil war. These teams, all under O.A.U. auspices, completed their work in February 1970.<sup>162</sup>

As regards the Consultative Committee's terms of reference, drawn up in Kinshasa and reviewed once in Algiers and once more in Addis Ababa, they tried in their limited way to help bring an end to "fratricidal convulsion" in Nigeria.<sup>163</sup>

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161.. Ibid., p. 85.

162.. CM/330(Part II), pp. 86 and 87.

163.. "Statement of H.I.M. Haile Selassie I in presenting the Report of the Consultative Committee on Nigeria", A.H.G./S.R.5(V) Annex 3, p. 1.



## Conclusion

"Most African States are now, through the Charter of the O.A.U., generally agreed as to the vital need to maintain the boundaries as they had been carved out by the Berlin Conference of the imperialist powers. Several factors are behind this. One of them is that once countries begin conceding to demands for whole tracts of land, whatever the cultural, religious or ethnic justifications, there would be no end to the exercise. Claims would heap upon claims and anarchy would be the result. But the most important factor is to tribal or ethnic affinities, the implementation would logically result in the proliferation of small units and the balkanization of the continent into entities that could not possibly be viable economically."

"Daily Nation Newspaper" of Kenya  
June 10, 1970.

The O. A. U. could do nothing more than it did during the Nigerian Civil War. To have given prominence to Ojukwu's claims, even if they had a base in reality,<sup>164</sup> might have opened up a Pandora's box across Africa, where many ethnic groups were dissatisfied with the way they had been put together to form the European concept of the nation-state. Then the very basis for the operation of the O.A.U. itself, that is the consensus of free independent nation states with original boundaries intact, may have

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164. The Federal Military Government of Nigeria under Gowon failed, for example to follow through with the interim arrangement for Nigeria, which was agreed upon at Aburi in Ghana before the start of the war.

been in danger. That is the question of secession had to be looked at in terms of how it would have affected the goal of African unity. What would happen to the 1964 O.A.U. resolution on the sanctity of borders, which had become the official tool of the organization, if used to try to prevent anticipated crisis. Would the break-up of a large territorial entity such as Nigeria or the Congo (now Zaire) have impeded African progress and unity? To deal with these issues, a distinction must be made between form and function of the goal of African unity. The form or format for continental unity is outlined in the charter where the importance of the nation-state is stressed. Membership is open only to independent African entities recognized as states in the international arena. This is first and foremost the overriding factor over any other issue. This is why it was so important that Biafra, through its military successes during the early stages of the war, to have secured such recognition by four O.A.U. member states thereby setting up a base for further recognition. However, further military defeat made such recognition impossible. Through all of this, the O.A.U. as a neutral body operating in a turbulent sea, could only float around to first of all consult the side which claimed national unity as a goal, which was also compatible with the concept of a loose association of African nation-states aiming toward continental unity. "A pervasive truism in the O.A.U. and among political leaders is that secessions are inherently

incompatible with the goal of African unity. The break-away attempts of Southern Sudan and Biafra were denounced in part for this reason. This conventional wisdom was so thoroughly accepted that even the Government of Tanzania, in extending diplomatic recognition to Biafra, felt constrained to concede that the secession was "a setback to our goal of unity."<sup>165</sup>

On the face of it, pan African unity and secessionism appear to be two antithetical phenomena, the former aims at creating larger unities, the latter threatens to fragment the African continent still further. However, this superficial antithesis by no means exhausts the whole range of relationships between these two concepts. "Territorial self-determination is always secession because no group lives in a vacuum, and, therefore, in order to exercise its right to independence, it always has to secede from some territorial framework, be it a province, a nation-state, a federation, or a colonial empire."<sup>166</sup> "Like individual freedom, the right to secede has its limits. The right of self-determination cannot mean the freedom of every self-distinguishing ethno-cultural group to secede from an established state on a whim. The break-up of a state is a very radical solution to the political problems

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165. Tanzanian Case for the Recognition of Biafra, p. 5. Quoted in an article by Onyeonoro S. Kamanu called "Secession and the Right of Self-Determination", a reprint - no further information supplied.
166. Ivo D. Duchacek, Comparative Federalism: The Territorial Dimension of Politics (New York, 1970), p. 69. Quoted by O.S. Kamanu.

rising from cultural diversity, and require exceptional circumstances to justify it. The mere fact of being nationally, culturally, racially, or linguistically distinct is not of itself enough justification for a group to demand separate nation-statehood. To be legitimate, such a demand must be based upon definite and substantial grievances. "Thus the justification of a Biafra or a Bangladesh could not be merely that its people are different ethnically or culturally from the rest of the parent political community, but rather that, on the basis of hard empirical evidence, the members of the seceding group could no longer live in peace and security, or fulfil their legitimate individual aspirations, within the larger political community. However, for this rationale to be plausible it must be demonstrated that all other political arrangements capable of ensuring the aggrieved group a measure of self-determination, short of outright independence, had been exhausted or repudiated by the dominant majority. It is from this perspective that the rejection by the Nigerian military junta of the 1967 Aburi agreement may be said to have precipitated the Biafran revolt..<sup>167</sup> The eventual military solution, however, undermined any claims.

Another important consideration in the settlement of any crisis situation is the fact that both contending sides must be

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<sup>167</sup> Beginning with the quoted statements on page 93 of this chapter through page 95, I am indebted to Onyeonoro S. Kamanu's article "Secession and the Right of Self-Determination", pp. 360-365.

willing to negotiate. Without making the conditions for negotiations outrageous.

As Haile Selassie stated in his report on the Consultative Committee on Nigeria, "the Consultative Committee can help bridge and reconcile certain differences but cannot impose a settlement on the parties concerned."<sup>168</sup> That is the O.A.U. cannot use force, but must rely upon consensus, for to go beyond this would imply coercion, a base for a continental government rather than an organisation.

#### The O.A.U. and the Angolan Independence Crisis

When the O.A.U. first convened in 1963, the largest colonial power in Africa and in the world was Portugal. In Africa, the Portuguese colonies were Angola, Mozambique, Guinea-Bissau, Saao Tome and Principe and the Cape Verde Islands, embracing almost 13 million people and a territorial expanse of over 2 million square kilometres.

When other colonial powers began to grant their colonies independence, Portugal refused, adhering to the idea that all Portuguese colonies were part of Portugal. Thus, by ruthless

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<sup>168</sup>... A.H.G./S.R. (V), Annex 3, p. 8.

suppression Portugal managed to maintain her colonial status in Africa for an inordinate length of time."<sup>169</sup> In 1974, however, there was a change of events. In that year, General Antonio de Spínola, formerly the military governor of Guinea-Bissau, published a book called, Portugal and the Future, which stated that military activities in Angola, Mozambique, and Guinea-Bissau were doomed and ultimately Portugal would lose out if a federation were not formed where Portugal and her colonies would be equally represented. The book was widely read and gave the Portuguese population something new to think about. For writing the book, General Spínola was dismissed from the army. After a period of growing unrest precipitated by economic, social, and political problems at home, reformist troops of the Movement of the Armed Forces in Portugal staged a coup in April, 1974 with

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169. Z. Cervenka, The Unfinished Quest for Unity, Africa and the O.A.U. (New York, 1977), pp. 134-135.

This point was emphasized by the Portuguese to members of the U.N. from the time it joined in 1955. However, in 1960, the U.N. General Assembly rejected the Portuguese concept and decided under Chapters XI and XII of the U.N. Charter that the Portuguese territories were non-self-governing and fell under the protection of the U.N.

Still armed rebellion broke out in Guinea-Bissau in April 1961, in Angola in February, 1961, and Mozambique in September, 1964. For more information read A. Humbaraci and N. Muchnik, Portugal's African Wars. (London, 1974).

the idea of reforming the country with a nationalistic "Junta of Salvation."<sup>170</sup>

General Spínola, because of his stance, became Portugal's new President and Mario Soares, leader of the Portuguese Socialist Party, returned from exile to be one Foreign Minister. Because of this, the relationship between Portugal and her African territories gradually changed and independence was granted to all of them. Thus, the military coup in Portugal set off a chain of events for which the affected African states were grateful.<sup>171</sup> For this radical departure in governmental policy, definitely shortened anti-Portuguese struggles by a few years.

The Portuguese government recognised the independence of Guinea-Bissau on September 9, 1974 which was followed by the independence of Mozambique on June 25, 1975, Cape Verde on July 5, 1975, and Sao Tome and Principe on July 12, 1975.<sup>172</sup>

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170. See Hugh Kay's Salazar and Modern Portugal (London, 1970) and Antonio de Figueiredo's Portugal: Fifty Years of Dictatorship (Middlesox, 1975) states that "On 28 May 1926 there occurred a military coup which led to the dictatorship of Antonio de Oliveira Salazar and later, Marcello Caetano". The Portuguese coup of April, 1974 ended the longest dictatorship in modern history and the oldest colonial empire in the world.
171. O.A.U. Report of the Administrative Secretary-General. Covering the period from June 1974 to February 1975. Magadishu Summit Appraisal, Addis Ababa.
172. Z. Corvenka, The Unfinished quest for Unity: African and the O.A.U. (New York, 1977), p. 139. Also read the chapter "A New Challenge: Portuguese Neocolonialism", in Angola: The Hidden History of Washington's War by Ernest Hirsch and Tony Thomas (New York, 1976), pp. 49-60.

The date for Angola's independence, November 11, 1975, was announced on January 5, 1975 following negotiations between the Portuguese Government and all three Angolan liberation movements - M.P.L.A. (Movimento Popular de Libertacao de Angola), F.N.L.A. (Frente Nacional de Libertacao de Angola-Angolan National Liberation Front); and U.N.I.T.A. (Uniao Nacional para Independencia Total de Angola).<sup>173</sup> The road to independence was smooth for<sup>174</sup> all of the Portuguese colonies except Angola, which gained independence with no smooth power transfer. Instead, there was much fighting among the groups who had earlier temporarily fought together for freedom.

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173. F.N.L.A. - Angolan National Liberation Front, M.P.L.A. - People's Movement for Liberation of Angola, and the U.N.I.T.A. - National Union for the Total Independence of Angola.

174. Some of the books on Angola's struggles are: John Marcum, The Angolan Revolution, Volume I: The Anatomy of an Explosion (1950-1962) (Cambridge, Massachusetts, 1969); Ronald H. Chilcote, Portuguese Africa, (Englewood Cliffs, 1967); Africa Research Group, Race to Power: The Struggle for Southern Africa (Garden City, New York, 1974); David Birmingham, The Portuguese Conquest of Angola (London, 1965); Basil Davidson, In the Eye of the Storm, (Garden City, New York, 1972); James Duffy, Portugal in Africa, (Baltimore, Md., 1962); Institute of Race Relations, Angola: A Symposium; Views of a Revolt, (London, 1962); The Kissinger Study on Southern Africa, (Nottingham, 1975); William Minter, Portuguese Africa and the West, (Harmondsworth, Middlesex, 1972); Leonard Thompson and Jeffrey Butler, ed. Change in Contemporary South Africa, (Berkeley, California, 1975) David M. Abshire and Michael A. Samuels (eds.) Portuguese Africa: A Handbook, (New York, 1969); African Liberation Movements: Contemporary Struggles Against White Minority Rule by Richard Gibson, (New York, 1972); and Douglas L. Wheeler and Rene Pelissier, Angola (New York, 1971).



In an attempt to alleviate some of the problems involved in a suitable transfer of power, on January 15, 1975, the Portuguese government signed an independence agreement at Alvor with the three Angolan nationalist movements.<sup>175</sup> But the accord, a delicate attempt by Lisbon to promote a working political relationship among the three rivals for power and to free their armies prior to independence, set for November II, 1975, was a gamble from the outset, and the gamble failed. There were only two solutions to the problem: either a suitable and stable transfer of power based on the implicit co-operation among the three liberation groups had to be arranged or one of the three would have to emerge as

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175. The accords provided for the formation of an Angolan national army in which each liberation movement was to have 8,000 troops, while the Portuguese maintained 24,000 troops. In an attempt to temporarily freeze the military positions of the M.P.L.A., F.N.L.A., and U.N.I.T.A., those not absorbed into the new army were to remain in the areas they already controlled. Previous excerpt taken from Ernest Hararsch and Tony Thomas's Angola (New York, 1976), p.61. The transitional government was to be directed by a presidential council (composed of one representative each from the three liberation movements, working closely with a Portuguese-appointed High Commissioner) and by a twelve-member council of ministers. The agreement also gave to the transitional government the responsibility of establishing a commission to draft an electoral law, organising the electoral lists and registering lists of candidates (from M.P.L.A., U.N.I.T.A., and the F.N.L.A. only) for elections to be held not later than October 1975. But fighting broke out among the three in June, 1975. (Check also Z. Cervenka, op.cit., p. 215.

winner from a civil conflict. 176

Thus, Angola became a troubled area in a civil struggle

176. The reason that a winner is emphasized rather than a combination of two elements winning is that the relationship among the three appears balanced more so than that of for example, of the previously cited balance among the Hausas, Ibos and Yorubas of Nigeria. The pivotal natural element in the Angolan situation is I:I:I. Also, prior to independence, the various segments involved in the Angolan crisis did not have an experience of working together over an extended period of time, as in the Nigerian experience. The M.P.L.A. rose out of the nationalist interest that developed among a small group of intellectuals, both African and mestizo (of mixed African and Portuguese parenthood). For example, the late Agostinho Neto, who was the M.P.L.A.'s central leader was a prominent poet of the period. The M.P.L.A.'s program included a series of democratic demands such as equal rights for women, a voting age of eighteen years, the abolition of foreign military bases, the end of the forced-labour regime, a minimum wage, and an eight hour day. Economically, the M.P.L.A. required the distribution of estate lands to African farmers, the abolition of the single-crop system, and the transformation of Angola into a modern industrialized society. Also included in the M.P.L.A.'s "maximum and minimum" programmes was a pledge to protect private enterprise and foreign economic activities which were useful to the country. (James Duffy, Portugal in Africa (Baltimore, 1962), p. 203).

The F.N.L.A. was built upon the Bakongo (ethnic group, comprising twenty-five per cent of the Angolan population) nationalist movement in Northern Angola that developed in the 1950s. The Bakongo had a long history of resistance to the Portuguese. F.N.L.A. also, unlike M.P.L.A., whose leader used Marxist rhetoric tried to avoid affiliation with any ideological bloc. Despite the F.N.L.A.'s lack of the kind of perspective for the Angolan independence struggle that could lead it to a successful conclusion, the ouster of all imperialist interests from the country and the overthrow of capitalism, it was still the only nationalist organization in the early 1960s that had any kind of mass base and was actively fighting against the Portuguese colonialists. (Ernest Harsch and Tony Thomas, Angola, (New York, 1976 pp. 40-41). The third main Angolan liberation group, the U.N.I.T.A. was formed by Jonas Savimbi in 1965. U.N.I.T.A. was based predominantly on the Ovimbundu ethnic group (another twenty-five per cent) of the central plateau region, but also had some followers among smaller ethnic groupings of eastern and southern Angola. U.N.I.T.A. was formed by dissidents from both F.N.L.A. and M.P.L.A. who were opposed to trying the lead of the independence movement from exile. Among other things it called for Angola's independence, the emancipation of Angolan women, a planned economy to meet all the needs of the population, and concentration on building an industrialized society. (Read "Angola-Seventh", a U.N.I.T.A. pamphlet, published January, 1968).

to find that nationalist movement which would emerge a winner. Naturally the O. A. U. was concerned with Angola's internal problems.

#### O.A.U. Concern

The first important O.A.U. attempt to bring the liberation movements together was early in reference to the actual in-fighting which was to take place later. In December 1972, under the auspices of Presidents Mobutu Seko of Zaire and Marien Ngouabi of the Popular Republic of the Congo, an agreement of co-operation between M.P.L.A. and F.N.L.A. was signed in Kinshasa.<sup>177</sup> The two movements agreed to work together on any military and political action concerning Angola prior to independence. But this agreement soon broke down because of the incompatibility of the two groups.<sup>178</sup>

Again, under the auspices of the O.A.U. the governments of Zambia, Zaire, Tanzania, and the Congo, who were still actively

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177. O.A.U. Report of the Administrative Secretary General Covering the period June 1972 to May 1973. Addis Ababa, May 1973, C.M/497 (Part II), p. 6. The report on Angola details the operation of the operation of the recognized Angolan movements which at that time were M.P.L.A. and F.N.L.A. The O.A.U. Liberation Committee meeting in Yaounde in May, 1975 agreed to give U.N.I.T.A. financial assistance also. The verbatim reports of the O.A.U. Liberation Committee are classified documents for obvious reasons. Information on the operation of liberation movements in Angola can also be found in the following report: Council of Ministers Verbatim Report, Ninth Ordinary Session, CM/Cttee/A/SR.7(IX)Kinshasa, September 1967, pp. 1-13.

178. In May of 1973, A. Neto of M.P.L.A. alleged that the F.N.L.A., which was operating out of Zaire, which indicated that it was being supported by pro-western forces, was holding some M.P.L.A. supporters. On the 29th of May, an F.N.L.A. communique announced the release of some M.P.L.A. members.

seeking to arrange some type of secure agreement among the rival movements. Presidents Kaunda, Mobutu, Nyerere, Ngouabi held discussions with M.P.L.A. and F.N.L.A. leaders in Bukavu from 27th to 28th July 1974. The Bukavu Agreement<sup>179</sup> signed by four African presidents, the O.A.U. Administrative Secretary-General and the leaders of F.N.L.A. and all three factions of the M.P.L.A.<sup>180</sup> pledged again that a common front would be established the holding of a special Congress by M.P.L.A. so that this movement could solve the inherent internal problems.

Even though M.P.L.A. failed to end its internal problems at that juncture an agreement was reached between Augustino Neto's faction of M.P.L.A., F.N.L.A. (under Holden Roberto) and U.N.I.T.A (under Jonas Savimbi) on the 25th of November 1974, which called an end to the abusive use of propaganda

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179. See the O.A.U. Report of the Administrative Secretary General. Covering the period from July 1975 to February 1976. CM/684 (XVI) Part II, Addis Ababa, February, 1976.

180. A Conference was held in Lusaka from August 12th to August 21, 1974 to deal with the divisions. At this point, A. Neto's faction was in the minority and abruptly left the venue because of the way in which the conference was organised. After this Daniel Chipenda was for a short while, President of M.P. L.A. Again, the Presidents of Zambia, Zaire, Congo and Tanzania, under the auspices of the O.A.U. and in co-ordination with the O.A.U. and with the O.A.U. Liberation Committee at the Ninth Summit of the Heads of State of East and Central African countries held in Brazzaville, a meeting from August 31st to September 3rd, 1974. There, an agreement was reached to make A. Neto, President of M.P.L.A. and D. Chipenda, Vice-President. However, in December 1974, Chipenda was expelled from M.P.L.A.

and asked all sections of M.P.L.A. to work for a common front. 181

At a meeting chaired by President Kenyatta, also under the auspices of the O.A.U., an agreement was signed, which pledged that all sides would proceed peacefully along the road to independence day. 182

At the Mombasa Conference on January 5, 1975, the M.P.L.A., U.N.I.T.A., and F.N.L.A. agreed that some form of co-operation must ensue, if there were to be a peaceful transfer of power. On January 10th, 1975, an accord with Portugal which outlined the steps toward independence was agreed upon. Starting in late January, 1975, there were outbreaks of violence in the capital,

181. This agreement, which was signed by all three liberal groups was in line with the O. A. U. Resolution on Decolonization, CM/Resolution 350(XXIII) Mogadishu, Somalia, II June, 1974, which urged the national liberation movements of Angola and Mozambique to redouble their efforts to make a common front. In line with this, President Nyerere of Tanzania and President Kaunda of Zambia also agreed to extend their help(as frontline states) to F.N.L.A. to strengthen this liberation movement which at that time was making an impressive showing. The President of Tanzania also encouraged the Chinese to train the F.N.L.A.
182. Another agreement signed by the three groups only for the convenience of continued O.A.U. financial support through its liberation committee. Text of the M.P.L.A./U.N.I.T.A. agreement can be found in Facts and Reports, Vol. 5, No.I. II, January, 1975.

Luanda, among members of various liberation groups.<sup>183</sup>  
 Portugal was forced to suspend the Alvor Agreement on August 29, 1975 because of the inability of the coalition government to function.

By the time of the Kampala Summit of 1975, there was a complete breakdown, not only in the relationship among the liberation groups, but also between certain groups and the O.A.U.<sup>184</sup> This breakdown had very little to do with the O.A.U.'s efforts as an international organisation for there was undue outside influence and intervention into Angolan affairs which made it difficult for any mediation agency to intervene.<sup>185</sup>

183. In June of 1975, an attempt was made by the O.A.U. Liberation Committee to bring the three warring factions together in Nakuru Kenya, prior to the Kampala Summit. This agreement was also signed with President Kenyatta overseeing the comprehensive accord for national reconciliation. By the end of June, just prior to the Kampala Summit, even heavier fighting broke out among the three groups.

184. The Council of Ministers (Check CM/684 (XXVI) Part II, February, 1976, "On the Situation in Angola") invited Agostino Neto, Holden Roberto, and Dr. Jonas Savimbi to Kampala for talks. Only Savimbi came. At this juncture Field Marshall I. Amin was the host for the Kampala Summit. In his capacity as Chairman of the O.A.U., Amin, supported by Savimbi called for a peace-keeping O.A.U. force to be sent to Angola. Neto and Roberto were against the move for obvious reasons. Neto was beginning to receive aid from Marxist sources, having made contact with the Soviets as early as 1964. Later M.P.L.A. was to have a military training camp at Brazzaville organised by the Cubans. (See Wheller and Pelissier, Angola (New York, 1971), p.211. Whereas U.N.I.T. under Holden Roberto began receiving "reactivated C.I.A. funds in January 1975.

185. For primary information on the international intrigue in Angola, John Stockwell's book, In Search of Enemies: A C.I.A. Story has been consulted and quoted. John Stockwell, the former Chief of C.I.A. Angola Task Force indicates that the civil bloodshed which took place in Angola was needless and perpetrated by outsiders. How effective can the O.A.U. be as a mediation body under such circumstances.

For example, China, the United States, and later Russia were already involved in dubious activities in Angola. "The Portuguese coup was April 25, 1974. But in 1973 (Holden) Roberto had already begun accepting arms from the Chinese. On May 29, 1974, the first contingent of 112 Chinese military advisors, led by a major general of the Chinese army, arrived in Zaire<sup>186</sup> to train the F.N.L.A. forces. The Chinese issued a press release announcing the arrival of these advisors. In July 1974 the C.I.A. began funding Roberto without 40 Committee approval, small amounts at first, but enough for the word to get around that the C.I.A. was dealing itself in the race. In August the Communist party of the Soviet Union announced that it considered the M.P.L.A. to be the true spokesman of the Angolan people.

The Soviets began flying arms to Dar-es-Salaam designated for the "African liberation movements"; the C.I.A. could only speculate whether they were for Rhodesian and South African movements or the M.P.L.A. on the other side of the continent. On August 28, the Kinshasa press announced that the Rumanian communist party had presented a large quantity of military equipment to the F.N.L.A. On September 10, the F.N.L.A. publicly acknowledged the receipt of 450 tons of supplies from China.

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186. The central problem is one of management or control of any given situation.

During the autumn of 1974 the C.I.A. continued to fund Roberto, still without 40 Committee<sup>187</sup> approval, and its intelligence reporting on Angola was predominantly from Zarian and F.N.L.A. sources. On January 22, 1975, the 40 Committee authorized the C.I.A. to pass \$300,000 to the F.N.L.A. which was historically the most warlike of the movements and which was thought to have the largest army. In February 1975 encouraged by Mobutu and the United States Roberto moved his well-armed forces into Angola and began attacking the M.P.L.A. in Luanda and northern Angola. In one instance in early March they gunned down fifty unarmed M.P.L.A. activists. The fate of Angola was then sealed in blood...Although allied with the M.P.L.A. through the early seventies, the Soviets had shut off their support in 1973. Only in March 1975 did the Soviet Union begin significant arms shipments to the M.P.L.A. Then, in response to the Chinese and American programmes, and the F.N.L.A.'s successes, it launched a massive airlift. Its A.N.-12 and the giant AN-22 aeroplanes carried their loads to the Republic of Congo(Brazzaville) where short-haul air transports and small ships filtered the weapons to M.P.L.A. units near Luanda."<sup>188</sup>

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187. The 40 Committee supervised the C.I.A.'s Angola programme.

188. Verbatim sections from pages 67, 68 and 69. Taken from In Search of Enemies: A C.I.A. Story by John Stockwell (Liverpool, 1978).



There was an O.A.U. resolution adopted by the Assembly of Heads of State and Government in July, 1975<sup>189</sup> which was clear in its intense criticism of events in Angola. But under the circumstances previously discussed, just how effective could the O.A.U. be? The liberation movements were chastised for their non-committal attitudes in respect to agreements signed. Portugal<sup>190</sup> was also asked to maintain law and order until fighting ceased. A Committee of Conciliation<sup>191</sup> on Angola was to be formed to try to bring all the movements together and the O.A.U. Defence Commission was activated for the possibility of sending a peace-keeping force to Angola.

The O. A. U. Conciliation Committee<sup>191a</sup> on Angola decided to visit the areas controlled in Angola by the three different liberation groups. The Commission was assisted in its efforts by the O.A.U. Assistant Secretary General, Mr. Nouredine Djoudi under

189. O.A.U. Resolution A.H.G.(72) on Angola, July, 1975. Predating this was the less intense Resolution, CM/424(XXV) on the situation in Angola, passed by the Council of Ministers in June, 1975.

190. The Portuguese High Command in Angola did assume control of the government in Luanda. However, on October 2, 1975, the Portuguese announced that they could not extend the date for handing over power scheduled for November II, 1975.

191. The members of the commission were Algeria, Somalia, Burundi, Ghana, Lesotho, Kenya, Morocco, Niger, and Upper Volta.

191a. The formation concerning the activities of the commission are taken from CM/684(XXVI) Part II, Addis Ababa, February, 1976.

191b. The formation concerning the activities of the commission are taken from CM/684(XXVI) Part II, Addis Ababa, February, 1976.

191c. The formation concerning the activities of the commission are taken from CM/684(XXVI) Part II, Addis Ababa, February, 1976.

the direction of the then current O.A.U. Chairman, President I. Amin of Uganda.<sup>192</sup> At a special session of the O.A.U. Bureau<sup>193</sup> held after a ten day tour of Angola, the Commission still continued to urge the national reconciliation of the three liberation movements and for the ending of national hostilities. On November 5th, 1975, just four days after the commission meeting, the Defence Commission set up an ad hoc advisory military committee<sup>194</sup> to study the idea of sending a peace-keeping force to Angola, and the need to organize some type of administrative apparatus to deal with the Angolan problem.

Still fighting continued as the O.A.U. searched for an answer to deal with each turn of events in Angola. Eventually the heads of state from Burundi, Central African Republic, Gabon, Mauritania, Senegal, Togo, and Uganda requested an emergency meeting

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192.. In talking about Amin's role as O.A.U. Chairman with a few personalities at the O.A.U. Headquarters in Addis Ababa, it is ironic to record that his performance is given high marks, "the best O.A.U. Chairman ever".

193.. The O.A.U. Bureau, headed by any current O.A.U. Chairman is set up to deal with any problems which occur between Assembly sessions.

194.. This committee consisted of the following states: Egypt, Guinea, Kenya, Libya, Nigeria and Uganda.

of the Assembly. On January II, 1976, the first ever extraordinary session of the O.A.U. Assembly was held in Addis Ababa. By this time, there was division among O.A.U. member states as to how the Angolan issue could be solved. What was clear was that the insistence on a government of three liberation movements, no longer received the backing of at least half of the member states. The reasons for this were based on a chain of events occurring in the international arena which was drawing Angola into the midst of another "cold war" show down on African soil. The principal elements which were internationalizing the Angolan affair and making it different from any other previous events on African soil were as follows:

- "a. It was the first time that Sino (F.N.L.A.) Soviet (M.P.L.A.) rivalry became the main determinant, shaping both their policies towards crisis in the Third World. This, of course, had cold war implications.
- b. It was the first time that a foreign country, Cuba (backing M.P.L.A.) which was not a major power, successfully introduced a major military force into Africa, and was not condemned outright by the O.A.U. 195

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195. Neither O.A.U. resolution A.H.G.(72) or CM/425(XXV) condemned the action of the Cubans. On February 27, 1976, Castro made the following statement: "Today, when the independence gained by Angola under the leadership of the M.P.L.A. is threatened by the agents of imperialism and by the racists of South Africa, Cuban Communists...repeat the promise which Fidel Castro made to Vietnam and we say that we are ready to spill our blood for the freedom of Angola". (Taken from the 1976 Kessings Contemporary Archives, p. 27595). It was reported in the London Times for January 6, 1976 that the Soviets with the approval of the O.A.U. Liberation Committee were supplying munitions to M.P.L.A. Also Castro of Cuba in a speech to the U.N. on October 12, 1979, expressed his support for the liberation struggle in Africa as reported in Africa Report, January-February, 1980.

- c. It was the first time a super power, the United States, backing F.N.L.A., was actually prevented from playing (outwardly) a major role in an international crisis, not because its administration did not wish it to do so, but because it was inhibited by its own public opinion in the shape of Congress. 196

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196. Nigeria played a significant role in uncovering the dual role of the U.S. On January 7, 1976, the Nigerian government made public a letter from President Gerald Form of the U.S. The letter, whose relevant contents follow, was labelled as an insult to the intelligence of African nations and a scorn on the dignity of the black man. "The upcoming O.A.U. Summit meeting on Angola can clearly be extremely important in promoting an early end to the fighting and a peaceful settlement of the civil war. It is our hope that the O.A.U. will insist upon a prompt end to all foreign involvement in Angola, arrange a standstill ceasefire between the forces and bring about negotiations among the Angola groups...My Government would support such an initiative and co-operate with it, provided other distant powers do so as well. We would also, in that case, urge South Africa to end its involvement. We cannot however stand idly by if the Soviet and Cuban intervention persists." Lieutenant Colonel Joseph N. Garba, Nigerian External Affairs Commissioner at that time and the representative to the Extraordinary Summit stated that his delegation would seek to convince others to resist United States pressure for the withdrawal of all foreign troops from Angola. Therefore, as early as January 16, 1976, there was public indication, even before the letter, that Nigeria was aiding M.P.L.A. and was pushing for her recognition as the sole legitimate voice of Angola. (Read the Daily Times of Nigeria article: "Angola asks for Military Aid", January 16, 1976 and an earlier Daily Times article "Angola Test Case for the O.A.U.", January 8, 1976 which emphasizes Nigeria's role. Front page articles in the Daily Times from January 7 - January 16, 1976 deal almost exclusively with the Angola crisis.

- d. It was the first time that the South African army was committed to helping Africans fight Africans; and it was their first experience of their limited military power on the side of U.N.I.T.A. - F.N.L.A. 197
- e. Finally, the outcome of the struggle further changed the balance of power in southern Africa." 198

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197. Read Angola: The Hidden History of Washington's War by Ernest Harsch and Tony Thomas (New York, 1976) on collaboration of U.N.I.T.A.-F.N.L.A. is discussed on pages 77 - 95. See Chapter 10 of John Stockwell, In Search of Enemies, p. 192 - "The South Africans had some encouragement to go into Angola. Savimbi invited them, after conferring with Mobutu, Kaunda, Felix Houphouet-Boigny of the Ivory Coast, and Leopold Senghor of Senegal, all of whom favoured a moderate, pro-west government in Angola. I saw no evidence that the United States formally encouraged them to join the conflict." Also see Gordon Winter's (an ex-South African spy's account of South Africa's Secret Police) Inside BOSS (Middlesex, 1981), Chapter 40.

198. Points a - e were taken from Colin Legum's After Angola: The War Over Southern Africa (London, 1976), p. 39.

By the time of the O. A. U. Extraordinary Summit, held in Addis Ababa from 10 - 12th of January, 1976, the O. A. U. Member States were divided into two separate but equal camps<sup>199</sup> concerning the problem of Angola. Representative of the pro-M.P.L.A. camp was Nigeria, whose delegation introduced a resolution supporting the recognition of M.P.L.A. as the sole legitimate voice for Angola whereas,<sup>200</sup> in contrast, the

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199. The Front line presidents were divided on this issue. For example President Nyerere of Tanzania was a strong supporter of M.P.L.A. as was President of Mozambique, President Machel whereas Dr. K. Kaunda was supposed to be a leader of the reconciliation movement. However according to John Stockwell, op.cit., "During the next week, August 3-9, IAFEATURE grew into a full-fledged covert action programme. The principal allies, Mobutu of Zaire, Kaunda of Zambia, Roberto of the F.N.L.A. (and also Mobutu's brother-in-law) and Savimbi of U.N.I.T.A. were briefed and their cooperation assured. Paramilitary and organisational specialists flew to Kinshasa, and the task force took form," p. 90.
200. Whereas this resolution at first condemned South African involvement in Angola, nothing was said about Cuban involvement in Angola. The resolution was later amended to condemn "other foreign intervention" apart from South Africa. Yet the issue remained. For example on October 25, 1975, the O.A.U. Conciliation Committee on Angola, in a communique, condemned the South African presence in Angola. But what of Cuba? Do foreign national armies who intervene, even at the request of elements within such a state classify as mercenaries? Can such situations really be dealt with by the O.A.U. in view of extenuating circumstances.

Senagalese delegation introduced a resolution which called for a ceasefire, the withdrawal of all foreign troops, and the establishment of a government based in the recognition of the three liberation movements.<sup>201</sup>

The Extraordinary Session of the Assembly of Heads of States over the issue of Angola could not reach an affirmative decision. The final communique reflected a deadlock at the Summit over the central issue of whether M.P.L.A. should be recognized as the legal government of Angola. The Member-States in favour of recognition were: Algeria, Benin(formerly Dahomey), Burundi, Cape Verde, Comoros, Congo Republic, Ghana, Guinea, Guinea-Bissau, Equatorial Guinea, Libya, Mauritius, Madagascar, Mali, Mozambique, Niger, Nigeria, Sao Tome, Somalia, Sudan, Chad, and Tanzania. Those favouring reconciliation of the three movements were: Botswana, Cameroon, Ivory Coast, Egypt, Gambia, Gabon, Upper Volta, Kenya, Liberia, Lesotho, Malawi, Morocco, Mauritania, Central African Republic, Senegal, Sierra Leone, Swaziland, Togo, Tunisia, Zaire, Zambia and Rwanda. Ethiopia and Uganda abstained.<sup>202</sup>

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201. It was reported by the international press that in a dramatic attempt to win over those states who favoured reconciliation, M.P.L.A. leaders flew in some South African and Portuguese prisoners of war to Addis Ababa on January 12, 1976. After this F.N.L.A.-U.N.I.T.A. leaders threatened to bring Cuban prisoners of war also. However M.P.L.A. was not allowed to present the prisoners as evidence of South Africa's presence.

202. O.A.U. Final Communique. Extraordinary Session of Assembly of Heads of State and Government, held in Addis Ababa, January 12, 1976.

Eventually, the Angolan conflict was settled the "natural" way when M.P.L.A. backed by over 18,000 Cuban troops<sup>203</sup> overran the remaining F.N.L.A.-U.N.I.T.A. strongholds in February, 1976.<sup>204</sup> As of February 10, 1976, the O.A.U. recognized M.P.L.A. as the legitimate power in Angola when Uganda became the 26th African state of the then forty-six Member States to recognize the M.P.L.A. government. Since that time, the Angolan government's position has been defended by Cuban troops.<sup>205</sup>

203. See "Interview with Agustino Neto, President of M.P.L.A.", Africa Report, January - February, 1976, pp. 2 - 7.
204. South Africa, which formed a tactical alliance with U.N.I.T.A. and F.N.L.A. to send troops 500 miles into Angola, eventually pulled out its troops on March 27, 1976 according to the international press.
205. The most recent works on the Angolan situation are: "Angola: Perilous Transition to Independence" by John Marcum in Southern Africa: The Continuing Crisis, edited by Gwendolen M. Carter and Patrick O'Meara (Bloomington, 1979); Don Barnett and Roy Harvey, The Revolution in Angola: M.P.L.A. Life Histories and Documents (Indianapolis, 1972); Franz-Wilhelm Heimer, ed. Social Change in Angola (Munich, 1973); George Houser, et. al No One Can Stop the Rain: Angola and the M.P.L.A. (New York, 1976); J. Marcum, Vol. II, Angolan Revolution: Exile Politics and Guerrilla Warfare, 1962-1976 (New York, 1978).



### The Chadian Political Crisis and the O.A.U.

In 1960, Chad gained its independence from France as did some other African states. But almost from the start, Chad, Africa's fifth largest and one of the poorest territories has had to function in almost complete social, political, and economic chaos<sup>206</sup> which has its base in well defined ethnic and regional divisions.<sup>207</sup> Under Chad's first president, Narata Tombalbaye, the country was controlled by the Sara people of the South, who are mainly Christian and rooted in an agricultural economy. The people of the North, mainly nomads and Muslim resented the prominence of the Southerners, to whom they were numerically superior and so eventually, a bitter division enveloped the land.<sup>208</sup> This division further ignited conflicts which ultimately caused the downfall of Tombalbaye in April, 1975.<sup>209</sup> The government was

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206. For a review of Chadian woes, read "Chad" in Surveys of African Economies, Vol.I. International Monetary Fund, Washington, 1968 or "Chad", The World Bank, Washington, 1968.
207. For an excellent analysis of this read "Regionalism, Political Decay, and Civil Strife in Chad" by Samuel Decalo in Journal of Modern African Studies, 18, I (1980), pp. 23-56.
208. Read the interview with W. Goukouni by Andrew Lycett, "Chad's Disastrous Civil War", Africa Report, September - October 1978.
209. Read Samuel Decalo's Coups and Army Rule in Africa, (New Haven, Conn., 1976), Chapter I.

then headed by a Supreme Military Council, with former army commander General Felix Malloum designated as head of state. In the meantime, Chad also began to have external difficulties in maintaining foreign relations, especially with France. Starting in 1973, there was a drastic break with France as Chad began to forge closer relations with the Arab countries.<sup>210</sup> The internal situation, however, got worse and civil war was the result bringing down the Malloum regime in February 1979.

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210. French troops had propped up Chadian governmental troops since the 1968-69 civil strife in Chad. At this time Libya, began financial, diplomatic and limited military assistance to certain anti-Malloum factions. As the Libyan factor began to become prominent in Chadian affairs. During Tombalbaye's time in office, "one unpublicized part of the Chad-Libyan rapprochement was Tombalbaye's tacit acceptance of the boundaries delimited by a 200 mile strip along northern Chad, including Kouzou. Other state visits to Arab capitals only confirmed the depth of the Chadian shift in diplomatic alignments, and resulted in further pledges of large Petro-dollar credits." S. Decalo, *Regionalism, Political Decay, Civil Strife in Chad*, p. 47. As the Libyan factor began to become prominent in Chadian affairs, the French, because of home pressures to leave Chad and its disastrous civil wars, became less inclined to fight in support of governmental forces. Read "Chad: French Senate Row", West Africa, June 6, 1970.

Thus, the military regime was succeeded by a provincial administration dominated by two northern leaders of the Front for the National Liberation of Chad (Frolinat). Hissene Habre had been Prime Minister under Malloum<sup>211</sup> and Goukouni Weddeye had also emerged as a competent leader backed by a prominent fighting force. Both Habre and Weddeye failed to obtain the support of the leader of the southern Sara tribes, Lieutenant Colonel Kamougue and they refused to include other ethnic groups in the government.<sup>212</sup> Utter chaos broke out and even within Frolinat, there was a split in leadership. "The total collapse of central authority in Chad in February 1979, the victory of the periphery<sup>213</sup> in its decade-long struggle against Ndjameña, the partition of

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211. Malloum as head of state had attempted to save his position by attempting to further the split between Hissene Habre (who had been expelled from Frolinat) as Weddeye consolidated his military edge to press on Ndjameña. This led to increased fighting in the capital and the partition of Ndjameña between Malloum's forces supported by French troops and Habre's forces. At this point, Libya (who by 1974 is occupying the Aouzou strip and at one time even suggested a Chad Libya merger) and Nigeria take on new roles in relationship with each other. Nigeria's role becomes that of a balancer, when a more powerful state uses it leverage to help to neutralize strife in a weaker state.
212. See "The North Has it" by John Howe. Africa, No. 93, May 1979, p. 32; "The Many Face of Frolinat", West Africa, August 15, 1977.
213. With the emergence of Frolinat, the south lost its political ascendancy which it held from independence in 1960.

the capital by opposing factions of the 'liberation' forces,  
 and the de facto disengagement, social, economic, and political  
 of the south <sup>214</sup> from the state they had just lost control over,  
 were all stages in the political decay and disintegration of Chad." <sup>215</sup>

#### The O.A.U. and Chad

The collapse of central government in Chad after the demise of President Tombalbaye brought on a series of civil wars each more complex than the other. Buttressed by external support, various domestic entities have assumed combatant roles in order to try to secure hegemony.<sup>216</sup> Because of over twelve years of civil war, there was interest, particular by neighbouring states, such as Nigeria to secure some type of negotiation which would lead to peace. Thus the main reason for O.A.U. involvement in Chad is the Lagos

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214.. The South is still the most economically viable area in Chad, which is classified by the U.N. as one of the world's 25 least developed countries. (See Chad in Surveys of African Economies, Vol. I, International Monetary Fund, Washington, 1968. Technically, the largest single population group and the best educated are the southern Sara clans, accounting for twenty five percent of the population. These two dominant groups are also fragmented but not as fragmented as the rest of the ethnic groups. See Louis Courtecuisse, Quelques Populations de la Republique du Tchad, Les Arabes, Paris, 1971.

215.. Quote taken from photostated, undocumented copy of Samuel Decalo's article, "Chad: The Roots of Centre-Periphery Strife", p. 491. See also Virginia Thompson's Conflict in Chad (London, 1981).

216.. See Robert Buijtenhilijs, Le Frolinat et le revoltes populaires du Tchad (Paris, 1978) and Notes from National Seminar on Chad Nigerian Institute of International Affairs, March 5th, 1981.

Accord of August 1979.<sup>217</sup> On the basis of this accord,<sup>218</sup>  
 was envisaged the establishment of a transitional national  
 union government representative of all political

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- 217.. From February to March 1979 the forces of Frolinat (FROLINAT) overwhelmed the forces of General Malloum. However the Frolinat forces were divided between a faction led by Weddeye and one led by Habre. Nigeria and Cameroon were effective in trying to bring about a degree of stability in the area for a short while. An O. A. U. ad hoc Commission was set up under the leadership of Nigeria.
218. On the basis of the accord worked out after a series of conferences, a transitional Government of National Union (G.U.N.T.) with Goukhouni Weddeye as President and Hissen Habre as Defence Minister was to be set up. Most of the information in the quoted section is taken from the "Report of the Administrative Secretary General on the Situation in Chad", CM/1050(XXXV) CM/Plen. Rap. Rpt. (XXX V) Rev. I. pp. 18 - 24.

factions<sup>219</sup> in Chad to administer the territory for a period of eighteen months and that elections were to be held after such a period. The Secretary General of the O.A.U. also stated that the ~~same~~ accord provided for the demilitarization of the urban areas, the disarmament of the civilian population as well as the release of all prisoners of war and the granting of a general amnesty to political prisoners.

Various initiatives were made to try to put an end to the death and destruction in Chad. Particularly concerned was Nigeria,

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<sup>219</sup> There were eleven factions demanding a role in the future government, given largely attention irrespective of merit. Agreement also stipulated a twenty two man cabinet to be sustained by troops from three countries with non-contiguous borders (Benin, Congo/B and Guinea). The three pillars of the new government remained Goukouni Weddeye's Frolinat, Habre's Forces Armees du Nord and Kamougoue's Forces Armees Tchadiennes. Each man was given key positions: Weddeye as Head of State, Kamougoue as Vice-President, and Habre retaining the Ministry of Defence over which he had laid personal claim. Dr. Siddick was confirmed as Minister of Education. The 18th August Lagos Agreement began to be implemented only in early November 1979 when the heads of the eleven factions set up the agreed government after a protracted meeting at the safe site of Dougum (60 kms north of Ndjamena on the river-border with Cameroun). The demilitarisation of the capital was an extremely slow process, since all factions, except for Kamougoue's were reluctant to withdraw from their hard-earned positions, strategically invaluable in case of a renewal in the tug of war. Information taken from Samuel Decalo, op. cit., pp. 508 - 509.

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whose territory was besieged with refugees from Chad. Because of this Nigeria, under General Obasanjo, requested that the then Chadian President and his chief adversary, Prime Minister Habre attend a peace conference. This conference was held in Kano, where both men agreed to resign so that a transitional government could be established. The agreement was disregarded because neither Habre or Malloum would remove their military support from the capital of Chad. After a period, a second Kano conference was held in which as indicated previously,<sup>221</sup> all contending eleven factions were represented, together with delegates from Libya, Sudan, Central African Republic, Niger, and Cameroun. Later as a result of the Union(GUEF) was set up. This government of supposed national unity was to evolve into a clear cut civil war, with two opposing sides. At the helm of national government at that time was O. Ndiaye to be assisted more or less by H. Habre. At this time most of the other factions supported Ndiaye and fighting soon occurred between the forces of Habre and Ndiaye who looked to the O.A.U. for crucial support that such a transitional government would need. Habre left, for the while Edjennou even though he enjoyed support from Egypt, Sudan, France, Saudi Arabia, and the United States.<sup>222</sup>

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220. See "Repatriation of Chadi a resource in Cameroon poses dilemma for U.N. Agency" International Herald Tribune (Paris, 17-12-81).

221. See Footnote 218.

222. See "Loots of the Chadian Crisis" by Sani Haruna in New Nigerian 5 January, 1981, and "Quand le caoir remait de ruines" by Pierre Biarnes, Le Monde, 28 November, 1981. Also "The Civil War in Chad" by S.A. Alinkuwo, Daily Times, June 7, 1978 offers an interesting analysis.

The O.A.U. made many attempts to mediate, but neither side would listen to reason.<sup>223</sup> Because of his own shaky position, the then President of Chad, Hdebye, asked Libya to intervene. Because of Libya's intervention spearheaded by Colonel Gaddafi, internationally known for his attempts to create a 'greater Libya', African countries like Gambia, Senegal, Ivory Coast, Togo, Ghana, Niger, Nigeria, Zaire condemned Libya<sup>224</sup> and demanded the withdrawal of her troops from Chadian soil. At the 1981 O.A.U. Summit held in Nairobi, Kenya, Libya was asked again to remove her troops from Chad in time for the 1982 Summit which was to be held in Tripoli, Libya. By removing his troops, Colonel Gaddafi could show good faith and a vested interest in seeing Chadians settle their own affairs.<sup>225</sup> Thus, the summit did commit itself.

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223. See "Tchad: un espoir de reconciliation", Le Figaro (France) January 14, 1982. Also see O.A.U. CM/1050 (XXIV) CM/Plen. Rep. Rpt. (XXIV) Rev. I, p. 18. It was France that suggested an O.A.U. peace-keeping troops with promises of economic support for Hdebye's government.

224. The lineup of most of these nations would place them in the pro-west camp. Libya on the other hand is known for her support of radical activities, in a sense a Cuba-like nation. French interests are obvious, since Chad has ties with this nation. The U.S. would want a super power trade off. It simply follows that if the Soviets are in Ethiopia, then the U.S. can exhibit its possible success story in Chad. Or perhaps the US is looking for an African "Falklands".

225. See "Chad Betrayed" by C. De Aguomba, Weekly Star, June 13, 1982.



The O.A.U., in a resolution, committed itself to organising and maintaining a peace keeping force to give the transitional government time to sustain itself so that possible elections could take place to elect legitimate representatives of the Chadian people. Thus the Assembly of Heads of State and Government meeting in its eighteenth ordinary session in Nairobi, Kenya, from 24 to 27 June, 1981 issued the following resolution on Chad:

Recalling the Lagos Conference held in August 1979 in August 1979 in which all the politico-military groups of Chad participated and which led to the signing by the Leaders of Chad of an agreement known as the Lagos Agreement on National Reconciliation in Chad,"

Recall the laudable efforts of the Ad Hoc committee of the O.A.U. particularly of its chairman.

Recalling resolution CM/769 (XXXV) of the Council of Ministers and A.H.G./101(XVII) of the O.A.U. Summit relating to the dispatch of a Pan-African Peace keeping Force to Chad and to the crisis faced by Chad,

Having considered the report of the Secretary-General on recent developments in the situation obtaining in Chad,

Considering the end of hostilities on 15 December 1980 in N'djamena and the entire territory of Chad,

Welcoming the laudable efforts made by the O.A.U. to help the Transitional National Union Government, re-established peace,

Approving the efforts made by the Transitional National Union Government to implement the Lagos Accord and maintain peace and security in the country,

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226.5 See CM/Resolution 79(XXXV), February, 1981.

Noting with appreciation the significant result of the National Seminar of Cadres of Chad organized by the Transitional National Union Government at N'djamena from 15 to 30 May, 1981;

1. TAKES NOTE of the Secretary-General's report on the situation in Chad;
2. REAFFIRMS its support to the Transitional National Union Government and REQUESTS that all Member States of the O.A.U. support this Government in its efforts to maintain peace and security in the country and abstain from interfering in the internal affairs of the country;
3. REAFFIRMS the provisions of Resolution CM/769(XXV) on sending to Chad a Pan-African Peace Force the composition of which should first be submitted to the Transitional National Union Government for approval. This Force will ensure the defence and security of the country whilst awaiting the integration of Government Forces;
4. DECIDES to provide the Transitional National Union Government with financial and material means to enable it to train quickly a National Integrated Army for the gradual replacement of foreign troops in their national territory;
5. CALLS upon the Current Chairman of the O.A.U. and the President of the Transitional National Union Government to get in touch with the president of the U.N. Security Council and the Secretary-General of the U.N. so as to obtain U.N. assistance for the establishment of this Pan-African Force;
6. URGES the Transitional National Union Government to implement the recommendations of the National Seminar of the Cadres of Chad;
7. APPEALS to all Member States of the O.A.U., the U.N. and all International Organisations to come to the assistance of the Transitional National Union Government in its efforts to re-establish the administrative machinery and to rebuild an economy completely devastated by fifteen years of war;
8. REQUESTS the Secretary-General of the O.A.U. to organize to this end as soon as possible, and in collaboration with the Secretary-General of the U.N. Organisation a pledging Conference to help Chad finance its reconstruction programme;

9. DECIDES to send Foreign Minister from four Member States to Chad to assess and report to the current Chairman of the O.A.U. for actions, the urgent and basic requirements for the Transitional National Union Government to assist it in implementation and economic reconstruction.

Unfortunately for the transitional government, the QAU. was late in sending in its troops. "The abrupt manner in which Libya withdrew its troops created a vacuum in the defense of the Chadian government. The O.A.U. lacked the finance and logistics to organise a peace-keeping force. For many weeks (until February, 1982), the organisation was in a quandary until the United States, France and a few other western countries volunteered aid. Nigeria, Togo, Senegal, Zaire, and C.A.R. provided the men that made up the force. At first it was felt that the peace keeping force would ward off Habre who had pushed from his base in the Sudan back into Chad. Together with this the O.A.U. ad hoc Committee on Chad<sup>227</sup> met in Nairobi and began to push for a political rather than a military solution for Chad, Habre's troops pushed further into Chad. For example after the O.A.U. called for a ceasefire, France stopped supplying the supporters of Weddeye."<sup>228</sup> The O.A.U. nations supplying troops

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227. Nigeria, Togo, Senegal, Zaire, and Kenya made up this committee.

228. C. de Auomba, paraphrased, p. II. (Quoted section).

also threatened to pull out and did eventually pull out by the end of June, 1982 co-inciding with the triumphant entry of Habre's troops into Ndjamena. As of December, 1982, two men (Habre and Weddeye) have proclaimed themselves the legitimate leader of Chad. Perhaps on the basis of this the O.A.U. can help to work out a solution to this problem similar to that worked out for the Sudan Political autonomy may bring about some degree of peace and security in poor, desolate Chad. Also the capital should be moved from Ndjamena to a place like Koro Toro which is more of a central area.

Further to this at the recent second attempt (November, 1982) to hold the 19th O.A.U. Summit, both factions appeared with demands that they be seated. Such actions along with outside interference make it very difficult for the O.A.U. to be effective.

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229. On November 27, 1982, an interview was telecast on NTV-Lagos Nigeria, called "Alhaji Shehu Shagari, President of Nigeria, Talks to Usman Muktari on the second attempt to hold the O.A.U. 19th Summit in Tripoli. The President stated that he and others had tried hard to secure a quorum but only 30 nations came with 34 being needed in order to hold the Summit. Nations such as Egypt, Sudan, Somalia boycotted the meeting because of bad relations with Libya. In addition, the two Chadian delegation were asked to leave but Habre refused to go along with the suggestion. (To deal with all problems such as this the O.A.U. should convene an Emergency Summit in the early part of 1983 to be held in Addis Ababa, O.A.U. headquarters. Then perhaps after extensive working out of programmes to deal with vital issues by foreign ministers and heads of state. As of now, President Daniel Arap-Moi of Kenya has held the post of Chairman longer than any other man.)

## CONCLUSION

The international phenomenon, pan-Africanism which was a basis for the "continentalism" which inspired the beginning of the O.A.U. has evolved into a force that has the potential to structure world economic and political patterns.

Stage One of pan-Africanism, 1815-1899, saw individuals such as African-American Paul Cuffe dispossessed from their homelands, making attempts to re-establish lost connections, mainly through the process of resettlement.<sup>1</sup>

Stage two of pan-Africanism, 1900-1945 saw the formation of formal structures to spread the gospel of pan-Africanism throughout the world to black people through congresses and self-improvement associations. Black nationalists such as Marcus Garvey<sup>2</sup> and black unionists such as W.E.B. DuBois<sup>3</sup> were successful in at least

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1. See "Notes on the Development of pan-Africanism" by Imanuel Geiss in Journal of the Historical Society of Nigeria, Vol. III, No. 4, June 1967.
  2. For a detail of Garvey's life see Edmund D. Cronon's Black Moses: The Story of Marcus Garvey and the Universal Negro Improvement Association (Madison, 1955) and The Philosophy and Opinions of Marcus Garvey of Africa for the Africans (New York, 1923). This work is edited by Mrs. Amy Jacques Garvey. See also "The Nationalist Movement in Nigeria" by G.O. Olusanya concerning Garvey's Universal Negro Improvement Association being formed in Lagos as a result of the initiative of Rev. U.B. Euba and Rev. S.M. Abiodun", p. 554 in Groundwork of Nigerian History (Ibadan, 1980).
  3. Elliot M. Rudwick's W.E.B. DuBois: A Study in Minority Group Leadership (London, 1960) is a classic study. See also W.E.B. DuBois' The World and Africa (New York, 1947).

giving pan-Africanism a sound rhetoric. At the same time in Africa, pan-Africanism in its earlier Stage of development, termed Ethiopianism was also being promoted by such individuals as Bishop James Johnson of Nigeria and Rev. Majola Agbebi.<sup>4</sup>

Then from 1945 to 1980, pan-Africanism has been institutionalised on a continental level, most formally in 1963 with the formation of the O.A.U. structure. This is certainly a long struggle of an idea which has not yet born substantial fruit. Constricted within a structure which bases its very existence on an advise and consent procedure, called consensus, recently the O.A.U. has become entangled in a web of continous crisis which hopefully will not defy solution. It has been shown that mere consensus is ineffective whenever there is an even split over an issue or where there is a substantial breakdown in cooperation and communication. Yet a breakdown in cooperation does not necessarily mean that an organisation is doomed especially if a way is found to handle or control the situation. This is where crisis management comes into play. Thus, it is often left up to "balancer" nations such as Nigeria or Ivory Coast to take up the "African man's burden" to effectively bring about a solution.

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4. For information see E.A. Ayandele, "An Assessment of James Johnson and his Place in Nigerian History, 1874-1917," Part I, Journal of the Historical Society of Nigeria, Vol. 2, No.4, December 1963.

As has been indicated in Chapter four, in particular reference to Chad and Angola, states like Nigeria can exercise great leverage ability through such organisations as the O.A.U. Nigeria is not designated here because of her abundant supply of petroleum, but rather because of the following reasons:

- a. Nigeria has people power. With the largest black population in the world, her potential is increased. Her population is becoming better educated with the building of more schools with virtually free schemes for primary and secondary school education.
- b. Her agricultural potential is virtually untapped. With four harvests on a yearly basis, Nigeria could provide cheap foods to various African states in need while adequately supplying her own population. With her vast bread baking industries, Nigeria could become the "bread basket" for all of West Africa.
- c. Nigeria's global connections, neutral stance,<sup>5</sup> and as of November 1982, stable political system make her a powerful force in international relations. Her potential as a dispassionate force could be greater than that of India or China.

Thus Nigeria is a perfect case of a state with natural leadership credentials which have not been fully realised. A state such as Nigeria working within the framework of restructuring international law both within the O.A.U. and the U.N. could make a decisive difference in the international arena. However, the potential must be realised through internal development before

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5. Neutral here means impartial, not non-aligned. Since 1970 Nigeria has emphasized having relations with varied and sundry types of nation-states with the view in mind of furthering her own national interests.

the obligation for international service is not. Weaknesses within the regional and global system will continue to remain with political and economic access becoming more difficult as time marches on.

"As we look to the future we must realize that peace and co-operation are impossible without legal regulation. While international law does not yet carry the force or consequences of peace and co-operation on the international plane.

In the end, it is the confidence of peoples and of nations in the rule of law that can bring to international law its greatest strength, and to win this confidence it must be as dynamic as are the lives of peoples and nations themselves." 6

The realization by African states that political and economic liberation are inter-related is of great importance. Africa's political instability is worsened by the social ills of poverty, ignorance and disease. All of these ills focus around economics, management of resources, and the recent attempts of the countries of Africa and Asia to establish a new world economic order.<sup>7</sup> Thus consistently, throughout this thesis, there has been an emphasis upon structure and design in systems, especially various structures adopted by African nations which need to be re-examined. In terms of original structure, most African nations can be said to

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6. Office of Public Information. U.N. Portfolio for Peace-excerpts from the writings and speeches of U Thant, Secretary-General of the U.N., 1951-70, p. 28.

7. In October 1979, Fidel Castro of Cuba made a speech in which he called for the creation of a new world economic order. Each year the World Bank issues a booklet on economic problems in the world.



have artificial economic and political bases as indicated in Chapter four. In order to try to bridge a gap, most African nations have practiced skipping stages of development which are crucial in the evolution of the most efficiently run modern industrial nations. This pattern is most destructive. How can you drive a car when you can not manufacture the parts for it in one's own country, if desired, with suitable technicians capable of maintaining service? How can you import lace when you have a cotton-based economy? How can you effectively practice democracy or Marxism if your mass population for the most part are illiterates or functional illiterates? "The creation of the necessary political and economic conditions in Africa and the rest of the world which will facilitate the defence of the independence and territorial integrity of all African countries while at the same time fostering national self-reliance" is a must.<sup>8</sup> It has even been indicated in this thesis that a degree of balkanisation or decentralisation in respect to structure would not necessarily be detrimental to modern African states which for the most part have tried to do what other more developed nations have done step-by-step for centuries within a relative short period of time.

All of these problems of African nations have made it difficult for the O.A.U. to effectively utilise some of its structure. Unfortunately, the O.A.U. has had to deal with many internal conflicts, such as the Nigerian Civil War and the Chadian issue, and as such has had very

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8. See "A Re-appraisal of Nigeria's Foreign Policy" by Emeka Nwosu in Daily Times of Nigeria, October 6, 1985, p. 3.

limited success in the "family fights to the finish". Even with operational and organisational difficulties, "the utility of the O.A.U. to African countries is by far greater than we often admit. For example, Africa is the only continent in the world that speaks with one voice internationally." <sup>9</sup>

Still the destructive tendencies and habits brought about by the fact that the majority of African states are merely sellers' markets can only lead to decline and fall when the money runs out. The old adage "let the buyer beware" is obvious "food for thought" in this situation. All of these structural defects cannot help but have some adverse effect on the functioning of African nations but also on the functioning of a trying O.A.U. The main factor, however is that the O.A.U. is composed of nation-states and nation-states are run by various and sundry individuals. If the O.A.U. is moderately ineffective as far as crisis management is concerned then the blame for this must lie in the basic structural disharmonisation within the continent of Africa in terms of institutional patterns as against informal patterns. <sup>10</sup> Simply put, people are not putting into practice what has been put down as organisational law. The inescapable conclusion is that an organisation is no greater than the people who run it.

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9. See "A Farewell to Policy (IV)" by Prof. Bolaji Akinycmi in the New Nigerian, October 10, 1983, p. 5.

10. In Africa, countries like Ethiopia and Egypt have long histories of relative stable formative institutions which bring out the relative high obedience level of the general populations. In a state such as Nigeria, there is a growing realisation that there is a need for a centralising police authority. This is significant if one believes that all great nations are police states, in one form or another.

APPENDIX

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Appendix B

Charter of the  
Organisation of  
African Unity



Appendix B

Charter of the Organisation of  
African Unity

ADDIS ABABA, MAY 1963.

We, the Heads of African States and Governments assembled in the City of Addis Ababa, Ethiopia;

CONVINCED that it is the inalienable right of all people to control their own destiny;

CONSCIOUS of the fact that freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples;

CONSCIOUS of our responsibility to harness the natural and human resources of our continent for the total advancement of our peoples in all spheres of human endeavour;

INSPIRED by a common determination to promote understanding among our peoples and co-operation among our States in response to the aspirations of our peoples for brotherhood and solidarity, in a larger unity transcending ethnic and national differences;

CONVINCED that, in order to translate this determination into a dynamic force in the  
of human progress, conditions for peace  
security must be established and maintained;

DETERMINED to safeguard and consolidate the hard-won independence as well as the sovereignty and territorial integrity of our States, and to fight against neo-colonialism in all its forms.

DEDICATED to the general progress of Africa;

PERSUADED that the Charter of the United Nations and the Universal Declaration of Human Rights, to the principles of which we reaffirm our adherence, provide a solid foundation for peaceful and positive co-operation among States;

DESIROUS that all African States should henceforth unite so that the welfare and well-being of their peoples can be assured;

RESOLVED to reinforce the links between our states by establishing and strengthening common institutions;

HAVE agreed to the present Charter.

## E S T A B L I S H M E N T

### Article I

1. The High Contracting Parties do by the present Charter establish an Organization to be known as the ORGANIZATION OF AFRICAN UNITY.
2. The Organization shall include the Continental African States, Madagascar and other Islands surrounding Africa.

P U R P O S E S

Article II

1. The Organization shall have the following purposes:-

- (a) to promote the unity and solidarity of the African States;
- (b) to co-ordinate and intensify their co-operation and efforts to achieve a better life for the peoples of Africa;
- (c) to defend their sovereignty, their territorial integrity and independence;
- (d) to eradicate all forms of colonialism from Africa; and
- (e) to promote international co-operation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.

2. To these ends, the Member States shall co-ordinate and harmonize their general policies, especially in the following fields;

- (a) political and diplomatic co-operation;
- (b) economic co-operation, including transport and communications;
- (c) educational and cultural co-operation;
- (d) health, sanitation, and nutritional co-operation;
- (e) scientific and technical co-operation; and

- (f) co-operation for defence and security.

P R I N C I P L E S

Article III

The Member States, in pursuit of the purposes stated in Article II, solemnly affirm and declare their adherence to the following principles:

1. the sovereign equality of all Member States;
2. non-interference in the internal affairs of States;
3. respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence;
4. peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration;
5. unreserved condemnation, in all its forms, of political assassination as well as of subversive activities on the part of neighbouring States or any other States;
6. absolute dedication to the total emancipation of the African territories which are still dependent;
7. affirmation of a policy of non-alignment with regard to all blocs.

M E M B E R S H I P

Article IV

Each independent sovereign African State shall be entitled to become a Member of the Organisation.

RIGHTS AND DUTIES OF MEMBER STATES

Article V

All Member States shall enjoy equal rights and have equal duties.

Article VI

The Member States pledge themselves to observe scrupulously the principles enumerated in Article III of the present Charter.

I N S T I T U T I O N S

Article VII

The Organization shall accomplish its purposes through the following principal institutions;

1. the Assembly of Heads of State and Government;
2. the Council of Ministers,
3. the General Secretariat;
4. the Commission of Mediation,  
Conciliation and Arbitration.

THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENT

Article VIII

The Assembly of Heads of State and Government shall be the supreme organ of the

Organization. It shall, subject to the provisions of this Charter, discuss matters of common concern to Africa with a view to co-ordinating and harmonizing the general policy of the Organization. It may in addition review the structure, functions and acts of all the organs and any specialized agencies which may be created in accordance with the present Charter.

Article IX

The Assembly shall be composed of the Heads of State and Government or their duly accredited representatives and it shall meet at least once a year. At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extraordinary session.

Article X

1. Each Member State shall have one vote.
2. All resolutions shall be determined by a two-thirds majority of the Members of the Organization.
3. Questions of procedure shall require a simple majority. Whether or not a question is one of procedure shall be determined by a simple majority of all Member States of the Organization.

4. Two-thirds of the total membership of the Organization shall form a quorum at any meeting of the Assembly.

#### Article XI

The Assembly shall have the power to determine its own rules of procedure.

#### THE COUNCIL OF MINISTERS

##### Article XII

1. The Council of Ministers shall consist of Foreign Ministers or such other Ministers as are designated by the Governments of Member States.
2. The Council of Ministers shall meet at least twice a year. When requested by any Member State and approved by two-thirds of all Member States, it shall meet in extraordinary session.

##### Article XIII

1. The Council of Ministers shall be responsible to the Assembly of Heads of State and Government. It shall be entrusted with the responsibility of preparing conferences of the Assembly.
2. It shall take cognisance of any matter referred to it by the Assembly. It shall be entrusted with the implementation of the decision of the Assembly of Heads of State and Government. It shall co-ordinate inter-

African co-operation in accordance with the instructions of the Assembly and in conformity with Article II(2) of the present Charter.

Article XIV

1. Each Member State shall have one vote.
2. All resolutions shall be determined by a simple majority of the members of the Council of Ministers.
3. Two-thirds of the total membership of the Council of Ministers shall form a quorum for any meeting of the Council.

Article XV

The Council shall have the power to determine its own rules of procedure.

G E N E R A L   S E C R E T A R I A T

Article XVI

There shall be an Administrative Secretary-General of the Organization, who shall be appointed by the Assembly of Heads of State and Government. The Administrative Secretary-General shall direct the affairs of the Secretariat.

Article XVII

There shall be one or more Assistant Secretaries-General of the Organization, who shall be appointed by the Assembly of Heads of State and Government.



Article XVIII

The functions and conditions of service of the Secretary-General, of the Assistant Secretaries-General and other employees of the Secretariat shall be governed by the provisions of this Charter and the regulations approved by the Assembly of Heads of State and Government.

1. In the performance of their duties the Administrative Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization.

They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each member of the Organization undertakes to respect the exclusive character of the responsibilities of the Administrative Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

COMMISSION OF MEDIATION, CONCILIATION AND  
ARBITRATION

Article XIX

Member States pledge to settle all disputes among themselves by peaceful means

and, to this end decide to establish a Commission of Mediation, Conciliation and Arbitration, the composition of which and conditions of service shall be defined by a separate Protocol to be approved by the Assembly of Heads of State and Government. Said Protocol shall be regarded as forming an integral part of the present Charter.

#### SPECIALIZED COMMISSIONS

##### Article XX

The Assembly shall establish such Specialized Commissions as it may deem necessary, including the following:

1. Economic and Social Commission
2. Educational, Scientific, Cultural and Health Commission
3. Defence Commission

##### Article XXI

Each Specialized Commission referred to in Article XX shall be composed of the Ministers concerned or other Ministers or Plenipotentiaries designated by the Governments of the Member States.

##### Article XXII

The functions of the Specialized Commissions shall be carried out in accordance with the provisions of the present Charter and of the regulations approved by

the Council of Ministers.

T H E        B U D G E T

Article XXIII

The budget of the Organization prepared by the Administrative Secretary-General shall be approved by the Council of Ministers. The budget shall be proved by contributions from Member States in accordance with the scale of assessment of the United Nations; provided, however, that no Member State shall be assessed an amount exceeding twenty percent of the yearly regular budget of the Organization. The Member States agree to pay their respective contributions regularly.

SIGNATURE AND RATIFICATION OF CHARTER

Article XXIV

1. This Charter shall be open for signature to all independent sovereign African States and shall be ratified by the signatory States in accordance with their respective constitutional processes.
2. The original instrument, done, if possible in African languages in English and French, all texts being equally authentic, shall be deposited with the Government of Ethiopia which shall transmit certified copies thereof to all independent sovereign African States.
3. Instruments of ratification shall be deposited with the Government of Ethiopia,

which shall notify all signatories of each such deposit.

E N T R Y . . I N T O . . F O R C E

Article XXV

This Charter shall enter into force immediately upon receipt by the Government of Ethiopia of the instruments of ratification from two-thirds of the signatory States.

REGISTRATION OF THE CHARTER

Article XXVI

This Charter shall, after due ratification, be registered with the Secretariat of the United Nations through the Government of Ethiopia in conformity with Article 102 of the Charter of the United Nations.

INTERPRETATION OF THE CHARTER

Article XXVII

Any question which may arise concerning the interpretation of this Charter shall be decided by a vote of two-thirds of the Assembly of Heads of State and Government of the Organization.

ADHESION AND ACCESSION

Article XXVIII

1. Any independent sovereign African State may at any time notify the Administrative Secretary-General of its intention to adhere or accede to this Charter.

2. The Administrative Secretary-General shall, on receipt of such notification, communicate a copy of it to all the Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Administrative Secretary-General, who shall, upon receipt of the required number of votes, communicate the decision to the State concerned.

#### M I S C E L L A N E O U S

##### Article XXIX

The working languages of the Organization and all its institutions shall be, if possible African languages, English and French.

##### Article XXX

The Administrative Secretary-General may accept, on behalf of the Organization, gifts, bequests and other donations made to the Organization, provided that this is approved by the Council of Ministers.

##### Article XXXI

The Council of Ministers shall decide on the privileges and immunities to be accorded to the personnel of the Secretariat in the respective territories of the Member States.

#### CESSATION OF MEMBERSHIP

##### Article XXXII

Any State which desires to renounce its membership shall forward a written notification

to the Administrative Secretary-General. At the end of one year from the date of such notification, if not withdrawn, the Charter shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Organization.

AMENDMENT OF THE CHARTER

Article XXXIII

This Charter may be amended or revised if any Member State makes a written request to the Administrative Secretary-General to that effect; provided, however, that the proposed amendment is not submitted to the Assembly for consideration until all the Member States have been duly notified of it and a period of one year has elapsed. Such an amendment shall be effective unless approved by at least two-thirds of all the Member States.

IN FAITH WHEREOF, We, the Heads of African States and Governments have signed this Charter.

Done in the City of Addis Ababa, Ethiopia,  
this 25th day of May, 1963.

ALGERIA	MALI
BURUNDI	MAURITANIA
CAMEROUN	MOROCCO
CENTRAL AFRICAN REPUBLIC	NIGER
CHAD	NIGERIA
CONGO(Brazzaville)	RWANDA
CONGO(Leopoldville)	SENEGAL
DAHOMEY	SIERRA LEONE
ETHIOPIA	SOMALIA
GABON	SUDAN
GHANA	TANGANYIKA
GUINEA	TOGO
IVORY COAST	TUNISIA
LIBERIA	UGANDA
LIBYA	UNITED ARAB REPUBLIC
MADAGASCAR	UPPER VOLTA

Functions and Regulations of the  
General Secretariat

THE GENERAL SECRETARIAT

PART I

Rule I

The General Secretariat, as a central and permanent organ of the Organization of African Unity, shall carry out the functions assigned to it by the Charter of the Organization, those that might be specified

in other treaties and agreements among the Member States, and those that are established in these Regulations.

Rule 2

The General Administrative Secretariat shall supervise the implementation of decisions of the Council of Ministers concerning all economic, social, legal and cultural exchanges of Member States:

- (i) keeps in custody the documents and files of the meetings of the Assembly, the Council of Ministers, of the Specialized Commissions and other organs of the Organization of African Unity.
- (ii) within its possibilities, the General Secretariat shall place at the disposal of the Specialized Commissions the technical and administrative services that may be requested. In case a session of a Specialized Commission is held outside the Headquarters of the Organization, at the request of a Member State, the General Secretariat shall conclude agreements or contracts with the Government of the Member State on whose territory the Session of the Specialized



Commission is being held, to guarantee adequate compensation of the disbursements incurred by the General Secretariat;

- (iii) receives communications of ratification of instruments of agreements entered into between Member States;
- (iv) prepares an Annual Report of the activities of the Organization;
- (v) prepares for submission to the Council, a report of the activities carried out by the Specialized Commissions;
- (vi) prepares the Programme and Budget of the Organization for each Fiscal Year, to be submitted to the Council of Ministers, for its consideration and approval.

Rule 3

The General Secretariat of the Organization of African Unity is the Secretariat of the Assembly, of the Council of Ministers, of the Specialized Commissions and other organs of the Organization of African Unity.

Rule 4

The Organization of African Unity has its Headquarters in the City of Addis Ababa.

Rule 5

The Headquarters is for the official use of the Organization, for objectives and

purposes strictly compatible with the objectives and purposes set forth in the Charter of the Organization. The Administrative Secretary-General may authorize the celebration of meetings or social functions in the Headquarters of the Organization when such meetings or functions are closely linked, or are compatible with the objectives and purposes of the Organization.

## PART II

### THE ADMINISTRATIVE SECRETARY-GENERAL AND THE ASSISTANT ADMINISTRATIVE SECRETARY-GENERAL

The Administrative Secretary-General

#### Rule 6

The Administrative Secretary-General directs the activities of the General Secretariat and is its legal representative..

#### Rule 7

The Administrative Secretary-General is directly responsible to the Council of Ministers for the adequate discharge of all duties assigned to him.

#### Rule 8

The appointment, term of office and removal of the Administrative Secretary-General are governed by the provisions of Article XVI and XVIII of the Charter and of the Rules of Procedure of the Assembly.

Rule 9

The participation of the Administrative Secretary-General in the deliberations of the Assembly, of the Council of Ministers, of the Specialized Commissions and other organs of the Organization shall be governed by the provisions of the Charter and by the respective Rules of Procedure of these bodies.

Rule 10

The Administrative Secretary-General shall submit reports requested by the Assembly, the Council of Ministers and the Commissions.

Rule 11

The Administrative Secretary-General shall furthermore:

- (i) carry out the provisions of Article XVIII of the Charter, and submit Staff Rules to the Council of Ministers for approval;
- (ii) transmit to Member States the Budget and Programme of Work at least one month before the convocation of the sessions of the Assembly, of the Council of Ministers, of the Specialized Commissions and of other organs of the Organization;
- (iii) receive the notification of adherence or accession to the Charter and communicate such notification to

Member States, as provided in Article XXVIII of the Charter.

- (iv) receive the notification of Member States which may desire to renounce their membership in the Organization as provided in Article XXXII of the Charter;
- (v) communicate to Member States, and include in the Agenda of the Assembly, as provided in Article XXXIII of the Charter written requests of Member States for amendments or revisions of the Charter;
- (vi) establish, with the approval of the Council of Ministers, such branches and administrative and technical offices as may be necessary to achieve the objectives and purposes of the Organization;
- (vii) abolish, with the approval of the Council of Ministers, such branches and administrative and technical offices as may be deemed necessary for the adequate functioning of the General Secretariat.

The Assistant Administrative Secretaries-General

Rule 12

The appointment, term of office and removal of the Assistant Administrative

Secretaries-General are governed by the provisions of Article XVI and XVII of the Charter and the Rules of Procedure of the Assembly.

Rule 13

The Administrative Secretary-General shall designate one of the Assistant Administrative Secretaries-General who will represent him in all matters assigned to him.

Rule 14

One of the Assistant Administrative Secretaries-General shall exercise the functions of the Administrative Secretary-General in his absence, or because of any temporary incapacity of the Administrative Secretary-General, and shall assume the office of the Administrative Secretary-General for the unexpired term in case of a definite vacancy. In case of definite vacancy, the Council will designate one of the Assistant Administrative Secretary-General who will replace the Administrative Secretary-General provisionally.

PART III

ORGANISATION OF THE GENERAL SECRETARIAT

Rule 15

The General Secretariat has the following departments:-

- (i) the Political, Legal and Defence  
Department;

- (ii) the Economic and Social Department;
- (iii) the Administrative, Conference and Information Department.

The Administrative Secretary-General will create divisions and sub-divisions, as he may deem necessary, with the approval of the Council.

PART IV  
FISCAL RULES

Rule 16

The Administrative Secretary-General shall prepare the Programme and Budget of the Organization as provided in Article XXIII of the Charter, and shall submit it to the Council of Ministers for scrutiny and approval during its first ordinary session.

Rule 17

The proposed Programme and Budget shall comprise the programme of activities of the General Secretariat of the Organization. It shall include the expenses of the Assembly, of the Council of Ministers, of the Specialized Commissions and of other organs of the Organization.

Rule 18

In formulating the Programme and Budget of the Organization the Administrative Secretary-General shall consult the different organs of the Organization of African Unity.

The proposed Programme and Budget shall include:-

- (i) a list of contributions made by Member States in accordance with the scale established by the Council of Ministers and by reference to the provisions of Article XXIII of the Charter;
- (ii) an estimate of various incomes;
- (iii) a description of the situation of the Working Fund.

F I N A N C I A L   R E S O U R C E S

Rule 19

Once the budget is approved by the Council of Ministers, the Administrative Secretary-General shall communicate it to the Member States, with all pertinent documents, at least three months before the first day of the Fiscal Year. The budget shall be accompanied by a list indicating the annual contributions assigned by the Council to each Member State. The annual contribution of each Member State becomes due on the first day the approval of the Council of Ministers. The objectives and limitations of these funds shall be defined by the Council of Ministers. These funds shall be administered in separate accounts, as provided in special regulations approved by the Council of Ministers.

Rule 24

The Administrative Secretary-General, may accept, on behalf of the Organization, gifts, bequests and other donations made to the Organization, provided that such donations are consistent with the objectives and purposes of the Organization, and are approved by the Council of Ministers.

Rule 25

In the case of monetary donations for specific purposes, these funds shall be treated as fiduciary or special funds, as provided in Rule 22. Monetary donations for no specific purposes shall be considered as miscellaneous income.

Rule 26

The Administrative Secretary-General shall designate the African Banks or Banking Institutions in which the funds of the Organization shall be deposited. The interests accrued by such funds, including the Working Fund, shall be entered as miscellaneous income.

A C C O U N T I N G

Rule 27

The accounts of the Organization shall be carried in the currency determined by the Council of Ministers.



FINANCIAL SUPERVISION

Rule 28

The Council of Ministers shall be responsible for the supervision of the finances of the Organization.

Rule 29

The Administrative Secretary-General shall submit to the Council of Ministers any matter relating to the financial situation of the Organization.

PART V

M I S C E L L A N E O U S

Rule 30

The Administrative Secretary-General shall submit to the Council of Ministers for its approval, at the earliest possible moment, the complete Regulations governing the Accounting Method of the Organization, in accordance with established international accounting practices.

A M E N D M E N T S

Rule 31

These Regulations may be amended by the Council of Ministers by a simple majority subject to the approval of the Assembly.

Protocol of the Commission Mediation,  
Conciliation and Arbitration

PART I

ESTABLISHMENT AND ORGANIZATION

Article I

The Commission of Mediation, Conciliation and Arbitration established by Article XIX of the Charter of the Organization of African Unity shall be governed by the provisions of the present Protocol.

Article II

1. The Commission shall consist of twenty-one members elected by the Assembly of Heads of State and Government.
2. No two Members shall be nationals of the same State.
3. The Members of the Commission shall be persons with recognized professional qualifications.
4. Each Member State of the Organization of African Unity shall be entitled to nominate two candidates.
5. The Administrative Secretary-General shall prepare a list of the candidates nominated by Member States and shall submit it to the Assembly of Heads of State and Government.

Article III

1. Members of the Commission shall be elected for a term of five years and shall be

eligible for re-election.

2. Members of the Commission whose terms of office have expired shall remain in office until the election of a new Commission.

3. Notwithstanding the expiry of their terms of office, Members shall complete any proceedings in which they are already engaged.

#### Article IV

Members of the Commission shall not be removed from office except by decision of the Assembly of Heads of State and Government, by a two-thirds majority of the total membership, on the grounds of inability to perform the functions of their office or of proved misconduct.

#### Article V

1. Whenever a vacancy occurs in the Commission, it shall be filled in conformity with the provisions of Article II.

2. A Member of the Commission elected to fill a vacancy shall hold office for the unexpired term of the Member he has replaced.

#### Article VI

1. A President and two Vice-Presidents shall be elected by the Assembly of Heads of State and Government from among the Members of the Commission who shall each hold office for five years. The President and the two Vice-Presidents shall not be eligible for re-

election as such officers.

2. The President, the two Vice-Presidents and the Eighteen Members of the Commission shall be part-time Members of the Commission.

#### Article VII

The President and the two Vice-Presidents shall constitute the Bureau of the Commission and shall have the responsibility of consulting with the parties as regards the appropriate mode of settling the dispute in accordance with this Protocol.

#### Article VIII

The salaries and allowances of the Members of the Bureau and the remuneration of the other Members of the Commission shall be determined in accordance with the provisions of the Charter of the Organization of African Unity.

#### Article IX

1. The Commission shall appoint a Registrar and may provide for such other officers as may be deemed necessary.

2. The terms and conditions of service of the Registrar and other administrative officers of the Commission shall be governed by the Commission's Staff Regulations.

#### Article X

The administrative expenses of the Commission shall be borne by the Organization

of African Unity. All other expenses incurred in connection with the proceedings before the Commission shall be met in accordance with the Rules of Procedure of the Commission.

Article XI

The Seat of the Commission shall be at Addis Ababa, Ethiopia.

PART II

GENERAL PROVISIONS

Article XII

The Commission shall have jurisdiction over disputes between States only.

Article XIII

1. A dispute may be referred to the Commission jointly by the parties concerned, by a party to the dispute, by the Council of Ministers or by the Assembly of Heads of State and Government.
2. Where a dispute has been referred to the Commission as provided in paragraph 1, and one or more of the parties have refused to submit to the jurisdiction of the Commission, the Bureau shall refer the matter to the Council of Ministers for consideration.

Article XIV

The consent of any party to a dispute to submit to the jurisdiction of the

Commission may be evidenced by:

- (a) a prior written undertaking by such party that there shall be recourse to Mediation, Conciliation or Arbitration;
- (b) reference of a dispute by such party to the Commission; or
- (c) submission by such party to the jurisdiction in respect of a dispute referred to the Commission by another State, by the Council of Ministers, or by the Assembly of Heads of State and Government.

#### Article XV

Member States shall refrain from any act or omission that is likely to aggravate a situation which has been referred to the Commission.

#### Article XVI

Subject to the provisions of this Protocol and any special agreement between the parties, the Commission shall be entitled to adopt such working methods as it deems to be necessary and expedient and shall establish appropriate rules of procedure.

#### Article XVII

The Members of the Commission, when engaged in the business of the Commission,

shall enjoy diplomatic privileges and immunities as provided for in the Convention on Privileges and Immunities of the Organization of African Unity.

Article XVIII

Where, in the course of Mediation, Conciliation or Arbitration, it is deemed necessary to conduct an investigation or inquiry for the purpose of elucidating facts or circumstances relating to a matter in dispute, the parties concerned and all other Member States shall extend to those engaged in any such proceedings the fullest co-operation in the conduct of such investigation or inquiry.

Article XIX

In case of a dispute between Member States, the parties may agree to resort to any one of these modes of settlement; Mediation, Conciliation and Arbitration.

PART III

M E D I A T I O N

Article XX

When a dispute between Member States is referred to the Commission for Mediation, the President shall, with the consent of the parties, appoint one or more members of the Commission to mediate the dispute.

Article XXI

1. The role of the mediator shall be confined to reconciling the views and claims of the parties.
2. The mediator shall make written proposals to the parties as expeditiously as possible.
3. If the means of reconciliation proposed by the mediator are accepted, they shall become the basis of a protocol of arrangement between the parties.

PART IV

C O N C I L I A T I O N

Article XXII

1. A request for the settlement of a dispute by conciliation may be submitted to the Commission by means of a petition addressed to the President by one or more of the parties to the dispute.
2. If the request is made by only one of the parties, that party shall indicate that prior written notice has been given to the other party.
3. The petition shall include a summary explanation of the grounds of the dispute.

Article XXIII

1. Upon receipt of the petition, the President shall, in agreement with the parties, establish a Board of Conciliator, of whom



three shall be appointed by the President from among the Members of the Commission, and one each by the parties.

2. The Chairman of the Board shall be a person designated by the President from among the three Members of the Commission.

3. In nominating persons to serve as Members of the Board, the parties to the dispute shall designate persons in such a way that no two Members of it shall be nationals of the same State.

#### Article XXIV

1. It shall be the duty of the Board of Conciliators to clarify the issues in dispute and to endeavour to bring about an agreement between the parties upon mutually acceptable terms.

2. The Board shall consider all questions submitted to it and may undertake any inquiry or hear any person capable of giving relevant information concerning the dispute.

3. In the absence of agreement between the parties, the Board shall determine its own procedure.

#### Article XXV

The parties shall be represented by agents, whose duty shall be to act as intermediaries between them and the Board.

They may moreover be assisted by counsel and experts and may request that all persons whose evidence appears to the Board to be relevant shall be heard.

Article XXVI

1. At the close of the proceedings, the Board shall draw up a report stating either:
  - (a) that the parties have come to an agreement and, if the need arises, the agreement and any recommendations for settlement made by Board; or
  - (b) that it has been impossible to effect a settlement.
2. The Report of the Board of Conciliators shall be communicated to the parties and to the President of the Commission without delay and may be published only with the consent of the parties.

PART V

A R B I T R A T I O N

Article XXVII

1. Where it is agreed that arbitration should be resorted to, the Arbitral Tribunal shall be established in the following manner:
  - (a) each party shall designate one arbitrator from among the Members of the Commission having legal qualifications;

- (b) the two arbitrators thus designated shall, by common agreement, designate from among the Members of the Commission a third person who shall act as Chairman of the Tribunal;
- (c) where the two arbitrators fail to agree, within one month of their appointment, in the choice of the person to be Chairman of the Tribunal the Bureau shall designate the Chairman.

2. The President may, with the agreement of the parties, appoint to the Arbitral Tribunal two additional Members who need not be Members of the Commission but who shall have the same powers as the other Members of the Tribunal.

3. The arbitrators shall not be nationals of the parties, or have their domicile in the territories of the parties, or be employed in their service, or have served as mediators or conciliators in the same dispute. They shall all be of different nationalities.

#### Article XXVIII

Recourse to arbitration shall be regarded as submission in good faith to the award of the Arbitral Tribunal.

#### Article XXIX

1. The parties shall, in each case, conclude a compromise which shall specify:

- (a) the undertaking of the parties to go to arbitration, and to

- accept as legally binding, the decision of the Tribunal;
- (b) the subject matter of the controversy; and
- (c) the seat of the Tribunal.

2. The compromise may specify the law to be applied by the Tribunal and the power, if the parties so agree, to adjudicate ex-aequo et bono, the time-limit within which the award of the arbitrators shall be given, and the appointment of agents and counsel to take part in the proceedings before the Tribunal.

#### Article XXX

In the absence of any provision in the compromise regarding the applicable law, the Arbitral Tribunal shall decide the dispute according to treaties concluded between the parties, International Law, the Charter of the Organization of African Unity, the Charter of the United Nations, and if the parties agree, exaequo et bono.

#### Article XXXI

1. Hearings shall be held in camera unless the arbitrators decide otherwise.
2. The record of the proceedings signed by the arbitrators and the Registrar shall along be authoritative.
3. The arbitral award shall be in writing and shall, in respect of every point decided,

state the reasons on which it is based.

PART VI

FINAL PROVISIONS

Article XXXII

The present Protocol shall, after approval by the Assembly of Heads of State and Government, be an integral part of the Charter of the Organization of African Unity.

Article XXXIII

The Protocol may be amended or revised in accordance with the provisions of Article XXXIII of the Charter of the Organization of African Unity.

IN FAITH WHEREOF, We, the Heads of African States and Governments have signed the Protocol. Done at Cairo, (United Arab Republic), on the 21st day of July, 1964.

ALGERIA	IVORY COAST
BURUNDI	KENYA
CAMEROUN	LIBERIA
CENTRAL AFRICAN REPUBLIC	LIBYA
CHAD	MADAGASCAR
CONGO (Bràzzaville)	MALAWI
DAHOMAY	MALI
ETHIOPIA	MAURITANIA
GABON	MOROCCO
GHANA	NIGER
GUINEA	NIGERIA

RWANDA	UGANDA
SENEGAL	UNITED ARA REPUBLIC
SIERRA LEONE	UNITED REPUBLIC OF
SOMALIA	TANGA NYIKA
SUDAN	AND ZANZIBAR
TOGO	UPPER VOLTA.
TUNISIA	

RULES OF PROCEDURE OF THE COUNCIL OF  
MINISTERS OF THE ORGANIZATION OF  
AFRICAN UNITY

C O M P O S I T I O N

Rule 1

The Council of Ministers of the Organization of African Unity is composed of Ministers for Foreign Affairs or any other Ministers appointed by the Governments of Member States.

Rule 2

The Council of Ministers is answerable to the Assembly of Heads of State and Government.

F U N C T I O N S

Rule 3

- (i) It is charged with the preparation of the Assembly;
- (ii) It takes cognisance of any question referred to it by the Assembly;
- (iii) It implements inter-African co-operation, in accordance with the

- directives of the Assembly; as provided under Article II, paragraph 2, of the Charter of the Organization of African Unity;
- (iv) The budget of the Organization prepared by the Administrative-Secretary-General shall be submitted, for scrutiny and approval, by the Council of Ministers;
- (v) The functions of the Specialized Commissions established by Article XX of the Charter shall be carried out in accordance with the provisions of the Charter and of the regulations approved by the Council of Ministers.

#### R E P R E S E N T A T I O N

##### Rule 4

Each Government shall be represented on the Council of Ministers by a Delegation led by the Minister for Foreign Affairs or any other Minister appointed by the Government.

##### Rule 5

The Government of each Member State shall communicate to the Council in advance, through the Administrative Secretary-General, the list of its dully accredited delegation.

ORDINARY SESSIONS

Rule 6

As approved by Article XII(2) of the Charter, the Council of Ministers shall meet at least twice a year, in February and in August.

At its ordinary annual session which shall be held in February each year, it shall consider and approve, inter alia, the Programme and Budget of the Organization for the next fiscal year. The fiscal year of the Organization shall be from the first of June to the thirty-first of May.

EXTRA-ORDINARY SESSIONS

Rule 7

At the request of a Member State and subject to the agreement of two-thirds of the Members, the Council shall meet in extraordinary session.

PLACE OF MEETING

Rule 8

Sessions of the Council shall be held at the Organization's headquarters unless a Member Government invites the Council to meet in its country, and in that event any additional expenses incurred by the Secretariate in respect of travel shall be borne by the Member Government.



PUBLIC AND PRIVATE MEETINGS

Rule 9

All meetings of the Council shall be held in private; but the Council may decide by simple majority whether any of its meetings shall be public.

WORKING LANGUAGES

Rule 10

The working languages of the Organization and all its institutions shall be, if possible, African languages, French and English.

CHAIRMANSHIP, ELECTION AND TERM  
OF OFFICE

Rule 11

The Council shall, at the commencement of each session, elect, by secret ballot and simple majority, a Chairman, three Vice-Chairmen and a Rapporteur whose terms of office shall terminate at the commencement of the next Ordinary Session. These officers are not eligible for re-election to the Bureau until the representatives of other Member States have held office.

Rule 12

The Chairman opens and closes the meetings, submits for approval the records of the meetings, directs the debates, grants the use

of the floor, submits to a vote matters under discussion, announces the results of votes, rules on points of order in accordance with the Rules of Procedure.

VACANCY OF ABSENCE

Rule 13

In case of vacancy or absence of the Chairman, one of the Vice-Chairman shall act in his place.

A G E N D A

Rule 14

The provisional agenda shall be drawn up by the Administrative Secretary-General and communicated to Member States at least thirty days before the opening of the ordinary session.

Rule 15

The provisional agenda of an ordinary session shall comprise, in particular;

- (i) the report of the Administrative Secretary-General;
- (ii) items which the Assembly decides to place on the agenda of the Council;
- (iii) items which the Council decided at a preceding session to place on its agenda;
- (iv) items proposed by the Sepcialized Commissions of the Organization;
- (v) items proposed by Member States;

(vi) other business.

Rule 16

The agenda of an extra-ordinary session convened by the Administrative Secretary-General at the request of a Member State, provided this request has been approved by the required two thirds majority, shall be communicated fifteen days at least before the opening of the Session.

Rule 17

The agenda of an extra-ordinary session shall comprise only items submitted for consideration in the request for convening the extra-ordinary session.

Rule 18

A quorum shall be made up of two-thirds of the Member States of the Organization of African Unity.

Rule 19

No representative shall have the floor without the consent of the Chairman. The Chairman shall grant the use of the floor in the order in which it has been requested. He can call to order any representative when his statement is not relevant to the matter under discussion.

R E S O L U T I O N S

Rule 20

Proposed resolutions, motions or amendments shall be presented in writing to

the Administrative Secretary-General who shall circulate copies to representatives. However, the Council may authorize the discussion of a proposal not previously distributed. Proposed resolutions and motions shall be examined in the order of their submission.

A motion or a proposed resolution may be withdrawn by the original mover prior to its being submitted to the vote. Any representative may reintroduce a motion or proposed resolution that has been withdrawn.

#### POINTS OF ORDER

##### Rule 21

During the debate, a representative may raise a point of order and the point of order shall be immediately decided by the Chairman in accordance with the Rules of Procedure. A representative may appeal against the ruling of the Chairman. The appeal shall be immediately put to the vote and decided by simple majority.

A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

#### T I M E      L I M I T

##### Rule 22

The Council may limit the time allowed to each speaker on any question. On procedural questions, the Chairman shall

limit each intervention to a maximum of five minutes. When debate is limited and a representative exceeds his allotted time, the Chairman shall call him to order without delay.

#### CLOSING OF LIST OF SPEAKERS

##### Rule 23

During the course of a debate, the Chairman may announce the list of speakers and, with the consent of the Council, declare the list closed. The Chairman may, however, accord the right of reply to any representative if, in his opinion, a speech delivered after he has declared the list closed makes this desirable.

#### CLOSURE OF DEBATE

##### Rule 24

When a matter has been sufficiently discussed any representative may move the closure of the debate. Two representatives may speak in favour of the motion and two against the motion, after which the motion shall be considered approved if it has a simple majority in its favour. When the debate on an item is concluded because there are no other speakers, the Chairman shall declare the debate closed.

#### ADJOURNMENT OF DEBATE

##### Rule 25

During the discussion of any matter, a representative may move the adjournment of

the debate on the item under discussion. In addition to the proposer of the motion, one representative may speak in favour and one against the motion after which the motion shall be immediately put to the vote.

#### SUSPENSION OR ADJOURNMENT OF THE MEETING

##### Rule 26

During the discussion of any matter, a representative may move the suspension or adjournment of the meeting. No discussion on such motions shall be permitted, and they shall be immediately put to the vote.

#### ORDER OF PROCEDURAL MOTIONS

##### Rule 27

Subject to Rule 21, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (i) to suspend the meeting;
- (ii) to adjourn the meeting;
- (iii) to adjourn the debate on the item under discussion;
- (iv) for the closure of the debate on the item under discussion.

#### V O T I N G      R I G H T S

##### Rule 29

Each Member State shall have one vote.

MAJORITY REQUIRED

Rule 29

All resolutions shall be determined by simple majority of the members of the Council of Ministers.

VOTE ON RESOLUTIONS

Rule 30

After the debate has been closed the Chairman shall immediately put to the vote resolutions with all amendments. The vote shall not be interrupted except on a point of order related to the manner in which the vote is taking place.

VOTE ON AMENDMENTS

Rule 31

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Council shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. If one or several amendments are adopted, the amended proposal is then put to the vote. If no amendments are adopted, the proposal shall be put to the vote in its original form. A proposal is considered as an amend-

ment to a text if it adds or removes parts therefrom or modifies it.

VOTE ON SEPARATE PARTS OF A PROPOSAL

Rule 32

Parts of a proposal, resolution or a motion shall be voted on separately when so requested. If this is done, the text resulting from a series of votes shall be put to the vote as a whole. If all operative parts of a proposed resolution or motion have been rejected, the proposal shall be considered to have been as a whole.

METHOD OF VOTING AND EXPLANATION OF VOTE

Rule 33

Votes will be taken by raising the hand, but any representative may request a roll-call vote which shall be taken in the alphabetical order of the names of the Members beginning with the State whose name is drawn by lot by the Chairman. After a vote any representative may request the use of the floor to explain his vote.

Rule 34

There shall be a secret vote for elections and also in such special circumstances as the Council may determine by simple majority.



Rule 35

In the event of equality of votes in issues other than elections, the proposal is deemed to be rejected.

C O M M I T T E E S

Rule 36

The Council may establish such ad hoc committees and temporary working groups as it may deem necessary.

A M E N D M E N T S

Rule 37

These Rules of Procedure may be amended by the Council of Ministers by simple majority of its Members.

RULES OF PROCEDURE OF THE ASSEMBLY OF  
HEADS OF STATE AND GOVERNMENT

Rule 1

The Assembly of Heads of State and Government is the Supreme Organ of the Organization of African Unity.

C O M P O S I T I O N

Rule 2

The Assembly is composed of the Heads of State and Government or their duly accredited representatives.

F U N C T I O N S

Rule 3

- (i) Discussion of matters of common concern to Africa;
- (ii) Co-ordinating and harmonising the general policy of the Organization;
- (iii) Reviewing the structure, functions and acts of all organs of the Organization;
- (iv) Establishment of any specialized agencies as it may deem necessary and as provided for in Article VIII and XX of the Charter;
- (v) Interpretation and amendment of the Charter.

ORDINARY SESSIONS

Rule 4

In conformity with Article IX of the Charter, the Assembly of Heads of State and

Government shall meet at least once a year.

#### EXTRA-ORDINARY SESSIONS

##### Rule 5

At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extraordinary session.

#### PLACE OF MEETING

##### Rule 6

The Assembly shall decide at its ordinary session the place of its next session by simple majority.

#### PUBLIC AND PRIVATE MEETINGS

##### Rule 7.

All meetings of the Assembly shall be held in private; the Assembly, however, may decide by simple majority whether any of its meetings shall be public.

#### WORKING LANGUAGES

##### Rule 8

The working languages of the Assembly are, if possible, African languages, English and French.

#### ELECTION OF CHAIRMAN

##### Rule 9

The Assembly shall at the beginning of each session, elect a Chairman and eight

Meeting - Chairman.

DUTIES AND FUNCTIONS OF THE CHAIRMAN

Rule 10

- i) The Chairman opens and closes the meetings, submits for approval the records of the meetings, directs the debates, grants the use of the floor, submits to a vote matters under discussion, announces the results of the vote taken, rules on points of order in accordance with the Charter and the Rules of Procedure;
- ii) The Chairman of the meeting shall ensure the order and the decorum of the proceedings of the Assembly.

A G E N D A

Rule 11

- i) The provisional agenda of an ordinary session shall be drawn up by the Council of Ministers;
- ii) The provisional agenda of an ordinary session shall comprise the following:
  - (a) items which the Assembly decides to place on its agenda;
  - (b) items proposed by the Council of Ministers;
  - (c) items proposed by a Member State;

(d) other business.

Rule 12

The agenda of an extra-ordinary session shall be communicated by the Administrative-Secretary-General at least ten days before the opening of the extra-ordinary session.

Rule 13

The Agenda as an extra-ordinary session shall comprise only items submitted for consideration in the request for convening the extra-ordinary session.

QUORUM AND DEBATES

Rule 14

Two-thirds of the total membership shall form a quorum at any meeting of the Assembly.

Rule 15

The use of the floor shall be granted by the Chairman in the order in which it has been requested.

R E S O L U T I O N S

Rule 16

Proposed resolutions, motions, or amendments shall be presented in writing to the Administrative Secretary-General who shall give copies to Members of the Assembly. However, the Assembly may authorize the discussion of a proposal not previously distributed.

Rule 17

A motion or a proposed resolution may be withdrawn by the original mover prior to its being submitted to the vote. Any member may reintroduce a motion or proposed resolution that has been withdrawn.

POINT OF ORDER

Rule 18

During the debate, a member may raise a point of order and the point of order shall immediately be decided by the Chairman, in accordance with the Rules of procedure. If a member appeals against the decision, the appeal shall immediately be submitted to the vote.

CLOSING OF LIST OF SPEAKERS

Rule 19

During the course of debate the Chairman may announce the list of speakers and, with the consent of the Assembly, declare the list closed. The Chairman may, however, accord the right of right of reply to any member, if, in his opinion, a speech delivered after he has declared the list closed makes this desirable.

CLOSURE OF DEBATE

Rule 20

When a matter has been sufficiently discussed any member may move the closure of debate. Two members may briefly speak in

favour and two against such motion after which the motion shall be immediately put to the vote.

#### ADJOURNMENT OF DEBATE

##### Rule 21

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour and one against the motion after which the motion shall be immediately put to the vote.

#### SUSPENSION OR ADJOURNMENT OF THE MEETING

##### Rule 22

During the discussion of any matter, a member may move the suspension or adjournment of the meeting. No discussion on any such motion shall be permitted, and it shall be immediately put to the vote.

#### ORDER OF PROCEDURAL MOTIONS

##### Rule 23

Subject to Rule 18, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (i) To suspend the meeting;
- (ii) To adjourn the meeting;
- (iii) To adjourn the debate on the item under discussion;

- (iv) For the closure of the debate on the item under discussion.

## V O T I N G   R I G H T S

### Rule 24

Each Member State shall have one vote.

## MAJORITY   REQUIRED

### Rule 25

All resolutions and decisions shall be determined by a two-thirds majority of the Members of the Organization.

### Rule 26

Questions of procedure shall require a simple majority of all members of the Organization. Whether or not a question is one of procedure shall be determined by a similar manner.

## V O T E   O N   R E S O L U T I O N S

### Rule 27

After the debate has been closed the Chairman shall immediately put to the vote the resolution with all amendments. The vote shall not be interrupted except on a point of order related to the manner in which the vote is taking place.

## V O T I N G   O N   A M E N D M E N T S

### Rule 28

When an amendment is moved to a proposal, the amendment shall be voted on first. When



two or more amendments are moved to a proposal, the Assembly shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. If one or several amendments are adopted, the amended proposal is then put to the vote. If no amendments are adopted, the proposal shall be put to the vote in its original form. A proposal is considered as an amendment to a text if it adds or removes parts therefrom or modifies it.

#### VOTE ON SEPARATE PARTS OF A PROPOSAL

##### Rule 29

Parts of a proposal, resolution or a motion shall be voted on separately when so requested. If this is done, the text resulting from the series of votes shall be put to the votes as a whole. If all operative parts of a proposed resolution or motion have been rejected, the proposal shall be considered to have been rejected as a whole.

#### METHODS OF VOTING AND EXPLANATION OF VOTE

##### Rule 30

Votes will be taken by raising the hand, but any member may request a roll-call vote which shall be taken in the alphabetical order of the names of the Member States

beginning with the State whose name is drawn by lot by the Chairman. After the vote any member may request the use of the floor to explain his vote.

Rule 31

There shall be a secret vote for elections, and also in such special circumstances as the Assembly may determine by simple majority.

ADMINISTRATIVE SECRETARY-GENERAL

Rule 32

The Assembly shall appoint the Administrative Secretary-General of the Organization by secret vote and a two-thirds majority.

Rule 33

The term of office of the Administrative Secretary-General is of four years and subject to re-election.

ASSISTANT SECRETARIES-GENERAL

Rule 34

The Assembly shall appoint one or more Assistant Secretaries-General of the Organization. Method of vote will be as provided in Rule 32.

Rule 35

The Assistant Secretary-General or the Assistant Secretaries-General shall be appointed for a term of office of four years,

after which they may be eligible for re-election.

Rule 36

The Assembly may terminate the mandates of the Administrative Secretary-General and Assistant Secretaries-General, when so required for the good functioning of the Organization. In this respect the method of vote will be the same as that of their appointment.

C O M M I T T E E S

Rule 37

The Assembly may establish such ad hoc Committees and temporary working groups as it may deem necessary.

A M E N D M E N T S

Rule 38

These Rules of Procedure may be amended by the Assembly by a two-thirds majority.

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Appendix B

Charter of the Organisation of  
African Unity

ADDIS ABABA, MAY 1963.

We, the Heads of African States and Governments assembled in the City of Addis Ababa, Ethiopia;

CONVINCED that it is the inalienable right of all people to control their own destiny;

CONSCIOUS of the fact that freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples;

CONSCIOUS of our responsibility to harness the natural and human resources of our continent for the total advancement of our peoples in all spheres of human endeavour;

INSPIRED by a common determination to promote understanding among our peoples and co-operation among our States in response to the aspirations of our peoples for brotherhood and solidarity, in a larger unity transcending ethnic and national differences;

CONVINCED that, in order to translate this determination into a dynamic force in the cause of human progress, conditions for peace and security must be established and maintained;

DETERMINED to safeguard and consolidate the hard-won independence as well as the sovereignty and territorial integrity of our States, and to fight against neo-colonialism in all its forms.

DEDICATED to the general progress of Africa;

PERSUADED that the Charter of the United Nations and the Universal Declaration of Human Rights, to the principles of which we reaffirm our adherence, provide a solid foundation for peaceful and positive co-operation among States;

DESIROUS that all African States should henceforth unite so that the welfare and well-being of their peoples can be assured;

RESOLVED to reinforce the links between our states by establishing and strengthening common institutions;

HAVE agreed to the present Charter.

## E S T A B L I S H M E N T

### Article I

1. The High Contracting Parties do by the present Charter establish an Organization to be known as the ORGANIZATION OF AFRICAN UNITY.
2. The Organization shall include the Continental African States, Madagascar and other Islands surrounding Africa.

P U R P O S E S

Article II

1. The Organization shall have the following purposes:-

- (a) to promote the unity and solidarity of the African States;
- (b) to co-ordinate and intensify their co-operation and efforts to achieve a better life for the peoples of Africa;
- (c) to defend their sovereignty, their territorial integrity and independence;
- (d) to eradicate all forms of colonialism from Africa; and
- (e) to promote international co-operation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.

2. To these ends, the Member States shall co-ordinate and harmonize their general policies, especially in the following fields;

- (a) political and diplomatic co-operation;
- (b) economic co-operation, including transport and communications;
- (c) educational and cultural co-operation;
- (d) health, sanitation, and nutritional co-operation;
- (e) scientific and technical co-operation; and

- (f) co-operation for defence and security.

P R I N C I P L E S

Article III

The Member States, in pursuit of the purposes stated in Article II, solemnly affirm and declare their adherence to the following principles:

1. the sovereign equality of all Member States;
2. non-interference in the internal affairs of States;
3. respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence;
4. peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration;
5. unreserved condemnation, in all its forms, of political assassination as well as of subversive activities on the part of neighbouring States or any other States;
6. absolute dedication to the total emancipation of the African territories which are still dependent;
7. affirmation of a policy of non-alignment with regard to all blocs.

M E M B E R S H I P

Article IV

Each independent sovereign African State shall be entitled to become a Member of the Organisation.

RIGHTS AND DUTIES OF MEMBER STATES

Article V

All Member States shall enjoy equal rights and have equal duties.

Article VI

The Member States pledge themselves to observe scrupulously the principles enumerated in Article III of the present Charter.

I N S T I T U T I O N S

Article VII

The Organization shall accomplish its purposes through the following principal institutions;

1. the Assembly of Heads of State and Government;
2. the Council of Ministers,
3. the General Secretariat;
4. the Commission of Mediation,  
Conciliation and Arbitration.

THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENT

Article VIII

The Assembly of Heads of State and Government shall be the supreme organ of the



Organization. It shall, subject to the provisions of this Charter, discuss matters of common concern to Africa with a view to co-ordinating and harmonizing the general policy of the Organization. It may in addition review the structure, functions and acts of all the organs and any specialized agencies which may be created in accordance with the present Charter.

Article IX

The Assembly shall be composed of the Heads of State and Government or their duly accredited representatives and it shall meet at least once a year. At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extraordinary session.

Article X

1. Each Member State shall have one vote.
2. All resolutions shall be determined by a two-thirds majority of the Members of the Organization.
3. Questions of procedure shall require a simple majority. Whether or not a question is one of procedure shall be determined by a simple majority of all Member States of the Organization.

4. Two-thirds of the total membership of the Organization shall form a quorum at any meeting of the Assembly.

#### Article XI

The Assembly shall have the power to determine its own rules of procedure.

#### THE COUNCIL OF MINISTERS

##### Article XII

1. The Council of Ministers shall consist of Foreign Ministers or such other Ministers as are designated by the Governments of Member States.
2. The Council of Ministers shall meet at least twice a year. When requested by any Member State and approved by two-thirds of all Member States, it shall meet in extraordinary session.

##### Article XIII

1. The Council of Ministers shall be responsible to the Assembly of Heads of State and Government. It shall be entrusted with the responsibility of preparing conferences of the Assembly.
2. It shall take cognisance of any matter referred to it by the Assembly. It shall be entrusted with the implementation of the decision of the Assembly of Heads of State and Government. It shall co-ordinate inter-

African co-operation in accordance with the instructions of the Assembly and in conformity with Article II(2) of the present Charter.

Article XIV

1. Each Member State shall have one vote.
2. All resolutions shall be determined by a simple majority of the members of the Council of Ministers.
3. Two-thirds of the total membership of the Council of Ministers shall form a quorum for any meeting of the Council.

Article XV

The Council shall have the power to determine its own rules of procedure.

G E N E R A L   S E C R E T A R I A T

Article XVI

There shall be an Administrative Secretary-General of the Organization, who shall be appointed by the Assembly of Heads of State and Government. The Administrative Secretary-General shall direct the affairs of the Secretariat.

Article XVII

There shall be one or more Assistant Secretaries-General of the Organization, who shall be appointed by the Assembly of Heads of State and Government.

Article XVIII

The functions and conditions of service of the Secretary-General, of the Assistant Secretaries-General and other employees of the Secretariat shall be governed by the provisions of this Charter and the regulations approved by the Assembly of Heads of State and Government.

1. In the performance of their duties the Administrative Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization.

They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each member of the Organization undertakes to respect the exclusive character of the responsibilities of the Administrative Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

COMMISSION OF MEDIATION, CONCILIATION AND  
ARBITRATION

Article XIX

Member States pledge to settle all disputes among themselves by peaceful means

and, to this end decide to establish a Commission of Mediation, Conciliation and Arbitration, the composition of which and conditions of service shall be defined by a separate Protocol to be approved by the Assembly of Heads of State and Government. Said Protocol shall be regarded as forming an integral part of the present Charter.

#### SPECIALIZED COMMISSIONS

##### Article XX

The Assembly shall establish such Specialized Commissions as it may deem necessary, including the following:

1. Economic and Social Commission
2. Educational, Scientific, Cultural and Health Commission
3. Defence Commission

##### Article XXI

Each Specialized Commission referred to in Article XX shall be composed of the Ministers concerned or other Ministers or Plenipotentiaries designated by the Governments of the Member States.

##### Article XXII

The functions of the Specialized Commissions shall be carried out in accordance with the provisions of the present Charter and of the regulations approved by

the Council of Ministers.

T H E        B U D G E T

Article XXIII

The budget of the Organization prepared by the Administrative Secretary-General shall be approved by the Council of Ministers. The budget shall be proved by contributions from Member States in accordance with the scale of assessment of the United Nations; provided, however, that no Member State shall be assessed an amount exceeding twenty percent of the yearly regular budget of the Organization. The Member States agree to pay their respective contributions regularly.

SIGNATURE AND RATIFICATION OF CHARTER

Article XXIV

1. This Charter shall be open for signature to all independent sovereign African States and shall be ratified by the signatory States in accordance with their respective constitutional processes.
2. The original instrument, done, if possible in African languages in English and French, all texts being equally authentic, shall be deposited with the Government of Ethiopia which shall transmit certified copies thereof to all independent sovereign African States.
3. Instruments of ratification shall be deposited with the Government of Ethiopia,

which shall notify all signatories of each such deposit.

ENTRY INTO FORCE

Article XXV

This Charter shall enter into force immediately upon receipt by the Government of Ethiopia of the instruments of ratification from two-thirds of the signatory States.

REGISTRATION OF THE CHARTER

Article XXVI

This Charter shall, after due ratification, be registered with the Secretariat of the United Nations through the Government of Ethiopia in conformity with Article 102 of the Charter of the United Nations.

INTERPRETATION OF THE CHARTER

Article XXVII

Any question which may arise concerning the interpretation of this Charter shall be decided by a vote of two-thirds of the Assembly of Heads of State and Government of the Organization.

ADHESION AND ACCESSION

Article XXVIII

1. Any independent sovereign African State may at any time notify the Administrative Secretary-General of its intention to adhere or accede to this Charter.

2. The Administrative Secretary-General shall, on receipt of such notification, communicate a copy of it to all the Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Administrative Secretary-General, who shall, upon receipt of the required number of votes, communicate the decision to the State concerned.

#### M I S C E L L A N E O U S

##### Article XXIX

The working languages of the Organization and all its institutions shall be, if possible African languages, English and French.

##### Article XXX

The Administrative Secretary-General may accept, on behalf of the Organization, gifts, bequests and other donations made to the Organization, provided that this is approved by the Council of Ministers.

##### Article XXXI

The Council of Ministers shall decide on the privileges and immunities to be accorded to the personnel of the Secretariat in the respective territories of the Member States.

#### CESSATION OF MEMBERSHIP

##### Article XXXII

Any State which desires to renounce its membership shall forward a written notification



to the Administrative Secretary-General. At the end of one year from the date of such notification, if not withdrawn, the Charter shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Organization.

AMENDMENT OF THE CHARTER

Article XXXIII

This Charter may be amended or revised if any Member State makes a written request to the Administrative Secretary-General to that effect; provided, however, that the proposed amendment is not submitted to the Assembly for consideration until all the Member States have been duly notified of it and a period of one year has elapsed. Such an amendment shall be effective unless approved by at least two-thirds of all the Member States.

IN FAITH WHEREOF, We, the Heads of African States and Governments have signed this Charter.



in other treaties and agreements among the Member States, and those that are established in these Regulations.

Rule 2

The General Administrative Secretariat shall supervise the implementation of decisions of the Council of Ministers concerning all economic, social, legal and cultural exchanges of Member States:

- (i) keeps in custody the documents and files of the meetings of the Assembly, the Council of Ministers, of the Specialized Commissions and other organs of the Organization of African Unity.
- (ii) within its possibilities, the General Secretariat shall place at the disposal of the Specialized Commissions the technical and administrative services that may be requested. In case a session of a Specialized Commission is held outside the Headquarters of the Organization, at the request of a Member State, the General Secretariat shall conclude agreements or contracts with the Government of the Member State on whose territory the Session of the Specialized

Commission is being held, to guarantee adequate compensation of the disbursements incurred by the General Secretariat;

- (iii) receives communications of ratification of instruments of agreements entered into between Member States;
- (iv) prepares an Annual Report of the activities of the Organization;
- (v) prepares for submission to the Council, a report of the activities carried out by the Specialized Commissions;
- (vi) prepares the Programme and Budget of the Organization for each Fiscal Year, to be submitted to the Council of Ministers, for its consideration and approval.

Rule 3

The General Secretariat of the Organization of African Unity is the Secretariat of the Assembly, of the Council of Ministers, of the Specialized Commissions and other organs of the Organization of African Unity.

Rule 4

The Organization of African Unity has its Headquarters in the City of Addis Ababa.

Rule 5

The Headquarters is for the official use of the Organization, for objectives and

purposes strictly compatible with the objectives and purposes set forth in the Charter of the Organization. The Administrative Secretary-General may authorize the celebration of meetings or social functions in the Headquarters of the Organization when such meetings or functions are closely linked, or are compatible with the objectives and purposes of the Organization.

## PART II

### THE ADMINISTRATIVE SECRETARY-GENERAL AND THE ASSISTANT ADMINISTRATIVE SECRETARY-GENERAL

The Administrative Secretary-General

#### Rule 6

The Administrative Secretary-General directs the activities of the General Secretariat and is its legal representative.

#### Rule 7

The Administrative Secretary-General is directly responsible to the Council of Ministers for the adequate discharge of all duties assigned to him.

#### Rule 8

The appointment, term of office and removal of the Administrative Secretary-General are governed by the provisions of Article XVI and XVIII of the Charter and of the Rules of Procedure of the Assembly.

Rule 9

The participation of the Administrative Secretary-General in the deliberations of the Assembly, of the Council of Ministers, of the Specialized Commissions and other organs of the Organization shall be governed by the provisions of the Charter and by the respective Rules of Procedure of these bodies.

Rule 10

The Administrative Secretary-General shall submit reports requested by the Assembly, the Council of Ministers and the Commissions.

Rule 11

The Administrative Secretary-General shall furthermore:

- (i) carry out the provisions of Article XVIII of the Charter, and submit Staff Rules to the Council of Ministers for approval;
- (ii) transmit to Member States the Budget and Programme of Work at least one month before the convocation of the sessions of the Assembly, of the Council of Ministers, of the Specialized Commissions and of other organs of the Organization;
- (iii) receive the notification of adherence or accession to the Charter and communicate such notification to

Member States, as provided in Article XXVIII of the Charter.

- (iv) receive the notification of Member States which may desire to renounce their membership in the Organization as provided in Article XXXII of the Charter;
- (v) communicate to Member States, and include in the Agenda of the Assembly, as provided in Article XXXIII of the Charter written requests of Member States for amendments or revisions of the Charter;
- (vi) establish, with the approval of the Council of Ministers, such branches and administrative and technical offices as may be necessary to achieve the objectives and purposes of the Organization;
- (vii) abolish, with the approval of the Council of Ministers, such branches and administrative and technical offices as may be deemed necessary for the adequate functioning of the General Secretariat.

The Assistant Administrative Secretaries-General

Rule 12

The appointment, term of office and removal of the Assistant Administrative

Secretaries-General are governed by the provisions of Article XVI and XVII of the Charter and the Rules of Procedure of the Assembly.

Rule 13

The Administrative Secretary-General shall designate one of the Assistant Administrative Secretaries-General who will represent him in all matters assigned to him.

Rule 14

One of the Assistant Administrative Secretaries-General shall exercise the functions of the Administrative Secretary-General in his absence, or because of any temporary incapacity of the Administrative Secretary-General, and shall assume the office of the Administrative Secretary-General for the unexpired term in case of a definite vacancy. In case of definite vacancy, the Council will designate one of the Assistant Administrative Secretary-General who will replace the Administrative Secretary-General provisionally.

PART III

ORGANISATION OF THE GENERAL SECRETARIAT

Rule 15

The General Secretariat has the following departments:-

- (i) the Political, Legal and Defence  
Department;



- (ii) the Economic and Social Department;
- (iii) the Administrative, Conference and Information Department.

The Administrative Secretary-General will create divisions and sub-divisions, as he may deem necessary, with the approval of the Council.

#### PART IV

#### FISCAL RULES

##### Rule 16

The Administrative Secretary-General shall prepare the Programme and Budget of the Organization as provided in Article XXIII of the Charter, and shall submit it to the Council of Ministers for scrutiny and approval during its first ordinary session.

##### Rule 17

The proposed Programme and Budget shall comprise the programme of activities of the General Secretariat of the Organization. It shall include the expenses of the Assembly, of the Council of Ministers, of the Specialized Commissions and of other organs of the Organization.

##### Rule 18

In formulating the Programme and Budget of the Organization the Administrative Secretary-General shall consult the different Organs of the Organization of African Unity.

The proposed Programme and Budget shall include:-

- (i) a list of contributions made by Member States in accordance with the scale established by the Council of Ministers and by reference to the provisions of Article XXIII of the Charter;
- (ii) an estimate of various incomes;
- (iii) a description of the situation of the Working Fund.

FINANCIAL RESOURCES

Rule 19

Once the budget is approved by the Council of Ministers, the Administrative Secretary-General shall communicate it to the Member States, with all pertinent documents, at least three months before the first day of the Fiscal Year. The budget shall be accompanied by a list indicating the annual contributions assigned by the Council to each Member State. The annual contribution of each Member State becomes due on the first day the approval of the Council of Ministers. The objectives and limitations of these funds shall be defined by the Council of Ministers. These funds shall be administered in separate accounts, as provided in special regulations approved by the Council of Ministers.

Rule 24

The Administrative Secretary-General, may accept, on behalf of the Organization, gifts, bequests and other donations made to the Organization, provided that such donations are consistent with the objectives and purposes of the Organization, and are approved by the Council of Ministers.

Rule 25

In the case of monetary donations for specific purposes, these funds shall be treated as fiduciary or special funds, as provided in Rule 22. Monetary donations for no specific purposes shall be considered as miscellaneous income.

Rule 26

The Administrative Secretary-General shall designate the African Banks or Banking Institutions in which the funds of the Organization shall be deposited. The interests accrued by such funds, including the Working Fund, shall be entered as miscellaneous income.

A C C O U N T I N G -

Rule 27

The accounts of the Organization shall be carried in the currency determined by the Council of Ministers.

FINANCIAL SUPERVISION

Rule 28

The Council of Ministers shall be responsible for the supervision of the finances of the Organization.

Rule 29

The Administrative Secretary-General shall submit to the Council of Ministers any matter relating to the financial situation of the Organization.

PART V

M I S C E L L A N E O U S

Rule 30

The Administrative Secretary-General shall submit to the Council of Ministers for its approval, at the earliest possible moment, the complete Regulations governing the Accounting Method of the Organization, in accordance with established international accounting practices.

A M E N D M E N T S

Rule 31

These Regulations may be amended by the Council of Ministers by a simple majority subject to the approval of the Assembly.

Protocol of the Commission Mediation,  
Conciliation and Arbitration

PART I

ESTABLISHMENT AND ORGANIZATION

Article I

The Commission of Mediation, Conciliation and Arbitration established by Article XIX of the Charter of the Organization of African Unity shall be governed by the provisions of the present Protocol.

Article II

1. The Commission shall consist of twenty-one members elected by the Assembly of Heads of State and Government.
2. No two Members shall be nationals of the same State.
3. The Members of the Commission shall be persons with recognized professional qualifications.
4. Each Member State of the Organization of African Unity shall be entitled to nominate two candidates.
5. The Administrative Secretary-General shall prepare a list of the candidates nominated by Member States and shall submit it to the Assembly of Heads of State and Government.

Article III

1. Members of the Commission shall be elected for a term of five years and shall be

eligible for re-election.

2. Members of the Commission whose terms of office have expired shall remain in office until the election of a new Commission.

3. Notwithstanding the expiry of their terms of office, Members shall complete any proceedings in which they are already engaged.

#### Article IV

Members of the Commission shall not be removed from office except by decision of the Assembly of Heads of State and Government, by a two-thirds majority of the total membership, on the grounds of inability to perform the functions of their office or of proved misconduct.

#### Article V

1. Whenever a vacancy occurs in the Commission, it shall be filled in conformity with the provisions of Article II.

2. A Member of the Commission elected to fill a vacancy shall hold office for the unexpired term of the Member he has replaced.

#### Article VI

1. A President and two Vice-Presidents shall be elected by the Assembly of Heads of State and Government from among the Members of the Commission who shall each hold office for five years. The President and the two Vice-Presidents shall not be eligible for re-

election as such officers.

2. The President, the two Vice-Presidents and the Eighteen Members of the Commission shall be part-time Members of the Commission.

#### Article VII

The President and the two Vice-Presidents shall constitute the Bureau of the Commission and shall have the responsibility of consulting with the parties as regards the appropriate mode of settling the dispute in accordance with this Protocol.

#### Article VIII

The salaries and allowances of the Members of the Bureau and the remuneration of the other Members of the Commission shall be determined in accordance with the provisions of the Charter of the Organization of African Unity.

#### Article IX

1. The Commission shall appoint a Registrar and may provide for such other officers as may be deemed necessary.

2. The terms and conditions of service of the Registrar and other administrative officers of the Commission shall be governed by the Commission's Staff Regulations.

#### Article X

The administrative expenses of the Commission shall be borne by the Organization

of African Unity. All other expenses incurred in connection with the proceedings before the Commission shall be met in accordance with the Rules of Procedure of the Commission.

Article XI

The Seat of the Commission shall be at Addis Ababa, Ethiopia.

PART II

GENERAL PROVISIONS

Article XII

The Commission shall have jurisdiction over disputes between States only.

Article XIII

1. A dispute may be referred to the Commission jointly by the parties concerned, by a party to the dispute, by the Council of Ministers or by the Assembly of Heads of State and Government.
2. Where a dispute has been referred to the Commission as provided in paragraph 1, and one or more of the parties have refused to submit to the jurisdiction of the Commission, the Bureau shall refer the matter to the Council of Ministers for consideration.

Article XIV

The consent of any party to a dispute to submit to the jurisdiction of the



Commission may be evidenced by:

- (a) a prior written undertaking by such party that there shall be recourse to Mediation, Conciliation or Arbitration;
- (b) reference of a dispute by such party to the Commission; or
- (c) submission by such party to the jurisdiction in respect of a dispute referred to the Commission by another State, by the Council of Ministers, or by the Assembly of Heads of State and Government.

#### Article XV

Member States shall refrain from any act or omission that is likely to aggravate a situation which has been referred to the Commission.

#### Article XVI

Subject to the provisions of this Protocol and any special agreement between the parties, the Commission shall be entitled to adopt such working methods as it deems to be necessary and expedient and shall establish appropriate rules of procedure.

#### Article XVII

The Members of the Commission, when engaged in the business of the Commission,

shall enjoy diplomatic privileges and immunities as provided for in the Convention on Privileges and Immunities of the Organization of African Unity.

Article XVIII

Where, in the course of Mediation, Conciliation or Arbitration, it is deemed necessary to conduct an investigation or inquiry for the purpose of elucidating facts or circumstances relating to a matter in dispute, the parties concerned and all other Member States shall extend to those engaged in any such proceedings the fullest co-operation in the conduct of such investigation or inquiry.

Article XIX

In case of a dispute between Member States, the parties may agree to resort to any one of these modes of settlement; Mediation, Conciliation and Arbitration.

PART III

M E D I A T I O N

Article XX

When a dispute between Member States is referred to the Commission for Mediation, the President shall, with the consent of the parties, appoint one or more members of the Commission to mediate the dispute.

Article XXI

1. The role of the mediator shall be confined to reconciling the views and claims of the parties.
2. The mediator shall make written proposals to the parties as expeditiously as possible.
3. If the means of reconciliation proposed by the mediator are accepted, they shall become the basis of a protocol of arrangement between the parties.

PART IV

C O N C I L I A T I O N

Article XXII

1. A request for the settlement of a dispute by conciliation may be submitted to the Commission by means of a petition addressed to the President by one or more of the parties to the dispute.
2. If the request is made by only one of the parties, that party shall indicate that prior written notice has been given to the other party.
3. The petition shall include a summary explanation of the grounds of the dispute.

Article XXIII

1. Upon receipt of the petition, the President shall, in agreement with the parties, establish a Board of Conciliator, of whom

three shall be appointed by the President from among the Members of the Commission, and one each by the parties.

2. The Chairman of the Board shall be a person designated by the President from among the three Members of the Commission.

3. In nominating persons to serve as Members of the Board, the parties to the dispute shall designate persons in such a way that no two Members of it shall be nationals of the same State.

#### Article XXIV

1. It shall be the duty of the Board of Conciliators to clarify the issues in dispute and to endeavour to bring about an agreement between the parties upon mutually acceptable terms.

2. The Board shall consider all questions submitted to it and may undertake any inquiry or hear any person capable of giving relevant information concerning the dispute.

3. In the absence of agreement between the parties, the Board shall determine its own procedure.

#### Article XXV

The parties shall be represented by agents, whose duty shall be to act as intermediaries between them and the Board.

They may moreover be assisted by counsel and experts and may request that all persons whose evidence appears to the Board to be relevant shall be heard.

Article XXVI

1. At the close of the proceedings, the Board shall draw up a report stating either:
  - (a) that the parties have come to an agreement and, if the need arises, the agreement and any recommendations for settlement made by Board; or
  - (b) that it has been impossible to effect a settlement.
2. The Report of the Board of Conciliators shall be communicated to the parties and to the President of the Commission without delay and may be published only with the consent of the parties.

PART V

A R B I T R A T I O N

Article XXVII

1. Where it is agreed that arbitration should be resorted to, the Arbitral Tribunal shall be established in the following manner:
  - (a) each party shall designate one arbitrator from among the Members of the Commission having legal qualifications;

- (b) the two arbitrators thus designated shall, by common agreement, designate from among the Members of the Commission a third person who shall act as Chairman of the Tribunal;
  - (c) where the two arbitrators fail to agree, within one month of their appointment, in the choice of the person to be Chairman of the Tribunal the Bureau shall designate the Chairman.
2. The President may, with the agreement of the parties, appoint to the Arbitral Tribunal two additional Members who need not be Members of the Commission but who shall have the same powers as the other Members of the Tribunal.
3. The arbitrators shall not be nationals of the parties, or have their domicile in the territories of the parties, or be employed in their service, or have served as mediators or conciliators in the same dispute. They shall all be of different nationalities.

#### Article XXVIII

Recourse to arbitration shall be regarded as submission in good faith to the award of the Arbitral Tribunal.

#### Article XXIX

1. The parties shall, in each case, conclude a compromise which shall specify:
- (a) the undertaking of the parties to go to arbitration, and to

- accept as legally binding, the decision of the Tribunal;
- (b) the subject matter of the controversy; and
- (c) the seat of the Tribunal.

2. The compromise may specify the law to be applied by the Tribunal and the power, if the parties so agree, to adjudicate ex-aequo et bono, the time-limit within which the award of the arbitrators shall be given, and the appointment of agents and counsel to take part in the proceedings before the Tribunal.

#### Article XXX

In the absence of any provision in the compromise regarding the applicable law, the Arbitral Tribunal shall decide the dispute according to treaties concluded between the parties, International Law, the Charter of the Organization of African Unity, the Charter of the United Nations, and if the parties agree, exaequo et bono.

#### Article XXXI

1. Hearings shall be held in camera unless the arbitrators decide otherwise.
2. The record of the proceedings signed by the arbitrators and the Registrar shall along be authoritative.
3. The arbitral award shall be in writing and shall, in respect of every point decided,

state the reasons on which it is based.

PART VI

FINAL PROVISIONS

Article XXXII

The present Protocol shall, after approval by the Assembly of Heads of State and Government, be an integral part of the Charter of the Organization of African Unity.

Article XXXIII

The Protocol may be amended or revised in accordance with the provisions of Article XXXIII of the Charter of the Organization of African Unity.

IN FAITH WHEREOF, We, the Heads of African States and Governments have signed the Protocol. Done at Cairo, (United Arab Republic), on the 21st day of July, 1964.

ALGERIA	IVORY COAST
BURUNDI	KENYA
CAMEROUN	LIBERIA
CENTRAL AFRICAN REPUBLIC	LIBYA
CHAD	MADAGASCAR
CONGO (Brazzaville)	MALAWI
DAHOMEY	MALI
ETHIOPIA	MAURITANIA
GABON	MOROCCO
GHANA	NIGER
GUINEA	NIGERIA



RWANDA	UGANDA
SENEGAL	UNITED ARA REPUBLIC
SIERRA LEONE	UNITED REPUBLIC OF
SOMALIA	TANGA NYIKA
SUDAN	AND ZANZIBAR
TOGO	UPPER VOLTA.
TUNISIA	

RULES OF PROCEDURE OF THE COUNCIL OF  
MINISTERS OF THE ORGANIZATION OF  
AFRICAN UNITY

C O M P O S I T I O N

Rule 1

The Council of Ministers of the Organization of African Unity is composed of Ministers for Foreign Affairs or any other Ministers appointed by the Governments of Member States.

Rule 2

The Council of Ministers is answerable to the Assembly of Heads of State and Government.

F U N C T I O N S

Rule 3

- (i) It is charged with the preparation of the Assembly;
- (ii) It takes cognisance of any question referred to it by the Assembly;
- (iii) It implements inter-African co-operation, in accordance with the

- directives of the Assembly; as provided under Article II, paragraph 2, of the Charter of the Organization of African Unity;
- (iv) The budget of the Organization prepared by the Administrative-Secretary-General shall be submitted, for scrutiny and approval, by the Council of Ministers;
- (v) The functions of the Specialized Commissions established by Article XX of the Charter shall be carried out in accordance with the provisions of the Charter and of the regulations approved by the Council of Ministers.

#### R E P R E S E N T A T I O N

##### Rule 4

Each Government shall be represented on the Council of Ministers by a Delegation led by the Minister for Foreign Affairs or any other Minister appointed by the Government.

##### Rule 5

The Government of each Member State shall communicate to the Council in advance, through the Administrative Secretary-General, the list of its dully accredited delegation.

ORDINARY SESSIONS

Rule 6

As approved by Article XII(2) of the Charter, the Council of Ministers shall meet at least twice a year, in February and in August.

At its ordinary annual session which shall be held in February each year, it shall consider and approve, inter alia, the Programme and Budget of the Organization for the next fiscal year. The fiscal year of the Organization shall be from the first of June to the thirty-first of May.

EXTRA-ORDINARY SESSIONS

Rule 7

At the request of a Member State and subject to the agreement of two-thirds of the Members, the Council shall meet in extraordinary session.

PLACE OF MEETING

Rule 8

Sessions of the Council shall be held at the Organization's headquarters unless a Member Government invites the Council to meet in its country, and in that event any additional expenses incurred by the Secretariate in respect of travel shall be borne by the Member Government.

PUBLIC AND PRIVATE MEETINGS

Rule 9

All meetings of the Council shall be held in private; but the Council may decide by simple majority whether any of its meetings shall be public.

WORKING LANGUAGES

Rule 10

The working languages of the Organization and all its institutions shall be, if possible, African languages, French and English.

CHAIRMANSHIP, ELECTION AND TERM  
OF OFFICE

Rule 11

The Council shall, at the commencement of each session, elect, by secret ballot and simple majority, a Chairman, three Vice-Chairmen and a Rapporteur whose terms of office shall terminate at the commencement of the next Ordinary Session. These officers are not eligible for re-election to the Bureau until the representatives of other Member States have held office.

Rule 12

The Chairman opens and closes the meetings, submits for approval the records of the meetings, directs the debates, grants the use

of the floor, submits to a vote matters under discussion, announces the results of votes, rules on points of order in accordance with the Rules of Procedure.

VACANCY OF ABSENCE

Rule 13

In case of vacancy or absence of the Chairman, one of the Vice-Chairman shall act in his place.

A G E N D A

Rule 14

The provisional agenda shall be drawn up by the Administrative Secretary-General and communicated to Member States at least thirty days before the opening of the ordinary session.

Rule 15

The provisional agenda of an ordinary session shall comprise, in particular;

- (i) the report of the Administrative Secretary-General;
- (ii) items which the Assembly decides to place on the agenda of the Council;
- (iii) items which the Council decided at a preceding session to place on its agenda;
- (iv) items proposed by the Sepcialized Commissions of the Organization;
- (v) items proposed by Member States;

(vi) other business.

Rule 16

The agenda of an extra-ordinary session convened by the Administrative Secretary-General at the request of a Member State, provided this request has been approved by the required two thirds majority, shall be communicated fifteen days at least before the opening of the Session.

Rule 17

The agenda of an extra-ordinary session shall comprise only items submitted for consideration in the request for convening the extra-ordinary session.

Rule 18

A quorum shall be made up of two-thirds of the Member States of the Organization of African Unity.

Rule 19

No representative shall have the floor without the consent of the Chairman. The Chairman shall grant the use of the floor in the order in which it has been requested. He can call to order any representative when his statement is not relevant to the matter under discussion.

R E S O L U T I O N S

Rule 20

Proposed resolutions, motions or amendments shall be presented in writing to

the Administrative Secretary-General who shall circulate copies to representatives. However, the Council may authorize the discussion of a proposal not previously distributed. Proposed resolutions and motions shall be examined in the order of their submission.

A motion or a proposed resolution may be withdrawn by the original mover prior to its being submitted to the vote. Any representative may reintroduce a motion or proposed resolution that has been withdrawn.

#### POINTS OF ORDER

##### Rule 21

During the debate, a representative may raise a point of order and the point of order shall be immediately decided by the Chairman in accordance with the Rules of Procedure. A representative may appeal against the ruling of the Chairman. The appeal shall be immediately put to the vote and decided by simple majority.

A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

#### T I M E      L I M I T

##### Rule 22

The Council may limit the time allowed to each speaker on any question. On procedural questions, the Chairman shall

limit each intervention to a maximum of five minutes. When debate is limited and a representative exceeds his allotted time, the Chairman shall call him to order without delay.

#### CLOSING OF LIST OF SPEAKERS

##### Rule 23

During the course of a debate, the Chairman may announce the list of speakers and, with the consent of the Council, declare the list closed. The Chairman may, however, accord the right of reply to any representative if, in his opinion, a speech delivered after he has declared the list closed makes this desirable.

#### CLOSURE OF DEBATE

##### Rule 24

When a matter has been sufficiently discussed any representative may move the closure of the debate. Two representatives may speak in favour of the motion and two against the motion, after which the motion shall be considered approved if it has a simple majority in its favour. When the debate on an item is concluded because there are no other speakers, the Chairman shall declare the debate closed.

#### ADJOURNMENT OF DEBATE

##### Rule 25

During the discussion of any matter, a representative may move the adjournment of



the debate on the item under discussion. In addition to the proposer of the motion, one representative may speak in favour and one against the motion after which the motion shall be immediately put to the vote.

#### SUSPENSION OR ADJOURNMENT OF THE MEETING

##### Rule 26

During the discussion of any matter, a representative may move the suspension or adjournment of the meeting. No discussion on such motions shall be permitted, and they shall be immediately put to the vote.

#### ORDER OF PROCEDURAL MOTIONS

##### Rule 27

Subject to Rule 21, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (i) to suspend the meeting;
- (ii) to adjourn the meeting;
- (iii) to adjourn the debate on the item under discussion;
- (iv) for the closure of the debate on the item under discussion.

#### V O T I N G      R I G H T S

##### Rule 29

Each Member State shall have one vote.

MAJORITY REQUIRED

Rule 29

All resolutions shall be determined by simple majority of the members of the Council of Ministers.

VOTE ON RESOLUTIONS

Rule 30

After the debate has been closed the Chairman shall immediately put to the vote resolutions with all amendments. The vote shall not be interrupted except on a point of order related to the manner in which the vote is taking place.

VOTE ON AMENDMENTS

Rule 31

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Council shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. If one or several amendments are adopted, the amended proposal is then put to the vote. If no amendments are adopted, the proposal shall be put to the vote in its original form. A proposal is considered as an amend-

ment to a text if it adds or removes parts therefrom or modifies it.

VOTE ON SEPARATE PARTS OF A PROPOSAL

Rule 32

Parts of a proposal, resolution or a motion shall be voted on separately when so requested. If this is done, the text resulting from a series of votes shall be put to the vote as a whole. If all operative parts of a proposed resolution or motion have been rejected, the proposal shall be considered to have been as a whole.

METHOD OF VOTING AND EXPLANATION OF VOTE

Rule 33

Votes will be taken by raising the hand, but any representative may request a roll-call vote which shall be taken in the alphabetical order of the names of the Members beginning with the State whose name is drawn by lot by the Chairman. After a vote any representative may request the use of the floor to explain his vote.

Rule 34

There shall be a secret vote for elections and also in such special circumstances as the Council may determine by simple majority.

Rule 35

In the event of equality of votes in issues other than elections, the proposal is deemed to be rejected.

C O M M I T T E E S

Rule 36

The Council may establish such ad hoc committees and temporary working groups as it may deem necessary.

A M E N D M E N T S

Rule 37

These Rules of Procedure may be amended by the Council of Ministers by simple majority of its Members.

RULES OF PROCEDURE OF THE ASSEMBLY OF  
HEADS OF STATE AND GOVERNMENT

Rule 1

The Assembly of Heads of State and Government is the Supreme Organ of the Organization of African Unity.

C O M P O S I T I O N

Rule 2

The Assembly is composed of the Heads of State and Government or their duly accredited representatives.

F U N C T I O N S

Rule 3

- (i) Discussion of matters of common concern to Africa;
- (ii) Co-ordinating and harmonising the general policy of the Organization;
- (iii) Reviewing the structure, functions and acts of all organs of the Organization;
- (iv) Establishment of any specialized agencies as it may deem necessary and as provided for in Article VIII and XX of the Charter;
- (v) Interpretation and amendment of the Charter.

ORDINARY SESSIONS

Rule 4

In conformity with Article IX of the Charter, the Assembly of Heads of State and

Government shall meet at least once a year.

#### EXTRA-ORDINARY SESSIONS

##### Rule 5

At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extra-ordinary session.

#### PLACE OF MEETING

##### Rule 6

The Assembly shall decide at its ordinary session the place of its next session by simple majority.

#### PUBLIC AND PRIVATE MEETINGS

##### Rule 7

All meetings of the Assembly shall be held in private; the Assembly, however, may decide by simple majority whether any of its meetings shall be public.

#### WORKING LANGUAGES

##### Rule 8

The working languages of the Assembly are, if possible, African languages, English and French.

#### ELECTION OF CHAIRMAN

##### Rule 9

The Assembly shall at the beginning of each session, elect a Chairman and eight

Meeting - Chairman.

DUTIES AND FUNCTIONS OF THE CHAIRMAN

Rule 10

- i) The Chairman opens and closes the meetings, submits for approval the records of the meetings, directs the debates, grants the use of the floor, submits to a vote matters under discussion, announces the results of the vote taken, rules on points of order in accordance with the Charter and the Rules of Procedure;
- ii) The Chairman of the meeting shall ensure the order and the decorum of the proceedings of the Assembly.

A G E N D A

Rule 11

- i) The provisional agenda of an ordinary session shall be drawn up by the Council of Ministers;
- ii) The provisional agenda of an ordinary session shall comprise the following:
  - (a) items which the Assembly decides to place on its agenda;
  - (b) items proposed by the Council of Ministers;
  - (c) items proposed by a Member State;

(d) other business.

Rule 12

The agenda of an extra-ordinary session shall be communicated by the Administrative-Secretary-General at least ten days before the opening of the extra-ordinary session.

Rule 13

The Agenda as an extra-ordinary session shall comprise only items submitted for consideration in the request for convening the extra-ordinary session.

QUORUM AND DEBATES

Rule 14

Two-thirds of the total membership shall form a quorum at any meeting of the Assembly.

Rule 15

The use of the floor shall be granted by the Chairman in the order in which it has been requested.

R E S O L U T I O N S

Rule 16

Proposed resolutions, motions, or amendments shall be presented in writing to the Administrative Secretary-General who shall give copies to Members of the Assembly. However, the Assembly may authorize the discussion of a proposal not previously distributed.



Rule 17

A motion or a proposed resolution may be withdrawn by the original mover prior to its being submitted to the vote. Any member may reintroduce a motion or proposed resolution that has been withdrawn.

POINT OF ORDER

Rule 18

During the debate, a member may raise a point of order and the point of order shall immediately be decided by the Chairman, in accordance with the Rules of procedure. If a member appeals against the decision, the appeal shall immediately be submitted to the vote.

CLOSING OF LIST OF SPEAKERS

Rule 19

During the course of debate the Chairman may announce the list of speakers and, with the consent of the Assembly, declare the list closed. The Chairman may, however, accord the right of right of reply to any member, if, in his opinion, a speech delivered after he has declared the list closed makes this desirable.

CLOSURE OF DEBATE

Rule 20

When a matter has been sufficiently discussed any member may move the closure of the debate. Two members may briefly speak in

favour and two against such motion after which the motion shall be immediately put to the vote.

#### ADJOURNMENT OF DEBATE

##### Rule 21

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour and one against the motion after which the motion shall be immediately put to the vote.

#### SUSPENSION OR ADJOURNMENT OF THE MEETING

##### Rule 22

During the discussion of any matter, a member may move the suspension or adjournment of the meeting. No discussion on any such motion shall be permitted, and it shall be immediately put to the vote.

#### ORDER OF PROCEDURAL MOTIONS

##### Rule 23

Subject to Rule 18, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (i) To suspend the meeting;
- (ii) To adjourn the meeting;
- (iii) To adjourn the debate on the item under discussion;

- (iv) For the closure of the debate on  
the item under discussion.

## V O T I N G   R I G H T S

### Rule 24

Each Member State shall have one vote.

## MAJORITY   REQUIRED

### Rule 25

All resolutions and decisions shall be determined by a two-thirds majority of the Members of the Organization.

### Rule 26

Questions of procedure shall require a simple majority of all members of the Organization. Whether or not a question is one of procedure shall be determined by a similar manner.

## VOTE   ON   RESOLUTIONS

### Rule 27

After the debate has been closed the Chairman shall immediately put to the vote the resolution with all amendments. The vote shall not be interrupted except on a point of order related to the manner in which the vote is taking place.

## VOTING   ON   AMENDMENTS

### Rule 28

When an amendment is moved to a proposal, the amendment shall be voted on first. When

two or more amendments are moved to a proposal, the Assembly shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. If one or several amendments are adopted, the amended proposal is then put to the vote. If no amendments are adopted, the proposal shall be put to the vote in its original form. A proposal is considered as an amendment to a text if it adds or removes parts therefrom or modifies it.

#### VOTE ON SEPARATE PARTS OF A PROPOSAL

##### Rule 29

Parts of a proposal, resolution or a motion shall be voted on separately when so requested. If this is done, the text **resulting** from the series of votes shall be put to the votes as a whole. If all operative parts of a proposed resolution or motion have been rejected, the proposal shall be considered to have been rejected as a whole.

#### METHODS OF VOTING AND EXPLANATION OF VOTE

##### Rule 30

Votes will be taken by raising the hand, but any member may request a roll-call vote which shall be taken in the alphabetical order of the names of the Member States

beginning with the State whose name is drawn by lot by the Chairman. After the vote any member may request the use of the floor to explain his vote.

Rule 31

There shall be a secret vote for elections, and also in such special circumstances as the Assembly may determine by simple majority.

ADMINISTRATIVE SECRETARY-GENERAL

Rule 32

The Assembly shall appoint the Administrative Secretary-General of the Organization by secret vote and a two-thirds majority.

Rule 33

The term of office of the Administrative Secretary-General is of four years and subject to re-election.

ASSISTANT SECRETARIES-GENERAL

Rule 34

The Assembly shall appoint one or more Assistant Secretaries-General of the Organization. Method of vote will be as provided in Rule 32.

Rule 35

The Assistant Secretary-General or the Assistant Secretaries-General shall be appointed for a term of office of four years,

after which they may be eligible for re-election.

Rule 36

The Assembly may terminate the mandates of the Administrative Secretary-General and Assistant Secretaries-General, when so required for the good functioning of the Organization. In this respect the method of vote will be the same as that of their appointment.

C O M M I T T E E S

Rule 37

The Assembly may establish such ad hoc Committees and temporary working groups as it may deem necessary.

A M E N D M E N T S

Rule 38

These Rules of Procedure may be amended by the Assembly by a two-thirds majority.

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