**Book Review**

**Title** The O.A.U. and African Diplomacy, 1963-1979
Author S.O. Agbi
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One of the themes least exploited in contemporary history is African diplomacy. As a whole, major developments in study have not received adequate attention.

The non-inclusion of courses on contemporary history in the curricula of many higher institutions is the direct result of this lack of adequate study and attention on contemporary issues. Where courses on contemporary history are available, students face a serious problem of obtaining relevant textbooks for their use. S.O. Agbi is partly concerned with this problem of inadequate standard texts to meet the demands of students of contemporary history in universities. His book, The O.A.U., and African Diplomacy 1963-1979, is thus designed partly to fill this gap.1 The book is a scholarly discussion of political crises in Africa, the attitude of the O.A.U. to these crises and how the organisation sought to solve them.

The publication of Agbi's work provides an opportunity for a re-appraisal of the issue of conflict resolution2 within the O.A.U., a theme which constitutes the thrust of the book. Since the foundation of this pan-African organisation in 1963, it has been involved in the resolution of one crisis or the other. Such crises, which are always dictated by the political instability in Africa, include border disputes, secessionist tendencies and liberation struggles. In all these problems the Organisation of African Unity has attempted to find peaceful solution.

The O.A.U. and African Diplomacy treats a number of these problems in some details. Both the Algerian-Moroccan dispute and the Ethiopia-Somali dispute3 provide concrete examples of the problems of border conflict facing Africa and in which the O.A.U. intervened with a view to resolving them. Agbi's summation of the role of the O.A.U. in these crisis is that apart from succeeding in facilitating bilateral negotiation between the disputants, the organisation failed to resolve the real issues.4

Another aspect of crisis in Africa is secession. Secessionist tendency in Africa was best demonstrated in the Congo crisis of 1964-67 and the Nigerian civil war of 1967-70.5 Agbi's book has adequately discussed the role the O.A.U. played in the two crises. Going by the discussions in the book the final resolution of the crises was not the handiwork of the O.A.U.6 The role of the O.A.U. in the Middle-East crisis, which the book also discussed, was also rather marginal and peripheral.7
From the foregoing it is clear that the O.A.U.'s role in solving African problems has not, in the words of Northedge and Donelan, been more than that of a 'useful background to bilateral talks between disputing African states'.8 Why is the O.A.U. unable to come to grips with the problems of conflicts between African countries?

To answer this question it is important to attempt a critique of the O.A.U. machinery for conflict resolution. The O.A.U. machinery for conflict resolution is laid down in Article XIX of the charter of the organisation. In this Article, 'member states pledged to settle all disputes among themselves by peaceful means and, to this end, decide to establish a Commission of Mediation, Conciliation and Arbitration'. A Protocol which established the commission and its activities was signed by member states of the

organisation on July 21, 1964. The Protocol became an integral part of the charter.

The Commission of Mediation, Conciliation and Arbitration is a legal body through which African disputes could be settled formally in the three ways stipulated by the charter. These are through mediation, conciliation and arbitration. According to the Protocol of the Commission, it has jurisdiction over disputes between states only.9 A dispute can be referred to the commission by one or both of the parties in dispute. The Assembly of Heads of State and Government and the Council of Ministers can also refer disputes between states to the Commission. However, the states in dispute must signify their willingness to submit their case to the Commission before it can proceed to examine such a case. The parties in dispute in conjunction with the commission will decide which conflict resolution device to employ. It is necessary to examine the dynamics of each of these devices.

Mediation is perhaps the most constantly used device to settle disputes by international organisations. Mediation is an attempt by a third party to bring two or more parties in dispute together in a direct talk towards a peaceful settlement of their disputes. The third party playing the role of an intermediary might be an individual like a head of state, a committee like that of heads of states appointed by an international organisation or by a specialised organ of such an organisation. The work of the mediating third party is thus largely to bring together the disputing parties, who, otherwise would never have come together to iron out their differences. The mediating party then helps to reconcile the claims and counter claims of the disputants so that a compromise is reached as a basis for future negotiation which may ultimately lead to a pacific settlement of the dispute.10

Conciliation as a conflict resolution device is very similar to mediation but its proceedings are more formal and legal-like. For example, disputants referring their dispute to the O.A.U. Conciliatory Commission must do so through a written petition clearly stating the facts of the case.11 The disputants are to be represented by agents, and they could be assisted by counsels and experts.12 But unlike the judicial process, the proceedings of the conciliatory body are not bound by rules of law neither are its findings binding on the disputants. The object of the conciliatory body is to help the disputants to find a mutually acceptable agreement based purely on the facts of the case presented.

Arbitration,13 on the other hand, is a purely judicial technique of conflict resolution. It requires that the disputing parties submit their dispute to a legally constituted panel of judges or umpires for a judicial determination of the case. The decision of the judges is legally binding on the disputants.14

Of the three methods of conflict resolution stipulated by the O.A.U. charter, Jon Woronof is of the view that the most effective was arbitration. According to Woronof, "the most judicial and formal nature of arbitration was essential as a guarantee to the states of a just decision, based on law, since this was the only mode of settlement that was directly binding without their approval".15

Whatever the most effective method open to the Commission the fact remains that it has in its two decades of existence been inactive.16 Despite their pledge to submit their disputes to the Commission, member states of the O.A.U. rarely do so. The Commission has remained a more decorative

body because of lack of interest in its formal methods of proceedings. Rather than submit their disputes to the Commission, African states prefer a more flexible and direct mediation of another state or even of the O.A.U. itself but not of its legal body. It then follows that much of the organisation's peace-making efforts are conducted outside the commission.

With the apparent lack of interest in the Commission of Mediation, Conciliation and Arbitration by member states of the O.A.U., the organisation has adopted a method of mediation by persuasion, or what Agbi referred to as diplomacy of persuasion. A number of examples of the organisation's attempt to solve disputes will give a clear picture of this peacemaking device.

One of the earliest examples of the O.A.U.'s involvement in African dispute was between Morocco and Algeria.17 To deal with the dispute an extra-ordinary session of the Ministerial Council appointed an ad hoc commission to mediate between the two countries. Members of the commission included heads of state of Ethiopia, Ivory Coast, Mali, Nigeria, Senegal, Sudan and Tanganyika. For the Ethiopia-Somali crisis, the O.A.U. heads of states set up a "Good offices" Committee to deal with
the crisis. The O.A.U. involvement in the Congo crisis and the Nigerian civil war followed the same pattern. In Congo an O.A.U. resolution set up an ad hoc commission comprising heads of states of Nigeria, Kenya, Guinea, Ghana, Upper Volta, Tunisia, Cameroon, Ethiopia, United Arab Republic and Somalia. The Commission was charged with the responsibility of reconciling the various interests in the country. For the Nigerian civil war, the Kinshasa resolution of the organisation appointed a consultative committee of six members to mediate between Nigeria and the secessionist.

From the above analysis, the pattern of the O.A.U. involvement in African dispute is clear. In nearly all the cases in which the O.A.U. intervened, the organisation's peace-making apparatus was the appointment of an ad hoc commission consisting of heads of states of member countries. Thus, O.A.U. mediation, rather than being conducted under the auspices of the Commission of Mediation, Conciliation and Arbitration, is conducted by an ad hoc commission. This ad hoc commission can be appointed by the Assembly of Heads of States and Governments or by the Council of Ministers. The commission gets its frame of reference from the Assembly or from the Council as the case may be.

But the work of these ad hoc commissions is necessarily based on persuasion since the organisation itself lacks essential machinery and material means to operate. The Consultative Commission on Nigeria was thus mainly preoccupied with persuading Biafra to accept the O.A.U. peace proposal.

As mentioned earlier, the use of mediation by persuasion, which was often conducted by *ad hoc* commission, was necessitated by the organisation's lack of any legal power or institutionalised apparatus such as a high command. But even its diplomacy of persuasion often fails without this apparatus. As Alan James has suggested, the backing up of mediation with pressure would increase the likelihood of success of mediation. He suggests that "there must be some power or powers who are able and willing to exert pressure on the obstinate state".18 In the Nigeria civil war the diplomacy of persuasion failed because the O.A.U. could not exert any pressure on Biafra when it would not persuade her.

Success of mediation by persuasion can also be compromised by external influence. The extra-African support for Biafra-diplomatic, material and military partly sustained her resistance, prolonged the war and frustrated the efforts of the O.A.U. to solve the problem. In the Congo the imperialist forces escalated the crisis to their own selfish end. The O.A.U. was thus not able to solve the problem.

For the success of mediation by persuasion or whatever conflict resolution device the O.A.U. might adopt there is always the need for the organisation to establish a pan-African defence force. Agbi has extensively discussed the pan-African defence force, especially the issues and problems involved in its creation.19 He concluded that there is need to create the force not only to enhance the ability of the organisation to settle inter-state conflicts but also to check extra-regional aggression. It would also make for collective action in the struggle to decolonise Africa.

## References

1. S.O. Agbi, *The O.A.U. and African Diplomacy 1963-1979*, (Ibadan: Impact Publishers Nig. Ltd., 1986) p. ix.

2. Egemonye and Oyebade have done studies on the issues of conflict resolution within the O.A.U. See Robeng W. Egemonye, "Crisis Management and the Organisation of African Unity, 1963-1980", Ph.D. (History) thesis, University of Lagos, May, 1983. See also Adebayo Oyebade, "The Organisation of African Unity and the Nigerian Civil War, 1967-1970: A Case Study in Mediatory Diplomacy," M.A. (History) thesis, University of Ife, March 1985).

3. See S.O. Agbi, *The O.A.U. and African Diplomacy*, pp. 5-9 for the treatment of the Algerian-Morocco dispute, and pp. 20-38 for the treatment of the Ethiopia-Somali dispute.

4. S.O. Agbi, *Ibid*, pp. 17 and 152.

5. See S.O. Agbi, *Ibid*, pp. 39-58 for the treatment of the Congo crisis and pp. 59-71 for that of the Nigerian Civil War.

6. S.O. Agbi, *Ibid*, p. 153.

7. For the treatment of the Middle-East Crisis, see S.O. Agbi, *ibid*, pp. 132-149.

8. F.S. Northedge and M.D. Donelan, *International Disputes: The Political Aspect* (London: Europa Publications, 1971), pp. 272-273.

9. See Article XII of the Protocol of the Commission.

10. Article XXI of the O.A.U. Protocol of the Commission of Mediation, Conciliation and Arbitration defines the role of a mediator thus: "the role of the mediator shall be confined to reconciling the views and claims of the parties". Article IV of the Hague Convention of 1899 also defines the role of the mediator as that of reconciling "the opposing claims" and appeasing "the feelings of resentment which may have arisen between the states at variance".

11. Article XXII(1) of the O.A.U. Protocol of the Commission of Mediation, Conciliation and Arbitration.

12. *Ibid*. Article XXV.





13. The Hague Peace Conference of 1899 establishment the first arbitration court - The Permanent Court of Arbitration (P.C.A.) See Article XXXVII of the convention of the conference which enumerates the basic elements of an arbitration court.

14. Article XXVIII of the O.A.U. Protocol of Commission of Mediation, Conciliation and Arbitration provides that: "Recourse to arbitration shall be regarded as submission in good faith to the award of the Arbitral Tribunal".

15. Jon Woronof, *Organising African Unity*, (New Jersey: The Scarecrow Press, Inc. 1970), p. 176.

16. In December 1967 an unsuccessful attempt was made to revive the Commission when its members met in Addis Ababa to adopt rules of procedure and set up a secretariat.

17. The O.A.U. Commission of Mediation, Conciliation and Arbitration had not been established at the inception of the crisis.

18. Alan James, *Politics of Peace Keeping*, pp. 52-54.

19. For the discussion of the pan-African defence force, See S.O. Agbi, *The O.A.U. and African Diplomacy*, pp. 114-131.

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