

# **THE MWALIMU NYERERE FOUNDATION**



**"THE AFRICAN UNION AND CONFLICT RESOLUTION"**

**THE SOKOINE MEMORIAL LECTURE 2003**

**BY**

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**Chairperson,** *RC for Northern Itho.*

*SUA Council Chairman Ans. Njirung/Kibya*

**Mr. Vice Chancellor, Professor Anselm Lwoga,**

**Members of Staff and Students of  
Sokoine University,**

**Ladies and Gentlemen.**

I am pleased to join you at this auspicious occasion in your beautiful campus on the foothills of the scenic slopes of the Uluguru Mountains. I wish to sincerely thank the Vice Chancellor, Professor Lwoga, for the invitation, and indeed the honour, that I have been accorded to deliver the 2003 SOKOINE MEMORIAL LECTURE.

Paying homage and tribute to the late Prime Minister Edward Moringe Sokoine, is a moving privilege for me because it evokes

many memories of working with him when I was Minister of Foreign Affairs. I also recall the unenviable difficult task of succeeding him as Prime Minister subsequent to his sad, sudden and tragic death in April 1984.

The late Prime Minister was an epitome of a people's leader, embodying the virtues of integrity, simplicity and dedication to the cause of the nation. He was a leader who combined effectiveness and respect to the popular will. He was incorruptible and dynamic, always striving to defend the interests of the Tanzanian people as a whole.

Edward Moringe Sokoine represented a unique breed of leadership that espoused a clear political vision while at the same time grappled with the operational problems of development. For this University to be associated with such a great person it is not only an entrustment of a revered name, but equally important it also symbolizes an identification with the ideals that our late Prime Minister devoted his life for. It is in this context that I commend your

commitment to maintain his memory, among other ways, by rededicating all of us to these ideals through the Memorial Lecture Series. I feel really privileged to join you and to deliver this year's lecture on conflict resolution within the continent – an issue that clearly was one of great concerns to the late Prime Minister.

When the Vice Chancellor wrote to me in March last year – less than four months before the African Union was formally launched in Durban, South Africa – he invited me to deliver a lecture on the Organization of African Unity and Conflict Resolution. Regrettably, due to circumstances beyond my control, I was not able to do so. This year around, I have been requested to talk about the African Union and Conflict Resolution. Obviously, there is a common thread linking the two topics, and that is, the issue of continental unity and the challenge of promoting peace, security and stability in Africa. However, implicit in the connection between the two topics, there are also two other related aspects which need to be highlighted right at the outset.

In the first place, the evolution from the OAU to the AU signifies an intensive dynamism of developments in our Continent that have culminated in the last few years and which have had profound consequences. Indeed, it is remarkable to note that within less than three years the Continental body has acquired a new identity, and has gone through the complex process of initiating a transformation involving all its member states. Clearly, this confirms that Africa has entered into a new trajectory – one in which African states are determined to harness their collective energy in order to realize the long cherished aspirations of our peoples in shaping our own destiny. While the horizon has not yet been reached, the Continent has entered into the correct path and has gathered the necessary momentum for surmounting the challenges of political and socio-economic development.

The second related aspect to the linkage between the two topics is the centrality of peace in the overall quest to achieve African unity. Both, the Organization of African Unity and the African Union have made the promotion of peace, security and stability as a central

plank in achieving cooperation, integration and unity in the Continent. Indeed, the OAU Charter enshrined this objective in the principles of its existence right at the Organization's formation in 1963. It further asserted its importance by providing for the Commission on Mediation, Reconciliation and Arbitration, among the four main organs of the Continental body. In the year 2000, thirty seven years later, the Constitutive Act embedded the issue of peace, among the people and for the people of this Continent, to be a central tenet of the African Union.

It is in this respect that the linkage between the topics of the two invitations extended by Professor Lwoga is not simply in updating the name of the Continental Organization. Rather, their significance lies in underscoring the centrality of peace in realizing Africa's vision and also affirming the continuity and resoluteness in the search for peace, security and stability in all stages of our Continent's development. I should hasten to state that it has not been easy; and that not all our efforts have borne fruits. Yet, whatever the degree of difficulty encountered and whichever setbacks that have been

experienced, the people of this Continent remain committed to eliminating conflicts and their root causes. Gradually, elements of positive results can be discerned.

For Africa, and I believe for all societies in the modern era, peace and stability is vital, without which no meaningful progress in the political, economic and social domains is possible. It was recognized as early as at the time of signing the OAU Charter in 1963 that the experience of colonialism and, at that time, the prevalence of apartheid as well as the cold war, had engendered so much discordance and fragmentation in our societies that achieving unity would entail preempting and overcoming those distortions that are prone to generate conflicts.

It is this recognition which made the Founding Fathers of the OAU to include in the Charter of the OAU, the Commission on Mediation, Reconciliation and Arbitration. However, this Commission hardly functioned although it remained an integral part of the Charter until the Organization was succeeded by the African Union. It was

only operational in the first years and especially with respect to the conflict between Morocco and Algeria. Tanzania was actively involved in these mediation efforts. It was represented by the late Junior Minister for Foreign Affairs Peter Walwa and Justice Earl Seaton.

This early experience of the non-operation of the Commission was quite revealing. While the Organ was structured to deal with conflicts between states, the new phenomenon that emerged in the immediate post-independent Africa was the proliferation of internal conflicts ranging from *coup d'états*, factional rebellions to civil wars. Such conflicts were considered internal affairs of sovereign states, and thus the principle of non-interference in the internal affairs of member states, which was enshrined in the Charter of the OAU, was misused considerably to pre-empt collective action by the continent. I use the word "misused" advisedly because I do not believe for one moment that when the Founding Fathers of the OAU inserted the clause of "Non interference in the internal affairs of States" they wanted in any way for the OAU to be indifferent to the mayhem,

killings and destruction which invariably accompanied civil strife in an African state.

Conflict resolution during this period took place through Adhoc arrangements that mainly included establishing Adhoc Committees or using the good offices of some Heads of State, such as in the case of the civil wars of Nigeria and that of Chad. Otherwise, all the continental efforts were directed at combating apartheid and the last vestiges of colonialism.

To a large extent, the dominant position within the Continent with respect to the conflicts in post-independence Angola and Mozambique were recognized as essentially being carried out at instigation and active support of the apartheid regime of South Africa that were also fueled by the surrogate interests of cold war powers. In the period before the 1990s the Continent remained seriously concerned with the devastations caused by these conflicts. However, the lack of a united and coordinated approach at the beginning of these conflicts perhaps missed an opportunity for an earlier

containment. The same applies to the prolonged conflict in Southern Sudan.

As one reminisces about the first two decades of independence in Africa, it becomes somewhat apparent that the subsuming of nation within state during this period exalted the state to an incontestable status at the exclusion of all other social interests. Any divergence was considered to be a threat to the state, and by inference, to the nation as a whole.

It was at the end of the cold war and the emergence of a global movement towards pluralistic democracy that the Continental Organization embarked into a new phase in promoting peace, security and stability. The decade started with a series of landmark decisions and commitments. Among the most significant was the Declaration of the Assembly of the Heads of State and Government of the OAU on the fundamental changes taking place in the world, and their impact on Africa, which was issued in Addis Ababa on 11 July 1990. In that declaration, African leaders undertook a critical

review of the political, social and economic situation of our continent in the light of rapid changes taking place in the world and their impact on our continent. Being in my first term of office as the Secretary General of the Continental body at that time I endeavored to present the changed situation in my Report to the OAU Assembly of Heads of State and Government. whose deliberation led to the adoption of the declaration.

The declaration that was adopted after deliberating on that report took note with satisfaction of the achievements of the OAU in the struggle for decolonization and the fight against apartheid. But African leaders went a step beyond this when they recognized that, basically, and in spite of their attempts to arrest and reverse the decline of African economies and improve the living standards of the African people, they had failed to meet the aspirations of the continent to improve their well-being and to bring about economic prosperity.

African leaders also observed that these objectives would be almost impossible to achieve as long as a climate of peace and an environment of security and stability did not prevail in the continent. In this regard, they renewed their determination to work together towards the peaceful and speedy resolution of all the conflicts in the continent, in the belief that the resolution of conflicts would be conducive to the creation of peace and stability in the continent, reduce expenditures on defense and security and release much needed resources for the socio-economic development of Africa. Significantly the 1990 Declaration made it clear that internal conflicts were not a no go area for the OAU. Furthermore, the Declaration Inter alia included a commitment to a further democratization of our societies and respect for human rights – which are important factors in dealing with the root causes of conflict.

I would like to emphasize at this juncture not only the reaffirmation being made at the Continental level on the need to consolidate the pursuit for peace, security and stability but equally important was the linkage that was being reiterated between peace

and its corollary of conflict resolution and the improvement of peoples welfare. This last decade of the 20<sup>th</sup> Century saw Africa not simply issuing proclamations and declarations on its political and economic visions but actually going further to begin putting in place the institutional infrastructure for achieving those objectives. In the economic front, this was a period when the Lagos Plan of Action was adopted, leading to the signing of the Abuja Treaty creating the African Economic Community. In the area of promoting peace, security and stability, in 1993, the OAU Assembly adopted the Cairo Declaration, which led to the establishment of Mechanism for Conflict Prevention, Management and Resolution.

In Cairo, African leaders recognized that no single factor had contributed more to the socio-economic problems facing the continent than the scourge of conflicts within and between Member States. Such conflicts had brought about death and human suffering, engendered hate and divided nations and families, and forced millions of Africans into a drifting life as refugees and internally displaced persons, deprived of their means of livelihood, human

dignity and hope. It was therefore clear that the lack of resources for development and the inability of African countries to address the many compelling needs of African peoples were caused in large part by conflicts.

The OAU Mechanism was fitted with a Central Organ, with the Secretary General and the Secretariat as its operational arm. Its mandate was primarily in the area of the anticipation and prevention of conflicts. However, African leaders also recognized that in circumstances where conflicts could not be stopped, it would be the responsibility of the OAU Mechanism to undertake peace-making and peace-building functions in order to facilitate the resolution of these conflicts. In this respect, provisions were to be made for the deployment of civilian and military observer and monitoring missions of limited scope and for a limited duration.

The significance of establishing the Mechanism was in the collective commitment it engendered to the effect that from that point on, peace, security, and stability are a collective responsibility

of all Africans. It cannot be left to the idiosyncrasies of individual societies, in the name of national sovereignty. Succinctly put, the new atmosphere that was created post the 1990 Addis Ababa OAU Declaration and the 1993 Cairo Declaration on the establishment of the mechanism meant that the provision of the OAU Charter on non-interference in the internal affairs of member states cannot and should not be used to prevent continental action in areas of conflict or massive violation of human rights.

The 1994 genocide in Rwanda was a major test for the immature OAU Mechanism. It is true that the OAU sponsored the Arusha Peace Agreement of 4 August 1993, between the Government of Rwanda at the time and the Rwandese Patriotic Front, and a previous meeting between the two Parties on 6 to 8 June 1992, on the Protocol of Agreement on the rule of law. It is also true that the OAU worked very closely with Tanzania as the coordinator of the Rwanda Peace Process and with other neighboring countries as well as with the international community at large.

However, partly as a result of a general lack of resolve, and most certainly due to the lack of adequate resources for intervening in Rwanda to stop the killings, the OAU Mechanism, and the organization as a whole, stood by while hundreds of thousands of Africans lost their lives in a horrendous manner. Nevertheless, over the years, the Mechanism did provide certain vitality to conflict intervention and mediation. Within varying degrees of success, it has been deployed in dealing with the conflict situations in Liberia, Sierra Leone, Cote d'Ivoire, Somalia, Sudan, DRC, Congo Brazzaville, Burundi, Central African Republic, Western Sahara, and the devastating war between Ethiopia and Eritrea.

The Mechanism for Conflict Prevention, Management and Resolution has been bolstered by the development of a Regional infrastructure for dealing with conflicts that has proved to be very effective in containing conflicts by working with the Continental body. I believe I do not have to elaborate the laudable work being done by Regional Economic Communities such as the Economic Community of The West African States (ECOWAS) pertaining to the situation in

Sierra Leone, Liberia, and Cote d'Ivoire. Equally The Inter Governmental Authority for Development (IGAD), The Southern African Development Cooperation (SADC), The Sahel-Saharan States Organization (CENSAD) have all played a critical role at different periods in handling conflicts that have erupted in their respective member states.

By the time the OAU was giving way to the launching of the African Union, it had become evident that African conflicts must first and foremost be Africa's responsibility to resolve and that there is less willingness internationally to deal with these crises. Furthermore, it was collectively recognized that an important facet of conflict prevention is the enhancement of democratic processes, the respect of human and peoples rights and the consolidation of constitutional governance.

It is in this regard that Following the discussions by African leaders in Harare in 1997, on the need to put an end to unconstitutional changes of government, the 35<sup>th</sup> Algiers Summit in

1999 adopted a declaration on the matter. This declaration which rejected the constitutional changes of government was further elaborated into a framework for an OAU response to unconstitutional changes of government, adopted by the Heads of State and Government in Lome, Togo in July 2000.

In that declaration, African leaders recognized that coups d'etat were unacceptable in Africa, coming as they did at a time when Africa had committed itself to respect the rule of law on the basis of the will of the people expressed through the ballot and not the barrel of a gun. As a result of the Algiers' decision, the usurpation of power by the military in the Comoros, Cote d'Ivoire, and more recently in Central African Republic, Sao Tome and Principe and Guinea Bissau was rejected by the OAU and AU. Not only were the coups condemned – which by itself was a radical departure from the stance taken in the 1906s and 1970s – but the regimes that took power were not allowed representation at the OAU and AU Forums. And in all these cases the Continental organization has strived effectively for the restoration of constitutional legality.

It is important to stress that the declaration on unconstitutional changes goes beyond a mere condemnation of coups: it defines the conditions under which a political change can be qualified as unconstitutional, and sets a number of criteria for democratic governance in Africa.

The launching of the African Union last July in Durban, South Africa, was a culmination of important developments in our Continent that spanned some 39 years. In the area of peace, security and stability, despite what might have appeared to be incessant conflict causing havoc and devastation, recent developments of seeing the Current Chairman of the Continental body, accompanied by his three other colleagues escorting the Head of State of Liberia who has agreed to relinquish his authority however reluctantly and accept an offer of political asylum, is indeed no mean achievement. It has been reported in the media that only last week, yet another Head of State, that of Guinea Bissau, has agreed to surrender his authority to save his country from chaos and anarchy. I do admit that this is a major

challenge to the building democratic practices, but it also reveals the seriousness that Africa attaches to resolving its conflicts.

The principles and objectives enshrined in the Constitutive Act of the African Union are more rigorous in asserting the importance of peace for the Continent's development. It even provides for collective intervention on a member country in case of massive violation of human rights such as genocide, war crimes or crimes against humanity. Among the 18 Organs provided for in the Constitutive Act is the African Peace and Security Council. This instrument, which replaces the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution, has been more revitalized and strengthened to cope with the challenges of peace and security in the Continent. It is designated to be a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in the Continent. In its operationalization, the Commission of the African Union, a Panel of the Wise, a Continental Early Warning System, an African Standby Force and a Special Fund will support it.

At this juncture I would like to observe that the Protocol relating to the establishment of the Peace and Security Council has so far been signed by 43 member States of the African Union. It has been ratified by 16 States out of the 27 countries required for its entry with force. With a view to accelerating the process for the early entry into force of the Protocol and the operationalisation of the Peace and Security Council, the Chairperson of the AU Commission the former President of Mali, Alpha Oumar Konare last Friday (September 19) dispatched special envoys to several African countries that are yet to sign and/or ratify the Protocol to undertake consultations at the highest level with the authorities of these countries. In this connection, it would be recalled that its last Session, the Tanzania National Assembly (Bunge) had ratified the Protocol.

Obviously, the challenges that have faced previous instruments for preventing and resolving conflicts, and for promoting peace, security and stability will also have to be confronted in operationalizing the newly established Peace and Security Council of

the African Union. These include resource constraints as experienced recently for example in the failure thus far to deploy AU military contingents from Ethiopia and Mozambique to Burundi, or in the delay to deploy ECOWAS troops in Liberia.

There is also the problem of determining the entry point for conflict prevention and management. There is often a tendency to deny the existence of a potential conflict until when it has turned unmanageable. And even when a conflict erupts it requires the willingness of the belligerent parties to accept mediation and to cooperate with the AU in working towards a solution. It cannot be overemphasized that Peace cannot be imposed on unwilling belligerents. We only have to look at the sad situation in Somalia which has had no effective central government for the last 13 years despite Herculean civilian efforts made to resolve the conflict there.

On the other hand, there is a sense of optimism. Major African programmes that are designed to implement the objectives of the African Union, such as the New Partnership for Africa (NEPAD) and

also the monitoring framework called the Conference on Security, Solidarity and Development Cooperation in Africa (CSSDCA) have given a high prominence to conflict resolution, particularly in building capacities at all levels so as to promote peace.

One other important factor which gives us reason for optimism is the deliberate and conscious decision of the African Union to involve more actively the African people in the affairs of the Union. The Constitutive Act of the AU provides for the creation of the Pan African Parliament as well as the participation of Civil Society in one of the organs of the Union namely the Economic, Social and Cultural Council. This is intended to overcome the shortcoming of the OAU which had not been able to sufficiently involve ordinary Africans in its activities. Unlike the struggle against colonialism, racism and apartheid of which every African felt identified with, the subsequent agenda of the organization has not sufficiently involved the African masses. It is my considered view that a closely involved civil society into the affairs of the continental organization including in areas of

peace, security and stability would enhance the AU's role and reinforce its impact on the continent.

I would like to conclude this lecture by emphasizing that peace and stability are conditions sine qua non for the development of our countries and continent. We cannot remain a continent characterized as one where violation of human rights and conflicts are endemic and where the sanctity of life is taken casually. As Africans both within the context of the AU and/or at the level of individual states – as Government actors and/or as activists in Civil Society, we must intensify our efforts to drastically change the current unacceptable situation in our continent. And it is not just a question of changing Africa's image. In many cases, it is a matter of life and death for our people. Ours is a continent endowed with tremendous resources and potential, yet our people are the poorest on the globe. Besides the historical injustices committed against our people, one of the contributing factors to this state of affairs which has also reinforced the marginalization of our continent is the continued conflicts in many parts of Africa. In addition to the horrors and destruction that these

conflicts produce, we have the inenviable situation of having more than 4 million refugees and 10 million internally displaced persons.

Conflict prevention, management and resolution must be one of our Top Priorities. But, the business of conflict resolution cannot be left only to states or Interstate organizations – whether it is the AU or the regional economic communities. The peoples of this Continent must be directly and actively involved. To this end, the inculcation and consolidation of the culture of peace and tolerance is an important component in the search for durable and lasting peace in Africa.

I thank you!